

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 9 March 2017**

**(Extract from book 3)**

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The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(from 10 November 2016)

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Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
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**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker:**

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker:**

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

**Acting Speakers:**

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Ms Graley,  
Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Ms Spence, Ms Thomson and Ms Ward.

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>5</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>7</sup>	Gippsland South	Nats
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Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
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Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
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Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
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Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Owens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	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> ALP until 7 March 2017

<sup>5</sup> Elected 14 March 2015

<sup>6</sup> Elected 31 October 2015

<sup>7</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*): Mr O’Sullivan, Mr Purcell and Ms Symes.

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

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

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

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

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

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

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

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

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

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

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**Thursday, 9 March 2017**

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.34 a.m. and read the prayer.**

**Mr R. Smith** — On a point of order, Speaker, I refer you to comments made during question time yesterday when the honourable member for Burwood raised the issue of the Minister for Energy, Environment and Climate Change reading from a document. The minister said, and I quote from *Hansard*:

Speaker, I am reading from my notes, frankly.

The minister then went on to pretend that she had not actually been reading from her notes. I submit to you, Speaker, in line with the forms of the house that given the minister did in fact say that she was reading from her notes that those notes should be presented to the house.

**The SPEAKER** — Order! I remind members, and this applies to all members, that members are not to read speeches or from notes in this place other than when they are quoting from documents. I ask the minister to provide to the house any items she was quoting from.

**BUSINESS OF THE HOUSE****Notices of motion**

**The SPEAKER** — Order! Notices of motion 1 to 4 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

**PETITIONS**

**Following petitions presented to house:**

**Taxi and hire car industry**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the Andrews Labor government has begun the process of enacting changes that financially cripple taxi licence and hire car licence-holders and their employees. In doing so the Andrews Labor government has failed to provide the adequate provision of compensation to the law-abiding owners of taxi and hire car licences, whose only crime was in obeying the state laws regulating their industry.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Public Transport in the Andrews Labor government to provide appropriate compensation to taxi and hire care licensees commensurate with fair value of their licences.

**By Mr WATT (Burwood) (1270 signatures).**

**Horsham bypass**

To the Legislative Assembly of Victoria:

We the undersigned electors of the Horsham Rural City Council in the state of Victoria wish to draw the attention of the Legislative Assembly of Victoria to the following issue:

After years of reports and debates, the Horsham rural city councillors have been unable to come to an agreed decision on the proposed Horsham bypass location, even after VicRoads had taken all the necessary steps to investigate and confirm that option D is the most appropriate site.

The petitioners therefore request that the Legislative Assembly of Victoria direct the Minister for Planning, Hon. Richard Wynne, and the minister for roads, Hon. Luke Donnellan, to consider and approve amendment C72 which identifies option D as the future Horsham bypass route, knowing they will have full support from the majority of the community. This result will finally allow Horsham to have a clear direction to plan into the future and not continue to hold the community at large in limbo.

**By Ms KEALY (Lowan) (922 signatures).**

**Tabled.**

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

**ACTING SPEAKERS**

**The SPEAKER tabled warrant nominating Judith Graley and Ros Spence to preside as Acting Speakers whenever requested to do so by the Speaker or Deputy Speaker.**

**DOCUMENTS**

**Tabled by Clerk:**

*Commissioner for Environmental Sustainability Act 2003 — Strategic Audit: Implementation of Environmental Management Systems in Victorian Government 2015–16*

*Independent Broad-based Anti-corruption Commission — Operation Liverpool: An investigation into the conduct of two officers of Bendigo Health, Adam Hardinge and John Mulder — Ordered to be published*

**ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE****Membership**

**The SPEAKER** — Order! I have received the resignation of Mr Nardella from the Economic, Education, Jobs and Skills Committee effective from 8 March 2017.

## PENALTY RATES AND FAIR PAY SELECT COMMITTEE

### Establishment

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

That —

- (1) A select committee be appointed to:
  - (a) inquire into and report on the economic and social impact and cost of the Fair Work Commission's recent decision to cut penalty rates to thousands of Victorian workers, particularly in relation to:
    - (i) Victoria's lowest paid, award-reliant workers;
    - (ii) women;
    - (iii) young workers;
    - (iv) workers in regional Victoria;
    - (v) single parents;
    - (vi) the detrimental effect on the Victorian economy;
    - (vii) workers who may be indirectly affected as they experience the flow-on effects of this decision in their enterprise bargaining, across different industries, or who work in industries which may be targeted next; and
  - (b) also investigate possible safeguards and federal legislative changes, that can be advocated for at the commonwealth, state and territory ministers for workplace relations and work health and safety meeting, to protect vulnerable Victorian workers and all other relevant matters; and —
- (2) The committee be required to present an interim report no later than 21 June 2017 and a final report no later than 1 September 2017;
- (3) Such committee to consist of:
  - (a) government members Ms Williams, Ms Blandthorn, Ms Suleyman and Mr Josh Bull; and
  - (b) two opposition members, nominated by the Leader of the Opposition and one crossbench member nominated by the Leader of the House, and those members to be appointed by the lodgement of names to the Speaker by 5.00 pm on the day after the motion is passed;
- (4) Ms Williams be the chair;
- (5) Four be the quorum;

- (6) The provisions of this resolution, so far as they are inconsistent with standing orders, have effect despite anything in standing orders.

**Mr CLARK** (Box Hill) — Speaker, I trust that you will ensure that this motion is circulated so that honourable members have an opportunity to consider it. It is a complex motion. It is a motion of which no notice has been given to the opposition parties. This is a sign yet again of the chaos and the disorganisation of this government — the fact that they are a government driven by kneejerk reactions to events of the day, a government desperate to distract attention from the crisis and the shambles that prevails within their ranks — when they are bringing forward a motion such as this to establish a select committee.

This is a motion which would ordinarily be done by either notice being given or by consultation with the opposition parties, but the government is not doing that. They have sought to bring this motion on by leave without having foreshadowed it to this side of the house, which is yet again a desperate attempt by the government to distract attention from the divisions, the chaos, the shambles, the rorts and the corruption that pervades this government. They are clutching at any straw to try to distract public attention from the disgrace which they are perpetrating on this state — the disgrace of the former Deputy Speaker and the disgrace of the former Speaker — anything to try to divert the attention of the house and the community from the crisis that they have brought on. Yet instead of allowing this house to proceed to debate the motion of which we have given notice to establish a select committee to inquire into these scandals, into this matter — the matter that is on the lips of just about every Victorian who pays the slightest attention to what is happening within this state jurisdiction — instead of bringing on that motion for debate and agreeing to that select committee establishment, instead, without any notice, without any warning, without any discussion, the government is seeking to bring on this motion in some desperate attempt to create a diversion.

What was apparent from when the Leader of the House gave that notice and what is even more apparent now that copies are being made available is that there are some very grave deficiencies indeed in the wording of this motion, because what this motion fails to include in its terms of reference is examination of the factors underlying what has given rise to this decision by the Fair Work Commission.

As the member for Ripon placed on record in this house in considerable detail yesterday, and as members opposite should well be aware, the decision that was

handed down by the commission is the result of specific obligations in commonwealth legislation imposed under the former federal Labor government and under the then Minister for Workplace Relations, the now Leader of the Opposition, Mr Bill Shorten, who went out of his way to amend the Fair Work Act 2009 to require and instruct the Fair Work Commission to address the issue of penalty rates, yet there is no reference in the terms of reference for this select committee to how that came about, what this committee might consider on that matter and what the circumstances were leading up to the decision of the Fair Work Commission.

There is no requirement for this committee to undertake its considerations in light of the calls that have been made by the now federal Leader of the Opposition, Mr Shorten, for commonwealth legislation to overturn the Fair Work Commission's decision and no indication as to whether or not the government proposes that a committee of the Victorian Parliament should examine whether or not commonwealth legislation should be amended. Furthermore, there is no consideration as to what might actually be an issue within the jurisdiction of the Victorian government and whether or not there should be amendments made to Victorian legislation. We have had members of the government getting up and raising concerns about this issue and saying that it is a matter that is the responsibility of the opposition in the Victorian Parliament, and yet there is no recognition by the government, if they were really serious in the line of argument that they want to pursue, that in fact they could be introducing legislation into this Parliament if they really wanted to take back responsibility for these matters and to legislate themselves, insofar as the Victorian government jurisdiction extends, to ensure that penalty rates would continue to apply.

It seems that the government wants none of these matters to be considered by this reference and that this is simply an attempt to divert attention from their own failings and an attempt to create a political stunt that enables them to try to pursue this bizarre notion they have that somehow the Victorian opposition is responsible for the Fair Work Commission decision when it was a decision made under rules that were established by the federal Labor Party and by members of the Fair Work Commission that were appointed by the federal Labor Party. However, none of that comes through in the terms of reference that they are proposing for this committee.

Those on this side of the house have certainly made clear our views that the decision of the Fair Work Commission, as far as we are concerned, has no

ramifications whatsoever for Victorian public sector awards, and yet for some reason the government seems to consider that this is a matter that raises some threat to state government awards. I repeat the point that if they have any concerns about the operation of the Fair Work Commission decision in the Victorian jurisdiction, it is perfectly open to them to bring legislation to the Parliament to address those concerns.

This is a proposed reference that is not sincere, is not put forward in good faith and is not attempting to resolve the issues that have been created by the former federal Minister for Workplace Relations and now Leader of the Opposition, Mr Shorten. Yet again the federal Labor Party has created a time bomb through their irresponsible and ill-thought-through conduct, which now falls to the federal coalition to respond to. But there is no sign in this motion that the Labor Party accepts responsibility for what their own current federal leader has done, nor indeed any sign that they accept responsibility for the long history of willingness to sell out workers in relation to penalty rates that many members on that side of politics exposed during the Royal Commission into Trade Union Governance and Corruption.

We all know what came out of it about Mr Melhem in the other place, Clean Event, Chiquita Mushrooms and all those other instances which were documented in great detail which showed that current Labor members of Parliament and Labor-supporting union officials were willing not only to sell out low-paid workers in relation to penalty rates but to do so for some of the most base reasons imaginable. They did it not because they thought that they had negotiated a deal that offered some benefit to those workers as a quid pro quo, but simply because they thought that as a result of it they would get some contribution into either union funds or their own re-election fund. So the contradictions on the other side of the chamber in relation to this matter are absolutely manifest. We have the member for Essendon on record in this house as actually supporting the reduction in penalty rates for Bunnings workers. I think those on that side of the house have a lot of explaining to do about the consistency of their position on this issue.

What we have here is not a motion that is a bona fide attempt to address issues that come within state responsibility and to come up potentially with a state contribution to resolving the mess that has been created by the former federal Minister for Workplace Relations and now leader of the federal opposition, Mr Shorten. We have none of that. We have a motion that is ill framed, that has been rushed into this house and that has not been the subject of consultation with this side of the house. It is typical of the shambles, chaos,

dysfunction and lack of proper ability to govern in a responsible manner that is now typifying the other side of the house, as they lurch from crisis to crisis, that they are simply rushing into the house with a motion on which they have given no notice to the opposition.

The motion is poorly thought through. Those opposite clearly made no bona fide attempt to engage with members on this side of the house on it; they simply wish to rush this motion through regardless. It is not a motion that should be given any respect or regard by this side of the house, because, as I said, it is not bone fide. If it were a bona fide attempt to respond to issues that fell within state government responsibility and the government had approached the opposition to deal with their proposed terms of reference in a responsible manner, then of course we would willingly have entered into discussions with them on that to seek to come up with a motion for an appropriate reference, but there has been none of that. Indeed, there has not even been any attempt by the Minister for Public Transport, in moving the motion, to justify it — to explain the government's reasons for bringing it forward. The minister has simply popped up and sought to move it by leave as some routine measure, when clearly it is quite an extraordinary measure.

Apart from anything else, it is a measure to establish a select committee of this house. It is a bit of a backhander to each and every one of the joint committees of this Parliament that apparently the government considers that none of them are worthy to undertake this reference. The chair of the Public Accounts and Estimates Committee, the member for Essendon, is sitting on the back bench there looking rather sheepish. They want to bypass him. They do not trust him with this reference. Is it because he is on the record as saying he supports penalty rates being cut at Bunnings and they do not want him potentially not toeing the government line on this issue? Is that why they are bypassing the Public Accounts and Estimates Committee? Why are they bypassing the joint Economic, Education, Jobs and Skills Committee? Again, it would seem to be a perfectly appropriate matter to refer to that committee.

The member for Ringwood is the deputy chair of that committee. Perhaps they remember the enormous embarrassment they suffered in the past on that committee when a majority of the committee would not even agree with what the Minister for Industrial Relations was trying to railroad through the committee. We had this absolute defiance of all precedent in this house when the Labor members got a temporary majority and reversed all the decisions that had been agreed by a majority of committee members. In fact

when the report came to the Parliament the purportedly majority committee report had been agreed to by a minority of the members of the committee, and the minority report actually constituted the majority. But this lot opposite yet again were prepared to rort the rules and break every standing convention in the Parliament in order to engineer a result that conformed with what the Minister for Industrial Relations wanted.

So perhaps they want a select committee because they do not want to be embarrassed again by not even being able to persuade a majority of members of a joint committee. They do not trust the Public Accounts and Estimates Committee chair because he continually breaks ranks with the government, so they have come up with this half-baked, ill-considered proposal to refer this matter off to a select committee.

There are important roles for select committees of this house. They are when there are matters concerning the good governance of this house, such as the scandal that has arisen with the conduct of the former Speaker and the former Deputy Speaker. That is why you would have a select committee — not because this house has exclusive cognisance of these matters but because it has a responsibility for these matters alongside a multiplicity of other bodies, potentially the Ombudsman if there has been an appropriate reference or Victoria Police or audit committees or a whole range of bodies.

These matters are not mutually exclusive, but there is certainly a legitimate role for a select committee of the Assembly to deal with matters such as the rorting and abuse of office by the former Speaker and the former Deputy Speaker. But it is absolutely extraordinary given the well-established and what is generally a highly regarded system of joint committees of this Parliament — a system of committees that certainly was highly regarded until we saw the abuses perpetrated by the government in recent times in relation to the economic committee — that the government is moving to establish a select committee of this house alone to inquire into these matters.

Not only is it, as I said earlier, a backhander to Labor members on the joint committees but in fact it seems to be that the government has no regard for the role of the Legislative Council and the capacity of members of the Legislative Council on either side of politics to contribute to an investigation of these matters. If the government is going to persist with this motion, they need to explain to the house and indeed to the community why they are choosing to have a select committee that consists solely of members of this house and excludes any involvement of members of the other

house on a matter of general public policy that does not relate solely to issues of the governance of this house.

This motion is riddled with flaws. It is not a bona fide attempt to address an issue that comes genuinely within the purview of state government. It is a desperate attempt by the government to distract attention from the crises and scandals with which it is riven. It does not deserve to be given any credit by this house or to be taken seriously as an attempt in good faith to address the important issues that are facing Victorian workers.

If the government were genuinely committed to seeking good and fair outcomes for Victorian workers, it would be going about it in a sincere and responsible manner by putting forward a proposal to address the matter in consultation with the opposition and in consultation with the minor parties to come up with terms of reference on a matter within state government responsibility that was genuinely directed towards the merits of the issue. For the government to not do that is simply a demonstration yet again of its lack of bona fides, its lack of sincerity and commitment and its lack of any ability to properly do its job and provide good government to this state.

**Ms WILLIAMS (Dandenong)** — Why am I not at all surprised to hear the panic and the hysteria from those opposite when we announce that we are going to look into an issue as important as this one is? There are few more important issues in our community today than the attack that has been launched on the wages of low-paid workers in our communities, an attack launched by the federal government and supported by those opposite — and they are going to stand there and tell us that this is not important. ‘Nothing to see here! We don’t want to open up this can of worms. This isn’t worth taking a closer look at’. You go and tell the lowest paid workers in our community that. You go and tell retail workers who will lose about \$72 from their Sunday pay — \$72 from a low-paid worker’s pay package is an extraordinarily big hit. It is the difference between being able to put food on the table and not being able to put food on the table for your family.

Yesterday was International Women’s Day. On this side of the house we took that very seriously. Our commitment to improve the conditions of women in our community is something we take very seriously, and if you look at the motion, you will see:

A select committee is appointed to:

- (a) inquire into and report on the economic and social impact and cost of the Fair Work Commission’s recent decision to cut penalty rates to thousands of Victorian workers, particularly in relation to ...

You will see there are a number of things listed under that, and one of them is ‘women’ — because what do we know about these cuts to penalty rates? They will disproportionately impact upon women in our community. But do those opposite care about that? No. I do not believe I heard a single member on the other side of the chamber mention International Women’s Day yesterday, and today they are going to try and defend cuts to penalty rates that will disproportionately impact on women. That is certainly not a record to be proud of if you sit on that side of the house.

I am named in the motion as being the chair of that committee. I am very much looking forward to being able to lead and to do this very important piece of work with a team of people who have a very genuine interest in investigating what the outcome and the impacts of these cuts to penalty rates will be for some of the most vulnerable members of our community. I am not at all surprised to see those on the other side of the house in a state of unbridled panic and horror at the idea that we might want to talk about a very significant issue in our community. You can flail, you can flap and you can try and distract from the issues that genuinely matter to our constituents — to your constituents too — but on this side of the house we are interested in actually dealing with an issue that matters to Victorians and an issue that impacts on our most vulnerable. It is an absolutely fair and reasonable ask that a committee be established to work out what the true impact of this decision will be.

To reiterate, for those opposite to say that this is an insincere move is an absolute insult to the thousands of workers who will be impacted by this decision. That is, our lowest paid workers — disproportionately women and young people. I myself was dependent upon penalty rates to get through my studies, as are thousands of young people across the state. There are workers in regional Victoria who we also know will be heavily impacted. Are there any Nationals in the house at the moment? No? It would be nice to see them defend their communities and people impacted by a decision such as this once in a while.

Of course there will be a detrimental effect on the Victorian economy, because let us not forget that when people have less money in the bank they have less money to spend in our economy.

**An honourable member** interjected.

**Ms WILLIAMS** — Exactly right, and when I did some basic economics lessons I learned that that was important.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Thomson)** — Order! I cannot hear the member's contribution.

**Ms WILLIAMS** — When I did my cursory economics study, money in the economy, I thought, was a very positive thing, and people able to spend money in the economy is indeed a very positive thing for the economic health of our state.

In summation, this is a much-needed inquiry into an issue that is hurting Victorians. For those opposite to claim it is insincere is an insult. It is an insult to some of the most vulnerable in our community. Those opposite should hang their heads in shame.

**Ms STALEY (Ripon)** — I move:

That the following paragraph be inserted after paragraph (1)(b):

“(c) also investigate the circumstances and time lines for the addition of penalty rates to the review and the appointment of the Fair Work commissioners who made the decision; and”.

This amendment makes an important addition to the motion moved by the Leader of the House to set up this committee. It brings into focus the fact that the whole reason the Fair Work Commission decision was made was that Bill Shorten in 2013 amended the Fair Work Act 2009 to specifically review penalty rates in the awards as part of the four-year review — —

*Honourable members interjecting.*

**Ms STALEY** — He wrote the rules.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Hawthorn is being very rowdy while one of his fellow members is speaking. The member for Mordialloc is acting in the same way. The member for Ripon to continue.

**Ms STALEY** — It was Bill Shorten who wrote the rules that the independent umpire, the Fair Work Commission, was required to comply with. Prior to Bill Shorten's intervention in this it was a general review of the modern awards, but Bill Shorten added into the review the specific words ‘additional remuneration for employees working on weekends or public holidays’. Had he not done that, there would not have been a review of penalty rates. There just would not have been. Bill Shorten did this in 2013.

The clauses that are in the modern awards objectives are pretty general; they do not go to the specific issue of penalty rates and in particular they do not go to the specific issue of weekend penalty rates, so Bill Shorten intervened to change that. Having made that change in

2013, time rolled on and we got to where we had the review by the Fair Work Commission.

The Fair Work Commission has a number of commissioners who have been appointed over some time. Let us have a look at who those commissioners are. This decision was made by five commissioners, including the president of the Fair Work Commission, Justice Ross, vice-president Catanzariti, deputy president Asbury and commissioners Hampton and Lee. Some members of the house at the moment were not members previously and probably do not know that these five people have one thing in common. They were appointed at different times, they were appointed by different people but there is one thing that they have in common, and that is that they were all appointed by Labor ministers.

In December 2009 Julia Gillard appointed Peter Hampton to Fair Work Australia. Chris Evans in 2011 appointed Tim Lee to Fair Work Australia. Then in June 2013 Bill Shorten enters the picture as the Minister for Employment and Workplace Relations, and he appointed Joe Catanzariti and Ingrid Asbury. Then of course we come to the president of the Fair Work Commission, Iain Ross, and do you think a Liberal appointed Iain Ross? If you thought that, you would be wrong, because in fact Justice Ross was appointed by Bill Shorten to be the president of Fair Work Australia.

We have a decision made by Bill Shorten for a review of the Fair Work Act and then five Labor Party appointees going on to make this decision. And of course what happens? The state Labor Party does not like that. They want to look anywhere else — ‘Let us point the finger anywhere else’. But no, I believe — and this is why I am moving this amendment — that if we are going to look at the decision of the Fair Work Commission in relation to penalty rates, we need to consider why it is they made that decision, how they came to make that decision, who made that time line and who the commissioners were that did that. So that is why I am moving this amendment. I think it adds to the motion, and I would in every way urge the house to support its adoption.

I do not want to pre-empt how others may feel about my proposed amendment, but I just have a slight suspicion that those opposite are probably not very keen to inquire into the Labor Party circumstances that led us to this decision on penalty rates. But we need the context.

**Ms McLeish** interjected.

**Ms STALEY** — Exactly, member for Eildon. We need the context. How can we understand where we got to today unless we know the context of these decisions? I would also go on to say that if you look at a number of these commissioners, they have been servants of the Labor Party their entire lives. These are not employer or Liberal Party stooges in any way. These are lifelong Labor Party supporters, yet when evaluating the reference they were given by Bill Shorten they came to this conclusion. I think it is really, really curious that the Leader of the House has not included this in her original motion.

I would also note that the Leader of the House has in paragraph (b) asked for some ‘possible safeguards and federal legislative changes’. Again I would refer those opposite to some comments that Mr Shorten made when the Greens tried to do this when Labor was in power federally. The Greens tried to move legislative changes on penalty rates, and Mr Shorten said:

I ... caution the Greens, from their sideshow position, that they need to be careful ... they're playing with fire by proposing that a government should be able to legislate on specific penalty rate outcomes ...

I invite all those opposite to consider why that may be. What one government can do another government in the future can change. One of the reasons we have the Fair Work Commission is that there has been absolute agreement that we need an independent umpire — that we take it out of the mix of legislators and we say, ‘Right, we’re going to give this to the independent umpire’. That is what we did with this decision. Bill Shorten sent his amendments to Fair Work — to the independent umpire — and then he and his Labor Party colleagues’ appointees made a decision about it. That is what the Fair Work independent umpire has done. I would therefore strongly submit to the house that my amendment enhances the proposed motion and should be supported.

**Ms WARD** (Eltham) — I rise to talk on this motion, and what I will do in talking on this motion is expose the absolute ignorance of those opposite. They do not want to deal with the facts. They just want to deal with their Institute of Public Affairs brainwashing, which does not want to support workers, does not want to care about workers and does not want to make sure that people have a living wage. They have not mentioned workers once in discussing this motion. They have not done one thing for workers in the time they have been in this house, and it is a disgrace. There are over 700 000 people employed in the cafe and restaurant sector and in hospitality.

Let us talk about some facts. In 2014, when penalty rates were in place — when they had not been reduced — the sector grew from 5.7 per cent to 6.2 per cent according to the Australian Bureau of Statistics. So if people are paying penalty rates on Sundays and their businesses are still growing, what is the problem? The problem is that we have got people like those opposite who do not want people to be paid properly.

Can I also say that it was fascinating to read, in commentary around the decision, that the leader of a national independent supermarket chain said that he would be able to employ more experienced people now on a Sunday. Do you know who he is talking about? He is talking about mums who work in supermarkets during the week when their kids are at school. Now he wants to pull them out and, when they should be watching footy games with their kids or driving their kids to cricket or netball games, he wants them to be working in supermarkets — and get this — for less money. Those people opposite want to reach their hands into the pockets of working people and rip out over \$70 a week. Seventy dollars a week may not matter to the landed gentry opposite, but it certainly matters to me.

The equality of workers and the wages they receive matter to me, and they matter to this government. This motion talks to that. This motion asks the committee to go and find out the truth and find out how this ruling will affect people in their day-to-day lives. It is not about a ridiculous ideology that wants to rip money out of people’s pockets, take it out of the economy, take it out of people’s homes and take it out of their children’s lives. Those opposite want to take money away from people, and we want to know how that is going to affect them. We want to know how mums and dads in this state will be affected by the support of those opposite for reducing wages and ripping money out of pockets.

Those opposite should be ashamed. They do not care about what happens in people’s day-to-day lives. They do not care about how people spend their money, and they do not care about small business, because if they did care about small business, they would want more money in our economy. They would want people to have more spending money. They would not want people to be living hand to mouth and being unable to spend money at retail shops, being unable to spend money in cafes or restaurants and being unable to spend more at supermarkets. They would actually want a healthy, thriving economy, but that is not what they want.

They want people to miss out. They want to get their greedy little hands in the pockets of mums and dads in this state. They want to take money from them, they do

not want to ensure that they have got a working wage and, frankly, their behaviour is disgraceful and they should be ashamed of themselves.

*Honourable members interjecting.*

**Ms WARD** — For all the noise that those opposite make, for all the noise of trying to drown out yet another woman on this side of the house who is standing up — —

*Honourable members interjecting.*

**Ms WARD** — They just cannot help themselves. They cannot engage in a rational debate. All they want to do is create a wall of noise and chaos. They do not know how to be in government, and they certainly do not know how to be in opposition.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Thomson)** — Order! Member for Bass, if you wish to make a contribution, make it.

**Ms WARD** — Thank you, Acting Speaker. I will finish by saying that I absolutely support workers, I support living wages and I support this motion.

**Mr PESUTTO (Hawthorn)** — What hypocrisy. What a double standard from that lot over there. They move a motion in this house and, as the honourable manager of opposition business has pointed out, it is ill considered and ill framed. There was no consultation, and it was rushed.

Let us look at what those on the other side and the Australian Labor Party have done for workers in this country and in this state. Where were the members opposite coming to the aid of mums and dads who were cleaning our hospitals and looking after the ill when Kathy Jackson and Craig Thomson were ripping them off? Hundreds of thousands, possibly millions, of dollars was going into union excesses and abuses. Where were you looking after the workers? What about the workers at Clean Event? Where were you? Where were you condemning Mr Melhem in the Legislative Council?

**Mr Donnellan** interjected.

**Mr PESUTTO** — The Australian Workers Union (AWU), Minister. Where were you condemning your own union when workers were being ripped off? There was more money for the union and less for the workers. What about at Chiquita Mushrooms Pty Ltd? Where were you? When the Royal Commission into Trade

Union Governance and Corruption exposed the corruption that was going on at the expense of workers, their wellbeing and their families, you were silent, all of you. You sat by and said nothing as your union mates were ripping off workers. Kathy Jackson and Craig Thomson did more damage to the cause of workers than anyone you seek to condemn who actually takes a risk in life and employs people. You were nowhere to be seen.

The motion talks about looking at how this decision will affect Victoria's lowest paid, award-reliant workers. I will tell you, many people in the health sector are reliant on awards and they were not supported by you. It talks about support for women. Let us just look at that. What were members opposite doing when the Victorian Equal Opportunity and Human Rights Commission came out with a report last year saying that an enterprise bargaining agreement (EBA) in the fire services sector was discriminating against women? Where were you? Where were the Greens? A bit deaf in one ear, are we? The commission came out and said that that EBA discriminated against women, against older people and against people suffering from disabilities, and you said nothing at all.

The motion talks about workers in regional Victoria — and indeed workers right across Victoria, it is to be conceded. Where were you all when it came to light that the Australian Labor Party and certain very senior officials in the government that is in power today were employing people in breach of an EBA and in breach of their rights under the Fair Work Act 2009? Remember that? Remember the stories about how young, impressionable volunteers were brought in and were told, 'You'll be paid partly by the Parliament and partly by the Australian Labor Party, but don't tell anyone. Don't complain. If you're abused, or if somebody says something about the terms of your arrangements, what should you do? Tell them nothing'. That is unlawful. It is unlawful to do that. And were they paid penalty rates? When these volunteers were working until 9 o'clock at night and working on the weekends — tell me, can I hear anything from the other side? I will ask a simple question. Were they paid penalty rates? Anyone? No, they were not paid penalty rates.

Here we are discussing a Fair Work Commission decision. It was made under a law brought in by the Labor Party. It was made by a commission fully constituted by appointments made by the Labor Party on an application brought initially by the Labor Party. It has your fingerprints all over it, and you are now cutting it loose like it has nothing to do with you. It is your party solely and fully that initiated this. And when the Fair Work Act came in and when then federal

Minister Shorten brought in the amendments that led to the decision on penalty rates, what did you say? Again, did you make any opposition? I am listening. There was nothing again. You were silent.

One of the most important things we could do would be to improve union governance in this state and in this country, and that is completely missing, because as I have pointed out it is the Australian Labor Party and the industrial wing of the labour movement that has done more damage to the cause of workers and working families in this state than any other person or body, and yet you do nothing.

We have the Construction, Forestry, Mining and Energy Union (CFMEU) which proudly boasts that it is okay to break the law in the interests of the union, and what do you say? I am listening. Nothing. They are in the Federal Court, they are in the Supreme Court, they are in the County Court, and you do nothing. You think that is okay. You think that the CFMEU repeatedly and customarily breaching the law as part of its modus operandi is okay. You say nothing. Union members earn millions of dollars working on construction sites across Victoria. They pay a significant amount of union dues every year, money that goes to the union instead of to their partners and to their kids — thousands of dollars to the union — and the union squanders it because John Setka thinks it is okay, proudly so, to breach the law in the cause of the union.

What about the Australian Workers Union? Do I hear the minister at the table, the Minister for Roads and Road Safety, condemning what the Australian Workers Union has done? Nothing.

**Mr Donnellan** — Bloody good union.

**Mr PESUTTO** — He says, 'Bloody good union'. I take it that Clean Event was okay and Chiquita Mushrooms was all okay because it is a bloody good union.

**Ms Britnell** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for South-West Coast!

**Mr PESUTTO** — Nothing was done to clean up the Health Workers Union and, as I said before, workers who are members of the Health Workers Union are among our lower paid workers. They work very hard. They have families, they have mortgages, they have burdens they have to bear, and they pay thousands of dollars every year to their union to be represented well so that the union can go into bat for them. There should be no disagreement amongst anyone in this house that a

good union, a responsible union, is important for protecting the interests of their members. But far too often we have seen unions abuse that responsibility and put workers on the scrap heap, so when the government comes in here and talks about how hard it wants to work to protect the interests of its members, we know that is vacuous and it is hypocritical in the utmost.

If this government really believed that it could fix the issue of penalty rates that it believes are in jeopardy, do you know what it could do? It could do what Steve Bracks did. During the years of the Bracks government they did not like what was done at the federal level so they said to the federal government, 'We are going to change the Victorian law and the referral of powers unless you change the federal law'. Why is this government not doing that? As we have pointed out before, whilst those of us on this side of the house certainly had many disagreements with Steve Bracks and John Brumby, this current Premier is neither of those gentlemen and he leads a government that is far worse in comparison to the governments they led. At least they were prepared to nail their colours to the mast and say to the federal government, 'Well, we're going to introduce our own legislation'.

But what we have got in this motion is a committee proposed to consist of the members for Dandenong, Pascoe Vale and St Albans, along with the fine young fellow from Sunbury, I understand — or is it that guy who sits up the back there? I do not know what his name is.

*Honourable members interjecting.*

**Mr PESUTTO** — That guy over there — he gets up occasionally and talks. I do not know his name. But what a sterling committee that is going to be. These members are only going to produce — —

**Mr Paynter** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Bass! The member for Hawthorn needs no assistance from you.

**Mr PESUTTO** — These members are only going to produce a report that is probably already written and sitting on the desk of the minister, ready to go. As the member for Box Hill and manager of opposition business has pointed out, there has been no consultation and no proper preparation. It is an ill-framed proposal.

**Mr PEARSON** (Essendon) — I am delighted to join the debate on the motion moved by the Leader of the House. Industrial relations has changed over the course of time. We went from the master-servant

provisions of the 19th century and then merged into centralised wage systems up until the 1970s. There has always been a battle between capital and labour. That is why we are here. There is always a need to make sure that labour receives its fair share. In a progressive, modern and dynamic economy you would expect that you would have a high-wage, highly productive environment where you have employees who get a good wage in order to sell their time. As part of their arrangements they might have equity in a business and they might receive dividends from their employers, and they might become, as the early 20th century vernacular termed it, ‘labour aristocrats’.

The motion before this house does refer to those people who, for example, might rarely have a requirement for penalty rates. The motion before this house talks about an inquiry into the economic and social impact of the cost of this decision to cut penalty rates. For those who have been lucky at different times in their lives to work in a strong profession where they are well remunerated, where they might have equity in a business and where they have got a strong and progressive employer, a motion like this really is not going to impact them. Instead what this motion is trying to understand — and what the work of the select committee will be tasked with looking at — is how this decision will impact upon people who, for example, cannot negotiate because they are not a member of a union or who are young or are only working on a casual basis. If they are only working eight or 10 or 12 hours on a weekend, they might not have the ability to mobilise or organise and be able to get fair payment for their labours and endeavours.

I am surprised. I counted, I think, 30 words that have caused faux outrage from those opposite:

inquire into and report on the economic and social impact and cost of the Fair Work Commission’s recent decision to cut penalty rates ...

That is 23 words, and also seven more words:

... investigate possible safeguards and federal legislative changes ...

This is an inquiry. This is just to try to find out what the impact will be and what we could do as a state to try and look at identifying possible safeguards and legislative changes.

I note that the member for Box Hill, in his contribution earlier, suggested that this should be the role of a joint standing committee. I will point out that standing order 201 states:

The house may appoint a select committee to consider a specified matter.

This is a specified matter. The member for Box Hill also indicated that he felt that this could be the responsibility of the Public Accounts and Estimates Committee (PAEC). I wish to point out to the member for Box Hill that we have had a week of accounts hearings, and we have to provide a report to the house in relation to the three and a half days of evidence we took from senior public servants. We also, as part of our statutory obligations to this place, must review the annual plan of the Victorian Auditor-General’s Office, as well as their budget. We also have to sit through — and the schedule has been posted on the PAEC website — around about 55 hours worth of hearings to scrutinise the 2017–18 budget and also provide a report on that. So I would say to the member for Box Hill that there is an enormous amount of work in front of the Public Accounts and Estimates Committee over the coming months, and I think it is entirely appropriate that an inquiry of this nature be allocated to a select committee.

I want to emphasise the fact that where you have got vulnerable workers — people who are young, people who are isolated, people who live in regional areas, people who are vulnerable and exposed — a decision like this is going to have a material impact upon their economic wellbeing, and it is important that there is the ability for this house to investigate that and understand the impact of that. Modern capitalism is all about making sure that we have got the ability to make sure not only that people who work, who are dynamic and who are working in a high-wage environment have got good wages and conditions but also that people who are vulnerable are protected. I commend the Leader of the House’s motion.

**Mr WAKELING** (Ferntree Gully) — At a time when Victorians are wanting leadership from the government — at a time when they are wanting this government to get to the bottom of the crisis that is besetting this government and the actions by the member for Melton and the former Speaker — what this community is wanting is for this government to be introducing before the house motions that are dealing with those issues. The government, however, is unwilling to touch that issue. They are hoping it will go away. They are closing their eyes and hoping that it will disappear.

The motion we have before the house is a motion that identifies a select committee that is going to be dealing with the issues pertaining to the payment of penalty rates. This is a government that is like a lot of things that are in

crisis. It is conflicted in terms of whether or not it supports the actions of the former Deputy Speaker. I note that the member for Ivanhoe, who has been isolated by his own party, sitting by himself at breakfast this morning, has come out and attacked the member for Melton, unlike his colleagues, who yesterday were defending the member for Melton. The Labor Party themselves are conflicted on this exact issue.

I would just like to read a quote from *Hansard*, referring to John Gillam, the chief executive of Bunnings. The member in the house said John Gillam is:

... one of the most adroit, adept, astute, industrious, thoughtful, considered people I have come across ...

in the business community. The member went on:

I found it very interesting to speak with him about industrial relations in his workplace.

What the member talked about was that Bunnings was negotiating an enterprise agreement with the union of the Minister for Education and also the member for Pascoe Vale, who is sitting at the back, the Shop, Distributive and Allied Employees' Association (SDA), of which they are very proud. The member stood in this house and proudly spoke about the union, the SDA, which is represented in this house by the Minister for Education. He said that John Gillam had said to the union:

'We'll do you a deal. You're not getting double time and a half on a Sunday'.

The Minister for Education, the member for Pascoe Vale and the member for Essendon stand in this house congratulating a company — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Ferntree Gully to continue.

**Mr WAKELING** — Thank you very much, Acting Speaker. I love the way they are getting very testy. All I have done, simply, is read from *Hansard*. They are not my words but the words of the member for Essendon. The member for Essendon stood in this house and said that he was proud to talk about the achievements of Bunnings in negotiating an enterprise agreement with the member for Monbulk's union, which cut the penalty rates for workers on a Sunday.

I would suggest that the member for Essendon will have his opportunity if this committee is formed; he can actually present to the committee and explain his argument as to why he supports the cutting of penalty rates on a Sunday. I am sure the members of the committee will be waiting with great anticipation for

the member for Essendon's great support — why women, why men, why young workers and why older workers should have their penalty rates cut on a Sunday when they work at Bunnings.

I understand that the member for Essendon has got a great interest in this issue, so I look forward to reading the transcript of his contributions when he presents before that committee. I would also welcome the contributions to the committee of the member for Pascoe Vale and the Minister for Education, when they stand there and support the work of Mr Donovan and the organisers of their union, which they stand in this place proudly representing, and explain why they support the cutting of weekend penalty rates for workers at Bunnings. That is what is going to happen with the formation of this committee.

Let us just remember that under the watch of unions in this state we have seen workers at Clean Event and workers at Chiquita Mushrooms have their conditions slashed. These are not workers who were working under the radar in some small organisation, where unions had no presence. We are talking about organised activities where the union had been complicit in the outcomes.

The union went before Fair Work Australia. I am appreciative of the process, having appeared before the former Australian Industrial Relations Commission (AIRC), where you have to stand before the commission and confirm to the commissioner that you are agreeable to the terms and conditions of the enterprise agreement that you have struck. You have to give an undertaking that the enterprise agreement is beneficial to the workplace, and the union also needs to give that undertaking on behalf of its workforce.

That is inherently the role of the union movement. When they sign off on an agreement and present that agreement before a commission they do so on the basis that they are saying, 'This agreement is beneficial for the workers that I represent'. When the union stood up at Fair Work Australia or its predecessor they did so knowing full well that when they said that it was going to benefit workers they had known that they had struck a deal that was in fact going to cut workers' terms and conditions. They are the issues that this body needs to be investigating.

I go back to the days of Craig Johnston when, in the industry where I worked under his watch, union organisers with balaclavas went through Skilled Engineering in Box Hill, broke into their head office with baseball bats and literally walked through that office during daylight hours and smashed up the office,

terrorising staff. What was the view of the union movement to that action? Not only did they not condemn it, but the so-called 'Skilled Six', the people who commissioned the actions, were lauded by the union movement. In fact the union movement ran fundraisers to support their campaign. It was an absolute disgrace. Where was the Labor Party when that happened? Where was the union movement when that happened? They were silent on the issue. I would respectfully say that they are the actions that this committee should be looking at.

Finally, I remember working under the Employee Relations Act 1979 in the Employee Relations Commission of Victoria prior to its demise in the mid-1990s. The reason it closed was because the state government referred the powers to the federal government. It saw the demise of the Employee Relations Act. It saw the demise of the Employee Relations Commission — the former state industrial relations commission — and the powers were referred to the federal government, which were then under the AIRC. The terms and conditions of Victorian employees were then referred to the federal government.

So we are in fact conducting an inquiry into a decision that has been made under federal law that can only be impacted by federal law and can only be changed by the operations of a federal act of Parliament. If the state government was so moved by this issue and the minister at the table, the Minister for Industrial Relations, was so concerned about this issue, they would be standing in this house and saying, 'Victoria is going to take back the referral. We are now going to re-establish the Employee Relations Commission of Victoria and we're going to set up our own jurisdiction that will deal with this issue'.

But no, what are we hearing from the minister? The minister has been silent on that issue. She wants to conduct an inquiry into the operation of a federal act of Parliament. If she were so concerned about this issue, she would know she has the power to remove the referral and seek the re-establishment of an industrial relations system in the state of Victoria. Of course she is not going to do that. As I said, if she were so concerned about this issue, she would be saying that she will use the powers available to her to fix this issue.

**Ms HUTCHINS** (Minister for Local Government) — I rise to speak in favour of the motion to establish a select committee on penalty rates and fair pay. The sort of work that the Parliament has ahead of it is a very, very important piece of work because this goes to the most vulnerable workers in this state —

Victoria's lowest paid, award-reliant workers, young workers and women in the domain of industries such as retail and hospitality — who are facing massive pay cuts due to the decision that was handed down recently. But, as we know, it does not stop with the decision that was handed down a few weeks ago in the Fair Work Commission. There is more to come, and we all know that. That is why it is important for this committee to do some background work to look at, firstly, the effects of the decisions made so far, and secondly, the things that are to come in the areas of hairdressing and beauty, restaurants, clubs and tourism in the hearings that are scheduled before the Fair Work Commission. Those decisions have not been made; they are still under consideration. There is every indication that the cuts to penalty rates on Sundays and public holidays that are yet to be decided in those particular industries could actually be harsher than those we have already seen announced in retail and hospitality.

Let us get to the heart of the facts about what people will be losing through these cuts. On average, for a retail level 1 worker, we know it is going to be a minimum of about \$72 per week in lost wages, but if they happen to work on a Sunday or they happen to work on a public holiday, that cut will jump to around \$120 per week. When you look at the people who work in these sectors, you see they quite often rely on their penalty rates to supplement their transport to get to work or to supplement their rent or their food or to pay for their education. We know that there are many TAFE and university students who work in those sectors and that there are many young workers who in the main are working as casuals in those sectors. Those young people are going to be the most affected.

It is the right and responsible thing for this Parliament to do to establish a select committee to look at all the facts and to look at all the effects of these cuts. We are talking about more than 200 000 workers in this state who are weekend workers and who are reliant on this pay schedule. The decisions that the Fair Work Commission are making will have a real impact on their day-to-day lives. It is our responsibility as a Parliament to look at all those facts, to gather the information, to hear from those who are going to be affected and to consider the way forward for this state in relation to what we will do about future decisions.

Make no mistake about it, this side of the house has been absolutely crystal clear. This government has stood up for workers in this state. We have put in a submission to the Productivity Commission, we have put in a submission to the Fair Work Commission hearings in regard to penalty rates and for the last two years we have also put in submissions in relation to the

minimum wage case. The core of the problem with the decision that has been announced by the Fair Work Commission to cut penalty rates is that there is no offset or compensation for these people.

We have heard a lot of talk from those opposite. They have had more positions than the *Kama Sutra*. They have not come forward with a clear answer on what their position is. Will they stand up for workers in Victoria? Will they actually take a stand? The work of this select committee is extremely important because it will also flesh out whatever it is the opposition's position is on this. Will they come out and stand up for the rights of the most vulnerable workers in this state or will they align themselves with their federal counterparts in Canberra who have been on a mission — —

**Mr Katos** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for South Barwon!

**Mr Watt** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Burwood! I call the member for Ringwood.

**Ms RYALL** (Ringwood) — Well, what a stunt — —

**Mr Watt** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Burwood is reminded that when the Acting Speaker is in the chair he will respect the Chair.

**Ms RYALL** — What an absolute stunt. With this motion not only was there not an expectation that it would actually — —

**The ACTING SPEAKER (Ms Thomson)** — Order! I am sorry, the Minister for Local Government had not finished, so could the member for Ringwood resume her seat. The minister to continue.

**Ms HUTCHINS** (Minister for Local Government) — Acting Speaker, I assumed that there was a point of order from the other side.

In concluding my comments, I reiterate that this is extremely important work. These sorts of committees actually delve deeper, and that is exactly what needs to happen. We need to gain information and gauge the effects on Victorian workers.

**The ACTING SPEAKER (Ms Thomson)** — The member for Evelyn will acknowledge the Chair.

**Ms HUTCHINS** — We need to ensure that that evidence is passed on to the Fair Work Commission for the further deliberations they have ahead of them. Also Victorians need to know and understand what the position the opposition — the alternative government — is taking on standing up for penalty rates.

**Ms RYALL** (Ringwood) — As I said, what a stunt. To bring a document into the house marked up by hand just goes to the heart of what a chaotic, ill-informed and badly organised government this is. We have a motion before us to establish a select committee which is purportedly going to look at the economic and social impact of cuts to penalty rates. Well, I am actually the deputy chair of the Economic, Education, Jobs and Skills Committee, a committee that could indeed, as a cross-parliamentary committee, look into this.

There is absolutely no need to set up a select committee. When we look at the structure of the proposed select committee, it has four Labor members, two opposition members and one crossbencher. How on earth does that give the impartiality we need as a Parliament to actually look into this in a way that is impartial, investigative — —

**Mr Lim** interjected.

**Ms RYALL** — It is nice to see that Hong is actually awake.

How does this stack up in the eyes of people as an impartial investigation when it is loaded by the government, for the government, for the purposes of achieving a stunt and an outcome that the government wants? We only need to look at what happened with my committee's inquiry into the portability of long service leave to see what happened there, where motions previously voted and passed were rescinded by another stunt of three Labor Party members in the absence of the crossbencher for the purposes of ramming through by stealth the outcome that the government wanted. We ended up with the preposterous outcome of the majority of the committee writing the minority report — unprecedented in this Parliament — because Labor used its underhanded tactics, just like it is doing now, to push its way through to try and get an outcome for itself.

This is a government that purports to be for the workers. We have heard from previous speakers on the issues about Clean Event, something that the Premier ran a mile from actually talking about. He told the *Herald Sun* that he was happy to talk about the

outcomes of the Royal Commission into Trade Union Governance and Corruption quite openly after the findings were handed down. Did he do that? No, he did not do that; he let it go. Now he hides behind the Fair Work Commission. Well, the Fair Work Commission has handed down a ruling as a result of Bill Shorten putting forward the reference for it to look into penalty rates, and indeed its members were appointees of Bill Shorten, appointees of Labor.

This is a creation of the Labor Party, a Labor Party that is so far into the roting of taxpayer funds but — while it purports to be for the workers — is absolutely silent on the ripping off of workers, as with the member for Essendon on the reduction and removal of penalty rates for Sunday workers at Bunnings. We have got Chiquita Mushrooms, we have got Clean Event, we have got Craig Thomson, we have got Kathy Jackson. Silence is not standing up for workers. This mob choose when they want to be vocal about standing up for workers, and they choose when they want to be silent. They have no credibility whatsoever in relation to this issue.

As I said, this is nothing more than a stunt. We have got seven members of my committee who would be very happy, I am sure, to look at this in an impartial manner, as we did in the inquiry into the portability of long service leave, but this government does not want that. It does not want our committee to look into it — —

**Mrs Fyffe** interjected.

**Ms RYALL** — It does not want Cesar Melhem to look into it, absolutely. It does not want our committee to look into this simply because it does not have the numbers. This government is about ramming through, using this mechanism as a stunt to get its own way, to get its own outcomes. This government stands condemned for the context of this motion.

I must make a point about paragraph 6:

The provisions of this resolution, so far as they are inconsistent with standing orders, have effect despite anything in standing orders.

Does that surprise anybody? Does it surprise anybody that standing orders will not apply in any way, shape or form to the substance of what this government wants to ram through with an absolute majority of its own in order to get the outcome it wants?

**Mrs Fyffe** interjected.

**Ms RYALL** — Throw out the rule book — absolutely, member for Evelyn. It will throw the rule book out in order to get an outcome it wants. I think the process and the constitution of this select committee are

absolutely appalling. It goes to the heart of a Labor government who are all about themselves. They are not about the workers, they are not about impartiality, they are not about getting good outcomes. They are about getting their own way. We saw that when they stood silent while the conditions and the pay of low-paid workers — cleaning staff in hospitals and so forth — were actually written away. They have been very happy to stay silent. This is absolutely appalling, and I would suggest to the government that they actually think about not just trying not to be so obvious in the way they have proposed to constitute this select committee but actually being seen by the Victorian public as doing the right thing in the name of impartiality. You often hear them talk about fairness and decency — —

**Mr Katos** — Talk a big game, when it suits them.

**Ms RYALL** — Yes, absolutely — when it suits them. They are silent when it suits them; they are loud when it suits them. Whilst they have absolutely ripped off the workers they purport to represent and are silent on that, they come out in support when it suits them. This is the most hypocritical government I have ever seen — a roting government.

**Ms Williams** interjected.

**Ms RYALL** — I do not recall the member for Dandenong standing up at all in relation to the Cesar Melhem issues in the trade union corruption royal commission. I do not recall her speaking up in relation to the cutting of penalty rates for Bunnings workers. I did not hear her speak up in relation to Kathy Jackson, Craig Thomson and health workers. She was totally silent. You cannot pick and choose, member for Dandenong. You cannot pick and choose when you stand up for workers.

**The ACTING SPEAKER (Ms Thomson)** — Order! Through the Chair!

**Ms RYALL** — You cannot walk both sides of a barbed wire fence. That is the way it is. I would suggest that if you are going to stick up for workers, you need to do it all the time, even when your own side — —

**The ACTING SPEAKER (Ms Thomson)** — Order! Member for Ringwood, through the Chair.

**Ms RYALL** — Even when your own side serves to cut the very rates, the very standards — —

*Honourable members interjecting.*

**Ms RYALL** — Some protection, Acting Speaker — which you have given to your side.

**The ACTING SPEAKER (Ms Thomson)** — Order! Member for Ringwood, I had suggested that you go through the Chair. You were continuing to speak to the member for Dandenong. You do not get protection if you do not actually speak through the Chair.

**Ms RYALL** — Through the Chair. The member for Dandenong — and I did think I called her the member for Dandenong — does not get to choose when she stands up for workers and when she does not. It is all in or all out. They need to make up their minds. It is absolute hypocrisy from this government, and they stand condemned for not consulting anybody in the house prior to bringing this on and bringing in a motion that has handwriting over the top of particular words.

**Ms Williams** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! Member for Dandenong!

**Ms RYALL** — It is marked up. It is absolutely clear this is a stunt.

**Mr Katos** interjected.

**Ms RYALL** — Absolutely. For the record, we have a handwritten motion with words crossed out and writing over the top. I wonder if the standing orders talk about handwriting over the top of motions. Perhaps we need to look at that, but as I said it is a total stunt.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Thomson)** — Order! I ask the chamber to quieten down; there is a member on her feet.

**Ms RYALL** — The government needs to reconsider the constitution of this select committee and make it fair, make it in the interests of all Victorians, have the decency to actually consult this side of the house and make it in a way that is actually impartial to get the outcomes that this state, these workers and everybody in fact needs.

**The ACTING SPEAKER (Ms Thomson)** — Order! Before I call the member for Frankston, as some members were leaving the chamber I inadvertently suggested that the member for Evelyn had not acknowledged the Chair. That was not in fact the case; it was the member for Ripon.

**Mr EDBROOKE** (Frankston) — Is it not funny that no-one on the opposition benches actually told us where they stand on cutting penalty rates today, where they stand on stripping \$70 a week from the lowest paid

workers? You are a disgrace. You are an absolute disgrace. I have lived on penalty rates doing night shift.

**Business interrupted under sessional orders.**

## RULINGS BY THE CHAIR

### Points of order

**The SPEAKER** — Order! Before calling questions, yesterday there were a number of points of order. I will provide some rulings and information to the house on those outstanding points of order.

Yesterday I committed to review *Hansard* of the discussion prior to lunch and if necessary make a ruling on any outstanding points of order. I have reviewed *Hansard*, and the record clearly shows that I dealt with the substantive point of order raised by the member for Brighton relating to a direct pecuniary interest under standing order 170. Matters raised by the members for Evelyn, Ferntree Gully and Croydon were also resolved.

Prior to lunch the member for Hastings was attempting to raise a further point of order in relation to pecuniary interests. I had already dealt with the issue of pecuniary interests. However, in order to provide further clarification to the house I am happy to deal with the further matter raised by the member for Hastings. The member for Hastings argued that the member for Melton had a pecuniary interest in the vote taken on the adjournment of debate on the Ports and Marine Legislation Amendment Bill 2017 because he was voting to delay debate on the Leader of the Opposition's notice of motion. The house was trying to resolve whether to adjourn debate on the ports bill for two weeks or, if the member for Box Hill's amendment had been successful, indefinitely. This was a procedural motion on the length of time for the adjournment of debate on the ports bill. The member for Melton did not have a direct pecuniary interest in relation to that matter, and I do not uphold the point of order.

Yesterday the member for Sandringham raised a point of order seeking clarification on an earlier point of order raised by the member for Evelyn that the member for Ferntree Gully had been on his feet before I proceeded to rule on that matter. After hearing 11 speakers on the point of order and reflecting on previous rulings from the Chair, namely by Speaker Lindell at page 139 of *Rulings from the Chair*, I formed the view there were no new arguments being offered and indicated that the member for Caulfield would be the last speaker on the matter. *Hansard* shows that I then commenced ruling on the matter, during which

time I asked an unnamed member to resume his or her seat. I am unable to determine from *Hansard* if the member for Ferntree Gully was on his feet before I commenced ruling on the matter.

I think the member for Sandringham was correct that there was some difficulty in following the flow of debate on the earlier point of order. I ask all members to assist the house when raising a point of order by clearly stating the point of order and remaining relevant to the point of order that is raised.

### Answers to questions without notice

**The SPEAKER** — Order! During question time yesterday the manager of opposition business raised two points of order regarding answers to substantive questions put to the Premier that he felt to be unresponsive under sessional order 9, and I committed to review the transcript. I have now had the chance to do this and am able to rule as follows: the first question asked by the Leader of the Opposition raised issues in relation to the behaviour of members in relation to parliamentary expenses and allowances. The Premier rejected one element of the question and then went on to address the other element of the question in relation to members compliance with the rules. I therefore rule that the answer was responsive.

The second question, also asked by the Leader of the Opposition, sought information about when the Premier became aware of the member for Melton ceasing to receive an allowance. The Premier's response indicated that the administration and payment of allowances is a matter for the Department of Parliamentary Services and the Speaker, and I therefore rule that the Premier's answer was responsive.

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Member for Melton

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Noting that you met with the rorting member for Melton before you issued a statement on Tuesday where you politely asked him to leave your caucus rather than sacking him, Premier, when did you become aware that the rorting member for Melton also claimed a second residence allowance for the years when he lived in Ballarat, before he allegedly moved to a caravan in Ocean Grove?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. I had a conversation with the member for Melton where I asked him to repay the

money. He expressed to me very clearly that he was unwilling to do that, and I then asked him to resign from the parliamentary Labor Party. He has done that.

*Honourable members interjecting.*

**Mr ANDREWS** — The question related to a meeting with the member for Melton, and I am speaking to that.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier is answering the question. He is to be heard in silence.

**Mr ANDREWS** — Further to that important clarification, I would say to the Leader of the Opposition the entitlements paid to each member of Parliament, whether they be from the government party or any other party, are not administered by the Premier or the government of the day — they are administered by the Parliament. I am not in a position to confirm any of the matters raised — —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, on the question of relevance. This was not a question in abstract about the operation of the relevant legislation or indeed about the actions of some member that might not have come to the Premier's attention. It was a question specifically about what the Premier himself became aware of as a result of a conversation that he personally had with the member for Melton, a conversation following which he issued a media statement as Premier of Victoria. So he is not being relevant to the question asked by the Leader of the Opposition. I ask you to bring him back to answering the question about his knowledge of the member for Melton's claiming of a second residence allowance.

**Ms Allan** — On the point of order, Speaker, I ask that you do not uphold the point of order raised by the member for Box Hill. In answering the question as the member for Box Hill put, you cannot disassociate how the second residence allowance is administered from the Premier's knowledge. The Premier was outlining to the house — —

*Honourable members interjecting.*

**Ms Allan** — I know they are having a bit of trouble with the facts over there, Speaker. The Premier was outlining to the house clearly the important separation between the Parliament and the government on the administration of these matters, and he should be allowed to continue.

**Ms Ryall** — On the point of order, Speaker, you cannot pick a word out of an entire question and make that one word the basis of your answer. It goes to the heart of the changes the government made in relation to question time and the context of those changes. It is not a case of picking one word and making it about that one word and saying ‘Therefore it is relevant’ and protecting the inability or the refusal of the Premier to actually answer the question.

**The SPEAKER** — Order! As members will know, the Chair has no authority to direct how the Premier answers the question, only that, under sessional orders, all answers to questions must be direct, factual, succinct and relevant. I think in this case the Premier was being direct, factual, succinct and relevant.

**Mr ANDREWS** — Thank you, Speaker. As I was indicating — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order.

**Mr R. Smith** — On a point of order, Speaker, your comment that you cannot determine how a question is answered is actually wrong. I refer you to sessional order 9(2), which says:

The Speaker may determine that an answer ... without notice ... is not responsive to the question ...

That gives you latitude to decide how — —

**Mr Merlino** interjected.

**Mr R. Smith** — You are adorable. You’re adorable, James! The sessional orders give you latitude to — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order.

**Mr R. Smith** — Seriously, it’s like having a substitute teacher.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members of the opposition!

**Mr R. Smith** — The sessional orders give you latitude to determine how the question is answered.

**The SPEAKER** — Order! I have ruled on the point of order.

**Mr ANDREWS** — As I was saying, I am not in a position to confirm the allowances that the member for Melton has claimed or is claiming. They are not administered by me or any member of the government. Those are matters in the first instance for the Department of Parliamentary Services and the Presiding Officers and in the second instance — —

**Mr T. Smith** interjected.

**The SPEAKER** — Order! The member for Kew is warned. I will not have members shouting incessantly across the chamber.

**Mr ANDREWS** — They are matters for the Presiding Officers and the Department of Parliamentary Services and matters for the audit process being ably led by the President of the other place, who again I remind you I have confidence in and he is not a member of the government party. The member for Melton was asked to leave the Labor Party because he would not repay the money. That clarifies the matter in full.

**The SPEAKER** — Order! Before calling the manager of opposition business on a point of order, I ask members on my left to cease shouting across the chamber. In particular the member for Polwarth and the member for Malvern have come to my attention in recent times.

**Mr Clark** — On a point of order, Speaker, the Premier did not at any stage deny that he was aware of the second residence allowance being claimed for Ballarat by the member for Melton. I draw your attention to sessional order 9(2) about responsiveness, and I make the point that this sessional order was introduced deliberately to give you as Chair broader powers than simply to adjudicate whether an answer to a question was relevant. Indeed when the Labor Party in opposition announced that they were going to introduce this reform they said it was to give the Speaker and President power to declare that a minister had not answered a question because, as they said, too many ministers had covered themselves up by waffling on and failing to address the issue or answer the question. Exactly what we have seen from the Premier today is the reason the Labor Party in opposition wanted to introduce this sessional order. The Premier should not be allowed to waffle on, irrelevant but not actually answering the question, and for that reason I ask you to rule that his answer was not responsive and require him to provide a written answer.

**The SPEAKER** — Order! Before calling the Attorney-General on the point of order I ask the

member for Frankston to also cease shouting across the chamber.

**Mr Pakula** — On the point of order, Speaker, in response to the member for Box Hill, the then opposition, now government, did indeed commit to provide the Speaker with the power to ask a minister to provide a written answer if they had not been responsive, but the fact in this case is that the Premier has been entirely responsive. The substance of the question was asking the Premier to provide details about some potential earlier claim. The Premier's answer was that he was unable to make any confirmations of that nature because these matters are administered not by him but by the Parliament, and they are being investigated by the audit committee chaired by President Atkinson. So the answer might not be one the opposition likes, but it was entirely responsive to the question.

**The SPEAKER** — Order! On the point of order that has been raised by the manager of opposition business, I will consider this matter at the conclusion of question time.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — With the roting member for Melton also claiming the second residence allowance while living for years in Ballarat before his alleged move to a seaside Ocean Grove caravan, is it not a fact that the member for Melton's total rorts bill is not \$113 000 as you say, Premier, it is closer to \$250 000?

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. I have to advise the member for Hawthorn that covering his mouth does not mean I cannot hear him shouting. I have been in this place a little while. The Premier to answer the question.

**Mr ANDREWS** (Premier) — You can cover your mouth if you want to; that is fine. The Leader of the Opposition asked me a range of questions, and I am not in a position to answer those questions because I do not — —

*Honourable members interjecting.*

**The SPEAKER** — Order! This is not a footy match; I do not want members shouting at each other across the chamber. I will start removing members from the chamber. I think all members can consider themselves warned.

**Mr ANDREWS** — Speaker, as a matter of common sense I am unable to provide information I simply do not have. That is a revelation to the oracle here, who apparently approves every single — —

*Honourable members interjecting.*

**Mr ANDREWS** — No, no, the Leader of the Opposition apparently approves every expense claim made — —

**The SPEAKER** — Order! The Premier will resume his seat. The Leader of The Nationals, on a point of order.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the Premier is doing a very good impersonation of Sergeant Schultz about not knowing anything and not seeing anything. I ask you to bring him back to answering the question.

**The SPEAKER** — Order! Government members will come to order. I cannot hear the Leader of The Nationals making his point of order. The Leader of the House will come to order.

**Mr Walsh** — On the issue of relevance, Speaker, the Premier is doing a very good impersonation of Sergeant Schultz, and I ask you to bring him back to answering the question, please.

**The SPEAKER** — Order! The Premier will return to answering the question. The member for Mordialloc is warned.

**Mr ANDREWS** — I am unable to provide to the house answers to questions that I simply have no knowledge of. I do not administer these grants, these allowances. The Parliament does. There is an audit process on foot, as it should be, and I have confidence in Mr Atkinson, the President in the other place, to run that process properly.

**Ministers statements: penalty rates**

**Mr ANDREWS** (Premier) — I am very pleased to rise in support of the one in six workers across Victoria who rely on penalty rates, the one in six who need that extra money in their pocket each week to put food on the table, to pay their rent, to pay their mortgage, to pay for their kids' school uniforms and all the other essentials of life.

I met with one of those workers this morning, and I was honoured to spend time with her. For the last 30 years Margarita has worked as a hotel-room attendant every Sunday — making beds, mopping floors, cleaning

bathrooms. It is the definition of hard work, and I was proud to spend time with her today.

Under the federal government's arrangements with penalty rates, she will be \$2000 a year worse off. She only earns \$30 000 a year, and Mr Turnbull would take \$2000 of those \$30 000 away from her.

To put it another way, Margarita came to this country from the Philippines. She has built a new life for herself. She has raised two children on penalty rates: that is how she has been able to build her life — on penalty rates. So we will not sit by and allow the federal government to treat those who are the most vulnerable, those who are the lowest paid workers in our community, this way. We will continue to argue the case in support of low-paid workers while others are unconcerned and confused and spending all their time recruiting the intellectual father of WorkChoices, Peter Reith, as their president — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. Before calling the manager of opposition business I remind members that if they persist with shouting, they will be removed from the chamber.

**Mr Clark** — On a point of order, Speaker, as far as I can make out the Premier has at no stage during his remarks related them to matters of Victorian government administration. If he has further things to say, I would ask you to ask him to actually comply with the sessional orders and address what the Victorian government proposes to do in relation to the matter he is discussing.

**The SPEAKER** — Order! I ask the Premier to come back to answering. The Premier has concluded his ministers statement.

### Member for Melton

**Mr GUY** (Leader of the Opposition) — My question is again to the Premier. Premier, despite days of requests to you and the Parliament, as yet no travel, driver or second residence statutory declarations have been presented to the public to justify your member for Melton's rorting of parliamentary expenses. Will you finally take responsibility for your sleazy, rorting government and make available all documentation in relation to the member for Melton's rorts, or are you going to continue to be complicit in the cover-up of this scandal?

*Honourable members interjecting.*

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

**Mr ANDREWS** (Premier) — If you strip away all of the bile and shouting from those opposite, you simply get to this fact. I am not in possession of any of the documents that the Leader of the Opposition refers to. Nor, I think, has any Premier been in possession of those documents. It would seem that the Leader of the Opposition must approve every one of the claims made by those opposite. Interesting approach, that — very interesting approach. I am not in a position to make available documents I do not have; nor am I able to provide knowledge of matters that I do not have any knowledge of. That is a matter for the Department of Parliamentary Services and the audit being conducted by the Leader of the Opposition's own Liberal Party colleague, someone in whom I have great faith, the President of the other place.

**Mr Pesutto** interjected.

**The SPEAKER** — Order! The member for Hawthorn is warned a final time.

### *Supplementary question*

**Mr GUY** (Leader of the Opposition) — Can the Premier guarantee that no other member of his scandal-ridden government has been or currently is claiming the second residence allowance and living outside of their electorate in a similar way to the member for Melton or the member for Tarneit?

**Mr ANDREWS** (Premier) — The Leader of The Nationals was never going to ask that one, was he? No, no, no! That is the exact reason the audit has been established. That exact question is the question that the audit committee is looking at and will report on in good time.

### Ministers statements: penalty rates

**Ms HUTCHINS** (Minister for Industrial Relations) — I rise to inform the house about some very important matters in my industrial relations portfolio, in particular some recent developments that I am very disappointed to announce to the house — the fact that the Fair Work Commission is looking to further cut penalty rates across new sectors that were not announced in the recent decisions. Those sectors will include — —

**Mr Clark** — On a point of order, Speaker, in relation to the sub judice convention, the minister in her statement said, as I heard her, that the Fair Work Commission was about to further cut penalty rates.

Now, the president of the Fair Work Commission is a judicial officer and also a member of the Federal Court. I raise with you whether or not by asserting a state of knowledge or an assumption about the conclusions that are about to be reached by the Fair Work Commission on a matter currently before the commission the minister is in fact infringing the sub judice convention and ought to be instructed not to reflect upon — or indeed to anticipate or reveal any degree of insight or inside knowledge she may have — what the Fair Work Commission may be about to decide.

**The SPEAKER** — Order! I do remind all honourable members of the sub judice convention. I ask the minister to continue her statement.

**Ms HUTCHINS** — That further consideration being given by the Fair Work Commission will actually take place later this month. There will be hearings, and I anticipate that there will be a decision in both the hair and beauty industry and in the restaurant industry.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte!

**Ms HUTCHINS** — This comes on top of the last few weeks when we have seen such significant cuts — many of these \$72 — that are going to affect so many workers out there. I draw the attention of the member for Kew with respect to a constituent of his who contacted my office this morning, John Weber, a university student who relies on working two jobs, one in a bottle shop on a Sunday.

Facing these penalty rate cuts, he is considering leaving university because he cannot make ends meet. He is constantly juggling whether he goes to class or whether he works, and those cuts to penalty rates, particularly those on a Sunday and a public holiday, will mean he loses on average around \$117. We know that this is not going to stop just at this industry and that this is going to continue to roll out into other industries.

**Mr Clark** — On a point of order, Speaker, the member is defying your ruling and again infringing the sub judice convention and obligation by saying that these penalty rate cuts will continue to roll out across various sectors. She is anticipating a matter that is currently before the Fair Work Commission, and she should be instructed not to do so.

**The SPEAKER** — Order! I remind the member of the convention. I think it is relevant for the minister to be able to talk about the impact of cuts to penalty rates

but not to reflect on the proceedings of the Fair Work Commission.

**Mr Watt** — On a point of order, Speaker, I fail to see how the minister's statement relates at all to government business, and I would ask you to bring her back to a statement on government business which relates to her portfolio. I have listened to her for 1 minute and 53 seconds, and not once has she spoken about anything that relates to government business, and the whole purpose of ministers statements is to raise issues with regard to her portfolio and government business.

**The SPEAKER** — Order! I thank the member for Burwood for his point of order. I do not need the member for Burwood to shout his points of order. I am quite capable of hearing his points of order.

**Ms Allan** — On the point of order, Speaker, the member for Burwood is very quick to jump to his feet on frivolous points of order. It is a shame he would not rise to his feet to support Rosie Batty when she addressed this Parliament. I ask you to rule it out of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members on my right! The Minister for Tourism and Major Events is warned.

**Mr Gidley** — On the point of order, Speaker, I rise to support the point of order made by the member for Burwood. Not only has the minister not been relevant to Victorian government initiatives, I fail to see how detailing hypotheticals that the Labor Party may seek to celebrate, and that is proceedings ahead in the Fair Work Commission — hypotheticals in relation to outcomes — can have any bearing whatsoever on her role and current Victorian government business.

**Ms HUTCHINS** — On the point of order, Speaker, the relevance of my comments go to the fact that this government has put in a submission not only to the Productivity Commission, not only to the Fair Work Commission but also on minimum rates of pay, and they are very significant pieces of this government's business.

*Honourable members interjecting.*

**The SPEAKER** — The minister would have been wise to mention that at the start of her statement. I draw the attention of members to sessional order 5:

Ministers statements

After each oral question without notice and any related supplementary questions, any minister may seek the call to

make a statement of up to 2 minutes to advise the house about matters related to their portfolio.

This matter is within the minister's portfolio, and as there is a government submission being made to this process, I allow her to continue, noting there are only 7 seconds on the clock.

**Mrs Fyffe** — On a point of order, Speaker, chapter 20 of *Rulings from the Chair* highlights the main principles of taking points of order, and I would bring you down to paragraph (5), which says:

Members must not use points of order to make imputations or reflect on a member.

The Leader of the House did that in making her point of order and reflected on the member for Burwood.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members on my right! The member for Eltham is warned.

If the member for Burwood had an issue with that matter, it was within his right to seek a withdrawal.

**Ms HUTCHINS** — I am happy to inform the house that this government will continue to stand up for penalty rates, unlike those opposite, who had nothing to say on this issue.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte seems to want to assist the Chair in the performance of his role. If he persists with that, he will leave the chamber.

### Member for Melton

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. I refer to the roting member for Melton's allegedly cancelled all-expenses-paid trip to Europe. Premier, can you confirm that your office was aware that the roting member for Melton's travel itinerary included meeting with former UK Labour MP Harry Cohen, who in 2009 was caught claiming £300 000 in second home allowances for stating that a caravan on Mersea Island was his main residence and who, like the member for Melton, stated, 'I don't apologise. It's part of my salary. I've done nothing wrong'?

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Eltham

**The SPEAKER** — Order! Under standing order 124 I ask the member for Eltham to leave the chamber for a period of 1 hour.

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Member for Melton

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — The answer is no.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Premier, since you cannot or will not say whether Victorian Labor's roting member for Melton planned to meet UK Labour's roting Mr Cohen, I ask: was the reason you were still going to let the member for Melton take this trip until it was publicly exposed that you wanted to have him out of the country in the hope that you would stop him being a continued embarrassment to you and your scandal-ridden government?

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Polwarth

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

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Member for Melton

*Supplementary question*

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — The answer is no.

**Ministers statements: health workforce**

**Ms HENNESSY** (Minister for Health) — I rise to update the house about the way in which the government is supporting our wonderful health workforce through the industrial arrangements that we have put in place and continue to put in place for our wonderful nurses, paramedics, doctors, allied health workers and personal care workers, who work very, very hard every single day to deliver world-class care to all Victorians.

**Mr Pesutto** interjected.

**The SPEAKER** — Order! The member for Hawthorn!

**Ms HENNESSY** — Last year, Speaker, you would be aware that we secured enterprise agreements with the nursing and allied health staff, with health services workers and with our paramedics, and we have got negotiations currently underway in respect of other parts of the health workforce. That stands in stark contrast to the industrial mayhem experienced at the hands of the previous government, who dragged those negotiations out — —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, the minister is now proceeding to depart from a ministers statement advising the house and commencing to debate the issues. She should know better, and I ask you to bring her back to making a ministers statement on the issue.

**The SPEAKER** — Order! The minister on a ministers statement.

**Ms HENNESSY** — Thank you very much, Speaker. Of course we recognise that many people in our health system work very, very unsociable hours because they are 24/7 operations for very obvious reasons. So penalty rates are incredibly important. It is important that we secure penalty rates for our health services workers through our enterprise agreements and we will continue to do so.

I can also update the house that we have recently started to pay superannuation for when women take their paid maternity leave. The evidence clearly shows that when women retire they often have insufficient superannuation, and that break in their employment because of their parental responsibilities is a significant contributor to that. We are concerned that by way of contrast the Turnbull Liberal government is trying to

cut paid parental entitlements for our health workers. If this occurs, our health workers — —

**Mr Gidley** — My point of order, Speaker, is in relation to relevance on this ministers statement. If the minister is going to be relevant to the house on this matter, she certainly should give us an update on Craig Thomson and Kathy Jackson.

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

**Mr Pesutto** interjected.

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Hawthorn**

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

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Ministers statements: health workforce**

**Questions and statements resumed.**

**Ms HENNESSY** (Minister for Health) — Of course the new budget savings bill currently before the federal Parliament will cut \$40 000 from our health workforce.

**Shepparton rail services**

**Ms SHEED** (Shepparton) — My question is to the Minister for Public Transport. The national accounts report released last week showed agriculture, forestry and fishing production was 8.3 per cent in the December quarter. It was the strongest performance of all industries and more than double that of mining. The value of farm production has been outstanding this year and the Goulburn Valley region, as the food bowl, contributes enormously to that. But we do not have the infrastructure to support the communities that support our farming sector. Minister, while billions of dollars are reasonably being expended on the Melbourne Metro, would it not be fair for there to be a substantial investment in the Shepparton rail line?

**Ms ALLAN** (Minister for Public Transport) — I thank the Independent member for Shepparton for her

question. This house has become very familiar over the past two years with her strong advocacy and support for improved rail services for the Shepparton region. If I heard correctly, in her introductory remarks the member for Shepparton spoke about the investment that is being made in the Metro Tunnel.

*Honourable members interjecting.*

**Ms ALLAN** — I think the member for Shepparton did a fantastic job of writing that question herself, National Party MPs. I think it is pretty rude to think that the member for Shepparton is not a capable woman who can write her own questions in this chamber. I would suggest that you not go down that path, member for Ovens Valley.

The member for Shepparton talked about the Metro Tunnel project. She is right to say that it is reasonable to expect that money is spent on the Metro Tunnel project, and this expenditure, the \$10.9 billion investment we are making, is not just about an infrastructure project in the heart of the city; it is actually going to unlock all of our public transport system and enable more regional services to also run into the city. For the first time people from regional Victoria will be able to get on a train and go and visit family or relatives who might be at the Royal Women's Hospital or the Royal Children's Hospital or the Parkville cancer centre or attending university.

The member for Shepparton also wants me to focus on the investment in infrastructure for the Shepparton community. As this house knows, in last year's budget, not that the shadow Treasurer, the member for Malvern, has asked the Treasurer a question about last year's budget, we invested \$1.3 billion in regional rail. This is a remarkable difference to those opposite who had a secret plan to cut 200 jobs from V/Line and have —

**Mr Clark** — On a point of order, Speaker, the minister is now proceeding to debate the question, and I ask you to bring her back to answering the member's question.

**The SPEAKER** — Order! The minister is to restrict her remarks to answering the question.

**Ms ALLAN** — As part of that investment in regional rail we also provided for something that the Shepparton community had long been calling for but those opposite had failed to deliver and that is the additional service. We are seeing people vote with their feet on this additional service. We undertook a range of consultations and the additional service is a daily service, a 4.31 p.m. service to Shepparton. We have also adjusted the timetable in response to the

community consultation and provided a service leaving Seymour and arriving at Southern Cross station before 7.00 a.m. This also delivered this investment.

There has also been investment in rolling stock, and I commit to the member for Shepparton that we will continue to work with her and her community on making those important investments, the step change investments, that the Shepparton community is looking for but sadly were ignored for four long years under those opposite.

*Supplementary question*

**Ms SHEED** (Shepparton) — Minister, I am very pleased to be able to ask a question about my electorate, but I receive many emails on a regular basis about the state of the service, about trains being overcrowded, no air conditioning working on days well over 30 degrees and no buffet services on early-morning trains. Minister, you know that a very large investment is required to upgrade the service between Shepparton and Melbourne, and surely the time for planning has passed. Will the minister commit in this budget to undertake the works necessary to provide a Shepparton service comparable to that in her region and the other regional cities?

**Ms ALLAN** (Minister for Public Transport) — I mentioned in my substantive answer the investment we made in last year's budget, and that included investment in improving the classic fleet rolling stock which services the Shepparton line to address those issues of patronage numbers and also the air-conditioning issues that that line experiences.

The member for Shepparton is right. Examples of the ageing rolling stock on that line and the ageing infrastructure underscore the need for significant investment to make that step change in service delivery. I hope the member for Shepparton can see that we heard very much the concerns that have been raised, that she has raised and given voice to in this place on behalf of her community, and know that there is more work to do on the Shepparton line. I share her desire to see improved services for the Shepparton community because they do richly deserve improved services after a century of neglect from their local representatives of those opposite.

### **Ministers statements: tourism**

**Mr EREN** (Minister for Tourism and Major Events) — I rise to update the house on how we are getting on with growing Victoria's visitor economy and creating more jobs. It is great to see that the industry is

certainly growing. As many members will know, it is a \$21 billion industry and associated with that are 210 000 jobs. Clearly as a government we are making sure that it is a priority for us — —

**Mr Katos** interjected.

**The SPEAKER** — Order! The member for South Barwon!

**Mr EREN** — Tourism, for your information, Speaker, is now growing faster in exports than coal, so we have overtaken coal nationally. It is a great industry. We want to grow this industry to \$36.5 billion, with 320 000 jobs associated with that, by 2025. The Andrews Labor government of course has a great strategy in place to ensure that we get there by 2025.

Can I just mention that with all the doom and gloom that is going on with the opposition there have been some great events in Melbourne. Of course Melbourne is the sporting capital, the major events capital, when you think about all the events we have had, whether it is the Australian Open Tennis Championships or the Nitro Athletics. But there are challenges here. Clearly the challenges are employing people — —

*Honourable members interjecting.*

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

**Mr EREN** — There are clearly challenges. We need at least 50 000 employees within this very important sector — —

**Mr T. Smith** interjected.

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Kew

**The SPEAKER** — Order! The member for Kew will leave the chamber for 1 hour.

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Ministers statements: tourism

**Questions and statements resumed.**

**Mr EREN** (Minister for Sport) — We need 50 000 workers within the next seven to eight years

within this very important sector, and it would be hard to attract those workers into this sector if you were to cut their penalty rates. I urge the opposition, if they want to be useful at all to Victoria, to ring their mates in Canberra and stop these penalty cuts from happening because this industry is too important to play games with. If the opposition really want to do something for Victoria, they should ring their federal mates and tell them to stop cutting penalty rates for those very important workers.

**The SPEAKER** — Order! The minister has finished his statement.

### Member for Melton

**Mr WALSH** (Murray Plains) — My question is to the Premier. Premier, given it has become clear that a caravan at Ocean Grove was never actually the home of the rorting member for Melton despite his claiming it as a principal place of residence, why are you steadfastly refusing to act on what is now a clear case of fraud and why will you not refer this matter straight to Victorian Police?

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order. The Minister for Housing, Disability and Ageing! The member for Geelong is warned.

**Mr ANDREWS** (Premier) — Thank you very much, Speaker, and I thank the member for his question. He makes a number of assertions that frankly will be properly determined by the audit committee, not by the member who asked the question — not by any member of this place in fact. The audit committee will do its work and establish the facts. It will not be today, and I dare say it would be a sad day if the truth were to be determined by the member who asked the question.

*Supplementary question*

**Mr WALSH** (Murray Plains) — Premier, given that half your parliamentary party as well as your federal Labor leader all say the rorting member for Melton should pay back the money he rorted and resign from Parliament while the other half of your party continues to have breakfast, lunch and drinks in the bar with him, which side of your scandal-ridden government do you support — the half that thinks this rorter should go or the half that thinks he is still a Labor mate?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Attorney-General! The member for Ferntree Gully!

**Mr ANDREWS** (Premier) — Thanks very much, Speaker. In case you missed it, that was the send-them-all-home-happy question. That was the big belting finish from the member. The member who asked the question is not a spokesperson for the Labor Party nor, I would have thought, is he paid to be in this place to be skulking around Strangers Corridor taking notes on who is having lunch with who. Is that what your electorate wants, is it?

**Mr R. Smith** interjected.

**The SPEAKER** — Order! The member for Warrandyte!

**Mr ANDREWS** — What a ridiculous question. Is it any wonder the Leader of the Opposition let the National Party ask that ridiculous question?

**Ministers statements: port of Melbourne**

**Mr DONNELLAN** (Minister for Ports) — I rise today to update the house on the \$1.6 billion port capacity project. Providing efficient container access and container facilities down at the port of Melbourne is vital and, as we know, the growth in the Victorian economy has been substantial.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South Barwon is warned.

**Mr DONNELLAN** — In recent times we have had figures which indicated a 3.3 per cent growth rate. When you compare that to the slovenly 0.8 per cent growth rate we used to have, it just highlights how this government is very much focused on delivering jobs and opportunities. The project is advancing well. Stage 1 of the container terminal is complete, and stage 2 of the container terminal comes on board in December 2017.

Let us be very blunt: we had to get involved quite heavily because old knucklehead who used to run that portfolio forgot the importance of being able to get trucks in and out of that facility —

**The SPEAKER** — Order! The minister!

**Mr DONNELLAN** — so we had to get involved to —

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Warrandyte**

**The SPEAKER** — Order! The member for Warrandyte will leave the chamber for the period of 1 hour for directing comments towards the Chair. I ask the member to leave the chamber.

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Ministers statements: port of Melbourne**

**Questions and statements resumed.**

**Mr Hodgett** — On a point of order, Speaker, I think it is unparliamentary for the minister to refer to the now Treasurer, the former minister for ports, as a knucklehead.

*Honourable members interjecting.*

**Mr DONNELLAN** (Minister for Ports) — Thank you, Matthew. You are a brain surgeon, mate. You are a brain surgeon.

**The SPEAKER** — Order! The minister and the Deputy Leader of the Opposition will refrain from inappropriate reflections on other members and refer to members by their appropriate names.

**Mr DONNELLAN** — Thank you, Speaker. As I was saying, while this government is doing all it can to improve and manage access to the port, including obviously our work on the western distributor and our work on CityLink Tullamarine, we need to get greater flow in and out of there. What are others outside the house doing?

*Honourable members interjecting.*

**Mr DONNELLAN** — Well, what we have got is the Leader of the Opposition bringing back old rorting Reithy to come and be president of the Liberal Party. Remember the days of rorting Reithy? What became de rigueur to wear? It was the days of the black balaclava —

*Honourable members interjecting.*

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

**Mr Clark** — On a point of order, Speaker, the minister is getting overly excited and departing from sessional order 5. I ask you to bring him back to making a ministers statement.

**The SPEAKER** — Order! It is not appropriate to use props. The minister to continue, confining his remarks to a ministers statement without the use of props.

**Mr DONNELLAN** — Thank you, Speaker. As I was saying, it is going back to the dark old days of the dark balaclava and the thugs sitting on the ports and it coming to a standstill. We have got rorting Reithy and his phone card —

*Honourable members interjecting.*

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

## CONSTITUENCY QUESTIONS

### Caulfield electorate

**Mr SOUTHWICK** (Caulfield) — (12 405) My constituency question is to the Treasurer. What is the Treasurer doing to ensure Victorians, in particular self-funded retirees, are not hit with excessive land tax bills, which are forcing them to either raise rents or sell their long-held assets just to survive? A number of constituents have contacted me regarding their excessive 2017 land tax bill, which is causing them great hardship. The assumption that many of these are wealthy individuals is incorrect. Many people in my electorate were immigrants to Australia. Typically they are people who have worked hard and saved in order to provide an income for their retirement years and ensure they are not reliant on a pension. This year's land tax assessment is unprecedented and is making it very difficult for many of these self-funded retirees to survive.

### Carrum electorate

**Ms KILKENNY** (Carrum) — (12 406) My constituency question is for the Treasurer. What is the government doing to help first home buyers deal with the very real issue of housing affordability in my electorate of Carrum? I was recently contacted by a resident in Carrum Downs who wanted to know what the government is doing to help her adult child get into the local housing market. One of her children has returned home in an effort to save money for a house deposit after renting for a couple of years in the local area. My constituent, and many more like her, are seeing house prices go up and up. She is worried that her children will miss out on the security of purchasing

and owning their own home. This family, and many more like them in my electorate, have firsthand experience of the growing challenge of housing affordability, and they have very real concerns about it. They want to see a return of fairness in the market. Every Victorian deserves the safety and security of a home. I know my constituents are very keen to hear what this government is doing to assist them to get into the housing market, and I look forward to the Treasurer's answer.

### Lowan electorate

**Ms KEALY** (Lowan) — (12 407) My question is to the Minister for Health, and the information I seek is: when will the minister provide additional funding of \$1.5 million to make the Wimmera cancer centre a reality, as promised to the people of the Wimmera at the original funding announcement in Horsham on 13 May 2016? I quote a *Wimmera Mail-Times* article of 13 May 2016 headed 'Wimmera cancer patients meet health minister':

Ms Hennessy said the government was prepared to allocate extra funding if needed.

'If you don't get there, we will', she said.

'We're going to build this. This project is not going to stop if the community fundraising falls short'.

The community has shown outstanding support for this project, having raised in excess of \$1.2 million. However, the total cost of the project has increased by \$1.5 million and now requires additional funding to ensure that the people of the Wimmera can access cancer treatment, dialysis and palliative care in the high-quality facility that they deserve.

### Essendon electorate

**Mr PEARSON** (Essendon) — (12 408) I direct my constituency question to the Minister for Energy, Environment and Climate Change, and I ask: what is the latest information available on what the Andrews Labor government is doing to improve energy literacy amongst senior Victorians and culturally and linguistically diverse people in communities in the Essendon electorate?

### Eildon electorate

**Ms McLEISH** (Eildon) — (12 409) My question is to the Minister for Roads and Road Safety. As the minister will be aware, the school communities of Woori Yallock and Wesburn have been active over a considerable period of time in trying to bring about greater road safety outcomes for their families and

school crossing supervisors. I am aware that there are a number of electronic speed signs still in place outside schools that have closed. I am also aware that some of these have recently been removed, particularly in Springvale Road, Nunawading. Is it possible to have these redundant signs relocated to Woori Yallock and Wesburn to address the road safety concerns of the schools there? Both schools are on very busy roads with very heavy vehicles travelling past, they are subject to pretty ordinary weather conditions at times and they do need to have these 40-kilometre-per-hour signs installed. This is a cheaper way of doing it if the minister does not want to go to the expense of installing the signs, which cost \$80 000.

### **Macedon electorate**

**Ms THOMAS** (Macedon) — (12 410) My question is for the Minister for Roads and Roads Safety. Minister, what is being done to make the notoriously dangerous Saunders and Station roads intersection in New Gisborne safe? It is fantastic to see the roundabouts on the Calder on and off ramps at Gisborne take shape, but more work needs to be done. Station Road is the only connecting road between Gisborne and New Gisborne and connects residents to vital services, including the railway station, three schools in New Gisborne and three in Gisborne as well as shopping and recreation. This intersection is very busy as it brings in traffic from Riddells Creek, and right-hand turns are particularly challenging. I will continue to advocate for my community until this intersection is fixed.

### **Prahran electorate**

**Mr HIBBINS** (Prahran) — (12 411) My constituency question is to the Minister for Education, and I ask: what is the latest information on the new Prahran High School? Many constituents have expressed to me that they are impressed with the recently released designs for the new school, which will house 650 students over four storeys, incorporating recreation and green space within those buildings. Demolishing the existing building and building a new purpose-built school was something the local community had been advocating for, and it was glad to see the designs for the new school.

Now parents and families are very keen to know more — particularly when enrolments will be open and whether the first intake will only be year 7s or whether some other year levels or all year levels will be included. Draft zones were recently released and families are interested to know when will they be finalised and how strictly zoning will be enforced come

enrolment time. My constituents also want to know when construction will start, if the current budget is finalised and how the school will collaborate and integrate with the neighbouring Prahran campus of the Melbourne Polytechnic, the National Circus Institute and the wider community.

### **Yuroke electorate**

**Ms SPENCE** (Yuroke) — (12 412) My constituency question is to the Minister for Health, and I ask: what is the latest information about what the government is doing to support women to participate in breast screening in the Yuroke electorate and more broadly? I applaud BreastScreen Victoria for their work in this area and in particular their target participation rate of 70 per cent. It is disappointing that the current rate of screening in Yuroke is well below that target, at 51.8 per cent. It is alarming that over 3600 women between 2013 and 2015 simply did not screen. I know we can do better, and I look forward to the minister's response.

### **Burwood electorate**

**Mr WATT** (Burwood) — (12 413) My constituency question is to the Minister for Public Transport, and I ask: what amount will the government pay in compensation to taxi and hire car licence holders, and can the minister confirm that the government pays more for a caravan as part of a second residence allowance than they will pay for a second taxi licence or a second hire car licence?

I received over 1270 signatures on a petition calling for the government to provide appropriate compensation to taxi and hire car licence holders, commensurate with the fair value of the licences. I did note that the first signature on that petition was one Jude Perera, who, interestingly, does not live in the electorate of Cranbourne.

*Honourable members interjecting.*

**Mr WATT** — I was somewhat surprised myself. He does not live in the electorate of Cranbourne.

I know that there are many people who think the government should pay a fair value for licences and I am asking the minister: will she pay a fair value?

### **Sunbury electorate**

**Mr J. BULL** (Sunbury) — (12 414) My question is to the Minister for Energy, Environment and Climate Change, and I ask: what benefits should residents in the Sunbury electorate expect from recent changes to the

minimum solar feed-in tariff? These are important changes and I know that many people in my community have a strong passion for solar energy and many have solar panels on their roofs. Residents that have taken up solar are proud of their achievements in helping to reduce emissions and support new technologies. I look forward to providing this information to the residents of the Sunbury electorate.

**The ACTING SPEAKER (Mr Carbines)** — Order! The time set aside for constituency questions has concluded. The house will return to debate on the motion on the establishment of the select committee.

## PENALTY RATES AND FAIR PAY SELECT COMMITTEE

### Establishment

#### Debate resumed.

**Mr EDBROOKE** (Frankston) — The real question here is: why are those opposite afraid to have an inquiry into the social impact of reducing penalty rates for workers? That is the only question here. Not one member on the opposition benches today has told us their personal view on taking up to \$70 a fortnight or a week from the wallets of the lowest paid workers in Victoria. Are you seriously trying to tell the chamber today that you support that: that a cut in penalty rates is good because employers will spend more money employing more people? What a load of garbage! If you stood on solid ground on this issue, you would not be afraid of an inquiry. We know that both the leader and deputy leader of the opposition have their issues. They flip-flop. They are the Havianas of politics.

**Mr Watt** — On a point of order, Acting Speaker, I know that the member for Frankston is fairly new in this place and does not pay attention to what is going on, but he should know that when he says ‘you’ he is reflecting on you and not on other members in this chamber. I suggest that if he wants to reflect on the Chair, he should probably do that outside.

**The ACTING SPEAKER (Mr Carbines)** — Order! I thank the member for Burwood for his point of order. I did note the neglect of the member for Frankston to refer his remarks through the Chair, but in the midst of my conversations with the Clerk I let it pass. I am sure the member for Frankston will continue his contribution and reflect appropriately on where he directs his remarks.

**Mr EDBROOKE** — Thank you, Acting Speaker. I have always valued the educational qualities of the

member for Burwood. Perhaps I could reflect on the member for Burwood not standing up for the Australian of the Year. That is quite a reflection.

Why do you hate workers?

**Mr Wakeling** — On a point of order, Acting Speaker, I think that the comments of the member for Frankston on the member for Burwood were not becoming in this house. I ask the member to withdraw those comments.

**The ACTING SPEAKER (Mr Carbines)** — Order! I do not believe that the member for Ferntree Gully can seek a withdrawal in relation to another member. That is not in order. The member for Frankston will continue his contribution.

**Mr Southwick** — On a point of order, Acting Speaker, on relevance. The member for Frankston has digressed by talking about something that is completely irrelevant to the motion before us. I ask you to bring the member back to what we are discussing and not continue with some frivolous point that he is raising.

**The ACTING SPEAKER (Mr Carbines)** — Order! I note the point of order raised by the member for Caulfield. I will listen intently to the continued contribution of the member for Frankston in relation to the select committee motion before the house.

**Mr EDBROOKE** — I say to the member for Caulfield that it is totally relevant because women will be the members in our community who are hit hardest by the cuts to penalty rates.

I am sure workers love hearing that they are going to have to work more hours to get the same amount of pay. It has never actually been proved that cutting penalty rates does anything other than increase profits. Does anyone even believe that? The Australian economy has grown by 3 per cent nominally since December, but the amount of money going to employees fell by 0.5 per cent and all of a sudden you support cuts to penalty rates. It is amazing.

I take the example of Heather, who is a single working mum, and I quote:

... penalty rates ... help us survive. Losing penalty rates to me means the difference between being able to survive financially.

The issue is that you do not want an inquiry into a Fair Work decision. This decision will affect Victoria’s lowest paid workers — young workers, regional workers and single parents — and we want to know by how much. Where do you stand on penalty rates? None

of you have told us. Where does the opposition stand on taking \$70 a week out of the pockets of people?

**An honourable member** interjected.

**Mr EDBROOKE** — You will — from the lowest paid workers. It is unbelievable. I have been on penalty rates. I have worked nights and I have worked weekends. I stand behind workers and I stand behind keeping penalty rates.

**Mr SOUTHWICK** (Caulfield) — What an absolute deflection we are hearing from the government today. They are not talking about the issue of rorting, which goes to the heart of all Victorians and to the heart of all Victorian workers. We discovered today that the member for Melton has rorted \$250 000 from taxpayers. If this is not the main issue that we should be talking about right here, I do not know what we should be talking about.

Seriously, the government should hang their heads in shame. It is absolutely disgraceful that we have a Premier here in Victoria who is doing nothing about the rorting that his government is doing. Instead, they rush in a motion today that they did not even have printed. The Leader of the House rushed in this motion, then rushed out to the photocopier and got it printed to quickly deflect from the main issue here.

Make no mistake, we on this side stand up for workers. We do not just talk about it; we stand up for workers. What the Labor Party are quick to do is talk the talk but they do not walk the walk. If the government were serious, then they would take back the referral powers. If they are unhappy with the umpire's decision when it comes to the Fair Work Commission, they would take back the referral powers and they would start to really do something when it comes to workers here in Victoria.

Why are they not doing that? Because they do not care. They want to deflect from the main argument here of the rorting government that this is — the rorting, hopeless, shameless government. They should all hang their heads in shame. They should go back after this disgraceful week and hide from their constituents, because they will not be able to face their constituents after this week — not after the rorting that has gone on. They talk about passing the pub test, but in terms of the rorting that we have seen, whether it is carting your dogs, whether it is attending a Bruce Springsteen concert or whether it is spending \$250 000 on a second residence and driving a caravan around, whatever it is, it is all wrong.

**The ACTING SPEAKER (Mr Carbines)** — Order! Before I call the member for Frankston on a

point of order, has the member for Caulfield concluded his contribution?

**Mr SOUTHWICK** — No, Acting Speaker.

**Mr Edbrooke** — On a point of order, Acting Speaker, I ask you to bring the member back to speaking on the motion.

**The ACTING SPEAKER (Mr Carbines)** — Order! My view at this point is that the member for Caulfield is in order.

**Mr SOUTHWICK** — Thank you, Acting Speaker. It is a shame that the member for Frankston does not care about the rorting and the focus of what we should be talking about in this house. This motion, poorly worded as it is, rushed into the house as it was, shows again that this government and the laughing member for Frankston do not care about workers. They do not care about the real issue. If you are serious, do not spend a whole lot of money on an inquiry that belongs with the federal government. Instead, take back the powers and do something about it now.

Also if the member for Frankston, who is now a member of the government, is serious, they would be talking to Bill Shorten to hear what he has to say about the Fair Work Commission. What does Bill Shorten have to say about Clean Event and the staff, the \$400 million that was completely rorted, again by the Labor Party? There is a very strong connection between the rorting Labor Party with Clean Event — nothing clean here — and the rorting that is happening in Victoria. What is very, very clear about the Labor Party is that they do not care about workers. What they care about is very, very simply themselves — what is in it for them? Labor members turn up in this house and put their hands in the pocket of the taxpayer. They have a look at what they can grab without the focus of what is in this motion. The motion before us has been rushed in.

**Mr Edbrooke** — Has it?

**Mr SOUTHWICK** — Yes, it has been rushed in. It was not even copied. We had to wait here until it was copied and brought into the house. It was done for deflection because of the poor week that this government has had and the fact that they do not want to discuss the main issue of the rorting of the \$250 million that we have now discovered. The member for Frankston should not laugh; he should feel disgraced. He is a disgrace, as is his government, for what they have done here in rorting the taxpayer. There is a theme going on when it comes to Clean Event, when it comes to what has happened federally, when it comes to Bill Shorten in Canberra. Bill Shorten actually

asked the Fair Work Commission to come up with an umpire's decision and then he did not respect the umpire's decision. Now this government here in Victoria, again at the taxpayers expense, want to set up an inquiry by a select committee made up of Labor members to basically say what we have heard from them today — that they are unhappy with the Fair Work decision. We have heard from them today; I think it is very clear. We accept that.

Members opposite have indicated today that they are unhappy about a number of things in the decision of Fair Work. That is fair — and they are entitled to do so — but if they are really serious about this issue, they should take back their referral powers. Let us have the discussion here about referral powers and really stand up for workers. They should really put their heart into it and stand up for something. They have the power. They are the government. This government has the numbers in this house to do it. We would be more than happy to come back and talk about it — not a problem at all. Let us do it, not just talk about it. Do not divert from the main game. Do not try to cover up, like Labor members have done with the roting. Taxpayers deserve more. Victorians deserve more. They deserve more than the shambolic government that this government is. They deserve more transparency. We have a Premier who is leading the pack here in roting. It is an absolute disgrace. If those opposite are serious about this, let us bring it on. Let us not just spend taxpayers money on a talkfest. Let us bring it on in here and have a proper discussion about Fair Work and workers. Do not just talk about something that is in the federal domain right now. Let us bring it on.

**The SPEAKER** — Order! The Leader of the House has moved a motion to establish a select committee in the terms circulated in the chamber. The member for Ripon has moved an amendment to the motion to insert after paragraph (1)(b) subparagraph (c), which refers to the circumstances and time lines for the addition of penalty rates to the review and the appointment of the Fair Work commissioners who made the decision. The house will consider the amendment first.

#### House divided on amendment:

Ayes, 38

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr

Guy, Mr  
Hodgett, Mr  
Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr  
Northe, Mr

Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Bull, Mr J.  
Carbines, Mr  
Carroll, Mr  
Couzens, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Hibbins, Mr  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms

Staley, Ms  
Thompson, Mr  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Wells, Mr

*Noes, 46*

Kilkenny, Ms  
Knight, Ms  
Lim, Mr  
McGuire, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pallas, Mr  
Pearson, Mr  
Perera, Mr  
Richardson, Mr  
Richardson, Ms  
Scott, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

**Amendment defeated.**

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Adjournment

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

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

**Mr Clark** — On a point of order, Speaker, we were in the process of dealing with motions by leave, and I submit that that process should be completed prior to moving on to the business of the house.

**The SPEAKER** — Order! I am advised that is correct — motions by leave.

**Debate interrupted.**

## STANDING ORDERS COMMITTEE

### Membership

**Mr CLARK** (Box Hill) — I desire to move, by leave:

That Mr Nardella be discharged from the Standing Orders Committee.

**Leave refused.**

## BUSINESS OF THE HOUSE

### Adjournment

**Debate resumed.**

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

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

*Honourable members interjecting.*

**The SPEAKER** — Order! The manager of opposition business on a point of order.

**Mr Clark** — Speaker, I am speaking on the motion.

**The SPEAKER** — Order! I apologise, but I did not hear the motion over the shouting.

**Mr Clark** — I am happy for you to have the minister move her motion again, Speaker, if that helps you and the house to hear what the minister was moving.

**The SPEAKER** — Order! I did not hear what the minister was saying, so I ask members to cease shouting so we can hear the minister move that motion.

**Ms ALLAN** — Thank you, Speaker. I move:

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

I am sure the opposition has now indicated they are probably going to oppose that sitting of the house motion and they will repeat all the arguments they have put during the course of the week, but the government feels that this is an appropriate adjournment. It is in line with the published sitting schedule that has been previously released to the Parliament, and I look forward to the house supporting the motion.

**Mr CLARK** (Box Hill) — The opposition opposes this motion. We believe that there is important business that needs to be dealt with this sitting week and that the house should not be adjourning until that business has been dealt with. I refer in particular to the motion of which notice has been given by the Leader of the Opposition to establish a select committee to inquire into the conduct of the member for Tarneit and the

member for Melton and their resignations as Speaker and Deputy Speaker.

As I have said to this house on several previous occasions, as indeed should be obvious to all honourable members of this house, it is an unprecedented scandal that those two Presiding Officers who had been charged with the responsibility of upholding the highest standards of this house have in fact been now forced to resign because they have rorted and abused their allowances and failed in their duty to uphold the standards that we in this house charge them to uphold on our behalf. This is a matter that should be dealt with by this house. We have had previously a motion to establish a select committee in a highly irregular and unusual manner on a matter of policy that should have been dealt with by a joint committee of this Parliament. But to deal with how this house conducts itself, the standards that this house observes and the business of this house is entirely appropriate for the establishment of a select committee.

As I have said to this house on a number of occasions this week, it is a matter of urgency and something that should have been dealt with on Tuesday. It is not something about which the government should simply say, 'Let's sweep this under the carpet. Let's say it is all in the hands of the audit committee of the Parliament, so let's just let everything else continue as usual and wait to see what the result of the audit committee is'.

This is not a matter of either/or. It is not a matter of either the audit committee or a select committee; it is not a matter for Victoria Police or the Ombudsman, one or the other. It is a matter about which everybody who has responsibility in relation to this matter should be exercising that responsibility, and clearly there is a key responsibility on this house to be dealing with getting our own house in order, quite literally, getting to the bottom of how these scandals occurred, establishing exactly how much money was rorted by the member for Tarneit and by the member for Melton, deciding what this house should be doing about requiring repayment of that money, deciding on the other questions that arise in terms of the appropriate consequences and sanctions for the members for Tarneit and Melton, and deciding what ought to be done for us to put this right so it does not happen in future.

It is completely inappropriate for this house to be saying, 'Oh, let the Special Minister of State deal with this matter. Let him sort out what the reforms ought to be to establish probity and good process'. Minister Gavin Jennings is up to his eyeballs in trying to defend members of the Labor Party on the red shirts

roting. How can the community have any confidence whatsoever in him and the process he is undertaking — that the process is one in which they are entitled to have confidence?

Indeed we have this bizarre position on the part of the government at the moment. A few sitting days ago they were passing a motion through this house saying that this house has exclusive cognisance over questions of rort — that only this house could do anything about questions of rort.

**Ms Allan** — On a point of order, Speaker, this is a fairly narrow debate on the question of time — the time in this case being the date on which the house should resume its sitting. I understand there is some latitude that can be allowed in that debate in expanding on some of the reasons; however, I would suggest that the manager of opposition business is now starting to stray far and wide —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Forest Hill!

**Ms Allan** — I would suggest that he is now straying far and wide from the substance of the motion, which, as I said, is merely about a question of the length of time to which the house should adjourn. I would ask you to bring him back to that matter before the house.

**Mr CLARK** — On the point of order, Speaker, I am pressing the case for urgency, and that is a frivolous and vexatious point of order.

**The SPEAKER** — Order! The manager of opposition business, to continue.

**Mr CLARK** — The government cannot on one hand say they have got exclusive cognisance over this matter and on the other hand refuse to have this house deal with it.

**Ms THOMAS** (Macedon) — I rise to support the motion of the Leader of the House. I have no idea what those on the opposite side do when they are not in this house, but I would be pretty clear that it is very little. That is why they have spent 13 of the last 17 years on the opposition benches. Long may they stay there, because I have lots of important business to attend to in my electorate. I will be attending an International Women's Day event this evening. I will be —

**Ms Ryall** — On a point of order, Speaker, I think we have just heard from the Leader of the House on a point of order in relation to the very thing that the member for

Macedon is doing, so I would suggest that she confine her comments very narrowly as well.

**The SPEAKER** — Order! I ask all members in this debate to keep their comments strictly to the question at hand.

**Ms THOMAS** — As I was saying, Speaker, I have a lot of important business to attend to in my electorate. That is what I will be doing this evening, tomorrow, Saturday, Sunday, Monday and all throughout next week. I suggest to you, Speaker, that those on the other side have nothing better to do with their time than waste the time of this house on frivolous motions.

**Mr McCURDY** (Ovens Valley) — We should not be adjourning this afternoon; there is no doubt about that. With the scandals and the rorting that has been going on in this place, and certainly with the Labor Party, we need to get to the bottom of it. There is no doubt about it. If you look at the Labor values and their standards, let me quote:

Governments must work hard, all the time, in every corner of our state. They should do good.

**Ms Allan** — On a point of order, Speaker, I ask that you uphold the point of order that was raised earlier by the member for Ringwood, where she very clearly indicated her desire to the house to see the confines of this debate remain narrow and around the focus of how long this house should adjourn for. I would suggest that the member for —

**An honourable member** interjected.

**Ms Allan** — Ovens Valley, sorry. Thank you. I keep thinking of Ken Jasper when I think of that electorate.

*Honourable members interjecting.*

**Ms Allan** — You can't even show respect for Ken, goodness me! I suggest that you bring the member back to the debate at hand.

**Mr Clark** — On the point of order, Speaker, when the member for Ringwood took the previous point of order it was because the member opposite was referring to an engagement she had this evening, which was entirely irrelevant to the motion before the house. Therefore it is consistent for the honourable member now speaking to continue to press the case for the urgency of this matter.

**The SPEAKER** — Order! I ask members to restrict their remarks on this debate to the matter before the house, which is:

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

I will allow members in this debate, because members on both sides have mentioned the reasons they are for or against this motion, to mention them in passing.

**Mr McCURDY** — Can I just add, then:

Decisions should not be made in the shadows, communities should always be consulted and the powers of the Parliament and the government should never be abused.

I think that should be certainly listened to in this state.

I also have got a quote from the member for Melton in 1993, which says:

When I worked on the shop floor, my fellow workers and I always complained about — —

**Ms Allan** — On a point of order, Speaker, this is not a motion in regard to quoting what former members have said. This is a motion about — —

**Mr Watt** — He's a current member!

**The SPEAKER** — Order! The member for Burwood! The Leader of the House, in silence.

**Ms Allan** — He is a former member of the upper house, given the period of time the member was quoting from. I would suggest that you bring the member back to debating the question of time, which is the substance of the motion before the house.

**Mr Clark** — On the point of order, Speaker, in debating the question of time, members advocating for the house to continue to sit need to explain the reasons why they believe the house should continue to sit. It is entirely in order for the honourable member to explain to the house why he believes there is urgent business that requires the house to continue to sit. That is the whole point of the motion — 'Is there stuff that requires us to continue to sit?' — and the member must be able to put arguments in support of that.

**The SPEAKER** — Order! The matter before the house is a question of time. I do call the member back to the issue. As I said before, if members in passing refer to the reasons that they are for or against this matter, I think that is relevant.

**Mr McCURDY** — If we are talking about time, we cannot continue to let this wound fester, and that is why we need to deal with the issue forthwith. It should be dealt with, not adjourned.

**Mr PEARSON** (Essendon) — I rise to support the Leader of the House's motion. It has been very clear

throughout this week as to the appropriate process that is being embarked upon in relation to the members for Melton and Tarneit. The audit committee must do its work, and that will be overseen by the President of the other place. That work is ongoing and should be allowed to continue without the interference of members of this place or the other place.

In relation to the schedule of the sitting of the house, these sitting days have been published well in advance. I think they were released late last year. Many of us have got urgent matters we must attend to on behalf of our — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Burwood!

**Mr PEARSON** — Many of us have got urgent business which we need to attend to both tomorrow and next week. I think it is important that the members of this place can get on and do that work, and it is appropriate, as the Leader of the House has indicated, that the house rises today and we resume on 21 March.

**The SPEAKER** — Order! Before calling the member for Ripon, I will warn the member for Burwood not to consistently shout across the chamber.

**Ms STALEY** (Ripon) — I rise to speak on the motion of the Leader of the House and to oppose it. I do not believe that we should be adjourning for two weeks when we have before us a motion in the name of the Leader of the Opposition which goes to the heart of the issues around the resignations of the Speaker and the Deputy Speaker.

To me, if we look at the role of the Speaker and the role the Speaker has taken in Westminster-based parliaments since the 13th century, as that role has evolved it has become very clear that the Speaker and the Deputy Speaker are the guardians of the integrity of the house. So while we have a motion before the house that goes to the very heart of why we have lost our previous Speaker and previous Deputy Speaker, I believe that that item of business should be dealt with, and not in two weeks time. That is the reason I oppose the motion of the Leader of the House.

We do have important work to continue with here, and there is none more important than ensuring that the people of Victoria have full confidence in the structures of our house, in the way that we investigate our own and in the way that we treat our own when somebody is accused of misusing and rorting their entitlements. It is not simply a matter about members of the house; it is

about the former Speaker and former Deputy Speaker of this house, and as such the motion in the name of the Leader of the Opposition is a really vital motion that we should not be deferring off for another fortnight. It should be brought on for debate far before then. For that reason I oppose the Leader of the House's attempt to adjourn off the house for a fortnight.

I do not actually think that there is anything more important at this point that we could be doing because, as we have seen, the trust among members of the public in those of us who take on this profession continues to fall daily. It does so because of the actions that have been alleged in regard to the previous Speaker and the previous Deputy Speaker. We need to deal with this now. We absolutely need to get to the heart of the matter of who knew what when, what they did, what documentation they put in — the travel logs, the statutory declarations and the amounts. All of those things go to the heart of the integrity of this house, and yet the Leader of the House is keen to adjourn off debate for a fortnight so that those issues are not examined and the right of this house to debate the motion about those matters is not upheld.

I am very, very strong on the view that we must continue and not adjourn for a fortnight, because these matters go to the heart of Westminster systems of Parliament and of democracy. These are not ordinary members of the Assembly who have been found to have been rotting their entitlements; these are the former Speaker and the former Deputy Speaker of this Parliament, and as such they were the guardians — as is your role now, Speaker — of our parliamentary system. As a result, we should be debating this motion. We should not be adjourning for a fortnight, and because of that I oppose the Leader of the House's motion to adjourn the house.

#### House divided on motion:

#### Ayes, 47

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Richardson, Ms
Foley, Mr	Scott, Mr
Garrett, Ms	Sheed, Ms
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr

Halfpenny, Ms  
Hennessy, Ms  
Hibbins, Mr  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms  
Kilkenny, Ms

Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

#### Noes, 36

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

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

#### Motion agreed to.

## MEMBERS STATEMENTS

### TAFE funding

**Ms EDWARDS** (Bendigo West) — Can I formally congratulate you on your appointment to the position of Speaker? You are doing a fantastic job.

**An honourable member** interjected.

**The SPEAKER** — Order! The member for Warrandyte has already been warned.

**Ms EDWARDS** — Last week I was thrilled to have the Minister for Training and Skills from the other place, the Honourable Gayle Tierney, visit the Bendigo TAFE site to announce \$1.7 million in funding from the TAFE Rescue Fund to kickstart the development of a comprehensive business case for the whole of the campus's revitalisation, including a detailed feasibility and master plan. The aim of this project is to regenerate Bendigo's McRae Street campus, giving it stronger engagement with the community, industry and local business, to enable its long-term viability. In addition the minister also announced a further \$12 million from the Stronger TAFE Fund across both Kangan and Bendigo campuses to meet the additional workforce costs, to maintain their public assets and to support additional governance and reporting requirements.

Between 2010 and 2014 the former Liberal-Nationals government gutted our TAFEs, including Bendigo's. Courses were cut, staff were slashed and Bendigo and Kangan were forced into a merger. It is taking time to rebuild after those devastating cuts, but we are getting on with rebuilding our TAFE in Bendigo. This government recognises the important role our public TAFE system plays in training excellence and innovation, and in providing essential life skills, support services and help to disadvantaged students and communities, especially those in regional areas. I am very pleased to say that Bendigo locals will now have access to more opportunities to get the skills they need to get a job.

### Member conduct

**Mr BURGESS** (Hastings) — The opposition has contacted both the Victorian Ombudsman and Victoria Police to request a full investigation into the roting of taxpayers money by the former Speaker and Deputy Speaker of this house, the Labor MPs for Tarneit and Melton. Victorians were rightfully horrified to learn that both of these Labor Party members had rorted taxpayer-funded expenses by claiming a second home allowance when neither was entitled to it. It is not good enough that these two MPs simply slink to the back bench and give their tainted vote to this Labor Premier. They must both be held to account for their actions.

If any mitigating circumstance exists at all for these two, it could only be that they were lulled into believing it was an acceptable practice to fraudulently use taxpayer money for their own selfish purposes by the conduct of their leader, the Premier. Whether they were personally involved in the systemic roting of taxpayer money by their roting leader in a greedy and desperate effort to grab power for himself, or simply complicit in their silence, only a full investigation will reveal. Every day he refuses to take the action that is available to him to return that money that belongs to Victorian taxpayers, this Labor Premier is complicit in this continuing rort. It has been informative this week to watch the Labor members of this house eating, drinking and laughing with the roting member for Melton as if nothing has happened.

### Western Port Festival

**Mr BURGESS** — On 25 February I was honoured to be asked to judge the colourful and entertaining 2017 Western Port Festival parade down High Street in Hastings.

### Vietnam veterans

**Ms NEVILLE** (Minister for Police) — On Saturday, 25 February, I had the pleasure of welcoming to the Bellarine the state sub-branch of the Vietnam Veterans Association, which held its first council meeting for 2017 at the Queenscliff-Point Lonsdale RSL. The association is an important organisation that provides a very effective support and advocacy service to Vietnam vets, many of whom 50 years later still suffer physically or psychologically or both as a result of their service. I take this opportunity to commend the state sub-branch president, Bob Elworthy, AM, and his state delegates and also the Geelong and district sub-branch president, Rieny Nieuwenhof, and his team for the work they are doing for local veterans and families, not forgetting their host for the day, the Queenscliff-Point Lonsdale RSL, which amongst many things always organises a very fitting Anzac dawn service, which every year I have the honour of attending.

### Indented Head Boat Club

**Ms NEVILLE** — On another matter, last Sunday, 5 March, I had the pleasure of attending the annual Indented Head Boat Club 'Fishing with disabilities' day. This initiative of the club and its members provides kids with a disability the opportunity to experience boating, fishing and — no doubt for many the highlight of the day — a trip to the local seal colony. Back on land the children received certificates, which I had the pleasure of presenting, and a DVD on fish in Port Phillip Bay, followed by a great barbecue lunch with music played by Charles Attard. My congratulations to all involved: Ray Allen, Mick Monaghan and Ken Kaylar-Thomson of the Indented Head Boat Club; and the disability workers, Jenny Schmidt and Juliet Ryan.

### Member conduct

**Mr McCURDY** (Ovens Valley) — The roting that has been done by this government continues to grow. It began with the red shirts and a disgraceful use of taxpayers money to win government, and once the snout was firmly in the trough Labor continued to rort at every opportunity. The Premier has said the standard you walk past is the standard you accept and that he takes responsibility for everything that happens in his government. If this were the case, the Premier would force the roting member for Melton to pay the money back.

The Premier and this government have become a protection racket for Peter Marshall, for the Construction, Forestry, Mining and Energy Union and now for Labor members with their snouts in the trough. Scandal after scandal, this government has lowered itself to great depths through the dishonest behaviour of Labor members, and then they have the arrogance to do absolutely nothing about it. Then we discover ministerial cars were used for chauffeuring dogs and taking ministers to Springsteen concerts, while nearly half the Labor members in this place refuse to live in the electorates that they represent.

When will we see the leadership that the Premier promised and said he would deliver, and when will he take responsibility and not walk past standards, like he said? Victoria is out of control in law and order and sky rail dodgy deals, while government members are busy filling their own pockets like the great train robber Ronnie Biggs. If a commodore is the leader of a naval fleet and a general is a leader of soldiers, what do you call a king of rorters? Premier, of course.

### **Australian International Airshow**

**Mr EREN** (Minister for Tourism and Major Events) — Last weekend my electorate played host to the amazing Australian International Airshow. The biennial event was held over six days last week, and what a spectacular event it was. This year saw record crowds flock to Avalon, which I am sure topped 2015's attendance of roughly 170 000 people. The Australian International Airshow does a wonderful job of showcasing the aerospace, aviation and defence industries' multifaceted capabilities, as well as being a major tourism drawcard for the region.

Over the weekend I spoke to local residents in Lara who were pleased with the boost it gave the region over the week. Each time I attend this event I am amazed by the tremendous sights, and this year was no exception. Huge congratulations to the organisers, who continue to put in a great effort in conducting this event in such a professional manner while also demonstrating a wonderful showcase for our region. The Andrews Labor government is very proud to be supporting it. I would encourage anyone who has not had the pleasure of attending in the past to ensure that they put it on their bucket list. It is definitely one not to be missed next time.

### **International Women's Day**

**Mr EREN** — I would also like to acknowledge that Wednesday, 8 March, marked International Women's Day. I am proud to be a member of a government that has made ending family violence a priority. We

established the Royal Commission into Family Violence and will adopt each and every one of its recommendations. As Minister for Sport I am proud of our inquiry into women and girls in sport and active recreation. I am also proud that we are boosting local facilities for women through a \$10 million Female Facilities Fund and the first female-friendly sport infrastructure guide in the nation.

### **Member for Melton**

**Mr KATOS** (South Barwon) — The member for Melton should immediately repay the over \$100 000 that he has rorted from the Victorian taxpayer for claiming a second residence allowance to live in a caravan in Ocean Grove, more than 70 kilometres from his electorate. I will quote the member for Melton's own words in this house on 11 June 2014:

We should not allow any member of Parliament on either side of the house, whether they are Labor, Liberal, Nationals or Independent, to rort their entitlements. That is not what we are here for. We are here to represent our constituents. We are here to pass laws and to make sure that what we leave as a legacy in this house is for the betterment of all Victorians and not to line pockets or to bring this house and all its members into disrepute. This is about decency. This is about not having one of our own let off the hook ...

obviously referring to the former member for Frankston. What a hypocrite to say those words in this house and then to rort the second residence allowance to live in a caravan in Ocean Grove. This man is a complete disgrace. He should resign from this house. He should repay the money that he owes the Victorian taxpayer and do it immediately.

While I am on the matter of living in Ocean Grove, perhaps the member for Bellarine should actually move to her electorate. Two of her colleagues seem to love to live on the Bellarine; why does she not?

### **International Women's Day**

**Mr NOONAN** (Minister for Industry and Employment) — I rise today to mark this week's International Women's Day and to honour and recognise the incredible women and women's organisations who have served my local community in Melbourne's inner west.

Of course one must start with the great Joan Kirner, our first and only female Victorian Premier and a former member for Williamstown. There is not much that has not been said or written about Joan, but as people of Melbourne's west we simply remember her as a legend and friend.

Similarly, Lynne Kosky served the Parliament and the west as the member for Altona with distinction. Lynne achieved many wonderful public policy outcomes, particularly in education, ensuring young people could access higher education and attain the skills necessary to gain jobs.

At the local government level our community is well served by three wonderfully committed female councillors in Angela Altair, Sandra Wilson and Colleen Gates. Angela was also the first-ever Maltese-born female councillor in Australia to serve as a mayor.

At the community level our local women's organisations shine so brightly. There are too many to name, but a group such as Willin Wimmin is a fine example of women who come together, sing and provide a place for social inclusion to thrive. We love their work. To each of the women's organisations throughout the Williamstown electorate, from mothers groups to sporting clubs, family violence services, youth groups and so many more, I proudly say thank you. Your service and support to our community are outstanding.

### Member conduct

**Mr BLACKWOOD** (Narracan) — The contempt with which the Andrews government treats Victorians knows no bounds. Accused of illegally using electorate office staff in their 2014 election campaign, they continue to waste taxpayers money fighting through the courts to avoid scrutiny. They have now stooped to a new low, thumbing their nose at the taxpayer with the abuse of the second residence allowance, misappropriating at least \$140 000.

### Kokoda awards

**Mr BLACKWOOD** — Recently I hosted the presentation of the George Collins Kokoda Award to three year 11 students. This will enable Jack Jacobs, Emily McDonald and Bridie Farrar to tackle the Kokoda Trail in July this year. This award is named in honour of still-living veteran of the Kokoda campaign George Collins. George turned 21 on the track in 1942 and this June will celebrate his 96th birthday. George presented the awards to each of the students and inspired them with some words of wisdom and congratulations. The George Collins Kokoda Award has now been presented to 30 students over the past 10 years, and the sponsors who have supported us during this time deserve enormous recognition for funding a program that honours the legacy of our Kokoda veterans.

### Australian Sustainable Hardwoods

**Mr BLACKWOOD** — Australian Sustainable Hardwoods (ASH) in Heyfield is still in limbo. The Premier must have the courage to ignore the false claims of the Greens. He must recognise that the Leadbeater's possum is not critically endangered, with over 500 sightings in recent years. The town of Heyfield, the workers at ASH and the native timber industry more broadly do not deserve to be sold down the drain for political expediency based on misinformation. The Greens have destroyed thousands of Victorian jobs, but they have never, ever created one.

**Sitting suspended 12.59 p.m. until 2.02 p.m.**

### Eltham Jazz, Food & Wine Festival

**Ms WARD** (Eltham) — The Eltham Jazz, Food & Wine Festival was an overwhelming success this year thanks to fantastic music, great food and wine, a terrific crowd and the hard work of the Eltham Chamber of Commerce and Industry and a very dedicated team of volunteers. Over 10 000 visitors came to Eltham over two days and enjoyed five band stages, vibrant food and wine stalls and bustling cafes, restaurants and bars. Saturday night was bursting with fantastic music on all five stages and we loved this year's inclusion of a Little Drop of Poison and a new stage.

On behalf of my community, I thank the committee, including the president of the chamber, Greg Heywood, vice-president Faith Gritten, Caroline Ramsdale, Jeff Kluge, Lucy Anderson, Lorna Bleim, Brett Ditchfield, Fee Sievers, Bill McGillivray, Michael Young, Jan Kluge and Sherri Van Den Elshout. For the better part of 12 months this amazing crew volunteer their time to put this wonderful weekend together. Well done to all those involved, who will now enjoy a well-deserved two-week break before their hard work begins again to plan for next year. Thank you for your passion for Eltham and for live music.

### International Women's Day

**Ms WARD** — This year I held my annual International Women's Day breakfast at the terrific St Helena Secondary College, the school of last year's winner of the Pauline Toner Prize, Zoe Rumble. Exceptional guest speakers Deanna Berry and Laura Duryea from Melbourne Football Club, Nicole Callinan from Footscray and Lauren Brazzale from Carlton captivated the audience with stories of their journey to become AFL Women's players and what playing professional AFL meant to them.

I created the Pauline Toner Prize in 2015 to celebrate young women in our local community and to honour an inspirational Victorian, Pauline Toner, a former Labor minister of this place, who cared deeply about equality, social justice and the environment. We had eight exceptional finalists, Katy Gale, Jess Hall, Natasha Jones, Tilly McDonald, Marianna Saill-Dilnot, Ella Ward, Jamie Weddle and our winner, Abbey Beare, who was recognised for her social justice work. All of these young women are contributing significantly to their community; they are coaching basketball teams, promoting gender equality, supporting diversity, volunteering with the Country Fire Authority, volunteering with Open Doors, fundraising for Close the Gap, supporting those with disabilities and doing so much more. Thank you to St Helena Secondary College principal Karen Terry and her amazing Victorian Certificate of Applied Learning students.

### **Murray Darling Basin agreement**

**Ms SHEED** (Shepparton) — I am very pleased that the Victorian government has finally released its long-awaited study into the social and economic impacts of the Murray-Darling Basin plan in this state. This report largely backs the results of that completed by RMCG, at the request of the Goulburn-Murray irrigation district (GMID) water leadership group — a group chaired by myself. You have heard me speak of this group and this report before, as the report was released in October last year. Up until last week it was the only significant study in the state that had looked at this issue, and there was a total absence of any report having been prepared by or coming from the Murray-Darling Basin Authority.

With two reports saying the same thing there are certain facts the Murray-Darling Basin Authority can no longer ignore. That includes the fact that our farmers will be even more exposed in the next drought season. The dairy industry will be the hardest hit, and that in turn puts the GMID at higher risk than most because of our large number of dairy farmers. The basin plan has delivered a range of outcomes. Our farms are becoming more efficient, and in Victoria in particular it has returned 75 per cent of the water target, but we must discuss the knife at our throat.

The government report backs up the fact that we are now at a tipping point. The 450 gegalitres of upwater should never have been a part of the deal, and it must be removed from the agreement. These two reports show that to deliver this amount of water would clearly signal the end of the dairy industry as we know it and severely impact the operation of our horticulturalists and mixed farmers. The GMID is the food bowl of Victoria.

Removing the upwater from the plan will give surety to farmers, to the wider community and to investors.

### **Arrowsmith program**

**Mr STAIKOS** (Bentleigh) — Last week I had the honour of meeting Barbara Arrowsmith-Young, the founder of the Arrowsmith program, during her visit to Australia. Arrowsmith is a program which treats learning disorders via the principles of neuroplasticity. Ms Arrowsmith-Young addressed a packed St Peter's church in East Bentleigh, where people came from far and wide to hear her speak about her own journey with a learning disorder that she treated with the program she developed. The Holy Trinity Parish, which includes St Peter's, St Paul's and St Catherine's, has been running a pilot program since 2015 at St Peter's Primary School. The 30 families who have been part of the pilot have been overwhelmed by the success it has shown in overcoming learning difficulties. I am very pleased that the program at Holy Trinity will continue beyond the current pilot from a new location at St Catherine's Primary School in Moorabbin.

### **Kindergarten funding**

**Mr STAIKOS** — I visited Bentleigh West Kindergarten last week to hear firsthand from staff and parents about the impact of the cruel and callous cuts of the Turnbull Liberal government. The Liberals are set to cut \$100 million from Victorian kinders, a decision that will leave families 5 hours less of kinder each week and up to \$2000 worse off every year. Bentleigh West Kindergarten director, Nichole Jenkins, said to me that if continued investment is not provided by the Turnbull government, we risk losing up to a day of preschool education every week. She also said that for local children, families and staff it will mean children will not be ready for school, families will be unable to work and staff will see a large reduction in their income, which will have a major impact on their families. The Andrews Labor government has made record investments in Victorian education, including upgrades at Bentleigh West Kindergarten and Brady Road Kindergarten, to ensure that every child has access to the best possible start in life.

### **Member conduct**

**Mr D. O'BRIEN** (Gippsland South) — Constituents in my electorate of Gippsland South are astounded at revelations that dozens of Labor MPs live far away from their electorates. People are angry at the contempt shown by Labor MPs to what are considered safe seats that are clearly being taken for granted. They are even more outraged at the actions of the members

for Tarneit and Melton for rorting the second residence entitlement. It brings great shame on all of us in this place that this behaviour has been occurring and weakens trust in our democracy. The Premier and his team stand condemned for operating a rorting, dishonest government as this is not the first scandal that has rocked this government. We all remember Patch and Ted and the red shirt rort that used taxpayer-funded staff to help get Labor elected.

### **Sale and Maffra Support Local campaign**

**Mr D. O'BRIEN** — Unlike many of those opposite I live in my community, which is focused on supporting itself, so it was pleasing to attend the launch of a joint Support Local campaign by the Sale and Maffra business and tourism associations. This campaign is more than just a 'shop local' promotion; it is about supporting local businesses, tradies and venues. Great credit to Leeanne Pearce, Naomi Cranston and all at the Sale Business and Tourism Association, in particular for working with Marcus Stobie and their Maffra counterparts on this important push.

### **Wellington sports awards**

**Mr D. O'BRIEN** — On Friday night I had the pleasure of attending the Wellington sports awards, hosted and supported by Sporting Legends of Sale, which does a power of work for sports clubs in our community. Congratulations to all the finalists who came from an incredible breadth of sports — athletics, motocross, boxing, football and even modern pentathlon. The winner was a very surprised Josh Dunkley, who thought he was there just as a guest speaker. Raised in Yarram and Sale, Josh was named best first-year player and played an important role in the Western Bulldogs fairytale premiership last year. Based on his performance on the stage, Josh is not just a champion footballer but a very impressive young man who has a big future ahead of him.

### **Adrian Hall**

**Mr D. O'BRIEN** — Still on Yarram, congratulations to local horse breeder Adrian Hall and all the Hall family after their locally bred horse, Hey Doc, won the Australian Guineas at Flemington on Saturday.

### **Mount Clear Recreation Reserve change rooms**

**Mr HOWARD** (Buninyong) — Last Thursday I was very pleased to meet with members of the Mount Clear Junior Football Netball Club and the Mount Clear Cricket Club to officially open the new Mount Clear

Recreation Reserve change rooms. The Andrews government is proud to have provided \$100 000 towards the construction of these fantastic new multi-use change rooms, which feature unisex umpire change facilities, a first aid and store room and other amenities — a great improvement on the aged facilities previously in use. I was also pleased to be able to announce that we are getting on with delivering more female-friendly facilities to the reserve, investing an additional \$500 000 to refurbish the original pavilion to make the change rooms female friendly and to upgrade oval two.

The funding comes from the latest round of the \$100 million Community Sports Infrastructure Fund, which also includes \$10 million to build female-friendly facilities and upgrade women's change rooms, meaning female players will never again have to use makeshift areas to prepare for a game. This is one of the biggest ever announcements in women's participation in sport by an Australian state government. It includes a further \$8 million over four years to continue the popular country football and netball program. It has been great to see women's cricket and women's football gaining much media attention this summer. This is encouraging women and girls to join grassroots clubs in record numbers, and we are doing everything we can to ensure they have access to the sporting facilities they deserve. It is not good enough to have women and girls changing in the back of cars to play the sports they love. It is unfair, and we are fixing that.

### **Ballarat Lyric Theatre**

**Mr HOWARD** — Well done to the Ballarat Lyric Theatre on their season of *Cats* — another outstanding performance.

### **Member conduct**

**Mr ANGUS** (Forest Hill) — The recent revelation that more Labor members of Parliament are rorting the system at the expense of Victorian taxpayers is hardly surprising. As the old saying goes, a fish rots from the head down. Here in Victoria the Labor Party is the master of systemic rorting. It was the Labor Party that rorted taxpayers money by employing people to do Labor Party campaigning work whilst paying them from the public purse before the last election. According to a Labor whistleblower, it was Labor Party MPs who falsely signed employee forms and facilitated this organised fraud against Victorian taxpayers.

The Premier has consistently said in relation to this matter that there is nothing to see here whilst at the same

time mounting court challenge after court challenge at taxpayers expense, seeking to protect the full details of his systemic rorting from being exposed. Even now the Premier is taking High Court action to prevent the Victorian Ombudsman from investigating this organised rorting. Why would any member of the parliamentary Labor Party care if they were rorting at taxpayers expense when their leaders oversaw prolonged, systemic rorting before the last state election?

The hypocrisy of the Premier is breathtaking when his comments in relation to the current rorting by his members are compared to his comments when the former member for Frankston was accused of rorting. At that time he called for the member for Frankston to be expelled from the Parliament, and yet here he is now defending the two rorting members and accepting the tainted vote of the member for Melton. In the *Herald Sun* on 10 June 2014 the now Premier stated in relation to the former member for Frankston:

His conduct, his rorting has been unprecedented and therefore we should act on him today.

His attitude is completely different when the boot is on the other foot. The Premier must ensure the member for Melton repays the more than \$100 000 he has rorted from Victorian taxpayers and that this matter is exhaustively investigated by the appropriate authorities. It is not good enough for the Premier to try to brush these matters aside and simply move on.

### Human rights

**Ms GRALEY** (Narre Warren South) — I often meet residents who have migrated to Australia from around the world. These men and women tell me stories of how they suffered discrimination because of their gender or persecution for their political and religious beliefs. In some countries women still do not have access to a criminal justice system despite violence committed against them. Worse still, the law enforcement agencies treat women with disrespect and contempt.

In 2017 there are countries where women are not allowed to vote. In Pakistan minorities are persecuted within the framework of the blasphemy laws which are part of the country's constitution. The case of Asia Bibi, a Christian woman, is well known. She was convicted of blasphemy by a Pakistani court and received a death sentence in 2010. It is alleged that a year earlier Asia Bibi was involved in an argument with a group of Muslim women with whom she had been harvesting berries. The other women grew angry with her for drinking the same water as them. She was subsequently accused of insulting the Islamic prophet — a charge she

denies — and was arrested and imprisoned. In November 2010 a judge sentenced her to death.

The Ahmadiyya Muslim community continually comes under attack in Pakistan. Many members of this minority group live in my electorate, and I have personally heard their plight. A letter from the national president of the Ahmadiyya Muslim community recently outlined human rights violations in Pakistan. On 12 December 2016 police and army personnel failed to stop a militant group of 1000 people armed with guns, rocks and batons who attacked an Ahmadiyya mosque. Militants gained control of the mosque and burnt a section of the property inside the building. The mosque has since been sealed and members fear for their lives as no protection or security is provided by the authorities. Violations of human rights are widespread. No country in the world has ever achieved absolute equality, but we need to make a start.

### Member conduct

**Mr GIDLEY** (Mount Waverley) — This week the people of Victoria are beginning to understand the scale of the biggest theft of parliamentary funds in the history of the Victorian Parliament by the Victorian Labor Party. Never before have taxpayers seen theft on such a scale as the actions of Victorian Labor Party members. The human cost of the theft of millions of dollars by the Andrews Labor government is that taxpayers have missed out on important services and job opportunities they should have had.

In my electorate alone schools have had savage cuts made to their building programs by this government, including cancelling the \$18.95 million Mount Waverley Secondary College rebuild, cancelling the \$19 million Brentwood Secondary College rebuild and cancelling the \$6 million Glen Waverley Primary School rebuild. These are just a few examples of the human cost of this government's fraudulent practices, which have allowed its members to steal taxpayer funds and prioritise the self-interest of Labor MPs ahead of providing important government services and job opportunities.

Enough is enough, Premier. No more waiting and watching the theft of taxpayer funds by Labor Party members to fund overseas junkets. It is time the Premier picked up the phone, called in the police and released all the documents for public review. But of course it is clear that will not happen because this Premier is running a protection racket for all in his corrupt, theft-ridden government. This culture of theft, corruption and self-interest runs all the way through this government. It is being driven from the top and

Victorians are the losers, missing out on important government services and job opportunities. As if that is not bad enough, the Premier has also refused to answer who else assisted Labor MPs in undertaking the theft.

### Yarrabah School

**Mr RICHARDSON** (Mordialloc) — Excitement is building in the community of Aspendale as the master plan for Yarrabah School progresses. This is a school is known as the little school with a big heart. With significant growth, more than 250 students now attending this fantastic school and over 700 per cent growth over two decades, it is time to respond to some of these challenges and give this school community the certainty it needs.

I was proud that in the 2016–17 budget the Victorian government allocated \$12 million for school planning across the state, with Yarrabah School one of 35 schools to receive that funding. They have been calling for this certainty — a blueprint for their future — for many years, and I am proud that we have delivered those answers to what we need for the future to give this school everything that it needs.

I want to congratulate the principal, Matthew Harris, who is an outstanding advocate for our school community. He is someone who is dedicated and passionate and goes over and above for this community — the more than 100 professionals, teachers, physiotherapists and psychologists across this wonderful school. We need to give this school certainty for the future, and we need to look to what they need and to end the portable city that sits onsite in Aspendale. That is what we are committed to doing over the journey, and I am proud to be working with such a dedicated bunch of people to make that happen.

### Member for Melton

**Ms BRITNELL** (South-West Coast) — In 2015, just before my election, the member for Melton stood in his place and made all sorts of wild accusations about why I sought to represent the good people of South-West Coast. He accused me of improper motives and all sorts of things and made himself out as holier than thou. He alluded that I would not be an effective member to represent my constituents. All the while he was living some 80 kilometres away from his constituents and his electorate and was asking the Victorian taxpayer to fund his beachside lifestyle. The hypocrisy of this man — to accuse me of only joining this place for the money while he was sitting here rorting over \$100 000 from the Victorian taxpayer.

I live in my electorate and I fight for my region to get its fair share of money for roads, for schools, for our hospital and for our rail service. For my constituents to learn the member for Melton has been using their hard-earned taxpayer dollars to live by the beach while our needs go unmet is a disgrace — what an insult.

While my constituents have been risking their lives driving on roads that are falling apart and waiting at hospital emergency departments that are overcrowded and while children with special needs have been sitting in cramped buildings, the member for Melton and the member for Tarneit have been lapping it up by the beach, rorting public money. I am proud to represent the people of South-West Coast and even prouder to call the electorate my home. I am not the fake representative of my local constituents the member for Melton made me out to be, but he most certainly is.

### Australia-Ireland alliance

**Mr McGUIRE** (Broadmeadows) — The search for economic development and jobs in Broadmeadows continues through the Australia-Ireland connection. The Bank of Ireland's executive vice-president, Derek Collins, last week toured Broadmeadows, where we discussed investment and job opportunities in Victoria, especially Broadmeadows, based on the strategy *Creating Opportunity: Postcodes of Hope*. This plan harnesses government, business and civil society to help the transition to new industries and jobs beyond deindustrialisation. Opportunities are increasing to leverage stronger business and economic links, given that Ireland will remain a gateway to Europe. The expansion of economic and cultural ties coordinated through the all-party Victorian Parliamentary Friends of Ireland has led to trade missions and increased business opportunities, which are significant because two-way trade and investment between Australia and Ireland is worth almost €19 billion.

The parliamentary relationship has led to trade missions coming to Melbourne that would otherwise have bypassed Victoria and the successful completion of business deals, according to the chief executive officer of the Irish Australian Chamber of Commerce, Barry Corr. The connection has benefited my electorate, with a local company about to open a new manufacturing facility and distribution centre, creating an estimated 50 jobs. Further investment from Ireland is being negotiated for a joint venture to provide innovative Australian dairy processing machinery to be used in Europe. Management, customer services, sales and marketing are expected to be run out of Broadmeadows.

Meanwhile, negotiations continue to work towards securing a state visit to Australia by the Irish President, Michael D. Higgins. A conference on innovation and furthering ties will be held during next week's Irish Australian Chamber of Commerce commemoration of St Patrick's Day, which has long enjoyed bipartisan support.

Former Prime Minister Paul Keating summed it up best:

Australia without the Irish ... would be unimaginable. In fact Australia without the Irish would be unthinkable, Australians without the Irish would be unspeakable.

### State Emergency Service Monash unit

**Mr DIMOPOULOS** (Oakleigh) — Last week I met some of the fantastic volunteers from the Monash branch of the State Emergency Service (SES). These people are genuine local heroes. It does not matter whether it is raining or hailing, if there are blustery winds or it is the aftermath of a natural disaster, the SES is on call. They do it as volunteers but in the most professional way. But it is not only weather events — the SES are at other emergencies too, helping our other emergency services, whether it is trying to find a lost person or helping to conduct searches for evidence in a crime. They are also there in times of major accidents on our roads. It is understandable that some of the things the SES volunteers see and do while on duty must be incredibly difficult. Therefore I cannot praise the SES enough.

The government recently announced a grant of over \$19 000 to provide a proper kitchen for the volunteers at Monash. If you think about how many people come through there at all hours of the day and night, a modern kitchen is incredibly important. Also, the medium rescue truck that we provided some \$100 000 towards is currently under construction.

There is always more to do, we know that, and I have had some very good discussions with the leadership of the Monash SES regarding some ways that the operations centre could be made even better. I will be raising these issues directly with the Minister for Emergency Services. I would like to thank the team at the Monash SES for allowing me to see the operation and witness the training they do every Monday night, and of course I would like to thank them and all our SES volunteers for the work they do 24/7, 365 days a year. As I said earlier, they are genuine local heroes.

**Mr Clark** — On a point of order, Acting Speaker, in question time today the Minister for Industrial Relations twice made statements to the house about what was to be

held in future rulings by the Fair Work Commission. The Speaker rightly upheld my points of order at that time about sub judice, but there is a further, more serious aspect to that. If the Minister for Industrial Relations has had inside information about the decisions the Fair Work Commission is about to make, from telephone conversations with the president or by other means, then that would be a very serious matter indeed. If that is not the case, then by making these assertions about what will happen at the Fair Work Commission in decisions that have not already been made, the minister is making a very serious imputation against members of the Fair Work Commission in implying that she has had access to that inside information when she has not. So whether it is true that she has had a conversation with the president and is letting slip what she has found in that conversation or whether she has again misspoken, I submit that the Minister for Industrial Relations owes a personal explanation to the house about what the true situation is.

**Ms Neville** — On the point of order, Acting Speaker, there is no basis for this point of order. In fact the member himself is interpreting particular words of the minister that have no basis in fact. I think you should rule this point of order out of order.

**The ACTING SPEAKER (Ms Blandthorn)** — Order! I do not need to hear further on the point of order. On the advice of the clerks, I will refer it to the Speaker to look at the transcript.

## DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017

### *Statement of compatibility*

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017.

In my opinion, the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

### Overview

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 to, among other things, prohibit the production, sale and promotion of substances (psychoactive substances) that either have a psychoactive effect when consumed, or are represented as having such an effect.

Amendments to existing police search, seizure and forfeiture powers under both the Drugs, Poisons and Controlled Substances Act and the Confiscation Act 1997 will ensure those powers apply in relation to psychoactive substances. The bill also amends schedule 11 of the Drugs, Poisons and Controlled Substances Act to reduce the large commercial and commercial trafficking quantities for methylamphetamine.

### **Human rights issues**

#### **Psychoactive substances reforms**

In order to consider the impact of the reforms related to psychoactive substances, it is necessary to turn to their purpose. The reforms are intended to overcome many of the practical difficulties in enforcing existing illicit drug prohibitions to newly emerging synthetic drugs, and prevent the harm that can be caused when they are consumed.

Synthetic drugs are developed to mimic the effects of existing illicit drugs such as cannabis and ecstasy, while attempting to avoid drug control measures. They are often marketed as ‘legal highs’ and have been sold openly in some Victorian shops for the last 10 years. Prospective users may interpret the marketing and overt supply of these substances as meaning they are legal and safe to use, or less harmful than illicit drugs. However, many of these substances have not been tested on humans, and their ingredients and purity is generally unknown.

Synthetic drugs have been linked to Australian hospital emergency admissions and even fatalities. For example, synthetic drugs were linked to three deaths in Victoria in a four-month period between 2013 and 2014, and last year the Alcohol and Drug Foundation issued a warning after 20 people were hospitalised after taking a new synthetic drug.

The health and safety of others may also be at risk from those who consume synthetic drugs. For example, the United Nations Commission on Narcotic Drugs has highlighted the potential for harm caused by instances of driving under the influence of synthetic drugs, and various symptoms associated with consumption of some synthetic drugs, such as severe agitation, violent behaviour, psychosis, and paranoia.

#### ***Prohibition against production, sale and promotion of psychoactive substances***

Clause 8 of the bill inserts new offences into the Drugs, Poisons and Controlled Substances Act. These new provisions will make it an offence to produce (new section 56D), sell or supply in the course of carrying out a commercial activity (new section 56E) or advertise (new section 56F) psychoactive substances. The bill defines psychoactive substances to mean substances that either have a psychoactive effect when consumed, or are represented as having such an effect, subject to a range of exclusions to prevent the overreach of the new offences.

#### ***The right to be presumed innocent until proved guilty (section 25(1))***

I note that the right to be presumed innocent until proved guilty (section 25(1)) is not limited by the new offences. Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. New section 56B of the Drugs, Poisons and Controlled Substances Act provides that

existing section 104 of the Drugs, Poisons and Controlled Substances Act — which provides that persons accused of offences under the act generally bear the burden of proving any matter of exception, qualification or defence they wish to rely upon — does not apply to the new offences.

#### ***The right to freedom of expression (section 15(2))***

New section 56F will create two new offences prohibiting a person from displaying, or causing or permitting to be displayed certain advertisements in or on public places — including in or on vehicles and vessels in a public place (which clause 4 of the bill clarifies has the same meaning as in the Summary Offences Act 1966). The first offence in new section 56F(1) will only apply where the person intends the advertisement to promote the consumption, sale or supply of a psychoactive substance. The second offence in section 56(2) will apply where the person knows that there is a substantial risk that the consumption, sale or supply of a psychoactive substance may be promoted by the advertisement.

These two offences will, therefore, limit the right to freedom of expression (section 15(2)), which includes the freedom to impart information and ideas whether orally, in writing, in print, by way of art or any other medium. However, special duties and responsibilities are attached to the right to freedom of expression, and this right may be subject to lawful restrictions, including where reasonably necessary to protect public health or public order.

I consider that prohibiting the advertisement of psychoactive services as described is necessary to protect public health and public order. As I have already identified, psychoactive substances have been marketed and sold openly in Victoria in a way that prospective users — many of whom may be young or naïve — may interpret as meaning the substances are legal and safe to use, or less harmful than illicit drugs. However, for the reasons I have explained, this is not the case.

Further, the offences are appropriately limited. They do not prohibit all advertisements that relate to psychoactive substances but only those that are either intended to promote the consumption, sale or supply of psychoactive substances or where the person displaying or causing or permitting the advertisement to be displayed knows that may be the result. Importantly, the offences also do not interfere with a person’s right to freedom of expression in their home or online.

#### ***Search, seizure and forfeiture powers***

To ensure the new psychoactive offences are effective in preventing the harm that can be caused when synthetic drugs are consumed, clauses 13–15 and 22–23 of the bill extend existing police search, seizure and forfeiture powers under both the Drugs, Poisons and Controlled Substances Act and the Confiscation Act to psychoactive substances and related items.

Section 82 of the Drugs, Poisons and Controlled Substances Act empowers a police officer to search, without warrant, a person, animal or vehicle when in a public place or a boat or aircraft where they suspect on reasonable grounds that there is a prohibited drug of dependence in respect of which an offence under part V of the act has been committed or is reasonably suspected of having been committed. In carrying out such a search, section 82 also authorises the police officer seize any drug of dependence or instrument, device or substance they believe to be used or capable of being used for

or in the manufacture, sale, preparation for manufacture, preparation for sale, or use of any drug of dependence.

Section 83 of the Drugs, Poisons and Controlled Substances Act allows the Magistrates Court to order the forfeiture of the same substances and items capable of being seized under section 82. These substances and items may also be destroyed or disposed of under section 91 of the act with the authorisation of the Chief Commissioner of Police or relevant delegate (that is, without a court order) where required in the interests of health or safety.

Clause 13 of the bill expands the search and seizure powers in section 82 to also apply where a police officer has reasonable grounds for suspecting that there is a psychoactive substance, albeit without the need for the police officer to suspect that an offence has been committed in respect of the psychoactive substance before the search power is triggered. Similarly, clauses 14 and 15 expand the forfeiture and destruction powers in sections 83 and 91 to also apply to psychoactive substances and instruments, devices or substances that may be used for or in the production, sale, commercial supply or preparation for sale or commercial supply of a psychoactive substance.

Finally, clauses 22 and 23 of the bill amend the Confiscation Act so that, upon conviction of one of the new psychoactive substance offences, a court may order the forfeiture and disposal of any related psychoactive substance or instrument, device or substance that may be used for or in the production, sale, commercial supply or preparation for sale or commercial supply of a psychoactive substance.

*The rights to freedom of movement (section 12) and freedom of expression (section 15)*

Where police use the expanded power in section 82 to search a person, they will need to, at least temporarily, limit the person's freedom of movement (section 12) while conducting the search. Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live. The use of these powers may also, in certain circumstances, limit the right to freedom of expression. These rights may also be limited where police use the powers to search a vehicle, animal, vessel, boat or aircraft in or on which a person is travelling.

However, I consider that such limitations are justified in accordance with section 7(2) of the charter. As with the new psychoactive offences, the extension of existing search powers is designed to prevent public health and safety consequences that may result from the consumption of new synthetic drugs. Failing to extend these powers would mean that police would be powerless to prevent a potential user from consuming a synthetic drug — even where police are aware that doing so may have serious health risks.

The new powers also include a range of safeguards that minimise any limitation on the relevant charter rights. For example, the powers may only be lawfully exercised where a police officer suspects on reasonable grounds that there is a psychoactive substance on the person, vehicle, boat, vessel or aircraft. While this will ultimately be determined on the individual facts of each case, cases such as *Nguyen v. Elliot 6/2/1995 SC Vic* demonstrate, the power does not extend to circumstances where the police officer is, for example, merely curious as to whether there is a psychoactive substance.

Unlike the existing powers in section 82 for drugs of dependence, police will not also need to suspect that an offence has been committed. This does not mean that police will be able to search a person for legitimate products. As I have already outlined, the bill includes new offences that prohibit the production, sale or commercial supply of these psychoactive substances. Several other Australian jurisdictions, including New South Wales, South Australia and Western Australia, have similar offences and the importation of psychoactive substances into Australia is an offence under section 320.2 of the Commonwealth Criminal Code Act 1995.

Rather, the difference between the existing search and seizure powers in relation to drugs of dependence, and their proposed extension to psychoactive substance reflects the fact that the bill does not criminalise the simple possession of psychoactive substances (whereas possession of a drug of dependence is an offence under section 73 of the Drugs, Poisons and Controlled Substances Act). This decision to target the new offences at those responsible for making synthetic drugs available in Victoria does not reduce the need for police to have appropriate powers to search persons in the circumstances described to prevent potential harm to both the user and the wider public from the consumption of these substances. This may not be possible in all cases if police were required to suspect that an offence had been committed.

I also note that any limitation of the right to freedom of movement is confined only to the period of time reasonably necessary to conduct the search.

*The right to privacy (section 13(a))*

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. A person's right to privacy may also be interfered with when a police officer conducts a search under the expanded powers, as it will either involve an interference with a person's bodily integrity or, in the context of searches of vehicles, animals, boats, vessels or aircraft, through the intrusion into a person's personal environment. However, the charter only protects against the unlawful or arbitrary interference with a person's privacy.

The proposed inclusion of the expanded search power in the Drugs, Poisons and Controlled Substances Act means that the compatibility with the right to privacy turns on whether any interference is arbitrary, as the new powers will be lawful. The prohibition on arbitrariness requires that any interference with privacy must be reasonable or proportionate to a law's legitimate purpose. As described above, the consumption of psychoactive substances can have critical impacts on a person's health and it is essential that police have the ability to prevent that from occurring.

Further, the power to search is limited to where the person, vehicle, animal, boat, vessel or aircraft is in a public place. This requirement is expressly stated in relation to searches of persons, vehicles or animals but it is also implied in relation to vessels and aircraft as section 82 does not authorise entry onto private premises. The search powers, therefore, do not interfere with a person's home.

While the expanded search powers in section 82 do not specify the manner in which any search may be conducted, this question must necessarily be determined by balancing the

circumstances giving rise to the need for the search against any impacts of a search on the rights of the person. Section 38 of the charter ensures that police officers must act in a way that is compatible with a human right, and give proper consideration to relevant human rights. In doing so, section 7(2) of the charter would also require the police officer to consider any less-restrictive options available. Therefore, the police officer would need to consider, for example, the necessity of the search against the degree of force used, if any, the extent of the search, or the inconvenience caused by the search. These considerations will need to be made on a case-by-cases basis, taking into account all relevant factors.

Therefore, I consider that any interference with a person's privacy under the extended search powers is lawful and not arbitrary. In particular, I consider that any interference will be proportionate to the purpose of preventing the harms that may result from the consumption of synthetic drugs.

*Property rights (section 20)*

The proposed extension of seizure, forfeiture and destruction powers in accordance with clauses 13–15 and 22–23 of the bill also raise property rights. Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. A deprivation of property is, therefore, permitted where authorised by legislation and is appropriately confined and structured. I consider that the proposed extension of the existing powers satisfies these requirements.

The power to deprive a person of their property under the extended powers will be conferred by statute and for the purpose of preventing the consumption of synthetic drugs. As stated earlier, and consistent with the purpose of preventing the consumption of synthetic drugs, only psychoactive substances and instruments, devices or substances which a police officer reasonably believes to be used or capable of being used for or in the production, sale, commercial supply or preparation for sale or commercial supply of any psychoactive substance may be seized, forfeited or destroyed under the amendments made by the bill.

Further new section 82(2) of the Drugs, Poisons and Controlled Substances Act provides that any such item that is seized must be dealt with according to law. That is, police could only continue to hold or dispose of a psychoactive substance or other item seized under section 82 in accordance with a lawful power to do so. The amendments to section 83 in clause 14 provide one such mechanism for doing so. Under those amendments, police may apply to the Magistrates Court for their forfeiture and disposal upon proof that they are such substances or items. This provides a well-established, independent court-based process and expressly provides an opportunity for the court to direct notice to first be given to relevant persons, such as the person from whom the person was seized. The amendments to the Confiscation Act in clauses 22 and 23 of the bill provide another similar process, albeit post-conviction, for one of the new psychoactive substance offences.

As with the initial power to search for psychoactive substances and related items under section 82, the power to seize any such substances or items once found need not be linked to a suspected offence. Nor is a successful prosecution necessarily required before substances and items seized may be forfeited and destroyed. I recognise that the provision of

forfeiture and destruction powers in particular are not commonly applied in relation to property that is not linked to offending. However, as I have already explained, it is essential that these powers apply in those circumstances. The alternative would completely undermine the public health and safety purposes of clauses 13–15 and 21–22 of the bill by requiring police to return psychoactive substances that have been seized to users if they are unable to commence proceedings under the new psychoactive substance offences or any other relevant offences.

Finally, while the Drugs, Poisons and Controlled Substances Act does not provide any separate power for a person to seek the return of property seized from them in accordance with section 82, such persons still have common-law remedies available to them where they believe police have no right for possession of the property. For example, a person may be able to apply to a court for an injunction for the return of property.

***Reduction of large commercial quantities for methylamphetamine***

Clause 18 of the bill amends part 3 of schedule 11 to the Drugs, Poisons and Controlled Substances Act, including by reducing the large commercial quantities of methylamphetamine from 750 grams (pure) and 1 kilogram (mixed) to 500 grams and 750 grams respectively.

The purpose of reducing the large commercial quantity for trafficking in methylamphetamine is to reduce the availability of ice in Victoria by enabling courts to give greater deterrence and denunciation to trafficking of ice in particular, in light of its prevalence and the harmful effects it has on the community.

In addition to exposing offenders to higher penalties, the reduction in the large commercial quantities for trafficking in methylamphetamine will also expose a greater range of cases to the 'serious drug offender' asset confiscation regime under the Confiscation Act. That regime provides for the automatic forfeiture of all property in which a person has an interest.

*Property rights (section 20)*

Expanding the types of cases in which the confiscation of property under the serious drug offender regime applies raises the section 20 property rights. As I have already indicated, those rights permit a deprivation of property where authorised by legislation and appropriately confined and structured.

I consider that the proposed expansion of cases that may trigger the existing serious drug offender regime satisfies these requirements. The powers in the Confiscation Act only apply to persons convicted of trafficking in large commercial quantities of ice. These are the most serious cases of trafficking and it is reasonable to assume that in those cases much of the offender's property has been obtained using the proceeds of criminal activity linked to drug trafficking. While the bill lowers the threshold for trafficking in a large commercial quantity of methylamphetamine, it only does so to better reflect the particular seriousness of the harms ice caused to the community from the availability of ice in comparison to other drugs of dependence in the same quantity.

Further, forfeiture of property under the serious drug offender regime will continue to be subject to various important safeguards regarding the restraint and forfeiture of property. For

example, section 24 of the Confiscation Act provides that an accused may retain certain 'protected' property, such as ordinary household items, clothing, tools of trade and property used as transport under a prescribed value. These items cannot be included in a restraining order and will not be subject to automatic forfeiture limiting the impact on property rights.

Additionally, if a court makes a restraining order, any person claiming an interest in the property other than the accused can apply for an exclusion order, which will exclude certain property from the operation of a serious drug offence restraining order, where the interest was not subject to the effective control of the accused.

#### *Protection of families and children (section 17)*

Section 17 of the charter states that families are the fundamental group unit of society and are entitled to be protected by society and the state. It also provides that every child has the right without discrimination to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Expanding the types of cases in which the confiscation of property under the serious drug offender regime applies also has the potential to affect families and the ability of a child's parents to provide for that child's needs. However, the safeguards under that regime will continue to protect families and children who may otherwise be adversely affected.

For example, in addition to the safeguards under section 24, the Confiscation Act provides that an accused person may apply to the court for reasonable living and business expenses at any stage throughout the court proceedings, which may include medical expenses, rental or mortgage expenses or school fees. Section 26 of the Confiscation Act also enables a court, when it makes a restraining order or at any later time, to make such orders in relation to the property to which the restraining order relates as it considers just. For example, orders can be made under both these powers to ensure that an accused person is able to provide or maintain a reasonable standard of living for his or her dependants.

The Confiscation Act also specifically mitigates the risk that family dependants will be left without a home as a result of forfeiture of their residence. After forfeiture, dependants are able to apply to the court for the payment of a prescribed amount of money from the sale of the property to secure alternative accommodation. The court has the discretion to order this payment if satisfied that the residence is not tainted property and the dependant does not have sufficient financial resources to purchase or rent alternative accommodation.

The Hon. Lisa Neville  
Minister for Police

#### *Second reading*

**Ms NEVILLE** (Minister for Police) — I move:

That this bill be now read a second time.

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

The Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 delivers important reforms to target

those responsible for the trade in ice as well as synthetic drugs. The bill also includes sensible reforms to facilitate the provision of appropriate treatment for drug-dependant persons while in police gaol.

#### **Lowering of commercial trafficking quantities for methylamphetamine**

The Victorian government will ensure that those most responsible for Victoria's illegal ice trade face tough and appropriate penalties that recognise the particularly harmful effects of ice on the community.

Ice is a horrific drug that causes devastating harm to individuals and communities across Victoria. According to the Australian Criminal Intelligence Commission the market for ice in Australia is entrenched and expanding, and of all illicit drugs, ice poses the highest risk to the Australian community. In Victoria, a Sentencing Advisory Council report released in March 2015 found that ice was the most common drug trafficked in commercial quantities in Victoria over the preceding five years.

Ice is highly addictive and its use can have both physical and psychological health consequences for users, disrupts families and communities, is linked to violence and property crime, and damages the environment.

More specifically, the use of ice can make people aggressive or violent. It can also lead to serious sleep deprivation that wreaks havoc with a person's moods, anxiety levels, and can lead to symptoms of psychosis. This can have a significant impact on family and friends, leading to conflict and isolation.

Victorian courts sentencing offenders for drug trafficking matters are required to sentence based on the quantity of the drug being trafficked, and to disregard the harmfulness of the drug. Under this system, drug traffickers face one of three offences based on the quantity of drugs being trafficked: trafficking, trafficking in a commercial quantity, or trafficking in a large commercial quantity. The higher the quantity, the greater the penalty that can be imposed by the courts.

However, the Drugs, Poisons and Controlled Substances Act 1981 generally applies similar quantity thresholds to a range of illicit drugs of dependence. For example, the large commercial trafficable quantities of methylamphetamine are the same as those for MDMA and cocaine. In the case of *Ziad Haddara v. The Queen*, the Court of Appeal stated that the prevalence of trafficking in ice is so great that general deterrence must be given more focus in the case of ice than other drugs and recommended that the trafficable quantities for methylamphetamine be revisited and that Parliament 'legislate for lesser quantities to constitute both a commercial quantity, and large commercial quantity, of this very dangerous drug'.

Consequently, the bill will reduce the large commercial and commercial trafficable quantities for methylamphetamine — both when measured in its pure form and when mixed or cut with other substances.

The new large commercial trafficable quantities for methylamphetamine will be reduced from 750 grams to 500 grams of pure methylamphetamine and from 1 kilogram to 750 grams when mixed. The commercial trafficable quantities will be reduced from 100 grams to 50 grams of pure methylamphetamine and from 500 grams to 250 grams when mixed.

This means, for example, that persons found to have trafficked anywhere between 50 and 100 grams of high-purity ice could now find themselves being prosecuted for commercial trafficking instead of simple trafficking. Similarly, those found to have trafficked between 500 and 750 grams of high-purity ice could now face large commercial trafficking charges.

The penalties for commercial-level drug trafficking are very serious. The maximum penalty for large commercial trafficking is life imprisonment and a fine of up to 5000 penalty units (which currently equates to approximately \$777 300), and for commercial trafficking, 25 years imprisonment and a fine of 3000 penalty units (approximately \$466 380). In addition, offenders may also face asset confiscation under the Confiscation Act.

Reducing the trafficable quantities for methylamphetamine could therefore provide an increased deterrent as more trafficking will fall into the large commercial and commercial offence categories. Any corresponding reduction in trafficking of ice will in turn reduce the amount of ice being circulated at any one time and restrict its availability to users.

Significant work has been undertaken, and is continuing, on a comprehensive response to ice under Victoria's Ice Action Plan. Reducing the trafficable quantities for methylamphetamine as recommended by the Court of Appeal will provide an important addition to the supply reduction measures contained in the plan. It is intended that doing so will act as an important deterrent to drug traffickers and reduce the overall availability of ice in the community.

### **New synthetic drug offences**

The second set of reforms included in this bill is aimed at closing the loopholes in the Drugs, Poisons and Controlled Substances Act 1981, which has resulted in some Victorian retail outlets — including tobacconists and sex shops — openly selling the synthetic drugs.

Synthetic drugs are developed to mimic the effects of illicit drugs such as cannabis and ecstasy, while attempting to avoid existing drug control measures. They are often marketed as 'legal highs'.

Prospective users may interpret the marketing and overt supply of these substances as meaning they are legal and safe to use, or less harmful than illicit drugs. However, we know this simply is not the case. There is often no testing done to gauge the suitability of these synthetic chemicals for human consumption prior to distribution. As a result, the effect on drug users is unpredictable and potentially volatile, addictive and toxic, especially if mixed with other substances.

The World Health Organization's Expert Committee on Drug Dependence has highlighted the dangers posed by synthetic drugs. It has indicated that the harmful effects vary between substances but can include seizures, heart problems, high blood pressure, withdrawal symptoms and dependence-producing properties, transmission of blood-borne infectious diseases through drug injection and overdoses. Further risks are associated with instances of driving under the influence of synthetic drugs.

In Australia, these risks have been realised, with synthetic drugs linked to hospital emergency admissions and even fatalities, including three deaths in Victoria in a four-month period between 2013 and 2014.

Victoria has sought to prohibit the sale of synthetic drugs by adding specific synthetic drugs — that is, by reference to their chemical structure — to the list of illicit drugs prohibited in Victoria. There are currently 37 types of synthetic cannabinoids and 26 other new psychoactive substances or classes of substances currently prohibited under the act and its supporting regulations. However, the diversity of substances available and the speed with which new drugs are developed has frustrated the operation of Victoria's schemes, creating ambiguity around what substances are prohibited and making enforcement costly and time-consuming.

This new scheme, which is based on similar provisions already in place in several Australian and international jurisdictions, including New South Wales, South Australia, Western Australia, the UK and Ireland, shifts away from listing specific substances by their chemical composition and instead seeks to capture substances based on their effect or purported effect.

### Substances captured by the scheme

The scheme will apply to what are referred to in the bill as psychoactive substances. These are substances that, when consumed, have a psychoactive effect, or substances that are represented as having a psychoactive effect when consumed. For the purposes of the scheme, a psychoactive effect is defined to mean either the stimulation or depression of the person's central nervous system, resulting in hallucinations or in a significant disturbance in, or significant change to, motor function, thinking, behaviour, perception, awareness or mood, or causing a state of dependence, such as addiction.

It may not always be possible to prove that a new substance has a 'psychoactive effect', such as because there has been insufficient research on the substance to establish its effects. That is why the scheme also applies to substances represented as having a psychoactive effect. Representations may be explicit. For example, it is intended that oral or written comments likening the effects of the substance to those of another drug of dependence, getting 'high', or helping a person party could be captured under the new scheme. There may also be many other ways in which a substance could be represented as having a psychoactive effect. Packaging that includes images of marijuana leaves or psychedelic imaging and selling a substance in a form commonly associated with illicit drugs such as dried leaves, powder or pills, and even selling a substance, the location a substance is sold are further examples of when a substance may be captured by the scheme.

The bill includes two safeguards so that the scheme does not inadvertently capture lawful products that may also stimulate or depress the central nervous system. First, substances will only be captured where any disturbance or change resulting from the stimulation or depression of the central nervous system is 'significant'. Otherwise legitimate products that may have some very low-level psychoactive effects are not intended to be captured. For example, while products such as chocolate and coffee may make a person feel good or slightly more alert when they consume it, it is not intended that these substances would be captured on the basis that the changes resulting from consumption are not considered 'significant' or noteworthy (as an additional safeguard, chocolate and coffee would also be excluded from the definition as types of food within the meaning of the Food Act 1984 where they comply with the food standards code). By contrast, a substance that makes a consumer feel 'high' or results in the consumer

feeling a state of euphoria is intended to be captured within the definition.

Second, the scheme also excludes other specified types of substances that are already regulated or controlled elsewhere, such as food, liquor, poisons, therapeutic goods and medicinal cannabis.

The safeguards do not, however, apply in cases where a lawful product is mixed with another substance that is a psychoactive substance. For example, the scheme would apply in relation to a substance that contains tobacco leaves mixed with another substance that has a psychoactive effect when consumed or which is represented as having a psychoactive effect when consumed.

Other illicit drugs will also be exempt. This means that persons found manufacturing or selling drugs such as ice will continue to be subject to higher penalties under existing trafficking offences. Synthetic drugs already listed in schedule 11 of the Drugs, Poisons and Controlled Substances Act will also attract the higher penalties. In this respect it is also important to note that the new scheme will complement, not replace, the current approach of prohibiting specific synthetic drugs based on their chemical structure. Consequently, the bill also updates the current list of illicit drugs to include several other specific synthetic drugs or classes of synthetic drugs that are subject to temporary prohibitions under regulations.

#### Scope of new offences

The new offences will prohibit the production, sale, commercial supply and promotion of all psychoactive substances. Persons found contravening the new offences will face a maximum penalty of two years imprisonment and/or a fine of 240 penalty units (which currently equates to over \$37 000).

Consistent with the approach taken in New South Wales and several other of these jurisdictions, the bill is targeted at those responsible for bringing synthetic drugs into our community. It does not criminalise the simple possession of a psychoactive substance. However, where a synthetic drug has already been listed as an illicit drug of dependence the offence of possession of a drug of dependence (under section 73 of the Drugs, Poisons and Controlled Substances Act 1981) will continue to apply.

Similarly, while the bill prohibits the sale and commercial supply of psychoactive substances, it does not extend to persons who, for example, may purchase a psychoactive substance on behalf of a group of friends and then share it with them. However, the offence would capture any 'free steak knives' type offers. For example, it will be an offence to supply a psychoactive substance for free as part of a separate purchase to ensure shops cannot use such supply to avoid liability under this offence.

The new offence of promoting psychoactive substances gives police the necessary powers to prevent the supply of synthetic drugs before it is too late. The offence will apply where a person:

displays, or causes or permits to be displayed, an advertisement in a public place; and

either intends that the advertisement promote the consumption or sale of a psychoactive substance, or is

aware of a substantial risk that the advertisement may have that effect.

The promotion offence is only intended to capture physical advertisements. It is not intended to capture online advertisements. This ensures that the offence does not inadvertently capture young people who may post online about substances they have heard of or tried. Persons advertising psychoactive substances for sale online will still be able to be caught before any purchase is made as the definition of 'sell' includes offering for sale.

#### Police search and seizure powers

The bill applies the existing illicit drug search, seizure and forfeiture powers to psychoactive substances. This will ensure that the new synthetic drug offences can be effectively enforced as well as empowering police to prevent potential harm from synthetic drugs.

For example, police will be able to search without warrant persons or vehicles for psychoactive substances in the same way that they can currently search for other illicit drugs. The search powers only apply in public places and where police have reasonable grounds for suspecting that they will find a psychoactive substance. Any psychoactive substance or related instrument found may then be seized.

The bill also enables courts to order the forfeiture of any property tainted in connection with the proposed new psychoactive substance offences (such as the profits from the sale of psychoactive substances) upon conviction of such offences. This will provide a further strong deterrent against the sale of synthetic drugs.

#### **Facilitating opioid substitution therapy in police goals**

Finally, the bill includes reforms that will facilitate the treatment of opioid-dependent persons in police goals.

Opioid substitution therapy is an effective treatment for opioid dependence, resulting from long-term heroin use or the problematic use of prescription opioids and over-the-counter codeine containing analgesics.

Drugs such as methadone and buprenorphine, which are administered as part of opioid substitution therapy, are classified as schedule 8 poisons under the Drugs, Poisons and Controlled Substances Act. This means that medical practitioners or nurse practitioners wanting to administer, supply or prescribe opioid substitution therapy must first apply to the Department of Health and Human Services for a permit before doing so.

The permit system is designed to enable the tracking of a patient's treatment with schedule 8 poisons to avoid the risk of inadvertent multiple dosing and poisoning where the patient seeks opioid substitution therapy from multiple practitioners.

However, these risks do not arise where the person is in custody. Further, the temporary nature of detention in police goals and high turnover of persons withdrawing from opioids means that medical practitioners and nurse practitioners within Victoria Police's custodial health service often have insufficient time to apply for a permit to treat detained persons who are withdrawing from opioid substances before they are released.

Consequently, the bill will exempt practitioners within custodial health service from requiring a permit. A similar exemption already applies in relation to the treatment of prisoners by Corrections Victoria medical staff under section 34F(a) of the Drugs, Poisons and Controlled Substances Act 1981. As with the existing exemption, custodial health service practitioners would be authorised to administer, supply or prescribe schedule 8 poisons both for the period a person is detained in a police gaol, and also for a period of up to seven days after they are released. This will ensure that the detained person's treatment can continue until such time they are able to make an appointment with another medical practitioner in the community.

Appropriate safeguards will continue to apply to the administration of opioid substitution therapy in police gaols. Custodial health service practitioners will continue to be required to complete specialised training before they can administer such treatment. Custodial health service will also continue to be required to notify the Department of Health and Human Services when they have treated a drug-dependent patient with a schedule 8 poison so that the tracking of treatment is maintained.

I commend the bill to the house.

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

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

## EDUCATION AND CARE SERVICES NATIONAL LAW AMENDMENT BILL 2017

### *Second reading*

**Debate resumed from 8 March; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).**

**Mr RICHARDSON (Mordialloc)** — It gives me great pleasure to rise and speak on the Education and Care Services National Law Amendment Bill 2017. It is great to rise again in this place to speak about the importance of early childhood education and some of the further strengthening reforms that we are making to the quality standards that have been agreed through the Council of Australian Governments process.

It all started with the national quality framework that was put in place under the Rudd federal government in 2009. Some significant work was done to bring all states and territories together and to set the standard for quality early education. We know that dollars invested in early education are significant, and every dollar that we put in sooner has greater outcomes for a child's life longer term. It is something that I reflect on now that I am the father of a seven-month-old daughter. In two and a half years I will be looking at my little one going off to three-year-old kinder. It is a critical time, and it is a bit confronting to think of that time being two and a

half years away. But I want to ensure that, like all families do in the Mordialloc electorate, we continue to strengthen the options for families and the information that is available to families. One of those key things is strengthening the definition of what is an excellent early childhood education provider.

It would be remiss of me not to acknowledge some of the wonderful kinders in my electorate that do an outstanding job. I have reflected in this place before on the work of Chelsea Kindergarten. Imogen Kelly was one of the committee members at the time. Josie Cole and a number of other volunteers give up their time to fundraise for their communities, work on the staffing arrangements and work on the strategy for each kinder. It is hours and hours of work beyond just being a parent of a child at these kinders. We campaigned locally to get the necessary funding for Chelsea kinder, where a \$2 million investment will be put into a new two-room kinder, and also for Chelsea Heights Kindergarten which will get a two-room kinder, an investment of \$750 000. Some of these reforms are so very important for those communities to gain excellent standards, and my kinders strive for that.

I have to say that the City of Kingston's teaming with the state government over two successive governments has been outstanding. We have the Edithvale early childhood hub, and Carrum and Westall, which are partnerships with the state government. If the City of Kingston is not the leading municipality for investment in early childhood education, then they are very close to it.

There is a broader dynamic and broader picture here, because some of the investment that is now going on in my community, including a contribution for the co-location of Mentone Park Primary School and Acacia Avenue Kindergarten, will come from a \$60 million boost to early childhood infrastructure. Acacia Avenue Kindergarten is a beneficiary of that investment. But we confront challenges with a similar theme at about this time each year when kinders are having their open days. We are now confronting them again with another campaign to try to convince the federal Liberal government to keep investing in early childhood education and to keep contributing their fair share of the funding that is required to invest in our kindergartens. It is a very critical investment — the 15 hours and the support for ratios.

After a campaign last year to get another year of funding when we dragged the federal Treasurer kicking and screaming to make that investment, we are here again pleading with the federal government to continue to invest in early childhood education. We should not have to do this year in year out. We should be giving

the families at our kindergartens some certainty. It is already hard enough to make ends meet running local kindergartens, especially the ones that are under a volunteer committee of management, and it is hard enough to fundraise.

I have to acknowledge the ratio changes early on, particularly for one-room kindergartens — Aspendale North Kindergarten raised it with me and Chelsea Heights Kindergarten raised it with me because it is currently a one-room kinder. These were pretty substantial changes that the state government had to implement with councils under the national quality agreement. I acknowledge the Victorian government's work and that of the Minister for Families and Children. The investment over four years of \$83.7 million to support the introduction of those ratios is so very critical, as is working with the sector and with kindergartens to get the best possible outcomes.

The challenge for the Turnbull federal government right here, right now is to stop walking away from their responsibilities to Victorians and to stop forgetting the state of Victoria. We have seen how they have approached infrastructure, with only a 9 per cent infrastructure contribution, and we have seen how they have approached early childhood education, walking away from the 15 hours and walking away from Victorian families. We will work with the Australian Education Union and we will support that campaign to call for a fair share. I know that the federal Labor opposition has put that on the table and has said that they support that. The challenge is to the federal government to also support that critical investment in funding.

Today I want to put on the record our strong support for this bill to lift and strengthen the standards under the national quality standard scheme that was agreed to at the Council of Australian Governments. Let us not lose sight of the task at hand and the goals in front of us. We know that the landmark UK report talked about how critical investment is, and it does not differentiate between three and four-year-old kinder, four-year-old kinder being where we are at the moment which is so very critical. We are eight years into this now, we cannot be going year to year with that lack of uncertainty. The Victorian government is committed to investing in this area and some of the policies and investments that I have outlined are really making inroads.

In conclusion, I was recently at Acacia Avenue Kindergarten. I want to put on the record my appreciation for the work of Bec Hitchcock, who has been an outstanding advocate for that kindergarten. She is someone who led this project through. Acacia Avenue missed out on funding in the previous budget

but they got it this time and they will be co-locating with Mentone Park Primary School, which will be a wonderful collaboration. We know the policy settings and how vital it is to link primary schools with early childhood education and we know that a seamless transition is so very important for the future leaders of our communities, from when they are bobbies all the way through to prep. I commend this very important bill to the house.

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

**Debate adjourned until later this day.**

## COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017

*Second reading*

**Debate resumed from 23 February; motion of Ms ALLAN (Minister for Public Transport).**

**Opposition amendments circulated by Mr HODGETT (Croydon) under standing orders.**

**Mr HODGETT (Croydon)** — Finally we are here after much stress, lies, uncertainty and anxiety on the part of everyone in the industry who has been waiting for ridesharing legislation to create some certainty in the transport industry here in Victoria. We are the last to act on this, but finally we have a bill before the house to debate, albeit not a bill that is in any way, shape or form satisfactory to the stakeholders in the transport industry.

In rising to speak on the Commercial Passenger Vehicle Industry Bill 2017, which is of importance to Victoria's personal passenger transport subsector — taxis, rideshare, hire cars and special vehicles — I am cognisant that this is very much a tale of different approaches by two governments. Under the previous Liberal-Nationals government, in office between December 2010 and November 2014, a taxi industry inquiry was announced on 28 March 2011 and commenced its investigations in May 2011. It received more than 1500 submissions from a wide variety of stakeholders and released its draft report on 31 May 2012, with the subsequent release of the final report. The Liberal-Nationals government then announced its response on 28 May 2013.

It is important for the house to note that process, because this groundbreaking report by Professor Allan Fels is called *Customers First: Service, Safety, Choice*. It put passengers first, as should be the case. One of its more immediate public benefits was to reduce the Cabcharge surcharge in Victoria and, I might say, New

South Wales. This alone was a win for taxi users, including individuals and the businesses that sometimes pay the fare.

What a contrast the taxi industry inquiry was to the way the Andrews Labor government approaches reform in this sector. The stated purpose of the Commercial Passenger Vehicle Industry Bill 2017 is to remove financial barriers to entry through much lower licence fees and to introduce a \$2 levy — but let us call it its correct name: a \$2 tax — on every trip. Nowhere are taxi users being put first. Perhaps most telling is that the Labor government has failed to consult anyone about this bill. Taxi passengers were not consulted. Small and big businesses were not consulted. The taxi subsector, with its holders of 3600 perpetual licences, was not consulted, and neither were those operating or holding other sorts of licences, such as the 2700 hire car licences. The tourism industry was not consulted, and neither was the growing ridesharing subsector that commenced in Victoria in August 2014. It is better known so far in the market as Uber, but I am sure other providers will enter the market.

Other states have managed to avoid the disharmony seen in Victoria due to the inept Labor government and its out-of-her-depth Minister for Public Transport, who used her chauffeured limousine to travel to a Bruce Springsteen concert at Hanging Rock but will not use it to meet individual stakeholders in the taxi and rideshare sectors. Then there is the not insignificant matter of how the Minister for Public Transport cannot keep her promises. In June 2016 the minister said here in the house that legislation would be worked on during Parliament's winter break, yet here we are seven months after that break — at the end of summer, heading towards next winter — and this bill is not even a complete package. It is to be followed, we are told, by another bill midyear — that is, if we can believe the minister. She told us in fact that this could be next year. It could be this June, but there is another bill to come at some point in time, adding greater uncertainty and distrust around this whole process.

The government has not explained why country licence-holders are receiving just \$15 000 as compensation for their first licence and \$7500 for each of the next three, compared with the offer of \$100 000 for the first Melbourne taxi licence held and \$50 000 for each of up to three more Melbourne licences. I will talk more about the important issue of compensation both now and later in my contribution. Other states have not endured blockades like those we have seen on the Bolte Bridge, the Tullamarine Freeway and CityLink by angry taxi industry participants. I hasten to add that we do not condone blockades, but we on this

side of the house fully understand the sheer frustration and anger with the Premier and the minister when they refuse to meet, consult, explain, consider or even negotiate with the industry.

Queensland is paying compensation, as we know, out of consolidated revenue, unlike the Premier's plan to slug Victorian pensioners and disabled with this \$2 tax. The Liberal-Nationals position is very clear on this: we will oppose the \$2 tax slug on every trip made in a taxi in Victoria. We will be seeking to amend the bill to reflect this. We want this bill to be referred to the Public Accounts and Estimates Committee. I move:

That all the words after 'That' be omitted with the view of inserting in their place the words:

'this house refuses to read this bill a second time until it has been referred to, and considered by, the Public Accounts and Estimates Committee'.

In moving my reasoned amendment, what we want to do is refer this bill to a parliamentary committee. We make it clear that we are not opposed to legalising ridesharing. The Leader of the Opposition and the Liberal-Nationals coalition have dragged the Premier kicking and screaming into this debate; they have lead the debate on ridesharing. We have always said we wanted to regulate the industry so that taxis and Uber could operate in a regulated environment, but we want the bill to go to the committee for it to examine compensation and the details of the taxi licence and other changes.

There are literally dozens and dozens of people, some here today listening to this debate, I have met with. I have considered their ideas. There are many ideas and models out there that this government refuses to consider — ideas on compensation, on amount, on models for how you would raise money to pay for that, on levies, licence fees and so on. There are plenty of ideas out there that have not been considered at all. We believe there should be further consultation on compensation et cetera. It should be done by the government or by a parliamentary committee. We do not have access to Treasury's information so we do not know what can be afforded, but obviously riding instructions were given to the minister that this had to come out of a levy and that no other options would be considered. We think that is wrong. We think the primary job of getting this right belongs to the government; we should not be doing their homework for them.

On the other hand arguably they have shown themselves to be incapable of consulting properly with anyone in the industry — particularly with the

licence-holders — so it should be done by the Parliament with a proper public inquiry. Arguably work by this parliamentary inquiry could be faster. We want those ideas and models explored. They might not stack up, but at the moment people are putting forward these ideas and they are not even being considered. We think they should be explored. We think this reflects and reinforces our key message: that we are against the tax but we are in favour of reforming and legalising ridesharing.

*Honourable members interjecting.*

**Mr HODGETT** — I hear those on the other side carp. We know the tactics — you will go out to the industry and say, ‘It’s the Liberals and Nationals that are stopping your compensation’, but it will be another lie by all you opposite, who could not give a stuff about the taxidivers. You were okay to cuddle up to them while the Fels inquiry was going on, but now you could not give a stuff about going out there and talking to them. You just want to railroad this through. We know your tactics. You will go out and say, ‘You are not getting any compensation at all’. We are arguing that you should at least have a look at the options that they can actually explore and see if there is a better outcome than we have got here, not bulldoze it through as the government intends to do.

Many taxi subsector stakeholders describe the compensation announced by the Labor government in its \$494 million package, which is not part of this bill, as unfair. They think it is unfair and unjust. Do the decent thing and at least go and have a conversation with them. You might not agree, you might end up back where you are, but at least you will have consulted and given them a fair hearing, rather than just plucking a figure out of the air and trying to ram it through.

The \$2 tax was the highest of three options considered by a cabinet subcommittee. New South Wales has gone for a \$1 levy under its point-to-point transport commissioner, but in Victoria — where in 2014 the now Premier promised just before the election that there would be no new taxes — Labor is trying to make Melbourne and Victoria uncompetitive with Sydney and New South Wales. The proposed \$2 tax on taxi and Uber trips is a dog. There is commonality here among everyone we speak to. In all the meetings and discussions we have had everyone is saying this tax is a dog, it is wrong, it will not work. Other options should be considered.

For the life of us we cannot work out why the government will not consider them. We are happy to work with the government on at least considering them.

We are not for a moment thinking there will be a solution that will satisfy everyone in the market; however, there is enough common ground here to get a better outcome than what this policy is seeking to deliver. You might get closer. At least give it a go, because people are no worse off if you at least consult and have a look at some of the models. The taxi industry says it is, Uber says it is, all users say it is — hundreds of thousands a month in the Victorian community agree it is — a dog.

The Victorian Taxi Association (VTA) CEO, Ms Georgia Nicholls, informed me:

The VTA has not and does not support an in perpetuity levy ... to fund the transition assistance and raise revenue for the government of Victoria. The costs associated with industry adjustment should not be directly shifted to passengers when alternatives are available.

It would do well for the minister and the government to note those last four words — ‘when alternatives are available’.

The impact of the levy on the elderly, on low-income families, on the disability community and particularly on the multipurpose taxi program members will be significant. The \$2 per trip tax applies to every trip, regardless of the base fare, so it will disproportionately affect those who rely on short taxi trips for their independence, for their mobility and for social inclusion. A key concern is the projected revenue from the levy of \$44 million per annum, which is less than half of what would be recouped if the levy applied to every commercial passenger vehicle fare over 12 months. Our data suggests that revenue raised would be double that publicly stated.

Uber’s Brad Kitschke had this to say about it:

... for every \$2 collected, 37 per cent or 74 cents disappears into government coffers ... the government will spend \$26 million from the levy on compliance and enforcement and administration of the levy ... the government needs to answer ... why they are slugging consumers with an ongoing levy and where will the money go?

The dishonesty of the government is apparent. The bill lacks a sunset clause for their huge slug on taxi and ridesharing users in Victoria. Disingenuously the government claims that the tax can be cancelled at the stroke of a pen where a future government wants to do that, but that is an absolute cop-out. We cannot understand why. Put a sunset clause on this, or explore what New South Wales did whereby they said ‘until the compensation is paid and/or an end date, whichever comes first’. If they are going to put a levy on or at least argue to put a levy on, it should not be put on as a new

tax indefinitely, permanently. We think that is very dishonest and a real cop-out by the government.

Let us have a closer look at this. The government claims that there are 28.8 million trips made by passengers annually in the personal paid transport sector and that this new tax will raise \$57.6 million in the first year, less assumed evasion of \$13.6 million, totalling \$44 million. The government further claims that over eight years the net amount raised by this \$2 per trip slug will be less than the cost of its assistance package. Yet on a gross basis, if the State Revenue Office were able to collect such a tax on every trip, it could raise \$110 million a year. So even if we reduced that by 30 per cent, it becomes around \$80 million gross per annum — not \$57.6 million — and hence about \$60 million to \$65 million net.

However, other sources tell me that the true figure for taxis alone is between 40 million and 50 million trips, not just passengers carried. We raised that at the briefing and were very clear to make sure that we were not counting passengers and that those figures were not reliant on passengers but based on trips. On top of that, there are ridesharing and hire-car trips. What the government is doing with this massive tax slug on hundreds of thousands of Victorians is deliberately underestimating the revenue to be raised. Is it any wonder that creates doubts and raises questions about where the money is going and what it is for?

This \$2 taxi and rideshare trip tax is a great way to fund the \$90 million annual cost of running the Taxi Services Commission, especially since the number of taxi and rideshare passenger trips can be expected to continue to rise given Victoria's net annual population increase of 95 000 to 125 000 people, depending largely on the level of immigration. Why cannot the Premier and his minister be honest and have a look — if they are genuine, they should put up a proposal for us to consider with a tax or a levy, if they are going to pitch that at us, and have a start date and an end date. It is not our job to solve this for the government, but there are plenty of ideas, options and modelling out there that have been presented to us. I think they could be presented to the Public Accounts and Estimates Committee and the government would have a good look at this.

You have got to remember that this is the Premier who spent \$1.2 billion on compensation in ripping up the east–west link contract, and yet he does not want to put a cent into compensation — a fair, just compensation package — for taxi licence holders. They received \$9.7 billion for the lease of the port,

and I think that would enable the government to at least look at other options.

The Liberals and Nationals oppose the \$2 passenger tax because compensation to the taxi sector should be funded out of consolidated revenue or at least this option should be looked at. Over the years government revenue from taxi licence fees has been paid into consolidated revenue, so the honest way to deliver any compensation is to pay it out of this general government pool as well. Of course it is not really \$2. It is going to be \$2.20 initially, because it appears it is subject to GST — although there was some uncertainty about that at the briefing I received. If it was introduced, on top of that it would rise by CPI, so it soon might be \$2.25 or \$2.30, and so on and so on.

The government is also justifying the \$2 tax as a way of providing more sustainable funding for the multipurpose taxi program, or the MPTP. We are concerned this will hit some of the most vulnerable people in our community. The Minister for Public Transport should tell that to Ballarat pensioner Mrs Lorraine Mead, who was featured in the Ballarat *Courier* of 8 September 2016 because she uses taxis most days for volunteering at the Ballarat city senior citizens or to travel to and from medical appointments. The minister did not even respond when asked if Labor's \$2 tax would be waived for disabled Victorians or those on government benefits, so Mrs Meade will have to cop a \$4 daily tax on her total expenditure of about \$18 a day on her return trips. Why has the government not looked at passengers with disability, low-income passengers or passengers on Centrelink? That would have been something I would have thought would be considered. Given that country taxi licensees are receiving only 15 per cent of the compensation that this secretive Labor government wants to pay to Melbourne metropolitan taxi licensees, why is Ms Meade being charged \$2.20 a trip for this Labor tax as opposed to about 33 cents if the tax was equated to the compensation payable?

The MPTP is also facing change. No doubt the Labor government is looking to shift as many costs as possible to the national disability insurance scheme. Labor's \$2 taxi trip tax is also short-sighted, we believe. If ridesharing companies introduce a pooled service similar to the old multiple-hire taxi service or a commuter service, the individual \$2 charged for separate trips will hit these congestion-reducing journeys that get people into carpooling on multi-hire taxi trips. It will hit those congestion-reducing journeys and reduce the incentive for people to share a vehicle.

On another tack, the government says it will introduce a second bill next year with further amendments. These two bills should be introduced concurrently, or at least the details of the second bill should be out there. Everyone we have talked to in the industry is fed up with the uncertainty, so my view is that the government would do well to try and put those two bills together or at least have the content of the second bill out there to give those in the industry detail on what is in it, and to give them some certainty rather than the long period of stress and uncertainty that people have had to endure because of the government's slowness.

It is hard to do, given Labor's track record, but we have to take the government on trust when it said to me at the briefing that I received that the abnormality will be fixed midyear about how taxidriver are required to have a blood alcohol count of zero but Uber drivers at present — and even after the passage of this initial bill, should it be passed — can legally drive with 0.0499 per cent alcohol in their system despite both being engaged in carrying passengers. That is just one example.

We are trying to talk about a level playing field and you still have examples like that, where taxi licence holder drivers are disadvantaged compared to ridesharing operators. What about the current exemptions in relation to carriage of children and seatbelts that taxis have? Will this also be extended to Victorians who use ridesharing entities? Let us not forget that taxi and ridesharing services are all about people.

Victorians, such as 18 000 Uber drivers who now enjoy additional income and who largely to date have transported Victorians around with little drama, whether travelling to major events, being picked up from a railway station because the bus runs only every hour or has stopped operating for the night, travelling to medical appointments or travelling to the airport — many concerned Victorians — have contacted me about this bill. I have met with both the Victorian Taxi Association and Uber. Both have put forward policy alternatives. These alternatives have not been adopted by Labor despite being constructed. Labor refuses to listen.

Taxi licensee Robert Massara has told me how under Labor his family dreams have gone from bad to worse. He says he does not want to wake up and feels negative and confused. Debbie Katis has asked me to ask the Minister for Public Transport whether her purchase of a taxi licence for \$505 000 in 2010, 11 months of which were under a Labor government, should lead to her 76-year-old father stressing and suffering from anxiety and heart trouble.

I put to the minister or to those opposite: have they seen, calculated and carefully considered any of the alternative models of proposed buyback of these licences, such as the model put forward by Linda De Melis that proposes a fair and just buyback scheme? And if not, why not? Why has that not been looked at? Why has that not been considered?

Ms Linda De Melis has written a story about her taxi family and emailed a copy of that story to everyone — all of you. I ask: have you read it? I ask the minister: what do you say to Vittorio and Anastasia De Melis, who came here from Italy in 1956 and have worked hard all their lives, paid off their business debt over 42 years and turned 70 years of age and retired? They have six taxi licences because they have got out there and worked hard to get them, and you are proposing to pay him and her \$100 000 for the first and \$50 000 for each thereafter, to a maximum of another three licences.

Is that just? Is that fair? I implore those opposite to at least have the decency to read Linda's letter, which begins, 'This is the story of my taxi family', before you come in here to debate this bill.

The Victorian Hire Car Association participated in the government's hire car forum and ridesharing working group, but never once was it disclosed by this Labor government that complete deregulation was to be introduced in a big-bang approach. The association believes the hire car compensation and offer of some \$25 000 for a first licence and \$12 500 for each of three more is inadequate. It does not trust this Labor government, and it is incredulous how the Minister for Public Transport intimated that taxis, rideshare operators and hire car businesses could simply absorb the \$2 trip tax. It pointed out to me — the association, that is — that for a small hire car business undertaking 4000 paid trips a year, this is an extra \$8000 cost.

A country taxi operator said to me that the \$2 tax raises safety issues, given the prevalence of people who might be using drugs or other illegal substances. Passengers who have had a big night out at a nightclub on a Friday or Saturday night may not have any tolerance when they are asked for the extra \$2 tax. They might incorrectly assume that the taxidriver or the rideshare operator is trying to rip them off.

So you are giving no support to the industry in situations like this. Thanks to the lethargy of the Minister for Police, who is a specialist in constantly changing staff but not much else, there will not be the available police to assist taxi or rideshare drivers who find themselves in difficulty due to a passenger

becoming aggressive when asked to pay this new Labor trip tax.

The Tourism and Transport Forum (TTF) CEO, Margy Osmond, says that:

The proposed levy, if implemented, will increase the overall cost base of transport services and unfairly punish Victorian consumers.

TTF encourages the Victorian government to carefully examine the commonsense approach legislated by the Queensland government whereby industry compensation is funded from consolidated revenue rather than a levy —

or a tax. She continues:

It is of the utmost importance that jobs and growth are supported without the tourism and transport sectors being treated as continuous cash cows through the imposition of ad hoc taxes and charges.

This is the nub of the argument. The TTF statement neatly sums up why the opposition will not support a \$2 tax on every taxi or rideshare trip.

In the time available left to me I want to talk a bit more about compensation. It is not part of this bill, and it will not be part of the second bill. We understand that. If this bill were to pass, it would set up the mechanism for the government to be able to collect, and they can start paying out their compensation straightaway. We oppose the \$2 tax part of the bill. The hire car part should definitely go ahead — the parts that would legalise ridesharing and Uber — and there should be a proper process to determine any level of compensation to be paid and to whom. The parts relating to taxi licences should only go ahead if the government is prepared to pay proper compensation to taxi licence holders. If the government is not prepared to pay proper compensation, they should not be making the taxi licence changes.

We oppose the \$2 tax, and the rest needs to be subject to a proper and open inquiry. As I said earlier on in my contribution, the model of doing that is to send it off to a joint parliamentary committee — both Labor, Liberal and minor parties represented on that — in a reasonable time frame. We are not going to play politics with this and try to run an inquiry till this time next year or to the end of the year. We believe by 11 May would be a reasonable period. There has already been a body of work done around this by an upper house committee that was, until recently, chaired by Joshua Morris, that has taken a lot of submissions from industry. That work should not go unnoticed; it should be put towards it. But you could have a quick inquiry to examine all these issues.

I know what the government will do; they will run straight to the taxi licence holders and say, 'The Liberals, The Nationals, the opposition have stopped us paying you compensation. It is all their fault we are not going to give you any compensation'. They will run off to Uber and ridesharing companies and say, 'The Liberals-Nationals opposition have prevented ridesharing from being legalised in Victoria'. They will run off to companies such as London Rides and say, 'The Liberals-Nationals opposition is preventing you from starting up a business here'. That is not our intention whatsoever. We are happy to sit down and talk with the government to get a better outcome here.

To finish I will just touch on the Fairness Fund and give an example that was emailed to me as late as last week — it was emailed to one of my colleagues, to be fair — by a taxi licence holder constituent who was looking to apply for the Fairness Fund but gave up on it because they have little debt on their home in Blackburn, even though Labor's actions will cut their family income by around \$27 000 a year for which they will get \$100 000 in two payments of \$50 000 each. As mentioned there seem to be no details of what the means test criteria are — of Centrelink benefits or any other government welfare support — and yet the applicant has to provide huge amounts of financial and personal detail. If payments from this fund are purely discretionary, it is appallingly unfair, opaque and wide open to favouritism and abuse.

I finish as I started. The decent, right thing for the government to do would be to actually go and meet with taxi licence holders, go and meet with ridesharing companies, and engage in a genuine way to consider funding options and to consider their ideas and models across the board. As I said, you are not going to get 'one size fits all', but if you actually go and engage and negotiate and consider some of these proposals, you might get a better outcome that will not leave taxidriviers, licence-holders or Uber — ridesharing companies — with the uncertainty, stress and anxiety that this government has created.

**Ms THOMAS (Macedon)** — I welcome the opportunity to speak on the Commercial Passenger Vehicle Industry Bill 2017. In doing so I would just like to correct the record, in particular for the sake of some of those who join us in the gallery today.

Let us be clear that the Deputy Leader of the Opposition, the member for Croydon who we have just listened to, had this to say back on 27 August 2016, when this government, the Andrews Labor government, first announced its compensation package — our

financial assistance package. This is what the member had to say:

Daniel Andrews is basically setting up a slush fund to buy the votes of the companies that hold these ... plates ...

What a disgraceful comment to make. What a disgraceful comment that shows no regard whatsoever for the very fine people that run our taxi system here in this state. Let us first put on the record that the taxi industry in Victoria has played a significant role in Victoria's transport history for more than 100 years. I have no doubt that taxis will continue to play that significant role into the future, and it is for all of those reasons that I am very pleased to speak on this bill.

But we also need to be very clear that the rise of digital technologies, and apps in particular, has led to significant disruptions in the marketplace. I reflect on this as someone who — many, many years ago now — used to spend some time sitting by the radio making my own mixtape on a cassette, but how times have changed. I now stream my music via bluetooth technologies. While I am talking about the significant disruptions in the marketplace, we have seen the rise of the sharing economy. The sharing economy is something that those on the other side of the house are all in favour of. They are very much in favour of it because it is essentially a totally deregulated marketplace that neither protects service providers nor consumers. The fans of the Institute of Public Affairs on the other side there would be very happy to see a totally unregulated sharing economy.

We have seen Airbnb, Airtasker and of course Uber. 'The sharing economy' has a kind of nice and benign sound to it, but let me be clear, it throws up many challenges for legislators to ensure that appropriate protections are in place, as I said before, for both service providers and their customers.

So I congratulate the Minister for Public Transport on the work she has done tackling what is, let us be very clear, a very, very complex public policy issue, and the work that she has done to address the challenge that ridesharing has introduced — ridesharing, which has irrevocably changed the motor vehicle hire industry. As an example of that I reflect as the mother of a 20-something, and having nieces and nephews, that it saddens me that the word taxi is not even in their lexicon anymore. 'Uber' is used as both a noun and a verb, and this worries me, because I for one am not a cheerleader for Uber like those on the other side are. I am not here just to ram through the reforms that Uber would want to see — a deregulated marketplace — and let the taxis just wither on the vine. What I want to see

is a level playing field for all of those who would like to provide services to transport people around our city.

So this bill is the first and a very important step on the way to major reforms announced by the government in August of last year. As I have said, they will ensure that here in Victoria we will have the first fully open and fully competitive commercial passenger vehicle industry. As the minister noted in her second-reading speech, this is a major step towards an industry that competes on a level playing field and puts passengers first while protecting the existing industry. What this means of course — and it is very important to me and to those of us on this side of the house — is that Uber will no longer be the sole ridesharing business out there, competing with existing taxi services. In terms of other providers, there are many out there — providers that welcome a well-regulated environment — and I will be very pleased to join in welcoming them to the marketplace. Providers like Shebah and London Rides are ready to go. This is a good thing and will challenge what I consider is, as I have said, the unhealthy stranglehold I see Uber as currently having on the ridesharing market, particularly in terms of servicing a younger demographic.

Let me just briefly outline what this bill does. As I said, it implements the first stage of legislative reforms for the commercial passenger vehicle regulatory framework. The bill provides for the implementation of interim changes to existing taxi and hire car licensing requirements by removing licence fees, abolishing special purpose vehicle and restricted hire vehicle licence types, and streamlining the application process for new taxi and hire car licences. It will facilitate rideshare services by changing the definition of a network service, and this will enable a number of rideshare companies to get accredited and provide services.

The bill will establish a \$2 levy for each commercial passenger vehicle trip. Let me be very clear about the purpose of this \$2 levy. Its purpose is to ensure that we have a \$494 million financial assistance package for the existing taxi industry. It will be targeted at those who need it most — small family businesses.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for Polwarth!

**Ms THOMAS** — I am very proud to speak on this bill and to stand here, unlike those on the other side of the house, who at every step of the way have argued

against any compensation for existing members of the taxi industry — for taxi licence holders.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for Polwarth!

**Ms THOMAS** — They are opposed to compensation. They have said it before. We have had nothing from them today to suggest that their decision has changed in any way, shape or form. On the record, they are opposed to the payment of compensation to existing taxi licence holders. Let us be very clear — —

**Mr Hodgett** — On a point of order, Acting Speaker, the member is lying; she is misleading the house. We are not opposed to compensation to the taxi licence holders.

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for Croydon knows there is no point of order. He is making a point in debate. The member for Macedon to proceed, in silence.

**Ms THOMAS** — I want to make the point that the Leader of the Opposition is very happy to stand right next to Uber at every opportunity, because Uber have argued that no financial assistance should be paid. Indeed in their submission they say:

To suggest that any reduction in the value of taxi licences should be compensated by the taxpayer or other industry participants is perverse. Industry-wide compensation would amount to a reward for profiting off market failure.

This is a position that the Liberal Party by their very actions support. That is why they are opposing this bill. They do not support the \$2 levy because they do not support fair compensation being provided to the existing licence-holders in the taxi industry.

In conclusion I pay my respects and honour those families who have been part of our taxi industry for generations. As I have said the taxi industry in Victoria has a long and proud history and I hope that it will continue to do so. What is important is that we create a well-regulated level playing field that will enable the ridesharing services that are out there and that are responsive to consumer demand to operate and so that taxi services similarly can continue and be responsive to consumer need. I commend the bill.

**Mr McCURDY (Ovens Valley)** — I rise to make a contribution on this bill. I like the name ‘Commercial Passenger Vehicle Industry Bill 2017’. I have heard some call it ‘the taxi bill’ and I have heard it called ‘the ridesharing bill’, but I think it is the bill that sold out the

taxi industry. That is exactly what this bill is. We know what it does, and we know what it is planning to do in allowing commercial passenger vehicle services like Uber into the market and in introducing this new tax on passengers who will use taxis or ridesharing vehicles. That really concerns me, and I will discuss some of those concerns further in my contribution.

We know that the bill removes the licence fees and enables easier entry into the commercial passenger vehicle industry, but it creates a \$2 permanent tax on every passenger-carrying trip made by a taxi or a ridesharing vehicle, and this is completely wrong. This bill is well overdue, and it is certainly underdone. It is more than six months late — compared with the commitments made in June 2016 — and certainly arrives with a lack of consultation with the industry, which is appalling.

Labor’s approach is not supported by taxidivers. We have just heard the member for Macedon criticise our views about and our approach to the taxi industry and criticise the member for Croydon, who has supported the taxi industry. Nobody is saying there is not new technology and that it has not arrived in this country, but where were you standing up to your government to say, ‘You’re going to short-change the industry by the compensation that is being paid out’? The drivers and families have paid many, many hundreds of thousands of dollars for the right to have what they have, and your weasel words in the chamber so you can make a press release about looking after the taxi industry, when in actual fact you have stitched up — —

**Ms Thomas** — On a point of order, Acting Speaker, I ask that you direct the member to direct his comments through you as the Chair, rather than leaning across the table and directing them directly at me.

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for Ovens Valley to continue through the Chair.

**Mr McCURDY** — Thank you, Acting Speaker. I will be sure to direct my comments through the Chair, and if I am going to talk about more Labor lies, I will not lean across the benches and refer to the member for Macedon directly.

With the exception of the Labor government, it is universally agreed that Labor’s proposed \$2 taxi and rideshare trip tax is just not equitable. Labor members prattle on in this place about equity and consultation when it suits them, but when it does not suit them, like with this bill, they just bulldoze straight on through, just like they tried to do with the Country Fire Authority,

and we will not accept that. Other states have managed to introduce reforms and legislate ridesharing without too much trouble.

In Victoria we have had taxis go slow over the Bolte Bridge to try to get consultation by other methods, blocking the Tullamarine Freeway and CityLink. I have had many, many emails, letters and meetings. As a regional MP I can say that regional Victorians are absolutely disgusted with the lack of consultation that has taken place. We know that a small number of taxi licence holders will be the ultimate beneficiaries of the reforms, but many others are feeling disenfranchised and many families will be affected by this bill. In opting for this approach the government has ignored many recommendations that the groundbreaking inquiry into the taxi industry by the Liberals and Nationals offered.

The \$2 tax could collect upwards of \$110 million in its first year, if all taxi and ridesharing trips are reported to the State Revenue Office and there is no evasion, but the bill lacks a sunset clause, and I think this is simply wrong, particularly when you see the current rorts that are going on with this government at the moment. You cannot say to Victorians, 'Trust us, we'll cease the tax when we think the time is right'. Victorians simply do not trust this government, so not having a sunset clause certainly undermines this bill.

It is wrong on so many different levels. First of all, the Premier said there would be no new taxes. We all heard it. The government has refused to fund any compensation to taxi stakeholders out of consolidated revenue and is making taxi and rideshare passengers pay for this, despite consolidated revenue being used as the funding source in other states like Queensland.

We know that some of the older, more vulnerable passengers in our community using the subsidised multipurpose taxi scheme might reduce their number of trips and hence be even more vulnerable to social exclusion or not going to the doctor when they need to. This is an underhanded way for the Labor government to reduce the number of trips made under the costly multipurpose taxi scheme.

The scheme is really important in our communities, particularly in regional Victoria. We can look at the \$2 tax as a percentage of a normal fare. I met with a taxidriver last week, and he spoke to me about the average fare that he collects being around \$12 to \$15, and \$2 as a share of that is a much higher rate than the metropolitan rate, where an average fare might be \$25 or \$30. Again regional Victorians are paying more than their fair share. The tax will be an administrative burden and costly to collect. There is talk that it could

be upwards of \$26 million to collect. Whilst not in the bill, country taxi stakeholders are set to receive only 12.5 per cent of the compensation proposed for Melbourne metro taxi licences, yet passengers in the country have to pay the full \$2 on every trip. As I say, I met with Wangaratta taxidrivers recently.

The other concern the taxidriver I spoke with recently was talking about was the inequity in the compensation system. He said that he paid \$190 000 for his taxi licence 15 years ago and that a friend of his had bought one only three years ago for \$390 000. I am not trying to argue whether someone paid too much or not enough or anything about that, but I do agree with him when he talks about having bought his licence 15 years ago and having had 15 years to pay it off or to deal with it, but his friend who bought a licence three years ago has really bought a hand grenade. In three years he has had a lot less time to pay off his licence. As I say, I am not disputing whether he paid \$390 000, \$290 000 or \$490 000, but he has not had the time to pay off that licence which others have had. That is why I say it is inequitable.

That is why I say the government has not looked at other options. They could have looked at other options. For example, if you have held a licence for under five years, regardless of what you paid for it, the compensation could be X; if you have held it for five to 10 years, it could be a different number; and if you have held it for more than 15 years, it could be a different number again. I am not suggesting that is the only way, but if the government had consulted with taxidrivers, they would have had opportunities to hear other views, rather than just bulldozing through with their current process.

Other concerns I have, in the limited time I have left to make my contribution on this bill, again referring back to country areas, include that about 80 per cent of taxi rides are booked and 20 per cent are hail. Certainly with those booked rides we are comfortable that regional taxi operators and regional taxi users will be paying the \$2 fee. In Melbourne my understanding is that only 40 per cent are booked and 60 per cent are rank and hail. If those figures are correct, there is a fear that only 40 per cent will pay the \$2 fee. That is a concern. There are genuine concerns, and it is fair to say that this bill has been handled poorly.

I am a free market person. I have no problem about deregulated environments, whether it is the taxi industry or whatever other industry or commodity you want to talk about. But when you have regulated a market like the taxi industry for so long, you have an obligation. We have set the flag fall as a government.

We have set the rates. We have set all the parameters around what taxidrivers can and cannot do when they are charging, so you cannot just step out when it suits you without taking some responsibility. I think this compensation package is certainly underfunded. It should be higher, and it should reflect the time that the taxidriver has owned that licence.

The \$2 fee must have an end date. Further work must be done either through a joint parliamentary committee, as the member for Croydon said, or through other opportunities without bulldozing this bill through today. This is affecting families. This is the government that says, 'We're all about jobs', but at the end of the day it is really thumbing its nose at the taxi industry and all the families that are associated with it. The Premier should be consulting. He should be listening more to the people. They are out there, but he is turning away and turning his back on the taxi industry and the families that support it.

**Mr PEARSON** (Essendon) — I am delighted to join the debate. When Barack Obama was President he had a plaque on his desk which said, 'Hard things are hard', and when you look at the bill before the house you see it is a really tough issue. It is difficult. The member for Croydon indicated that the government has not consulted. I assure the member for Croydon that as the member for Essendon I have met over many, many months with any constituent of my electorate who owns a plate or is a driver and who wants me to hear their concerns and hear their issues.

I also indicate at the outset that I rise in this place to make a contribution both as the member for Essendon and as the chairman of the Public Accounts and Estimates Committee (PAEC), which is known to the Deputy Leader of the Opposition. I have seen the Deputy Leader of the Opposition around this place throughout the course of this week, and I must admit this is the first I have heard that the Deputy Leader of the Opposition is proposing that this matter be given to the Public Accounts and Estimates Committee. I had not heard that.

I also find it interesting that the opposition has said that this has been going on for far too long and it wants to refer it off to the committee for a short, sharp turnaround. It wants the Public Accounts and Estimates Committee to report back by 11 May 2017. Again I find this curious. If the Deputy Leader of the Opposition had sought me out, either in this place or outside of this place, over the course of this week, I would have advised him that the Public Accounts and Estimates Committee has two scheduled meetings between now and 11 May, one of which is to meet with the Auditor-General to go through

the annual plan, which is part of our responsibilities — we need to do that.

We also have to get ready for the estimates hearings which will commence in May, and we have a task at hand in relation to finalising the financial and performance outcomes inquiry for the 2015–16 financial year. So I think it is disingenuous for the Deputy Leader of the Opposition to say, 'Look, we will just give it to PAEC to handle and they can deal with this by 11 May' when we have got a heavy workload. I suggest to you, Acting Speaker, that it just seems to be a bit of a stunt.

I also listened with interest to the Deputy Leader of the Opposition as well as to the member for Ovens Valley. Let us be clear, Acting Speaker. The Leader of the Opposition has been the number one cheerleader for Uber. I looked earlier in terms of —

*Honourable members interjecting.*

**Mr PEARSON** — Listen to the champions of the underprivileged. Listen to them go. That great bastion of the underprivileged — the IPA.

I note that on YouTube there have been 296 views of the Leader of the Opposition visiting the Uber office in Melbourne on 16 June 2015, where he says quite proudly that we have to embrace new technology. Then there is another YouTube clip involving the Leader of the Opposition — it has 641 views, so obviously a big improvement there — on 28 April 2015, which I believe had the Leader of the Opposition catching an UberX, which at that time was illegal, and indicating that UberX was a great way of complementing our cab industry.

Let us be clear: those opposite have been firmly in Uber's camp from the get-go. They have been the ones who have been pushing hard in relation to ridesharing. Now they have just decided to talk about issues like compensation. I do note —

**Ms Britnell** interjected.

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for South-West Coast!

**Mr PEARSON** — I know those opposite are innumerate. I know they do not know how to run a budget or how an economy works, but ultimately when you are talking about compensation —

**Ms Britnell** interjected.

**Mr PEARSON** — Well, multiple years of budget surpluses would suggest otherwise, member for South-West Coast.

**Mr Gidley** — On a point of order, Acting Speaker, this is a very serious issue and a sensitive issue, if I can say that, and the contribution by the member for Essendon should not be focused on attacking members of the opposition. If the member for Essendon does not have anything to say about the bill, such as the \$2 tax on every trip forever, he should sit down, but he should not use the opportunity to attack members of the opposition on this serious and sensitive issue.

**The ACTING SPEAKER (Mr McGuire)** — Order! There is no point of order. That is an argument. The member for Essendon will be heard in silence.

**Mr PEARSON** — Thank you, Acting Speaker. So you have got — —

**Mr Watt** — On a point of order, Acting Speaker, standing order 118 says that members are not allowed to make imputations or reflections on other members. The member during his contribution, directly before the member for Mount Waverley stood up, was actually making imputations and reflections on members of the opposition. He very clearly was, and I ask you to get him to come back to the bill and not to make imputations or reflections on members of Parliament.

**The ACTING SPEAKER (Mr McGuire)** — Order! There is no point of order. He was making general commentary in the debate.

**Mr Gidley** — Acting Speaker, as I said, this is a very serious and sensitive bill, and I draw your attention to the state of the house. Members of the government do not even appear to be interested in being in the chamber for this important bill that is going to affect taxi licence holders and families. I draw your attention to the state of the house.

**Quorum formed.**

**The ACTING SPEAKER (Mr McGuire)** — Order! Quorum present. The member for Essendon, in silence.

**Mr PEARSON** — Thank you, Acting Speaker. In looking at the notion of compensation I listened carefully to the contributions from the member for Ovens Valley and the Deputy Leader of the Opposition. In order to fund this compensation package there needs to be a way to pay for it. You either have a levy which helps fund the compensation package or you can do what the opposition is suggesting, which is, ‘Well, just

take it out of consolidated revenue’. There has been no real thought or consideration given to how much that compensation package might be. Instead it is, ‘Just go raid the bank’. That is the answer to the question.

I think the challenge here is that if you were to take it out of consolidated revenue, then it clearly means there is less money for police, there is less money for youth justice, there is less money for education and there is less money for health, so you need to find a way to pay for this.

I have heard the term ‘compensation’ thrown across the table for the last half an hour or so. When the opposition talk about compensation it is not clear to me, and I particularly note the member for Ovens Valley’s contribution, what the compensation is. The member for Ovens Valley suggested in his contribution that you should tier it, so 0 to 5 years, 5 to 10 years and 10 years plus. When the opposition says it should be 0 to 5 years, 5 to 10 years and 10 years plus, does that mean, for example, that someone who bought a taxi licence, say, five years ago, when the price was \$400 000, gets more compensation than someone who has held a licence for 40 years and who might have only spent, say, \$10 000? Or do you turn around and basically say that those who have held a licence from, say, 1975, get the higher level of compensation even though the cost of their taxi has been far less? I am confused by those opposite.

I am the son of a small business person and I saw firsthand how if your parents came from modest and humble means, a small business provides an enormous amount of opportunities for you and for your children, and I have an enormous amount of sympathy for those in small business who own these assets, which is why we are paying out.

*Honourable members interjecting.*

**Mr PEARSON** — What I would say to those opposite is that there is a concept called the net present value of money, and the issue is that the longer this goes on, the more the value of these plates will fall through the floor. That is my fear. Those opposite will try and stop this, delay this or stymie this, but the risk is that if they have their way, there might be no legislation. There might be no compensation package. What happens in five years time? These plates will be worth zero. What happens then? These people who have an opportunity to have a fair offer now will be denied that.

Again I find that those opposite are crying crocodile tears. They have been the cheer squad from the get-go

for Uber. They are the Uber faction of the Parliament, and their behaviour on this matter has been a disgrace.

**Mr HIBBINS (Prahran)** — I rise to speak on behalf the Greens to the Commercial Passenger Vehicle Industry Bill 2017. The disruption that has occurred in the taxi industry and the hire car industry through the arrival of Uber and other rideshare services has certainly brought incredible upheaval to that industry over the last few years, and this is something that I think governments around the world are grappling with.

This is an industry that was already facing a number of challenges. When you look at it I think that everyone understands that this really is an industry that was ripe for the sort of disruption that we are seeing across many industries. There were very high fixed costs for licensees to get their cars on the road — the cost of the licence, the cost of insurance, other regulatory requirements, the cost to maintain the required standards and obviously the other regulatory arrangements around set fares.

Can I just also thank the licence-holders who took the time out to visit my office to come and talk to me to discuss many of the concerns that they had, and to enlighten me with some of the challenges that they face in their industry. I really appreciate the time that the licence-holders in my electorate took to come and see me.

What we also took from these meetings was that we had an environment that was ripe for disruption. We had, essentially, somewhat of a monopoly by having just a number of booking agencies. That, in my view, led to a real lack of innovation and improvement within the sector. Then you had a competitor coming in with lower fixed costs and new and accessible technology that appealed to a lot of people. You did have the kind of disruption that we are now seeing.

This bill is really a set of judgement calls on the major issue of how you now regulate and bring these new rideshare services into the tent rather than leave them operating outside the existing regulatory framework. There are a number of questions. Are there valid compensation claims from licensees? Who should be paying for this: the new entrants, the rideshare operators, the passengers or the taxpayer? How should these funds for compensation be collected? And how do we very importantly ensure that those vulnerable passenger groups — those who rely on existing taxi services, the elderly, hospital patients, their families, people with disability, pensioners, communities in regional and rural Victoria — how do we make sure that they are not disadvantaged by any further changes?

As I said, Uber and other ridesharing services have disrupted the existing taxi industry and their business model. It provides a similar service of point-to-point transfer for a fare, and what we have essentially are the legal and regulatory environments that you would come to expect from a taxi — the regulation of the fare, the certain standards that they are required to abide by, grievances being able to be raised with the Taxi Services Commission — all being bypassed by the app-based rideshare service and the tracking system and booking service that they have. So to have one set of regulatory arrangements for taxis and a different set for rideshare providers is obviously problematic, and the Greens certainly support the regulation and the legalisation of ridesharing services.

Prior to the changes in the sector in 2016, to enter the taxi market an operator had to own or lease a licence. If taxi licences were to continue as an asset, certainly there would be a financial impost on the taxi operators that is not experienced currently by rideshare operators, despite the fact that they are offering an equivalent service.

The decision by this government is to go for a unified commercial vehicle licence. That is the way forward that they are pursuing and, in doing so, they are abolishing taxi licences. I understand that there are some taxi licence holders that want this status to be reinstated, but it does seem incredibly unlikely that this government would be inclined to do so. And if there was, one would see that there is a risk in the market for those licences, as they might not be resurrected after being suspended for several months, particularly if it is possible to quickly, easily and cheaply become a rideshare driver.

In terms of moving on to compensation, if you are going to be abolishing taxi licences, you have got to ask: is there a valid claim? I mean, the government did create these taxi licences. They did generate from the state. Many of them were obtained through private transfer, but they did originate with the government, and the government is essentially nullifying their status to create this unified licence, which has made their value essentially zero. This does imply that there are valid reasons for compensation for taxi licences but, as mentioned by previous speakers, each taxi licence has its own complex and different history of how it was obtained.

Some were obtained many decades ago, when the cost of the taxi fare has been long recouped. Some licences were traded earlier this decade for prices in excess of \$400 000, and some people who obtained these licences did make very significant financial decisions to obtain

those licences: houses were mortgaged, relatives were called on for loans and trusts were established with multiple benefactors. If you consider the financial stress that these people are under, there certainly is a valid claim for compensation. There are some people whose taxi licences are essentially their nest egg, their life savings. They are relying on it for their retirement. Do these people deserve compensation? Well, certainly they do. There certainly is a case for them to be compensated.

Considering that there is a dedicated regulatory body in the form of a Taxi Services Commission that notionally monitors the sale and purchase of taxi licences, you would think there would be a comprehensive dataset that provides the full history of each licence to really facilitate the issue of compensation and how each licence-holder would be compensated based on the price paid for their licence and what price was paid. But we have been advised unfortunately that this data from the Taxi Services Commission is unavailable, which is incredibly disappointing.

So in the absence of enabling a more sophisticated and detailed approach to compensation, the government has gone for a one-size-fits-all approach. Regardless of how much was paid for the licence or how long it has been held, the compensation totals \$100 000 for the first licence and \$50 000 each for the subsequent three licences. For some taxi licence holders, who have got 40 or more licences, this would be welcome, and they would be likely to survive and prosper in the deregulated environment. For families that have mortgaged their house and have paid over \$400 000 —

**Mr Gidley** — As I have indicated previously, Acting Speaker, this is a very serious issue. It requires the due attention of members of the government because it is a government bill. There are many members in the bar, not in here listening to the debate and considering the debate, and I draw your attention to the state of the house.

#### **Quorum formed.**

**Mr HIBBINS** — As I was saying, clearly, for those who really rely on their licence as their nest egg or have paid significant amounts for it, the \$100 000 is still likely to result in significant negative financial outcomes. There is a Fairness Fund that has been proposed by the government to assist those who face, essentially in some cases, financial ruin, but this does seem to be a messy arrangement where there are going to be winners and losers.

There is a \$2 per trip levy proposed, and this has been opposed to varying degrees by almost every stakeholder in this industry: the operators, the rideshare drivers, booking service providers and passengers. Our main concern with the levy is how it affects vulnerable groups, including those who rely on taxis every single day, and there is a wide range of people who do that for a variety of reasons. This would add up to several hundred dollars a year. The people who rely on taxis and use them almost every day are often the least well off and the most vulnerable in our community. The impact that this \$2 levy would have on them is a serious concern for us. It does feel like the projected revenues collected from this levy are a conservative estimate and that they may underestimate how much will actually be collected.

People with disabilities are also a major concern for us. They are heavily dependent on point-to-point transport — on the multipurpose taxi program subsidies. Their experiences had been varied: some have had great service for many years with the same driver in a fully compliant wheelchair taxi; others have had very poor experiences. We understand that reforms to this industry do have the potential to increase the range of services available to people with a disability, but certainly the regulatory environment and the controls provided for people with a disability need to make sure that no person with a disability is left out and no geographic region is left out either.

It is the Greens' position that these issues need to be assessed further before this Parliament can make an informed decision. Therefore I am going to move a reasoned amendment, which I understand will be an amendment to the opposition's reasoned amendment: I move:

That all the words after 'until' be omitted with the view of inserting in their place the words 'the Legislative Council economy and infrastructure committee has tabled its report on the need for, and appropriate structure of, regulation of ride sourcing services such as Uber'.

There is an existing committee inquiry looking into these matters, and this amendment will allow the opportunity for in-depth examination of the issues and allow for the further input of experts, individuals, businesses and government organisations. As I said, there is an existing committee inquiry looking into these matters. I am not of the view that we need to refer this to the Public Accounts and Estimates Committee, as the opposition has proposed. I think there already is an existing inquiry looking into this issue, and this would be the best place for this bill to be considered.

I am moving that reasoned amendment, but in doing so I also state that the Greens cannot support this bill in its current form.

**Mr RICHARDSON** (Mordialloc) — It is important that we rise today and reflect on the Commercial Passenger Vehicle Industry Bill 2017. Can I acknowledge the people in the gallery who have joined us today with different stories.

*Honourable members interjecting.*

**Mr RICHARDSON** — I will acknowledge the people in the gallery here today who you keep asking us to look at, and the many constituents in my electorate who have met with me during the last few years since the review into the taxi industry really set off this chain of events in 2012, and to the point where we find ourselves here today. I became aware of the challenges in the taxi industry as a candidate in 2014 and have followed this journey throughout this time.

Can I put on the record as well the work of members of Parliament, some in other parliaments, but particularly a mentor of mine, the federal member for Holt, Anthony Byrne, who has met with hundreds of people in the taxi industry. I joined Anthony Byrne in Narre Warren at the Max Pawsey Recreation Reserve, near Fountain Gate shopping centre, at the end of 2015 and met with more than 300 people who were affected by some of the operations of Uber at the time. There are different journeys that people have been on. There are people who are heavily exposed at the moment because they bought licences late in the piece. There are those who bought licences some 30 years ago when the alternative was to purchase property or purchase a taxi licence.

I hear some of the reflections from the member for Prahran, and you cannot broadbrush this industry. This is an industry of hardworking people who, for many, many decades, worked 60, 70, 80-hour weeks of double shifts to take Victorians around our community each and every day. They are good people, they are hardworking people, and the distortion of what this bill is about needs to be called out.

I did not want to go on a political journey on this particular bill, but I feel forced to base on some of the comments of those opposite who have come late to this debate. If we look through *Hansard* for the 58th Parliament, we see that the Deputy Leader of the Liberal Party, who is sitting in the chamber now, the member for Croydon, has mentioned Uber more times in this Parliament than he has the taxi industry. He has mentioned Uber 109 times and he has mentioned the taxi industry 75 times. The member for Burwood might

be loud today, but he only mentioned the taxi industry a fortnight ago.

That is the example we have had today. We have those opposite opposed to compensation, opposed to this bill and opposed to the Fairness Fund that will take into account the individual circumstances of families and those that are most in need, and those applications need to be made now. Those opposite are not offering any compensation. What they are offering is another inquiry — another investigation — through the Public Accounts and Estimates Committee, so more time while licences decrease in value and more time when the 2000 leases that were made are plummeting. We would be wasting more time on a Public Accounts and Estimates Committee review that could take six months, rather than getting underway with the \$494 million going to an industry that has had substantial change.

While others might talk about the taxi industry now, it was the Leader of the Opposition in January 2015 — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr McGuire)** — Order! The member for Burwood!

**Mr RICHARDSON** — It was the Leader of the Opposition in January 2015 who got in an Uber car and called all the statewide media while this industry was in critical need of support. He did a stunt, which was a slap in the face to the taxi industry. Those opposite might come in here now and say that they are friends of the taxi industry. Well, that is a fraud. That is an absolute fraud. You cannot come in here now, after putting forward Uber as the only option, and say you are on their side.

**Mr Gidley** — On a point of order, Acting Speaker, on relevance. I understand that the member for Mordialloc does not want to talk on the bill. He may be embarrassed or upset about the content of it, but it is not the time to attack the opposition. I ask you to draw him back to the bill rather than talking about political stunts, because he does not want to talk about this unfair bill.

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

**Mr RICHARDSON** — It says a lot about the member for Mount Waverley if no-one has seen him before. He has not mentioned the taxi industry once in this house — not once. You have never mentioned the taxi industry once. You have never stood up for your community or the taxi industry.

**Mr Gidley** — On a point of order, Acting Speaker, on misleading the house. I have had many conversations with many colleagues in this house in relation to the taxi industry. I take offence at that comment. It is misleading the house and I ask that it be withdrawn.

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

**Mr Clark** — On a point of order, Acting Speaker, I draw your attention to standing order 120 that provides:

If a member objects to words used in debate:

...

... If the words relate to a member of the house and that member finds them personally offensive, the Chair will order the words to be withdrawn and may require an apology.

My understanding is the honourable member has found words used in relation to him personally offensive and you should require that those words be withdrawn.

**Mr Eren** — On the point of order, Acting Speaker, it has been a very robust debate. Both sides have engaged in robust language, which includes the opposition. When those opposite were on their feet they used language that was obviously offensive, but on this occasion, when the member for Mordialloc is making his case and speaking on the bill, they get offended. There is no point of order. The member was frivolously standing up to chew up the member for Mordialloc's time and I do not want to see any further chewing up of the member for Mordialloc's time.

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

**Mr RICHARDSON** — I withdraw. What I will get to is the fact that there is support being put forward that those opposite are opposed to. While the Leader of the Opposition and those opposite in their political party were supporting Uber in January, we were establishing consultation on this, and that is a very important difference. We have put forward \$494 million. What did the Deputy Leader of the Opposition put forward? He put forward another inquiry. We have had five years of uncertainty. There will be no more reviews; it is the time to act. My message to my constituents affected by these changes is that we need to look at everyone's individual circumstances. Remember that there are companies involved; one company had up to 90 licences. Ninety-eight per cent of the industry was made up of one, two, three and four licence-holders over a 30-to-40-year period. We want to support those families across my electorate and my community, and

that is why for over three years we have been there with them. I mention again the work of the federal member for Holt, Anthony Byrne, in that support as well and in raising some of these issues.

Those opposite can get into semantics about numbers, but they have an obligation to pass this bill through the upper house. They do not have the numbers in the lower house so they have a decision to make: \$494 million now, or nothing and an inquiry that might not get underway for another six months — and then we are into an election cycle. That is the reality. They can try to gag me and they can try to gag my community, but we did not come here in the last fortnight. We have been working with our constituents and my community for many years, not just in the last fortnight.

**Mr WATT (Burwood)** —

Comrades, the Cold War is not over because tonight we see that communism is alive and well on the other side of the house ... assets of ... people are being appropriated with no compensation. The wood ducks on the opposite side pretend they represent small business —

**Mr Pakula** — On a point of order, Acting Speaker, the member for Burwood is clearly reading his contribution. I ask him to table the speech.

**The ACTING SPEAKER (Mr McGuire)** — Order! Member for Burwood, are you reading?

**Mr WATT** — I am happy to hand over the notes I am reading from, because it is a contribution from the member for Narre Warren North in this house only four years ago. I am happy to, when I have finished. It is from *Hansard*, you fool.

**The ACTING SPEAKER (Mr McGuire)** — Order! Member for Burwood, you have been asked to table the documents now.

**Mr WATT** — I am sorry, no.

**The ACTING SPEAKER (Mr McGuire)** — Order! At the end of the contribution.

**Mr WATT** —

... they sit in this place and vote to destroy the value of taxi licences of hardworking individuals. What we have is a group of people —

**Mr Eren** — On a point of order, Acting Speaker, it is a longstanding practice in this house not to read your speeches verbatim. The member for Burwood is holding his notes and reading his speech word for word. I ask you to ask him to desist.

**The ACTING SPEAKER (Mr McGuire)** — Order! Member for Burwood, you know the ruling that you can quote briefly from documents, but we want you to deliver your speech rather than just read it verbatim.

**Mr WATT** —

People have worked hard to build up their assets, but today the team opposite is about to destroy the value of those assets. I ask government members to ask ...

I will go to another part:

You should have voted against this legislation until the minister — —

**The ACTING SPEAKER (Mr McGuire)** — Order! The Minister for Tourism and Major Events on a point of order.

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr McGuire)** — Order! There is a point of order being taken. The member for Burwood, could you desist? There is a point of order from the Minister for Tourism and Major Events.

**Mr Eren** — On a point of order, Acting Speaker, again the member is defying your ruling. He knows the rules of the house. He is reading word for word from the document.

**Mr WATT** interjected.

**Mr Eren** — It is irrelevant whether he is going to hand the document over. The longstanding practice of this house is that you are not allowed to read word for word. I ask you to bring him back to order.

**Mr Pesutto** — On the point of order, Acting Speaker, the member has made it clear that he is quoting. He is citing what the member for Narre Warren North said at an earlier time in this very house. He needs that document to make his point.

**The ACTING SPEAKER (Mr McGuire)** — Order! Having taken advice, I ask the member for Burwood to just name who his quotes are from but then deliver his speech without quoting verbatim.

**Mr WATT** — I have already said that I am quoting the member for Narre Warren North from only some four years ago. He continued:

This bill fails the basic test of compensation. None of you has been brave enough to stand up and do the right thing ...

He further went on to say:

It is a passionate debate because at the end of the day this is about people's main asset. Should we not be passionate about trying to defend their assets?

Furthermore he said:

I would encourage some of the members to go out the front and see some of the people who are sitting out there. They do not look like spivs. The Macedonian, Italian and Greek migrants here do not look like special spivs from Collins Street investing in taxi licences. They look like hardworking individuals who have driven those taxis for years in order to provide for their families.

**The ACTING SPEAKER (Mr McGuire)** — Order! There is a point of order from the Minister for Tourism and Major Events.

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr McGuire)** — Order! Member for Burwood, there is a point of order.

**Mr Eren** — On a point of order, Acting Speaker, the member is making a mockery of this place. Again he is defying the ruling. If he has got a document to hand over, he should just hand it over — table the document — instead of making a fool of himself and making a mockery of this place.

**Mr WATT** interjected.

**Mr Eren** — Excuse me! The member for Burwood is clearly defying the rulings of this house. If he wants to hand over any documentation that he has got in his hand, he should just table it, not make a mockery of this house and a fool of himself. I ask you again, Acting Speaker, to rule on him reading from his document verbatim — word for word.

**The ACTING SPEAKER (Mr McGuire)** — Order! The advice is that it is up to the Speaker's discretion how much you can read out.

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr McGuire)** — Order! Member for Burwood, I do not want to waste your time or the house's time. In the best interests of your contribution, can you keep your quoting succinct and deliver your contribution?

**Mr WATT** — Thank you very much, Acting Speaker. Here we go:

They look like hardworking individuals who have driven those taxis for years ...

If some of the members of the team had some idea of how to value an asset, they would realise they have been taken for a mighty ride. When the election comes around and the taxi

owners are out in front of your electorate offices and are all protesting because you have destroyed their livelihoods, you might begin to understand that your capacity to value an asset is not there, that you have actually got it wrong, that your minister has led you down the garden path.

...

Most of the people who invest in this market are not spivs or investors; these are —

**The ACTING SPEAKER (Mr Pearson)** — Order! Point of order!

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! Member for Burwood, there is a point of order before the Chair.

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! Point of order!

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! Member for Burwood!

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! There is a point of order before the Chair.

**Mr WATT** interjected.

**The ACTING SPEAKER (Mr Pearson)** — Order! I suspend the sitting, and I am calling the Speaker.

**Sitting suspended 4.04 p.m. until 4.06 p.m.**

**The SPEAKER** — Order! Member for Burwood, resume your seat just for a moment. Stop the clock, clerks.

I understand the house has been suspended. Firstly, I could tell when I came into the chamber that the member for Burwood was very animated and very passionate about a particular issue. I am not sure what the behaviour and the context of this was because I was not in the chamber. I remind the member, and all members, to follow the directions of the Chair at all times in this place unless they raise a point of order in relation to the Chair's ruling. Just for the member's benefit — I noticed he was still talking when I came into the chamber — those comments will not be recorded in *Hansard* because the house had been suspended. The member has 1 minute and 29 seconds

left. I would ask him, in a calm and considered way if possible, to continue his contribution.

I am happy to hear a point of order. The member's time will begin again; the clock will be restarted.

**Mr Clark** — On a point of order, Speaker, I submit that you should stop the clock while this point of order is being heard.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members of the government will come to order.

**Mr Clark** — The house was in considerable disarray prior to you being summoned, and I would submit that in fact while the Acting Speaker purported to suspend the house, he did not actually do so. He remained in the chair. I believe that the house continued in session, and that is borne out by the fact that there was no ringing of the bells for the house to resume. My submission is that you should allow the clock to be reset for the member to continue his debate to recover from the period of uproar.

The member for Burwood was being subjected to continued and vexatious points of order from the minister at the table, the Minister for Tourism and Major Events, who I would submit should have been dealt with under standing order 124. I think the fairest way to proceed, Speaker, is for you to reset proceedings, reassert control of this house and allow the member for Burwood to complete his remarks.

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

**An honourable member** interjected.

**Mr WATT** — Fair is fair. That is all: fair is fair. The person who was sitting in your chair is an absolute disgrace. The minister is an absolute disgrace. The government is an absolute disgrace — fair is fair.

**Ms SHEED** (Shepparton) — There are two taxi services in Shepparton — Greater Shepparton and Shepparton Taxis — but their service is pivotal to our community. They serve the most needy in our community, and I have serious concerns about the effect of the \$2 levy that is part of this package.

Like many members of this Parliament, I met with Georgia Nicholls from the Victorian Taxi Association to discuss this bill, the way it is going and the likely impacts. Unlike in metropolitan areas, Ms Nicholls informed me that the average fare value in a town like

Shepparton is between \$7 and \$9, and let me just say that the taxidrivers in Shepparton are a truly wonderful group of people. I have a 93-year-old mother who regularly uses the taxi service. These are taxidrivers who will not only pick up people at what is a very low fare — we hear the stories about taxidrivers who will drive off if the fare is too small, but that does not occur in Shepparton — but indeed when they deliver my mother and so many others like her to her door they get out, they assist them, they help them to the door, they help them in with their shopping. It is amazing service. So this is a really important service in our community.

So my concern about the levy is that it will be a really big increase — a very significant increase — in the price of taxi fares in a community like Shepparton and indeed everywhere because it has got to be built in in some way. Even though there is talk that for those people who are currently paying a licence fee of about \$11 000 or the like a year they will not have to pay that in the future, and therefore the \$2 levy might be absorbed in some way, all the taxidrivers in Shepparton bought their licences some time ago. This is not something that is going to benefit them, so it is a very difficult circumstance for them to face.

I think it is unfair in regional Victoria in particular because of the dynamic. We know that people in regional Victoria are more disadvantaged. We know that they earn lower wages. The two services in Shepparton service primarily the elderly and the disabled, and I think it is fair to say that in a town like Shepparton — I speak often about the train service between Shepparton and Melbourne, and God knows that needs a lot of work done on it — public transport is limited. All country towns have limited public transport, so taxi services are really important. A town like Numurkah has just one taxi. We have a few taxis in Tatura. But these are services that our community could not survive without. The commute between parts of Shepparton, such as Kialla or over to Mooropna and back to Shepparton, are really difficult. On a Saturday there is one bus that travels from Shepparton back to Mooropna.

I have said that the taxidrivers in Shepparton purchased their licences at higher rates some time ago, so the difficulties for some of them are that, even with the compensation package, they will possibly be left with a debt. We do not really know how that is going to play out at this stage because we do not really know how the Fairness Fund will work, but I certainly trust and hope that the Fairness Fund will deal with those taxidrivers in my electorate who might be adversely affected by those circumstances.

It does seem to me that in this debate the time for talking is truly over. Uber has been operating in this community for years now and has had a dramatic impact on the taxi industry. The government has been largely unsuccessful in trying to regulate it and it continues to operate illegally. Even legal attempts to try to deal with that have largely failed. So it is an area that has been crying out for change for a long time, and I have to say that, as difficult as this is, I am pleased that something is finally being done about it. I know that the Victorian Taxi Association is also wanting something to happen. It may not be the solution that everybody wants, but if we do not start somewhere, we will be having this discussion in six months or 12 months.

One of the biggest issues for business and particularly for small business is uncertainty about the future, and taxidrivers — all these people here today — have not known for several years what the future holds for them. I believe that certainty is the best result we can deliver to them and that we should be getting on and doing that.

I have seen in my community the fact that in the water industry farmers have no certainty about how much water they will have into the future. There is a Murray-Darling Basin plan that may look to take an additional 450 gegalitres from them. If that happens, their futures are very precarious and some will not survive. So this issue of certainty is just pivotal to people's lives, to people being able to plan their futures.

As difficult as this bill is — and I have heard the objections people have to it — I nevertheless believe that this is a genuine attempt to try and get something to happen. It is a complex issue. It is a start, and I do not doubt there will be many more amendments required as we go forward. In fact there is a second tranche of amendments, I understand, that are to come later on. As I understand it, this bill has already been referred to a committee, and I do not think there has been any report back on it. That is to the best of my understanding. To put it off further — to send this off to another committee — does nothing to create certainty for taxidrivers or allow them to plan the future of their businesses.

We cannot put our heads in the sand when it comes to new technology. Uber has certainly disrupted the taxi industry, and it has created major issues in the whole rideshare space. I believe that there are many businesses in our community that are now being faced with similar sorts of issues. I think of Airbnb. There are many internet businesses which are absolutely disrupting business as we know it, and it is going to be very difficult for governments to deal with this. We have deregulation. We have globalisation. We have tax

avoidance on a grand scale by multinational companies. How do we bring a company like Uber to account? It does seem to me that nobody really has those answers at the moment.

There is a great fear in all of this, as I understand from the Victorian Taxi Association, that while taxidriviers go on obeying the law — as they have been for years — in the face of others not doing so, the risk is that this could even continue. The risk is that Uber will still not obey the new rules that are being delivered by the Parliament, so there is a real need at every level, state and federal, to address what these internet companies are delivering to our communities and what they are doing to our local businesses.

In finalising the comments I am making, I do urge the government to look at the issue of the \$2 levy. I think it is very concerning that we will have such an increase in fares across the board and that that will impact on people who are least able to afford it. On the other hand I know that we have to have change. We have to face up to it and we have to deal with it. All the young people I know have the Uber app on their phone. Everyone here knows that, so the challenge is not just something that is arising; it is here. It has been here for years, and it has been illegal. It is time that we grappled with it. It is time that we did something about it. As difficult as this is, I support the position that the Victorian Taxi Association takes in the sense that they are not happy with it. There are a lot of things they would like to see changed, but they do understand that something needs to happen and it needs to happen now. So I support the bill.

**The DEPUTY SPEAKER** — Order! The Minister for Public Transport has moved:

That this bill be now read a second time.

The member for Croydon has moved a reasoned amendment to that question to omit words and insert other words, as circulated in the chamber. The member for Prahran has moved an amendment to the member for Croydon's amendment to omit words set out in the member for Croydon's amendment and insert other words. The house will deal with the member for Prahran's amendment first. The house will have the opportunity to deal with the member for Croydon's amendment next. The question is:

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

Members supporting the member for Prahran's amendment to the member for Croydon's amendment should vote no. All of that opinion say aye.

**Honourable members** — Aye.

**The DEPUTY SPEAKER** — Order! To the contrary, no.

**Mr Hibbins** — No.

**The DEPUTY SPEAKER** — Order! I think the ayes have it.

**Mr Hibbins** — The noes have it. I call for a division.

**The DEPUTY SPEAKER** — Order! A division is required. Ring the bells.

**Bells rung.**

**The SPEAKER** — Order! I ask members to take their allocated seats in the house, and I ask the Clerk to record the votes.

**The Clerk** — The member for Melton.

**Mr Nardella** — Yes.

**The Clerk** — The member for Shepparton.

**Ms Sheed** — Yes.

**The Clerk** — The Greens representative.

**Mr Hibbins** — One no.

**The Clerk** — The Nationals Whip.

**Mr Crisp** — Eight yes.

**The Clerk** — The Opposition Whip.

**Mr Katos** — Twenty-eight yes.

**The Clerk** — The Government Whip.

**Ms Halfpenny** — Forty-four yes.

**Amendment defeated.**

**Mr Hibbins** — I ask that my dissent be recorded.

**The SPEAKER** — Order! We will do that. The question is agreed to, and the member for Prahran's dissent is recorded.

**The SPEAKER** — Order! The house will now deal with the member for Croydon's reasoned amendment. The question is:

That the words proposed to be omitted by the member for Croydon stand part of the question.

Members supporting the member for Croydon's reasoned amendment should vote no.

*Consideration in detail*

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

*Ayes, 47*

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

*Noes, 36*

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

**Amendment defeated.**

**The SPEAKER** — Order! The house will now deal with the second-reading motion moved by the Minister for Public Transport. The question is:

That this bill now be read a second time.

**Motion agreed to.**

**Read second time.**

**Clause 1**

**The DEPUTY SPEAKER** — Order! Before calling the Deputy Leader of the Opposition to move his amendment 1, I advise that if this amendment is not agreed to, the Deputy Leader of the Opposition cannot move his remaining amendments because they are all consequential. Accordingly I advise the member to address the principles of all of his amendments when speaking to amendment 1.

**Mr HODGETT** (Croydon) — I move:

1. Clause 1, lines 4 to 6, omit all words and expressions on these lines.

The amendments put forward, Chair, are designed to remove the \$2 tax from the bill. All of the amendments are in relation to that provision. As outlined in my second-reading contribution earlier today, we are against the \$2 tax on the basis that we would be asking the government to consider alternatives that we do not believe have been considered. There have been many models put to us in terms of how you would fund a compensation package — or an industry adjustment package, as it has been referred to — and therefore, rather than us in opposition having to, without the resources of the department or Treasury, look at alternative options, we want this levy removed so that it puts the ball back in the government's court to look at alternative funding models.

The other part of the equation of course is that the Premier went to the last election saying there would be no new taxes, and this \$2 levy is going to slug every taxi, Uber or transport ride across Victoria. We have a number of concerns with that. We would like the government to consider perhaps removing that for disability trips and low-income earners or people on Centrelink payments. We are concerned. We have spoken to a number of people both in regional and rural Victoria and particularly in metropolitan Melbourne where a pensioner might use a taxi service for a short trip to go to and from a medical appointment. Indeed we spoke to someone in the member for Ripon's electorate who gets the bus to do their shopping, and then because there is so much shopping with them they use a taxi to get home.

Those short trips of \$6 to \$8 or \$10 are going to be slugged with an extra \$2 to \$4 — \$2 one way and \$4 return. We do not believe that is fair. We believe the Premier should be true to his word. Before the election he said there would be no new taxes. This is the Premier who was prepared to pay \$1.2 billion in compensation to rip up the east-west link contract, and

this is the Premier who received \$9.7 billion on a lease of the port of Melbourne, so we do not cop it when the Premier says the riding instructions are that it cannot come out of consolidated revenue — that it must be a tax to pay for this.

We therefore want to explore those other options. That is why we have moved this amendment. We support ridesharing. We have always supported ridesharing, believing the industry should be regulated so that taxi and ridesharing operators can operate on a level playing field. We want to make that very clear with those parts of the bill that deal with that so that ridesharing, taxis and hire cars are able to operate in a regulated environment. But in terms of funding a fair, just compensation package for taxi licence holders we want the government to look at alternatives to fund that. There were a few contributions that incorrectly said we do not support a compensation payment to taxi licence holders. That could not be further from the truth, but we think the government should be doing the work to liaise, to consider options, to consult with those licence-holders. Certainly in our meetings with them we have been able to understand their sheer frustration and anger at not being able to get to the minister or get the government's ear to have a sensible conversation about that.

So I have moved all the amendments to remove that \$2 tax, to take it right out of the bill. Then of course we would be looking to support the remainder of the bill to legalise ridesharing in Victoria.

**Ms ALLAN** (Minister for Public Transport) — I am very glad to hear the Deputy Leader of the Liberal Party and shadow Minister for Public Transport speak about his support for the ridesharing industry and in particular Uber, because I have some lovely pictures here of the shadow minister standing at Uber's office here in Melbourne and getting his UberEATS delivered to his office.

**The DEPUTY SPEAKER** — Order! The Minister for Public Transport! No props are allowed in the house.

**Ms ALLAN** — I am very glad to see that he is being transparent in his support and demonstrating how he is a lover of Uber from way back. There are a number of things that the shadow minister has said regarding his proposed amendments. In large part the amendments demonstrate that the opposition agree with the government's approach. They agree we need to regulate rideshare, they agree that we need to create a level playing field, they agree that we need to remove red tape for the industry and they agree that we need to provide more choice for passengers. However, there is

one fundamental point on which they do not agree with us — that is, they do not agree that there should be a mechanism for compensation to be levied in order to support the industry through this period of change.

On that I will give credit to the opposition: at least they are being consistent. We know, of course, that when they were in government there was the Fels inquiry, which we remember made sweeping changes to the taxi industry that saw licence values plummet — indeed they halved overnight. And how much compensation and support was provided by the then government during that period of time? Zero. Not one single cent of support was provided during that period of time.

That is why we have taken a very different approach. We have been very transparent about that different approach. We have recognised that we as a government are making a series of decisions on an industry that has traditionally been incredibly heavily regulated. I will refer to one of the constant bits of feedback I had — and can I just again put on the record that I have met on many occasions with many representatives from across the taxi, hire car and rideshare industry. I have met with many, many people. During those conversations I heard often about the desire for there to be a level playing field. I got told repeatedly by the taxi industry that the current status quo, where Uber is allowed to operate without any of the regulation that sits over the taxi industry and without having to pay anything to get into the market — and we know that taxi licence holders have had to have pay up to \$23 000 per year for the privilege of owning a taxi licence in this state — was unfair.

Those opposite talk about what is fair and unfair. What is unfair at the moment for the taxi industry is this current arrangement that does not create a level playing field. It was described to me repeatedly that the taxi industry was competing with one hand tied behind its back because Uber have come in. And we all know the style in which they have come in: they have tried to thumb their nose at regulation and have indicated very, very clearly that they refuse to pay a price per entry.

This goes to the point the shadow minister made about alternatives. We know there are alternatives. Of course there are alternatives — not that we have heard them from the Deputy Leader of the Liberal Party, not that we have heard any ideas or intellectual rigour being put on the table. We looked at all those alternatives. Look at what happened in South Australia. South Australia put a price for entry on Uber to come into the market. They refused to pay, so we know — and Uber told me very, very clearly — that they do not believe they have to pay one single cent to operate in Victoria.

Faced with that and faced with the fact that the status quo was just an unacceptable position — and while those opposite might have been happy with the status quo and indeed might have been absolutely thrilled with it and with seeing this uneven playing field — we understood that the responsibility we have in government was to address this very difficult issue. It is an issue, can I say, that those opposite ignored when they were in government.

I mentioned the Fels report reforms before. The Fels review went on for a very long time and did not make any recommendations on — it was silent on — ridesharing, even though it already had a presence here in Australia and had a significant presence in jurisdictions around the world. Even though they knew it was an issue, they ignored it, so it was incumbent upon us in government to look at what we needed to do to address it.

We deliberately took our time to get it right. We saw what happened in New South Wales, where they rushed to make an announcement, and we have seen that they still have not implemented the full suite of their changes. I have explained what happened in South Australia, where they made some changes that would benefit the ridesharing company Uber, but Uber then said, 'No, we're not going to play by those rules'. That is why we have considered and will put in place the levy.

*Honourable members interjecting.*

**Ms ALLAN** — I am sorry. I thought I was asked for an explanation. I appreciate those opposite may not want to hear it.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The Minister for Public Transport without assistance from opposition members.

**Ms ALLAN** — I am happy to take questions. For the record, I have already been told by those opposite that they do not want to ask me questions during this consideration-in-detail stage and that they just want to have the opportunity to make their own speeches. If they are wanting to ask questions, they should ask those questions, but I have already been told that that is not what they intend to do and that they will choose to make a series of speeches.

*Honourable members interjecting.*

**Ms ALLAN** — I have been told by your deputy leader.

**The DEPUTY SPEAKER** — Order! The member for Ripon and the member for Burwood!

**Ms ALLAN** — It is important that I explain the levy because it was raised in the points made earlier by the Deputy Leader of the Opposition. He called it a tax. The levy has been deliberately misrepresented by those opposite. Let me explain what the levy is. The levy is there, as I said, and in removing the significant cost and red tape to operate in the state, we are reducing significantly the cost to operate here in Victoria.

The levy is being calculated at the equivalent of \$2 a trip, and we have already seen other ridesharing providers indicate publicly that they expect that, as a result of this package of changes, including the levy, fares will go down because of the increased competition. The supposed party of the free market and the supposed party of market competition is now saying, 'We're not interested in the free market. We're not interested in competition at all'. As I said, the levy is being calculated at the equivalent of \$2 a trip. If a company chooses to put that on their fare box, that is their choice. Passengers in turn will make their choice about which service they use based, no doubt, on a range of measures, including the price point.

It is also important to note that the levy is, in significant part, funding the enormous compensation package that is on the table for the industry, but it is going to go further than that. It is going to provide funding for additional services for people with a disability or mobility impairment. We already know that Uber does not provide this suite of services, and as we are moving into implementation across the board with the national disability insurance scheme (NDIS), we know that there are going to be more and more people looking for a range of taxi, hire car or ridesharing services, so this levy is going to be able to provide the extra support for disability services. Given the fact that Uber had said that they were not going to be prepared to pay their way, we felt that the best way to see all companies not avoid their responsibilities was to design a per-trip levy.

I acknowledge that this is a challenging piece of public policy, but when faced with the decision of how to implement this suite of changes to the taxi and hire car industry, changes that are going to significantly change the landscape, what is the fairest way to do that? That is why we have in place a levy of the equivalent of \$2 per trip that will fund the compensation of up to four licences, and 98 per cent of all licence-holders have no more than four licences. That is the fair approach. Unlike those opposite, who did not provide one single cent of compensation, we took a very different approach. Values halved overnight as a result of the changes brought in by the former government.

I would be delighted to have some questions from those opposite. As I said, I had been told that there was going to be a series of set speeches from those opposite, so I look forward to the set of questions that are coming from those opposite.

**Mr T. BULL** (Gippsland East) — I have two points and questions I would like to raise with the minister. The first one of those relates to the \$2 tax and specifically relates to whether there will be any exemptions whatsoever to this tax. The reason I ask is that many people in our community who have disabilities and special needs, as the minister touched on, rely heavily on taxi transport, particularly in rural areas, to get to and from appointments, work and social activities. The \$2 fee that would apply will come out of either their individual support packages or, for those who transfer to the NDIS, those packages. The first question I have is whether there will be any exemptions at all for people with special needs so that their individual support packages will not be impacted.

The other question that I have — and I will ask this so the minister can hopefully answer both together — relates to the compensation that is paid to rural taxi companies and also their collection of the \$2 levy. I have got an operator in East Gippsland who will receive \$15 000 for his first plate and \$7500 for his second plate, a total of \$22 500. He has worked out that under a \$2 tax he will have collected that \$22 500 in six months. He is raising obviously very serious concerns that he will become a collection agency for rural-based companies. He has based this on the fact that when the \$2 tax was originally discussed the commentary around it related to it being in operation for eight years, but now we believe it is open-ended. Based on the eight years, he is going to collect \$580 000 when he is going to receive \$22 500 in compensation, so I ask the minister: how can that possibly be fair on him as a rural and regional taxi operator and all rural and regional taxi operators around the state?

**Ms ALLAN** (Minister for Public Transport) — It appears I need to explain again to the house how the levy works, because it is quite clear from the member for Gippsland East's contribution that he has not understood how the levy is going to operate. The levy is going to operate — —

*Honourable members interjecting.*

**Ms ALLAN** — It has been. It is in the legislation.

**Mr T. Bull** interjected.

**Ms ALLAN** — Because you are obviously fuelling a lot of misinformation. As I said, the levy is the equivalent of \$2 per trip, and it replaces those licence

costs, so it is incorrect, in relation to the second part of your question, that there will be — —

*Honourable members interjecting.*

**Ms ALLAN** — I thought you were interested in the answer.

**The DEPUTY SPEAKER** — Order! Through the Chair, Minister. The member for Burwood will get a chance if he wants to make a contribution.

**Ms ALLAN** — It will replace licence costs. As I was saying, the point that the member for Gippsland East made about the compensation that in this case a rural taxi provider will receive is not the full picture. They will receive that compensation and they will receive a reduction in their costs, so you have to include that in the full picture. As I said, for the levy there is no requirement under this legislation for any provider to put the \$2 on the fare box. Ultimately it will be their choice as to how they acquit that against their operation.

*Honourable members interjecting.*

**Ms ALLAN** — I thought you wanted to — —

**The DEPUTY SPEAKER** — Order! The minister should direct her comments through the Chair.

**Ms ALLAN** — They will have to acquit that against how the business operates. If they choose, as I said, to pass that on to passengers, that is their choice.

The company London Rides has already indicated publicly that it expects as a result of these changes, as I said before, including the levy, that prices will go down. In terms of what the member said about people with a disability and the money coming out of their pockets, they will have the power of choice. If there is a provider that is putting this levy on the fare box and another provider who is not doing that, they will have the opportunity to choose between those providers. This recognises that one of the things the taxi industry told the government loud and clear, through the extensive consultations that were held in developing this legislation, was that they wanted fair compensation. They did not want us to repeat the mistakes of the previous Liberal government, who did not provide one single cent of compensation despite halving the value of licences.

That is why a compensation package of up to \$250 000 for up to four licences plus being able to access the \$50 million Fairness Fund is going to provide significant support to the industry. Those opposite are trying to have a bet each way. On one hand they are

saying that we should not have the levy and on the other hand they are saying that we should provide more compensation. Then further, the Deputy Leader of the Liberal Party says that it is a slush fund.

We just do not know where the Liberal Party is on this issue because their position has been completely inconsistent. They stand out the front on the steps here and claim that there should be all sorts of compensation but they fail to explain how it is going to be provided for. And then in other forums, particularly when they are hanging out with their mates down at Uber, they say that the compensation is a slush fund. They speak with a forked tongue. What they say depends on the audience they are in front of. They say one thing to a multinational company that they want to support and bring in — they are happy to get their food delivered by Uber — and they say a completely different thing to the very people whose livelihoods they affected when they were in government and did not provide one single cent of support.

**Ms STALEY** (Ripon) — I would like to ask the minister a question in relation to clause 1(a). I will preface my question by noting that there are no Uber or other ridesharing operators across Ripon. Many of the taxi operators across Ripon bought their licences many years ago and therefore have no ongoing licence payments; they own their licences. On top of that, country taxi trips are used in a different way to those in the city and they tend to be shorter. They tend to be used by people who do not have other transport options to take them to the doctor or to pick up groceries for pensioners.

My question is in relation to the \$2 unfair tax on the taxi operators in Ripon. They do not face competition from other ridesharing services and yet will be slugged with this tax which has no end date and is indexed to CPI. There is no reason they should be forced to pay it because there are no ridesharing services across Ripon, so my question is: why will Ripon taxi operators be forced to pay this tax even though Uber and other ridesharing operators do not operate anywhere in Ripon?

**Ms ALLAN** (Minister for Public Transport) — I understand very well the services that taxi operators provide in regional and rural Victoria. Like you we have a very good understanding and appreciation of the great work that the Bendigo taxi companies provide to our local community. As I said before, the role will no doubt increase as a result of the rollout of the national disability insurance scheme. But I think for the member for Ripon to say that ridesharing does not exist in Ripon and does not exist in regional Victoria is her just not understanding how this system operates. She does not understand and would actually be denying her

community the benefits of extra passenger services that this bill provides for. It provides for more services as a result of these changes.

So again the member for Ripon makes the same mistake that the member for Gippsland East made in not clearly explaining or indeed understanding that as a result of these changes the administrative costs that the industry currently has to pay for — —

**Ms Staley** interjected.

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

**Ms ALLAN** — The costs — the overheads — that the industry currently has to pay for will no longer be in place and those operators will provide the compensation. It will be up to individual operators how they choose to acquit the equivalent of \$2 per trip, and I am sure those operators in rural and regional areas, who do an excellent job in servicing members of the communities that we represent, will make the decisions very carefully and with a very keen understanding of the population they support and serve.

**Mr RIORDAN** (Polwarth) — I rise to ask a question on clause 1 of the Commercial Passenger Vehicle Industry Bill 2017, and the question I have is with regard once again to the huge discrimination and unfairness this \$2 tax represents for country people in particular. In my country town of Colac, in the main centre where there are four taxi licences, approximately 60 per cent of all rides are by pensioners, low-income people or national disability insurance scheme customers.

In an NDIS budget in our town alone that will equate to over \$20 000 a year less money in the pockets of the most disadvantaged and hardworking people in the community. That is \$20 000 less that will be available for prescription medication. That is \$20 000 less for therapists and others. If we are talking about an endless point of time for this tax, that is \$20 000 year after year after year taken from the health expenses and the benefits of the most needy in the community. What is the government going to do about that?

On top of that we have got pensioners in country communities where there are no public transport options and people who need this every day to go to the doctor, to the dentist, to the hairdresser and to the supermarket. This is another \$2 on every supermarket purchase. This is \$2 on every haircut. This is \$2 on every visit to the optometrist. This is a tax on the lives of hardworking, honest country people who have no choice. What will the government be doing with this legislation to remedy that terrible, terrible situation?

**Ms ALLAN** (Minister for Public Transport) — I will tell you what the government will do. We will put to rest the campaign of misinformation and lies that the Liberal Party is peddling on this issue. It is absolutely incorrect for the member for Polwarth to say that there will be 60 per cent less money in people's pockets. As I have explained repeatedly in the past half an hour that we have been in this consideration-in-detail stage, this is the equivalent of \$2 a trip and taxi companies, hire car companies and ridesharing companies will determine how that \$2 per trip equivalent levy is going to be charged.

Also, when the member speaks of less money in people's pockets, the consequence of the opposition's position on this bill — them opposing this bill — means there is going to be up to \$250 000 less in the pockets of taxi licence holders. Their opposition to this bill signals their opposition to the compensation, and that will see that compensation not be provided for the very industry that they abandoned when they were in government. This is exactly the same playbook they used when they were in government. They refused to provide one single cent of compensation when they were in government, and they are continuing their opposition on this matter now that they are in opposition. They are beating up this campaign. Is it not disgraceful? Imagine going around and trying to scare pensioners and trying to scare people with a disability about what is going to happen. That is just disgraceful.

As I have said repeatedly during the course of this contribution, the government had to weigh up all the factors that were before it — how can we fairly compensate the industry for these changes, unlike what those opposite did? How can we provide for more choice and more services for passengers? How can we level the playing field for the existing industry? And finally, how can we help bring in the ridesharing companies that those opposite love so dearly, that they go and hang out with all the time down at Uber HQ, and make sure that we also provide for ridesharing services as well?

This is a program and a package of changes and support that tries to keep all of these issues in balance and treat the industry fairly; \$250 000 of compensation for up to four licences is something that those opposite do not understand because they did not do it when they were in government.

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business. The house is considering in detail the Commercial Passenger Vehicle Industry Bill 2017.

### House divided on amendment:

*Ayes, 37*

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

*Noes, 47*

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

### Amendment defeated.

### Clause agreed to; clauses 2 to 80 agreed to.

*Third reading*

### House divided on motion:

*Ayes, 46*

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr

Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Howard, Mr  
Hutchins, Ms  
Kairouz, Ms  
Kilkenny, Ms

Pallas, Mr  
Pearson, Mr  
Perera, Mr  
Richardson, Mr  
Richardson, Ms  
Scott, Mr  
Sheed, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 38*

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

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

**Motion agreed to.**

**Read third time.**

**ADMINISTRATION AND PROBATE AND  
OTHER ACTS AMENDMENT  
(SUCCESSION AND RELATED MATTERS)  
BILL 2016**

*Second reading*

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

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**BUILDING AMENDMENT  
(ENFORCEMENT AND OTHER  
MEASURES) BILL 2016**

*Second reading*

**Debate resumed from 7 March; motion of  
Mr WYNNE (Minister for Planning).**

**Motion agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments as follows  
agreed to:**

1. Clause 2, lines 11 and 12, omit “78, 79, 84, 85 and 86), Part 7 (except Division 2” and insert “77, 78, 83, 84 and 85), Part 7 (except Divisions 2 and 4”.
2. Clause 2, line 13, omit “51(1), 57 and 104” and insert “50(1), 56 and 103”.
3. Clause 3, lines 10 to 12, omit “means a building surveyor notified to the relevant council under section 80A” and insert “has the meaning set out in section 80A(2)”.
4. Clause 6, page 7, after line 9 insert —  
“( ) If the designated building surveyor notified to the relevant council is replaced by another director or employee of the body corporate for any period, the registered body corporate must within 7 days after the replacement is made —
  - (a) notify the relevant council in writing of the new designated building surveyor; and
  - (b) give a copy of that notice to the person who appointed the registered body corporate under this Part.”.
5. Clause 22, omit this clause.
6. Clause 24, page 59, lines 17 to 18, omit “who issues a building permit”.
7. Clause 24, page 59, lines 23 to 25, omit all words and expressions on these lines and insert —  
“(a) the building work to which a building permit applies; or  
(b) the building permit.”.
8. Clause 85, lines 20 to 23, omit all words and expressions on these lines and insert —  
“the person is registered as a building surveyor (unlimited).” **substitute** —  
“the person —

- (a) is a natural person; and
  - (b) is registered as a building surveyor under Part 11 and whose registration authorises the carrying out of work required for performing all the functions of a municipal building surveyor.”.
9. Clause 95, page 176, line 23, omit “23” and insert “22”.
  10. Clause 95, page 176, line 27, omit “23” and insert “22”.
  11. Clause 95, page 176, line 30, omit “23” and insert “22”.
  12. Clause 95, page 177, line 2, omit all words and expressions on this line and insert —  
“(1) Section 25A as substituted by section 23 of the”.
  13. Clause 95, page 177, line 5, omit “24” and insert “23”.
  14. Clause 95, page 177, after line 6 insert—  
“(2) Section 25A as in force immediately before the commencement of section 23 of the amending Act continues to apply in relation to building work for which a building permit was issued before that commencement.”.
  15. Clause 95, page 177, line 9, omit “24” and insert “23”.
  16. Clause 95, page 177, line 13, omit “24” and insert “23”.
  17. Clause 95, page 177, line 17, omit “24” and insert “23”.
  18. Clause 95, page 177, line 20, omit “24” and insert “23”.
  19. Clause 95, page 177, after line 21 insert —  
**“10A Suspension of building permit**  
  
Section 25AE as inserted by section 23 of the amending Act does not apply in relation to a building permit issued before the commencement of section 23 of the amending Act.”.
  20. Clause 95, page 177, line 23, omit “36” and insert “35”.
  21. Clause 95, page 177, line 26, omit “36” and insert “35”.
  22. Clause 95, page 177, line 30, omit “59” and insert “58”.
  23. Clause 95, page 177, line 34, omit “59” and insert “58”.
  24. Clause 95, page 178, line 3, omit “70” and insert “69”.
  25. Clause 95, page 178, line 7, omit “70” and insert “69”.
  26. Clause 95, page 178, line 11, omit “71” and insert “70”.
  27. Clause 95, page 178, line 14, omit “71” and insert “70”.
  28. Clause 95, page 178, line 18, omit “71” and insert “70”.
  29. Clause 95, page 178, line 21, omit “71” and insert “70”.
  30. Clause 95, page 178, line 25, omit “71” and insert “70”.
  31. Page 190, after line 18 insert the following heading —

**“Division 4 — Amendment to Architects Act 1991”**

32. Page 190, after line 18 insert the following heading —

**“Division 5 — Amendment to Criminal Procedure Act 2009”**

**NEW CLAUSES**

33. Insert the following New Clause to follow clause 111 and heading proposed by amendment 31—

**‘AA Grounds for disciplinary action against a registered architect**

After section 32(d) of the **Architects Act 1991** insert —

“(da)the architect has breached or failed to comply with section 16(4) of the Building Act 1993; or

(db) the architect who is a builder named in a building permit has breached or failed to comply with section 16(4A) of the **Building Act 1993**; or”.

34. Insert the following New Clause to follow clause 111 and heading proposed by amendment 32 —

**‘BB New clause 3AA inserted in Schedule 2— Indictable offences that may be heard and determined summarily**

After clause 3 of Schedule 2 to the **Criminal Procedure Act 2009** insert —

**“3AA Building Act 1993**

3AA.1 Indictable offences under the **Building Act 1993**.”.

**Bill agreed to with amendments.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**EDUCATION AND CARE SERVICES NATIONAL LAW AMENDMENT BILL 2017**

*Second reading*

**Debate resumed from 8 March; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).**

**Motion agreed to.**

**Read second time.**

*Third reading***Motion agreed to.****Read third time.****Business interrupted under sessional orders.****ADJOURNMENT****The SPEAKER** — Order! The question is:

That the house now adjourns.

**Blackburn level crossing**

**Mr CLARK** (Box Hill) — (12 415) I raise with the Minister for Public Transport the contempt and disregard for local residents being shown with the Blackburn rail project, and I ask the minister to get onto the Level Crossing Removal Authority (LXRA) and get these problems resolved. The Blackburn rail project was funded by the previous coalition government in 2014, but its implementation is being appallingly mishandled by the current government. As I have pointed out previously, time and time again promises made to residents by the community engagement arm of the project alliance have not been delivered on by the contractors, and residents who try to complain to Shaun Leane, a member for Eastern Metropolitan Region in the Council, find he will not speak to them and will not return their emails or phone calls.

One resident wrote to Mr Leane in late January after they were told it was all clear to return home, and I quote:

Last night the works continued all night and we have been informed by the authority this morning at 4.30. a.m. that they will be continuing all night till the line reopens ... This is not the first time that we have been led up the garden path by the LXRA. We as your constituents would like some help from you in our plight.

But this resident got no help from Mr Leane, except that his email was forwarded to the LXRA.

Other problems raised by residents include tree felling safety issues and noise, children being exposed to foul language by workers on the other side of the fence, the forcible removal of large and valuable trees from residents' properties, lack of adequate environmental site controls, breach of traffic management standards and lack of quality control on project works. Most recently, residents have been told they will receive either no help whatsoever or only minimal help from the LXRA to clean up the thick layers of dust that the project has left across almost every surface in their properties and which has entered their homes and

heating systems. Residents have also been told the LXRA will no longer honour the promise they previously made to install lattice or louvre panels on the top of residents' fences to stop overlooking and easy access by criminals to their backyards, and there has been no commitment to install CCTV cameras to protect residents and bike path users against criminal activity in the now readily accessible area running between the rail line and their homes.

There has also been no commitment to the Blackburn community as a whole or to the Blackburn traders for proper revegetation to at least partially offset the terrible and often avoidable destruction of the magnificent streetscape and vegetation along South Parade that has occurred due to the chainsaw-first-and-sort-out-the-consequences-later policies of the current government. This crossing removal should have been a project the whole community could be pleased with and proud of. Instead it has been implemented with disdain and disregard for the community, and it has left the community with needless losses and scars that will last for generations.

**Broadmeadows electorate sports**

**Mr McGUIRE** (Broadmeadows) — (12 416) The adjournment matter I raise is for the Minister for Sport, and the action that I seek is a coordinated strategy for sport in the electorate of Broadmeadows to help connect the disconnected. Under the convergence of two coalition governments, the unemployment rate was equal to that of Greece and youth unemployment was more than 40 per cent. What we are trying to do is to get a coordinated strategy through the Postcodes of Hope approach to ascertain how we can get new businesses and new jobs in the electorate and then connect the disconnected, and sport is one of those great ways of doing it.

What are we wanting to do? We are wanting to provide lifelong learning for people. We are also wanting to provide skills and jobs. The third component is to have a health hub. Then we need sport to be there to connect people and give them a sense of being in a team, not a gang, and to learn the disciplines that they can. We have a wonderful opportunity to look at the hubs we already have. We have the AFL connected into the area, we have Rugby League showing a great interest, and also soccer, cricket and netball. We want to make it a hub for sports of all sorts, so that it is up to the individual to choose the sport that they want to do.

I want to particularly look at how Rugby League is looking at the talent in the area and the opportunity for the different physiques that a lot of the young people in

my community have, which is a prime requisite for the game itself. So there are a whole range of opportunities that we can coordinate. I think it would be a fantastic result to actually have a hub in the Broadmeadows electorate where young people can go for the discipline, the teamwork and the approach to being part of a bigger proposition within your community that sport can give them. It would also give them a sense of pride and everything else that I think is really important. I know that the Minister for Sport has a real interest in doing this as well, and it would work on a whole range of levels. Obviously in any development that is built we would look for local jobs for local people, we would want to coordinate it so that there would be a multiplier effect and on any investment there would be a huge return economically and socially for the community right where it needs it most and at the time that is crucial and vital.

### **Traralgon–Morwell shared pathway**

**Mr NORTHE** (Morwell) — (12 417) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to provide funding for the long-awaited Traralgon to Morwell shared pathway. This particular project has been around for about 30 years, unfortunately. Indeed our local Rotary clubs way back in the 1980s had sought to construct a Traralgon to Morwell pathway. I concede that at the time it was along the now Princes Highway, but given the amount of traffic and the very little road verge at the moment it would be very difficult to do on that particular route. However, the concept and the designs have been around for more than 30 years.

The reason for having this shared pathway is obvious. It would provide connectivity between townships in the Latrobe Valley community that are around 8 to 10 kilometres apart, and to have those towns connected by way of bike paths or shared pathways makes sense. It also makes sense from a health perspective, and it makes sense from a recreational and social perspective. We have had many local community groups advocating for a long period of time to have this pathway supported. I would like to take the opportunity to thank members of the Traralgon and Morwell Pedallers group who undertake events most weekends. They are really concerned about their safety when they are riding on roads in and around the Latrobe Valley region. They have long advocated for this project, which is something I am very supportive of.

Before the 2010 election the coalition pledged funding to Latrobe City Council for a feasibility study which would do the design and costing for this project and

also identify the route. Unfortunately, despite the funding going to the council in 2011, it took a number of years for them to finalise and approve the Traralgon to Morwell shared pathway. Council then applied for \$2.8 million in funding through the government's Safer Cyclists and Pedestrian Fund. Despite assurances that announcements would be made before the end of the calendar year in 2016, that did not happen and still has not happened to this day.

What it took was for the federal government and our federal member for Gippsland, Darren Chester, to announce funding of \$1.6 million on 12 February to facilitate this project. We now call upon the state government to provide matching funding for that project. It was costed at \$2.8 million; we now have funding of \$1.6 million. There is no reason why the state government should not announce matching funding for this vital project.

### **Whittlesea City Council**

**Ms GREEN** (Yan Yean) — (12 418) I wish to raise a matter for the attention of the Minister for Local Government, and the action I seek is that the minister investigate whether Whittlesea City Council is being effectively governed and advise if there have been any breaches of the Local Government Act 1989 in recent times. I do not seek this intervention lightly, as I have a great deal of respect for the third tier of government and certainly have a preference for working cooperatively with all three local governments in the Yan Yean electorate. Certainly I have been able to maintain this throughout the time I have been in this place.

However, I have been concerned for some time at the growing number of Whittlesea council decisions that are being made in secret, behind closed doors. On the Know Your Council website that this state government introduced so that citizens could compare what one council is doing with that of another the governance comparisons do not bode well for good governance, in my view. It reports that 37.91 per cent, or almost 4 in 10, of every decision made by this council are made without the scrutiny of the community and behind closed doors. The statewide average for decisions made in camera by Victoria's 79 councils is a mere 11.57 per cent.

Whittlesea council's stock reply to this high level of secrecy is that this is because Whittlesea is an interface growth area council so has a high number of commercial contracts. If that is true, then I ask: why is the average number of secret decisions for other like councils such as Hume, Melton, Wyndham and Casey — also growth area councils — a mere 17.74 per cent?

Members of the public, including local journalists, have regularly heard raised voices and outright shouting and bellowing emanating from the closed council chamber during these in camera sessions. Indeed a recent council meeting saw then CEO Michael Whootten dispatched like an errand boy to clear the public gallery during a closed council discussion. 'This is what I'm reduced to', he was heard to mutter. The community was shocked to read in yesterday's *Whittlesea Leader* that Mr Whootten has this week been sacked after only 11 months in the role. I understand that this was without warning and that Mr Whootten was almost frogmarched from the building.

I was aghast when the highly regarded and long-serving former CEO, David Turnbull, was also dismissed in early 2016, some 11 months ago — right at a time when this municipality was facing the highest rate of growth that it has ever faced and needed someone of his standing. It seems there is a culture of bullying and abuse of councillor power and resources. I abhor the way that these two fine men in Mr Whootten and Mr Turnbull have been treated.

I urge the minister to intervene so confidence can be returned to Whittlesea ratepayers and indeed the community. This culture has got to stop.

### **Wantirna Park caravan park**

**Mr WAKELING** (Ferntree Gully) — (12 419) The adjournment matter I wish to raise tonight is for the Minister for Housing, Disability and Ageing, and the action that I seek is for the minister to join me in visiting residents at the Wantirna Park caravan park.

The Wantirna Park caravan park, which is located on Mountain Highway in Wantirna, is home to over 200 residents. Many of them are elderly, and it has residents that suffer from disabilities. Many are long-term residents of this caravan park; in fact many have been there for over 20 years. The caravan park owner — it being a privately owned facility — has indicated that they are seeking to sell the current facility, and it will be turned into a significant housing development as a consequence of the sale. Being a private landholding, it is obviously a matter that is before council, and there are appropriate planning processes for that application to proceed.

The challenge is that, given that there are so many residents who are on low incomes, they are significantly impacted by this situation. The situation will see the residents having to leave by the end of the year. Many of them either rent or own their own units or caravans on the site, and they are not being provided

with any help or support in terms of the costs associated with relocation and/or organising the sale of their units. For those residents that rent and those who own, their immediate issue is obviously finding new accommodation.

I raised this matter last year with the Minister for Planning, and as a consequence of that we do acknowledge that UnitingCare Harrison, an organisation located in Knox, has been working with affected residents.

Clearly my community are concerned about the situation. With the recent announcement of the closure of the Gatwick Hotel, the minister has indicated within his own electorate that action would be taken for those residents of the Gatwick to be found new accommodation. My community certainly wants to see ongoing work in terms of finding new accommodation. There was a public meeting, which was attended by the Greens, and it was acknowledged that a Labor Party representative, Shaun Leane, had been in communication. The residents want to see a solution. It would be appropriate for the minister to join me in a genuine approach to talk to the residents and give an update on where the matter is at. I request his assistance.

### **Pascoe Vale Football Club**

**Ms BLANDTHORN** (Pascoe Vale) — (12 420) My adjournment matter is for the attention of the Minister for Health, and the action I seek is that the minister look favourably upon the grant application made by the Pascoe Vale Football Club for shade at Hosken Reserve in Coburg North.

As an Australian Rules fan, I note it is actually a soccer club. I am the number one ticketholder at the Pascoe Vale AFL football club, but we do have two football clubs, and the other one is a soccer club. It is a very big soccer club. As the member beside me, the member for Oakleigh, is well aware, there is a friendly rivalry between the Pascoe Vale Football Club and the Oakleigh Cannons. They do have a very big amateur team, but they also have a very large community-based operation that operates from Hosken Reserve.

Last year we unveiled new lighting at the club, but there is a real shortage of shade there. I support president Athena Babo in her application for funding for four sets of 3 metre by 3 metre portable shade structures that are durable and able to withstand the weather conditions. As part of their application they have also asked for funding for sunscreen and hats. I

ask the Minister for Health to consider this application and look favourably upon it.

### **Grovedale Primary School**

**Mr KATOS** (South Barwon) — (12 421) My adjournment matter this afternoon is for the Minister for Education. The action that I seek is for the minister to review the recent changes to Grovedale Primary School's zoning boundaries. The previous coalition government purchased land in Armstrong Creek for a new primary school, special school and also a secondary school. In the 2014–15 state budget the coalition, via a public-private partnership model, funded two of the schools, being Armstrong Creek primary school and Armstrong Creek special school. These two schools are presently under construction and are due to open in term 1, 2018. You might ask why I am mentioning these two schools. The primary school being built has affected the zoning map with regard to Grovedale Primary School and has in effect diminished its zone. I recently met with Grovedale Primary School acting assistant principal Mr Brad Venn and school council representative Mrs Sally Harper, who on behalf of the school community expressed genuine concerns regarding the changes to the school's zoning boundaries that has occurred as a result of the new Armstrong Creek primary school being factored in.

Basically what the department has done is draw a line exactly along the midpoint between the two schools. All of the Armstrong Creek growth area is now zoned to the Armstrong Creek school, whereas some of that was previously zoned to Grovedale Primary School. What this has in fact done is diminish the area from which the primary school can draw, and the school has genuine concerns with regard to the number of students that it will be able to draw upon in future, which will affect the viability of the school's numbers moving forward.

Grovedale Primary School is a very good school. It was upgraded in the mid-2000s and does have excellent facilities. It has space for an extra 75 students with its present buildings and certainly has plenty of yard space. Another issue is the fact that Grovedale East Kindergarten was shut through no fault — it was a sale of land by a church — but that had been a feeder to Grovedale Primary School, so the school has had its numbers stagnate because of that. The coalition at the last election made a pledge to put a kindergarten on that school site, but unfortunately we are on this side of the house and that has not occurred.

So there are genuine concerns about the number of students who will feed into this school, and the school

community would like to see the southern boundary of their zone put at Boundary Road with an imaginary line through to the Barwon River. I ask the minister to consider that.

### **Liveability Victoria International**

**Mr PEARSON** (Essendon) — (12 422) I direct my adjournment question to the Minister for Water, and the action I seek is for the minister to investigate what actions can be undertaken to help alleviate the impacts of drought in Somalia.

Many Somali-Australians live in the state district of Essendon and have strong connections back to Somalia. Somalia is experiencing severe drought and, according to humanitarian estimates, 6.2 million people across Somalia — more than half the country's population — are facing acute food insecurity. On Saturday Prime Minister Hassan Ali Khaire said at least 110 people, most of them women and children, had died from starvation and drought-related illness in Somalia in the previous 48 hours.

I understand that Liveability Victoria International falls within the minister's responsibilities and has provided valuable assistance to other nations in advising them on water security issues. I would welcome Liveability Victoria International investigating what assistance could be provided to Somalia in this area.

### **Burwood Brickworks site**

**Mr ANGUS** (Forest Hill) — (12 423) I raise a matter of importance for the attention of the Minister for Planning. The action I seek is for the minister to join me in a visit to the Burwood Brickworks site located in East Burwood in my electorate of Forest Hill to inspect the site, meet with the developers and view the plans for the future redevelopment of this land.

The site comprises approximately 22.5 hectares. When developed the site will comprise 20.5 hectares of developed land and 2 hectares of public open space, including approximately 5000 square metres of urban plaza and 1 hectare of central open space. The project investment is around \$500 million and when completed it will have three main components: firstly, there will be residential accommodation comprising approximately 740 homes and apartments; secondly, there will be a retail development comprising a large supermarket, 45 speciality shops and a child-minding centre; and thirdly, 2.5 hectares of the site will be developed by a third party for retirement and aged-care living in a multilevel building.

It is intended that the shopping centre be the most sustainable shopping centre in the world, targeting full accreditation under the Living Building Challenge and including a rooftop garden with net energy positive, net waste positive and net water positive positions. It will also be targeting a 6-star Green Star outcome. It is expected civil works will commence on the site in mid-2017, with construction commencing in July 2017 and the shopping centre opening in December 2018.

I note that I recently had the pleasure of visiting the site. I would like to thank Theo, Jack and Sarah from Frasers Property Australia for enabling us to come and have a look around the site. When you walk out onto the site it certainly is a vast area of land. Locally the future use of this particular property has been of great conjecture for many, many years, so it is pleasing for the local community to finally have some certainty in relation to the future use of this property. It has gone through several owners in recent years, and the brickworks ceased there many, many years ago. So the whole site has been a vast wasteland for that time.

I note that one of the big challenges the developers are facing on the site is the whole issue of water reticulation, and wastewater management is a major issue which is being managed at the moment. So I look forward to hearing from the Minister for Planning and receiving favourable consideration of this request for him to visit the Burwood Brickworks site with me and the developers to discuss the proposed development of the site.

### Fletcher Insulation

**Mr RICHARDSON** (Mordialloc) — (12 424) My adjournment matter this evening is to the Minister for Industrial Relations, and the action I seek is for the minister to update my constituents in the electorate of Mordialloc on how the Victorian government is supporting the rights and conditions of working people. We have seen significant challenges facing working people in Victoria with the Fair Work Commission's decision, which has been endorsed by the Turnbull federal government, that greatly undermines penalty rates for people.

Recently I had the opportunity to meet with some constituents of mine at Fletcher Insulation in Dandenong South and to talk to them about some of their challenges.

**Mr T. Smith** — Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**Mr RICHARDSON** — As I was saying, I recently went down to Dandenong South and visited workers at Fletcher Insulation, who have stopped work indefinitely after being told that they would be offered a 0 per cent wage increase and a slashing of their rights and conditions over the coming three years. It is absolutely terrible.

This was two weeks after a celebratory barbecue by Fletcher Insulation that congratulated the workers on record levels of productivity gains and breaking into new markets. That is not how you treat your workforce and that is not how you treat your working people. I spoke to a gentleman by the name of Steve who has worked in this industry for 40 years and lives in my electorate. Each day he goes home covered in glass. He has given his blood, sweat and tears to this company and this is the thanks he gets.

Behind every worker is a story, behind every worker is a family, and I will stand with these families. I will stand with their children, and I will be with them on Labour Day as they continue their indefinite stoppage. They asked Fletcher Insulation to come back to the table. When you talk about record productivity gains let us talk about how we support working people who have underpinned our success and our prosperity. I congratulate the Australian Workers Union (AWU) and the secretary of the AWU, Ben Davis. We stand with those workers and will continue to stand with them and support them in their cause.

### Responses

**Mr DONNELLAN** (Minister for Roads and Road Safety) — In relation to the member for Morwell, I will come back to him with specific information in relation to that path. We have been doing some work on that. I have not got it here with me currently, so we will come back to him quickly. The member for Box Hill had a question for the Minister for Public Transport, and we will obviously refer that off. The member for Broadmeadows had a question for the Minister for Sport, which will be dealt with accordingly. The member for Yan Yean had a question for the Minister for Local Government, which we will refer off. The member for Ferntree Gully had a question in relation to housing at a Wantirna caravan park, and I will obviously refer that off to the Minister for Housing, Disability and Ageing. The member for Pascoe Vale had an issue in relation to health and a request to consider a grant application. That will obviously go off to the Minister for Health. The member for South Barwon had a question in relation to changes to Grovedale Primary School boundaries, and that is for the Minister for Education. The member for Essendon

had a question for the Minister for Water. The member for Forest Hill had an issue in relation to planning, and accordingly the minister will respond to that. Lastly, the member for Mordialloc had a question for the Minister for Industrial Relations, and accordingly that will be referred off.

**The SPEAKER** — Order! The house is now adjourned.

**House adjourned 5.41 p.m. until Tuesday,  
21 March.**