

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 27 April 2016**

**(Extract from book 6)**

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# HANSARD<sup>150</sup>



1866–2016

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

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

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

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

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

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

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



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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

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Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,  
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

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The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

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

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

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

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

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

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

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

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

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

## Joint committees

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

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

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

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

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

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

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

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

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

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



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**Wednesday, 27 April 2016**

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

### **ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

**Mr BATTIN** (Gembrook) — My question is to the Minister for Emergency Services. Following the Premier's meeting with the United Firefighters Union (UFU), it is now the minister that Country Fire Authority (CFA) volunteers are relying on to stand up to him and stop him from putting the United Firefighters Union's interests ahead of those of the volunteers. Can the minister give a guarantee to Victoria's 60 000 volunteer CFA firefighters that she will never sign up to an agreement that gives the UFU any power over CFA management or operational matters?

*Honourable members interjecting.*

**Ms GARRETT** (Minister for Emergency Services) — I thank the member for his question. Of course this being a glorious Labor budget day, I would have thought that perhaps the shadow Treasurer may have wanted to ask a question, or the Leader of the Opposition, as we are about to hear from the Treasurer.

I am very happy to answer this question. Like the other members of this government, I am working very hard to ensure that an agreement is reached, and I can guarantee that that agreement will respect both paid and volunteer firefighters.

*Supplementary question*

**Mr BATTIN** (Gembrook) — When the Premier recently met with the UFU to discuss the enterprise bargaining agreement, did the minister decline to attend or did the Premier just not bother to invite her?

*Honourable members interjecting.*

**The SPEAKER** — Order! I call on the minister to respond. The minister will be heard in silence.

**Ms GARRETT** (Minister for Emergency Services) — The Premier is entitled to meet whoever the Premier wants to meet. The focus of this government is on making sure that we get an agreement that respects and values the great work of both our paid and volunteer firefighters, who do so much for us right across this community.

#### **Ministers statements: Goulburn Valley Health**

**Mr ANDREWS** (Premier) — I am very pleased to be able to update the house on new government initiatives to support the Shepparton hospital in record terms.

The Shepparton hospital, Goulburn Valley Health, the proud community and the great staff are dealing with significant pressure in terms of demand for services. They do a great job at the Shepparton hospital, but of course the buildings do not match the quality of the care offered by the dedicated health professionals there. That is why I was so pleased, along with my honourable friend the Minister for Health and Minister for Ambulance Services, to travel to Shepparton recently in company with the Independent member for Shepparton and announce the best part of \$170 million — —

*Honourable members interjecting.*

**Mr ANDREWS** — Those opposite might not have heard that: \$170 million to deliver a new four-storey tower with three new theatres and two new wards; to deliver refurbishments of existing operating theatres; and to deliver an extension of the existing emergency department to add additional treatment bays. This extension to the emergency department will double the capacity of the department. There is also, critically, a refurbishment of the maternity service and a brand-new special-care nursery. This is one of the most significant investments in regional health infrastructure in the history of this great state.

Whilst the Minister for Health and every member on this side of the house are very proud that we can make this commitment, the member for Shepparton should also be very proud that she has been a champion for this project, an outstanding advocate and a more than effective chair of the planning committee as formed in last year's budget. Great for patients, great for jobs, great for Shep.

**Country Fire Authority enterprise bargaining agreement**

**Mr BATTIN** (Gembrook) — My question is to the Minister for Emergency Services. With the minister previously having said the United Firefighters Union (UFU) has harassed and bullied her and done the same to the Country Fire Authority’s (CFA) CEO, Lucinda Nolan, I ask: given the culture of bullying and intimidation shown by the UFU, why — despite opposition from the CFA’s CEO, the chief fire officer, the CFA board and, most importantly, the CFA’s 60 000 volunteers — is the government considering handing power of operations of our CFA straight to the UFU?

**Ms GARRETT** (Minister for Emergency Services) — I thank the member for his question. Of course it was a Labor government that instituted the fire services review. That review was a comprehensive review that looked right across our fire agencies and our emergency management sector, and it did make some serious findings around the culture of our fire services, which is why we now have the Victorian Human Rights and Equal Opportunity Commission doing a report for us similar to what it did for Victoria Police. That is the action that this government has taken and will continue to take. I repeat what I have said before: any agreement that is reached will absolutely respect the work of both paid and volunteer firefighters throughout this state.

*Supplementary question*

**Mr BATTIN** (Gembrook) — Given that the Minister for Emergency Services has previously told media that the Metropolitan Fire Brigade consultative committee was a disaster that was not working, I ask: does the minister categorically rule out a consultative committee to be established for the CFA in this current enterprise bargaining agreement?

**Ms GARRETT** (Minister for Emergency Services) — My views on those matters are very clear and are a matter of public record.

**Ministers statements: Goulburn Valley Health**

**Ms HENNESSY** (Minister for Health) — I rise to update the house on a new government achievement: our \$168.5 million investment to expand and modernise the Goulburn Valley Health campus in Shepparton. In particular I would like to update the house about the importance of the new dialysis services that will flow from this very, very important investment. Ultimately this investment will mean that patients in the Goulburn

Valley will get the care they need much sooner in modern, state-of-the-art facilities.

I said that I wanted to specifically talk about the dialysis unit. At the invitation of the member for Shepparton, I have four times visited that dialysis unit and seen firsthand just how challenging it is for patients and healthcare workers in a community where there is incredible demand for dialysis services, given the prevalence of type 2 diabetes in that community. The unit is simply too old, it does not meet local demand and patients are forced to travel elsewhere for treatment.

I am delighted that as part of our investment we will be doubling the size of that dialysis unit. There will be an additional 1200 dialysis sessions to allow the people of Shepparton to get the care they need close to home without having to make trips to other parts of Victoria to get those kinds of services.

This is a fabulous announcement. It has been led by the incredibly hard work of the member for Shepparton. What a contrast this is, may I say, with the startling disclosure made by the former federal member for Indi last week about the Liberal Party’s approach to health investment. This is an example of our investment. We as a government do not feel the need to elbow people out of the way. We are happy to work with local communities to make sure that we meet their needs. We will not haunt and taunt communities with the ghost of promises past from a previous Liberal government. We will invest and support our communities, we will make good on our promises — —

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

**Country Fire Authority enterprise bargaining agreement**

**Mr WALSH** (Murray Plains) — My question is also to the Minister for Emergency Services. Clause 44.2.7 of the proposed Country Fire Authority (CFA) enterprise bargaining agreement (EBA) requires ‘the presence of seven career firefighters on the fire ground prior to the commencement of operations’. Can the minister inform the house why her government has not already ruled out supporting an EBA that would see CFA volunteers unable to lift a hose at a house fire until paid firefighters arrive?

**Ms GARRETT** (Minister for Emergency Services) — I thank the honourable member for his question. I advise the house again that no agreement has been reached and that any agreement that is reached

will absolutely respect and value the work of our outstanding volunteers.

*Supplementary question*

**Mr WALSH** (Murray Plains) — Considering clause 36.4 of the proposed EBA states that the paid CFA staff will only be allowed to report to other paid staff when responding to an incident, I ask: will she rule out signing an EBA where a paid CFA staff member with just six months experience could not report to a volunteer CFA group officer with more than 30 years on-the-ground fire experience?

**Ms GARRETT** (Minister for Emergency Services) — Again, there is no agreement. There will be an agreement that respects the work of our volunteers. I have had the privilege of travelling the breadth of this state and seeing that extraordinary work.

**Mr R. Smith** interjected.

**The SPEAKER** — Order! I warn the member for Warrandyte. The minister is entitled to silence. The minister was asked a question by the opposition. The opposition has to listen to the minister in silence.

**Ms GARRETT** — There is no agreement, and any agreement that is reached will respect the work of our volunteers.

**Ministers statements: Shepparton Art Museum**

**Mr FOLEY** (Minister for Creative Industries) — I rise to update the house about a new government initiative, the Andrews Labor government's *Creative State* strategy. I want to focus particularly on its support for our regions, particularly the township of Shepparton. There has never been a more exciting time to be a citizen of Shepparton.

Last week the Andrews Labor government launched the creative industries strategy, and this will not only see the most comprehensive cultural and arts package in this state's history, recognising the intrinsic value of culture and arts to our whole society and in particular our regions, but it will also drive the innovation and the jobs of the 21st century. Nowhere is this more importantly reflected than in the work of the honourable member for Shepparton in bringing together support from this government, the council, philanthropists and others for the proposed Shepparton Art Museum.

That is why I was pleased to announce last week that one of the strategy's regional centre investments will be a \$10 million capital contribution to support the Greater

Shepparton City Council's vision of the new Shepparton Art Museum, or SAM, out on the shores of Victoria Park Lake. This is a \$34.5 million plan that I was very pleased to announce the government's support of last week. Indeed the 80-year history of SAM reflects so much more that can be done up in that important region.

This \$10 million contribution supports the \$10 million contribution the council has put on the table and the significant philanthropic support from, amongst others, Carillo Gantner and a whole range of leading citizens of Shepparton. The missing link is support from the federal government. So I use this opportunity to call upon Damian Drum in the Legislative Council to make a choice about where he wants the Labor preferences in the federal seat to end up — —

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

**Shepparton rail services**

**Ms SHEED** (Shepparton) — My question is for the Minister for Public Transport. Constituents in my electorate have been lobbying with passion for more regular rail services between Shepparton and Melbourne. All Aboard campaigners travelled to Melbourne on 28 May 2015 to meet with the minister, many in their pyjamas, and our region had the highest number of participants attending the public consultations for the *Regional Network Development Plan*. I ask the minister: when can my constituents expect the inequity that they experience on a daily basis from lack of regional rail services to be addressed?

**Ms ALLAN** (Minister for Public Transport) — I thank the Independent member for Shepparton for her question. What has been clear from day one in this term of Parliament is that the Independent member for Shepparton has been clearly pressing the case within the ranks of government for better train services for her community — and you can understand why, Speaker. Shepparton is a growing community; it has a growing population. Indeed it is forecast to grow over the next 10 years by about 9 per cent to be an important regional centre of about 141 000 people. It is no surprise then that this is a community that has long sought and desired better regional public transport services, particularly their connections to Melbourne.

In doing a bit of research over the last 16 months — which is during the time that the member for Shepparton has been pushing this case — I have done a bit of a *Hansard* search. An extensive *Hansard* search of the four years of the previous Parliament, when the

former Liberal-Nationals government was in office, revealed that the government members for Northern Victoria Region in the Council, Wendy Lovell and Damian Drum, not once mentioned the needs, made the case, for extra train services.

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Ms ALLAN** — Not once. Not once. Not once did they raise in this — —

*Honourable members interjecting.*

**Ms ALLAN** — Heaven help us if that should be replicated in the federal Parliament, that sort of behaviour.

I thank the Independent member for Shepparton for her question. I remember well the meeting with the All Aboard group members, not just for the fact that they were in their pyjamas but also because they got up early. They had a strong local campaign, and they sent the clear message that Shepparton deserves better.

Well, I do understand that the Treasurer and the Premier have also had representations on this issue. The member for Shepparton has made her case very well for improved public transport services. She has certainly had a sympathetic hearing and has made her case very well for the need for better public transport services for the Shepparton community. Obviously I cannot reveal what is in the budget — it is only a few short minutes away but what I can say in my answer to the Independent member for Shepparton is that she and the Shepparton community will not have to wait too much longer. They will not have to wait too much longer to see a short-term improvement in services for the Shepparton community and a longer term plan to rebuild and reinvest in a better, stronger regional public transport network.

*Supplementary question*

**Ms SHEED** (Shepparton) — I ask the minister: when can we expect the release of the *Regional Network Development Plan*, and will it deliver for a region such as mine the long-term and transforming outcomes that have clearly been delivered in other areas, such as Bendigo, Ballarat, Geelong and the Latrobe Valley?

**Ms ALLAN** (Minister for Public Transport) — I thank the Independent member for Shepparton for her supplementary question. I do say in my answer that whilst the Shepparton community will not have to wait

too much longer for additional services, there is just a little bit longer beyond that for the release of the *Regional Network Development Plan*. That will be released in the coming weeks, and quite rightly it will outline the longer term vision and plan for building a better, stronger regional public transport network.

Sadly, over the four years under the former government \$120 million — \$120 million! — was cut out of the V/Line budget. At the exact time when V/Line needed to be supported with more services, those opposite cut into regional public transport. We reject this approach.

*Honourable members interjecting.*

**Ms ALLAN** — We take a very different approach. It will be backed up by more services, and it will be backed up with a longer term plan that will very shortly be released.

### **Ministers statements: Shepparton courthouse**

**Mr PAKULA** (Attorney-General) — I rise to inform the house of a new initiative of the government in that construction activity has begun on the new Shepparton courthouse — a state-of-the-art, multijurisdictional facility in Shepparton, where the contractor has committed to 85 per cent local content under the Victorian Industry Participation Policy (VIPPP) and a minimum of 10 per cent of the workforce being trade apprentices under the VIPPP.

The contractor engaged by Court Services Victoria, ADCO Constructions, has now taken over management of the site. Works are now underway to prepare the site, with excavation and piling works to commence next week. This is a very significant project for Shepparton, and it is a significant project for the Victorian justice system more generally. The Supreme Court, the County Court, the Magistrates Court and the federal circuit court all run hearings at Shepparton, and an active legal profession and a growing community is served by that.

The ultra-modern design of the new court building incorporates the existing heritage court building at the site and will provide six new courtrooms, a number of interview rooms and facilities for law enforcement. But importantly, in line with recommendation 70 of the report of the Royal Commission into Family Violence, the new courthouse will also have specialised family violence facilities, including a remote witness suite, discrete meeting rooms with direct courtroom access and a child and family-friendly waiting room.

Importantly this project will generate jobs and build skills in Shepparton and in the surrounding Hume-Goulburn region. As I have said, there is an

85 per cent local content requirement, with 10 per cent of the workforce to be trade apprentices. I want to congratulate the Shepparton community on its long advocacy for this important project, and I look forward to its completion in April 2018.

**Country Fire Authority enterprise bargaining agreement**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier guarantee that he or his government will not sack the Country Fire Authority (CFA) board or the CEO if they refuse to sign any enterprise bargaining agreement (EBA) proposal from the United Firefighters Union which adversely impacts upon Australia's largest group of community volunteers — CFA volunteers?

**Mr ANDREWS** (Premier) — What an absolutely ridiculous question. We are about supporting CFA management and CFA volunteers. We are about making first-class appointments and then backing them in to do great work, not sacking people. The only people who got sacked were those that were removed and sacked from office by those opposite. No agreement has been reached. When one is — and I do hope that can be soon — it will be fair and balanced and respectful of everybody involved in that critical task, that most worthy of tasks: keeping every Victorian safe.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Can the Premier guarantee he will not reshuffle or sack his Minister for Emergency Services given her refusal so far to agree to an EBA which would adversely impact upon Australia's largest group of community volunteers — CFA firefighters?

**Mr ANDREWS** (Premier) — The Minister for Emergency Services is doing an outstanding job. She is an outstanding minister in a range of different portfolios: emergency services and the other offices she holds. She administers her functions with diligence, with care and compassion, and with hard work. There is probably no better example of my faith in her and her approach to her task than when I stood side by side with her on fireground after fireground this past summer. Here is the mail: she was not at the tennis; she was out doing her job and doing it well.

**Ministers statements: GOTAFE Shepparton**

**Mr MERLINO** (Minister for Education) — I rise to speak on a new initiative — the Andrews government's

investment in GOTAFE's Shepparton campus. Minister Herbert in the other place visited GOTAFE's Shepparton campus this month to announce \$5.3 million to support vulnerable students. The funding will expand vital programs that support disadvantaged Shepparton locals to access training and support, including its literacy and numeracy program. With this extra funding, GOTAFE expects the program to be expanded from helping just 150 students in 2015 to around 4000 students from 2016. The funding will also support GOTAFE's Centre for Koori Education, focussing on supporting work placement and participation within industry for Koori students.

The Andrews government is lifting the burden forced on TAFEs by the previous Liberal-National government's cuts to TAFE. We are restoring the TAFE community service funding with a \$50 million boost as part of our \$320 million TAFE Rescue Fund.

Unlike those opposite, the Andrews Labor government supports our TAFE system, including those in Geelong. Others have said that Shepparton is not their responsibility because the National Party does not hold the seat. That was the leader of the federal National Party!

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 7. The minister is debating the issue. I ask you to bring him back to complying with sessional order 7.

**The SPEAKER** — Order! I ask the minister to come back.

**Mr MERLINO** — Labor rejects the view that the people of Shepparton are not important because we do not hold the seat. We have heard today about investment in health, investment in education, investment in public transport, investment in the arts and investment in the courts in Shepparton thanks to the advocacy of the Independent member for Shepparton and the priorities of the Andrews government — more in 16 months than in decades under the old lot.

**CONSTITUENCY QUESTIONS**

**Warrandyte electorate**

**Mr R. SMITH** (Warrandyte) — (Question 7506) My question is to the Minister for Public Transport, and I ask: when will the minister be making a decision on Uber's future here in Victoria and on the regulations that would surround its future operation? I have recently had two taxi licence-holders come into my

office and express their concerns about the current uncertainty they face with this new competitor. Livelihoods and people's financial future depend on the minister making a decision based on the review that has been sitting on her desk for months. When will the minister's decision be made?

### **Narre Warren South electorate**

**Ms GRALEY** (Narre Warren South) — (Question 7507) As part of the Andrews Labor government's second budget, it was a pleasure last week to announce a well-deserved and much-needed \$3 million to modernise Kambrya College. My question is to the Minister for Education: can he provide information to the school so that the building of the new facility ensures the delivery of innovative spaces to enhance the learning and teaching experiences at Kambrya College?

Kambrya College is experiencing growth in numbers — the old portables just could not cope — not only because it is in a growth area but also because its growing reputation for education excellence and a caring and nurturing environment for all students means that it is a school of choice. Indeed the school will feature in an ABC documentary soon, warts and all, but it is also a good news story about a school which, through considerable effort and rigorous reflection, is delivering continued education improvement. It deserves the government's support. Let us make sure the funding is used to continue the good works and the innovative education in the new facility.

### **Mildura electorate**

**Mr CRISP** (Mildura) — (Question 7508) My question is to the Minister for Emergency Services. I seek information on behalf of remote constituents of the electorate of Mildura. Those communities rely on and are supported by Country Fire Authority volunteers responding to local fire emergencies. The United Firefighters Union's log of claims contains a requirement for seven paid firefighters to be present before control operations on the fireground can commence. I ask the minister: how will communities such as Yaapeet be protected when the nearest paid firefighters are over 2 hours away? Lives and property will be put at risk while volunteers who are part of the community stand by and watch all they care about burn.

### **St Albans electorate**

**Ms SULEYMAN** (St Albans) — (Question 7509) My question is to the Minister for Roads and Road Safety. Last year the Andrews government committed

\$6.1 million to remove the roundabout and install traffic signalling and a safe pedestrian crossing at the dangerous roundabout at Kings Road and Taylors Road in St Albans, which I share with the member for Kororoit and the member for Sydenham. Will the minister update my community regarding the time line for the project, including the start date of this very important election commitment?

### **Evelyn electorate**

**Mrs FYFFE** (Evelyn) — (Question 7510) My constituency question is to the Minister for Planning. The Yarra Valley is a beautiful and successful tourist region, and we enjoy hosting our multitude of visitors. However, with growth it can be expected that some issues do arise. Several constituents have contacted my office to highlight issues with increased helicopter traffic in the valley. With horse studs, recording studios, restaurants, health spas and other tourist attractions in the vicinity, some are finding the noise is impacting on their quiet enjoyment of what is usually a very peaceful Yarra Valley. Given this increase in helicopter traffic and its impact on public and private amenity, and while I am not asking for helicopters to be banned — and neither are my constituents — I ask the minister if the Victorian government has made any representations to Airservices Australia to review the standards for aircraft noise.

### **Essendon electorate**

**Mr PEARSON** (Essendon) — (Question 7511) I direct my constituency question to the Minister for Roads and Road Safety. As members would be aware, the widening of the Tullamarine Freeway is proceeding. I have been contacted by a number of constituents who have expressed concern about the fact that a number of trees that have been planted along the route, including opposite Travancore Park, have been removed, as well as other vegetation that borders the project and along Moonee Ponds Creek. What is the latest information on the plan to revegetate these areas once the project is concluded?

### **Sandringham electorate**

**Mr THOMPSON** (Sandringham) — (Question 7512) The Sandringham shopping centre and Sandringham village were blacked out for approximately 2 hours on Saturday, 23 April, in the early evening. My constituency question, in the context of local police and the fire brigade not being able to guide local people — the local power company was able to provide a good recorded message — is: is the government working on the incorporation of social

media to inform local residents regarding the blackouts that occur so that people are not left in the dark and their businesses do not suffer as a result of not knowing about reconnection possibilities? My question is to the Minister for Energy and Resources.

### Eltham electorate

**Ms WARD** (Eltham) — (Question 7513) My question is to the Minister for Education. I thank the minister for coming with me to Montmorency South Primary School not only to see the fantastic things this school is doing but also to have a look at how the school can be improved. I note the member for Yuroke was a past member of Monty South, and I join with her in saying it is a fantastic school. I am told that this was the first ever visit by an education minister to the school. As he will have seen, it is a great community and school making the most of their facilities. However, this environment can be improved and modernised. I ask the minister: what can be done to ensure the needs of Montmorency South Primary School are taken into account to improve and modernise this tremendous school and turn it into a world-class facility?

### Eildon electorate

**Ms McLEISH** (Eildon) — (Question 7514) I address the Minister for Aboriginal Affairs, and the question I raise is on behalf of the board of the Healesville Indigenous Community Services Association (HICSA). What is needed to progress the return of the Galeena Beek property in Badger Creek to the local Aboriginal people? The property in question is located in Glen Eadie Avenue across the road from the Healesville Sanctuary and was part of the original Coranderrk reserve.

Coranderrk is of particular significance in Victorian Aboriginal history. I know the minister is aware of the issue, having spoken to the HICSA president, Doseena Fergie. HICSA is rightly frustrated that this property has been in the hands of liquidators for quite some time, and they are keen to see some movement and a plan. The local Aboriginal community want to see this property back in Aboriginal hands. Through HICSA they have worked to develop a strong board, emphasising good governance and a strategy for self-determination in order to close the gap and make very positive steps. I am sure the minister can appreciate that the Aboriginal community do not want to be forced to buy their own land back.

### Ivanhoe electorate

**Mr CARBINES** (Ivanhoe) — (Question 7515) My constituency question is to the Minister for Planning: what is the work of the Yarra River Protection Ministerial Advisory Committee? The Yarra River forms the eastern boundary of my electorate of Ivanhoe, which is of course surrounded by three tributaries: the Darebin Creek, the Plenty River and the Yarra River. Organisations like the Yarra Riverkeepers Association, Friends of Banyule, the Ringwood conservation society and many others advocate for and advance the interests of the Yarra River, which forms a significant boundary of my electorate. It is very important to the people of my electorate, particularly as we have the best schools, the best health services and some of the best parklands in Victoria and certainly metropolitan Melbourne. So I am very keen to hear from the planning minister about the work of the Yarra River Protection Ministerial Advisory Committee, and I look forward to his response.

**Mr R. Smith** — On a point of order, Speaker, I refer you to the question that was asked by the member for Eltham. I would contend that the member's question did not conform to the parameters that are required for a constituency question. I ask you to review the question and make a ruling as to its validity.

**The SPEAKER** — Order! The Chair will take that on notice and will have a review of that question.

**Mr Katos** — On a point of order, Speaker, I also ask you to review the constituency question of the member for St Albans. She clearly asked for an update with regard to an intersection upgrade, and I ask you to review the constituency question and rule it out of order.

**The SPEAKER** — Order! The Chair takes that on notice.

## STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2016

### *Introduction and first reading*

**Mr PALLAS** (Treasurer) introduced a bill for an act to amend the Duties Act 2000, the Fire Services Property Levy Act 2012, the First Home Owner Grant Act 2000, the Land Tax Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Payroll Tax Act 2007, the Planning and Environment Act 1987, the State Taxation Acts Further Amendment Act 2015 and the Taxation Administration Act 1997, and for other purposes.

**Read first time.**

**PETITIONS**

**Following petitions presented to house:**

**Police numbers**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews has failed to commit to providing additional police numbers and subsequently, as Victoria's population grows, the number of police per capita goes backwards under Labor every day.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Andrews Labor government to commit to providing additional frontline police numbers as a matter of priority.

**By Ms McLEISH (Eildon) (57 signatures).**

**Special religious instruction**

To the Legislative Assembly of Victoria:

The petition of residents in the Eildon electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools.

Daniel Andrews and James Merlino have announced that they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**By Ms McLEISH (Eildon) (27 signatures).**

**Tabled.**

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

**BUDGET PAPERS 2016–17**

**Mr PALLAS (Treasurer), by leave, presented budget paper 1, Treasurer's speech; budget paper 4, state capital program; 2016–17 budget overview; and budget information paper, rural and regional.**

**Tabled.**

**DOCUMENTS**

**Tabled by Clerk:**

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Hanlon Park Reserve

*Financial Management Act 1994:*

Budget Paper No 2 — Strategy and Outlook 2016–17

Budget Paper No 3 — Service Delivery 2016–17

Budget Paper No 5 — Statement of Finances incorporating Quarterly Financial Report No 3

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 16 (*Gazette G14, 7 April 2016*)

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

Benalla — C29

Boroondara — C214

Brimbank — C179 Part 1

Casey — C205

Colac Otway — C84

Hindmarsh — C7

Loddon — C36

Melbourne — C186 Part 2

Moonee Valley — C161

Stonnington — C185 Part 1, C185 Part 2

Wangaratta — C48

Whitehorse — C172 Part 1

*Professional Standards Act 2003:*

Australian Computer Society and the Royal Institute of Chartered Surveyors Valuers Ltd Schemes under s 14, together with an explanation for the delay (*Gazette G51, 24 December 2015*)

Australian Property Institute Valuers Ltd and the Law Institute of Victoria Ltd Schemes under s 14 (*Gazette G16, 21 April 2016*)

Statutory Rules under the following Acts:

*Building Act 1993* — SR 21

*Children, Youth and Families Act 2005* — SR 19

*Drugs, Poisons and Controlled Substances Act 1981* — SR 20

*Heavy Vehicle National Law Application Act 2013* — SR 25

*Marine (Drug, Alcohol and Pollution Control) Act 1988 — SR 22*

*Rail Safety (Local Operations) Act 2006 — SR 23*

*Road Safety Act 1986 — SR 24*

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rules 18, 19, 20, 21, 22, 23, 24, 25

Documents under s 16B in relation to the *Environment Protection Act 1970* — Industrial Waste — Classification for Architectural and Decorative Paint

*Wildlife Act 1975* — Wildlife (Prohibition of Game Hunting) Notice (*Gazette S95, 13 April 2016*).

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

*Bail Amendment Act 2016* — Remaining provisions — 2 May 2016 (*Gazette S103, 19 April 2016*)

*Road Legislation Amendment Act 2016* — Remaining provisions — 15 April 2016 (*Gazette S92, 12 April 2016*).

## HEALTH COMPLAINTS BILL 2016

*Council's amendments*

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

**Ordered to be considered later this day.**

## ROYAL ASSENT

**Messages read advising royal assent to:**

**15 April**

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

**19 April**

**Building Legislation Amendment (Consumer Protection) Bill 2015**

**Judicial Commission of Victoria Bill 2015**

**Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015**

**Transport Accident Amendment Bill 2015**

**Victoria Police Amendment (Merit-based Transfer) Bill 2016**

**26 April**

**Access to Medicinal Cannabis Bill 2015  
Sex Offenders Registration Amendment Bill 2016.**

## APPROPRIATION MESSAGES

**Message read recommending appropriation for Victorian Funds Management Corporation Amendment Bill 2016.**

## APPROPRIATION (2016–2017) BILL 2016

**Message read recommending appropriation and transmitting estimates of expenditure for 2016–17.**

**Estimates tabled.**

*Introduction and first reading*

**Mr PALLAS (Treasurer) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the ordinary services of the government for the financial year 2016–17 and for other purposes.**

**Read first time; under standing order 87, ordered to be read second time immediately.**

*Statement of compatibility*

**Mr PALLAS (Treasurer) 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 act), I make this statement of compatibility with respect to the Appropriation (2016–2017) Bill 2016.

In my opinion, the Appropriation (2016–2017) Bill 2016, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

### Overview of bill

The Appropriation (2016–2017) Bill 2016 will provide appropriation 'authority' for payments from the Consolidated Fund for the ordinary annual services of government for the 2016–17 financial year.

The amounts contained in schedule 1 to the Appropriation (2016–2017) Bill 2016 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the advance to Treasurer in 2014–15 respectively.

**Human rights issues**

**1. Human rights protected by the charter act that are relevant to the bill**

The bill does not raise any human rights issues.

**2. Consideration of reasonable limitations — section 7(2)**

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter act.

**Conclusion**

I consider that the bill is compatible with the charter act because it does not raise any human rights issues.

Tim Pallas, MP  
Treasurer

*Second reading*

**Mr PALLAS** (Treasurer) — I move:

That this bill be now read a second time.

In the past 12 months, we have seen green shoots of growth develop into a momentum of economic success across Victoria.

Prudent management of the state’s finances — combined with carefully developed, strategic investments — position us well.

Position us to seize the opportunities before us, while managing the challenges of an uncertain global economy.

The budget I present today represents our economic plan for the coming year.

It’s a plan that pursues three broad objectives:

- firstly, to bolster our financial position;
- secondly, to deliver the most significant set of infrastructure investments made by a government in a single budget; and
- thirdly, to invest in our people, ensuring our communities are safe, and our living standards remain the envy of the world.

Our first budget was about getting on with it.

This budget is about getting it done.

When I stood here last year, we were starting to feel a resurgence in the state’s economy. We had started to sense the return of confidence.

This year we can measure our success and prove our progress.

Speaker, Victoria is winning again.

Ours is the fastest growing economy in the nation.

We have consistently exceeded our economic growth forecasts.

Having predicted last year that we would grow by 2.5 per cent, we are now expecting growth to increase to 3 per cent both this year and next.

The impact of this growth is being felt right across the state.

Most importantly, for those looking for work.

When we came to office the unemployment rate was 6.6 per cent.

I’m proud to report that this figure now stands at 5.7 per cent, with more than 112 000 Victorians having sought and found meaningful work under this government.

That’s over 112 000 Victorians who have found the means to reach their full potential and contribute to their community through the dignity of work.

To put this into perspective — more Victorian jobs have been created in the first 18 months of the Andrews Labor government than the entirety of the preceding four years.

Average job growth on a monthly basis is three and a half times what it was in the period between 2010 and 2014.

And pleasingly, over 71 000 of new jobs created have been full time — reflecting the success of the government’s Back to Work strategy.

Much of this opportunity has come as a consequence of improved confidence and trading conditions for our businesses.

An easing of the dollar has seen our exporters become more competitive.

Business investment and confidence measures are strong — leading all other states.

Population growth at 1.7 per cent is the strongest in the nation, as more and more people choose to call Victoria home.

But Speaker, while our economic trajectory has strengthened in the past year, we still face uncertainty.

Global growth remains weak and our nation as a whole continues to grapple with structural changes in the economy as the construction phase of the mining boom dissipates.

It is for this reason, Speaker, that the budget I hand down today strengthens our fiscal position.

It ensures that we're equipped to succeed through the uncertainty, while maintaining our AAA credit rating.

Operating surpluses have been increased to \$2.9 billion in the 2016–17 budget year and more than \$9 billion cumulatively over four years.

Net debt as a proportion of the economy has been maintained well below the levels inherited, and continues to drop below 5 per cent over the next four years.

Reflecting a stronger revenue position, the government has taken the decision to modestly increase expenditure.

This will enable an increase in both service delivery and construction of major infrastructure to cater to higher demand being driven by strong population growth.

I'm pleased to report that the 2016–17 budget also includes the expected proceeds from the long-term lease of the port of Melbourne.

These proceeds will be invested in the removal of our 50 most dangerous and congested level crossings.

The completion of this transaction will see Labor's biggest and most significant election commitment signed, sealed and delivered.

This budget also funds more than \$7 billion in new capital works each year across the budget period — an increase of over \$2 billion on the previous medium-term average of \$4.9 billion per annum.

This pipeline of investment is vital and builds on our infrastructure investment record.

While significant investment has been allocated in this budget, we have stuck firmly to our commitment to maintain average expenditure growth below revenue growth over the period to 2019–20.

Speaker, this budget strikes a balance between saving for the future and investing in the things we know we need.

But when stripped back to its core, this budget is about jobs.

Speaker, this government's commitment to generating jobs in our economy is clear and proven.

Today I'm pleased to announce a range of new measures to build on this commitment and help ensure job growth in our state continues to climb.

To reduce the tax burden on our businesses, the payroll tax threshold will be progressively lifted from \$550 000 to \$650 000 over the next four years.

This is the first change to the payroll tax threshold since 2002.

The change will provide tax relief for 36 000 businesses across the state and see around 2800 small and medium size businesses no longer pay any payroll tax at all.

Additionally, Speaker, from 1 July this year, any business that takes on a retrenched apprentice or trainee will receive full payroll tax relief on those wages.

This will provide a powerful incentive for businesses right across Victoria to take on young workers looking for their chance to contribute to our economy.

These tax measures will be complemented by a \$53 million investment in the creation of Jobs Victoria.

This one-stop shop will be tasked with helping around 3500 unemployed Victorians find and keep meaningful work.

This includes intensive support for 1000 people classed as long-term unemployed, who we know face higher entry barriers to the job market.

Jobs Victoria will also broker work experience placements for 4000 Victorians looking to become job-ready, and prosper in an economy that is rapidly changing.

Speaker, these measures are aimed at helping our workers succeed as our economy transitions and grows.

But we also know that the key to lifting the economic tide is to attract new investment to Victorian shores.

Our interstate competitors should consider themselves on notice.

New business means new jobs and Victoria's offering is second to none.

We will fight for every opportunity to attract companies to establish themselves here.

This effort will be backed by a \$116 million boost to the Investment Attraction program set up to provide financial support to companies looking to expand into our market.

Trade and commerce are products of relationships, which is why \$66 million will be provided to increase funding and expand the Victorian government business office network.

The productivity and profitability of our businesses rely heavily on sustained investment and development of our transport system.

Our transport system is the foundation stone of a strong economy and of livable, connected communities.

We know that an integrated and responsive transport system is the access point for education and jobs ...

... and we also know that the challenges of growth are felt no more acutely than across our road and rail network.

It's for this reason that the Andrews Labor government views investment in our transport system not as a choice or an option, but an obligation.

It is interesting to note, however, that ours is not the first Victorian government to acknowledge this obligation.

Speaker, in 1970, Vernon Wilcox, then Minister for Transport in the Bolte government, stood in this place and delivered a seminal speech about the future of public transport in our state.

With pride and clarity he carefully laid out the case for why the state needed to build the Melbourne underground rail loop — known today as the city loop.

He cogently explained that for the good of the state's economic future, the planning and funding of a world-class passenger rail network was essential.

He told the story of a belligerent federal government unwilling to set aside the tawdry politics of road versus rail, and see its way clear to co-funding the project.

He reasoned that governments must take a long view that, and I quote:

... given our present responsibilities and the predictions for the future as to urban populations, we cannot stand by and 'simply wring our hands'.

It's astounding to note that so much about our way of life has changed since 1970, yet so much about the politics of infrastructure has stayed the same.

Speaker, today I invoke the foresight and determination of Wilcox to announce that the Andrews government will fully fund the construction of Melbourne's new metro tunnel.

This budget delivers \$2.9 billion in capital funding toward the project, and provision has been made in future years as the project proceeds.

So long as the project is under construction, the door will remain open for any future federal government to come to the party and contribute its share.

But make no mistake, this government will not be delayed or deterred.

Delivering this project is too important.

Constructors, investors and the Victorian public can be assured that the required funding has been set aside over the life of the project to see it delivered.

The metro tunnel will underpin the growth and functionality of Melbourne as we move towards overtaking Sydney as the largest city in Australia — which on current estimates is likely to happen as early as 2030.

But Speaker, while this project will transform Melbourne, we are a government with a demonstrated commitment for delivering infrastructure for the whole state.

That's why today I announce an unprecedented investment in suburban and regional passenger rail infrastructure.

\$588 million will be invested in delivering our election commitment to extend the South Morang line to Mernda — connecting one of the country's fastest growing communities to the network.

A further \$140 million will be delivered for an upgrade of the Hurstbridge line corridor.

This investment will see the track duplicated between Heidelberg and Rosanna stations and enable us to run more services for the people of the north-eastern suburbs.

\$875 million is also provided for the purchase of 28 new high-capacity trains, with a further \$105 million for five additional X'trapolis trains, delivering extra services, and supporting jobs for our train builders.

The metro tunnel, level crossing removals, new trains, track duplications and upgrades.

Speaker, these are the vital building works that will enable Melbourne's passenger rail network to take its place among the great public transport cities of the world.

This is something this government is fiercely proud of.

And we are taking the same long-term view when it comes to our regional rail network.

We know our regional centres are growing.

And we know more and more people are commuting from regional centres to Melbourne for work.

Managing and supporting this trend is critical if we are to ensure growth and opportunity are shared equitably across the state.

Which is why I'm pleased today to announce \$1.3 billion in funding to upgrade and improve our regional rail infrastructure and to deliver more V/Line services.

The Ballarat line will be transformed, with \$518 million to duplicate the line to Melton.

New crossing loops, car parks, platforms and stabling will also be built, enabling more services to run to Ballarat and the booming growth suburbs in Melbourne's west.

More than 170 V/Line services will be added, meaning trains will run more often to and from Ballarat, Bendigo, Geelong, Gippsland, Maryborough, Shepparton and Warrnambool.

Speaker, these enhancements — including \$280 million in funding to deliver 27 new VLocity carriages — will see a significant improvement in V/Line services across regional Victoria.

Complementing this historic investment in rail infrastructure is provision in the budget to deliver unprecedented improvements to the state's road network.

The government will contribute \$1.46 billion over four years for the western distributor public-private partnership — without a dollar from the commonwealth government.

This new connection will create a second new crossing and provide an essential backup for the West Gate

Bridge, while easing congestion throughout the western suburbs.

Project construction will create 5600 jobs and when delivered will cut journey times for Geelong commuters by a full 20 minutes.

It will improve the capacity and resilience of our entire freeway network, while streamlining access into our nation's largest and busiest port.

This is a vital project, Speaker — absolutely vital — and we will get it done.

Regional and outer suburban communities across Victoria will also benefit from a \$1.4 billion road improvement package to expand arterial roads and make them safer.

Included in the package is funding for key election commitments to upgrade Thompsons Road, Yan Yean Road, O'Herns Road and Bolton Street.

It also includes \$107 million to build the Drysdale bypass.

The productivity of our economy and functionality of our communities requires substantial — yet balanced — investment in both road and rail.

I'm confident this budget succeeds in striking that balance.

Speaker, at 12 years of age, my grandfather left school and went to work as a coalminer in the Rhondda Valley in Wales.

His size and determination distinguished him as someone with a unique ability to go where few other miners could.

He was a proud man. Proud of his occupation.

So much so, that when my father confronted him to tell him he wanted to attend university and pursue a career as a doctor, he couldn't understand it.

He saw no value whatsoever in higher education and viewed its pursuit as class betrayal.

The fact is, education allowed my father to develop a changed ambition, and imbued in him a sense of choice.

It wasn't that coalmining was somehow a lesser path — it just wasn't his path.

In reflecting back on this, Speaker, it's my belief that this is exactly what a great education system must do.

Our education and training system must drive choice, possibility and options — for all our young people — regardless of what they aspire to.

And we cannot be content with a system that simply keeps up — it has to lead.

Which is why last year, this government put a stake in the ground.

In the face of intransigence from the federal government we delivered the single biggest injection of recurrent funding into our school system as part of our commitment to making Victoria the education state.

And in doing so, we have set our education system — and with it the future of all our children and young people — on the path to excellence.

This year I'm pleased to announce we are redoubling our efforts.

This budget delivers over \$900 million in infrastructure funding for new schools and upgrades.

This is the single biggest school capital investment in Victoria's history.

This commitment will transform the learning environments for students at 123 primary and secondary schools right across the state.

Our election commitment to tech schools is also funded.

\$92 million will see 10 state-of-the-art tech school facilities delivered across Victoria.

This initiative will enable thousands of our young people to receive a modern technical element to their secondary education.

Working with cutting-edge technology, they'll gain industry experience while pursuing their interests and developing their talents.

Early school leavers and those looking to undertake vocational education and training will also be supported by the new Back to Work Reconnect program.

Backed with \$20 million in new funding, this initiative will provide fee relief and foundation training for those people looking to skill up, compete and succeed in a modern workforce.

Speaker, the opportunity to acquire skills and use them to get a meaningful job is a basic right.

It's the reason why I've spent my working life in the labour movement furthering the interests of working people.

Our schools and our TAFE system are the means by which this opportunity is afforded to thousands of working people across Victoria.

This year's budget builds on the work we've done to rebuild and transform education and training across our state.

And Victorians can be assured that this effort will continue as the government responds to the Bracks review, and the Mackenzie review into TAFE.

Speaker, this government's basic contract with the community is to provide access to the very best in health care.

This means funding not just the basics or the minimum requirements.

It means consistently building on past performance and taking an investment approach to the way our health network operates.

The dividends of this investment approach are healthier, more active and ultimately more productive Victorians.

Last year, we invested over \$2.1 billion in the Victorian health system.

This year we're consolidating that investment with an additional \$2.9 billion in funding to further pursue this most fundamental of objectives.

A new day surgery centre in Broadmeadows and the redevelopment of Goulburn Valley Health in Shepparton sit at the heart of a \$982 million health infrastructure package to upgrade facilities across the state.

\$335 million will be delivered over the next five years to tackle the elective surgery waiting list, ensuring more public patients get the treatment they need faster.

And this budget also furthers this government's unwavering commitment to our ambulance service.

\$116 million will be allocated to improve ambulance response times.

A \$27.3 million infrastructure package will also deliver more vehicles and improve the quality of key stations around the state.

These key initiatives, combined with a range of other vital elements in this year's health investment package, will see 63 000 additional hospital admissions and 23 000 emergency treatments made possible.

Delivering better and more healthcare services is something this government will stay focused on, because we want the system to continue to be one Victorians can rely on.

Speaker, addressing family violence is the greatest law and order issue facing our community today.

We've listened to victims, we've got the message and we're doing the work.

Things will change.

This budget provides a down payment on what will necessarily be a substantial and enduring effort.

\$572 million will be invested to respond to those recommendations of the royal commission we can implement immediately.

We're commencing an immediate housing blitz that will increase refuge options for women and children fleeing abusive relationships.

We're investing in greater family counselling services and delivering a substantial increase in the capacity of our child protection system.

And while these and other measures in the package will support current victims of family violence, our ultimate task is to stop it from happening in the first place.

Our prevention effort will start with a \$62 million investment in programs that we know already work.

Funding will deliver a statewide expansion of the respectful relationships program to help break the cycle of violence through education and cultural change.

It will also support the state's first gender equality strategy to shift attitudes toward women, and instil the equality message across our community.

As our community grows, so too must our support for the men and women who keep it safe.

We know that a large share of the responsibility for addressing family violence across the community falls on our police force.

More often than not they are the first responders.

Which is why this budget delivers \$540 million in funding to recruit and train 406 additional sworn officers.

\$37 million will be invested in improving police stations across regional areas, while \$63 million will be allocated to strengthen our counterterrorism capability.

Our police patrol our streets and protect our growing communities.

And they have the full support of this government.

Speaker, the secret to Victoria's success is our diversity and our livability.

This didn't happen by accident.

It's the result of a longstanding tradition of a conscientious community willing to embrace the future with an open mind.

This tradition has seen us earn a reputation around the world as cultural and creative pacesetters.

The budget provides \$152 million to boost Victoria's job-creating film, arts, TV, screen, music and design sectors.

Our creative industries are growing at twice the rate of the broader economy, and our investment will mean even more investment, jobs and growth.

Speaker, just as Melbourne is further established as one of the world's great international cities — our regional centres and rural communities are also growing and changing.

Regional industries are diversifying and becoming more globally connected.

More and more families are choosing to move to regional areas for the lifestyle and new job opportunities.

Speaker, this government is committed to supporting this trend and driving job creation in our regional economies.

The budget delivers the biggest ever investment into regional infrastructure and economic development initiatives.

This includes \$200 million for restoration works right across our regional waterways.

Investment will be made to secure and connect the water supply of south-west Loddon.

Infrastructure upgrades will be funded within the Macalister, Bacchus Marsh and Werribee irrigation districts.

These and other investments in the state's water grid will help underwrite our food and fibre sector by securing its water supply.

Our regional tourism offerings — some of the most iconic destinations in the world — will be supported by a new \$101 million Regional Tourism Infrastructure Fund.

This new initiative combined with a new \$20 million Regional Events Fund, will pave the way for a generation of new jobs and opportunity as more of the world comes to visit regional Victoria.

Striking the right balance between developing our visitor economy, while at the same time protecting the natural environment that makes it so attractive, is vitally important.

Protecting what we have inherited and preserving it for the future sits at the heart of a \$29 million package to improve biodiversity and protect threatened species.

\$20 million will also be invested in refurbishments in our parks and gardens to ensure they remain accessible for people of all ages and physical capabilities.

Speaker, just as our regions have specific needs and challenges, so too do our interface and outer suburban communities.

Understanding these needs is central in the mind of this government.

We have a responsibility to ensure our outer suburbs are connected and thriving communities.

Much of our education, health and transport offerings in the budget are targeted at keeping up with growth, while maintaining the prized livability and amenity that make outer areas so attractive.

In the last budget, the government introduced the Interface Growth Fund to deliver infrastructure projects in our growing interface and outer suburban communities.

This initiative has been a great success, which is why this year it's been extended and an additional \$50 million allocated.

This funding will see the development of new community centres, arts and cultural hubs and other community assets.

This essential infrastructure will establish vital connection points in outer suburban areas, while also creating jobs.

\$50 million will also be invested in the creation of new community hubs in growth areas.

This funding will transform many existing sporting and performing arts facilities located within our public schools into community assets — accessible by the public during weekends and non-school hours.

Thinking differently about ways to finance, fund and maintain the arterial road network in our growth areas will also be a priority for the government going forward.

This budget provides full funding for the upgrade of three significant roads in Melbourne's growth areas: Doherty's Road in Laverton North, Hallam Road in Hampton Park and Plenty Road in Mill Park.

Development funding for an additional 12 future road upgrades in growth areas has also been set aside.

In an Australian first, the government will also explore packaging these roads for delivery using an availability payment public-private partnership.

Governments must ensure that the investments we make today will continue to provide benefits to communities for decades to come.

New modes of procurement and engagement of the private sector is one of many ways this government is ensuring this happens.

Speaker, this budget is a statement to the Victorian community about the Andrews Labor government's values and priorities.

Our message is clear.

We can be relied upon to make the investments required to help the Victorian community succeed.

But we will also manage our finances responsibly.

Governments are always faced with difficult choices.

In the end, only those governments that strike a balance between addressing today's challenges and providing for the future, can lay claim to holding up their end of the electoral bargain.

It's not easy, but it's why we're here.

There's an ancient Greek proverb which posits that 'Society grows great when old people plant trees whose shade they will never sit in'.

Speaker, great vision without bold action is simply a dream.

The time for excuses and blame-shifting has long since come to an end.

This government knows what it means to deliver — not for rhetorical purposes, but for the future.

In the end, it's about getting it done.

It means investing in the future because it can't wait until tomorrow.

It means investing in, and strengthening our community because without it we are all adrift.

It means investing in our people because education, health and security are the cornerstones of strong economies and even stronger communities.

But more than all of this, Speaker, it means honouring our commitments to Victoria — the greatest state in the greatest nation.

That's what this budget seeks to achieve and I'm proud to present it to the people of Victoria.

Because we are getting it done.

**Mr M. O'BRIEN** (Malvern) — The usual practice after the budget speech is to move that the debate be adjourned. However, it is also usual for a budget speech to lay out a detailed plan to grow the economy and create jobs, and the Treasurer has failed to do so.

It is also usual for a budget to reduce cost-of-living pressures on Victorian households instead of making them worse through higher taxes — and again the Treasurer has failed. In fact this budget is so flimsy, so lightweight, so devoid of substance the opposition will deal with it here and now.

**Ms Allan** — On a point of order, Speaker, I seek some clarification and guidance from yourself and the opposition. I want to be very clear about what is going on in the house and to confirm from the opposition that we are moving immediately on to their budget reply, which they are perfectly able to do under the —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Ms Allan** — However, for the benefit of the house can we be clear that this is now the budget reply from the opposition — a reply to a budget that opposition members have had in their hands for 30 minutes and barely would have been able to go into in the depth and detail that is required of such a speech in this chamber? It exposes this attempt as nothing more than a political stunt on a day that the Treasurer has delivered a fantastic budget.

**Mr Clark** — On the point of order, Speaker, this is a disgraceful attempt by the Leader of the House to disrupt and obstruct the member for Malvern from exercising his right to deliver a reply to the budget speech. The least the Leader of the House could do is sit down and let him exercise his right to speak on this bill in the manner in which he sees fit. There is no point of order.

**The SPEAKER** — Order! As there are no other points of order, the member for Malvern will continue and be heard in silence.

**Mr M. O'BRIEN** — This budget is so flimsy, so lightweight, so devoid of substance that the opposition will deal with it here and now. The Treasurer's budget speech was about as convincing as a Johnny Depp court video but without the substance.

Far from getting it done, as the Treasurer boasted, this budget is all about Victorians getting done over by Labor: getting done over by Labor's broken promises, getting done over by Labor's greedy taxes and charges, and getting done over by Labor's failure to properly fund its infrastructure promises. Victorians are getting done over by a government too distracted by its own internal battles and factional intrigue to focus on the needs of the Victorians it is sworn to serve.

While the government may boast about budget surpluses, Victorians ask: why then are police stations closing and frontline police being cut? While the government says it supports industry, Victorians ask: why then is New South Wales blitzing us when it comes to creating new jobs? While the government claims it backs business, Victorians ask: why then is the Treasurer attacking us with new taxes? While the government pretends to support families, Victorians ask: why then are families facing higher power bills and higher rents due to this government's greed?

We heard the Treasurer go through the motions today, but once we strip away the spin, we see that it is a hollow budget from a hollow Treasurer. Who pays the price for Labor's economic failings? As always, the

victims are Victorian families. In the 2016–17 year, Ford will end production in Victoria, Holden will close down its Port Melbourne engine plant and Toyota will finish up production next year.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte will stop advising the Chair. I warn the member for Melton.

**Mr M. O'BRIEN** — Many thousands of jobs in the manufacturing, components, parts and supply chain industries will go as a result of the end of car manufacturing in Victoria. But where is the jobs plan from this government? How are these thousands of Victorians going to find new opportunities? We know that New South Wales is racing ahead when it comes to job creation. Since December 2014 New South Wales has created 81 275 more jobs than has Victoria. In the coalition's last year in office Victoria's economy created 77 950 jobs compared to just 33 837 that Labor created in its first year. Job creation is shuddering in Victoria under Labor. Declaring new public holidays, supporting militant unionism and ripping up major infrastructure projects — all of these bad decisions by the government have consequences in the real world. Despite Labor using TAFE as a political pawn, we know that fewer students are getting a TAFE education under Labor than under the coalition.

Victorians are entitled to expect a budget that sets out a clear plan to grow our state's economy and a clear plan to create jobs. Instead the Andrews Labor government delivers nothing but spin and slogans. It is simply not good enough.

When we look at the revenue windfalls this Treasurer has received, we see that he is walking proof of the adage: it is far better to be lucky than good. There are drunken sailors who look at the Treasurer and say, 'Mate, you might want to watch your spending'.

Let us take a brief look at just some of the windfall gains this Treasurer has received since the election without lifting a finger. Land transfer duties, or stamp duties, are up by \$1.6 billion since Labor was elected, from \$4.4 billion in 2014–15 to \$6 billion this year. Goods and services tax receipts are also up. Victoria is set to rake in an extra \$1 billion, from \$12 billion in 2014–15 to \$13 billion this year, thanks to the Commonwealth Grants Commission.

Then there is the Tattslotto litigation over gaming machine licences. When this case was first decided against the state, the payment of \$540 million was made from the coalition's budget to the Tatts Group.

With the final determination made in favour of the state by the High Court this year, over \$560 million, including interest, came back into the state budget as a windfall gain. This is a Treasurer who has literally had a Tattslotto win — but that has not stopped him from hitting Victorians with new taxes.

The Treasurer is like one of those sad cases you see on current affairs TV programs, the type of person who wins the big lotto prize, buys motorbikes for all his mates and then winds up living in someone's garage looking for a handout. It is an extraordinary amount of money this Treasurer has received — billions of dollars in extra stamp duty, extra GST and Tattslotto windfalls, not to mention payroll and land tax, and the \$6 billion to \$7 billion that will be secured with the 50-year lease of the port of Melbourne. Even, I dare say, Kim Kardashian would struggle to spend it, but this is a Treasurer who puts Kim Kardashian to shame.

To add insult to injury, while the Treasurer is on a spending spree he is preaching austerity to local councils across Victoria. Under the government's rate capping policy, mayors are told to limit rate rises to 2.5 per cent. Clearly this Labor government believes, 'Do as I say, not as I do'. In this year's budget alone revenue is increased 6.9 per cent from 2015–16. If Labor applied the rate capping limit to itself, it would hand back \$151 million in payroll tax, \$448 million in land tax and over \$30 million in fire services levies.

But the hypocrites in this government would never apply to themselves the standards they expect of others. The coalition had expenditure increases at an average of 2.6 per cent a year across the forward estimates. By contrast, Labor is busy paying off its mates in the public sector unions with sweetheart industrial deals and no productivity trade-offs.

Since Labor was elected the public sector wages bill has blown out from \$18.5 billion to \$21.3 billion — an increase of \$2.8 billion or 15 per cent. This is not a 15 per cent increased investment in frontline services; this is the cost to taxpayers of backroom deals with Labor's union mates. Spend first, ask questions later — that is the Labor way.

If all of those tax windfalls were not enough, and clearly they were not, the Treasurer has also announced a raft of new tax increases that will hit Victorians in the hip pocket.

The land tax surcharge introduced by Labor last year is to be increased threefold, to 1.5 per cent. The stamp duty surcharge will rise, from 3 per cent to 7 per cent. These property taxes will not hit foreign investors, as

the Treasurer would have you believe; they will be passed on to those who rent these properties, one way or the other. These new property taxes will cost Victorians \$486 million across the forward estimates, and this is before we come to the new coal tax.

The appetite of this Treasurer to gorge on tax brings to mind the Roald Dahl book *Charlie and the Chocolate Factory*. One character in particular springs to mind. I have thought about it. When it comes to tax, the Treasurer is the Augustus Gloop of Victorian politics — greedy, gluttonous — and I am afraid to say it ends pretty badly for him.

Under this Treasurer in only two years state taxes have increased from \$17.9 billion to \$21.6 billion, a massive increase of more than 20 per cent. And having gorged himself on taxes, the Treasurer pretends that minor fiddling of payroll tax thresholds over four years will offset the damage that he has caused to business competitiveness in this state.

I sometimes think that this Treasurer's purpose in politics is to make former federal Treasurer Wayne Swan look good. But I will say this for Wayne Swan: at least when he introduced a carbon tax, he had the decency to admit that it would drive up power prices. When this Treasurer hikes up the tax on coal threefold — the same coal that produces around 90 per cent of our electricity — he has the audacity to claim it will have no effect on power bills.

Only a fool or a liar would deny the link between tripling taxes on coal and higher power prices. Treasurer, take your pick. The tripling of taxes on coal is the Premier's very own carbon tax — a tax that will drive up power prices, drive out businesses and cost jobs, especially in the Latrobe Valley and in Gippsland. Just as Julia Gillard famously told Australians on the eve of an election, 'There will be no carbon tax under the government I lead', Victorians remember the words of the Premier on the eve of the 2014 election being interviewed on Channel 7 news:

Peter Mitchell: Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?

Daniel Andrews: I make that promise, Peter, to every single Victorian.

That promise was crystal clear — no qualification, no hedging, no conditions — so how can this Premier justify tripling the tax on the fuel that provides up to 90 per cent of Victoria's electricity? How will this Premier explain to families already struggling to pay their power bills that he has made a deliberate decision to make their lives that much harder? This is just

another broken promise from a Premier whose words simply cannot be believed.

While this Treasurer boasts about the forecast surplus, let me provide him with a reality check. Firstly, we remember when he claimed a budget surplus this time last year. At the time we said it was a phoney surplus from a phoney Treasurer — and, sure enough, the Auditor-General agreed. He blew the whistle on this Treasurer's funny-money attempt to prop up a deficit budget with east-west link payments from the commonwealth. We now know that this Treasurer actually delivered a deficit of \$286 million last financial year. The Auditor-General said so.

Despite this record of fiscal fiction, the Treasurer expects to be lauded for proposing surpluses totalling over \$9 billion across the forward estimates. Yet this is exactly what he inherited from the coalition in December 2014. The pre-election budget update released by the Department of Treasury and Finance during the election campaign sets out cumulative budget surpluses of \$9.1 billion over four years. So the boasting of this Treasurer is not only pathetic, it is dishonest. Despite billions of dollars in tax windfalls over the past 18 months, he has not improved the budget bottom line one iota. This Treasurer delivered a deficit when he promised a surplus. He has not cut taxes; he has increased them. And he has not reduced debt; he has raised it.

Let us nail the lie of the Treasurer when he claims that he is reducing debt. We know that the debt to gross state product (GSP) ratio on 31 December 2014 was 5.9 per cent. We also know that in the pre-election budget update (PEBU) Treasury forecast that debt to GSP would fall to 4.5 per cent in 2015–16 and stay at that level right across the forward estimates. Just to be clear: that was not Labor's work; that was the coalition's work for which Treasury accounted. That is the benchmark against which this budget must be judged.

So when we see that the budget forecast of debt to GSP in this budget is not 4.5 per cent but in fact 4.7 per cent, the truth comes out. This Treasurer has increased debt compared to the PEBU projections, and it will get worse next year. More Labor debt, more Labor interest payments, nothing to show for it — that is how Labor rolls.

With 100 000 extra people in Victoria every year, the need to build infrastructure to keep pace with this population growth has never been greater. If we do not build the infrastructure in line with our growing population, we shall simply see life in Victoria

becoming more congested, more crowded and more frustrating. We are seeing the consequences in Melbourne today. Our roads are getting busier: every day the peak periods extend, while Saturday morning traffic is now as bad as any day of the week. Our trams and trains are packed. Our public hospital waiting lists are growing. Our state schools, especially in growth areas, just cannot keep up with local demand.

The very thing that attracts so many people from other states and other countries to seek to settle in Victoria — our unique quality of life — is at grave risk if we do not act now to manage population growth and develop our infrastructure accordingly. But this budget has no plan for managing population growth, no plan to build the infrastructure that our rapidly increasing population demands and no plan to encourage migrants to this state to see Victoria as so much more than just Melbourne.

But why would we expect a Labor government that has shut down the regional living expo to have any idea about promoting regional Victoria as a place to live when we have Labor's Minister for Training and Skills describing Geelong as, and I quote, 'Melbourne's biggest regional city'? Victorians who live beyond the tram tracks know that Labor just does not care about them. Instead this government views population growth as an ATM for tax revenue rather than as an obligation that must be managed. This budget has no credible plan for building the infrastructure that our growing state needs. A plan without funding is just a wish list, and that is all we get from this Labor government — an infrastructure wish list.

The hollow words of the Premier and Treasurer before the election, the promises that all of their infrastructure promises were fully costed and fully funded — those words have turned to dust. Where in this budget is the claimed full funding for the \$11 billion Melbourne Metro project? Here we see that the Andrews Labor government has far more in common with the governments of Cain and Kirner than it does with those of Bracks and Brumby. The Treasurer appears to be engaging in accounting tricks to shift the Melbourne Metro project off the general government sector balance sheet. Labor appears to be trying to hide its debt funding of Melbourne Metro by the use of dodgy accounting tricks that would be more at home in Panama than in Treasury Place.

Despite this funny-money debt funding, the Andrews Labor government still wants the Prime Minister to write it a multibillion-dollar cheque on the basis of a paper thin business case. This is what the planning minister said, and I quote, 'We invite the Prime Minister to come on a journey with us'. Come on a

journey with us? Will somebody please tell the minister Melbourne Metro is an \$11 billion rail project, not a reality TV show. This government cannot produce a serious business case, but it thinks greeting card slogans will get it over the line.

The Premier also wants to cut South Yarra station from the Melbourne Metro project despite the massive development and population growth happening right on its doorstep. What is the Premier's excuse for ditching South Yarra station? He claims, 'We can't afford it'. This from a Premier who has never put the words 'we' and 'can't afford it' in the same sentence. Where in this budget is the funding to match the Turnbull government's \$1.5 billion roads package for Victoria? No funding is set out. Where in this budget do we see the full funding for the removal of each of Labor's promised 50 level crossings? Nowhere. When it comes to state-shaping infrastructure, the Andrews Labor government's greatest claim to fame is that it wasted \$1.1 billion of taxpayers money to not build a desperately needed road — the east-west link.

And what of Infrastructure Victoria, the supposed independent infrastructure watchdog so proudly trumpeted by this government? It turns out the infrastructure watchdog is actually an infrastructure lapdog. Infrastructure Victoria has been confined to the kennel with a muzzle on. What is the point of taxpayers paying \$10 million a year to establish an infrastructure body that has not examined a single project of this government? What has the Andrews government got to hide? Why does it refuse to have its projects assessed by Infrastructure Victoria? It is a joke. If this government expects there to be any level of bipartisan support for the work of Infrastructure Victoria, it needs to put it to work and allow it to prove its worth, not simply roll it out as a convenient smokescreen when it suits the government.

When it comes to moving Victorians around this state, it is not enough that the Andrews government fails to build the infrastructure that we desperately need. No, this government even wants to prevent the private sector from providing services to move Victorians around. This government loves to trumpet its so-called progressive credentials when it comes to putting sexual politics into school curriculums, but when it comes to Uber, Labor is about as progressive as Cobb & Co. The transport minister has been looking at this for so long you would think Uber was one of those Magic Eye puzzles, and still the minister cannot see the bigger picture. The consumers of this state are way ahead of the minister, and it is time that she and her government caught up and acted to put Uber on a proper footing in Victoria.

The first duty of any government is to protect its citizens, and on this fundamental issue Labor has failed Victorians. In just four years the former coalition government massively boosted sworn Victoria Police numbers by over 1900. In addition the coalition hired 950 Victoria Police protective services officers, who are making such a vital difference to safety around train stations throughout Victoria. In less than 18 months Labor has cut frontline police numbers and closed or cut back on police stations across Victoria.

To nobody's surprise, except perhaps the government's, these cuts have delivered a significant increase in crime. Under Labor this year's Moomba transformed from a fun, family-friendly festival into a no-go zone for everyone except rioters, thieves and gang members. Under Labor we are seeing violent home invasions and carjackings become a regular feature on our nightly news bulletins, instilling fear into law-abiding families whether they are in their homes or on the roads. Under Labor we are seeing the no-pursuit policy leave Victoria Police officers on the front line feeling frustrated, disempowered and helpless.

Today's budget provides little relief for Victoria Police or indeed for Victorians. Police stations that have been closed by Labor remain closed. The number of sworn police officers remains far too low to cope with our growing population, and this means that crime will continue to rise. Considering this Treasurer is rolling in billions of dollars of extra tax revenue, why will he not fund Victoria Police properly? This tells us a lot about Labor's priorities. Labor can find money for a new logo, but not enough for police. Labor can find money for private ministerial offices at train stations, but not enough for police. Under Labor there is money for penguins, but not enough for police.

This budget is swimming in extra revenue from booming stamp duties, population growth and GST — yet Labor hikes taxes to hurt hardworking Victorian families; yet Labor sits back as police stations close across our state; yet Labor fails to develop a jobs plan while our car industry shuts down and New South Wales continues to power ahead of us; yet Labor refuses to tackle the unmanaged population growth that jeopardises the quality of life that sets us apart as Victorians. This is a budget of poor decisions and missed opportunities. It is a story of a government that cannot control its spending and has the wrong priorities for this state. Victorians deserve better than this budget, and they certainly deserve better than this out of touch Labor government.

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I move:

That the debate be adjourned.

This is so we can let the house know that Standard & Poor's has just confirmed the AAA credit rating, after the drivel we have heard from the member for Malvern.

**Motion agreed to and debate adjourned.**

**Debate adjourned until next day.**

## APPROPRIATION (PARLIAMENT 2016–2017) BILL 2016

**Message read recommending appropriation and transmitting estimates of expenditure for 2016–17.**

**Estimates tabled.**

*Introduction and first reading*

**Ms ALLAN** (Minister for Public Transport) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2016–17 and for other purposes.

**Read first time; under standing order 87, ordered to be read second time immediately.**

*Statement of compatibility*

**Ms ALLAN** (Minister for Public Transport) 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 act), I make this statement of compatibility with respect to the Appropriation (Parliament 2016–2017) Bill 2016.

In my opinion, the Appropriation (Parliament 2016–2017) Bill 2016, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

### Overview of bill

The purpose of the Appropriation (Parliament 2016–2017) Bill 2016 is to provide appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2016–2017 financial year.

### Human rights issues

- Human rights protected by the charter act that are relevant to the bill**

The bill does not raise any human rights issues.

**2. Consideration of reasonable limitations — section 7(2)**

As the bill does not raise any human rights issues, it does not limit any human rights, and therefore it is not necessary to consider section 7(2) of the charter act.

**Conclusion**

I consider that the bill is compatible with the charter act because it does not raise any human rights issues.

Tim Pallas, MP  
Treasurer

*Second reading*

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

That this bill be now read a second time.

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

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament in respect of the 2016–17 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2015–2016) Act 2015 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2016–17 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is \$128 888 000 (clause 3 of the bill) for Parliament in respect of the 2016–17 financial year.

I commend the bill to the house.

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

**Debate adjourned until next day.**

**BUSINESS OF THE HOUSE**

**Adjournment**

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

That the house, at its rising, adjourns until Tuesday, 3 May 2016.

**Motion agreed to.**

**MEMBERS STATEMENTS**

**Jan Moore**

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I want to pay tribute to a dear friend of mine, Jan Moore — very much a true believer of the Labor Party — who passed away on 17 April after suffering for many years from Parkinson’s disease. No party has had more done for it than Jan did for the ALP, and no party has been loved more than Jan loved the ALP. Jan Moore’s whole life was focused on trying to see the ALP succeed at every election. A good friend of mine, Tony Robinson, called her the bowerbird of the ALP. She used to go around collecting cricket bats and other little items that she would get signed. We used them at auctions to raise enormous sums of money for marginal seats over many, many years.

Apart from her great love of the ALP, which was really her true love, she had two beautiful daughters, Sally and Melinda. One other thing: she had a marvellous love of the Collingwood Football Club, a team she got Paul Keating — her golden boy — to eventually also support.

I recall former Prime Minister Julia Gillard visiting Jan Moore in her nursing home at Lynch’s Bridge in Kensington. The Prime Minister had 30 minutes to quickly visit Jan, who was her dear friend from Melbourne University. The first thing that Jan Moore told the Prime Minister of the day was that her earrings were too long and were not appropriate for TV.

**Mr Battin** interjected.

**Mr DONNELLAN** — Yes, only Jan Moore would have the temerity, the cheek, the gumption and the beauty to actually say to the Prime Minister, ‘Get a different dress’.

**Country Fire Authority enterprise bargaining agreement**

**Mr BATTIN** (Gembrook) — The message could not have been any clearer, it could not have been any louder and it could not have been any more direct: ‘Premier Daniel Andrews, do not sell out the volunteers in a deal with the United Firefighters Union’ (UFU). Four hundred and twenty-one volunteer vehicles and more than 1500 volunteers drove around Parliament House in support of the Country Fire Authority (CFA) chief, the CFA CEO and the CFA board, to place on record their genuine concern that they are being sold out. Volunteer Fire Brigades Victoria arranged at short notice a motorcade in order to voice its strong objection

to the current enterprise bargaining agreement on the table that will hand power to the UFU and remove the rights of volunteer firefighters in our state.

Volunteer firefighters have protected the state for many generations. The community support the work they have done and will continue to do so in the future. It appears the Premier is at odds with everyone, including his own minister. Volunteers across the state are now emailing their local MPs to ask for their support. I speak directly to the government backbenchers: today is their chance to support the volunteers and say they will not support the Premier's handling of this negotiation.

The member for Frankston, a former career firefighter and now volunteer firefighter, should stand up today and call on the Premier and Peter Marshall to stop putting at risk the future of the CFA. Either the member for Frankston supports his minister, the CFA CEO, the CFA chief, the board and 60 000 volunteers or he supports the Premier and the UFU. I know who I support, so I ask the member for Frankston whether he will come out publicly and support volunteer firefighters in Victoria.

### **Pascoe Vale South Primary School**

**Ms GARRETT** (Minister for Emergency Services) — I stand today to celebrate the terrific news that one of my great local schools is getting the funding it deserves in this outstanding state budget. It is a huge win for the students, parents and teachers at Pascoe Vale South Primary School, which has been given \$3.5 million to upgrade its facilities. This is long overdue and very well deserved. The classrooms and administration block were built in the 1950s and 1960s and have been assessed as no longer suitable for modern teaching practices.

Three hundred and twenty-eight kids will soon have a better chance in life because the Andrews Labor government has seen their needs and acted. This is an investment in their futures and in our community. The school has been dealing with rotten weatherboards and leaking roofs, and this funding will mean our kids will have the facilities they need to learn.

I would like to thank the Deputy Premier and Minister for Education and my colleague the member for Pascoe Vale. We have worked really hard together to ensure that this school gets what it needs. I am proud as the local member for Brunswick and as a member of this government that we have delivered this funding to serve a growing local community. We will not leave our children behind. Every child deserves the opportunity to reach their full potential, and this

upgrade will help the students of Pascoe Vale South Primary School achieve their very best. I look forward to bringing to the house news of this gorgeous school's progress.

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

**Mr NORTHE** (Morwell) — I rise today in regard to the Premier's meddling in enterprise bargaining agreement (EBA) negotiations with the United Firefighters Union. Everyone agrees that career firefighters deserve fair pay and conditions — and this has never been disputed — but there are genuine concerns raised by Country Fire Authority (CFA) volunteers on aspects of the said EBA that need addressing. The following is an extract from correspondence sent to the Premier by some of my local CFA volunteers which highlights the issues and potential impacts very clearly. It says, and I quote:

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!

On Saturday we saw CFA volunteers from across the state of Victoria, including those in the Morwell electorate, converge on Parliament House to send a very strong and clear message to the Premier. One can only hope that the Premier listens clearly to the voices of our CFA volunteers, because without their dedication, commitment and resources our communities would be in dire straits.

### **Plenty Road, Mill Park, duplication**

**Ms D'AMBROSIO** (Minister for Industry) — I am very, very pleased that in today's budget the people of my community are going to see Plenty Road in Mill Park widened further. Plenty Road in the suburb of Mill Park has been under considerable strain in terms of road traffic, and I am so excited that today we have got money in the budget to deliver the widening of that really important road that connects the northern suburbs to the inner city of Melbourne. That is something that is really exciting. Members of my community have been calling for that for some time now, and I am really pleased to see that it is a Labor government that actually delivers on those commitments.

### **Mernda rail extension**

**Ms D'AMBROSIO** — I also want to acknowledge the fact that the Mernda rail extension will of course receive significant funding to see that that rail extension is fully constructed. That is exciting because, as we know, there are two to three new stations that are going to be built to cater for the growing community. Together with the member for Yan Yean I am really pleased to see such a fantastic project get the funding to see it fully constructed in a very short period of time.

### **Interface Growth Fund**

**Ms D'AMBROSIO** — I also want to acknowledge the fact that the Minister for Local Government has again produced a fantastic amount of money for the interface growth councils and \$50 million to help the fastest growing communities in metro Melbourne.

### **Cr Jennifer Yang**

**Mr R. SMITH** (Warrandyte) — I have had a number of constituents raise concerns with me recently about the viability of the current mayor of Manningham, Cr Jennifer Yang, maintaining her position as mayor while running for a Senate position for the Labor Party in this year's federal election. Residents are questioning whether someone who has run for the state electorate of Mount Waverley while on council and who now is running for a federal position while mayor is focused enough on the city she has been elected to represent. Many residents have told me that they believe the mayoral car, salary and indeed position should be given up by Cr Yang while her focus is elsewhere — indeed while she has clearly flagged that she wants a different job. It is my hope that she listens to Manningham ratepayers and does the right thing.

### **Minister for Housing, Disability and Ageing**

**Mr R. SMITH** — I wish to condemn the Minister for Housing, Disability and Ageing in the strongest possible terms for his refusal to respond to correspondence I sent to him in August last year. Although I received acknowledgement of the letter 12 days later, he has refused to answer the substance of the letter. I have sent follow-up letters in November and more recently last month. As well as this, my office has spoken to his on six separate occasions — twice in December and four times in February — and on each call my office was assured a response was coming.

If the minister and his office put as much effort into doing their jobs as they do into fobbing off genuine queries from my constituents, we would see some real

achievements. If the minister cannot do something as simple as respond to a letter inside eight months, then that is a real signal that his portfolio responsibilities are beyond him.

### **Northcote electorate schools**

**Ms RICHARDSON** (Minister for Women) — Schools in my electorate, like so many across the state, will benefit today from Labor's biggest boost to upgrade and build schools as part of this year's state budget. I would like to take this opportunity to congratulate the Treasurer and the Minister for Finance on the work that they have undertaken to deliver this year's budget. Today is a proud day for every member of the Andrew's Labor government because today's budget speaks to who we are and what we are trying to achieve for the benefit of all Victorians.

There is \$900 million for school infrastructure funding, and two schools in my electorate will be the initial beneficiaries of this significant investment. Croxton School, which caters for students with disabilities, will be receiving \$5 million; and Northcote High School will receive \$1.5 million to complete stage 1 of its master plan — in addition to the \$3 million committed in last year's budget for a new performing arts centre.

The story of Croxton illustrates what a difference a Labor government versus a Liberal government can make. The school community submitted their plans to upgrade their school in late 2010. Sadly, the Liberals came to power that same year and shelved those plans and ignored the concerns of the school. There were cracks in walls, crumbling footpaths and some very real safety concerns. It has taken a Labor government and a very Labor state budget to address the concerns of Croxton School and not only that but put education back where it should be — a key concern and an ongoing priority for the state government. Principal Bev Fegan said it best by saying, 'It's the best opportunity for our kids' and 'To have first-rate facilities is really what these kids deserve'. How true. These kids deserve the best education, and that is precisely what they will get under an Andrews Labor government.

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

**Mr MORRIS** (Mornington) — This year's budget season has brought the unwanted news that the Andrews government intends to sacrifice the Country Fire Authority (CFA) to the United Firefighters Union. This is no ordinary Labor sop handed to its union mates. This is a deal the like of which we have not seen

since the days before the Labor split. This is straight out socialism. In the process a highly efficient volunteer organisation with a long and proud history will be destroyed, and with it this state's capacity to fight fire. Why? Because this deal will not allow a volunteer brigade on the fireground to start their hoses unless seven career firefighters are present. A local example is that during the past summer a tree across the road from my home was struck by lightning, exploded and started a grass fire. The conditions were not good, and the fire quickly raced up the hill towards the house and then towards many other houses only metres beyond. The prompt action of local volunteer brigades saved many homes that day, and I thank them.

If this agreement goes ahead, brigades from Moorooduc, Mount Eliza and Mount Martha will be prevented from fighting fires unless career firefighters, who will have to travel from Mornington and potentially beyond, are there. How many houses will be lost? How many people will have to die to satisfy the ambitions of this union? If the CFA is to be sacrificed on the altar of socialism, it cannot be done in secret — it cannot be done in some Labor back room. Premier Andrews must take this to his party room, and if those members are stupid enough to support him they should bring it to the Parliament for ratification. Labor members know that if they support this crazy scheme there will be electoral consequences.

### Special needs funding

**Ms EDWARDS** (Bendigo West) — I am very proud to be part of the Andrews Labor government and ambassador for our Special Needs Plan. We are making Victoria the education state for all students, no matter what their background or their circumstances. It was fantastic to see the excited faces on the students at Kalianna School in Bendigo West when I announced that the government would provide \$4.3 million in this year's budget to get on with stage 1 of this new build. The parents, carers and staff as well as the principal were thrilled. The Kalianna School community campaigned long and hard for this new school, and the Andrews government listened. I look forward to seeing this school completed in the near future.

This funding is part of a \$155.8 million budget boost to ensure students who learn differently or have special needs get the opportunities they deserve. Having a child with dyslexia, I am thrilled that the package includes \$22 million to help students with autism and dyslexia by increasing the number of speech pathologists, reading intervention programs and language screener tools and providing extra teacher training as well as

developing Victoria's first dedicated strategy to help students with learning difficulties like dyslexia.

There is an unprecedented \$68.5 million to upgrade 20 specialist schools, including seven in regional Victoria, and a doubling of the Inclusive Schools Fund, which means schools can meet the learning needs of all students, including those with special needs. There is an additional \$49.7 million to support an extra 1750 students who are expected to be eligible for the Program for Students with Disabilities in 2017. This funding is welcomed by students, parents, teachers and those across the sector who understand the importance of helping kids with special needs.

### Country Fire Authority enterprise bargaining agreement

**Mr McCURDY** (Ovens Valley) — I speak on behalf of all of the hardworking Country Fire Authority (CFA) volunteers in our communities. On Saturday CFA members from Wangaratta, Eldorado, Glenrowan, Greta and Springhurst joined their fellow volunteers in Melbourne with a total of 421 vehicles from across the state. Premier Andrews is caving in to the city-based United Firefighters Union (UFU), which is his payback for the UFU's intimidating and appalling assistance during the 2014 election.

The CFA is at a crossroads, and the Premier of this state has his fingerprints all over it. It is a disgrace that the Premier is even considering agreeing to this union's demand. He says he governs for all Victorians, but the UFU comes first. For a city-based union to be handed the ability to override CFA management decisions is insulting and will be disastrous for our community-based firefighting service.

Eldorado volunteer Jim Buchanan told me his main concern with the deal was the requirement for seven UFU paid staff to attend a fire. He also has concerns that the UFU is taking control — that is, control of uniforms, training, everything that has to be approved by the UFU before it gets to the volunteers. Yesterday Max Grinter of Cobram East, a 50-year veteran, said, 'Tell Daniel Andrews to stop interfering in the CFA. We want to get in the truck when there's a fire. We want to go and put it out'.

I stand here to fight for Max Grinter, Jim Buchanan and all CFA volunteers across the state who just want to be able to focus on the job of protecting their communities and residents when there is a fire. I formally ask the Premier to stop interfering in the CFA. Greater union control will ultimately destroy the CFA as we know it. The enterprise bargaining agreement is completely

unworkable, and a coalition government will fight to reverse any changes that adversely affect CFA volunteers.

### Anzac Day

**Ms THOMAS** (Macedon) — Once again the Anzac Day dawn service at the Memorial Cross, Mount Macedon, was a moving tribute to Australia's servicemen and women and an opportunity to remember those who lost their lives in the service of our country. It was my great honour to lay a wreath and pay my respects at the foot of the cross on behalf of the men and women of Macedon.

Each year the Mount Macedon Anzac Day dawn service committee plans a thoughtful service. This year former commando and Afghanistan veteran Alan Mitchell-Lappin led us through prayers, silent remembrance and a song or two from Frank Donovan. *Voices from the Front* is a feature of the service, and this year Braemar College captains Adele 'Pip' Wright and Jack Weaver shared stories from Fromelles, while in recognition of the 50th anniversary of the Battle of Long Tan, Gisborne Secondary College captains Esha Lane and Sean Doherty read *Voices from Vietnam*.

I would like to take this opportunity to congratulate and thank committee members, including former member of this place Bruce Mildenhall, Jamie Byron, Frank Donovan, Alan Mitchell-Lappin, Austin Van Groningen, Peter Whitelaw, Helen Relph, Reg Till, Ruth de Jong and Judy Tyers, for making the dawn service such a memorable event and the largest Anzac Day commemoration after the service at the Shrine of Remembrance.

### Osteoarthritis research

**Mr BURGESS** (Hastings) — Arthritis is a very common condition in Australia affecting people of all ages from all walks of life. While there are many strategies for lessening the symptoms, arthritis often significantly impacts the daily lives of sufferers. While arthritis is often referred to as a single disease, it is in fact an umbrella term for more than 100 medical conditions of the musculoskeletal system, specifically joints where two bones meet.

Arthritis-related problems include pain, stiffness, inflammation, damage to joint cartilage and surrounding structures resulting in weakness, instability and deformities that interfere with the most basic daily tasks. Deloitte Access Economics found that arthritis costs the Australian economy \$23 billion per year and there are 100 000 joint replacements annually. Arthritis

has a major impact on the health budget and hospital waiting lists.

Dr Dan Bates and his colleagues at the Melbourne Stem Cell Centre have worked with Monash University to develop stem cell technology within the Therapeutic Goods Administration framework of the biological exemption. This technology allows for the use of the patient's own stem cells under the responsibility of the doctor for a single indication and single treatment course.

This model has also allowed for collection of human data and the two randomised trials looking at stem cells for osteoarthritis. These studies were funded by doctors that believe stem cell treatment will be an important part of the osteoarthritis solution. Early data from these randomised trials have shown significant decreases in pain, improved mobility, cessation of the degenerative process and in some cases cartilage regeneration.

This is a very new and exciting indication that stem cells are disease modifying, meaning they will hopefully stop the progression of osteoarthritis and result in significant decreases in the number of joint replacements, freeing up beds and decreasing hospital costs. I encourage federal and state governments to explore how they can support these outstanding doctors and their groundbreaking work.

### Sunbury electorate schools

**Mr J. BULL** (Sunbury) — The Andrews government is very proud to be building the education state. We are delivering on our commitment and making sure that each and every child has a chance to succeed. I was extremely proud to be able to announce as part of the 2016–17 budget that Kismet Park Primary School will receive \$700 000 for much-needed repair to and replacement of school buildings.

I was also thrilled to announce \$4.8 million for Sunbury College from the 2016–17 budget — a commitment that I am very proud of. This comes on top of our existing commitment of \$3 million for a new science wing at the school, taking the total investment over the past two budgets to \$7.8 million.

I would have to say, though, that the best news was seeing what our \$4 million commitment to Sunbury and Macedon Ranges Specialist School means to that school and what a difference the funding will make. I want to thank the Minister for Education for his outstanding commitment to education in Sunbury, and also the member for Macedon, who I know supports the Bullengarook campus of Sunbury and Macedon Ranges

Specialist School. This funding will go a long way and ensure that specialist education in Sunbury is supported.

Going forward, I have committed to working very closely with the school to ensure that the issues it faces are addressed and that this wonderful school can keep doing what it does best. Today's budget commitment places an additional \$1.1 billion to build, upgrade and maintain schools. This is an outstanding commitment and is part of the Andrews government's commitment to building the education state.

### **Sandringham Hospital**

**Ms ASHER** (Brighton) — I call on the government to keep the Sandringham Hospital's emergency department open 24 hours a day, 7 days a week. I refer to a press release issued by the Minister for Health, dated Wednesday, 30 March 2016, and I quote:

A \$5.8 million cut to Alfred Health's budget bottom line could see the health service with no other option but to close Sandringham Hospital's emergency department from 7 p.m. to 7 a.m. to recover the costs, turning the 24 hour emergency department into a 12 hour operation.

I remind the Minister for Health that she is in fact the minister and it is her responsibility to make sure that people who live in the southern suburbs have access to an adequate emergency hospital service. An emergency department closed for 12 hours every day is by definition not a proper emergency department.

This is the emergency service available to Bayside residents and indeed I expect also to Kingston residents. I note the member for Mordialloc is present in the chamber. Doctors of course refer Bayside residents to the Sandringham Hospital emergency department. It is an excellent service. Unfortunately, I had to use it twice last year, but it is an excellent service. It is most important for local residents, and I urge the government to commit to keeping this a 24-hour, 7-days-a-week service.

### **Gordon TAFE**

**Ms COUZENS** (Geelong) — It was a real privilege to join the Minister for Education and the Minister for Training and Skills in Geelong yesterday to announce the Geelong tech school location. Geelong students will soon have access to high-tech learning at the Gordon TAFE city campus. The new cutting-edge tech school will be an innovative learning centre with a focus on areas such as science and technology, health care, social assistance, construction with links to advanced manufacturing, robotics, agriscience and business.

The Geelong consultative committee, consisting of educators and members of the community and industry, has worked hard over the past months to establish the best location. The Andrews Labor government supported the community recommendations to locate the tech school at the Gordon city campus. I want to congratulate and thank the Minister for Education for listening to Geelong. I also thank the Gordon for its support and commitment.

A new three-storey building will replace the old single-storey student support facility. This will give the Gordon students a brand-new support centre, with the remaining two floors being the new state-of-the-art tech school. This location is ideal for students, with great access to public transport, with the Geelong railway station across the road and bus stops at the door. The Gordon is located in a precinct that includes the recently opened state-of-the-art Geelong library, the soon-to-be-redeveloped performing arts centre, the Courthouse Youth Arts centre and the proposed green spine project.

This is an exciting announcement for Geelong, and I look forward to working with the committee to ensure that — —

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

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

**Mrs FYFFE** (Evelyn) — At approximately 6.30 this morning I once again heard the siren at Wandin Country Fire Authority (CFA), and I knew that our wonderful volunteers — the backbone of my community — would immediately drop what they were doing and respond once again to an emergency. So, Acting Speaker, you will understand why I was appalled a short time later to read in today's *Herald Sun* an article headed 'Secret draft agreement exposes full extent of Premier Andrews' proposed surrender of CFA to United Firefighters Union'. The story reveals the existence of a secret draft agreement exposing the Premier's betrayal of the Country Fire Authority. A clause in the draft says the CFA must get United Firefighters Union (UFU) approval for any policy that affects the application or operation of this agreement or the work of employees covered.

This action gives the city-based UFU veto power over equipment, vehicles and clothing issued by the CFA, which is against the wishes of volunteers and is likely to trigger mass resignations. It is troubling that the UFU has also been blatantly using a statewide emergency

paging system to promote its politicised agenda. The whole arrangement stinks of dodgy political deals and an unadulterated union power grab. Under Premier Andrews Victoria is going back to the Cain and Kirner dark days of union control.

### **Anzac Day**

**Mrs FYFFE** — I would like to commend the Lilydale RSL, the Rotary Club of Wandin and Yering Primary School for putting on very touching and respectful local Anzac services, which ran across the Anzac Day public holiday weekend. The children were fantastic.

### **Oakleigh electorate school infrastructure funding**

**Mr DIMOPOULOS** (Oakleigh) — I am thankful for the opportunity to be able to speak about education and schools on this side of the house. I am thankful because under the Andrews government Victoria is truly an education state. I had the opportunity to look up the amount of capital funding for schools in my community during the term of the last Liberal government. It was slim pickings indeed — so slim that it was almost non-existent.

Compare that to what we have seen today: \$4 million to Carnegie Primary School to complete its master plan; \$8.55 million to Glen Eira College to add to the \$950 000 delivered last year; \$290 000 to Murrumbeena Primary School for much-needed works; \$290 000 to Glen Huntly Primary School to meet the shortfall to complete its projects; \$160 000 to Clayton North Primary School, again for much-needed works; major funds to Hughesdale Primary School and Oakleigh Primary School to develop master plans so we can adequately address their needs in the coming years; and not forgetting \$5.7 million to Amsleigh Park Primary School for a major upgrade in last year's budget and some funds to assist the newly named Mount Waverley Heights Primary School to rebrand for the future.

This Labor government supports schools. This has been made abundantly clear by this budget and stands in huge contrast to what saw from those opposite during their time in office. I had the added pleasure of hearing from the Minister for Education and the Premier yesterday that Monash University will be the site of a tech school in my electorate. Again, this is an outstanding achievement for a government truly committed to education.

### **Beaumaris Girl Guides**

**Mr THOMPSON** (Sandringham) — I pay tribute to the leaders of the Beaumaris Girl Guides unit, including Jenny Holmes, a guide leader for over 20 years, also known as Kookaburra; Genevieve Williams, also known as Kangaroo; Amber Nissen, also known as Cockatoo; and Saskia Penn, also known as Banksia.

The Beaumaris guides hall was burnt in a fire in 2014. Earlier this year the hall was reopened. Girl Guides Australia is a valuable organisation that helps girls to become future leaders of their community, allowing them the power to find confidence in themselves and overcome many challenges. The building itself has been a place of learning, friendship and community. Long may it continue to serve that role.

### **Beaumaris RSL**

**Mr THOMPSON** — I pay tribute to the Beaumaris RSL and the wider Beaumaris community for an outstanding commemorative march and service on Sunday, 17 April. I pay tribute to John de C. Douglas, the convenor; Reverend Bill Pugh, the chaplain; scout Loren Henry; cub scout Ashleigh Wallis; rover scout Kent Bennett, representing the 1st Beaumaris Sea Scouts; group captain Carl Schiller, who spoke on the day; the Vocally Wild Choir; Mr Peter Corfield; and Mr Peter Algie. I also pay tribute to the St Leonard's College band and its musical director, Peter Foley, choirmaster Robert Dryden, Mrs Reg Black, Mrs Mairi McIntosh, Mr David Docherty and Dr Rob Cuthbertson.

### **Premier's Spirit of Anzac Prize**

**Ms SULEYMAN** (St Albans) — On Saturday, 23 March, the Spirit of Anzac Prize delegation departed Melbourne for Greece. It was an amazing experience for 22 students to be able to travel to and visit Lemnos, Crete, the Hellenic-Australian Memorial Park, the Souda Bay war memorial and many other sites. We paid our respects to those who sacrificed their lives for our country.

We were so impressed by the deep and genuine connection that each student had created with their Adopt a Digger presentation, which ensures that previously unknown relatives and soldiers have their stories shared and commemorated. We also discovered the special bond between Australia and Greece.

It was an honour to lead the delegation on behalf of the Victorian government. I had the opportunity to meet such talented young students and was able to witness their excitement and emotions during this journey. I would like to acknowledge the teachers, Kym, Justin

and David, the Australian servicemen, Bob Elworthy and Stuart Dodds, and Sarah, our tour historian.

I would particularly like to thank Rowena and Karen from the veterans branch of the Department of Premier and Cabinet, and I also congratulate the Minister for Veterans on having such a program. I genuinely believe these students have gained an insight into the journey of those who sacrificed their lives for our country.

### **Koti Ngawati**

**Ms SULEYMAN** — On another matter I would like to congratulate Sunshine North local swimmer Koti Ngawati, who has secured a spot at the Rio Olympic Games. We are very proud of her achievements and wish her all the very best for the future.

### **Vaisakhi festival**

**Mr PERERA** (Cranbourne) — It was with great pleasure that I recently joined many residents from the Quarters estate in Cranbourne West to celebrate Vaisakhi. Vaisakhi is the festival that celebrates the founding of the Sikh community known as the Khalsa. The Quarters' Vaisakhi festival included families singing traditional songs, with food provided by local residents of the Quarters estate and by restaurants in the local area of Cranbourne. I congratulate the organisers.

### **Cranbourne Italian Senior Citizens Club**

**Mr PERERA** — It was also with great pleasure that I took part in a celebration of the Cranbourne Italian Senior Citizens Club's 19th anniversary. Since my election in 2002 I have been proudly supporting this not-for-profit organisation, and I congratulate it on this milestone. Members of the Italian community of Cranbourne and surrounds have given so much to the local community. I wish them many good years to come.

### **Cranbourne Secondary College**

**Mr PERERA** — It was also with great pleasure that I represented the Minister for Education in announcing that the Andrews Labor government will invest a further much-needed \$9 million in the modernisation of Cranbourne Secondary College. The funding will go towards a school rebuild, including upgrades to the science and technology wing and building new classrooms. Labor started the modernisation of Cranbourne Secondary College, and Labor will finish it.

### **Anzac Day**

**Mr LIM** (Clarinda) — I had the honour of attending the Anzac Day parade this year along with descendants

of the mainland Chinese who resisted the Japanese invasion of China. We need to acknowledge the fact that because of the Chinese people and China's resistance to the Japanese, the Japanese juggernaut was prevented from coming to Australia. We owe China and the Chinese people a debt of gratitude.

## **HEALTH COMPLAINTS BILL 2016**

### *Council's amendments*

#### **Message from Council relating to following amendments considered:**

1. Clause 139, line 2, omit "The" and insert "As soon as practicable after the end of each financial year but not later than 30 November, the".
2. Clause 139, lines 4 to 5, omit "within 12 months of the end of the financial year to which the report applies".

**Ms HENNESSY** (Minister for Health) — I move:

That the amendments be agreed to.

Very briefly, these are amendments that were proposed by the opposition in the upper house. They essentially go to the reporting obligations. We have no objection to them and are therefore more than happy to agree to them and to really focus on getting the Health Complaints Bill 2016 through so we are able to get on with empowering our health complaints commissioner to address the many challenging issues that exist around quality and consumer experience of healthcare services, particularly those rogues who purport to be providers of healthcare services.

**Mr WAKELING** (Ferntree Gully) — I rise to support the amendments to the Health Complaints Bill 2016 and note that these are amendments that have been sought by the coalition in the Legislative Council. We appreciate the fact that the government has identified that there is a requirement to vary the reporting period. This was flagged in the lower house when this bill was debated, and the coalition in opposition identified concerns about a 12-month period of reporting. It has now been identified and agreed that this period will be reduced to a shorter period of five months. We are pleased to see that outcome. Given the importance of the changes with regard to health complaints, particularly in dealing with those organisations that purport to be health practitioners, it is imperative that these changes be implemented. The coalition supports the amendments that are before the house.

**Motion agreed to.**

## TREASURY AND FINANCE LEGISLATION AMENDMENT BILL 2016

*Second reading*

### Debate resumed from 9 March; motion of Mr SCOTT (Minister for Finance).

**Mr MORRIS** (Mornington) — It is a pleasure to rise to address the Treasury and Finance Legislation Amendment Bill 2016. Although to be honest about it, and I am not wishing to nitpick, I am not sure that this has much to do with either Treasury or Finance except that it is of course administered by the Minister for Finance, but certainly not in the ordinary sense of the word. Whatever the case, essentially the issues covered by this bill relate to the occupational health and safety regime and to accident compensation.

There are in this bill three distinct elements. The first relates to the level of compensation and in particular the manner in which the index is interpreted in the legislation. The second relates to the power to make regulations for a particular workplace task, such as operating particular machinery that requires specific qualifications. There is some doubt, I understand, about the capacity under the current regulation not to make regulations for the conduct of the training — that is relatively clear — but in fact to make regulations with regard to the assessment of whether that training has been effective or not. The third and probably more consequential aspect of this bill is the issue of, again, occupational health and safety, and in particular the manner in which people conduct themselves in workplaces and, specifically in this case, the penalties that might apply to corporations where there is a failure to conduct the workplace appropriately.

The content of the bill is pretty much standard fare. The only point worth commenting on in terms of the commencement is that the measures that relate to payment of compensation are backdated to 1 July 2014, so they are deemed to have come into operation from that day, otherwise it is the conventional royal assent.

Clauses 3 and 4 pick up the point I was just making about compensation. It is about ensuring that there is equity with regard to the statutory maximum level. The various acts that relate to the issue of the payment of compensation use the same formula, which is calculated by reference to state average weekly earnings. As most of us who were around at the time are very much aware, in fact in the 2013–14 year the index actually went backwards. The practical effect of that with regard to clients of the Victorian WorkCover Authority is that those who joined the scheme in the

sense of receiving benefits post-1 July 2014 are in fact receiving a slightly lower rate than those who were part of the scheme prior to 1 July 2014. So there is clearly an equity issue there, and clauses 3 and 4 intend to deal with them.

I will skip over clause 5 just for the moment and move to clause 6, which again relates to the occupational health and safety regulations. We know WorkSafe authorises registered training organisations to undertake both the training and the assessment of competency for high-risk work licence applicants and there is specific provision in the act to do that. But there is, I understand, some doubt — essentially a technical matter — about whether regulations can be made to enable the authorisation of people as both trainers and assessors, and it is this element of the act that is proposed to be changed. It is not, I understand, something that has caused any problems to date. It is simply a housekeeping measure, and that too seems entirely reasonable.

The significant issue in the bill relates to the Occupational Health and Safety Act 2004 — back to clause 5. That deals with the issue of recklessly engaging in conduct that places or may place another person at a workplace in danger of serious injury. Under section 32 of the Occupational Health and Safety Act there are effectively two classes of offences — those committed by corporate entities and those committed by individuals, and they have significantly different penalties. The penalty for individuals also includes the opportunity for the sentencing judge to require a period of imprisonment. That is obviously not a practical thing for a corporate entity, so the current maximum penalty is some 9000 penalty units which, if my arithmetic is correct, is currently \$1 365 030, although obviously that will rise on 1 July.

The proposal under clause 5 is to move the maximum number of penalty units from 9000 to 20 000, which is a significant increase and one that would normally raise a red flag, I would suggest, if any government tried to do it without reasonable cause, so obviously that is something the opposition takes seriously. It appears that since this section of the act came into operation there have been a number of offences recorded but only one for a corporate entity; the others have been for individuals who have engaged in reckless action.

Without naming the individuals concerned, to give the house an idea of the sort of behaviour that is caught up in this, one was throwing an angle grinder, and in the end that was struck out. On a second occasion two employees engaged in the manufacture of acetylene bombs and, I think, the transport of those. They were

committed for trial, and I understand there was some plea bargaining and in the end the charges were reduced and a different section of the act, section 25, was employed. There was another incident of a roof tiler who decided it would be a good idea to point a nail gun at someone he was working with, and there was an injury and restitution was required.

But then we get to the issue that brings this bill before the house, and that involved a workplace death. That was an event that occurred in December 2006, so it is some time ago. But as we all appreciate it takes some time for these cases to be properly investigated, to have the evidence assembled, to get to the court and then eventually to be heard and judged — and in this case there was an appeal as well, which added to the time. So while it is nine and a half years since the death occurred, I think it is certainly appropriate that we are dealing with it now.

The issue related to a young man who wanted to work in the mining industry. He had obtained his heavy rigger drivers licence on 23 November of that year — he had had 11 one-hour lessons over the previous three months. He got a job working in Clonbinane on a site which was an exploratory drilling operation on a rural property. On the morning of 9 December he was instructed by his employer to drive a loaded Mack truck down a very steep slope and to reverse the truck onto a drilling pad which had been previously excavated in the hillside. We are not talking about driving down a road; we are talking about driving down the side of a hill just on the grass. At an on-site meeting that morning there had been acknowledgement that the truck had no parking brake operating. The mechanism that operates the parking brake also controls the rear brakes, so effectively the rear brakes were not working appropriately and indeed the judgement noted that:

The defect in the rear brakes was of such severity that the truck no longer had the capacity to stop, or control its speed by use of its brakes on a slope of the steepness —

that the driver —

was directed to drive on.

The brakes were inadequate for the task.

The truck was driven slowly down the hill, as directed, but the brakes, being defective, failed to stop the truck below the drill pad. The truck continued to proceed down the hill gathering speed as it went, control was lost and the truck eventually hit rougher ground in a gully at the bottom of the hill and overturned. The driver was killed on impact. That case came to court on 10 April 2010.

There were obviously two issues there: the first was the failure to conduct adequate induction and supervision; the second was the failure to properly maintain the truck and ensure that it was safe and fit to be used in the conditions it was being used in. Just to make it even worse, the truck had not been serviced for some seven months at the time of the incident. The brakes had not been serviced for the same period, so it was clearly an issue.

At the County Court hearing the presiding judge indicated that there was an issue, as far as she was concerned, with the maximum penalty available to her for sentencing. In fact while the defence contended that the sentence should be at the lower end, given that it was a first offence, the sentence that was delivered was pretty close to the maximum. The presiding judge indicated, as I mentioned, some dissatisfaction that the maximum penalty for this issue was identical to a separate section of the act where the conduct was not seen to be quite as serious. The suggestion was that the level of sentencing should be increased.

The issue was then appealed. It went to the Court of Appeal in March 2012. Without going into all the detail, because I have already put on the record the salient details with regard to the incident, the Court of Appeal noted that the sentencing judge had expressed the view that section 32 offences carried the same maximum penalty as offences under section 21. The court went on to say that in its view this was anomalous given that the stated intention of section 32 is to create a high culpability offence. The Court of Appeal at that point recommended that the adequacy of the maximum penalties under section 32 be examined to make sure that they actually reflected the seriousness of the offence as the Parliament had conceived it. The court also made the point that the corresponding provision in New South Wales was more in the order of a maximum fine of \$3 million, which is pretty close to what is proposed in this bill.

You would hope of course that incidents like this would not occur at all. It is indicative of us having come a very long way since the act became law, which is now quite a few years ago, that only one incident of this type has occurred. I think we would all agree that even one incident is way too many and that you need to make sure that the penalty reflects the severity of the breach of the act.

In making a comparison with New South Wales, there is of course the issue that New South Wales is part of the national scheme, a scheme that Victoria very consciously decided not to become involved in. Victoria saw the scheme to be nowhere near as

effective as its own regime, and there is a significant difference to what is in place in Victoria and Western Australia compared to what is in place in New South Wales. But with that being said, the proposition is that the penalty should be increased, and the effect of the proposed increase, based on current penalty units, will be to raise the maximum penalty to \$3 033 400.

I am sure some of the old hands will remember the issue of industrial manslaughter, which was discussed at great length prior to the 2002 election. Following the 2002 election Chris Maxwell, QC, who coincidentally now happens to be the President of the Court of Appeal and in fact presided over the case I was referring to, conducted a review of the legislation and particularly addressed the issue of industrial manslaughter. While I am certainly not a lawyer, I concur with his reasoning that the concept of occupational health and safety laws are incompatible with criminal law and particularly with an offence like manslaughter. One or two people have said to me that this bill is the introduction of industrial manslaughter legislation by stealth. Given the history, and indeed given the proposal and the experience of other jurisdictions, I think that you would have to conclude that in this case it is not industrial manslaughter legislation, and it should not be treated in that way.

This is a bill of two parts. Some provisions are minor housekeeping matters essentially and not of any great significance and are things that Parliament does on most sitting days in one way or another, but I think the increase in penalties is significant. Of course we always need to be careful that we are not loading up employers with unnecessary costs, but at the same time if a workplace is not kept in a safe condition, and particularly not kept in a safe condition to such a point that a worker loses their life on the first day on the job, then the penalty for that should be significant. In my view we are not going beyond what is reasonable given the significance of the impact on the individual, on their family and on the broader community. So on that basis the opposition does not oppose the bill.

**Mr McGuire** (Broadmeadows) — I am delighted to speak on the Treasury and Finance Legislation Amendment Bill 2016, and particularly on the day of a Labor budget, because it goes to the value proposition of why Labor matters.

The heart of this bill is about fairness and a fair go. I speak as the member for Broadmeadows, and I want to connect it back to the values that have been displayed in this budget today. What we have seen is a reinvestment in jobs, in growth and in revitalising communities, particularly — and I speak as the member representing

the poorest community in the state — at a time of vulnerability.

When you have a look at who stands up when it is needed most to actually build communities and help them, it is always Labor. It is not like the last term, when we had the reverse Robin Hood strategy, where we had money taken out to buy marginal seats and to sandbag. We heard that from Sophie Mirabella. That is the strategy, right? It has been put on the record. There it is; that is what happens. So let us put an end to that way of conducting government. Government is supposed to be governing for everyone and taking care of its responsibilities in the public interest, not just in the political interest. That is why Labor matters, and that is what this budget has again delivered.

One of the great things in this budget is an investment of almost \$20 million to be spent on a state-of-the-art surgery centre right in Broadmeadows. This is an outstanding investment that will provide life-saving and pain-relieving surgery. It is one of the highlights of a \$43 million investment by the Victorian Labor government for the families of my community. As Parliamentary Secretary for Medical Research I am delighted that the Premier and the Minister for Health have seen the importance of having Broadmeadows as a critical hub to do the pain-relieving and life-saving surgery, to help cut hospital waiting lists and particularly to connect up with Northern Health and the Northern Hospital to increase capacity in one of our great growth corridors.

This is a proposition about having a balanced approach in government, to be able to look at where the investments need to be made for the best outcome for the most families in the state. This again underlines why Labor matters.

The Andrews government is also committing another \$4.5 million for the Education First Youth Foyers to provide accommodation and support for young people.

**The ACTING SPEAKER (Mr Carbines)** — Order! The member for Broadmeadows just needs to be aware that he is not to pre-empt debate on the substantive budget appropriation bill, so I caution against a detailed discussion of those budget matters at this time.

**Mr McGuire** — Thank you, Acting Speaker. I was going to the theme of fairness and a fair go. It is the underlying proposition in this legislation as well in terms of workplace injury, rehabilitation and compensation. The values argument is important. That is why I think we need never to shy away from these

propositions, and we need to call them out when they are being ignored, because we are seeing it increasingly in the way that the political system is being gamed. So whether or not it is a piece of legislation on its own, it fits into the bigger picture of the value propositions from political parties.

I needed to set up that context, and I think that is important. On no other day is it more important than on a budget day. That is the proposition, that is the context and those are the historical references that should never be forgotten, because we need to build for the future and that is what the Andrews Labor government is doing.

Let us look at this amendment here. Why is this amendment necessary? What it goes to is that the workers compensation legislation provides that where a person is entitled to and in receipt of weekly payments at the statutory maximum and the amount of state average weekly earnings as published by the Australian Bureau of Statistics reduces in a subsequent financial year, that person's payment will not reduce but remain at the same level as the previous year. This is known as the no-disadvantage rule, and it goes to the proposition of fairness, as I said. This rule has always been intended to apply in this way across the board for all workers at the statutory maximum, but differences in the published figure from one year to the next could mean that some workers will receive weekly payments at a higher amount as compared to others, depending on when their entitlement to weekly payments arises.

Clause 3 clarifies that a reduction in figures for state average weekly earnings will not lead to different weekly payment amounts for workers who are paid at the statutory maximum based on the financial year in which their entitlements to weekly payments arise. This amendment ensures consistency, transparency and equity in the payment of compensation to injured workers. That is an important proposition that I am going to about consistency, transparency and equity. This is really why people want governments to be leaders in these areas — to actually set up this value system, to continue to invest in it and to protect people at their most vulnerable time, whether as individuals or as communities.

The amendment is necessary because it will increase the penalties for bodies corporate who are guilty of an offence of reckless endangerment under the relevant section of the Occupational Health and Safety Act 2004. The proposed penalty increase will take the maximum penalty for a reckless endangerment offence for bodies corporate from 900 penalty units, or \$1.3 million, to 20 000 penalty units, or more than

\$3 million. This is the differential that we are talking about on the quantum. The current section 32 maximum penalty level for bodies corporate is the same as the maximum penalty level for bodies corporate who are in breach of section 21 of the Occupational Health and Safety Act, which is the general duty to provide a safe workplace. This is despite the fact that the culpability for a breach of section 32 is significantly higher than that for a breach of section 21. The differing degrees of culpability associated with these two offences need to be recognised by providing a higher maximum penalty for bodies corporate that are guilty of the higher culpability offence.

How do they get to this figure? It is proposed to adopt a penalty level that is close to that for reckless endangerment in the model Work Health and Safety Act. The current maximum penalty for the same offence in those jurisdictions that have adopted this act is \$3 million for bodies corporate, so that is the explanation as to how we got there.

The alignment of the maximum penalty level for bodies corporate that have committed a breach of the general duty to provide a safe workplace under section 21 with the maximum penalty level for bodies corporate that have committed an offence of reckless endangerment under section 32 appears to be an anomaly. Maximum penalties are intended to reflect the seriousness of the offending, and there is no more serious offence under the Occupational Health and Safety Act than a breach of section 32. Therefore the maximum penalty for bodies corporate that commit offences of reckless endangerment under section 32 of the Occupational Health and Safety Act should be higher than for bodies corporate that breach section 21 of the same act. Section 21 offences encompass varying degrees of culpability, whereas a body corporate can only be guilty of a reckless endangerment offence where the highest degree of culpability is present.

That is the detail in the bill, and as I said, the underlying values that we are looking to promote in this are a fair go and fairness. In summation, we see it in various pieces of legislation. They are just snapshots in time of what the values are, but you see it writ large in budgets.

On that final point, I call on the Australian government to urgently declare Melbourne's north and its capital, Broadmeadows, an enterprise zone for jobs, growth and national security and provide tax incentives, fast-tracked infrastructure, high-speed broadband, innovation and other initiatives to complement the Victorian government's economic development strategy and trigger significant private sector investment. That is what we need to get a more

cooperative, collaborative approach to actually deliver fairness — a fair go — whether it be through individual pieces of legislation and changes to the law, one piece at a time, or via the big picture.

The Andrews government is a big picture government; I am delighted to be a part of it. What is more important is that we do not just paint the big picture; we show where everybody fits within that picture. That is what is outstanding about what we have seen today with the budget and its delivery, the values that underline and underwrite it, and our commitment to it. This has been a great day for the state of Victoria, and I commend the legislation to the house.

**Mr ANGUS** (Forest Hill) — I am pleased to rise to make a brief contribution to the debate on the Treasury and Finance Legislation Amendment Bill 2016. I note at the outset that the name does not really tie back into what the purpose of the bill is, but anyway I will proceed.

Clause 1 deals with the purpose of the bill, which is to amend the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004 to further improve the operation of those acts. In more detail, the purpose of the bill essentially is to increase the maximum penalty for a body corporate found guilty of the offence of reckless endangerment under the OHS act to ensure that Victorian WorkCover Authority payments remain consistent in the event of a decline in average weekly earnings and to clarify that under the Occupational Health and Safety Regulations 2007 regulations can be made to authorise persons as both trainers and assessors.

I want to preface my detailed comments by saying how important it is for all employers to ensure that they provide a safe workplace for their employees. During the course of my previous career I visited dozens or maybe hundreds of different workplaces, and I saw a range of environments, including some that were extremely good and very safe and others that I would describe as perhaps somewhat more challenging. Certainly over my 25 years of going out to different clients and being in factories and all sorts of industrial sites and workplaces I saw a significant improvement to what used to happen out on the factory floor, out in the warehouse or out in the yard. I think that is a very good thing for all of us, because it is very important that any one of us can get to our workplace, whether that be in here or in an office, a factory, a yard, on a farm or wherever it is, and be protected and come home, safe and sound, from work.

It is absolutely essential that the environment is suitable. As I said, over the years there have been significant improvements, and that is certainly a good thing. It has often come at a very significant cost to employers, but it is an important cost because having an employee injured or worse is much more of a horrendous consequence for any employer and is something that no employer would ever want to happen at their business. It is important to note that we have certainly made some good progress in that area.

In terms of some of the main provisions within the bill itself, clauses 3 and 4 amend section 91EA of the Accident Compensation Act 1985 and section 159(3) of the Workplace Injury Rehabilitation and Compensation Act 2013 to ensure consistency of weekly payments to employees in receipt of the statutory maximum payment in the event of a decline in average weekly earnings. That is a sensible reform.

Clause 5 amends section 32 of the Occupational Health and Safety Act 2004 to increase the maximum penalty for a body corporate found guilty of recklessly engaging in conduct that places or may place another person at the workplace in danger of serious injury. The maximum penalty for a body corporate is currently 9000 penalty units, which equates to about \$1.3 million. Under the amendment it is going to increase to 20 000 penalty units, which is about \$3 million. It is a massive increase of 222 per cent. As an aside, I note that for an individual the current penalty is 1800 penalty units or five years in prison. There are very significant penalties in relation to offences under that particular act. As I said, it is important that a safe work environment is maintained for all employees.

Clause 6 amends section 158(1)(c) of the Occupational Health and Safety Act 2004 to clarify that regulations are able to be made to allow the authorisation of people as both trainers and assessors. The current act does not currently make provision for the authorisation of assessors. Again, that is somewhat of an improvement in relation to the situation there.

As the lead speaker for the opposition noted, the opposition will not be opposing the bill. There is quite a back story in relation to this, indeed a tragic case from some time ago. There was a young employee who lost his life as a result of a truck accident, where the truck was not maintained correctly. That is a tragic situation, and other members have addressed it in their contributions.

In conclusion, as I said, the importance of a safe work environment cannot be overstated. It is very important,

and on that basis the opposition will not be opposing this bill.

**Ms KILKENNY** (Carrum) — I am really pleased to rise to speak on the Treasury and Finance Legislation Amendment Bill 2016. This is not a large bill, but certainly it is a bill that has a very big and clear message — that is, about workplace safety and the very pressing and important need for employers to provide a safe workplace for Victorian workers and to take action to address significant safety issues as soon as they become known.

As we have heard, this bill also makes some subsequent amendments to clarify aspects of the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013, in particular in relation to the no-disadvantage rule for injured workers. Obviously this also is a very good thing; it will ensure consistency, transparency and equity in the payment of compensation for injured workers.

Today my contribution will focus on the amendments concerning workplace safety. In summary, as we have heard, clause 5 of the bill will amend section 32 of the Occupational Health and Safety Act 2004. What it will do is increase the maximum penalty for a body corporate found guilty of recklessly endangering the health or safety of a person who is at the workplace. The current penalty is 9000 penalty units, and with this amendment this will increase to 20 000 penalty units. In monetary terms this equates to an increase in penalty for a body corporate from \$1 365 000 to more than \$3 million. Obviously this is not an insignificant increase in penalty. It reflects the higher culpability for the offence of reckless endangerment, and it addresses the inadequacy of the current penalty for an offence under section 32 of the act.

If I can give an example of an offence under section 32, it is an offence under section 32 to recklessly endanger the health or safety of a person at a workplace. Reckless endangerment might include a situation where an employer fails to repair the brakes on a truck, for example, in circumstances where the employer knows those brakes are faulty.

Let us compare this to an offence under section 21 of the act, which also currently carries a penalty of 9000 penalty units. Under section 21 an employer is required to provide and maintain a working environment that is safe and without risk to the health of their employees. To satisfy this duty, under section 21 an employer is required to eliminate risks to health and safety as far as is reasonably practicable. An

example of an offence under section 21 might include failing to use adequate fall protection where there is a risk of a fall of more than 2 metres.

So we can see that between section 32 and section 21 there is a significant difference in the level of culpability. It is wholly appropriate and proper that the maximum penalty under section 32 of the act should be increased, and I believe that the bill gets that balance quite right.

The reason this is important is that every worker who goes to work should return home safely. I was speaking earlier today at a breakfast seminar that I attended. We were speaking about the old WorkSafe advertising campaign from the mid-2000s that members might remember. It used very emotive music and pictured family members who were getting anxious as the clock ticked on and they waited for their husband or father to come home. I remember one advertisement in particular in which a young boy was waiting at the gate for his father to return. His mum was on the phone calling to find out why her husband had not come home, and music was playing. In one scenario we see the knock at the door when the police arrive and deliver the very distressing and tragic news that the father/husband is not coming home. In the second scenario the father/husband comes home and we see the clear joy and relief on the faces of those family members.

I remember my sister talking about this ad campaign. She was pregnant at the time, and she used to break down in tears when she watched the ads. I think that is a perfectly understandable reaction. We know that each year up to 300 Australians do not return home from work and that a further 2000 will die from industrial diseases caused by exposures at work. In Victoria we are obviously much more fortunate. We are one of the safest states in which to work. In 2015, 20 people died as a result of work incidents and more than 26 000 workers were injured seriously enough to receive compensation. As I said, while Victoria is certainly one of the safest states in which to work, 20 deaths is way too many. Obviously there is a personal cost to family, to friends and to workmates, and this is always hard to articulate. It is almost indescribable.

We also know that the victims are often young men with young families. The average age is 37. Many of those men — they are mostly men — also have mums and dads who are still alive. Obviously the story is so very sad and compelling, which is why we need greater penalties and safe work sites. But even more sad is the fact that these deaths are often preventable. Prevention

is certainly the key, and it is imperative that employers do everything they can to prevent a serious workplace injury or, worse, a fatality.

I used to live on Norfolk Island. I was deputy Crown counsel over there for some time, during which I was aware of a workplace incident which was absolutely extraordinary. It occurred on a road construction project. The incline of this road was very significant. The employee was operating a steamroller, and on the steamroller was a chair that was not affixed to the steamroller. It was a plastic school chair. Inevitably the steamroller rolled and the chair flipped off. There was no cage, there was no protection for the worker and he ultimately died from injuries.

The penalties that were in place at the time for the workplace incident were woefully inadequate. I believe that had those penalties been greater this incident would probably not have occurred. It was an extremely tragic situation. Obviously hospital facilities are different on a remote island, and without scheduled flights or emergency evacuation flights, as I said, the worker did ultimately die. It had a catastrophic flow-on effect for the community — for the family and the other workers. I guess that is the story with all workplace injuries; the human cost is immeasurable. But there is also the financial cost — the loss of earnings, the insurance, the compensation and the counselling. The flow-on effect is very significant for communities and for businesses as well.

So to say that I am pleased that the penalty for an offence under section 32 of the act will be increased, and increased significantly, is an understatement. We must always strive to make our workplaces safer for everyone. As I said, the human cost or emotional cost of workplace injury and deaths is immeasurable. It is still ultimately unacceptable that we have any deaths in Victoria from workplace accidents.

We know that for the most part employers are certainly conscientious, very disciplined and diligent in making sure that their workplace environments are safe.

Obviously it is good for their business, but it is good for employers as social citizens as well to ensure that they are operating good and safe workspaces. It is also vital that workers feel safe to speak up when there are issues that need to be addressed or when there are failings in the work environment, and it is vital that employers listen to those workers and ensure that the lives of their Victorian workers are not endangered.

Finally, I commend the Australian trade union movement because at the core of the Australian trade union movement is the belief that workers must be safe

at work and must have a safe work environment, because an injury to one is an injury to all. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make what will be a brief contribution on the Treasury and Finance Legislation Amendment Bill 2016. The purpose of the bill is to amend the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004. This is a machinery bill to further improve the acts. The main provisions in this bill are to increase the maximum penalty for a body corporate found guilty of an offence of reckless endangerment under the Occupational Health and Safety Act, to ensure payments remain consistent in the event of a decline in the average weekly earnings and to clarify that under the Occupational Health and Safety Act 2004 regulations can be made to authorise persons to be both trainers and assessors.

This latter provision is one that is of interest to me because I have noticed that there is a crossover between the Occupational Health and Safety Act and training organisations. It has been brought to my attention that someone can be a qualified trainer and assessor and, as far as education qualifications are concerned, in fact be suitable to do that work; however, from one particular case before my office it appears this is not the case unless our friends at WorkSafe are in favour of this as well. They have the right of veto. This is particularly the case with vehicles and machinery training.

This is something that I am watching the development of. I am hoping this is going to sort itself out and that these particular changes are not going to get in the way of what is considered to be on-site training, particularly in these areas. There are some things you just cannot do in a classroom, particularly when it comes to heavy vehicles, earthmoving equipment and other larger machinery. It almost has to be done on site. So I will be watching it very carefully, because it is a considerable concern.

The apparent concern — and I have yet to receive correspondence back on this following my requests — is that if someone is currently a trainer or assessor and wishes to change employment, they may not be able to do so because WorkSafe has the right to veto that. That is of particular concern. It is not in this part of the legislation, but it is alluded to in the legislation. As I said, I am very concerned about what is occurring, and I will be watching it closely, particularly for Mildura, where we do rely a lot on this very specialist and high-risk on-site training for larger pieces of equipment.

When you look at the main provisions of this bill you see that clauses 3 and 4 amend the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to ensure consistency of weekly payments to employees in receipt of the statutory maximum payment in the event of a decline in average weekly earnings. Clause 5 amends section 32 of the Occupational Health and Safety Act 2004 to increase the maximum penalty for a body corporate found guilty of recklessly engaging in conduct that places or may place another person in danger of injury. The maximum penalty for a body corporate has been increased. It is currently 9000 penalty units, or \$1.365 million, but under this amendment it will be 20 000 penalty units, which is just in excess of \$3 million. Clause 6 amends the Occupational Health and Safety Act 2004 to clarify that regulations are able to be made to allow authorisation of people as both trainers and assessors. That is something that I have already spoken about in relation to some concerns I have in that area about how it is going to be administered.

I think the change in clause 5, which is about penalties, came about after a truck accident. It was alleged that the brakes of a truck were defective and that that was known to the supervisor of the crew and to the company. It was alleged the employee was inexperienced in operating such a vehicle on a steep slope and was not instructed, trained or supervised to operate the vehicle safely. There was an accident, there was a court case, and fines were handed down. The judge was quite strong in some of his comments about just what he thought of the penalties, and this bill is reacting to the judge's words about an increase in penalties. That is what has occurred with this.

Going back to where I began, let us not have WorkSafe get in the way of good on-site training. In that particular court case the person had not been trained. There are organisations and individuals that do deliver that training, and they are very good at delivering that training, but at present there is some chatter amongst them that trainers will not be able to change employers or move in their employment from one place to another because of the current difficulty in authorising people as trainers and assessors. In the long term I think it will do some harm if we are not able to have a skilled workforce in training and assessment, particularly around vehicles and earthmoving equipment that is not mobile. I commend the bill to the house.

**Ms KAIROUZ** (Kororoit) — I rise to make a brief contribution to the debate in relation to the Treasury and Finance Legislation Amendment Bill 2016. This bill seeks to amend the Workplace Injury Rehabilitation

and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004 to further improve the operation of those acts and, most importantly, to strengthen safety standards in Victorian workplaces. In speaking to this bill I will focus my contribution on two aspects of it, specifically clause 3, which seeks to amend the Workplace Injury Rehabilitation and Compensation Act 2013, and clause 5, which proposes to amend the Occupational Health and Safety Act 2004.

Clause 3 of the bill provides that the no-disadvantage rule applies to all workers paid at the statutory maximum under workers compensation legislation. Under that legislation the amount of weekly payments that a worker can receive is capped at twice the state average weekly earnings. These amounts are indexed every 12 months; however, in a given year average weekly earnings may reduce as a result of negative wage growth in Victoria. This could lead to a reduction in the state average weekly earnings and consequently a reduction in the weekly payments of a worker whose payments are at the statutory maximum.

This is not a hypothetical exercise. Payments in the current financial year have been affected by the negative wage growth in the previous financial year. This has resulted in inequities in the statutory maximum amounts for workers, as they depend on the date their injury arose. This means there is now a difference in the statutory maximum for workers injured prior to 1 July 2015 and for those who were injured after that date. This situation is clearly unfair and is contrary to the intent of the act, under which a no-disadvantage rule applies for all workers who receive weekly payments to protect them from a reduction in their weekly payments from one year to the next.

This bill addresses the situation by amending the Workplace Injury Rehabilitation and Compensation Act 2013 and the Accident Compensation Act 1985 to ensure that the no-disadvantage rule will apply to all workers who receive weekly payments at the statutory maximum, regardless of the date on which the worker's entitlement arose.

This amendment will apply retrospectively and be taken to have come into operation on 1 July 2014. This is about fairness. Compensation will not turn back the clock or magically repair the mental or physical injuries of those injured at work. The amendment, however, will provide some comfort to those who are receiving weekly payments in that their living standards can be maintained, regardless of movements in average weekly earnings.

This government considers workers' safety paramount, and it will not tolerate individuals or businesses who put the safety of Victorians at risk. To this end clause 5 of the bill provides for an increase in the maximum penalty for a body corporate that has been found guilty of the offence of reckless endangerment, detailed under section 32 of the Occupational Health and Safety Act 2004. This section of the act creates an offence where a person, including a body corporate, without lawful excuse, recklessly engages in conduct that places or may place a person who is at the workplace in danger of serious injury.

In his second-reading speech the minister provided the example of an offence under this section as being an employer failing to repair brakes on a truck that they knew were faulty. The current maximum penalty for a body corporate committing this offence is 9000 penalty units, or just over \$1.3 million. There is currently the same maximum penalty for an offence under section 21, which requires an employer to provide and maintain a working environment that is safe and without risks to the health of their employees. To satisfy the duty of the employer, under section 21 employers are required to eliminate risks to health and safety, and if it is not reasonably practicable to eliminate those risks, to reduce the risks to the health and safety of the employer so far as is reasonably practicable.

This bill gives examples of offences under section 21 — for example, failing to use adequate fall protection where there is risk of a fall of more than 2 metres or failing to install adequate guarding on a machine. To that end this bill will treat reckless endangerment as the most serious offence under the act, and accordingly will increase the penalty for bodies corporate to a maximum fine of 20 000 penalty units, which equates to just over \$3 million. This is both common sense and necessary so that corporations get the message that indifference and, at worst, negligence in relation to workplace safety will not be tolerated by those on this side of the chamber.

This bill brings forward important reforms, which further demonstrates that this government actually cares about Victorian workers and their families and that it matches its promises with actions. This is in contrast to the previous government, which trashed the WorkSafe brand in a costly and failed corporate rebranding exercise. In fact the coalition has a longstanding negative history with the authority. Prior to the election of the Bracks government in 1999, the authority was sinking in a sea of red ink and was slashing benefits for injured workers. It was a Bracks Labor government which turned the authority's fortunes around. After

11 years of strong stewardship under Labor it was performing so well that benefits to injured workers were improved three times, common-law rights were reinstated and businesses enjoyed six premium cuts. This of course led to the Victorian WorkCover Authority having the lowest premiums of any similar scheme in Australia.

Now if I fast forward to the Baillieu and Napthine years, the opposition was at it again, ignoring the fact that the whole system should be about reducing workplace deaths and injuries. Instead it viewed the authority as its own automatic teller machine. However, despite the meddling of the other side, WorkSafe remains in a strong financial position, with the performance from its insurance operations a real measure of its strength.

I note the testimony of the Minister for Finance to the 2015 Public Accounts and Estimates Committee (PAEC) hearings, where he advised that in the previous eight years the number of claims per million hours worked in Victorian workplaces had reduced by around 17 per cent. He also noted that Victoria's rate of claims per million hours worked for 2013–14 confirmed Victoria as the safest state in which to work. The minister further noted that in the previous 10 years WorkSafe had reduced the average premium rate from 1.8 per cent to 1.272 per cent. This is good news for business, and it is very good news for injured workers.

The minister also described in detail to PAEC his rationale for reinstating the WorkSafe Victoria brand. He described how the WorkSafe workforce takes pride in its name and its commitment to making sure that workplaces are safer. It is very important that WorkSafe and the brand get strong recognition amongst key stakeholders, in the community and of course with stakeholders such as employers. If a WorkSafe inspector arrives at your door, you will know what they are there for.

In closing, when accidents happen — and they do happen, unfortunately — there is much that employers and employees alike can do to reduce the risk of workplace death and injury. We do know, however, that unless we have a strong regulatory framework, we cannot simply rely on the goodwill of some employers to do the right thing. We must have a regulatory framework that creates a disincentive to put profits ahead of worker health and safety, and the amendments contained in this bill will help to achieve this. Further, when a worker does, sadly, acquire a workplace injury, we need to have in place a system of compensation that is fair, that is consistent and which assists people to get back to work.

I have often said that a society is judged by the way it treats its most vulnerable. Speak to an injured worker who fears for the financial security of their family, and you will see someone who is very vulnerable. In my electorate I have come across many people who are extremely vulnerable and simply do not know what to do when they are in this situation. This bill helps to restore fairness by application of the no-disadvantage rule to all workers paid at the statutory maximum.

It is a good bill. This bill makes me proud to belong to a government that cares about workers and that cares about communities and society. I congratulate the minister for bringing this bill forward, and I wish it a speedy passage.

**Mr PEARSON** (Essendon) — Thank you, Acting Speaker Halfpenny. As always it is a great delight to see you in the chair, particularly on budget day.

I am delighted to make a contribution in relation to the Treasury and Finance Legislation Amendment Bill 2016. As those who have gone before me have indicated, the bill makes a right out of a wrong in terms of the no-disadvantage rule. It is trying to identify or address those instances where you have negative wage growth that might occur. Some people have talked about the fact that this is important because it obviously passes the no-disadvantage rule, which is important and indeed relevant. But it is also economically sound because the reality is that if you are on a low income, in all likelihood you spend whatever money comes through the door because of the fact you have got such a low income base. When you are a low-income earner, you do not have capacity to try to siphon off large wads of cash on a weekly basis in order to accumulate wealth. No, the reality is that when you are a low-income earner or if you are on benefits, pretty close to 100 per cent — if not 100 per cent — of your income or benefits will be spent.

That is important from the point of view of the economy because as George Megalogenis said in a recent *Quarterly Essay*:

Household consumption is the beating heart of any economy. It accounts for more than half of Australia's GDP ...

So it is right to say that this does address adequately the no-disadvantage rule, but equally it goes to the point of ensuring that it makes sense economically. I think it also highlights the fallacy of supply-side economics, where the notion is that you punish and penalise low-income workers in order to fund largesse for high-income earners by giving them tax cuts in the mistaken belief that they will somehow channel those funds into investment, creating jobs and stimulating the

economy. It is false; it is patently and obviously false. When you sit in that set of circumstances, the money does not get ploughed into the economy; it gets taken out and put in non-productive assets. It is totally skewed to wealth creation, and the economy suffers. On both grounds — both in terms of the no-disadvantage rule but also in relation to good custom and practice from an economics perspective — this makes sense.

The bill is also important because it is really about trying to ensure that employers do the right thing. I remember talking with a senior WorkCover executive about 10 years ago. It was at a time when WorkCover was a bit of a basket case — as it had been, particularly in the 1990s — and the Transport Accident Commission was always seen as the poster child for the public financial corporations sector. I was trying to understand why it was that WorkCover seemed to struggle. The executive said, 'Look, what you're really looking at are a number of outliers that damage the scheme. So you are looking at a small number of rogue employers in a small number of industries that then cause great damage to the scheme overall'.

What the government is trying to do with this piece of legislation is provide additional incentives for employers to do the right thing, to behave appropriately and responsibly and to take care of their workers. It is not about just a case of a minor error that led to a sprained ankle. This is about where you have a series of catastrophic events that lead to an absolutely tragic outcome. It is about making sure that the onus is put on employers so that they do the right thing and behave appropriately.

You do not want to place an unfair burden on employers. You do not want to try to hit every single employer, the majority of whom do the right thing the majority of the time, by placing a heavy regulatory burden on their business and their cost base. This bill is about getting the balance right. It is about saying, 'You have to discharge your duties fairly and reasonably, and if you don't, there'll be consequences and there will be penalties that will flow from them'. It is very much a carrot-and-stick approach. In this state now we have a very good WorkCover compensation scheme in place. It is well run and well managed, the premiums are and have been competitive for some time, and it provides a safety net for those workers who are injured on the job. But it is also about making sure that employers are being encouraged to do their bit. I have not looked at the statistics recently, but last time I checked there was the lost time injuries measure. It has trended down over the last 15 or 20 years — through better and more efficient practices.

Much of the debate today has focused on one particular tragic set of circumstances in which a worker lost their life in a truck accident. I think that we all sort of sit up and pay attention when we hear about these instances, when we see on the news a story about the tragic loss of life. Such incidents also came up in the context of the successful advertising campaign about making sure that workers can come home safely, and that is something that is very much top of mind.

What are probably not top of mind, though, are those instances where workers are seriously injured and their lives are not lost. My mother went to work one day, and then she came home. When she was home she had a cerebral haemorrhage, and she came close to dying. Thankfully, my father, my brother and I were there. We called 000 and we stabilised her. She spent I think six weeks in intensive care, and then she spent about three months in rehabilitation. I was relatively young; I was 21. Every night I would trundle off and go into rehab. In rehab you see all sorts of people who have got an acquired brain injury. There was one young fellow who I am pretty sure had overdosed on heroin. They had not got to him quickly enough, and he was brain damaged. He lived in a regional city. He was young — he had his whole life in front of him. When you looked at him you saw that he was in a bad way.

There was another bloke who had just had a series of strokes, and they were minor — very small — aneurysms in his brain stem at the base of his brain. He was also in a really bad way.

There was another bloke. He was a big unit; he would have been about 6 foot 4 — he was big. In his case, he was a construction worker and the hook that sits on the end of a crane had swung and knocked him in the back of the head, and he had an acquired brain injury. This was 20 years ago, and I do not think he would have worked again. I think most of the people I met in that acquired brain injury unit would never have worked again.

You never hear about these people. If you are on a construction site and you get hit in the head with a crane and you get taken to hospital and go into rehab, you are forgotten. You will not make the papers. You will not make it into the local rag. Your family will be traumatised. Your friends will be badly affected. That person is effectively lost to those people for the rest of their lives. You cannot get them back. It does not matter what the nature of the acquired brain injury is; you are never the same after you have an acquired brain injury.

Pieces of legislation like this are important because they are about trying to make sure that, yes, of course we

prevent unnecessary and preventable deaths. But do you know what? We also try to prevent these catastrophic injuries that have a profound impact upon people. If you think about the onus and the cost for an employer as compared to the cost for that scheme — if you are 35, you get an acquired brain injury and you never work again — the cost is just immense.

It is a good piece of legislation. It is a sensible piece of legislation. It gets the balance right. I commend the bill to the house.

**Mr J. BULL** (Sunbury) — It gives me great pleasure to speak on the Treasury and Finance Legislation Amendment Bill 2016. I did note earlier there were some young people in the gallery, and if ever there was a reason to ensure that safe workplaces exist, it was evident here today. Mums, dads, aunties, uncles and friends of these young people should all go to work knowing that they will come home safely, and every Victorian and every Australian deserves to be safe at work. This bill aims to improve the fairness, as the member for Essendon has so well put, of workplace injury compensation.

I just want to briefly touch on what have been some outstanding advertising campaigns by WorkSafe over many years. No doubt honourable members will remember these ads and also remember these slogans — slogans like ‘The most important reason for workplace safety is not at work at all’ and those like ‘It doesn’t hurt to speak up’, which focused on 15 to 24-year-olds who may be less likely to stand up and speak to a boss about a possible hazard in their workplace. ‘Safety doesn’t take a holiday’ was a Christmas message which focused on the importance of being safe over the festive season, and another one that comes to mind is ‘There’s nothing like getting back to work for getting better’.

These were fantastic advertising campaigns that I think many members will be able to recall. They were in a series of wonderful messages that I think all Victorians should certainly remember and in particular all employers should certainly remember. They are important in helping educate the community and they are important in helping workers and employees in workplace safety, although good education needs to be supported by good enforcement, and that is what this bill is all about.

It is worth noting that workplace safety is not necessarily a given, and I am sure that members in the house will be able to recall certain instances where they have either seen poor workplace practices themselves or heard stories from family and friends. I can recall,

certainly in other countries around the world, practices which certainly are concerning and are not equal to ours. As a result hundreds, if not thousands, of people have been killed at work, and these are workers who could have been saved.

Like many of you, I have seen workers at high heights without harnesses, using power tools near water, operating machinery without guards and on scaffolding put together with string — all of these things we know are just not safe, and all of these things jeopardise the lives of our loved ones. I quote the member for Carrum, who in her contribution to this debate said that an injury to one is an injury to all. I thought that was a fantastic quote. The member mentioned that the trade union movement has played a critical role in workplace safety, and that should never be forgotten. Let me also put on the record my support for the movement, which aims to improve safety and conditions for all workers.

The Andrews government understands the importance of fair compensation for those injured at work. We want to prevent any injury from occurring in the first place, because safety at work should be everyone's no. 1 priority. This bill works to ensure that companies found guilty of reckless endangerment are penalised accordingly, and in so doing it works towards preventing harm at work.

This government believes in a stronger, safer and fairer Victoria. We know that today too many accidents happen at work. Too many fathers, mothers, brothers and sisters do not come home from work as a result of a workplace injury. They end up hospitalised, and the member for Essendon spoke about that in his contribution to the debate. It certainly breaks your heart when you hear of or see those who have been injured at work; their life is, in an instant, changed forever as a result of a workplace injury.

If we look directly at this bill, we see the bill ensures that the Occupational Health and Safety Act 2004 and the Workplace Injury Rehabilitation and Compensation Act 2013 (WIRC act) operate as intended and that Victoria's workers compensation scheme provides fair, just and sustainable compensation to those who have unfortunately been injured at work. The bill amends the Occupational Health and Safety Act to increase the maximum penalty for a corporate body found guilty of an offence of reckless endangerment. The bill also includes a number of minor technical amendments, which other members have spoken about, to clarify aspects of the OHS act and the Workplace Injury Rehabilitation and Compensation Act.

The bill increases the maximum penalty for a corporate body found guilty of an offence of reckless endangerment under the OHS act to address the inadequacy of the current penalty. At present we are looking at 9000 penalty units, which equates to \$1 365 000.30. The chief justice has raised concerns about the adequacy of the penalty, which will be moved to 20 000 penalty units. The bill also makes a number of other minor amendments of a technical nature to the OHS act and the WIRC act.

All members of this house would agree that one death at work is one too many. Safe Work Australia reported that as at 20 April 41 Australian workers had been killed at work this year. These statistics were split across accommodation and food services, agriculture, forestry, fishing, construction, health and community services, manufacturing, transport and storage, mining and also retail and trade.

WorkSafe states on its website that the key aim of WorkSafe's health and safety prosecutions is to deter non-compliance with Victoria's health and safety laws and to prevent workplace and work-related deaths, injuries and diseases. Prosecution action may be taken whether or not a breach has resulted in death, injury or disease. Related aims of prosecution action include the promotion of good occupational health and safety standards, values and practices. The key aim of WorkSafe's workers compensation prosecutions is to deter non-compliance and to maintain the integrity of the workers compensation scheme.

If we look directly at the amendments that will be made by the bill — and I know a number of honourable members have spoken about them — we see that clauses 3 and 4 deal with workers compensation legislation. Where a person is entitled to and in receipt of weekly payments as a statutory minimum and the amount of state average weekly earnings as published by the Australian Bureau of Statistics reduces in a subsequent financial year, then the person's payment will not reduce but remain at the same level as the previous year. This is known as the no-disadvantage rule. The rule has always been intended to apply in this way across the board for all workers as a statutory maximum, but differences in the published figure from one year to the next could mean that some workers will receive weekly payments at a higher amount as compared to others, depending on whether their entitlement to weekly payments rises.

Clause 3 clarifies that the reduction in figures for the state average weekly earnings will not lead to different weekly payment amounts for workers who are paid at the statutory maximum, based on the financial year in

which their entitlement to weekly payment arises. This amendment ensures consistency, transparency and equity in the payment of compensation for injured workers.

I started my contribution by discussing the importance of workplace safety in making sure that those who are injured at work are fairly compensated. As a government and as a Parliament we need to make sure we are doing everything we possibly can to make sure that every Victorian who goes to work is provided with a safe, fair and secure working environment. This is important for so many reasons. It is important for the loved ones — the friends and family — and it is important for the economy to make sure that we know that as a state and as a government we are doing everything we can to assist those who are injured at work. I am very pleased to see that the penalty has effectively doubled. We are looking at a doubling of the penalty to make sure that those companies which do the wrong thing or which are found to be in breach of the regulations will be penalised accordingly.

I commend the minister for bringing this bill to the house and for his work in ensuring that workplace safety is the no. 1 priority of this government. Going back to the member for Carrum's comments, I think all members understand, regardless of the side of the house to which they belong, that the most important things we can have in a workplace are safety, security and fairness. I commend the bill to the house.

**Ms WARD (Eltham)** — I rise with pleasure to speak on this very serious bill. My grandmother's first husband died in a workplace accident. He was working on a construction site in the city. He was a great big strapping man. He was 6 feet 4 inches tall and very handsome. My grandmother had an 18-month-old boy at home at the time. It is not hard to imagine how difficult it would have been for my grandmother to not only hear that news but to also cope with her grief in the 1930s, which was not an easy time for a widowed or single woman.

Workplace safety has come a long way since then, but as we have seen with this bill there is still a way to go. Anybody who dies in a workplace accident is one person too many and so it is good to see that this government is being very proactive in ensuring that we reduce this number and get as close to zero as we possibly can. Tomorrow is Workers Memorial Day, so it is very important that today is the day we introduce this bill. This year alone — and we are only heading towards the end of April — eight Victorians have died at work. As I said earlier, this is eight people too many. This statistic does not include those people who are

seriously injured at work every day; every day someone is seriously injured in their workplace. Twenty people died last year at work including — astonishingly — nine in November. This is just not good enough. Every workplace death is a tragedy. Most are tragedies that can be avoided with diligence and with employers who take workplace safety seriously.

I have to say that I am very glad that we have unions in this state and this country that stand up for their workers and fight to have safe workplaces. Our workplaces would not be safe without them. Recently two companies were fined a total of \$1.5 million in the Supreme Court over the death of a worker who fell 40 metres when a piling rig collapsed at a Melbourne construction site in 2011. In 2015 a guilty verdict was handed down against Frankipile Pty Ltd and Vibropile Australia Pty Ltd, with both businesses convicted and fined a combined total of \$450 000 in the Melbourne County Court.

However, following an appeal by the Director of Public Prosecutions, the Court of Appeal last week significantly increased the fine to \$750 000 for each business. The court found that the businesses had failed to provide safe systems of work and had failed to provide appropriate instruction, supervision and training to their workers. The court heard that on 28 May 2011 Frankipile employee Sonny Swaanenbeck fell 40 metres when a mast of a Fundex F3500 piling rig collapsed. Mr Swaanenbeck, who was only 30, suffered extensive injuries and died at the scene. I am sure it is not hard for anyone in this place to imagine the horror of someone falling 40 metres to what they would know would be their death. It is just horrifying to imagine what this poor man was dealing with as he was falling, let alone his family, who had to receive that phone call and that knock on the door that not one person wants to receive. No-one wants to have a police person at their front door wanting to come in and have that cup of tea to tell them that someone they love has died at work, a place where they should be safe and a place from where they should be able to come home each night.

The court heard that a Vibropile employee who was given the job of preparing the rig for work was unfamiliar with its controls and had never installed or been trained in how to install the 1.8-metre leader extension which had to be fitted to the mast. Despite reporting his concerns to his supervisor — this guy knew he was not adequately trained to do this; he knew that he could get it wrong — he was not listened to, and work on preparing the rig continued. As a result, 10 of the 16 bolts needed to secure the leader extension to the rig were not fitted. Later that day Mr Swaanenbeck was

working at the top of the rig when the mast snapped. He fell to the ground along with a 20-metre section of the mast. This is just horrifying.

Imagine the poor man who said, 'I'm not sure about this. I don't know exactly what I'm doing. I could make a mistake here', was not listened to and was told to keep doing it. Imagine how this man has to feel every day, knowing what happened to Mr Swaanenbeck. It is a horrendous tragedy, and these things need to be avoided. Employers need to take workplace safety seriously.

WorkSafe Victoria executive director of health and safety Marnie Williams said that construction was one of the most high-risk industries in Victoria and that an ad hoc approach to procedures, training and supervision that puts the safety of workers at risk should never be tolerated. That is exactly the message that this government is sending: it should not be tolerated, and it will not be tolerated. As can be seen from these convictions under section 21 and section 32, there is a very high threshold for reckless endangerment. That is what this bill is about. It will amend the Occupational Health and Safety Act 2004 to increase the maximum penalty for a corporate body found guilty of a reckless offence.

A number of people in this house have gone through the technical details of this bill, so I will not go through this process too much, but what I want to continue to talk about are workplace deaths. According to Safe Work Australia, as at 20 April this year 41 people had been killed at work around the country. This is 14 less than at the same time last year, but as I have said, any death is one too many. Last year 193 workers died while at work in Australia, and 136 of these deaths occurred in just three sectors: 55 in agriculture, forestry and fishing; 55 in transport, postal and warehousing; and 26 in construction.

It is very interesting to me that the federal government has dedicated its time to abolishing the Road Safety Remuneration Tribunal, which was dedicated to making the equal-most dangerous profession in this country safe. That is just astonishing. What is even more astonishing is that the federal government wants to reintroduce the Australian Building and Construction Commission (ABCC), which punishes and prosecutes workers who are trying to keep their workplaces safe.

We need governments to step up, intervene and do what they can to make workplaces safe. That is what our government is doing. Our government is working towards making our workplaces safer than what they currently are. A good and responsible government will

do that. I echo the words of the member for Sunbury, who said that this is an incredibly important task for this government. We take the role of workers seriously, we take their issues at work seriously and we will do all that we can to keep workers safe. I really wish that the Turnbull government would take this issue seriously as well.

A Safe Work Australia report released in August 2015 showed that under the ABCC there was a significant rise in workplace deaths. The former ABCC came into operation on 1 October 2005. We need to have regulation in workplaces. We need to have governments that will step up, defend and look after the rights of their workers to keep workers safe at work. We need to intervene when employers are not taking workplace safety seriously enough. In 2006 there was a 43 per cent increase in fatalities in the industry. These are not injuries, these are fatalities — they went from 30 to 43, and this is after the ABCC came into operation. In 2007 there were 45 deaths. After the ABCC was abolished in May 2012 the numbers dropped significantly, with only 21 deaths — still far too many, but it was a decrease. It needs to be noted that there is a pattern here.

Legislation needs to be brought in; government needs to monitor this. We need to look after our workers. It is absolutely irresponsible for any government, including the federal government, including the Turnbull government, to wind back these regulations, to not look after workers and to not ensure that our workers are kept safe. We have a federal government that is prepared to fight an election on bringing back a body that makes one of the most dangerous occupations more dangerous. This is absolutely crazy. We need to contrast this with what the Andrews government is doing with this bill. We are absolutely determined to remove impediments to making dodgy employers accountable. We are absolutely committed to making sure that employees are looked after. We are saying that every worker has the right to come home — that is, the right to come home healthy and uninjured. We are saying that it is not right to be negligent and that reckless workplace practices will be punished. I commend the bill to the house.

**Ms WILLIAMS** (Dandenong) — It is my pleasure to rise in support of the Treasury and Finance Legislation Amendment Bill 2016. As we have heard, this bill amends the Occupational Health and Safety Act 2004 to increase the maximum penalty for a corporate body found guilty of an offence of reckless endangerment. It also includes a number of other technical amendments to clarify aspects of the OHS act and the Workplace Injury Rehabilitation and

Compensation Act 2013 to ensure that the legislation operates as it was intended to. The bill increases the maximum penalty for a corporate body found guilty of an offence of reckless endangerment under the OHS act to address the inadequacy of the current penalty. It is this part of the bill I would like to focus on in my contribution.

Currently the penalty is at the same level as the maximum penalty for breaches of other duties — that is, 900 000 penalty units, which currently equals a bit less than \$1.5 million. In a case I will discuss shortly, a chief justice raised concerns about the adequacy of this penalty. This bill increases that maximum penalty by more than doubling it in response to the chief justice's comments in that case. The case I was referring to that really was the trigger for some of these changes was *Orbit Drilling Pty Ltd v. the Queen*. The Orbit Drilling case involved a situation where an employee named Bradley Alford, who was a truck driver, was killed at work when he lost control of his truck while driving down a steep slope and it overturned. The court found at the time that Mr Alford was effectively untrained and the truck was unroadworthy and its brakes were defective. This fact was known by supervising personnel at the site at the time.

The Court of Appeal in that case compared the culpability of the reckless endangerment offence with the offence of failing to provide a safe workplace under section 21. The court noted that the latter offence covers the full range of degrees of culpability — that is, from very low culpability to very high culpability — and for this reason the court recommended that the adequacy of the maximum penalty under section 32 be examined to ensure that it accurately reflects the seriousness of the offence as Parliament conceived it.

We have heard many contributions by other speakers — and quite impassioned contributions — about how important workplace safety is and also about the failings in our current system and the tragedies that we all too frequently open the paper and read about. That reminds me of some reports about the Greater Dandenong area I recently had the great displeasure of reading which related to its very high rate of workplace accidents — in fact Greater Dandenong has the highest rate of workplace accidents outside of Melbourne, which is not a record I am terribly happy to have to speak to.

Greater Dandenong workers made almost 1500 WorkCover claims last year, and as I said that is the highest of all metropolitan local government areas outside of Melbourne. The highest numbers came from manufacturing — about 558 claims were from

manufacturing. They also came from the wholesale trade, which constituted about 215 claims, and construction, with about 134 claims. The leading causes were things like poor manual handling, people being hit by moving objects, as well as the more common slips, trips and falls.

It is clear from these statistics that some employers are not doing enough to keep their workers safe. Sadly, I was reminded of this fact only a couple of weeks ago when it was reported that a young man was killed at a workplace in Dandenong South in my electorate. This was a 34-year-old man at a recycling facility who was essentially caught in a machine and found, I believe, by the cleaners. This man I later found out, after reading the report, in which he was not named, was a member of and heavily involved in the local Dandenong Thunder Soccer Club, and that soccer community grieved his loss greatly. I felt through them the impact of those sorts of losses on families and communities.

What these sorts of incidents remind us of, as other speakers have said, is that no death at a workplace is acceptable. We talk about reducing numbers but really in this day and age any death that occurs while a person is at work is unacceptable and should not happen. Everyone has the right to return home safely.

I note that the previous speaker, the member for Carrum, spoke about a WorkSafe ad that probably resonated with all of us in this place. There is that music playing in the background and the family is waiting for the husband, in that case, to get home. In the ad you see the contrast between two different scenarios, where in one case the police knock on the door to say an accident has happened and in the other the husband is running a little late but when he does turn up there is utter relief. There are similar scenarios where people might have had a scare at work but do make it home and realise how close they may have come. The theme of the ad is that workplace safety is so important not because of the workplace and not because of the employer but because of the families the workers are going home to.

I come from a background where many members of my family worked on the waterfront. I remember years ago speaking to my dad, who did a stint on the waterfront. He said, 'Look, people were injured and killed on the waterfront all the time'. That is just what it was. Containers fell, things happened and people were killed. That, for me, was jarring. Formerly I worked as a construction lawyer, and I heard about accidents — and I am sure my sister did in her time as a lawyer as well. It is such a stark reminder. Sometimes we like to

think that these things do not happen and they do not exist, but they do and families are impacted.

As a government we need to do all we can to make sure that those sorts of accidents are not commonplace, that we are protecting workers as best we can and that we are encouraging employers to make sure they are keeping their workforces safe. This is one reason why I, particularly as a member of the Labor Party, have always considered, and many on this side would agree, Labor to be a party of working people. We represent those who are probably disproportionately impacted by these sorts of accidents, so it is an issue that is particularly close to the hearts of many on this side of the chamber.

For all of the views those on the opposite side may have about the union movement, one of the major reasons I support it, as many others on this side of the house do, is that it has a vital role to play in keeping — —

**An honourable member** interjected.

**Ms WILLIAMS** — Absolutely — everybody on this side. It has a vital role to play in keeping our workers safe and keeping families together. That is often a key role of the union movement that those on the other side neglect or forget to speak about or ignore. It is not about thuggery, it is not — —

**An honourable member** interjected.

**Ms WILLIAMS** — Yes, exactly. It is not about thuggery; it is not about bad behaviour or seeking what is not deserved. Most of the time what we are fighting for through the union movement are very basic rights, and that is that people can go home to their families and not be killed at work.

Finally, the impact of the proposed penalty increase — I just wanted to touch on what that will mean — will be essentially that the courts will have broader sentencing discretion in relation to imposing penalties for body corporates that are guilty of reckless endangerment offences. The courts will be able to see a clear legislative intent to view reckless endangerment as the most serious OHS breach and set a penalty proportionate to the degree of culpability involved in any particular case. Obviously in each case it will be slightly different, such as in the case I discussed previously where there was clearly some poor behaviour that led to the situation where Mr Alford was driving a truck with an inadequate level of training — and a truck that was by all reports substandard — in an environment where his supervisors knew that to be the case. We are talking about a very high level of culpability in that particular case.

There will be other cases that will probably be a little more grey, if you like, where it will be a bit more difficult to tell exactly where things have gone wrong, so I think it is fitting that we give courts the ability to determine the level of culpability involved in any particular case. In any case, this is a really important bill. It is important in ensuring the safety of our workers and forcing employers to make sure that that is a consideration they take very seriously so that workers can get to return home to their families safely, as is their right.

**Mr EDBROOKE** (Frankston) — As always, it is a pleasure to see you in the chair, Acting Speaker Thomas. I rise to speak on the Treasury and Finance Legislation Amendment Bill 2016, and I would really like to focus on the importance of this bill. Anything that can reinforce the Workplace Injury Rehabilitation and Compensation Act 2013 certainly has my vote. Throughout a 14-year career as a firefighter I witnessed the results of many workplace incidents, some very simple and others quite complex. They were all a result of a failure in the system somewhere and resulted in people having life-changing surgery and rehabilitation with impacts on their families and their friends as well as on their children when they could no longer work because their circumstances had changed and they were no longer the breadwinner they were previously.

Clause 1 sets out the purpose of the bill, which is basically to improve the operation of the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985 and the Occupational Health and Safety Act 2004. As I said, as a firefighter for 14 years I did see quite a few workplace incidents. Also as a shop steward at a fire station it is quite a learning curve when you are expected to look after the safety and welfare of your crews and the people who visit your workplace and ensure that you reduce as much as possible the likelihood of accidents happening so that people are not put in a position where they might have to utilise the provisions in the acts we are amending.

I want to outline a couple of examples that give real meaning to the purpose of this bill. I know a lot of people have talked about these clauses in the bill already, but I would like to talk about some of the things I have witnessed which mean that I know how important reinforcing bills like this are. One particular incident — I have to apologise to the member for Dandenong — was in Dandenong. The member for Dandenong was just saying that there is a high rate of OHS incidents in that electorate, and from my experience I would have to support that. There have

been a number over the years that have been quite complex.

One that I can remember quite vividly involved a cleaner in an industrial bakery which contained a large bath with a stainless steel auger in it. Unfortunately what happened there was that while the man was cleaning the auger, getting it ready for the next day's operation, the safety switch and power were not isolated and either the guard was taken off for some reason or it was not produced with a guard — I tend to think that the guard was taken off — and somehow the machine started. He became entangled in the machine. The difficulty then became extricating him, which required plasma lances and quick cuts. He ended up losing two limbs — an arm and a leg. Anything that can strengthen the act to make sure that employers and employees know their responsibilities and know that there are consequences so that they avoid that type of incident and injury certainly has my vote.

Over the years we have had quite a few incidents in the south-eastern area where the law has come into it. There was a fairly high-profile incident on the corner of Westall Road and Springvale Road probably about 20 years ago. I did not attend that incident, but it was used as a training scenario by some of the firefighters who did attend it. We learnt certain techniques that they used that day. Essentially what happened was that a truck with a shipping container southbound on Westall Road turned a corner and the driver lost his brakes. The shipping container flipped over onto a car, crushing the car and its occupants. When the Dandenong rescue team turned up, they could see that there was no sign of life in the car but that there were toys and whatnot over the road. They decided that they had to find out if there were kids somewhere in the car who they could not see.

The effect on first responders with this kind of quite avoidable accident is fairly brutal. It certainly was for some of the first responders to that incident. They had rocked up to an incident that was not under control, with people everywhere around them and a 20-foot shipping container on a car, crushing the car down to the wheel arches. It took two tow trucks to get it off, and obviously there were fatalities involved. Later on in court we found out that that truck had been having brake issues for quite some time and that the operator of the truck had decided that it was not a worry and that the driver should just harden up and keep driving it. Unfortunately the brakes failed at a moment that meant a family was crushed to death. It is another example of why we are reinforcing these acts and making their structure more rigorous and stronger so that we do not have an increasing number of these really avoidable incidents.

In my limited experience — it was only 14 years; I have worked with people who have been in emergency services jobs for much longer than that — most of the OHS-type incidents we went to were avoidable. Whether it be someone losing a digit or someone becoming entangled in machinery, it was because there was not a guard there. It was because the switch that isolated it was short-circuited, so it would save some time. There was always something in the system that had gone wrong. I think ensuring that we have stringent controls and appropriate punishments for people who are doing this may prevent these life-changing events from happening.

When you go to rehabilitation hospitals and visit people who have been involved in such incidents, it really hits you that their life has changed for the worse. Sometimes they go downhill mentally. Their life has changed. They might not be able to walk; they might not be ambulatory. Their family conditions might have changed. Where they had been the breadwinner, their spouse might have had to get re-educated. It changes the whole nature of things.

Another incident which we attended involved a person who had fallen off a roof. It is a simple task to get on your roof and do some work, but in this case the work was not actually done to an OHS standard. No guardrails were up, no harnesses or fall-arresting equipment was attached to the person, and they had a spill off their roof. As I said, they are very simple tasks. We could be cleaning gutters or something like that, but in a workplace environment we need to take these actions to ensure that accidents do not happen. In this case, the accident did happen — again, another life-changing incident that need not have happened. In most cases these incidents should be pretty much the same as clicking on your seatbelt when you get in a car: there are certain things that should be done to make sure that the actions we take in a workplace are safe.

I reiterate the sentiments of the members for Dandenong and Sunbury, who said the union movement does have a great role to play in this. I know from my experience in the fire brigade that without the union, the United Firefighters Union, we would not be wearing the gear we have now or be using the fire trucks we are using now which increase our safety.

Just to get back to the bill, as I said before, anything that can make the process more rigorous and put harsher penalties in place so that people actually follow the rules to keep people safe, to keep people going home to their families safely, has my vote. I commend this bill to the house.

**Debate adjourned on motion of Ms HUTCHINS (Minister for Local Government).**

**Debate adjourned until later this day.**

## **HOUSE CONTRACTS GUARANTEE REPEAL BILL 2016**

*Second reading*

**Debate resumed from 9 March; motion of Mr SCOTT (Minister for Finance).**

**Mr MORRIS** (Mornington) — It is a pleasure to rise again this afternoon to address the House Contracts Guarantee Repeal Bill 2016, and I say at the outset that it will not be a long-running contribution.

What is before the house in the context of this bill is relatively straightforward. It is, as the title suggests, simply repealing an act that has now reached its effective use-by date. Indeed the bulk of the House Contracts Guarantee Act 1987 probably reached its effective use-by date some time ago, but it effectively got a new lease of life in 2001 when it was amended by the House Contracts Guarantee (HIH) Act. That act put in place part 6 of the current act which set up the domestic building HIH indemnity scheme.

Part 6 and the consequent sections of the act are essentially now redundant, so as the minister indicated in his second-reading speech — and I think the Scrutiny of Acts and Regulations Committee report is almost as brief as the second-reading speech — the act effectively became redundant following the closure of the Domestic Building (HIH) Indemnity Fund, which was established under the act. The period for the lodgement of claims has expired, and every claim that has been lodged has been finalised in one form or another.

There is also capacity inserted by this repeal bill to ensure that in the unlikely event there are any other payments to or from what would have been the Domestic Building (HIH) Indemnity Fund they will in fact be paid from or into the Consolidated Fund. So it is a pretty straightforward bill in that sense. Of course the related issues — that is, the issues of guaranteeing house contracts and guaranteeing acceptable standards in buildings — remain to some extent outstanding. Certainly we had some discussion on this issue in some changes that were before the house earlier this year — in February, I think, if I remember correctly. But we still have outstanding issues.

In the context of the repeal of this act it is worth identifying again that we have a lack of access for consumers to, firstly, whether a practitioner is

appropriately registered and, perhaps more importantly, what their history is and whether there has been a disciplinary history of that particular individual. I understand the government is of the view that we need great flexibility in the permit system, particularly with the intention of reducing unnecessary delays. I think members on both sides and indeed in all corners of this house would say, 'Hear, hear' to that, and we certainly look forward to considering that legislation should it come into the house hopefully in the not-too-distant future.

We have a regime that I do not think anyone in the house would seek to defend. It is simply not working. I know the member for Box Hill has on many occasions described it as a lose-lose situation because currently consumers do not get the cover they need and quite often they feel let down by the system. I need to stress that in the overwhelming number of cases people get a good house. It is well built, and that is why the industry is so strong. However, as we know, there are always cowboys, and rules need to be put into place to deal with the cowboys. I think everyone would acknowledge we do not have that framework quite right just at the moment.

You also have the issue on the other side of the fence, from the builder's perspective, that if they lose the confidence of their insurer, whether that is for a legitimate reason or whether it is for something less legitimate, then that will effectively put them out of business. So there is very little recourse for builders if they, through no fault of their own, lose coverage. It can make it very difficult for them to stay in business.

Of course it is pretty clear from the state of the insurance market that it has been a bit of a lose-lose for the insurers as well because if it were an active, healthy market that provided the sorts of returns that the insurers are seeking in the course of their normal business, then we would not have a situation where the Victorian Managed Insurance Authority — the VMIA — would be the dominant insurer. The aspect of the administration of that side of the act still has a long way to go, but in the context of the repeal of the House Contracts Guarantee Act, given that the fund is now wound up, there is no further purpose for the act to exist. The opposition certainly does not oppose the passage of this bill.

**Mr LIM** (Clarinda) — I am very pleased to rise today to speak on the House Contracts Guarantee Repeal Bill 2016. The bill repeals the House Contracts Guarantee Act 1987, which has become redundant following the closure of the Domestic Building (HIH) Indemnity Fund established under the act. The repeal of

the House Contracts Guarantee Act 1987 will remove the legislative requirement placed on the Victorian Managed Insurance Authority to undertake redundant auditing and reporting in respect of the run-off schemes.

The original act included important consumer protection provisions in relation to domestic building. Those provisions have long since been repealed, with the relevant functions taken up by the Domestic Building Contracts Act 1995 and the Building Act 1993.

On 18 June 2015, in accordance with section 49(1) of the House Contracts Guarantee Act 1987, the Minister for Finance issued a notice regarding the closure of the Domestic Building (HIH) Indemnity Fund, having been satisfied that in each case all claims on the fund had been dealt with and that no further claims would be made. The House Contracts Guarantee Act 1987 played an important role in the administration of legacy compensation schemes, including the Housing Guarantee Fund, which issued its last grant in 1996, and the domestic building (HIH) indemnity scheme, which related to policies issued before 31 May 2001.

We all remember the collapse of the HIH Insurance Group. It was probably the biggest corporate collapse in Australia's history. The ramifications of the collapse were felt by many businesses and throughout the community. At the time the Bracks Labor government was very concerned about the disruption to the building industry that resulted from the collapse and moved very quickly to provide relief for home owners and builders who were destabilised by the HIH debacle. The Bracks Labor government rightly accepted that while the state did not have a legal obligation to assist home owners who were no longer adequately covered by builders warranty policies issued by HIH, it nonetheless had a moral responsibility to do so. At the time our community rightly expected the government to minimise the adverse effects of the HIH collapse and do everything reasonably possible to keep the building industry and associated industries in Victoria moving along. Many organisations outside of government assisted in the rapid development of that piece of legislation, which kept Victoria moving.

As a matter of fact, regulation of the insurance industry was the responsibility of the federal government, yet Victoria was in the sad situation of having to pass urgent legislation on the issue. HIH, also known as 'Howard in Hiding' at the time, was an issue where the federal government tried to pass the buck to the state to avoid its responsibility. What a shame! A lot of people

got hurt by the collapse of HIH, and that piece of legislation helped ease the pain.

The bill which established the Domestic Building (HIH) Indemnity Fund was well conceived and, as I remember, brought to the Parliament in near record time — a tribute to the commitment to certainty in the building industry by the Bracks Labor government, the Minister for Finance at the time, Minister Kosky, as well as to the community at large. The legislation helped our community and provided the support that Labor governments are all about — that is, helping those in our community who require assistance.

**Mr Pesutto** — Acting Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**Mr LIM** — The House Contracts Guarantee Repeal Bill 2016 also removes references to the House Contracts Guarantee Act 1987 from various acts and provides a mechanism for payments that would otherwise be paid out of or into the Domestic Building (HIH) Indemnity Fund, which was closed in July 2015, to be paid out of or into the Consolidated Fund. Therefore in the extremely unlikely circumstance that a new claim is able to be made or that an additional liability under a settled claim arises, savings provisions included in this bill will allow any necessary payment to be made from the Consolidated Fund.

The Andrews Labor government is committed to improving domestic building consumer protection. Important reforms have been introduced by the Minister for Planning to the regulation of builders and dispute resolution processes as part of the Building Legislation Amendment (Consumer Protection) Bill 2015. The safety net provided by domestic building insurance will be particularly important through this process of reform.

We believe this legislation provides the best mechanism for improving consumer outcomes in the short term, and once implemented and assessed it will inform decisions about what, if any, other aspects of consumer protection require amendment.

The government's current legislative agenda will substantially improve the regulation of building practitioners and frontend dispute resolution and provide a more stable policy environment for domestic building insurance. The Labor government is getting on with it to ensure consumers are protected. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I am pleased to rise to speak on the House Contracts Guarantee Repeal Bill 2016, which as previous speakers have noted is a non-controversial bill that repeals an act that in effect is no longer necessary. You can often tell the difficulty or the complexity of a bill by the second-reading speech. In this case the minister's second-reading speech is six paragraphs long, so it is clear that this is not a particularly controversial or complex bill.

As previous speakers have identified, the bill repeals the House Contracts Guarantee Act 1987, which was introduced at the time to provide an indemnity scheme in respect of losses for certain classes of domestic building work but received a second wind, if you like, in 2001 with the collapse of the HIH Insurance Group. Given that the statutory term — the seven years within which claims needed to be made against the fund that was established under that amendment in 2001 — has now expired, there is no longer any need for this act to continue, and as such we are here repealing it.

The HIH collapse was, and I think still is, the largest corporate collapse in Australian history, and it had very wide ramifications both politically and legally in the business world and particularly in the area of prudential regulation. We saw a number of responses at the time, including the House Contracts Guarantee (HIH) Act 2001 but also with respect to federal law in a range of areas, and there was also the establishment of the HIH Royal Commission, initiated by the then Howard government federally.

In doing a little research I found a federal Treasury document that gave some background on the HIH collapse. This document, written by Treasury officials Claudio Damiani, Naomi Bourne and Martin Foo, highlights the severity of the HIH collapse and its wider implications. On its coversheet the document states:

The collapse of the HIH Insurance Group in 2001 was a watershed for Australia's financial sector. The combined government and industry response to its collapse was swift, with the establishment of the HIH Claims Support Scheme to restore confidence to the market and protect a large number of HIH policyholders from potential financial hardship.

The authors concluded that:

Despite its rapid development and implementation, the scheme operated effectively and successfully met its objectives.

Likewise the state-based scheme for building services in particular also met its objectives.

The industry at the time, with the imprimatur and financial backing of the federal government as well,

was to develop a support scheme for many of the policyholders who were left holding the baby — literally holding worthless policies. Of course the scale of the collapse also led to the federal government establishing a royal commission. The document by those Treasury authors also states:

HIH's failure was the catalyst for substantial policy reform, notably in the regulation of Australia's general insurance industry, but also in areas as diverse as tort law, corporate governance, audit standards and policyholder protection.

I recall the implications that abounded even several years later with respect to tort law and public liability insurance. Those who were in the public policy space at the time will recall the severe implications that massive increases in public liability insurance premiums were having on a whole range of community activities but particularly on not-for-profit groups who were having to find thousands and thousands of dollars to cover public liability insurance for festivals and other community activities.

I listened to the member for Clarinda having a go at the former Howard government for its failure to act, but I recall that public liability insurance was a massive issue which particularly affected many groups in country Victoria. I was working with the then Leader of The Nationals, the former member for Gippsland South. We began a campaign to get action on this. I know that from a tort law reform perspective this was very difficult for Peter Ryan to pursue at the time as a former solicitor who had worked heavily in this space, as well as in the WorkCover and Transport Accident Commission areas. He and the wider party recognised that this was a significant problem that did require reform.

Peter was the one who led the way on this. He called on the government to hold a summit of all the relevant parties to discuss what could be done to bring premiums down. The then Bracks government ignored it, so we organised our own summit with the Insurance Council of Australia and various other organisations. Lo and behold the then government buckled and said, 'Hey, that's a good idea. Let's hold a summit'. So they did, and subsequently out of that and further community discussion over the next few months there was a level of policy reform, some of which has been wound back again in recent years. But there were certainly wideranging effects of the HIH collapse that were not limited just to the elements that we are discussing here today in relation to the repeal of the act.

As I said, this is a straightforward bill. The house contracts scheme is no longer necessary, and as a result it is perfectly appropriate to now repeal this act. As has

been mentioned, the coalition does not oppose the bill, and I commend it to the house.

**Mr PEARSON** (Essendon) — I am delighted to follow the member for Gippsland South and to make a contribution in relation to the House Contracts Guarantee Repeal Bill 2016. This is an important bill because it abolishes legislation that is no longer required, as you would expect. This is a classic case of the state intervening where there is market failure and once the market failure has been addressed removing legislation from the statute book because it is no longer required.

The reality is that the collapse of HIH was at the time the largest corporate collapse we had seen. I note that it collapsed in March 2001, owing \$5.3 billion. Interestingly this bill goes back to the House Contracts Guarantee (HIH Further Amendment) Act of March 2002, so there was a 12-month delay between the collapse and the bill being passed. Why did it take 12 months? The member for Gippsland South made a lengthy contribution about the virtues of the National Party in relation to highlighting this issue in country Victoria. Indeed when that bill was originally drafted and put together in the immediate aftermath of the collapse of HIH, when community groups, sporting clubs and regional organisations were struggling to get public liability insurance because there was no insurer available, the National Party supported the legislation of the then Bracks government.

The bill was moved by the then Minister for Finance, the Honourable Lynne Kosky. The bill was also supported by the Independent members for Gippsland West, Mildura and Gippsland East. But the problem — the reason why the bill was not passed for 12 months — was that the Liberal Party successfully blocked any attempt for the legislation to be passed for close to 12 months. While the member for Gippsland South may well discuss the great contribution made by the National Party in highlighting this issue, it was spectacularly unsuccessful when it came to convincing its current parliamentary partner to pass that bill back then. It failed spectacularly in relation to trying to get that legislation passed, which is why the act was dated 2002 and not 2001. Anyhow, I do digress.

It is an important piece of legislation, because unlike what the members for Kew or Ripon think — they are members of the Institute of Public Affairs, that great, renowned think tank that does not believe in market failure, an organisation that thinks that the invisible hand of market forces will right all evils and that there is no need for state intervention because market failures

simply do not exist — the reality is that market failure is real. It does happen; it does exist.

What was really corporate fraud of the highest order resulted in \$5.3 billion worth of losses 16 years ago. We do operate in a low-inflation environment, and we have done so for probably the best part of 30 years, but \$5.3 billion in 2001, you would have to say, would be probably closer to \$6.5 billion to \$7 billion in today's money, based upon an inflation rate of 1.5 per cent to 2 per cent compounded over the course of 15 years. The impact that it had was sudden and immediate. The government of the day had no choice but to immediately step in and address those problems and issues. It was a huge issue. It was a massive issue for the former Labor government to deal with.

I recall that the Municipal Association of Victoria had to partner up with an insurer — I think it ended up partnering with Jardine Lloyd Thompson — to develop a product that it could roll out across the then 78 municipalities across the state because it had to move quickly to address this. They had to move quickly to address this because myriad community and social organisations needed to have access to public liability insurance or they would have folded or they could not have discharged their duties. We as a government then got on with it.

I recognise the contribution made by the member for Gippsland South. I do not recall The Nationals being particularly vocal or active on this particular issue, but I will take him on his word that they were. The reality is that they voted for the legislation, which is more than can be said for the Liberal Party members, who opposed it. They attempted to block it here, but they blocked it upstairs and it took 12 months to pass, which is indeed regrettable. I think we have to ask ourselves why the Liberal Party would behave in that way.

I suspect that again it comes down to the fact that many of those opposite in the Liberal Party just do not think for a moment that market failure exists. They think, 'There is nothing there that the market can't fix. The best form of government is the smallest form of government. We don't need to be engaged. We don't need to be involved. Let's just sit back. Let's have corporate collapses of the magnitude of HIH occur, and let's just sit back and criticise the attempt of the government to try and address this problem, this issue'. Frankly, it was not good enough.

The reality of where we are now is that the problem has been resolved. The problem has been fixed, and it is fair and appropriate that we do look at trying to remove regulations that are no longer relevant or required. The

legislation that was brought in by the former government was designed to address a specific problem. It was designed to tackle what was a huge issue. It was the biggest corporate collapse in Australian history, it was the subject of a royal commission and it had a profound impact right across the community. So it was only fair and reasonable, when we had a systemic market failure of the highest order, for the state to intervene — and there was a need for it to do so. The government intervened at the time, and now there is no need for this legislation to remain on the statute book. It has done its job. It has done its job, and it is only fair and reasonable that, having fulfilled its obligations and duties over the course of the last 14 years, it is now dealt with.

The member for Gippsland South made a fairly short contribution and referred to the fact that the second-reading speech was fairly short and had only six paragraphs. Well, I think with these sorts of pieces of legislation you do not really need to say more than you need to. The reality is that it was an important piece of legislation at the time, but its time has passed. I think it serves as a reminder for all of us to be prepared to have the discipline and the focus to identify a problem, to recognise where there is a problem and to act, as the former government did.

Again, because of the Liberal Party's intransigence, the Honourable Lynne Kosky — whom I think you, Acting Speaking Thomas, were working with at the time — brought in this piece of legislation. But it was not managed in its final stages by Lynne; it was in fact managed by John Lenders because he was at that stage the Minister for Finance. It was a case where the government recognised there was a problem, it sought to address it and it did address it, ultimately getting the legislation through — although it was delayed. And now we are back again, 14 years later, and it is time to repeal the legislation and consign it to the history books.

It is a salutary lesson in the role that we play as legislators to understand that we have got a responsibility and obligation to step in and address market failure where it exists but to leave the field when we are no longer required. It is an important piece of legislation to get the balance right, and I commend the bill to the house.

**Mr DIMOPOULOS** (Oakleigh) — It gives me pleasure to speak on the House Contracts Guarantee Repeal Bill 2016. In a sense this is a pretty rudimentary bill in that it just cleans up, as the member for Essendon said, something that is no longer required. I suppose, though, that on the other end of the spectrum it is quite

a substantial policy area, which has caused people, including in my community, enormous pain and suffering. This bill, as others have said, seeks to repeal the last elements of the House Contracts Guarantee Act 1987, because it has become redundant following the closure of the Domestic Building (HIH) Indemnity Fund established under the act. The Minister for Finance has been satisfied in each case that all claims on the fund have been dealt with and no further claim could be made. The bill also removes references to the House Contracts Guarantee Act from various other acts and provides a mechanism for payments that would otherwise be paid out of or into the Domestic Building (HIH) Indemnity Fund, which was closed in July 2015.

The member for Essendon talked about market failure, and he was spot-on. This policy area — building warranties for people building their homes — is an enormous area of pain and suffering if it is not done right, and unfortunately the market does not get it right in all cases. Yes, I am sure the majority of builders do a good job, and when government has to step in it is obviously for those cases on the margins. I know that the Victorian Managed Insurance Authority (VMIA) has already implemented a range of improvements to domestic building insurance products. This was the subject of a big report by the Victorian Auditor-General, I think it was last year. This area of policy is important, as I said, and there are a whole range of things that have been implemented by the VMIA and the Victorian government.

As I was saying, a policy enhancement in relation to the VMIA is that, for example, it allows payment of a claim when a builder has failed to comply with a Victorian Civil and Administrative Tribunal (VCAT) or court order in relation to defective domestic building work. The key issue is the lack of ability to seek redress even when a court has ordered redress. The policy enhancement removes the need for a builder to be legally determined to be insolvent for a claim to be paid, which can otherwise potentially take years to resolve. Traditionally this lack of ability to seek redress left the customer, the consumer, in the cold.

The government is also committed to further improving domestic building consumer protection. Important reforms have been introduced to the regulation of builders and dispute resolution processes as part of the Building Legislation Amendment (Consumer Protection) Bill 2015. The safety net provided by domestic building insurance will be particularly important through this process of reform. While broader legislative reforms are underway, the government has asked the Victorian Managed Insurance Agency to improve both the efficiency and

the level of cover domestic building insurance provides within the current legislative framework.

The human impact of domestic building insurance was brought to my attention in a very real way, thankfully not through personal experience but through the experience of constituents, and in my previous role on the Monash City Council I would hear some of their stories firsthand. Obviously council plays a role, but it does not pick up the pieces very early on when things have gone wrong, and that is where the state government has a role to play in supporting consumers in the building industry.

Recently there was the case of a lady and her husband, who live in the electorate of Oakleigh, which had a lot of media interest and exposure over several years. I refer particularly to a story by Adam Carey — and I think he has probably done a few on this family — about Boris and Lana Zaitzen. I think their story really does explain the impact of market failure. I understand from Lana Zaitzen that a fair bit of the anecdotal information provided in the Auditor-General's report came from her example, as well as others. I will quote some of the article which gives a sense of the impact:

A bitter year long dispute over —

obviously now it is much more than a year; it was a 'Domain' article in the *Age* in 2011 —

a defectively built multimillion-dollar house has again exposed the lack of consumer protection for Victorian home owners.

A Murrumbeena couple, Boris and Lana Zaitzen, signed a \$2 million contract in 2009 with builder Grigory Trunov to build a two-storey townhouse in Caulfield North.

So far they have spent \$1.2 million on a house that is incomplete, badly weather damaged and so far from the architect's design that one building report recommended demolishing much of it.

The house was scheduled to be finished in March, but construction stopped last November, when Mr Trunov demanded a progress payment of \$198 000, after his work had been deemed defective. The Zaitzens —

Lana and Boris —

complained to the building commission and consumer affairs about Mr Trunov and the building surveyor who allegedly approved the defective work.

Orders have since been served on the builder to fix defects, but months later nothing has been done.

In fact it is years later. As I say, this issue is ongoing. While the Zaitzens have received some compensation, it comes nowhere near restoring their situation to what it was prior to this disaster. Back to the article:

Rather, the builder is threatening to take the Zaitzens to court, telling the *Age* they 'want my blood'. 'They didn't pay \$198 000 like they were supposed to', he said. 'I cannot continue the house at my own cost. I don't have to.'

This is a long-running issue. I do not think I am providing any privileged information because Lana has made this quite public, but it has had an enormous emotional toll on her. It is really the one thing that many people look forward to in their retirement and also just in life: a place that they have dreamt of, a place to call their own, a place that their hard-earned income can be invested in for their quality of life and their amenity.

Lana's story is close to home for me. To be quite honest, in the first few months of this job as the member for Oakleigh I felt powerless to assist Lana. I am very happy, though, that the government picked up on the key issues underlying the problems that we are describing today and that were outlined in the Victorian Auditor-General's Office's (VAGO) report, including that as a consumer it is a minefield to navigate this whole area. That is one of the key findings of the VAGO report: this whole area is a minefield to navigate for consumers seeking redress. You almost need to be a VCAT member or a lawyer to understand how to seek redress.

One of the things we did with the Building Legislation Amendment (Consumer Protection) Bill 2015, which I spoke of earlier and spoke to at the time that it passed through this house, was highlight and improve the information for consumers to streamline the process and to afford more protections. I think there is more work to be done, obviously, but this is a very important area. I know that this bill is really only a clean-up bill, in a sense, to rid the statute book of the remaining elements of that no longer required House Contracts Guarantee Act 1997; however, I have taken the opportunity to again raise the issue of domestic building insurance and the devastating impact it has on people, including people in my community. I am pleased to see that this government is actively addressing those issues, as I have said.

I wish the bill a speedy passage, and I look forward to improvements in this area in years to come.

**Mr BROOKS (Bundoora)** — It is a pleasure to be able to join the debate on the House Contracts Guarantee Repeal Bill 2016. This is a very straightforward bill, but it does provide the opportunity to comment on some of the circumstances that brought about the introduction of the bill in the first place, which I will come to in a moment.

The bill before us repeals the House Contracts Guarantee Act 1987, which has become redundant because of the closure of the Domestic Building (HIH) Indemnity Fund. That fund has been closed because of the government being satisfied that all the claims on the fund had been dealt with and that no further claims could be made. The Minister for Finance on 18 June last year issued a notice regarding the closure of the Domestic Building (HIH) Indemnity Fund, so this is a fairly straightforward repealing of the act because of the winding up of that fund.

When we think back to the reasons for the introduction of the bill that led to the act that is being repealed, we note that that was about the protection of consumers and the maintaining of confidence in the building industry following the collapse of HIH Insurance. It seems quite some time ago now when the members of this house at that time debated that bill. It was a massive shock to the economy that a major insurer such as HIH could collapse, and it had a roll-on effect throughout the Australian economy and certainly here in Victoria.

HIH Insurance was placed into provisional liquidation on 15 March 2001, with KPMG being appointed as provisional liquidator of HIH and 17 of its controlled entities. In terms of the scale of the collapse, if you look at the 2000 HIH annual report, you see that the company reported gross premium revenue of \$2.8 billion, total assets of \$8 billion, total liabilities of \$7.1 billion and net assets of \$900 million. So a giant insurer was effectively leaving the marketplace.

We all know that a number of actions were taken after the collapse. The Howard government at the time was slow to act and certainly from my point of view was not wanting to lift the regulatory standards that were so obviously needed at the time. It is worth looking at the findings of the HIH Royal Commission. On the major causes of HIH's collapse, the royal commission lists things like HIH grossly underestimating its liabilities, overestimating its assets, charging premiums that were too low and under-reserving or under-provisioning for future claims.

The royal commission found that the board of HIH was unduly influenced by and failed to monitor the performance of senior HIH management. On mismanagement, it found that HIH's acquisition of FAI Insurance for around \$295 million was a poor decision — that basically it was not worth what HIH had paid for it. There were losses by HIH's UK and US operations that impacted on HIH. The royal commission also found that internal auditors focused

too heavily on the accounts and not enough on poor risk management frameworks that were employed by HIH.

What occupied much of the media's attention following the collapse of HIH was the contribution of some of the senior directors and managers of HIH to the collapse of the insurer. We know now that charges were laid against a number of HIH directors, senior managers and associates, with convictions following. So this was a serious failure of corporate governance.

As I said before, the impact was significant on not just the Victorian economy but the whole Australian economy. The Australian Treasury outlined the impact. Thousands of employees working at HIH lost their jobs, tens of thousands of shareholders in the company were left holding worthless equity and HIH policyholders were left unsure whether their insurance contracts would be honoured or not. Stories of personal hardship emerged almost immediately. Sick or disabled policyholders claiming salary continuance policies with HIH stopped receiving ongoing payments, which they often relied on for day-to-day living expenses.

The collapse had a major effect on professional service providers, with services suspended by many of Australia's 150 community legal centres after their professional indemnity insurance was put under a cloud. I also remember that even large sporting organisations such as, I think, the Australian Rugby Union and the National Rugby League were left uninsured, and there was a real cloud over whether those large sporting competitions would continue.

Treasury also mentioned that:

... as one of the largest, if not the largest, builders warranty insurers, the collapse of HIH left thousands of builders without insurance cover (which was mandatory in most states and territories). Almost \$2 billion of construction activity was placed on hold while builders sought replacement cover. For many, this was not a quick process as the few remaining builders warranty insurers were flooded with applications.

It is obviously building insurance that the bill before us, which is a repeal bill, is directed at.

So the level of uncertainty of the economy was significant from the issues that have just been mentioned through the Australian Treasury's report, but I am also not sure whether local community sporting organisations or recreational clubs could obtain insurance. The flow-on impact of this has meant that there have been changes to prudential regulation here in Australia. We have also had a raft of tort law reform, and that was driven in part by the collapse of HIH, where consumers were confronted with sometimes astronomical insurance premium increases.

In the face of all this, as I said before, we had a federal government at the time — the Howard government — that was slow to act and, in fact you could say, loath to act. The minister at the time, Minister Hockey, did not seem to want to address these issues. Prime Minister Howard did not want to address these issues. But here in Victoria we saw some real leadership from, first of all, Lynne Kosky — a great minister and the finance minister at the time — and then from John Lenders, who became finance minister after her.

On 14 May the Bracks government announced a \$35 million rescue package for HIH-insured home owners, and Minister Kosky cited the fact that the Australian Prudential Regulation Authority and the Howard government had failed to protect consumers from the collapse of HIH. We saw a government here in Victoria that worked closely with building practitioners, insurers and other stakeholders to ensure that there was confidence in the system, that there was confidence in the building industry and that people were able to get on and get work done because they had proper insurance.

We even saw before in the Parliament here today the lack of interest from those opposite in this particular bill. It is a fairly minor bill, if you like, because it is repealing a previous piece of legislation that has done its work, but for those opposite to call a quorum on this bill when they only had one Liberal Party member in the house was symbolic of their lack of interest in these sorts of issues.

Minister Kosky, when she introduced the House Contracts Guarantee (HIH) Bill on 31 May 2001, outlined the reasons that the government was intending to take action, and those were to protect consumers, to ensure that there was protection for people who were building houses and to ensure that there was no lack of confidence going forward.

The shame at the time was that while there was support in the upper house from the National Party, the Independents and the Labor Party for that bill to get through in a speedy manner, we saw the Liberal Party obstruct that legislation going through the house, and it went backwards and forwards with a number of amendments being proposed at the time.

We are talking about a major collapse where a government was trying to respond as nimbly and quickly as it possibly could to those changes. I think it is a great shame that the Liberal Party did not take a more cooperative approach to this — to leave the partisan politics out of it and not worry about looking

after the vested interests of developers and its mates at the top end of town.

Instead those opposite should have put first the interests of consumers, of ordinary Victorians and indeed of those people who work in the building industry to make sure that there was a level of certainty around the building industry. Again I think it is a very clear example of when it comes to the responsibility of running the state the Liberal Party shows that it is not a party that is prepared to put commonsense policy first and politics second — quite the opposite.

**Ms ASHER** (Brighton) — I wish to make a few comments on the House Contracts Guarantee Repeal Bill 2016, because I have been sitting in my office listening on the speaker to this debate, and I am afraid that I am moved now to correct the record. It is not a bill I would normally have spoken on, but in 2001 Lynne Kosky was Minister for Finance when the HIH bill was brought in, and I happened to be the shadow Minister for Finance, and I actually know what occurred. Again, I would advise members of the Labor Party to perhaps not read out their notes and just accept what the whip may have given in a folder; often the facts are very different from what people wish to disclose in the house.

The purpose of this bill is of course to repeal the House Contracts Guarantee Act 1987, because that act provided for the HIH indemnity fund, and many members have in fact in the course of debate referred to the circumstances under which HIH collapsed. I will not go over that again, but it was a very, very difficult time for people who were building houses and a difficult time for builders.

I want to address, first of all, the issue that I keep hearing over and over again — that the Liberal Party was obstructive. Secondly, I wish to address the issue of market failure. I am not normally in the business of quoting myself, but I wish to advise the house of what actually happened in 2001, so I checked my speech to the Parliament at the time. What actually happened was that in the first instance the then Minister for Finance, Lynne Kosky, came to me and trusted me with a briefing on the bill. It was obviously very, very important that what the government was proposing to do did not leak. I was given a copy of the bill, I was given a copy of the second-reading speech, as I recall it, and I was given access to departmental officers, because Lynne Kosky, as minister, knew that she needed the cooperation of the opposition party to get a bill so rapidly through the Parliament.

I made the following comments at the time, on 5 June 2001, when I spoke after the minister had introduced the bill on 31 May — and I quote myself, bad as that may be:

The opposition and the National Party have agreed to an expedited carriage of the bill through the Parliament to allow funds to flow and to allow certainty, particularly in the real estate industry, and greater certainty than previously existed in the building industry.

That is what I said on the floor of the house, and I acknowledged that the minister herself had briefed the opposition two days prior to the bill being read for a second time. Indeed, I remember an interview I gave: it was about women in politics, as one often gives these interviews, and I cited this bill as an example of two members of Parliament who happen to be female trusting each other with a copy of a bill, trusting that the opposition would not rush off to the media — trust that was well placed trust by the minister, I might add. Of course I was not going to run off, and of course I briefed my own party. Of course everyone in my party understood why rescue legislation was needed to be put through the Parliament fairly quickly.

So it irritates me somewhat to hear about all of this obstruction that we were meant to have done. In fact, I concluded my comments in the house by making reference to the fact that I had done everything in my power to assist this bill in going through the house. I do not mind a bit of argy-bargy in politics — I am all in favour of it, and I have done it a lot over the years myself — but if people are going to stand up and claim that the Liberal Party acted in a certain manner in 2001, then I think they should check the facts. Indeed, I gave credit to the minister at the time. Again, I said at that time:

The opposition understands there is significant urgency attached to this bill, which is why it has tried to be as cooperative as possible. In fact, it has gone out of its way to schedule meetings. I thank the Minister for Finance for her briefing in advance — a very rare occurrence. As I said on Thursday, when oppositions are taken into confidence and trusted with bills and second-reading speeches in the interest of good outcomes for the community, it is possible to have both sides of politics working to get a good outcome.

As I said, I was not going to speak on this bill. I was sitting in my office when I heard a lot of nonsense and I wished to correct the record — firstly, about the conduct of the late Lynne Kosky and the interchange we had over that, and, secondly, to indicate that at the time the then opposition did everything possible to act in the best interests of the community. Indeed we had a number of concerns with the bill before the house in 2001 and the Master Builders Association (MBA) had suggested a range of amendments.

Again, I made the point at the time that we would not amend the bill because we actually wanted to assist the government to assist the community to resolve the crisis with the collapse of HIH. So, again, those opposite can play politics if they want to — we are all politicians — but I ask that they please do not distort the truth over something like that, which I think was a particularly good example of the type of minister Lynne Kosky was.

I also want to say very briefly that I heard one member — it could have been the member for Essendon — talking about how all Liberals believe that the free market will never fail, or something like that. I apologise if I have misquoted him. That is not true. There is market failure. I go back to my economic textbooks in economics 101: market failure exists, and it is why we have consumer affairs legislation. The issue is: how often will markets fail? What should governments do to prevent market failure? How should governments react? Is there a role for government in more circumstances that may possibly be required should there be market failure?

Again, I refer to the debate on the House Contracts Guarantee (HIH) Bill in 2001. The minister in her second-reading speech used the term ‘moral responsibility’. She clearly said, ‘The government has a moral responsibility to act’ because the building industry was in crisis. I said at the time that the government has a moral responsibility to address some of the circumstances impacting on people’s lives and livelihoods.

I know it is very easy during the cut and thrust of debate to say, ‘People may think X’ or ‘They may think Y’, but the fact of the matter is that in this instance the opposition was well aware of market failure in the building insurance industry; it has been a very complex industry over many years. I have spoken on matters like this for 24 years in this Parliament; it is a very complex industry. But in 2001 the opposition acknowledged that there had been market failure, and as a consequence of that market failure we were prepared to support the Labor government and its remedies at that time. Again I stress that we had a series of amendments that we wished to put on behalf of the MBA. We did not do so because we acknowledged that there had been market failure and the government needed to act to prevent a further crisis or a deterioration of circumstances in the building industry and so we expedited the passage of that bill.

I am more than happy to stand here and acknowledge the confidence and trust that a government minister had in the Liberal Party at that time. I am not here to justify

my role in this. I am simply here to say that if members of the Labor Party want to come into this chamber and make a series of allegations, they had better wait until after I retire because I have been around for a long time and I am rarely moved to leave my office after listening to nonsense over the speaker; otherwise I would be speaking on every bill, like the member for Essendon. However, I heard so much nonsense in my room tonight that I felt motivated to come into this chamber to place on the public record that there was a cooperative arrangement between the parties to deal with HIH, and at that time my party acknowledged that there had been market failure and that we needed to cooperate to address that market failure.

I too wish the bill a speedy passage. I am sorry I have taken a few extra minutes to impede its passage, but given that in 2001 I did so much to expedite the passage of the House Contracts Guarantee (HIH) Bill, I think I am entitled to have my say.

**Ms THOMAS** (Macedon) — It is my pleasure to rise to speak on the House Contracts Guarantee Repeal Bill 2016. I make the comment that there has been a lot of discussion so far about market failure. I will talk about that in some detail a little later, but I do want to pick up a point that the member for Brighton made. She said, ‘We recognise market failure’. I think what we saw at the HIH Insurance Group was so much more than market failure. What we saw with the collapse of HIH was wilful criminal behaviour by some very senior executives in the financial services sector, some of whom had very clear links to the Liberal Party — I make the point, not the member for Brighton.

The House Contracts Guarantee Repeal Bill 2016 repeals the House Contracts Guarantee Act 1987, which has become redundant following the closure of the Domestic Building (HIH) Indemnity Fund established under the act. The Minister for Finance has now been satisfied in each case that all claims on the fund have been dealt with and that no further claim could be made. The bill also removes references to the House Contracts Guarantee Act 1987 from various acts and provides mechanisms for payments that otherwise would be paid out of or into the Domestic Building (HIH) Indemnity Fund, which was closed in July 2015, to be paid out of or into the Consolidated Fund.

Despite the member for Brighton’s contribution I want to make the point that it has only been speakers on this side of the house who have taken the time to talk to the human dimension of the collapse of HIH. We can have word games across the chamber, but let us not lose sight of the many thousands of ordinary Victorians who were adversely impacted by these corporate criminals.

That is why the Bracks government moved so quickly at that time, and that is why the then Minister for Finance, the late Lynne Kosky, my dear friend and former boss, moved to introduce an indemnity scheme to this house.

I am indebted to the member for Clarinda for drawing this to our attention and reminding us of the speed with which the Bracks government acted, that at that time HIH also stood for ‘Howard in Hiding’ and that the Victorian government was obliged to act while the federal government sat on its hands perhaps feeling a little bit squeamish and a little bit worried about the various individuals involved in the HIH collapse and their links perhaps to members of the Liberal Party. Who knows? What we do know is that the Howard government, in contrast to the Bracks Labor government, was extremely slow to act.

The member for Essendon also took the time to discuss the issue of market failure, which I will also do now. On this side of the house we are not driven by blind ideology, and we are not beholden to the invisible hand of the marketplace. Instead of that, we have a human-centred value system that sees us take action in this place to look after and deliver the best outcomes for Victorian people. If we see the need to act and intervene in the market, or indeed to regulate it, we will do so in the interests of protecting people, their jobs and their homes. We will never shy away from that.

While those on the other side will tie themselves up in knots on this issue with their commitment to deregulation and small government, we will stand here quite proudly and, where it is required, we will intervene. God help us if it had have been the Liberal Party in charge in Canberra when the global financial crisis hit. I will tell members what would have happened. We would have seen record unemployment, we would have seen businesses go broke, and we would have seen people here lose their homes.

But what we saw instead was a very measured, considered response to the global financial crisis that saw a very effective investment through public expenditure and investment in the building industry to deliver much-needed capital improvements to our schools and to ensure that our economy remained strong while economies across Europe did not. We know what happened in Europe; there was record unemployment. We saw people across the US lose their homes. We saw unemployment in the United States soar. We did not see that here in Australia, because we had a Labor government in power that understood what was most important at a time when the economy was under existential threat. What we had was a

government that took action to intervene. We underwrote the banks; we provided them with a guarantee that they would ride through that storm. That is what you will see from this side of the house; you will see economic management in support of society.

We see the economy as a tool to support the society that we want, and that is a society where people have the opportunity to fulfil their potential, to work with dignity and in safety, to pursue home ownership and to see their children being given the opportunity to pursue the lives that they want to pursue. That is what we will do, and we see the economy as a tool to achieve those things.

This is a really important bill, and it is an opportunity to reflect on some pretty critical differences in values between the Labor Party and those on the other side. Of course it was the member for Oakleigh who took us through some of the individual circumstances of constituents and what we saw with the collapse of HIH, and the member for Bundoora also detailed for us the very precarious position that so many were in as a result of that criminal behaviour. I take the opportunity to commend the Bracks Labor government for the way it moved so quickly. I note that the member for Footscray, a minister in that government, would also have been very intimately involved in devising this indemnity package.

Finally, I want to note that a royal commission was established to look into the collapse of HIH. One would hope that lessons have been learnt, but I suggest to members that there are many more lessons to be learnt by the insurance and financial services sector. Unfortunately what we continue to see is unethical behaviour and criminal behaviour in this sector to the disadvantage of ordinary Australians. Indeed we have seen retirees ripped off by financial planners. We have seen small businesses harassed by banks. We have seen just recently and most notably CommInsure denying claims or dealing with their policies in such a way that terminally ill people with life insurance were denied their legitimate claims.

This is a sector that does need some reform. Time and time again the community gives the financial and insurance sector the opportunity to clean itself up. It has a lot more work to do. I have seen this firsthand as both an employee of the National Australia Bank and as an organiser for the financial services union. I have always been concerned at the way reward and recognition programs in banking and finance work, and there are perverse incentives in those recognition programs that leave those industries exposed to poor behaviour and corruption. I commend the bill to the house.

**Mr EDBROOKE** (Frankston) — It gives me great pleasure to rise to speak on the House Contracts Guarantee Repeal Bill 2016. I start by commending the other speakers for their detailing of the bill and their well-considered dialogue on it.

The bill repeals the House Contracts Guarantee Act 1987, which provided an indemnity scheme in respect of losses arising in respect of certain classes of domestic building work affected by the collapse of the HIH Insurance Group. The scheme is no longer required as the term for the lodgement of claims, which was seven years, has expired and all lodged claims have been finalised, which is a good thing.

In 2001 we saw the HIH collapse. From memory it went into provisional liquidation. I had just started my first year at university, I think, and I did not quite understand what was going on until it was explained to me. I would not pretend to be an expert in the field, but what I do know is that many, many people — many average punters — were adversely affected by this. People took extreme measures, people lost their homes and families were broken up. There was a real human cost to this. The operation of the indemnity scheme was to assist with that but it is now redundant, so the House Contract Guarantee Act 1987 is now definitely redundant.

The Victorian Managed Insurance Authority (VMIA) administered the fund under the act, and I put on record that the Bracks government did a fantastic job of dealing with the matter. It was certainly something that at the time was very dramatic. The act provides that a claim against the fund must be made within seven years of the completion of the building works that were covered by the HIH builders warranty insurance policy and commenced before 2001. In accordance with section 49 of the act, the government being satisfied that all claims on the fund had been dealt with and that no further claim could be made, a notice of closure of the fund was published in June 2015, given that everyone who was affected by the collapse had been dealt with.

The bill removes references to the House Contracts Guarantee Act 1987 from various acts and provides a mechanism for payments that would otherwise be paid out of or into the Domestic Building (HIH) Indemnity Fund, which was closed in 2015, to be paid out of or into the Consolidated Fund.

We have heard today people from both sides of the house speak about market collapse and about what happened in 2001, and as I said before, I would not pretend to be an expert on that. I do know, though, that

action was required. It does not matter what side of the house you are on or what party you are speaking for, it was a terrible time for many people and action needed to be taken, and it was taken.

The question that needs to be answered is: how do we know that there will not be any other claims made under the House Contracts Guarantee Act 1987? That is a fair question. I would say that because both the housing guarantee scheme and the domestic building (HIH) indemnity scheme included statutory time limits, during which a claim could be lodged, if they have not been lodged now, it is extremely improbable that a claim could get through and be made against the scheme. In the case of the Domestic Building (HIH) Indemnity Fund a building project that commenced on the last eligible policy date of 1 June 2001 would have needed to run for at least 7.5 years to still be eligible to make a claim. In the case of the Housing Guarantee Fund the building project would have needed to have run for at least 13 years to be eligible to make a claim, and all claims that were validly lodged have been fully resolved. On that basis, the Minister for Finance closed the Domestic Building (HIH) Indemnity Fund in June 2015.

The House Contracts Guarantee Act 1987, as I said before, is redundant following the closure of the Domestic Building (HIH) Indemnity Fund, the administration of which was its last function. Although the act previously included important consumer protection provisions in relation to domestic building, those provisions have long since been repealed with the relevant functions taken up by the Domestic Building Contracts Act 1995, which is current, and the Building Act 1993.

The House Contracts Guarantee Act 1987 has played a very important role in the administration of the legacy compensation schemes, including the house guarantee scheme, which issued its last guarantee in 1996, and the Domestic Building (HIH) Indemnity Scheme, which relates to policies issued before 31 May 2001. All claims on this fund have been dealt with, with no further claims to be made, so the repeal of the House Contracts Guarantee Act 1987 will remove the legislative requirements placed on the Victorian Managed Insurance Authority to undertake redundant auditing and reporting in respect of the run-off of this scheme. Basically we are just cleaning up some red tape around policy with this.

The thing about the collapse itself, as the member for Essendon mentioned, is that we have seen some very unethical and criminal behaviour, which is still happening. We need to ensure that a collapse of this

magnitude does not happen again. Many small investors, home owners and just average punters were badly affected by the collapse and it was a time that people found extremely hard. It is a dream of people in Australia to get a mortgage, pay it off and own their own home and it is their worst nightmare when there is a collapse of this magnitude, with no light at the end of the tunnel except possibly the train hitting you. The Bracks government stepped up at the time and did the right thing.

The government is still implementing certain measures to protect domestic building consumers. We have introduced a bill to substantially improve the regulation of building practitioners and frontend dispute resolution. We believe that this provides the best mechanism for improving consumer outcomes in the short term. Once implemented and actually assessed, well-informed decisions can then be made about what, if any, other aspects of consumer protection require amendment. We could have just introduced legislation to reform domestic building insurance, but our current legislative agenda will, I think, substantially improve upon the regulation of building practitioners and frontend dispute resolution, and provide a more stable policy environment for domestic building insurance, which is certainly required in this sector.

A stable policy environment is important because it will allow the Victorian Managed Insurance Authority to invest in improvements to domestic building insurance to enhance consumer protection and keep the cost of cover down which, as we all know and people in this chamber who own houses would know, is very important. VMIA has already implemented a range of improvements to its domestic building insurance product, including a policy enhancement for certificates issued after 1 July 2015 that allows payment of a claim where a builder has failed to comply with the Victorian Civil and Administrative Tribunal (VCAT) or a court order in relation to defective domestic building work. I think we have all seen on *A Current Affair* from time to time that there are dodgy dealers, dodgy builders and dodgy practitioners out there. There are probably one or two in every neighbourhood that seem to get away with it. We have all known one. I think anyone who has had to use someone in a trade from time to time has come across one that is potential dodgy, and we need to be protected against them.

As I said, this bill allows payment of a claim where a builder has failed to comply with a VCAT or court order in relation to defective domestic building work. This enhancement removes the need for a builder to be legally determined to be insolvent for a claim to be made by VMIA, which can otherwise potentially take

years to resolve. In the recent past that has been an avenue used by dodgy building practitioners to give people the run-around, so it is good to know that that provision is in place.

This legislation today follows a fantastic and decisive budget focused on education, transport, rail and health. It is just another factor that reinforces to the Victorian public that this surely is a government that is not just getting on with it, but is actually getting it done. You can see that, and I am sure you will be able to see it in the papers tomorrow — the *Herald Sun* and the *Age*. You will be able to see it on the broadcast news as well. The leadership and our ministers are doing a fantastic job, and I would also like to express my appreciation to everyone involved in this bill. I commend the bill to the house.

**Debate adjourned on motion of Mr EREN (Minister for Tourism and Major Events).**

**Debate adjourned until later this day.**

## LAND (REVOCAION OF RESERVATIONS — METROPOLITAN LAND) BILL 2016

*Second reading*

**Debate resumed from 13 April; motion of Ms NEVILLE (Minister for Environment, Climate Change and Water).**

**Mr BATTIN** (Gembrook) — If there is one thing for sure, the member for Ivanhoe will not be waiting half an hour. First of all, I would like to say that if you would ever like to get rid of your whole party behind you, just tell them all you have got the man flu. Everybody just seems to walk away. It works very, very well.

The Land (Revocation of Reservations — Metropolitan Land) Bill 2016 is a fairly straightforward bill. I will put it on the record from the start that the coalition's position will be to not oppose the bill in relation to these three particular parcels of land.

The first one I will talk about is land at Cranbourne. The bill revokes the reservation of land that is part of the Cranbourne racing complex. Those in the local area would know that the Cranbourne racetrack has been a racetrack for a long period of time, but over the last few years there has been some major development there. The locals have seen lights and training facilities go in. We have got some really good trainers down there. There are a lot of people coming into the local area. The Casey council has been a very big advocate of this and

is now using the racetrack not just as a racing centre but also as a centre for the community. It is allowing more people to have more opportunities to hold community events as well as allowing for commercial gain through commercial industries using the facility. This includes awards nights et cetera, which is a positive for that area.

We have the pleasure of having Tricodes Day down there as well. For those who have not been, it is a fantastic day where you can go and bet on the dogs, the horses and the trots all in one day. It is a good opportunity to go down there and have a bit of fun. Obviously you have to bet responsibly — I had better put that in there with a little hashtag after it. You have to be very, very cautious with your gambling, but it is a good day. There is a race about every 7 minutes so there is plenty to do. It keeps the kids active and gives them something to watch. It is a fantastic family day down there.

I will say on the record that local councillors Amanda Stapledon, Sam Aziz, Gary Rowe and Wayne Smith have all had a positive influence. We thank them very much for that.

**An honourable member** interjected.

**Mr BATTIN** — No, the member for Ferntree Gully walked fast for a second; it did not last very long.

We want to support those councillors who have worked quite effectively over the past few years to see the facility change to what it is today. This reflects the recreational purposes of that particular facility in the area and the *Cranbourne Racing Complex and Surrounds Investment and Development Plan*. This is a long-term plan; it is not something that is just about short-term gain. It is a long-term plan for a community that is growing. We have all seen the growth at Cranbourne. It is not far from the Cranbourne botanical gardens, which are absolutely stunning. We have seen families move into the area, and it is very important that they have facilities to accommodate that growth.

The second part is in relation to land in the Springvale area. The bill revokes a permanent reservation over a small part of the Adass Israel Cemetery and the adjoining Springvale shooting range. The building encroaches onto the cemetery land. It is a longstanding inadvertent encroachment that is taking up part of the land. To put it in a very simple form, I think I would be correct in saying that it is not a change in infrastructure and it is not a change of anything other than a line on a map. It is basically to ensure that the change goes through.

All parties, from what we understand, are pretty happy with the change. The Sporting Shooters Association of Australia and the shooters down there wanted to make sure that they had the opportunity to purchase that land, and the Israel cemetery knows that that land will not be coming back to it so it wants to make sure that it is all legally put in place. The department has advised that the coalition had provided a grant in the past for this transaction, and the bill obviously gives an opportunity for that to move forward. It is something that is pretty important.

**Mr Edbrooke** interjected.

**Mr BATTIN** — I thank the member for Frankston.

The third part of the bill is in relation to land in Fitzroy. This revokes the permanent reservation over a part of the old Fitzroy gasworks site on the corner of Queens Parade and George Street to allow for future development on the site. The Department of Treasury and Finance, the City of Yarra and Places Victoria are looking at opportunities for residential and mixed-use developments.

This is probably the only one that we have raised some issues in relation to. It is an area that previously was going to be used for the east–west link. Obviously the government of the day, which in opposition originally supported the east–west link but changed its mind coming up towards the election and said it was going to tear up contracts, has spent \$1.1 billion on getting rid of a contract for a road which is much needed for Victoria's future and productivity.

At the time when the discussion was happening around the east–west link we note the member for Richmond was commenting quite loudly on this — because obviously it is an area that concerns him and his electorate — and he was talking about contamination issues on this particular site. I do not believe these contamination issues have gone away overnight, and I think the department needs to ensure and the government needs to make sure that when they are going through this process of changing this over and revoking the permanent reservation on the site they have tests et cetera undertaken to make sure that that soil and the groundwater there will not create safety issues not just now but into the future.

We have seen too many times when there has been talk about chemicals et cetera in the ground and you do not hear some of the results for many, many years. Sometimes you will see facilities that are used, whether government or private, where there is contamination in the soil. It can be a school, it can be anything, and there

has been asbestos in schools — and you will find products or contaminants in the ground that can affect someone in the long term in the future but you will not know about it at the particular time. We are just saying, 'Tread with caution'.

We are not going to oppose this; we are not going to oppose the revocation of the land reservation. What we are saying is that as it goes through the process the government needs to ensure the practices are in place and the testing is done to ensure that if there is going to be a mixed-use development on that site it can assure the new residents or the new people using that land that it is safe not just now but for the long term. I think that is probably one of the most important things in relation to that land — to make sure there is transparency about what the tests show on what is in the ground — so that Victorians understand or people who are looking at purchasing can see in the contract and in the section 32 statements what was within that soil and within the site prior to actually purchasing it and so they can understand the history of it as a gasworks.

Obviously town gas was manufactured at the time, and we have dates here from 1861 to 1927. You can imagine that occupational health and safety standards in 1861 were a lot different from what they are today. There have been many changes around safety and the way things are disposed of. There have been many changes in the way we handle and deal with chemicals. You can go back through all of our mining practices and see the changes we have had in mining even in relation to extracting materials from the ground and using chemicals. Back in the old days they used to put even magnesium just straight back into the soil. That is something that obviously we would not see today. But if we are going to be using a site that we know has had these contaminants in the past, we need to make sure that people have access to that information.

Environment Protection Authority Victoria, we understand, has issued a clean-up notice on this site. Again, I think it would be very important for the government to release exactly what that clean-up process is, how it is going to be enacted and what the full outcome of it is, and then to see what testing will be done pre and post that clean-up to make sure that people in the Victorian community are safe when they are looking at that land.

As I said, I will be making a very short contribution today — man flu gets me every time. I want to put on the record that we are not opposed to this, because those three particular sites I think — particularly two of them — will be beneficial to the community. On the Cranbourne one, we are looking forward to that going

through now. We want to make sure that the facility down there in Cranbourne will be something that will be available not just for today — I note the member for Cranbourne is here — but for the future. I do not mind going down there for a punt. When we look at the night-time races — —

**Mr Perera** interjected.

**Mr BATTIN** — Is that an indication that I am welcome down there? There you go; I am welcome down there. The member must have seen my Sportsbet account. But I would love to come down there again. As I said, we support those two sites particularly, but we just wanted to raise our reservations about Fitzroy.

**Mr CARBINES** (Ivanhoe) — I am pleased to follow the contribution of the opposition lead speaker, the member for Gembrook. Can I just say that the Land (Revocation of Reservations — Metropolitan Land) Bill 2016 is one that I am pleased to make a contribution on. It is important to just touch on a couple of key aspects before I perhaps launch into some detail, particularly the aspects relating to cemetery trusts.

Can I say firstly that of course the bill does revoke permanent reservations over three areas of Crown land, particularly to remove, as the previous speaker said, the existing permanent reservation over part of the Cranbourne Racecourse and replace it with a temporary reservation for the purposes of a racecourse and public recreation; to provide greater flexibility; and of course to develop the site in accordance with the *Cranbourne Racing Complex and Surrounds Investment and Development Plan*, which I know my colleague the member for Cranbourne will be sure to make a contribution on as he has been a great supporter of the work that has been done out there over many years.

This bill also proposes to remove the existing redundant permanent reservation over part of the old Fitzroy gasworks site between Alexandra Parade and Queens Parade to facilitate the further use and development of that site in Fitzroy. It also removes the existing permanent reservation over one site, a site that I would like to come back to, and re-reserves the land temporarily to continue its status as a public cemetery to facilitate sale of the land while providing appropriate interim management arrangements. That revocation in Springvale is supported by the Adass Israel Cemetery Trust, the Southern Metropolitan Cemeteries Trust and the Sporting Shooters Association of Australia.

I want to speak on a couple of points about the Springvale project in relation to the bill. In particular I want to pick up on the key purpose of the bill, which is

to revoke the permanent reservations over the three Crown land sites in metropolitan Melbourne to facilitate the future use and development of the land at Cranbourne and Fitzroy, and the sale of the land at Springvale. A reservation over Crown land sets it aside for a particular public use, such as for educational or recreational purposes. A temporary reservation may be revoked through an administrative process or an order in council, and of course a permanent Crown land reservation may only be revoked by or in accordance with an act of Parliament.

I want to comment now on the work that is being done to provide an opportunity at the cemetery land. The Premier in an earlier incarnation was our Parliamentary Secretary for Health in the Bracks government, and I had the pleasure of working as a senior adviser to the former Minister for Health, the Honourable Bronwyn Pike. A review of the Cemeteries and Crematoria Act 2003 was led by the then Parliamentary Secretary for Health and now Premier. I had the pleasure of working with him on that project, which reshaped the governance arrangements and accountability processes at cemetery trusts in metropolitan Melbourne in particular.

That work led to many changes being made and provided for greater accountability for the multimillion-dollar cemetery trust industry in Victoria. It provided for greater accountability in the levels of governance in our cemetery trusts, and it has set the standard, as we have done across a range of governance measures, to ensure that the very significant management of cemetery trusts in Victoria has robust accountability and transparency mechanisms delivered through Parliament.

That was work the now Premier led and delivered through this Parliament in the mid-2000s. I was pleased to have had some involvement with him on that work and to understand the great importance that people in the community place on making sure our cemetery trusts are accountable. The work they do is important. The many volunteers across regional Victoria who serve on cemetery trusts also work to maintain those properties and the historical records that service them. But in metropolitan Melbourne there is a multimillion-dollar industry around those cemetery trusts. It is important that they manage public moneys but also manage sites and plots that people have invested in, sometimes many years earlier, and make sure that public land is managed, zoned, planned and protected for the ongoing viability and maintenance of public cemeteries in Victoria. That is very important work and they are very important stakeholders.

In discussing how some of that work will be dealt with under this bill, I turn now to the status of the Springvale shooting range. The shooting range is predominantly located on Crown allotment 2254, which is temporarily reserved for cemetery purposes and managed by the Southern Metropolitan Cemeteries Trust, one of the largest cemetery trusts in metropolitan Melbourne. The member for Mulgrave — the Premier — in his role as the local member has had much to do with issues to do with and advocacy on behalf of the Southern Metropolitan Cemeteries Trust.

The Sporting Shooters Association of Australia (SSAA) has also occupied that land under a lease since 1977. Why is that encroaching building on Crown land not being removed or demolished? Well, that encroachment comprises a corner of the main building, which was constructed back in 1977, and the encroachment is considered minor in nature. Further, the encroachment does not affect the operation of the Adass Israel Cemetery Trust, which is supportive of the legislation before the house, nor is the land impacted by the encroachment suitable for burial purposes.

The small encroachment is to be incorporated into the land already occupied by the SSAA to reflect the existing occupation and management of that land. It would be impractical to remove the encroachment as this would require the demolition of part of the eastern wall of the Springvale shooting range, which would not be a satisfactory outcome.

I hear members of the chamber ask: will the land be sold to the Sporting Shooters Association of Australia? It is important to clarify this matter because this legislation does have the support of the Sporting Shooters Association of Australia. The SSAA has received a grant of up to \$1 million from Sport and Recreation Victoria to upgrade its facilities at Springvale or purchase the land. The grant is only available until 31 December 2017. Further negotiation will be required for any sale of the land to the SSAA. Sale of Crown land of course is managed by the Department of Treasury and Finance in accordance with the provisions of the Land Act 1958 and must be at a current market value determined by the valuer-general Victoria. Many members of Parliament will have gone through these processes in managing community expectations in relation to those issues.

Can I say on top of the concerns that have been addressed that the Adass Israel Cemetery Trust supports the legislative changes, and the Sporting Shooters Association of Australia also supports legislation as it stands before the house today.

There are a couple of other matters. In particular there has been some speculation on the future use and development of the old Fitzroy gasworks site, and I am sure other speakers will speak on this in greater detail. They have much more experience than I do in relation to those matters.

The Greens will not be particularly interested in retaining open public space, and I note that its members are not in the chamber at this time. It is incumbent on me to point out that a briefing on this legislation was offered to members of the Greens party, but we have not been able to make contact with them in relation to that briefing. I know that several calls and attempts at communication have been made. I just want to place on record that the Greens have not taken up the offer of a briefing on the Land (Revocation of Reservations — Metropolitan Land) Bill 2016, but that offer still stands at this time to provide a briefing if one is required by the Greens party. The Minister for Environment, Climate Change and Water and her staff stand ready to provide that opportunity to the Greens party if it chooses to take that offer up.

There are some significant issues in this bill that require transparent debate and discussion. We have ensured that there is strong community support from the key stakeholders in relation to what is being proposed in this legislation, which gives us great confidence that the bill deserves the support of the house. We do maintain that there is an opportunity to brief the Greens party if its members would like to take up that offer to get across the details of this legislation, which I commend to the house.

**Mr THOMPSON** (Sandringham) — I am very pleased to contribute to the debate on the Land (Revocation of Reservations — Metropolitan Land) Bill 2016. I am always interested when any land bills come before the house, noting the history of Victoria and the great national parks, state parks and reserves that we have in this state and the vision of those that have gone before us to set aside those tracts of land, whether they be at Wilsons Promontory, Mount Buffalo, the You Yangs, Hanging Rock, the reserves of coastal land along the Great Ocean Road or other coastal parks around Victoria. In recent years there has also been the establishment of marine parks that have set aside tracts of land which have limited the access to and use of that land to better conserve and reserve those precincts for posterity. Sometimes there are contests in relation to the use of land.

In Melbourne at the moment we are going through a remarkable phase where our population is projected to double within a comparatively short period of time. If

we look at the history of Victoria, we see that our population increased rapidly post the gold rush. When Charles La Trobe, the superintendent, landed in Victoria in 1839 there were some 3000 people within the Port Phillip District, and when he left in 1854 it was over 300 000 or so, a hundredfold increase in the size of the colony. There is comparable clamouring today in the demands for infrastructure, public facilities and public services, and that remains an ongoing issue.

In relation to the bill before the house, I would like to address the immediate matters in relation to Cranbourne. There is a revocation of a reservation of part of the Cranbourne racing complex in order to replace it with a temporary reservation for racecourse and recreational purposes. The recreational purposes are to be saluted.

In Fitzroy there is a revocation of the permanent reservation over part of the old Fitzroy gasworks site on the corner of Queens Parade and George Street to allow for the future development of the site. The Department of Treasury and Finance, the City of Yarra and Places Victoria are looking at options for residential and mixed-use development. Town gas was manufactured on the site from coal between 1861 and 1927. There is a contamination issue on site, and the City of Yarra has a report that contemplates remediation and the ability to turn the site into a major sports complex, which could cost within the vicinity of \$30 million to \$35 million.

In relation to the Springvale land, there is a revocation of a permanent reservation over a small part of the Adass Israel Cemetery. The adjoining Springvale shooting range building encroaches onto the cemetery land. This is a longstanding and inadvertent encroachment. It would be interesting to know the history of the surveyor that surveyed the building works there and to read the subsequent chain of correspondence resulting from that encroachment. There are examples where survey plans have been in error in a number of locations. I have got a number of constituents who have been working with the titles office to redress a faulty survey plan that I am advised has led to the misalignment of boundaries within the Sandringham electorate.

In commenting more widely on the issue of public land, we have the example in Melbourne of the Olympic Park area, with the athletics purposes of Olympic Park having been transferred to the old South Melbourne football ground area. I have placed on the record my aspiration to see a royal commission into how the Collingwood Football Club gained its exclusive use over the tract of land around Olympic Park, which displaced amateur athletics from a setting where

multiple athletic records had been set and where Ron Clarke had set world records. To take it away from the people and dedicate it to a football club I think is unusual. Numbers of Athletics Victoria officials and competitors have raised this matter through my office on a recurrent basis. I look forward to that matter being more clearly understood — that is, as to why Olympic Park, which was a bequest to the people of Victoria following the Melbourne Olympics and was the headquarters of Athletics Victoria, was transferred to an AFL club with the result that generations of schoolboys and schoolgirls through state athletic competitions have been precluded from being able to play there in the future.

There has also been the loss of the land between Richmond and Flinders Street, and the gaining of some land with the release of some of the railway yard workshops. Between Punt Road, Rod Laver Arena and Hisense Arena there has been a net loss of publicly accessible playing space in that area.

As Melbourne grows I think it is important that there is a sense of vision and purpose as we plan for the future and seek to set aside massive tracts of land so that in the Melbourne that we have enjoyed, whether we have grown up in Mordialloc or Broadmeadows, there is still that access to space and land for the people of Victoria and future generations. There is the La Trobe vision. La Trobe had visited the great cities of the world. His uncle had helped design the White House and Capitol Hill buildings. There was a sense of space and outdoors. Royal Park was a precinct that he helped survey before he left Melbourne in 1854 — a beautiful area of land. There is the inner ring of parks of Melbourne, which includes Treasury Gardens, Royal Botanic Gardens Victoria, Kings Domain and the Flagstaff Gardens, which the early people of Melbourne had the vision and fortitude to set aside. Then there is an outer ring of parks. We go from Albert Park to Fawkner Park to Studley Park across to Princes Park, which are wonderful recreation reserves. Then you can go out further to the south and south-east of Melbourne — to Central Park and Dendy Park, which are areas of land that people are able to enjoy into the future.

One of the great challenges for this house into the future is how we deal with land in the middle ring of Melbourne. The Beaumaris Football Club, in my electorate, has 30 junior teams but nowhere to play. The Sandringham Netball Association has more teams than it can accommodate on the courts that are available. This was even before our population had doubled from the figure recorded in the year 2000. There needs to be keen endeavour to ensure that in the south of

Melbourne the municipalities of Stonnington, Glen Eira, Bayside and Kingston have access to tracts of land so that under-14 and under-16 teams have somewhere to play and so that there will not be the lament mentioned in a song by Cat Stevens, which might be familiar to people in the chamber. In the 1970s he posed the question, 'Where will the children play?'. The way Melbourne is heading, without adequate foresight and vision to provide additional space, there will be nowhere for children to play.

As we look at land revocations and Crown land, in my electorate there is a gas and fuel site on the Nepean Highway. I am on the record here as saying that it could be converted to anything from wetlands to a site for a new Sandringham Hospital. There are funding dynamics that have occurred in relation to that. The state needs to spend its resources wisely so that it can balance its books and provide the hospitals, the schools, the welfare services and the policing services that will look after the community into the future, but this should not be to the detriment of open space.

I commend the vision of CSIRO planners in relation to the CSIRO land in Highett. They set up their facilities on a site near public transport networks. That site is 9 hectares. One thing that the federal member for Goldstein did prior to the last election was to set aside 4 hectares of that 9-hectare site as public open space for conservation values, passive recreational space and active recreational space so that there will be a legacy. One of the greatest things that we can do as a legislature into the future as we plan here is to ensure that there is the provision of vast tracts of urban land in the middle and outer rings of Melbourne so that the outdoor and sporting lifestyle that young Victorians have had in the past 50 years is possible over the next 100 years.

**Mr WYNNE** (Minister for Planning) — I rise today to make a contribution on the Land (Revocation of Reservations — Metropolitan Land) Bill 2016. In particular I want to talk about the Fitzroy gasworks land, which forms part of this bill. The land at Fitzroy comprises part of the old Fitzroy gasworks precinct, which is located on Smith Street and Alexandra Parade in Fitzroy. It is a very, very significant parcel of land that has laid fallow for many years because of some significant issues that attach to the land, which I will go through shortly. This bill revokes the existing permanent control of this land to enable permanent reservations to be replaced with a temporary reservation.

The City of Yarra will be appointed by the minister as a committee of management for the land under the Crown Land (Reserves) Act 1978. Moving from a

permanent reservation to a temporary reservation of this site will facilitate future land use and development decisions relating to the old Fitzroy gasworks precinct made in accordance with — and this is quite important — the North Fitzroy gasworks precinct urban design framework, which was adopted by the City of Yarra way back, I think, in 2008, so it has been around for a very long time with really big ambitions by successive councils to have this land redeveloped for the public good. I am pleased to report that we have been working on this for a number of years.

The big issue with this site of course has been contamination. Along with the Highett gasworks site that the previous speaker spoke of, this is one of the most contaminated sites in Melbourne. It is subject to an Environment Protection Agency clean-up order, and the cost of the clean-up of this site could potentially be up to \$50 million. It has a very significant cost impost on it. But I think with emerging technologies there is an opportunity to have that potential cost decreased significantly.

What is really exciting from my point of view is that Places Victoria, which has as part of its remit on behalf of the state to look at many of these complex and difficult state-owned sites to see what opportunity there is for their development, has taken up the challenge of looking at the gasworks site on behalf of the broader community. I am delighted that it is doing so. It is looking at the question of contamination at the moment, but more importantly it is looking to develop a business case to put to government so we can look towards cleaning up the site and potentially incorporating a four to six-court basketball facility for the area. It is critically needed. We are desperately in need of basketball facilities. I think they are now called highball facilities; that is the new designation for them, which includes basketball and netball.

There is potential to have those facilities there, as well as a significant residential housing development and some commercial development, but this is going to depend upon a couple of things. The first is that one of the significant users, the City of Yarra municipal depot, would have to be moved to an alternative site. There have been very good negotiations between Places Victoria and the City of Yarra for an alternative site for the depot in Burnley. The request of the City of Yarra is that it be moved and re-established, obviously at no cost to the City of Yarra, so that that land will then be released for development as well. That would be a terrific outcome.

The second requirement is that the City of Yarra transfer responsibility for the planning of the site to me

as the Minister for Planning, so that I would become the responsible authority for the entire complex. I am delighted to say that at a recent council meeting the City of Yarra unanimously agreed to that course of action, subject to the business case being finalised by Places Victoria and obviously ticked off by Treasury.

This is a very significant project. It would be one of the biggest projects that Places Victoria has undertaken. The complexity of the matter really relates to the contamination and how those issues can be addressed so that we can then move forward in a measured way to redevelop the site, which I think is potentially one of the most exciting redevelopment sites in Melbourne. It is a unique opportunity for Places Victoria to really again show its enormous capacity and expertise to deal with sites that are tricky and complex but also offer wonderful opportunities, particularly for public realm outcomes. As you know, Acting Speaker McGuire, this is always one of my ambitions when we enter into these projects, particularly on state government-owned land.

In that context I just want to point to the importance of the council's urban design framework, which will inform the development of the master planning for this area. Obviously there is intense interest from my community in this redevelopment and a real hunger to actually get this project underway. From the point of view of needing to offer back to the community tangible gains, what a beautiful thing it would be if we had a regional basketball facility there. That would be a fantastic outcome. There are also opportunities, with my other policy interests, for affordable housing. There will be opportunities there for affordable housing as well as for social housing and obviously private sector housing. It is a magnificent site at Smith Street and Alexandra Parade. You are not going to get a better site in Melbourne for redevelopment. That business case is being worked up. It will go before Treasury. I would become the responsible authority for the site. It is a fantastic way forward for my area.

There are a couple of final things I want to indicate. There is some significant heritage on the site. The first is really interesting. It was a site for the Porter prefabricated iron store. This is a freestanding shed with a cast and wrought iron frame bolted together and clad with heavy-gauge corrugated iron. This building is of historical and indeed technical significance as a rare example of the prefabricated buildings imported into Victoria during the gold rush. It is amazing. It is an intact building which is there from the gold rush. The building is situated on the land subject to this bill. It is a fantastic thing that we will be able to protect this very important heritage building that reaches back to our gold rush days.

The second is the former Fitzroy gas valve house. The building is a small red brick building situated on the corner of Alexandra Parade and George Street. It is of local historical significance, and obviously it will need to be protected in the redevelopment.

The third is an important women's mural. The women's 150 mural was painted in 1985 as part of Victoria's 150th anniversary. If you drive up Smith Street, it is on the left-hand side just before you get to Queens Parade. It is a very significant mural. Whilst the mural is not situated on land subject to this bill, it is situated on Smith Street, as I indicated. The mural was recently, unfortunately, severely vandalised.

**Mr Nardella** — Shameful.

**Mr WYNNE** — Yes, very, very shameful, and the future of the mural, including its restoration, will be considered as part of the redevelopment of the site. It is actually on panels, and those panels can be taken off. Hopefully we will be able to get it restored, because it is a great tragedy that someone would come along and desecrate what has been an important part of the celebration of the contribution of women in my community for Victoria's 150th anniversary. It is a very sad situation, but hopefully we will be able to get it restored.

This is an incredibly exciting project for my area. I have been working on the gas and fuel site for, frankly, more than a decade, and to see this now move to the next step — to see Places Victoria really taking up the cudgels here; a great challenge for the area — what a magnificent public realm outcome we are going to get out of this with a redevelopment of and a clean-up of this site. There will be a major regional basketball facility, potentially social housing and some public housing, some private sector housing and some commercial development there. It is a beautiful outcome for my area.

**Mr PEARSON** (Essendon) — It is a great honour to follow the member for Richmond and Minister for Planning. As the Minister for Planning outlined, this is an important piece of legislation not only for the minister's electorate but also for the broader community. It would seem almost counterintuitive for me to say this, but I am eternally grateful that the site is heavily contaminated, because if the site were not heavily contaminated, it would have been flogged off by Alan Stockdale with the privatisation of the Gas and Fuel Corporation in the 1990s, and we would have ended up with a substandard, woeful, shabby product as a consequence.

Instead, because of the fact that the site was heavily contaminated Stockers realised he could not get a buck for it, so he kept it in the ownership of the state. As a consequence of the fact that we have had a rapid appreciation in terms of property values since the mid-1990s, coupled with an increase in terms of the technology and of clean-ups, we now have the perfect confluence of events whereby the asset has increased significantly and the cost to rehabilitate it has dropped — I would hazard a guess — significantly, and we are therefore presented with a wonderful opportunity to develop this great site.

As a consequence of being patient and waiting, and under the stewardship of the Minister for Planning, we are going to end up with a much better outcome. You will see a greater focus in relation to public open space. I think it is wonderful that potentially we will see social housing going on to that site, because the reality is that most of the new economy jobs that are going to be well paid and that are going to provide a degree of certainty and security are going to exist within inner Melbourne. From a public policy sense you cannot have a situation where just because you are poor, just because your parents did not finish high school or did not get a chance to go to university or just because you work in a key worker role and therefore do not earn six figures, you are condemned to live on the urban fringes of Melbourne — the ever-expanding urban fringes of Melbourne — and are denied the opportunity to participate in those jobs.

Social housing close to where these jobs and the jobs of the future are going to be is vital, because you are basically ensuring that people from more modest, more humble backgrounds and people who are from an impoverished background have got close access to be able to participate in those jobs. If they are able to get a decent education and if there is an opportunity for them to be close to work in those jobs, then we should increase the opportunities by making sure that those people have the opportunity to get out of poverty and climb the social ladder.

It is interesting that this bill is talking about land, because I think it would be fair to say that the reality is that the single greatest asset owned by the state of Victoria would be land, and most of it is historic. But the interesting thing to note is that we actually do not know what we own — not really. There is no in situ asset register that exists, and we do not really know its value. Of course in the budget papers you can have a bit of a guess in terms of the assets and you have the financial report that is produced on an annual basis, which the Auditor-General ticks off, but we are not exactly sure — to a dollar amount — what we actually

own. That is important to note. Dag Detter and Stefan Fölster in their book *The Public Wealth of Nations — How Management of Public Assets Can Boost or Bust Economic Growth* talk about what you can do in terms of improving the way in which those public assets are managed and how you can look at trying to increase the return that those assets provide the government and hence the taxpayer.

If you look at it from this point of view, I think that the rough valuation of land owned by the state would be maybe \$130 billion or it might be \$145 billion — it is in that range in terms of the value. If you look at increasing the return by 1 per cent per annum on what currently exists, that is \$1.3 billion to \$1.5 billion that could be added to the bottom line. In the context of about a \$53 billion budget this year, I think, that is not an insignificant amount. So land is incredibly important. When we look at a bill like this it is about recognising the fact that we have got these assets that we own and we are trying to identify the way in which we can put them to the highest possible use.

Coming back to the old gasworks site, I think there is a wonderful opportunity not only to increase the yield of that asset but also to look at the social dividend that will flow from that by ensuring that there is a bit of public open space, that you do have social housing and that you also have private housing. What you do not want to create is just one class or one cohort of people living in a concentrated pocket. It is infinitely better to try to have a salt and pepper approach, where you have people from many walks of life who participate in the economy in different ways and who have different experiences living together, because it creates a much more coherent and robust community and infinitely better social outcomes.

The bill also addresses the Cranbourne racing complex by trying to improve the way in which that facility runs and operates. Those racing clubs in Melbourne are incredibly important assets. The Victoria Racing Club is right on the boundary of my electorate and the Moonee Valley Racing Club is inside the boundary of my electorate. They are great assets, and it was a case of our forebears having the foresight to set aside large parcels of land for that level of recreation. Over the course of time, of course, there is a need to make sure that those assets reflect current community interests, but the fact that the bill is now addressing how best to use the Cranbourne racing complex is important. I note the member for Gembrook in his contribution talked about the fact that potentially the trots, the races and the dogs can be on either simultaneously or over the length of a day, which is good. I think that is where the market is

going in terms of what people want and what they would like to experience.

It is an important piece of legislation. It recognises that land is one of the great assets that we have as a state, that we need to use that asset more effectively and try to find ways in which we can decide whether we need to keep these assets or whether we should divest them. If we do decide to divest those assets, what is the highest purpose? What is the best social outcome that we can put those assets to? I think that the Minister for Planning and member for Richmond in his contribution gave a thorough and comprehensive overview in terms of his vision for that site and of what he would like to see.

It is important that we take councils along on the journey with us because then we have some contestability in the process of identifying best use. That is a good thing. You want to have Places Victoria, for example, involved and engaged and the boffins in Places Victoria engaging with the boffins in council and saying, ‘What do you think? What are your thoughts?’. When you have got contestability and you have got the great battle of ideas, it does not matter at what level it occurs, because you always end up with a much better outcome. In terms of the Minister for Planning’s contribution, while he will be the responsible authority, the fact that he is prepared to work closely with the City of Yarra is really important. Clearly the community will engage and outline its thoughts so there will be a robust and rigorous discussion about the highest possible use and the best possible use.

Again I come back to my earlier comments, that this is only happening under a Labor government. It is only happening because of the fact this land was contaminated. If former Treasurer Alan Stockdale had thought for one moment that he could have got a dollar out of this site, he would have flogged it off to his mates at the first opportunity back in the 1990s. We are fortunate that that has not been allowed to happen. As a consequence we will end up with a much better public policy outcome, and the people of Fitzroy and the electors of Richmond will be very grateful indeed. I commend the bill to the house.

**Mr PERERA** (Cranbourne) — I rise to speak on the Land (Revocation of Reservations — Metropolitan Land) Bill 2016. It gives me great pleasure to join the debate on this bill. Crown land, parks, wetlands and reserves are an important part of Victoria and of Victorian life in the garden state. I will start with the purpose of the bill and continue with the benefits to the Cranbourne area as a result of this legislative change.

The purpose of this bill is to revoke permanent reservations over three Crown land sites in metropolitan Melbourne: in Cranbourne, part of the Cranbourne racing complex; in Fitzroy, part of the Fitzroy gasworks precinct; and in Springvale, part of an access track to the Adass Israel Public Cemetery. Revoking the permanent reservations will facilitate the future use and development of the land in Cranbourne and Fitzroy and it will facilitate the sale of the land in Springvale. Revoking the permanent reservation will enable the Cranbourne racing complex plan and deliver much-needed facilities in our local area that will certainly drive tourism and create jobs in the local area. This plan can be referred to as the grand vision for the Cranbourne racing complex. This plan has been on the table for a number of years.

I wish to speak about this wonderful facility that is located in the heart of my electorate, the Cranbourne racing complex. The land at Cranbourne comprises part of the Cranbourne racing centre. The land is contained within Crown allotment 21H in the parish of Cranbourne and it is approximately 44.68 hectares in area. The land includes the racetrack, adjoining stands and other facilities. This bill revokes the existing permanent reservation and replaces it with a new temporary reservation for the purposes of a racecourse and public recreation.

The Cranbourne racing complex is Cranbourne’s largest employer. These are exciting times for Cranbourne’s largest employer, as the Cranbourne racing precinct has enormous scope to become one of Australia’s leading sporting and entertainment precincts. I have had the opportunity of meeting with the chief executive of the Cranbourne Turf Club, Neal Bainbridge, a young man with such energy and enthusiasm who works tirelessly in making our local area the place to be.

This venue is already the country’s busiest racing centre, conducting about 100 race meetings annually. This is the only racetrack that has the race meets of all the three codes — thoroughbred, harness and greyhound — on the same day at the same track. It is also home to the country’s largest thoroughbred training centre and to Victoria’s only dedicated harness industry training facility. About 700 horses are trained daily at the training centre. The precinct is located in the heart of the growing Cranbourne community and is recognised as one of the key iconic destinations in Cranbourne and the wider Casey region. Importantly, the precinct is well positioned to deliver outstanding opportunities for future growth and employment in Cranbourne and to make a significant economic impact on the local region.

Mr Bainbridge, in conjunction with many other stakeholders, has put together an exciting precinct master plan. The precinct master plan identifies a number of strategic opportunities that would provide racing with a viable and sustainable model, whilst delivering a truly exciting entertainment complex for the community in Cranbourne. The employment levels at the Cranbourne racing precinct continue to grow as the business needs continue to evolve and expand. As I mentioned earlier, the Cranbourne racing complex is Cranbourne's racing employer.

There are some great initiatives in the precinct master plan that actually can be delivered. The plan identifies the need to strongly consider the development of an affordable accommodation centre to house the young participants who are starting out in the workforce within the precinct. The key use of the facility would be for those future jockeys and track riders who have commenced their pursuit of a career in racing but perhaps are not yet in a financial position to invest in local Cranbourne real estate due to cost pressures. The low-cost housing development would provide further encouragement for people less fortunate to again be active in seeking employment opportunities and would open many new career pathways within the racing industry. This is an outstanding initiative to say the least.

Also we are seeing that there has been strong private sector interest in developing a 4.5-star hotel on the site. This will be very helpful to the tourists who visit Phillip Island on race days. This of course will not only give guests accommodation opportunities when visiting but also will dearly support more employment opportunities in the local area.

Plans have been prepared in consultation with a private developer to create a strong education element in a veterinary hospital. This vet hospital will provide invaluable opportunities for aspiring students of equine studies. Importantly the establishment of a purpose-built educational facility would greatly enhance the career path opportunities for the youth of Cranbourne and Casey, creating more jobs in the local area.

The development of a proposed exhibition and conference centre will boost the local economy. The development is directly linked to the grandstand development and increases the venue's capacity with a new 1200-seat function centre and the ability to hold large-scale expos and conferences at the site. This would be a great asset to our local area, as we simply have not got the venues to support a large-scale expo or conference.

The development of an equestrian centre would provide the perfect partnership for the new centre of excellence in Cranbourne. The equestrian centre would be used for equestrian and pony clubs to help promote equine activities in Cranbourne and build an important bridge between pony clubs and the racing industry.

The Cranbourne racing precinct is the largest open-space area in the Cranbourne township. The precinct provides a large amount of recreational area for the Cranbourne community. It has the potential to be developed into a wonderful central park that would provide a wide variety of walking trails throughout the precinct whilst maintaining and enhancing the valuable native vegetation and ecological corridors across the precinct. Overall this exciting precinct master plan will create 1232 jobs during construction and 463 new ongoing jobs, increasing industry employment to 1650.

The future is bright for our local area, and I am proud to represent that area in this Parliament during these exciting times. This piece of legislation is the first step towards achieving the grand vision for the local area and for the Cranbourne racing precinct. I wish the bill a speedy passage.

**Ms GRALEY** (Narre Warren South) — It is a pleasure to speak on this bill because what we do in the planning area is very important for Melbourne's future and indeed all of Victoria's future. I would just like to comment that the purpose of this bill is to revoke permanent reservations over three Crown land sites in metropolitan Melbourne: in Cranbourne, part of the Cranbourne racing complex; in Fitzroy, part of the old Fitzroy gasworks precinct; and in Springvale, part of an access track to the Adass Israel Public Cemetery. Revoking the permanent reservations will enable and facilitate the future use and development of the land in Cranbourne and Fitzroy and the sale of the land in Springvale.

As I said at the outset, it is very important that Melbourne maintain its credibility in the planning area. We know that we have inherited, and indeed we are blessed with, green wedges that have been put in place by previous governments. Indeed standing up at Government House, you look down over Melbourne and see that Hoddle grid, and you think what foresight our initial planners had when they made sure not only Melbourne was a well-planned city with its streets, houses and commercial buildings but also that they had a real eye for making sure that Melbourne was going to have beautiful public parks that were very accessible to most people. This is indeed the inheritance of this.

Sometimes it has lost its way with various planning ministers, and we will not go there with some names, but Mr Maclellan comes to mind, and the now opposition leader jumps into my head quite readily when I see the number of apartment buildings that have been approved at sky-high heights without any livability factored in. But we have had good planning ministers in the past who have taken on the important role of making sure that Melbourne is indeed the world's most livable city, and we know this is important. As I said, we have inherited this, but we have got to make sure that in going forward we guarantee a quality of life for future generations, so that they too will be able to live in the world's most livable city.

As I said, the purpose of this bill is to deal with three packages of land, one in Cranbourne, one in Fitzroy and one in Springvale. I will speak for a moment on the Cranbourne Racecourse land, because it is an area of land that I know well. If you go to Cranbourne, you will see the racing club as it is almost in the centre of town, and I think that is a really lovely feature of Cranbourne — that the community has been able to maintain the racing club there, indeed that it is blossoming and growing. As the member for Cranbourne said, it is not only growing, it is thriving. It is one of the biggest employers in the area, and I know that both the state government, by investing in the racecourse, and the City of Casey have been good supporters of the racecourse. It has meant that this land has got a lot more potential. We have made the investments, and we have also seen that this significant area of land — it is 44.68 hectares in area — and it has lots of facilities already and has the potential for other uses as well.

The existing permanent reserve is being revoked to enable the permanent reservation to be replaced with a temporary reservation. Moving from a permanent reservation to a temporary reservation will facilitate future land use and development decisions related to the Cranbourne racing precinct, and these will be made in accordance with the *Cranbourne Racing Complex and Surrounds Investment and Development Plan*, which was incorporated into the Casey planning scheme by amendment C166 on 20 August 2015. At this stage there are no definite proposals to redevelop the land at Cranbourne racing complex, so this is a really fantastic opportunity to dream big and think about how the Cranbourne racing complex could become an even better facility for the local community.

The second tract of land relates to the Fitzroy gasworks land, and I noticed that one of the previous speakers, indeed the Minister for Planning — and as we all know

he is the well-known and well-respected member for Richmond — was speaking about the fact that he hopes that in the rezoning and revocation of the reserve on this land piece that we will see a beautiful outcome for his community; I think they were his words. As he quite correctly identified, this land is land that has been sitting there for a while. It is a bit of an eyesore, I have got to say; I pass it regularly. Indeed I was saying to the Minister for Planning on my way out that my daughter was a planning student nearly a decade ago and one of the case studies that she and her fellow students were given was to come up with a master plan for the Fitzroy gasworks land. They dreamed big: they were going to have all sorts of beautiful open space and a mixture of housing and social housing and commercial. Really, as students can because dollars are not a big issue when you are doing that sort of planning, they were going to have a very creative and interesting and very appealing development there on that site.

In going forward I really hope that the City of Yarra dreams big. As I have said, successive councils there have had big ambitions for this land, and they have been somewhat hindered by the very fact that it is a very highly contaminated site. Funnily enough, as time has transpired it may be that we can use modern technology to bring down the cost of reducing or getting rid of contamination on that site, because it really is a fantastic site and whatever goes on there — I know there is talk about a basketball stadium going there; there is talk about some social housing and some commercial activity, and as I said we certainly want to preserve open space in the inner city — this will be a fantastic outcome for the community if we can get it right.

So I am very pleased to see that the Minister for Planning will have a big interest in this. Indeed the City of Yarra will be handing responsibility over to the minister, with a number of conditions. In a rare example of unanimous decision-making all councillors of the City of Yarra decided that this was the way forward.

I do want to comment on the fact that also on this site is the women's mural. I have an interest in women's history and am very supportive of the fact that the women's mural on the Smith Street boundary really needs to be restored, if that is a possibility. Recently I noticed that we lost the Princess Mary Club site on Lonsdale Street. That is being redeveloped by the Uniting Church in partnership with, I think, Leighton Holdings. In doing that a significant site that featured the history of what the amazing women of Victoria have achieved over the years as well as being a meeting

place for them to discuss political and social issues is going to go.

I was very pleased to see that the minister has suggested to the developers of that site that they need to commemorate its importance to the women of Victoria. I would like to make sure that wherever heritage sites are being infringed upon or changed there should be some requirement that the significant contribution that our forefathers and foremothers have made to those sites be commemorated in some way, such as in the form of a plaque, statue or sculpture. I commend the idea that the women's mural also be restored. It did not deserve to be desecrated in the way it was. It was a sheer act of vandalism, and we want to make sure that it is restored to its former glory.

This is an important bill. It also refers to the site at Springvale, but I am sure other speakers will speak about that in detail. As I said, it is an important bill because it is about making sure that Melbourne maintains its standing as Australia's, indeed the world's, most livable city. Planning is important; it is most important that we get planning right. This bill is a step in the right direction of facilitating the wise use of land. I commend the bill to the house and wish it a speedy passage.

**Ms WILLIAMS (Dandenong)** — In the short time available to me I will make a very brief contribution. As we have heard, this bill revokes permanent reservations over land in three areas of metropolitan Melbourne, being Cranbourne, Springvale and Fitzroy. By way of background, a Crown land reserve is land that is set aside for a particular public purpose. These reservations can be either temporary or permanent. While a temporary reservation can be revoked through an administrative process, a permanent reservation can only be revoked by or in accordance with an act of Parliament, which is why this bill is before us today.

To speak in very general terms due to the shortage of time, the importance of these revocations is that they will free up three pieces of land for future use. We heard the member for Richmond speak passionately about the potential uses for the gasworks site in Fitzroy. We have also heard other speakers speak about the site in Springvale, which is a bit different because it involves an encroachment on a neighbouring area that is currently being used for a shooting range, and so the best way to rectify the situation with the club that actually wants to purchase the land is to convert it to a temporary reserve rather than a permanent one so that that sale can go ahead.

We have also heard speakers speak about freeing up the land in Cranbourne for future development. That land is regarded as being somewhat under-utilised, and thus it presents a number of opportunities. Although there is not currently a definite proposal for redevelopment, it is still a priority for Casey City Council and many ideas are being canvassed. So it is important that by removing the permanent reservation over that property around the Cranbourne racing complex we are essentially freeing up that land to be turned into something that is more useful to the community.

**The DEPUTY SPEAKER** — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when this matter is next before the Chair.

**Business interrupted under sessional orders.**

## ADJOURNMENT

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

That the house now adjourns.

**Ms McLeish** — On a point of order, Deputy Speaker, on 10 March I raised a matter for the Minister for Roads and Road Safety which I have not yet had a response to. In addition, on 9 February I raised a matter for the Minister for Education, and I have not had a response to that.

**The DEPUTY SPEAKER** — Order! I shall refer this matter to the Speaker for his follow-up.

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

**Ms RYAN (Euroa)** — The adjournment matter I raise this evening is for the Premier. The action I seek is for the Premier to meet a delegation of volunteers from my electorate to hear their concerns about the draft agreement the government is striking with the United Firefighters Union (UFU). Volunteers across my electorate have been horrified to read the details of that agreement, which up until now have been kept a secret.

As we now know, the current version of the enterprise bargaining agreement would give the UFU control over Country Fire Authority (CFA) operations. It proposes to hand the union the power to veto equipment, vehicles and clothing issued by the CFA. It diminishes the role of volunteers, replacing volunteer support staff with paid firefighters. This is a deliberate move by the union to change the CFA from a volunteer organisation supported by paid staff into an organisation run by paid staff and supported by volunteers. It also proposes that

union members would report only to other paid staff and not to volunteers when responding to incidents.

The clause that has everyone asking just how clueless this agreement is demands that seven paid firefighters be on a fireground before firefighting starts. Let us think about that for a minute. If a fire starts in Strathbogie, volunteers will have to wait an hour for paid staff to arrive from Shepparton before they are allowed to fight the fire. What an absolute joke! These demands spit in the face of the volunteers in my electorate and across country Victoria who have put their lives on the line to fight some of the worst fires this state has ever seen, including the Black Saturday fires, which affected a large part of my electorate.

I have been fielding phone calls from distressed volunteers since it became public that the Premier intervened in negotiations to put many of these demands back on the table. If these conditions are allowed to go ahead, they will be the death knell of the CFA as a volunteer movement. They will cause irrevocable damage to the CFA and bring an end to one of the greatest traditions our state has.

The Premier should be under no illusion about how strongly communities across my region feel about this. It is a betrayal of the decades of work that volunteers have put in to keep our communities safe. Here are just a few of the things volunteers have been saying to me in recent days. One volunteer said:

This is going to decimate the CFA volunteer system if it is agreed to. Country Victorians need our CFA to stay as it is ...

Another volunteer said:

So many of us are CFA volunteers out here. We'd hate to lose our organisation to unions hungry for money and power.

Another said:

This is going to destroy the CFA and lose the volunteers who have put their heart and soul into this organisation.

And another said:

This proposal is outrageous. It seems they have no idea of the extent that CFA volunteers go in protecting homes, land, livestock and, most importantly, lives ...

### **Macedon electorate rail services**

**Ms THOMAS** (Macedon) — The matter I wish to raise is for the attention of the Minister for Public Transport, who I am delighted to see is in the house. The action I seek is that the minister visit my electorate in order to outline how today's massive \$1.3 billion

investment in regional rail will deliver more frequent and more reliable train services in Macedon.

As the minister knows, I have seven railway stations in my electorate. Car parking at some of those stations is clearly inadequate, so I was pleased to read that \$20.4 million has been allocated to deliver more car parking spaces at train stations across Victoria. I invite the minister to come with me to inspect the car parks at some stations in my electorate. I invite her to consider the needs of my community in allocating these funds. The minister knows the Bendigo line very well; she has travelled on it all her life. I know how committed she is to improving services for V/Line passengers. She is welcome to visit my electorate soon. It will be great to have her there.

### **Maryborough District Health Service**

**Ms STALEY** (Ripon) — My adjournment matter is for the Minister for Health. The specific action I seek is that she allocate funding to the Maryborough District Health Service for the development of a comprehensive master plan to meet the future needs of the Maryborough and district communities. Maryborough District Health Service turned 160 this year. I was delighted to be at the celebrations and to sign the board that will form a permanent reminder of that day. I note the health minister was not present again that day. Maryborough health service's main hospital is a hotchpotch of buildings dating back to not quite 1856, but some to before the turn of the century. The floor in the main peri-operative unit is uneven, as it joins together different buildings. The workflow of the hospital is highly antiquated and a drag on productivity despite the magnificent efforts of the staff. The admissions window affords patients no privacy. The ambulance bay is in the wrong place. There is no linkage between the hospital inpatient services and pathology. The list of deficiencies is long.

Prior to the last election the Liberal Party committed \$10.3 million to the refurbishment of the urgent care, theatre, day procedure and dialysis areas and an overhaul of the front entrance and parking facilities at Maryborough's public hospital. Labor has never matched this commitment and once again with today's budget has failed to invest in the Maryborough health service. I note today's budget allocates \$168 million to Shepparton's hospital and I further note the health minister, the Premier and other Labor ministers made much today in question time of delivering funding because the people of Shepparton voted against the coalition last election — a disgraceful display of attempting to bully the electorate.

Ripon did not vote the way Labor wanted, and it is clear the government is denying vital health funds to Ripon as a result. The time is well overdue for the government to fund a master plan for the next 160 years of the Maryborough District Health Service and stop playing politics with the people of Maryborough. A master plan for the Maryborough hospital must take into account all options, including a new hospital that will adequately deliver the kind of quality care the people of Maryborough and Central Goldfields deserve.

### **Melbourne Metro rail project**

**Mr RICHARDSON** (Mordialloc) — My adjournment matter is for the Minister for Public Transport. The action I seek is for the minister to update my community in the Mordialloc electorate on the benefits of delivering the Melbourne Metro rail project, a \$10.9 billion project that will have profound benefits for my community. Visionary policy takes time, and I think the Treasurer outlined today a strong budget — a strong infrastructure budget — with a clear agenda. The Melbourne Metro rail project in particular has some of that long-term visionary planning. It was 1961 when the city loop was first conceived, and it took 24 years to complete that project in 1985 with the opening of Flagstaff station. Long-term infrastructure planning takes time and it takes vision, and that is what this government is doing in implementing this project.

It should be noted as well that in 2011, leading into the former government's first budget, the then Brumby Labor government had left \$50 million worth of planning money to commence the first stages of the Melbourne Metro rail tunnel. It is a great disappointment that that money was not used, and we sit here years on talking about a project that should have started years ago. Thankfully with the election of the Andrews Labor government this project will come to fruition through to 2026 and be a wonderful outcome for our local community.

The Frankston train line is a significant train line in my community. A lot of passengers catch the train on that line, and that number is growing each and every year. About one in eight people in my community catch public transport. The increase in capacity along this line with the introduction of the Melbourne Metro rail tunnel will be substantial. Instead of talking about doing things, like those opposite do, we are getting on and doing the projects that Melbourne desperately needs.

In conclusion, I ask the Minister for Public Transport to update my great community on how the Melbourne

Metro rail tunnel project will benefit my electorate of Mordialloc.

### **Port Phillip Bay water quality**

**Mr THOMPSON** (Sandringham) — I wish to raise a matter for the attention of the Minister for Environment, Climate Change and Water. The action that I seek is for the government to develop methods to step into the 21st century to improve the understanding of Port Phillip Bay users as to water quality conditions.

I note in recent reports from the Environment Protection Authority (EPA) of water quality test results for Port Phillip Bay, particularly in the region of Mentone Beach, that Mentone Beach was ranked 36 out of the 36 beaches in Melbourne. I am also familiar with the fact that a number of years ago there was a breakdown in the Black Rock pumping station on Port Phillip Bay whereby raw effluent was being pumped into the bay and the so-called failsafe system actually resulted in failure, to the great dismay and concern of early-morning swimmers. I note also the large number of people who use Mentone Beach, including local icebergers, recreational swimmers, the 1350-strong membership of the Mentone Lifesaving Club and other regular beach users.

There is a concern as to whether there has been an increase in gastroenteritis in the district as a result of swimmers unknowingly swimming in waters that are not regarded as being safe in terms of the E. coli content. It is a mistake that sometimes people think dirty water has the Yarra River muddy look and therefore they may be less inclined to swim in that sort of water, or shandy with the seawater, but E. coli can be present in quite clear water and there is not really a fair indication for people to determine where the water might be safe to swim in along the Victorian coastline. There are good EPA alerts in relation to stormwater conditions along Port Phillip Bay.

The action I seek from the minister is for her to step into the 21st century and for social media to be used so that if there is a concern about water quality at a particular beach, swimmers do not find out a day later or three months later or a week later that they were swimming in inferior quality water but, through a method involving the dissemination of an alert to members of Parliament and in turn to local government, within the space of an hour interested parties would be made aware of water quality conditions relevant to their health and wellbeing. I think there is a great opportunity for the government to step into the 21st century and build a notification system that provides timely and appropriate advice and that will benefit the health of not

only residents within the Sandringham electorate, including Mentone, but those across Victoria.

### **Emergency services education campaign**

**Mr BROOKS** (Bundoora) — I wish to raise a matter for the attention of the Acting Minister for Police. The specific action that I am seeking from him is that he investigate the options for an education campaign to ensure that motorists are aware of the need to keep clear and move out of the way of emergency services and police vehicles. A number of constituents have raised this issue with me, and I have received comments from emergency services workers themselves, who are concerned that when they are on their way to an emergency with lights and sirens on vehicles do not move out of the way.

Some motorists, I think, are not aware of the requirement to pull over and get out of their way, so I think it is important that the Acting Minister for Police investigate whether there is a way that we could better inform motorists of that need, particularly given that on the way to an emergency, especially a medical emergency or a fire, every second is critical to the person or the people who require assistance. I am sure many Victorian motorists, if made aware of these facts, would quite happily go along with the existing road safety rules which set out those requirements.

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

**Ms SHEED** (Shepparton) — My adjournment matter is for the Minister for Emergency Services. The action that I seek from the minister is that she visit my electorate and meet with some of our local Country Fire Authority (CFA) rural fire brigades to hear their concerns. These volunteer services are located throughout the Shepparton electorate and have a proud volunteering heritage. They strive to operate to the highest possible standards. They have active members who have been involved in all aspects of emergency management and community life throughout a long history in the region.

During the course of the past week I received numerous letters from representatives of CFAs expressing their dismay regarding the current reported negotiations between the Premier and Peter Marshall of the United Firefighters Union. It is apparent that the CFA members strongly support their paid colleagues receiving a fair and equitable enterprise bargaining agreement and pay arrangements, but they are adamant that they should retain their current autonomy and structure.

Those of us who live in rural areas know only too well the importance of our CFA volunteers. Not only are they readily available to attend small incidents but when major disasters such as the Black Saturday fires occur they provide a surge capacity that allows the deployment of thousands of personnel. Volunteers also have that local on-the-ground knowledge which can be invaluable in such circumstances. Not only do CFA volunteers fight fires but they also attend numerous other emergency situations, including motor vehicle accidents. They are sometimes first on the scene and will often know the victims who require their attendance.

The CFA has a proud history going back to regional volunteer fire brigades of the 1850s and 1860s. Generational involvement is common. One correspondent stated in his letter to me:

I am a proud volunteer firefighter with almost 40 years experience with the CFA. My father died an honorary life member of the CFA after serving 55 years. My wife is a brigade member and assists in operations ... My daughter has almost finished her junior involvement ...

Members of this house will recognise this as being a common feature of so many brigades throughout the state.

Over the years the CFAs have become embedded in our local communities. Not only do they provide the obvious services of volunteer firefighting but they represent one of the major organisations for men and women to participate in as volunteers in a very meaningful way. We know that volunteers are essential to the functioning of our society and that volunteering is a major contributor to general community wellbeing.

Again I urge the minister to join me in meeting with some of my local rural fire brigades. They are excellent examples of the volunteer organisations that are so important to our local communities.

### **Geelong Automotive Transition Taskforce**

**Ms COUZENS** (Geelong) — My adjournment matter is for the Minister for Industry. The action I seek is that the minister attend a meeting of the Geelong Automotive Transition Taskforce. I have the pleasure of being the chair of the task force, and while I know there are many challenges ahead as we transition, I am pleased that the Andrews Labor government has put in place a comprehensive plan to support workers, communities and businesses affected by the closure of large-scale passenger car manufacturing in the state.

The \$46.5 million *Towards Future Industries* — *Victoria's Automotive Transition Plan* will help

automotive businesses transition to new markets, help workers to retrain and find sustainable jobs and attract investment into communities impacted by the closure of car manufacturing. The Geelong Automotive Transition Taskforce will have a critical role in coordinating the implementation of the transition plan in my local electorate. I look forward to chairing the task force and to seeing the minister at one of our meetings in the near future.

### Police resources

**Mr SOUTHWICK** (Caulfield) — My adjournment item is for the Acting Minister for Police. The action I seek is for the minister to immediately fund more frontline police in Glen Eira in addition to a second divisional van. In the past year, crime has risen 8.1 per cent across Victoria and a disturbing 21.36 per cent in Glen Eira. This is just not good enough. Our police do an outstanding job, but they are under-resourced. In Glen Eira alone we have only one divisional van servicing approximately 140 000 residents, whereas the neighbouring municipality of Kingston has four vans for 235 000 residents. The residents of Glen Eira are being short-changed.

Again we are seeing too many undesirable situations on our streets, and quite frankly many of the residents in my electorate of Caulfield are living in fear at the moment because of the reports they are hearing and seeing. There is no doubt that our area in Caulfield is being targeted. One could suggest that it is being seen as a nice sleepy neighbourhood with a police force that does a great job but which is under-resourced. We have seen people coming into Caulfield and doing burglaries. In fact there was one instance where two young children aged 8 and 10 were disturbed in the middle of the night and their lives were threatened while a Lexus car was stolen.

Only last week somebody in Elsternwick was pulled over onto the side of the road by people with baseball bats. His car was stolen from him. There have been a number of other carjackings and a number of house invasions. In fact only last week my car was broken into when it was parked on the street in front of my house. When I reported it to local police, they said eight other cars had been burgled that night.

The police are doing a great job, but they just do not have the resources. The response from the community has included an individual setting up a Facebook page. In 24 hours he had 6000 people join the Facebook page looking to report crime and to help one another in providing this sort of information. There is absolute certainty that we need more police in Caulfield. The

budget that was handed down today does not talk at all about more police in Glen Eira. There is not one line item that shows us getting more police in our electorate. I call on the acting minister tonight to provide funding and support immediately to get more police on our streets so my constituents can feel safe and can go about doing what they do without fear or favour.

### Maribyrnong River pollution

**Mr PEARSON** (Essendon) — My adjournment matter is for the Minister for Environment, Climate Change and Water, and the action I seek is that the minister advise me what action the government is taking to tackle the rubbish and household waste that is polluting the lower reaches of the Maribyrnong River. The magnificent Maribyrnong River forms part of the western boundary of the seat of Essendon. From what was once an industrial drain in 19th-century Melbourne, the waterways have improved significantly and now form one of the great recreational areas of my community. However, one of the challenges is that rubbish dropped in our streets often ends up in the drains, and during wet weather it is pushed through the drainage network and into the river. This is an issue for not only the lower reaches of the Maribyrnong River, such as in my community, but also in the upper reaches of the catchment area. Tackling rubbish and waste will improve the quality of the river and preserve it for future generations.

### Responses

**Ms ALLAN** (Minister for Public Transport) — Firstly, I am delighted to respond to the adjournment request from the member for Macedon regarding my visiting her electorate particularly to talk about how the Andrews Labor government is going to invest in stronger, better regional public transport services. As a fellow traveller with the member for Macedon on the Bendigo line, it is an area I know well. I will be very pleased to accept her invitation. I particularly understand in regional communities and in country towns the pressure that is placed on local car parks. When we are encouraging people who come into the town to catch the train, it undoubtedly puts pressure on car parks. That is part of the broader work we are doing in building better, stronger regional public transport. I would be very pleased to visit the hardworking and committed member for Macedon.

**An honourable member** interjected.

**Ms ALLAN** — As others are saying, and I would certainly agree, she is a great local member who is working very hard on behalf of her community. It is a

fantastic community to talk to people about the issues around car parking and how we can make it even easier for people to use public transport.

Can I also now respond to the member for Mordialloc regarding his timely adjournment action request around wanting to understand in more detail the benefits that come to his community, particularly those people who travel on the Frankston line, around the construction of the Melbourne Metro tunnel project — and isn't it a great day for the metro project, having the project fully committed to and being able to go ahead with great confidence that it will be under construction in 2018.

I am pleased to inform the member for Mordialloc that through this program of construction, once the construction works are completed we are going to see the unclogging of the heart of our public transport system. What this means for passengers on his corridor is that they will have, if you like, a dedicated tunnel into the city loop. Giving the Dandenong and Sunbury lines their own tunnel and their own connections into the city obviously frees up the overall capacity in the city loop, meaning that very busy rail lines like Frankston will have increased capacity on their line that will really transform frequency and reliability on that corridor.

As someone who, for personal reasons, travels from time to time on the Frankston line — and I have got to know that line very well over the last seven or eight years — I know it is a line that is getting busier and busier. It is a line that people rely on to access jobs and services and hospital appointments in the city, and I really look forward to working with the member for Mordialloc as we deliver the metro tunnel project and the level crossing removal projects along his line. I think there are a large number of level crossing removals in his electorate that are all about giving us the capacity to run more train services for his community, for the passengers who rely on these services and indeed for people right across Melbourne who want to see more public transport services offered to their community.

The remaining members raised a number of matters for other ministers, and I will refer them on for their action and follow-up.

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

**House adjourned 7.25 p.m. until Tuesday, 3 May.**

