PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 21 March 2017

(Extract from book 4)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

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

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn [2]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent [3]	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio [4]	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma [1]	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David [5]	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard [6]	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian [7]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Elected 31 October 2015

[2] Resigned 3 September 2015
[3] Resigned 3 September 2015
[4] ALP until 7 March 2017
[5] Elected 14 March 2015
[6] Elected 31 October 2015
[7] 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 Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodgett, Ms Kairouz, Ms Ryan and Ms Sheed.

Legislative Assembly select committees

Penalty Rates and Fair Pay Select Committee — Mr Clark, Mr Hibbins and Ms Ryall.

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, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmar and Mr Melhem.

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

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O'Sullivan, Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Britnell, 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 Patten, Ms Pennicuik and Ms Shing.

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

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Tuesday, 21 March 2017

The SPEAKER (Hon. Colin Brooks) took the chair at 12.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

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

RULINGS BY THE CHAIR

The SPEAKER — Order! There are two matters outstanding from last sitting week that I agreed to review. The first related to a point of order raised by the member for Box Hill regarding whether an answer given by the Premier on Thursday, 9 March, was responsive. The Premier provided relevant information regarding the member for Melton's resignation from the parliamentary Labor Party and further indicated he was not in a position to confirm the allowances that the member for Melton has claimed or is claiming. I therefore determine that the Premier's answer was responsive.

The second matter related to comments made by the Minister for Industrial Relations regarding the Fair Work Commission during a minister's statement on the same day. The member for Box Hill claimed that the minister's comments relating to the commission were inappropriate and that the minister should rectify the situation by making a personal explanation. The Chair is not in a position to require any member of the house to make a personal explanation, and there is no point of order.

AUDIT COMMITTEE

Review of members second residence allowance

The SPEAKER — Order! Prior to calling questions I wish to advise the house of a letter that I have received from the President of the Legislative Council, acting as chair of the Parliament's Audit Committee. I would like to remind members of the statement I have made in this house previously that as a member of the Audit Committee, I have been absenting myself from deliberative matters in relation to the inquiry into the use of the second residence allowance by the members for Tarneit and Melton.

The letter from Mr Atkinson reads as follows:

> I write as chair of Parliament's Audit Committee to advise you that the committee has received a report from Parliament's internal auditors, PwC, in respect of second residence allowance claims by the member for Melton and by the member for Tarneit.
>
> The Audit Committee asked PwC to:
>
> > seek from the MPs documents that would substantiate their entitlement to the allowance based on a number of criteria agreed by the Audit Committee and to interview them in regard to their claims;
> >
> > review the eligibility process and controls for receipt of the second residence allowance by the members for Melton and Tarneit;
> >
> > map out and evaluate the procedures and approval processes within the Parliament of Victoria to approve a second residence allowance;
> >
> > map out and evaluate the process and internal controls in respect to the payment of second residence allowance; and identify areas for improvement in the processes (application, approval and payment).
>
> The committee noted that the issue of members of Parliament claiming the allowance for properties outside the electorate they represent does not constitute a breach of regulations. At this point regulations 6 and 7 do not require either the home base or the second residence to be situated in a member's electorate.
>
> The issue to be determined in respect of the claims of both the member for Melton and the member for Tarneit was whether they could demonstrate their home base as their principal place of residence in order to support a second residence allowance claim.
>
> The Audit Committee has considered the findings from the PwC review and has concluded that:
>
> In respect to the member for Tarneit:
>
> > The member had stated his intention for this location to be his principal place of residence. This is supported by changes of address for driver licence and electoral roll. The member also purchased a car to facilitate travel in and around Queenscliff. Compelling family reasons support the member's reasonable intent to set up a family home there.
> >
> > However, during the course of 2016, the member's personal and family circumstances changed requiring him to spend more time in the Melbourne metropolitan area and staying in Queenscliff less frequently. The member had to support family members in Melbourne, continue having access to his underage children, care for elderly parents and other immediate family, and this became his priority.
> >
> > Discussions with the member and his representatives suggest that personal and family circumstances were in a state of significant flux and that the member had not notified the Clerk of the Legislative Assembly when it became apparent that the intention to live in Queenscliff as a principal place of residence was no longer a reality. This was demonstrated by a review of utility bills indicating minimal usage, driver logs and FBT

declarations. Conversations with the member and his medical support specialist provided a consistent picture in this regard.

On 13 February 2017, the member notified the Clerk of the Legislative Assembly that he no longer wished to claim the second residence allowance.

On 2 March 2017, the member repaid the total amount of $37 800 claimed as a second residence allowance.

In respect to the Member for Melton:

Between the period of March 2010 and April 2014, the member for Melton used the property located at Lake Wendouree as his principal place of residence and had nominated this address as his 'home base'. Indicators for this include his personal relationship during that time, registration on the electoral roll, registration of vehicle and driver licence address. Relevant documentation included registration on the electoral roll, registration of vehicle and driver licence address at Lake Wendouree.

During April 2014, the member for Melton, based on his own evidence, left his 'home base' at Lake Wendouree following the breakdown of his personal relationship.

The member notified the Clerk of the Legislative Assembly of a change in his home base on 24 April 2014 to Ocean Grove. Based on discussion with the member for Melton, this involved an informal arrangement entered into with family members whereby the member would use this address for a fortnightly payment of $200. No formal lease was entered into and no payments for electricity or other utilities were made by the member. There is some evidence that the member paid for some minor capital items such as blinds, security screen, hot water unit et cetera.

The member notified this as his address for the purpose of his driver licence record, vehicle registration and registration on the electoral roll. The member's postal address for personal correspondence including bank accounts, health insurance remained at his electorate office.

The member stated that he attended local Labor Party meetings and that he spent time in Ocean Grove. The member stated that there are no driver records to support his frequency of stay as he did not use a vehicle provided by Parliament. The member advised that there were no separately metered electricity at Ocean Grove so it is difficult to demonstrate 'normal' use supporting an assertion that the property was the principal place of residence. The member advised that utility costs were incorporated into the fortnightly payment.

The location of the 'home base' appeared to have no long-term connection with the member and it is difficult to argue convincingly that he intended this to be a long-term/permanent principal residence.

The Audit Committee agreed that, viewed in terms of a reasonable person test, a position could be taken that the arrangement in this period with the member's family may have been entered into to ensure that the member would continue to receive the second residence allowance. The member notified that the 'landlord'-family members did not wish to discuss the arrangements entered into with the member.

The Audit Committee considered that, from a reputation risk perspective for Parliament, the arrangement may be construed as non-prudent, non-arms-length, potentially non-commercial (low 'rent') and arguably opportunistic, designed to ensure continued enjoyment of the second residence allowance.

The Audit Committee noted that the member had advised PwC that he has recently moved out of the 'home base' at Ocean Grove.

At the direction of the Audit Committee, PwC are continuing to review all recipients of the second residence allowance in the current Parliament. The Audit Committee is also considering options to strengthen the allowance frameworks. These outcomes will be the subject of further reports.

Mr Guy — On a point of order, Speaker, I seek clarification as to whether or not you intend to make the letter from the President of the upper house a public document.

The SPEAKER — Order! I have just read the document into *Hansard* so I do not intend to, at this point, table the document, if that is what the Leader of the Opposition is referring to. But I have just read the letter word for word.

Mr Guy — On a point of order, Speaker, the last parliamentary sitting week, I think, made it very clear that this side of the house would find it difficult to provide confidence and consistent support for the Chair if documents relating to the previous Speaker's travel, particularly pertaining to car logs, drivers logs, electricity bills and rental agreements were not made public. I seek your indication again: are those materials going to be made public, and if so, when?

The SPEAKER — Order! I understand this issue that was just outlined in the letter received from the President of the Legislative Council is of immediate concern to members, but as I ruled in the previous sitting week, points of order are not an opportunity to ask the Chair questions. There are very established processes for the asking of questions of the Speaker. I would refer the member to utilise those processes.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Heyfield timber mill

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, given that you have refused to sack the rorting member for Melton or the rorting member for Tarneit from this Parliament, why is it that under you over 1000 Gippslanders are losing

their jobs while your rorting MPs, the member for Melton and the member for Tarneit, get to keep theirs?

Honourable members interjecting.

The SPEAKER — Order! The member for Frankston will come to order. I remind members of the gallery that they are not to participate in proceedings or they will be removed from the gallery. The member for Frankston is warned.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. He refers to — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings and the member for Gembrook will come to order.

Mr ANDREWS — The leader of the National Party is having a bit to say. We might get back to him and what the company said about him a little bit later on.

The Leader of the Opposition has asked a question in relation to jobs at Australian Sustainable Hardwoods (ASH), and I can inform him, the house and the broader Victorian community that the latest advice I have is that a number of commercial parties are interested in purchasing the business. Beyond that — —

Honourable members interjecting.

The SPEAKER — Order! This is the first question of question time. I do not wish to remove members from the chamber, but I will do so if members persist in shouting across the chamber.

Mr ANDREWS — Thanks, Speaker. As I was saying, the latest advice I have is that a number of commercial parties are interested in purchasing the business and running it as a going concern, ongoing, providing employment and a continuation of the first-class products that the mill is well known for.

Beyond that, the government has made it clear that not only will it seek to facilitate a commercial operator taking over the mill but the government itself will step in as a purchaser of last resort. The contention put forward by the Leader of the Opposition is simply wrong, and we will continue to work with the company to secure those jobs, the future of the mill and the future of Heyfield.

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon is warned.

Mr ANDREWS — My concluding point to the Leader of the Opposition would be that I would hope he would join with me in appealing to the company, the current ownership, to sit down and work through these issues in a constructive way — —

Honourable members interjecting.

Mr ANDREWS — Like you never did! We ought to not play political games with this but instead work together, sit down with the company and do everything we possibly can to fight for those jobs. It is our view — the government's view, my view — that those jobs are worth it.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, in front of the people from Heyfield here at Parliament today —

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc is warned.

Mr GUY — will you stop the protection racket, sack your rorting Labor MPs from Parliament and for once face the people from Heyfield — face them and stand up for the jobs of 250 ASH workers and 750 Heyfield workers whose jobs you have abandoned?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his supplementary. I would again refer him to my original answer where I made it clear that the latest advice I have is that there are a number of commercial partners that are interested in owning the mill, purchasing the mill. The government will facilitate that. What is more, the government will act as a purchaser of last resort. I would hope that the Leader of the Opposition, rather than playing politics with this, would instead join with the government in urging ASH, the owners of the current mill, to sit down with representatives from the department to find a way forward either into alternative commercial arrangements or the government purchasing the business.

Honourable members interjecting.

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

Mr ANDREWS — Either way, no-one has ever questioned the quality of this workforce or the quality of their products. We want a future for this mill, and we are determined to guarantee one.

Ministers statements: trams

Mr ANDREWS (Premier) — This morning I was very pleased to join my honourable friend the Minister for Industry and Employment and the member for Dandenong. We were out visiting Bombardier, not a place that those opposite know much about because do you know how many trams they ordered, those opposite?

Zero. That is the number of trams they ordered — unlike this government. We were able to celebrate the first new tram coming off that production line as part of the 20 trams that we ordered back in 2015. And that is about a better experience for those who are using our tram system. It is about a safer experience for those using our tram system. But in essence what it really is about is 500 jobs — and so much do they care about jobs, they did not order one tram.

Honourable members interjecting.

The SPEAKER — Order! There is no need to shout at the Chair, member for Warrandyte. I ask the Premier to resume his seat.

Mr R. Smith — On a point of order, Speaker, maybe the Premier should use his time on his feet to talk about the thousand Gippsland jobs that are being thrown away by this government and this man.

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

Mr ANDREWS — We do thank the member for Warrandyte — —

Honourable members interjecting.

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

Mr ANDREWS — The member for Warrandyte designed the possum protections he is now protesting against. We do thank him for his quality intervention as usual.

It is about 500 jobs, because we have ordered trams — unlike those opposite, who did not order any. The really good thing this morning was to be able to see the quality of the product, to be able to meet those workers and to learn that a number of those workers have transitioned from the auto industry. They have in fact come from the auto industry. These are great trams for our public transport network. These are jobs for workers who need them, because we are using the power of our purchase to deliver not just what we said but well beyond that. Those opposite who did not order one tram ought to be ashamed.

Heyfield timber mill

Mr WALSH (Murray Plains) — My question is to the Premier. Premier, Auswest, Adam's Sawmill, Montana Timber and Mectec operate five timber mills across Gippsland and provide hundreds of local jobs. None of these mills have timber supply agreements beyond 30 June this year. Premier, is your government planning to buy all these mills as well as Australian Sustainable Hardwoods?

Mr ANDREWS (Premier) — I am very pleased to receive a question from the member. The answer is no. But while I have an opportunity, let me provide a quote to the house — very much on topic. I quote:

> The prior state government promised they would do certain things. Peter Walsh allowed a contract to be signed with us and then did not sign the indemnity at the close of the government, despite promises, undertakings and gentleman handshakes.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! Members will come to order. The member for Caulfield is warned.

Mr ANDREWS — I am still quoting:

> … despite promises, undertakings and gentleman handshakes.

It then goes on to say:

> That man, Peter Walsh, do not vote back in.

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The member for Morwell is warned.

Mr D. O'Brien — On a point of order, Speaker, on the question of relevance, the Premier is not being relevant to the question. I ask you to bring him back to the question.

Ms Allan — On the point of order, Speaker, I think the Premier was being entirely relevant. He was asked about forward timber supply contracts, and that is exactly the basis of a quote which he is trying to read into *Hansard*.

Mr Gidley — On the point of order, Speaker, the Premier's trip down memory lane will not make him relevant to the question or save those jobs that he is responsible for.

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

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Mordialloc

The SPEAKER — Order! The member for Mordialloc will leave the chamber for the period of 1 hour under standing order 124. The member had been warned.

Honourable member for Mordialloc withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Heyfield timber mill

Questions and statements resumed.

Mr ANDREWS (Premier) — As I was saying, and I am quoting:

> That man, Peter Walsh, do not vote back in, voters.

Do not vote him back in.

> He is the biggest liar you will ever come across. He will lie and lie to you.

Honourable members interjecting.

The SPEAKER — Order! The member for Frankston and the Minister for Tourism and Major Events are warned. The Premier, to continue.

Mr ANDREWS — That is of course Clinton Tilley, the CEO of Hermal Group, the owners of the ASH mill.

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

Mr Clark — On a point of order, Speaker, the Premier is both debating the issue and infringing standing order 118 regarding imputations. I ask you to bring him back to answering the question and complying with the standing orders instead of making imputations across the chamber.

Mr ANDREWS — On the point of order, Speaker, I am quoting the CEO of the company that the member has asked me a question about. He is a key industry player, and what he says about the credibility of the questioner is directly relevant to those opposite who would pretend to support this industry. I am quoting — and I am happy to table the document that I am quoting from — a document that clearly calls the questioner, the Leader of the National Party, nothing but a liar.

Honourable members interjecting.

The SPEAKER — Order! Members! The member for Warrandyte will be heard in silence.

Mr R. Smith — On the point of order, Speaker, the people did not travel all the way down to Melbourne to hear political pointscoring; the people came here to ask why the Premier has not helped them with their jobs when he said he takes responsibility for everything that happens under his leadership.

The SPEAKER — Order! There is no point of order. The Premier is advised that he is not to use quotes to impugn other members.

Mr ANDREWS — No worries. Thank you, Speaker. People can refer to *Hansard* as they see fit and see what the CEO of the company has said about the person over there who pretends to support the industry, did a deal and then welshed on it. He did a deal and then welshed on it. He did a deal and he could not get the then Treasurer to sign off on it.

Ms Ryall — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals will come to order. The Deputy Premier!

Ms Ryall — On a point of order, Speaker, the Premier continues to debate the question. This is question time for him to provide an answer, not to debate the question.

The SPEAKER — Order! The Premier, to continue. There is no point of order.

Mr ANDREWS — Let me again make it very clear to the Leader of The Nationals.

Honourable members interjecting.

The SPEAKER — Order! The member for Bass is warned.

Mr ANDREWS — There are a number of commercial parties with which the government is working intensely around purchasing the mill. The government will step in and act. We are both facilitating that process and will be a player in that

process in order to save these jobs. That is clear. The Leader of the National Party can ask me the question any which way he wants. He can try and avoid the pretty frank assessment of his track record offered by the company.

Honourable members interjecting.

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

Mr ANDREWS — They said a lot of things last week, but they have called the Leader of the National Party out for what he is: nothing but a fraud.

Supplementary question

Mr WALSH (Murray Plains) — Premier, you could not be bothered driving 25 minutes to see the Heyfield timber mill workers when you visited the Latrobe Valley to discuss the Hazelwood closure on 24 February and 10 March. Now that they have actually come here to see you, will you walk just 25 metres and tell them on the steps of the Parliament why you will not fight for their jobs?

Mr ANDREWS (Premier) — The Leader of The Nationals is simply wrong. The government is engaged, as I have said, with a number of commercial parties, and the government will facilitate that outcome, if that is possible. But if it is not, we will step in and purchase the mill as the state government. The Leader of the National Party could not be more inaccurate if he tried.

Mr Walsh — On a point of order, Speaker, on the issue of relevance. I would ask that you bring the Premier back to answering the question. It is a very simple question: why will he not walk 25 metres out the front and talk to the people of Hazelwood who have come here to express their concerns about 250 000 jobs. At least show them the decency of going out to talk to them.

The SPEAKER — Order! The Premier to continue answering the question.

Mr ANDREWS — I will continue to work with those commercial parties. We will continue to work with the company and we would urge the company to engage in a constructive discussion with us. There is no question whatsoever about the quality of this workforce, the quality of the product. There is a strong future for this mill, and I would urge everybody to get on board with a discussion. I would urge everyone to reflect on the facts that this one here — 'The biggest liar you will ever come across' — that is what they said about him — —

Mr R. Smith — On a point of order, Speaker, I refer you to sessional order 9(2). The question was very simple: will the Premier go out on the steps and meet with these people? That was the question. It required a yes or no answer, and under sessional orders you can require the Premier to answer the question, a question that we want to hear answered and a question that those people up there want to hear answered.

The SPEAKER — Order! I will consider the matter at the end of question time.

Honourable members interjecting.

The SPEAKER — Order! The member for Ripon has been warned. I will not warn the member again.

Ministers statements: unconventional gas

Mr NOONAN (Minister for Resources) — I am very proud to stand here today to say that Victorians have absolutely rejected fracking. In fact our landmark bill just two weeks ago passed this Parliament, and those laws are there to protect our world-class agricultural sector. We all know that the environment is our economy in regional Victoria and for our farmers, and this law now protects their interests.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn!

Mr NOONAN — Yet some politicians in Canberra seem absolutely convinced that there is a mythical gas supply in Victoria that can be extracted through any means. Let us be clear. Following more than 60 years of commercial exploration, there are currently no proved or probable reserves of onshore gas in Victoria — that is, no proved or probable reserves of onshore gas in Victoria. Even Peter Reith, the current Boy Wonder of the Victorian Liberal Party, found in his 2013 gas task force report:

> The commercial potential of onshore gas is currently unknown …

That is what Peter Reith said, but it seems the Prime Minister knows more than our geoscientific experts in this area. He is an opal of knowledge. In media interviews Malcolm Turnbull claimed that Victoria had an enormous amount of gas onshore that can be accessed by conventional means without fracking.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn is warned.

Mr NOONAN — That is what the Prime Minister is saying. Unfortunately the Prime Minister's claims are not supported by fact.

We are getting the research done, we are consulting the communities and we are putting $10 million into the research that is required in relation to the moratorium. The Prime Minister continues to ignore Victorian farmers, and now he is ignoring the Victorian Parliament. We say no to fracking.

Heyfield timber mill

Mr WALSH (Murray Plains) — My question again is to the Premier. Premier, last week you gave your word to Australian Sustainable Hardwoods that your government would not comment about the Heyfield mill's future until managers had the opportunity to speak with their workers. Then you went and put out a press release before managers had that chance to speak to their workers. Premier, why did you break your promise to Australian Sustainable Hardwoods and put your political pointscoring ahead of common decency to the workers and their families?

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern!

Mr ANDREWS (Premier) — I do thank the member for Malvern for reminding us that the 155 000 cubic metre offer handshake deal that the questioner did sat on your desk for 12 months and was not approved — —

Honourable members interjecting.

The SPEAKER — Order! Members on my right! On a point of order, the member for Malvern, in silence.

Mr M. O'Brien — On a point of order, Speaker, not only is the Premier misleading the house and lying to the house, he is debating the question and should come back to it.

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

Mr ANDREWS — The question relates to timber entitlements and commercial arrangements entered into by VicForests, and the member for Malvern, who has never seen a bit of paper he could not sign except this one — he would not sign this deal, this handshake deal that the Leader of The Nationals did, the one that he has described as being the greatest lie you will ever come across — —

Mr Walsh — On a point of order, Speaker, of relevance, again I would ask you to bring the Premier back to actually answering the question, which was about how he broke his promise to Australian Sustainable Hardwoods for political pointscoring rather than letting them talk to their workers first before he made an announcement. Please bring him back to answering that question.

The SPEAKER — Order! The Premier to answer the question.

Mr ANDREWS — The prior state government promised they would do certain things, so we are not going to be taking lectures on honesty, on promises, on integrity, on action, on any — —

The SPEAKER — Order! The Leader of The Nationals, on a further point of order.

Mr Walsh — On a further point of order, Speaker, on the issue of relevance again, can you remind the Premier that he has been the government for more than two years and he has actually done nothing about this. I would ask you to bring him back to actually answering the question about why he broke his commitment to Australian Sustainable Hardwoods not to say anything until they had had a chance to talk to their workers.

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

Mr ANDREWS — I challenge the accuracy of the question put forward by the Leader of The Nationals, and frankly, based on timber industry experts, I am right to question every single thing that this member says. I reject the question and the assertion about commitments being made and broken by me. Again I would indicate to that man:

> Peter Walsh, do not vote back in, voters.

Mr Walsh — On a point of order, Speaker, on the issue of relevance again, the Premier may not like the question, but he needs to answer the question. I would ask you to bring him back to answering that question please.

The SPEAKER — Order! The Premier has concluded his answer.

Supplementary question

Mr WALSH (Murray Plains) — Premier, Tasmania's resource minister last week said the

Hodgman Liberal government would welcome with open arms any interstate forestry business that was sick and tired of dealing with Labor governments and that the Tasmanian government was already in talks with Australian Sustainable Hardwoods. Premier, is it not a fact that you are more interested in fighting for Greens preferences in inner-city Labor seats than you are in fighting for Gippsland jobs?

Honourable members interjecting.

The SPEAKER — Order! The member for Kew has been warned. The member for Gippsland South has been warned, and so has the member for Gippsland East.

Mr ANDREWS (Premier) — The answer is no, but I will be sure and check every word that has been attributed to that Tasmanian minister, just to make sure that it is accurate, given —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte is warned.

Mr ANDREWS — what the timber industry experts say about the Leader of The National Party, and I quote:

He is the biggest liar you will ever come across.

Mr Walsh — On a point of order, Speaker, on the issue of relevance: it is a very simple question.

Mr Merlino — The question has been answered.

Mr Walsh — Well, he has finished then?

Honourable members interjecting.

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

Mr Walsh — On the issue of debating the question — —

Mr Andrews — Is it on relevance?

Mr Walsh — It can be on whatever you want it to be on, mate.

The SPEAKER — Order! The Leader of The Nationals will direct his comments through the Chair, without the assistance from the Leader of the House.

Mr Walsh — If the Premier has answered the question, and the answer is no, then he should sit down rather than continuing to impugn another member's reputation.

The SPEAKER — Order! There is no point of order. The Premier has concluded his answer.

Ministers statements: energy security

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I am absolutely delighted to inform the house of our government's ongoing commitment to growing jobs and investment and energy security right across Victoria, and we are doing this by boosting our energy security.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Lowan

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

Honourable member for Lowan withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: energy security

Questions and statements resumed.

The SPEAKER — Order! I am struggling to hear the minister's response because of all the shouting. I would also ask the minister to face the Chair when she is addressing her remarks to the Chair.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — We are doing this while we are boosting our energy security. Our $25 million investment to deliver 100 megawatt hours of new energy storage has been well received by industry. More than 100 expressions of interest have been received from industry. They are champing at the bit to be a part of this state's exciting energy future, our new energy agenda. We know that energy storage is a key part of our energy future. Why do we know this? Because the member for Caulfield said so himself.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Ripon

The SPEAKER — Order! The member for Ripon has been warned a number of times. The member for Ripon will leave the chamber for 1 hour.

Honourable member for Ripon withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: energy security

Questions and statements resumed.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — On 13 March the member for Caulfield said this:

> Ultimately battery storage is a key to our energy future, it's just a matter of when.

You would think with the Premier and my announcement last week of $25 million for an extra 100 megawatts of energy storage that that would be welcomed by the member for Caulfield. Instead what we got was a claim that this was a stunt. Well, is it any wonder that the member for Caulfield and his party have actually no credibility on this whatsoever?

Labor is getting on with the decisions that are needed to continue to deliver a modern and secure energy future for all Victorians. We will be delivering lower energy costs, we will be creating thousands of new jobs. The only plans that those people have opposite is to kill the Victorian renewable energy target scheme that would otherwise create 11 000 new jobs for Victorians. That is not a plan; that is a recipe for disaster. Those people are not fit to govern.

Member conduct

Mr GUY (Leader of the Opposition) — My question is to the Premier. The Audit Committee report states that both the member for Tarneit and the member for Melton cannot substantiate they lived at Queenscliff and Ocean Grove for the full times they signed statutory declarations saying they did. Premier, enough is enough: will you finally take the slightest bit of responsibility for your rotten mess of a government, and will you for once now just refer your fraudulent, rorting MPs to Victoria Police?

Mr Foley interjected.

The SPEAKER — Order! The Minister for Housing, Disability and Ageing!

Mr ANDREWS (Premier) — I will take that more as expert commentary than as a question from someone who would know a bit about these matters. He would know a bit about these matters, I would think, the Leader of the Opposition. On the substance of the question — —

Honourable members interjecting.

Mr ANDREWS — No, well — —

Mr Walsh interjected.

The SPEAKER — Order! The Leader of The Nationals!

Mr ANDREWS — The letter you read earlier — —

Mr Katos interjected.

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

Mr ANDREWS — The letter you read earlier on, which is very important to all members of this place, and what is more, all Victorians, is not, as the Leader of the Opposition describes, the actual audit report. I have not seen the audit report. Perhaps he has; I have not. When the full report, which I hope is released as soon as possible — whether it is in half an hour or tomorrow or Thursday, I hope it is released as soon as possible — members should be in no doubt that the government will act once we have seen that full report.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, you have previously told Victorians that the member for Melton should pay back his rorted moneys. Can you advise exactly how much you have said to the member that he has to repay — the amount he claimed when he was living in an Ocean Grove caravan and the money he rorted while living in Ballarat as well?

Mr ANDREWS (Premier) — Again, the Leader of the Opposition kind of pretends to be the Audit Committee, really. That is what he would like to be, but he is not. So we will not be taking the Leader of the Opposition's version of the Audit Committee findings. We will simply wait, and we will get the final report, the full report — hopefully very soon — of that Parliament Audit Committee.

In relation to repayments I made it very clear to the member for Melton that he ought to repay the money. He indicated to me he was unwilling to do that.

Mr Paynter interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Bass

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

Honourable member for Bass withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member conduct

Supplementary question

Questions and statements resumed.

Mr ANDREWS (Premier) — He was then asked by me to resign from the parliamentary Labor Party, and he has. That is all a matter of fact, a matter of record. The Leader of the Opposition can seek to dispute that as much as he wants, but they are the facts. The Leader of the Opposition is very rarely acquainted with the facts. He normally makes most things up or twists and turns. We will wait for the audit report, not the report of the Leader of the Opposition.

Mr Battin interjected.

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

Ministers statements: police numbers

Ms NEVILLE (Minister for Police) — I rise to provide an update to the house on how the key element of the Community Safety Statement 2017, the recruitment of new police, is going. Since starting Victoria's biggest ever recruitment campaign for more police, we have seen Victorians from right across the state — women, different ethnic groups — put their hand up to want to be part of one of our great organisations, Victoria Police. In fact in five weeks alone we had nearly 2000 applications — double the usual number of applications to Victoria Police.

Of course we need this recruitment campaign and we need this level of interest, because we are recruiting the biggest number of police ever in Victoria's history. In fact since being elected we have funded 4200 police personnel. Of that, of course we have 406 frontline police about to come out of the academy; on top of that we have another 2729 police. This is a model, this is a commitment that we have made with the police association and with Victoria Police to recruit this number of police over the next five years and to commit to an allocation model beyond that. But we have got others who will not commit, will commit, will not tell us how many. They keep committing to reopening stations that they closed, for example, but do not provide the police for those stations that they closed.

We have also got some commentators suggesting that they could get police out much quicker than we could. So apparently we are also going to downgrade the training of our police officers as well. Perhaps I can offer to take them out to the academy, because it will not look like anything they saw before: a ghost town versus an academy bursting at the seams, as we recruit the biggest number of police in Victoria's history.

Member conduct

Mr GUY (Leader of the Opposition) — My question is again to the Premier. Premier, you asked the rorting member for Melton to leave the Labor Party for rorting the second residence allowance. Why have you not asked the member for Tarneit to leave the Labor Party, despite him rorting the same allowance for $40 000?

Honourable members interjecting.

Mr ANDREWS (Premier) — Yet again the Leader of the Opposition confuses himself with the Audit Committee. It is not for the Leader of the Opposition to establish the facts, it is not for him to make recommendations, it is not for him to pretend to be the Audit Committee. He is not.

Honourable members interjecting.

Mr Guy — On a point of order, Speaker, I know it is early in but on relevance, the Premier is referring to the Audit Committee. I did not refer to the Audit Committee; I referred to the Premier asking the member for Melton to leave the Labor Party for taking moneys out of the second residence allowance that he should not have taken, and I am asking why he has not asked the member for Tarneit to leave the Labor Party. I did not make reference to the Audit Committee at all.

Honourable members interjecting.

The SPEAKER — Order! The minister for housing is warned. The Deputy Leader of the Opposition is

warned. The member for Hastings is warned. The Premier had only just started his answer; I ask the Premier to answer the question as put.

Mr ANDREWS — The question relates very much to the findings of the Audit Committee report — —

Honourable members interjecting.

Mr ANDREWS — Well, now apparently the Leader the Opposition thinks he gets to ask and answer the questions. He is rather confused today. The Audit Committee — —

Honourable members interjecting.

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

Mr ANDREWS — Now he is the Speaker, apparently. You get rather confused. The Audit Committee chairman, the President in the other place, has written to you, Speaker, on these very matters.

Mr R. Smith — On a point of order, Speaker, you instructed the Premier very clearly and very distinctly to come back to answering the question as it was put. You were very clear to the house, and I ask you to bring him back. The Premier is defying your ruling, and I ask you to bring him back to answering the question as put, as you have already said very clearly and very distinctly. Maybe the Premier does not understand you. I do not know. Maybe you need to be clearer.

Mr ANDREWS — On the point of order, Speaker, I am asked about the conduct of members of the Labor Party — the parliamentary Labor Party and former members of the parliamentary Labor Party. These matters are being investigated as we speak by the Audit Committee. Nothing could be more relevant than to refer to that process, one that has not yet concluded — —

Honourable members interjecting.

Mr ANDREWS — Whether I was asked specifically about that process, it is dealing with exactly the same subject matter, so nothing could be more relevant than referring to that process. There are still 2 minutes to go. One wonders whether it is an answer or this theatre that they are after.

Mr Walsh — Further on the point of order, Speaker, the Premier was asked a very simple question about why he sacked Don Nardella from the Labor Party, and he will not sack Telmo Linguine. It was a very simple question. I would ask you to actually bring him back to answering that question.

Honourable members interjecting.

The SPEAKER — Order! This is why we need to refer to members by their correct titles.

Mr Walsh — It is a very simple point of order, as I said. I ask you to bring the Premier back to answering the question that was asked by the Leader of the Opposition as to why he sacked the member for Melton from the Labor Party and he will not sack the member for Tarneit from the Labor Party.

The SPEAKER — Order! The question referred to the actions of the members for Melton and Tarneit, and I therefore rule the Premier's answer in order.

Mr ANDREWS — Those actions are being looked at by the Audit Committee, and we will await the final report. I would point out for the Leader of the Opposition, who seems to have missed a key point, that the member for Melton was asked to repay the money. He was unwilling to do that. He was asked to resign, and he did. The member for Tarneit has repaid the money, so there is a material difference. Beyond that, unless the — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Kew

The SPEAKER — Order! The member for Kew will leave the chamber for 1 hour under standing order 124. He has been previously warned.

Honourable member for Kew withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member conduct

Questions and statements resumed.

Mr ANDREWS (Premier) — Beyond that I will await the final report of the Audit Committee, and hopefully that comes forward very, very quickly, and we will be able to look in full detail — —

Mrs Fyffe — On a point of order, Speaker, the question from the Leader of the Opposition was

actually very simple. It did not refer to the Audit Committee. The Audit Committee is not looking at membership of the ALP. The Premier is using the Audit Committee report as a defence when it is not applicable to the question that was asked. I am asking you to bring him back to answering the question.

The SPEAKER — Order! The Premier has concluded his answer.

Supplementary question

Mr GUY (Leader of the Opposition) — Last sitting week, Premier, you said you could not confirm the rorting member for Melton has been claiming the second residence allowance for longer than the three years and the $100 000 that you had admitted that he told you of. Now that you have had two weeks to check — —

An honourable member interjected.

Mr GUY — Would you like me to read it again for you? Last sitting week, Premier, you said that you could not confirm that the member for Melton has been claiming the second residence allowance for a lot longer than the three years and $100 000 that you have admitted to. Now that you have had two weeks to check, can you inform the house whether the amount the member for Melton has rorted from taxpayers is in fact closer to $250 000 — three years wage for a Heyfield timber mill worker?

Mr ANDREWS (Premier) — Again the Leader of the Opposition thinks he is the arbiter of the facts. He somehow thinks that the Premier of the day, ministers and the government have access to the details of what people claim and when. I have no access to those details, and nor should I. Those are matters for the Department of Parliamentary Services and the Presiding Officers — —

Honourable members interjecting.

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

Mr ANDREWS — If the Leader of the Opposition is making a policy statement that he is going to personally administer the allowances of every MP, that will be interesting and news to some of his colleagues, I would think. These matters are properly directed, with respect, Speaker, to you, and/or the chairman of the Audit Committee, your colleague the President in the other place.

Ministers statements: CityLink-Tullamarine Freeway upgrade

Mr Battin — On a point of order, Speaker, just before he starts his ministers statement, the traffic was bad from Narre Warren North into town today — —

The SPEAKER — Order! There is no point of order. The member shall resume his seat.

Mr DONNELLAN (Minister for Roads and Road Safety) — What a brain surgeon's comment that was, as per usual. I would not expect anything better from the member for Gembrook. Today I am here to update the house on good news about the CityLink-Tullamarine Freeway widening project. I was out there yesterday with the member for Essendon, and he likes a big show, as we know. We know that we have opened 9 kilometres of extra lanes on the CityLink-Tullamarine Freeway between Flemington Road and the West Gate Bridge. We know the emergency lanes have been replaced with overhead lane use signs which will indicate upcoming incidents and will improve messages for drivers to ensure that when speeds need to be reduced they will know ahead of time. The new digital signage is also supported by CCTV cameras to ensure that CityLink will identify problems on those roads as they arise. On average, we know that for a return trip there will be a 30-minute saving in time. This will be completed in 2018.

Ms Ryall — On a point of order, Speaker, the minister might wish to just table the document rather than putting us through the pain of listening to it.

The SPEAKER — Order! There is no point of order. The minister, to continue.

Mr DONNELLAN — The minister is referring to notes, and as the minister was indicating, this infrastructure program we have got has been so incredibly positive. There is a 3.4 per cent growth rate, compared to the Wally the Wombat growth rate of 0.8 per cent, which is what the Liberal Party delivered when they were in. I was just out in the north the other day thinking about the changes that have happened since the days when I was a milkman out that way. It has changed substantially with all our infrastructure.

Mr Watt interjected.

The SPEAKER — Order! The minister for Burwood will cease shouting at the minister.

Mr DONNELLAN — When I was a milkman what we proffered was milk, but I notice the Liberal Party has got a milkman on their administrative committee.

And what does he proffer? He proffers his manhood. He proffers his manhood and his nipples according to this article in the *Australian Financial Review*, and this is the type of people the administrative committee of the Liberal Party has on — —

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

CONSTITUENCY QUESTIONS

Mr R. Smith — On a point of order, Speaker, it is a bit late now, but if someone is on their feet, you have got to give them the call.

The SPEAKER — Order! I thought you were up on your feet to ask a constituency question. The member for Warrandyte will not reflect on the Chair. The member will resume his seat.

Mr R. Smith — On a point of order, Speaker, I refer you to questions that I have raised in this house before and to the sessional orders, which demand a 30-day period in which ministers must answer them. I have two outstanding questions to the Minister for Roads and Road Safety. The kind of ridiculous theatre that we just saw from the minister for roads shows us exactly why he is not living up to his responsibility and actually answering questions as the government's own sessional orders demand. The fact that he can walk in here and treat this place like a comedy show just shows us how serious the government is when it comes to answering questions from constituencies. It shows us how ridiculous some of these ministers are to think that they can put on a comedy show instead of making sure they fulfil their responsibilities to their electorate and to the people of Victoria.

People on this side of the house are asking questions of ministers under the sessional orders so they can get answers, particularly so that Victorians can understand what this government is doing and what it is not doing, why it is not consulting and why it is not rolling out the policies that it purports to say it is going to roll out. Victorians demand a little bit of honesty and a little bit of transparency from this government, and they are not getting it. Instead, ministers such as the minister for roads gets up and makes an absolute fool of himself, his Premier, his government and all those people behind him by that ridiculous display of antics that we have just seen.

Speaker, sessional orders demand that you get the minister to answer questions as he is supposed to under sessional orders. *Rulings from the Chair* says that you can have the minister stand in this place and make explanations as to why he is not answering questions as asked. I put to you that you should do exactly that with the minister for roads and that maybe he should spend a little bit less time being a comedian and a little bit more time being a minister.

The SPEAKER — Order! In the middle of that did the member for Warrandyte identify the questions that needed to be answered?

Mr R. Smith — Questions 12 225 and 12 182.

Mr Clark — On a point of order, Speaker, I want to support the submission by the member for Warrandyte. The conduct of the minister was an embarrassment to the house. I submit that it is a matter for you to be proactive in bringing ministers to order when they do behave in that manner. Obviously on this side of the house we would draw it to your attention when we are able to, but I do submit that that was conduct by the minister that called for your immediate intervention. I would submit that you be very proactive in future and make clear to ministers that you will be so in order to prevent a repetition of the sort of behaviour we have seen from the Minister for Roads and Road Safety.

Warrandyte electorate

Mr R. SMITH (Warrandyte) — (12 436) My question is to the Minister for Roads and Road Safety, and let us hope that I can get a response from him this time. The Warrandyte Historical Society and the Warrandyte Community Association have joined together with a view to establishing an urban advisory panel for the overseeing of the long-awaited redevelopment of Warrandyte Bridge. This idea has my support as well as the support of a number of others within the community. I ask: will the minister support and commit to the establishment and implementation of such a panel?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (12 437) My constituency question is for the Minister for Energy, Environment and Climate Change. I welcome the recent suite of policy announcements designed to enhance the reliability, affordability and sustainability of Victoria's energy system. I ask the minister how these policies will ensure that Pascoe Vale constituents continue to enjoy access to affordable and reliable energy sources. Victoria's energy security is obviously of the utmost importance to the Andrews Labor government, and it is certainly something where I have continued representation of the interests of my constituents in Pascoe Vale.

This is no doubt why we have announced a number of policies and initiatives to transition Victoria's energy system to one that is more modern, secure and sustainable. In particular the provision of $25 million in funding signals the government's commitment to energy security. Most importantly this investment will deliver additional energy storage capacity of up to 100 megawatts by the end of 2018. Many Pascoe Vale constituents are also concerned about the impact of climate change. That is why the Andrews Labor government's renewable energy targets — —

The SPEAKER — Time!

Gippsland South electorate

Mr D. O'BRIEN (Gippsland South) — (12 438) My question is to the Minister for Training and Skills. When will the minister actually deliver any funding for Federation Training's Fulham campus? In the last month the government has announced $12 million for Holmesglen Institute of TAFE, $6.9 million for GO TAFE Shepparton, $10 million for Victoria Polytechnic at Sunshine, $17.7 million for Bendigo Kangan Institute and $1 million for William Angliss Institute. As the minister is aware, the Fulham campus is old and falling apart. This is a fact she acknowledged in a previous response to a question from me. The Sale community has been campaigning for over a decade to have the campus moved into Sale either to a new greenfield site or at the very least to a redeveloped brownfield site.

The campus seems to be slowly being downgraded. There are just four certificate II courses now being offered and only 21 certificate II and above. In the last year the following courses have been cut: nursing and information, digital media and technology, hairdressing, plumbing, hospitality and photo imaging. The community, including the business community, is getting angry at the delays and conflicting messages from the government and Federation Training. With Hazelwood and now the Heyfield mill closing, the Wellington shire is anxious about future opportunities. When will this government heed the call and do something for Gippsland?

Niddrie electorate

Mr CARROLL (Niddrie) — (12 439) My constituency question is to the Minister for Planning. The government has recently taken action to enshrine garden space in the updated *Plan Melbourne* to ensure the great Australian backyard remains a cornerstone of our society. I ask the minister: how will the updated blueprint for Melbourne's future, *Plan Melbourne*, including changes in minimum garden space area from 25 per cent to 35 per cent of total block size, benefit constituents in the electorate of Niddrie? Growing up in Airport West I had the biggest backyard of all my friends and a lifetime of memories. I am pleased the Andrews Labor government is protecting the great Australian backyard, which is now going to be a centrepiece of Victoria's new planning laws. I ask the minister: how will this benefit the electorate of Niddrie?

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (12 440) My constituency question is to the Treasurer, and it relates to the new vacant property tax. I want to allay concerns that have been raised by a constituent in relation to an elderly resident who is moving into an aged-care facility. The constituent is concerned that the resident is unable to organise a lease of their property, and also the house is not fit to be leased out. They are concerned that the elderly resident is unable to pay this new vacant property tax, so I am seeking information from the minister to ensure that he can allay the concerns of my residents so they will not be required to pay the vacant property tax when they move into an aged-care facility, despite the fact that they will continue to own their own property.

Yan Yean electorate

Ms GREEN (Yan Yean) — (12 441) My question is to the Minister for Public Transport. When will work begin on the Wallan station car park, which has previously been announced for funding? I visited the area recently and noticed a lot of cars are parking on a grassed area, so it is obvious that my commuters require the assistance that has been funded to access vital train services. The Andrews government is delivering for Wallan. We have turned the sod recently on Wallan Secondary College, opened Wallan adventure park and the brand-new Wallan Family and Children's Centre. This is in stark contrast to the member for Eildon, previously member for Seymour, who never stood up for her community and did not mention the Wallan ambulance station once in her advocacy — and who made a rude comment through the door behind the Speaker, I might add. I apologise for responding to that. I urge the Minister for Public Transport to act.

Rowville electorate

Mr WELLS (Rowville) — (12 442) The constituency question I wish to raise is for the Minister for Roads and Road Safety regarding a matter of serious road safety concern on behalf of residents in my electorate of Rowville. Minister, can you please advise my deeply concerned constituents of Rowville of measures being taken to address the dangerous driving behaviour of an increasing number of drivers of heavy,

large trucks, particularly those travelling to and from the nearby Lysterfield quarries, which are allegedly speeding and running red lights on Wellington Road, Rowville? The intersection of Wellington Road and Braeburn Parade, Rowville, is a particular problem and concern for residents with it being the main entry and exit point for the Wellington Village shopping centre and the adjacent major residential housing areas of Wellington Village, Heany Park and Silkwood estates. Many local residents, either walking or travelling in vehicles, particularly from the Silkwood estate, must cross the very busy and often heavily congested Wellington Road intersection to get to the shopping centre. Residents believe that a focused law enforcement campaign needs to be immediately undertaken by Victoria Police in addition to a review by VicRoads as to whether the existing 80-kilometre-per-hour speed limit and existing road infrastructure is appropriate for the heavy truck traffic along this section of Wellington Road.

Sunbury electorate

Mr J. BULL (Sunbury) — (12 443) My question is to the Minister for Industry and Employment, and I ask the minister: what is the Andrews Labor government doing to strengthen the Victorian Industry Participation Policy, improve opportunities for local suppliers and ensure that commitments to local content are met? I have many fantastic supply, distribution and manufacturing businesses in Tullamarine, in my electorate, businesses like Willow Ware and Fronius, which do an outstanding job meeting the demands of a fast-paced and rapidly changing industry. Local businesses often talk to me about the importance of local content and industry participation rules in securing local jobs and the importance of fostering high-quality expertise which results in the terrific products and components made right here in Victoria. I again ask the minister: what is the Andrews Labor government doing to strengthen the Victorian Industry Participation Policy, improve local opportunities for local suppliers and ensure that commitments to local content are met?

Polwarth electorate

Mr RIORDAN (Polwarth) — (12 444) My question is to the Minister for Energy, Environment and Climate Change. When will the minister be renewing the lease on the iconic Cape Otway lighthouse? Tourism is a major driver in the Polwarth electorate. The state-issued lease to the operators of the Cape Otway light station has for the past 21 years seen a much-loved and popular tourist resort area develop and grow. With over 25 employees, it is now a major employer in the region and a driver for many other spin-off tourist businesses. The current lessees operate in a growing and dynamic tourism industry. As we have heard over and over again recently, the Great Ocean Road needs investment and it needs further development of world-class attractions if it is to continue to grab its share of the international tourist market. The government must have a sensible, logical and transparent approach to handling commercial lease negotiations. Jobs are at risk, investment is at risk and the prosperity of small local communities is at risk when the government does not take its responsibilities carefully. There is no greater dampener on business confidence than a lack of security. The Cape Otway region needs the government's decision on this.

Eltham electorate

Ms WARD (Eltham) — (12 445) My constituency question is for the Minister for Small Business, Innovation and Trade in the other place. Minister, the rollout of the national broadband network (NBN) in this state has been shockingly slow, including in my electorate of Eltham. Households are now, according to the NBNCo website, which I have not seen, starting to get the rollout in suburbs like Eltham and Montmorency with the hybrid coaxial cable; however, suburbs like Research and Eltham North are still waiting. Just as important are my small businesses. I refer to Quists Coffee, an excellent manufacturer in Research, a business which has operated since 1938, which is still waiting for the NBN to be rolled out. In fact the industrial areas of Eltham and Research are still waiting for their NBN. The manner in which the Turnbull government has managed the rollout of the NBN is absolutely appalling. Minister, how can residents and local businesses in Eltham electorate, including those running out of the Eltham and Research industrial areas, keep the planned rollout of the NBN accountable to promised time lines and the best possible service?

Mr Watt — On a point of order, Deputy Speaker, *Rulings from the Chair* makes it very clear that general rules with questions still apply. On relevance, it appears the member for Eltham was asking a question which does not relate to state government business but to a federal government issue, and therefore I would ask you to rule the question out of order.

Ms Ward — On the point of order, Deputy Speaker, I was asking a question regarding the businesses in my electorate and how the minister can help them ensure that the NBN roll out in our area is satisfactory.

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

FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to amend the Family Violence Protection Act 2008 to establish an information-sharing scheme designed to enable specified entities to share family violence information in a timely and effective manner such that it prevents or reduces family violence, to provide for a framework for achieving consistency in family violence risk assessment and family violence risk management, to make consequential and miscellaneous amendments to other acts and for other purposes.

Read first time.

WORKSAFE LEGISLATION AMENDMENT BILL 2017

Introduction and first reading

Mr SCOTT (Minister for Finance) — I move:

That I have leave to bring in a bill for an act to amend the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Occupational Health and Safety Act 2004 and the Workplace Injury Rehabilitation and Compensation Act 2013 to further improve the operation of those acts and for other purposes.

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

Mr SCOTT (Minister for Finance) — The bill is to optimise workplace safety by improving compliance and enforcement, ensure that workers and their family members are entitled to fair and equitable compensation, and improve the workability of the occupational health and safety and workers compensation legislation.

Motion agreed to.

Read first time.

LAND LEGISLATION AMENDMENT BILL 2017

Introduction and first reading

Mr WYNNE (Minister for Planning) — I move:

That I have leave to bring in a bill for an act to amend the Transfer of Land Act 1958 in relation to the conversion of general law land, recording of notices and instruments, and other matters relating to the recording of instruments in the register, the Subdivision Act 1988 in relation to unlimited and limited owners corporations and the registration of plans, and the Valuation of Land Act 1960 in relation to the release of information from the valuation record and for other purposes.

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

Mr WYNNE (Minister for Planning) — This bill deals with the conversion of general law land and enables the registrar of titles to more effectively maintain the register of land. I am sure the manager of opposition business would be well aware of this most interesting phenomenon, where we have 10 000 titles that are under general law, and this will sort that matter out. There are a range of legislative changes to increase the efficiency of registering interests in land and plans of subdivision. Finally, the bill also enables the wider provision of valuation information in line with the government policy on information accessibility.

Motion agreed to.

Read first time.

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT (LATROBE VALLEY MINE REHABILITATION COMMISSIONER) BILL 2017

Introduction and first reading

Mr NOONAN (Minister for Industry and Employment) — I move:

That I have leave to bring in a bill for an act to amend the Mineral Resources (Sustainable Development) Act 1990 to establish the Latrobe Valley mine rehabilitation commissioner, to provide for the making of a regional rehabilitation strategy and for other purposes.

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

Mr NOONAN (Minister for Industry and Employment) — The bill will establish a statutory office responsible for ensuring that the government and the operators of the Latrobe Valley coal mines are advancing planning for mine closure and the Latrobe Valley regional rehabilitation strategy.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

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

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

By Ms RYAN (Euroa) (1499 signatures).

Safe Schools program

To the Legislative Assembly of Victoria:

The petition of the residents in the Euroa electorate draws to the attention of the house their concerns that the Andrews Labor government is compelling all Victorian government secondary schools to have to implement the Safe Schools program. Furthermore, the petitioners are concerned that Victorian parents will be prevented from deciding whether their children should participate in the Safe Schools program.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews Labor government to stop compelling all Victorian secondary schools to have to implement the Safe Schools program. Furthermore, the petitioners request that Victorian parents should be allowed to determine if their children will participate in the Safe Schools program.

By Ms RYAN (Euroa) (87 signatures).

Police numbers

To the Legislative Assembly of Victoria:

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

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

By Mr BURGESS (Hastings) (39 signatures).

Country Fire Authority Inglewood station

To the Legislative Assembly of Victoria:

The petition of residents in Victoria calls on the Legislative Assembly to note that the fire station at Inglewood is 153 years old and is no longer fit for purpose because it cannot contain the brigade's vehicles, has no turnout room, no separate group incident control room, and is run down.

Building a new fire station at Inglewood is the number one priority of CFA district 20 and the land to do so is available in Inglewood.

The petitioners therefore call on the members of the Legislative Assembly to note the urgent needs of the Inglewood fire brigade and community safety and the need to get this new station funded and built.

By Ms STALEY (Ripon) (1004 signatures).

Tabled.

Ordered that petition presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

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

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest* No. 4 of 2017 on:

Commercial Passenger Vehicle Industry Bill 2017
Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017
Family Violence Protection Amendment Bill 2017
Jury Directions and Other Acts Amendment Bill 2017
Ports and Marine Legislation Amendment Bill 2017

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Trentham Public Park and Recreation Reserve

Financial Management Act 1994 — 2016–17 Mid-Year Financial Report incorporating Quarterly Financial Report No 2 for the period ended 31 December 2016

Judicial Entitlements Act 2015 — Recommendation statement under s 34

Ombudsman — Investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board — Ordered to be published

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Banyule — GC60

Campaspe — C109

Cardinia — C212, C219

Darebin — GC60

Greater Geelong — C301

Greater Shepparton — C187

Nillumbik — GC60

Whittlesea — GC60

Yarra — GC60

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2015–16

Statutory Rules under the following Acts:

Motor Car Traders Act 1986 — SR 8

Residential Tenancies Act 1997 — SR 7

Rooming House Operators Act 2016 — SR 6

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 6, 7, 8

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No 2/2017 (*Gazette S63, 10 March 2017*).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 24 February 2015:

Rooming House Operators Act 2016 — Whole Act — 26 April 2017 (*Gazette S57, 7 March 2017*).

COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS

The DEPUTY SPEAKER announced receipt from the Governor of commission authorising the SPEAKER to administer prescribed oath or affirmation of allegiance to any member of the Legislative Assembly who has not already taken and subscribed the same since his or her election to the Legislative Assembly.

TRANSPARENCY IN GOVERNMENT BILL 2015

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent on 15 March to:

Crimes Legislation Further Amendment Bill 2016
Heritage Bill 2016
Resources Legislation Amendment (Fracking Ban) Bill 2016.

APPROPRIATION MESSAGES

Message read recommending appropriation for Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017.

PENALTY RATES AND FAIR PAY SELECT COMMITTEE

Membership

The DEPUTY SPEAKER — Order! In accordance with the resolution of the house, the following members' names have been lodged with the Speaker for membership of the Penalty Rates and Fair Pay Select Committee: Mr Clark, Mr Hibbins and Ms Ryall.

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Membership

The DEPUTY SPEAKER — Order! I have received the resignation of Mr McCurdy from the Environment, Natural Resources and Regional

Development Committee effective 20 March 2017, and I have received the resignation of Mr Tilley and Ms Ward from the Environment, Natural Resources and Regional Development Committee effective today.

PARLIAMENTARY COMMITTEES

Membership

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

That —

(1) Ms Garrett be appointed to the Economic, Education, Jobs and Skills Committee;

(2) Mr J. Bull and Mr Riordan be appointed to the Environment, Natural Resources and Regional Development Committee;

(3) Ms Britnell be appointed to the Family and Community Development Committee; and

(4) Mr Brooks and Mr Nardella be discharged from the Standing Orders Committee and that Mr Carroll and Ms Edwards be appointed in their place.

Mr CLARK (Box Hill) — The opposition supports this motion. Indeed in relation to the discharge of the member for Melton, that was something that we sought to move by leave last week. The government was not prepared to give leave at that point, but we welcome the fact that it is now moving to discharge the member for Melton from the Standing Orders Committee.

That discharge, and indeed the other changes relating to the election of the Speaker, is yet another indication of the far-reaching nature of the rorts and abuses that have taken place at the most senior levels of this Assembly by our former Speaker and former Deputy Speaker. There is obviously a lot more that needs to be done in responding to that unprecedented event.

Rearranging committees and removing the member for Melton from the Standing Orders Committee is a very small part of what needs to be done. While the opposition supports this motion, it is by no means the end of it. We certainly believe that a select committee should be established, as we have given notice of, and that the abuse of entitlements at the highest level that has taken place by the most senior representatives of this chamber needs to be dealt with far more fully. We intend on this side of the house to continue to press for that. We certainly hope that the government comes to its senses and responds to this crisis and to this abuse with the level of gravity that it deserves.

Motion agreed to.

NATURAL GAS RESOURCES

Mr NOONAN (Minister for Resources) — I desire to move, by leave:

That this house:

1. condemns the Prime Minister for:

   (a) not respecting Victoria's prohibition on unconventional gas and moratorium on onshore conventional gas activity;

   (b) making false claims about Victoria's natural gas resources — —

Mr Clark — On a point of order, Deputy Speaker, it is long-established practice, firstly, that there is consultation with other parties when motions are going to be moved by leave, and that certainly has not occurred here. Secondly, if leave is refused, the member should at that point cease to seek leave. Given the lack of consultation with the opposition about this motion by leave, leave is refused at this stage. If the government wants to consult with the opposition about bringing on a motion, they should do so.

Ms Allan — On the point of order, Deputy Speaker, firstly, I understand that the member would like to be consulted, but ultimately it is up to the government what motions it would like to put to the house for its consideration, just as it is up to the opposition and other members of the Parliament to put motions that they would like — —

Honourable members interjecting.

Ms Allan — Well, if you will let me finish. If I recall, last week a very long motion was read out by those opposite and was allowed to be concluded before leave was refused, so I would ask that — —

Honourable members interjecting.

Ms Allan — Leave was ultimately refused, but the motion was allowed to be read in full. I would ask that the member be allowed to have his motion read out in full, because in determining what happens next the house will need to be aware of what the motion contains.

Leave refused.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 23 March 2017:

Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017

Family Violence Protection Amendment Bill 2017

Jury Directions and Other Acts Bill 2017

Ports and Marine Legislation Amendment Bill 2017.

In making a few observations about the program that I have just outlined for the house, I would also like to give an indication of other issues that will need to be dealt with by the house during the course of this week.

The Minister for Resources has identified a motion that he has put for the house, and I anticipate we would like to deal with that motion over the course of this week. Obviously it is a significant public policy issue that is before the Victorian community, and there are a range of issues that need to be considered around the issue of fracking. This government has taken strong and decisive leadership on this position, a national leadership position, and we would like to explore other issues around that further.

In regard to the Family Violence Protection Amendment Bill 2017, this is very important, and one of the many recommendations that came out of the family violence royal commission report that this government is intending to act on. This is a further piece of legislation — indeed we introduced another bill earlier today — that continues the ongoing effort we need in this family violence area to implement and bring legislative effect to a range of those family violence royal commission recommendations.

This bill is part of that suite of activity. Again, it is taking a national leadership position on a critical issue that does not just affect women and children but also all of us in the Victorian community. There is a significant economic cost to family violence and a significant and deep personal cost as well.

I note that the opposition is seeking an opportunity for this bill to be considered in further detail. I have indicated to the manager of opposition business that we are open to that request. Should there be time available, there would be time on Thursday to consider that request and bring that into effect. Also, it is the government's intention to deal with the bill on urban renewal that has returned from the upper house after members statements this afternoon. Should time also permit, later this afternoon we will be seeking to deal with order of the day 3 on the notice paper regarding the attendance of a minister before a standing committee of the Legislative Council. I believe that request is to do with the Treasurer. We need to deal with requests from the Legislative Council in the manner that has become consistent for all parties on all sides of the house.

There are many items to consider and debate over the course of the week. We look forward to the support of all members of the house in dealing with these important and significant pieces of legislation that touch on a range of really important public policy areas, which is why I would contend that this government business program is worthy of support.

Mr CLARK (Box Hill) — It is a sign of the disarray and disorganisation that is becoming endemic in this government that it is floundering around trying to put together a government business program for this week. We have seen the Leader of the House and her fellow ministers so incapable of actually bringing legislation forward to the house in a timely and organised manner that they have ended up with only one bill of substance on the notice paper that they want to proceed with today. The government is floundering around trying to find other ways of filling up an afternoon because it could not get on with actually doing its job of bringing to the house the sorts of legislation that it needs, particularly legislation in the field of law and order.

We have seen the Attorney-General again giving notice today of a new bill which, yet again, seems to pick up on policy measures that were prepared and ready to go back in 2014. This is two years or more down the track. He is bringing these measures to the house in a very tardy manner. Apart from that, we have seen nothing to tackle the law and order crisis that the community is looking for. We have been waiting for months to see the government's long-awaited willingness to deal with the Court of Appeal heading in the wrong direction in relation to baseline sentences. Despite the crime figures last week, the government seems oblivious to the law and order crisis that is enveloping this state.

Indeed right across the program the government is struggling to get legislation into the Parliament in a timely and organised manner. This afternoon it wants to revisit the call for the Treasurer to appear before the Legislative Council and give evidence to the Standing Committee on the Economy and Infrastructure. That was a motion passed by the Legislative Council back in June. It shows the contempt for due process that this government has that we are only now seeing them indicate that they might be prepared to debate it. They should have accepted and agreed to that message on the

spot when it was received last year from the Legislative Council to have the Treasurer go and explain to the economy and infrastructure committee what the government's position is on the very important matters that that committee is looking at.

I strongly suspect that yet again the government is going to run away from any form of accountability or scrutiny on that measure, as indeed it is running away from what is probably the elephant in the room at the moment — namely, the rorts that have been perpetrated by the former Speaker and Deputy Speaker and the urgent need of this house to deal with that matter and do what it can to rectify the disgrace that has occurred by not only holding the two individual members concerned to account but also getting to the bottom of exactly how this was allowed to go on and how it is that the culture of rorts and the abuse of offices has permeated right throughout Labor government MPs. This includes the red shirts, the chauffeured dogs in the ministerial car, the Speaker, the Deputy Speaker — the list continues. It is all coming from one side of the house, all from the Labor members of this Parliament.

It is about time that the government was prepared to face up to its responsibility and the Premier was prepared to face up to his responsibility and deal with these matters appropriately. Just as we on this side of the house were prepared in previous governments to deal with these matters when they arose and to hold people to account when they deserved to be held to account, so this government should be doing the same. We should be making time on the government business program this week to deal with the notice of motion to set up a select committee to look into all of these matters, not only to hold those individuals to account for the taxpayers money that they would appear to have improperly helped themselves to but also to get to the bottom of the entire culture of rorting and abuse of office that has permeated the entire parliamentary Labor Party.

These are the matters that we should be dealing with, not the contrived devices by the government to try to fill up a notice paper that is empty or to spring motions on this house without any forewarning and try to move them by leave with no consultation in accordance with long-established practice for motions by leave. It is clear, as I said at the outset, that the government is floundering. They are preoccupied and distracted by their internal divisions and by the rorting and abuse that is going on. The Leader of the House is struggling to organise a legislative program and to get her ministers to bring their bills to the cabinet and into the house. Yet again this is a government in disarray.

The DEPUTY SPEAKER — Order! Just before I call the member for Essendon, I would ask the manager of opposition business that when he refers to the former Speaker and former Deputy Speaker that he actually use those terms, not 'the Speaker' and 'the Deputy Speaker'.

Mr PEARSON (Essendon) — This is fantastic. What a magnificent government business program we have before the house today. I have got to say, Deputy Speaker, it is an absolute joy to stand on this side of the house and be part of the team that is getting on with delivering good government to this state. It is a fantastic government business program — —

Honourable members interjecting.

Mr PEARSON — Indeed! What is before us this week is a very, very good, solid working program before the house. It builds on the commitments the government made in relation to establishing a Royal Commission into Family Violence, which is an absolute scourge in our community. I am so delighted to be a member of a government which is taking this matter very seriously and which is introducing legislation to deal with it.

In addition to that, there is the motion that the Minister for Resources attempted to move by leave earlier today, which we would like to deal with this week. I note the comments by the manager of opposition business, but the reality is that the issue of the extraction of gas via unconventional means is a matter of great concern for many members of our community, and I would have thought those opposite would have been quite keen to learn about what the position of the opposition is in relation to this very important matter and indeed what the position of the National Party would be in relation to this matter. I know certainly from my experience that when the government and when the minister made this announcement, this was something that was of great significance and of interest to the community.

In relation to the manager of opposition business, what I find interesting is that the manager of opposition business is saying that we are seeing nothing to tackle the law and order crisis. Is that not extraordinary? We have a $2 billion investment in the Victoria Police budget — —

Ms Ward — How much?

Mr PEARSON — Two billion dollars. They invested very little, if anything. They did not fund a single, sworn member of Victoria Police because they were all funded by the last Brumby government. I find it curious that the manager of opposition business

would say that he is seeing nothing to tackle the law and order crisis when we are putting forward 3135 additional offices.

The manager of opposition business also seemed to say that we are struggling to bring forward legislation in a timely manner. Well, the reality is that you do it once and you do it properly, as the member for Lowan said when describing what her father used to tell her. I agree with the member for Lowan's father: you do it once and you do it properly. The reality is that, in terms of these matters, we are not going to be racing legislation into this place that is half-baked, ill-conceived, not properly thought through, not measured and that is likely to get thrown out by the courts, like what happened under baseline Bob's watch.

The reality is that you have to do this properly. You do it once and you do it properly. We are working our way through this very carefully. These are serious matters, and it is required that they are done once and done properly. It is required that they are brought into this place in such a manner that all members can be fully versed in and across the detail of what the government is proposing to do. If a bill like that is before the house and goes into consideration-in-detail stage, they can be really thought-through, measured contributions made by all members and the minister in relation to these matters.

It is wonderful to be on this side of the house. It is wonderful to have a government business program like this. Over the break I was reading a book about Pax Romana and about the great tribes of ancient Rome, and I think when you look at the government business program, you see this is Pax Victoriana. This is building on the very strong credentials of this good government, this good administration. We are doing the things we said we were going to do, and we are dealing with those matters that come up from time to time before this place. We are also placing on record and responding to very important matters such as fracking, the extraction of gas by unconventional means.

This is a very good, solid program. I am disappointed by the stunts of those opposite, who are clearly not interested in the big issues. They are not interested in jobs, they are not interested in growing the economy, they are not interested in a clean and stable energy future, and it is very disappointing. It is an outstanding government business program, and I commend it.

The DEPUTY SPEAKER — Order! Before I call the member for Mildura, I would say to the member for Warrandyte that if he would like to yell out across the chamber, then it would be best to do it from his allocated seat.

Mr CRISP (Mildura) — I rise to speak on the government business program, and The Nationals in coalition are opposing this program. We are opposing it for the reasons that certainly came out in detail from the manager of opposition business. This is a program that has some challenges. There is only one bill that can be debated today, and that is the Jury Directions and Other Acts Amendment Bill 2017. That is a reasonably straightforward bill, and I think it is one that should be dealt with speedily in this house, but I expect that the debate will be drawn out today because it is the only bill that can be debated. Thus the government brought on the stunt earlier of trying to bring a motion on without leave to plug the gap. I think that has been seen for what it is.

We do have other business that can be dealt with this afternoon. As the Leader of the House pointed out, family violence is a very significant issue. There is a bill before the house, which is important, but that cannot be debated until tomorrow, and as we know Wednesday is not a big day for parliamentary debate. Similarly, there are other bills that come tomorrow. The Ports and Marine Legislation Amendment Bill 2017 comes up tomorrow, and this is a significant bill, particularly for my electorate, because it deals with a number of areas, particularly marine safety. We have rivers and lakes in my area that are certainly well used, particularly with personal watercraft, so there is some debate there that will be needed, but it might be at the expense of family violence. Or will family violence be at the expense of discussing water safety?

Those issues are concerning. With a little bit of organisation we probably could have better used today, thus allowing for better use of tomorrow and the day after to debate these issues. Finally, on Thursday we have the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017, and this is where I love to take the words from the member for Essendon: do it once and do it properly. This has to do with synthetic drugs, in particular the cannabinoids. It has been a recurring problem with this Parliament in relation to these sorts of bills that seek to protect our community that we are back plugging the gaps that keep occurring in this area. There is certainly a lot to be done here, and we seem to be always behind the drug game. I do not see that this particular bill, essential as it is to plug the gap, is going to be done once, and it certainly could not be assumed that it is done properly. This will be an ongoing problem for this Parliament.

With those comments on those bills, we do again come back to the time management issue. This is something that could have been done better when constructing this program because there are three bills needing great debate and great emphasis, which are important to our community and could have been started today. Instead, we will probably have a very long discussion about jury directions, and I think that is not the best use of our time. With those comments, The Nationals will not be supporting this program.

Mr McGUIRE (Broadmeadows) — This government business program addresses Victoria's worst criminal justice issue — family violence. It provides new safeguards for children. This is an important reform. It addresses the scourge of the drug ice and other synthetic drugs, providing better enforcement prohibitions. This is significant. It improves safety for the state's waterways, and I acknowledge the representative of the National Party saying that they want to have a debate and make — I would hope — a constructive assessment and contribution to that debate. The government business program also delivers reform to reduce errors in the jury directions, aimed at fewer appeals and retrials, which I hope all members will support because they would minimise the stress and harm caused to victims and their families by retrials. This is the sweep of what the government is talking about.

Then we come to this question that really goes to the rub. It is the issue of the upper house wanting to have the Treasurer appear before it and to ask questions. I just want to put this on the record. I asked myself, 'Has the opposition in the state of Victoria asked one question of the Treasurer about the last budget?'. We are in the countdown to the next budget, so I just thought I would check with the Treasurer's office. I found that there has not been one question asked about the 2016–17 budget in question time. This is an appalling set of circumstances. Do you know why there have been no questions asked? They do not want to hear the story because Victoria's economy is the envy of the nation, with 190 000 jobs created since November 2014 and a solid infrastructure pipeline including the Metro Tunnel, the western distributor and level crossing removals. That is the response that he would give if he was questioned about infrastructure, of course he would:

> Whether it is building critical infrastructure or record funding for our schools and hospitals, the Labor government is getting it done by delivering the services that Victorians need and deserve.

I am directly quoting the Treasurer here. That was in response to the recently released midyear financial report. It showed an operating surplus of $1.4 billion for the six-month period ending 31 December 2016:

> Net infrastructure investment for the general government sector totalled $3.9 billion for the six-month period — an increase of $1.8 billion from the same period last year — as the Andrews Labor government gets on with building the infrastructure that Victorians voted for and need.

That is the proposition. This is what this government is all about and that is the answer the Treasurer will give any time — —

The DEPUTY SPEAKER — Order! Member for Broadmeadows, the member for Warrandyte wishes to raise a point of order.

Mr R. Smith — On a point of order, Deputy Speaker, the debate we are going through at the moment is on the government business program. These are facts and figures, so-called, that the member for Fitzroy — is it Fitzroy? — —

The DEPUTY SPEAKER — Order! I ask the member for Warrandyte to please succinctly state his point of order.

Mr R. Smith — He really needs to come back to the debate at hand. This is simply debating the motion at the moment and he needs to come back to the debate.

The DEPUTY SPEAKER — Order! The government business program, as the member for Warrandyte knows, is often a very wideranging debate. I ask the member for Broadmeadows to continue.

Mr McGUIRE — Thank you, Deputy Speaker. I know the Melbourne International Comedy Festival is soon to start, but the member for Warrandyte will not make the cut, if that is his best stand-up gag. The other proposition that has been put is about baseline sentencing. Seriously, this cannot be treated with any credibility because it is not my view, it is the court's view. The court just said, straight up, the attempt that was made by the former government was unworkable.

Mr Watt — On a point of order — —

Mr McGUIRE — That is not my view; that is the view of the court.

Honourable members interjecting.

Mr Watt — On a point of order — —

Mr McGUIRE — I know they do not want to hear it, but it is the reality. It is the inconvenient truth.

The DEPUTY SPEAKER — Order! Member for Broadmeadows, the member for Burwood wishes to raise a point of order.

Mr Watt — Thank you very much, Deputy Speaker. On a point of order, the member for Fitzroy North is actually nowhere near the motion — —

The DEPUTY SPEAKER — Order! The member will please state his point of order succinctly and quickly, using the correct title of the member.

Mr Watt — On relevance, the member is not being relevant to the motion that is before the house.

The DEPUTY SPEAKER — Order! What is your point of order?

Mr Watt — The member is not being relevant to the motion that is before the house. He is very clearly not anywhere near the motion that is before the house, and I call you, as the Deputy Speaker, to do your job and get him to do his job and speak on the motion.

The DEPUTY SPEAKER — Order! The member for Burwood will resume his seat. The member for Broadmeadows to continue. There is no point of order.

Mr McGUIRE — Thank you, Deputy Speaker.

Mr R. Smith — On a point of order — —

Honourable members interjecting.

Mr McGUIRE — The manager of opposition business has raised this issue in the debate — —

The DEPUTY SPEAKER — Order! The member for Broadmeadows will resume his seat. There is a point of order from the member for Warrandyte.

Mr R. Smith — They are not listening to us.

Ms Allan interjected.

Mr R. Smith — No, she was not. She was not giving me the call.

The DEPUTY SPEAKER — Order! I ask the member for Warrandyte, what is your point of order?

Mr R. Smith — Forget about respect; I can read it in *Hansard*.

The DEPUTY SPEAKER — Order! The member for Broadmeadows has resumed his seat. His time is up. Member for Warrandyte, is this a point of order?

Mr R. Smith — Deputy Speaker, I guess I prefaced it by saying 'point of order'.

The DEPUTY SPEAKER — Order! Thank you. What is the member for Warrandyte's point of order?

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Warrandyte is continually disrespecting the Chair. I would ask him to resume his seat away from the table, unless he has another point of order.

Mr R. Smith interjected.

The DEPUTY SPEAKER — Order! Fine, but if you have a point of order, please state your point. If the member for Warrandyte has a point of order, I ask that he please state his point of order.

Mr R. Smith — On a point of order, Deputy Speaker, for clarity, I am permitted to sit at the table.

The DEPUTY SPEAKER — Order! Member for Warrandyte, please state your point of order.

Mr R. Smith — It is very difficult for members to state points of order when you continuously talk over them. So just for clarity — —

The DEPUTY SPEAKER — Order! Member for Warrandyte, will you please state your point of order.

Mr R. Smith — For clarity, is that a practice that will continue, so we know how to conduct ourselves when you are in the chair?

The DEPUTY SPEAKER — Order! Member for Warrandyte, do you have a point of order?

Mr R. Smith — Yes, I just made it.

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

Mr KATOS (South Barwon) — I rise to make a contribution to the debate on the government business program. As the manager of opposition business has stated, we will not be supporting the government business program. There are only four bills this week on the program. The Ports and Marine Legislation Amendment Bill 2017 is quite important to a lot of regional and rural members in areas that take in Victoria's coastline and lakes and river systems, but we are not going to get much of an opportunity, I venture to say, to speak on that bill as we have quite an extensive list.

There is only one bill today before the house, being the Jury Directions and Other Acts Amendment Bill 2017. It is again sloppy legislative work by the government that we only have one bill before the house today that can be debated. I even had a Labor MP slip to me that they have been told to get ready to talk out the jury directions bill and that the briefing books have been passed around, because that is the only bill we can speak on today. That is what we will be doing today — speaking about the jury directions bill. If this government had a proper legislative program in place, we would be able to debate all of this legislation in a proper and more fulsome manner. Now we are going to have debate truncated on bills that the opposition finds very important, because this government cannot get its house in order.

As has been stated by other members, we should also be debating the law and order crisis and have bail legislation introduced. We are still waiting for the bail reforms after however long, as well as measures to combat law and order. We have had crime in Geelong go up by 24.4 per cent over the last two years, with more than 4500 extra offences recorded, but there is nothing on that.

Then obviously the opposition would like to debate the rorting members for Tarneit and Melton and the way that they have behaved. I am quite embarrassed by their behaviour of putting up a house in Queenscliff and a caravan in Ocean Grove as their second residence. I find it quite ironic. They are extremely eager to live in the seat of Bellarine; unfortunately the member for Bellarine has yet to do so, after 15 years in this place. After 15 years she is yet to move into her electorate, which I just find quite extraordinary. She just has to move all the way from the Geelong electorate, where she has lived for the last 15 years, into Bellarine. This is what we should be debating. The people of Victoria are sick of the rorting that goes on and are sick of MPs who are doing this, and it is Labor MPs who are doing this.

I am one of those who receives the second residence allowance, and I do so in a proper manner. In fact in the Parliament in which we were elected — the 57th Parliament — where I lived actually fell 900 metres short. I sought the advice of the Clerk, who provided me with that advice. I did not claim that allowance because I was not entitled to it for where I lived. I have moved home subsequently, and I have followed the rules of this Parliament. I have not rorted it like ALP members have. I respected the rules of this house — —

Ms Ward — On a point of order, Deputy Speaker, I did think that we were here to debate government business, not to hear the personal history of the member for South Barwon.

Mr R. Smith — On the point of order, Deputy Speaker, it was not 10 minutes ago that you ruled that this debate was a wideranging one, so I ask you to not uphold the point of order.

The DEPUTY SPEAKER — Order! There is no point of order. The member for South Barwon, to continue. However, I would ask the member for South Barwon to stick within the parameters of government business.

Mr KATOS — Yes, within the government business program. As I said, the ports legislation is something that a lot of rural and regional members are very keen to speak on. As I said, because of the sloppy way in which the legislative program has been brought forward by this government, we are going to sit here and debate the Jury Directions and Other Acts Amendment Bill 2017. While it is an important bill, we are going to debate that for a whole day, whereas if this government had its legislative agenda in order, there could have been more fulsome debate across all four bills that are before the house today.

What is going to happen, as I said earlier, is that the bill briefing books will get passed around on the government benches, and they will talk out the jury directions bill when other bills should be debated in a more fulsome manner. As previously stated by members on this side of the house, the opposition will not be supporting the government business program.

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	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Ward, Ms
Hutchins, Ms	Williams, Ms

Kairouz, Ms
Kilkenny, Ms
Wynne, Mr

Noes, 38

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

Motion agreed to.

MEMBERS STATEMENTS

Doncare

Mr R. SMITH (Warrandyte) — I rise to commend the vital work that Doncare do for the local Manningham community. Doncare provide invaluable services to the community of Manningham, including domestic violence assessment and support with a specialist intake and referral service and counselling for both adults and children. The Doncare Angels for Women Network is a mentoring program linking professionally trained volunteers to women recovering from domestic violence, which, amongst other things, aims to encourage self-confidence and is important to those suffering from abuse. The development of their iMatter app is aimed at younger people, empowering them and building relationship skills. iMatter is supported through social media, and this interactive app now has over 11 000 downloads. I am very proud to have been able to help fund this app during my time as Minister for Youth Affairs.

These programs would not be possible without ongoing funding or the army of volunteers, who can so easily be forgotten. Volunteers are the backbone of Doncare, and I would like to take this opportunity to personally thank each and every volunteer for the contribution they make to this wonderful organisation.

I recently caught up with the CEO of Doncare, Doreen Stoves, and her team, who gave me an update on their work and aspirations for 2017. Doreen has informed me that the Minister for Women and Minister for the Prevention of Family Violence has visited to hear of their work and the need for government funding to continue these programs. As the local member, I am very appreciative of the minister's visit and hope that it translates into ensuring attention is brought to the work of Doncare so that they can continue their vital work in the Manningham area.

Altona electorate student achievements

Ms HENNESSY (Minister for Health) — Today I would like to acknowledge and update the house on many of the fantastic achievements of students at schools in my local electorate. Some of these include students who were recently awarded Sporting Blue Awards. They include Suliasi Prescott, Celeste Mucci, Paul Tsapatolis and Bianca Compuesto. They took home awards in Rugby League, athletics, basketball and tennis respectively. I wish to extend my sincere congratulations to those students. They are certainly part of the next generation of sporting stars and are an extremely talented group of athletes.

Featherbrook College

Ms HENNESSY — Earlier this month I had the honour of visiting the wonderful new Featherbrook College in Point Cook to celebrate its opening with students and staff. I was joined by the Minister for Education and the principal, Kerry Clayton, plus some extraordinarily impressive student leaders. I would like to wish students and staff alike the very best as they grow into the future, and I look forward to seeing the ongoing evolution of this school.

Point Cook College

Ms HENNESSY — I also recently had the chance to visit Point Cook College to see the Stephanie Alexander kitchen and garden. It is always a pleasure to see the exciting things happening in our local schools, combining two of my loves: gardening and cooking. I was absolutely blown away by the passion those students have. I also want to acknowledge the student leadership group: Michael Balnozan, Ella Nicholson and Sophie Potter. They are truly investing in their leadership at this school, and these are students who are doing extraordinary things and who are committed to the ongoing evolution of their skills in terms of showing leadership both at that school and in the broader district.

Heyfield timber mill

Mr T. BULL (Gippsland East) — The news on Friday that Australian Sustainable Hardwoods in

Heyfield will close later this year was met with both disappointment and anger by the local community. Incredibly, even before the staff had been told of this outcome we had the Premier on air saying he would buy the mill to secure all the current jobs in what was a simplistic statement that had clearly not been thought through. Not only did the mill owners not know anything about this offer but the Premier was obviously totally unaware the owners were strongly considering relocating the equipment to Tasmania, where they have had talks with a receptive government — meaning there may be no mill to buy.

When asked about this, all the Premier could, embarrassingly, say was: 'That's an interesting development'. He also said he would offer to operate the mill with the current timber supply offer and retain all the jobs. Again, showing his lack of a briefing or knowledge of this issue, he was clearly unaware that a resource allocation as low as 60 000 cubic metres would provide for only 60 jobs, not the current 250. This was clearly a statement to deflect from what the real issue is — resource allocation.

The Premier has repeatedly said the timber is not there, but this is not what his own agency, VicForests, says. VicForests has said on ABC radio that the timber is there, but the primary issue is the amount that has been placed into Leadbeater's possum reserve in the past 24 months and the forecasts of what will be placed into reserve in the future under the current system. This clearly indicates that the timber is there and it is a policy directive that will change it. If not, then who is right: VicForests or the Premier? They cannot both be right when their comments are at odds.

Cultural Diversity Week

Ms WILLIAMS (Dandenong) — This week is Cultural Diversity Week, which is an opportunity to celebrate the cultural diversity within our community and promote harmony. In Dandenong we celebrate this almost every week, but this week is still pretty special. As I have said in this place many times before, Dandenong is the most multicultural electorate in Victoria, with over 60 per cent of the community born overseas and with over 156 different countries represented. We enjoy a vibrant calendar of multicultural celebrations and some of the best food in Melbourne, hands down.

Harmony Day

Ms WILLIAMS — Late last week I celebrated Harmony Day at the John Pandazopoulos Hall with representatives from dozens of different migrant communities, all of whom dressed in traditional attire and performed traditional dances and songs. Some of these people have been in Australia for decades and others have arrived more recently, but all of them are proud of their contribution to our country and grateful for the opportunities our country has provided to them.

Holi festival

Ms WILLIAMS — I also recently attended the Holi festival at Tatterson Park in Keysborough and danced the afternoon away with members of the south-east's Indian community, who generously doused me in colour. For those who do not know, the Holi festival is about forgiving and forgetting, about repairing relationships and about focusing on what unites us, not what divides us. It is a message that has enormous relevance to all of us, no matter our background. I would like to acknowledge the work of the team at Australian Indian Innovations Incorporated, who hosted the event, including its president, Vernon Da Gama, vice president, Yogen Lakshman, and secretary, Babu Akula.

Modern Australia is founded upon a strong migrant history, with only timing separating most of us. Our diversity is our greatest strength, and we should never forget that fact. I am of Irish heritage but I am Australian, and I am a Victorian and proud of it.

Joseph Boote

Mr BATTIN (Gembrook) — On 17 March 2017 a family dinner was held at the home of my in-laws, Carol and Greg. The dinner was to remember Greg's great-uncle, 20-year-old Joseph Boote, who lost his life exactly 100 years earlier on that day in 1917 in Flanders, France. Joseph was born in 1896 in Manchester, England, the third of four children brought up in the industrial north. The 1911 census states that 14-year-old Joseph worked as a piecer in the cotton mill. When the call to arms came, the thought of adventure for young men like Joseph was exciting, and he enlisted with the 1/8th Argyll and Sutherland Highlanders infantry. He became Private Joseph Boote, regiment 301104.

We read from the war diary documenting Joseph's movements during the March 17 battle. An abridged reading follows:

> The raiding party left Ecoivres huts at 9.00 p.m. on 16 March. At 12 midnight a halt was made and the men were given soup and cake and issued with bombs and charges. Men's greatcoats, mess tins and bayonet scabbards were sent back from this point.

> At 1.45 a.m. the party proceeded to the front line at Roclincourt and all was ready at 4.45 a.m. Zero hour was fixed for 6.15 a.m., which meant waiting under cover for an hour of daylight.
>
> The barrage began, the soldiers went over the top at zero hour and were up to the first line without casualty. During the next 25 minutes fighting was extremely severe with close range rifle fire eventually taking the second line. The enemy were dealt with, and any left above ground retreated to the third line. The whole battle was completed in 40 minutes leaving 16 dead, 77 wounded and 13 missing.

This is not a battle that was mentioned at remembrance ceremonies.

State Emergency Service Sunbury unit

Mr J. BULL (Sunbury) — Not all superheroes wear capes; some wear bright orange. I was lucky enough to meet with some local heroes of the community when I dropped by the Sunbury State Emergency Service (SES) unit last week. This year marks the 40th year of dedicated service from the Sunbury SES, and it is only fitting that as a birthday gift the Andrews Labor government has recently provided them with $100 000 to upgrade facilities and purchase new equipment. I chatted with Anthony White, the unit controller, about their plans for dealing with a growing Sunbury and the hard work of the volunteers over the past 40 years. If you come across a member of Sunbury SES in your travels, take the time to thank them for the great work they do, and also thank SES volunteers right across the state.

Sunbury Downs College

Mr J. BULL — On another matter — oh, what a night! — though rather than taking place in late December back in 1963 it was last Friday at the Melrose Melbourne reception centre in Tullamarine. It was a genuine honour and privilege to attend the 25th debutante ball of Sunbury Downs College. The debutantes of 2017 and their partners were outstanding and an absolute credit to their parents, teachers and the entire community. I send a special shout-out to my fantastic niece, the 2017 debutante Jessica. Jess, you looked wonderful, and the family were all very proud of you.

SunFest

Mr J. BULL — Last Saturday and Sunday Sunbury was again at its best with the SunFest festival. With the sun shining and thousands of people strolling the village green and surrounding streets, this was a truly great event. There were rides, show bags, pop-up stalls, a street parade, the Sunbury Can Dance competition and Sunbury's Got Talent. I want to thank the organising committee of SunFest — made up of just 13 people, I might add — and the outstanding volunteers, who have once again shown Sunbury at its best. I believe there were something like 20 000 people who attended. It was a terrific day. Thank you for having me.

Infrastructure strategy

Ms ASHER (Brighton) — I wish to refer to *Victoria's 30-year Infrastructure Strategy*, dated December 2016. This is a final report to government. In particular I want to look at the recommendations on page 43:

> But if we had to nominate the top three most important actions for government to take in the short to medium term, we would choose:
>
> 1. Increasing densities in established areas and around employment centres to make better use of existing infrastructure.

I also want to refer to a further quote, on page 123, which is a truly alarming quote, under 'Development in established areas':

> Intensify medium-density housing development in established areas of Melbourne and regional cities, such as Geelong, Ballarat and Bendigo, that are already well serviced with infrastructure by amending planning schemes within 0–5 years.

The report then goes on to make particular reference to the Sandringham line, which is obviously the point of my making some comment on this.

I call on the government to rule out this overdevelopment of Melbourne's existing middle-range suburbs. In fact I note that in the draft report of *Victoria's 30-year Infrastructure Strategy* this development was flagged in the executive summary, and what the government or someone has done is remove it from the executive summary. However, some of us actually read the entire text, and it is still there. The government should rule it out.

Caitlin Caruso

Ms SPENCE (Yuroke) — Today I would like to acknowledge Yuroke constituent Caitlin Caruso, who has joined us today along with her uncle, Paul. Anyone who has met Caitlin will tell you that she is a strong, determined and very artistic young lady. Caitlin also makes no secret of her love for the Collingwood Football Club and her dislike of Justin Bieber and his fans. Sadly, Caitlin also suffers from an extremely rare disease called ataxia-telangiectasia, or A-T, which amongst other things affects her coordination, weakens the immune system, heightens the risk of getting cancer

and leaves those with the condition in near-constant pain, with uncontrolled tremors.

Most who have the condition require the use of a wheelchair by adolescence, and Caitlin is no exception. This means she is not able to do the things that many of us take for granted, which includes dancing — something Caitlin loved to do from an early age, even with the balancing issues she had then. But as her condition has progressed, so too have the symptoms that make it impossible to dance. Sadly, over time Caitlin's condition has continued to worsen, and this deterioration will continue.

Caitlin's family are hopeful that developments in medicinal cannabis treatment may provide some relief from her symptoms, and they continue to monitor these developments both here and in the United States. I wish Caitlin and her family all the very best, and I thank her for visiting us today.

Linda Gant

Ms SPENCE — I would also like to acknowledge the recent passing of Craigieburn resident Linda Gant and express my deepest condolences to Craig, Brayden, Vanessa and Nathan. Linda will be greatly missed.

Robinvale-Euston region

Mr CRISP (Mildura) — The Robinvale-Euston region has seen the consolidation of properties and large-scale horticultural expansion in recent years, with production now approaching $800 million per annum. Industry and community leaders attended a regional dinner to discuss the issues that will arise between now and 2025 as a result of continued expansion. Well done to Glenn Stewart for pulling together a workshop on the issues to ensure the continued success of the Robinvale-Euston region.

Dylan Alcott

Mr CRISP — Dylan Alcott is a gold medal Paralympian who gave his time to support Chances for Children in Mildura and speak at a community breakfast last week. Dylan is an outstanding young man whose wisdom and approach to disability are an inspiration to all of us. My thanks to ANZ for bringing Dylan to Mildura.

Ouyen lake

Mr CRISP — The Ouyen Lake Committee were able to report good news to Luke O'Sullivan in the Legislative Council and me about progress on the construction of their recreational lake. After an enormous amount of work by volunteers, the project is now approaching the main construction phase, and all going well the lake could be available for Ouyen residents, friends and visitors next summer.

Ted Hurley Memorial Classic ski race

Mr CRISP — Motorsport returns to Mildura with the Ted Hurley Memorial Classic ski race at the weekend. Well done to all those volunteers who give their time to ensure that Mildura remains a major regional motorsport destination. Building on that reputation, the business case for the Mildura motorsport track has now been made public, and I thank Mildura Rural City Council for making a presentation to the Minister for Sport and the Minister for Regional Development in the other place for their consideration.

Brimbank Park running festival

Mr CARROLL (Niddrie) — I have a few aches and pains today after the fourth annual Brimbank Park running festival last Sunday, 19 March, at beautiful Brimbank Park. After running 5 kilometres last year, I decided to push myself a little bit further and, in some trying and hot conditions, being 34 degrees, completed the 10-kilometre track for a great cause, CanTeen, the organisation for young people living with cancer. It was great to see the new course taking in the much-loved Horseshoe Bend Farm at Brimbank Park, which I fought hard to get reopened for public use after it was closed for six years.

I want to take this opportunity to thank race director Brett Saxon and TrailsPlus, which puts this event on every year. It has raised over $40 000 for good causes. It was fantastic to finish the event, be greeted by Brimbank mayor Cr John Hedditch and Horseshoe Bend ward councillor Virginia Tachos, who has been a regular volunteer at the running festival, and get my medal. Even more importantly, this is a great local event that is keeping locals healthy and fit. Finally, a big thankyou to Judith Clarke, a four-time marathoner, who helped me actually get to the finish line and who is also, from what I learned on the run, doing some great work as a senior careers teacher at St Monica's College in Epping.

Airport West Neighbourhood Watch

Mr CARROLL — I was very pleased to attend the Airport West Neighbourhood Watch meeting last Wednesday, 15 March, organised by area coordinator Gabrielle Nilsson, to meet with locals and discuss the Andrews government's community safety statement. I want to thank Gabrielle and her team of volunteers

including Teresa Dutton, treasurer, and Adam Ballard, the newsletter editor, for their fantastic work. Latest statistics show crime in Airport West has fallen by over 15 per cent in the last year, and Neighbourhood Watch groups are critical in keeping our communities safe.

Timber industry

Mr HIBBINS (Prahran) — The failure of successive coalition and Labor governments to transition the logging industry to plantations and away from native forests is costing jobs. The supply problem facing Victoria's timber industry, which has caused the Heyfield mill's closure, is not that the forest has been protected but the result of mismanagement and excessive harvesting by VicForests.

There has been a lot of false information about the future of native forest logging in this state, much of which has been perpetuated in this place by the member for Narracan, who is saying that only 6 per cent of Victoria's forests were used for timber harvesting, with the other 94 per cent used for national parks and special reserves. This is a typical distortion of the facts by native forest logging proponents. The recent Victorian Environmental Assessment Council's report on the conservation values of state forests states that 59 per cent of all state forests are in general management zones or special management zones in four regional forestry agreement areas of eastern Victoria, which means, subject to other factors, they are available for regulated use by the forestry industry.

The member for Narracan has also stated that there are 4000 hectares within logging coupes set aside to protect the Leadbeater's possum. This figure is inflated, but even then it is only 0.2 per cent of forest available for logging. The member for Narracan likes to blame the Greens for job losses, but it is the Greens who have long called for a transition to sustainable plantations to sustain jobs in the timber and paper industries, whilst his government was one of those that failed to transition the industry and protect its workforce.

International Women's Day

Mr PEARSON (Essendon) — As part of International Women's Day I was delighted to host a fundraiser at my home with my wife and kids. Our special guest of honour was Cathy Connop from Farnham Street Neighbourhood Learning Centre, who spoke about the great work that Farnham Street has performed in our community over the past 30 years. The event was a wonderful celebration of Cathy and her work. We raised over $500, which will be used by Farnham Street's scholarship program to offer courses to those who cannot afford them.

Cultural Diversity Week

Mr PEARSON — I was honoured to attend Flemington police station as part of Cultural Diversity Week, which was attended by the Chief Commissioner of Police, Graham Ashton, and a number of senior representatives from Victoria Police and the local communities, many of whom were of African-Australian extraction. The celebration was a wonderful event, highlighting our diverse and very talented multicultural community. Special thanks to Parsu Sharma-Luital from Flemington police station, who did a terrific job in arranging and organising the logistics on the day. I was particularly pleased when many community members, Victoria Police members — including the chief commissioner — and I danced together in the car park.

Essendon Primary School

Mr PEARSON — I was honoured to recently attend the Essendon Primary School fete. What a fantastic school community. I was delighted to inspect the new building, which is being delivered under the Education State agenda. Special thanks to school council president Ava Adams and principal Christine Nash for arranging a terrific day.

Jayne Arthur

Mr PEARSON — Finally, a big shout-out to Jayne Arthur on the celebration of her significant milestone birthday on the weekend. Jayne is a fantastic contributor in our community. She has excelled at her career, she has a passion for dance and she has, with her husband, Darren, raised three happy and healthy children. It was a wonderful celebration of Jayne's achievements.

Country Fire Authority volunteers

Mr WELLS (Rowville) — This statement condemns the Andrews Labor government and the Minister for Emergency Services for their continued appalling treatment of, and complete disdain for, Victoria's 58 000 Country Fire Authority (CFA) volunteers, in stark contrast to the measures being implemented to appease and pay back their United Firefighters Union (UFU) mates in return for a resolution to the ongoing enterprise bargaining agreement (EBA) dispute.

There is growing speculation that the Andrews government has done a deal with Peter Marshall and

the UFU to restructure and abandon the existing Metropolitan Fire Brigade (MFB)-CFA fire service area boundaries as part of an EBA package which will severely affect and impact on CFA volunteers. Reports that there will be a significant increase in the number of paid career firefighters, either by directly extending the current MFB coverage area to all of the Melbourne metropolitan area and major regional cities or by recruiting paid 'retained' firefighters in CFA areas, similar to the system established in New South Wales, are of great concern to CFA volunteers and the wider Victorian community.

This speculation that volunteers will be pushed out from existing CFA areas in the outer metropolitan areas of Melbourne is increasing by the day and requires clarification by the minister and the government. Volunteers are the very foundation of Victoria's fire services, and in particular volunteers from Melbourne's other metropolitan and peri-urban CFA brigades provide the necessary surge capacity to bolster bushfire firefighting resources every summer. I call on the Minister for Emergency Services to put a stop to speculation and urgently clarify the government's intentions in relation to the boundaries.

Holi festival

Mr PERERA (Cranbourne) — I had great pleasure in officially opening the Lynbrook Residents Association Holi Festival of Colours at Banjo Paterson Park, Lynbrook, over the weekend. The festival signifies the victory of good over evil — the arrival of spring and the end of winter in India — and for many it is a festive day to meet others, play and laugh, forgive and forget, and repair broken relationships. The Lynbrook Residents Association has hosted the event for five years now, and this event certainly is well received by the community year after year. I would like to congratulate the committee from the Lynbrook Residents Association on putting on another great Holi festival this year.

State Emergency Service Casey unit

Mr PERERA — I had great pleasure in hosting the Premier on a visit to the Casey State Emergency Service (SES) unit located in Narre Warren. I thank the Premier for his visit as per my direct request to him and also thank the staff and volunteers from Narre Warren SES unit, who took the time out to discuss the need for an SES unit in Cranbourne. Both the Premier and I heard firsthand reports that there had been jobs in the southern part of Casey for which teams took more than 40 minutes to attend. The SES is desperately in need of a second depot in the southern part of Casey to serve the rapidly expanding electorate of Cranbourne and its surrounds. I stand for an SES unit to be established in Cranbourne.

Donna Fairweather and Linda Hancock

Mrs FYFFE (Evelyn) — When Donna Fairweather and Linda Hancock decided to raise awareness and funds for mental health, they chose the charity organisation Wellways. Embarking on a pilgrimage route across the Pyrenees and northern Spain to Santiago, they trekked 776 kilometres in their quest to complete 1 million steps for mental health — an awesome effort. These ladies are an inspiration to all of us.

Patricia Bigham

Mrs FYFFE — I wish to congratulate Pat Bigham for her inclusion in the Victorian Honour Roll of Women for 2017. As far back as 1983 — after Ash Wednesday — Pat was instrumental in developing a welfare support system for volunteers of the Country Fire Authority (CFA) to help support those affected by the traumatic experience — the fast-moving fires; the loss of lives, homes and animals; and the long, long hours put in by volunteers. This welfare system developed by Pat now exists in every district across Victoria. Pat was the first female volunteer in her district and had to overcome the challenges faced with being the only female in a male-dominated environment. Pat's district now has the highest number of female volunteers in the CFA. Pat has been awarded a CFA life membership for her valued service to her local community. She was awarded the Australian Fire Service Medal in 2008 for outstanding service, and this year she has been put on the Victorian Honour Roll of Women. Well done, Pat, and thank you for all you do for our community and our women.

Broadmeadows electorate health services

Mr McGUIRE (Broadmeadows) — The Northern Hospital now has Victoria's busiest emergency department. It treats on average more than 250 people daily. This year it is expected to treat more than 90 000 emergency patients. Built as a small community hospital, it is struggling to cope with booming population growth. An extra 500 000 people are predicted to live in Melbourne's north, meaning this region will grow to match the current population of Adelaide within two decades. More than 50 babies are born weekly in the City of Hume, with the consequential demand for increased child care, health care and hospitals. Put simply, Australia must have a needs-based health strategy.

Melbourne's north highlights the complexities of need and growth. The burden of disease is also much greater in communities faced with socio-economic disadvantage. This predicament extends to oral health, where economically and socially disadvantaged Victorians who are eligible for public dental services are most likely to experience poor oral health. Only one in four people are eligible to access public dental services under a funding model that is inequitable, according to the Victorian Auditor-General's report of December 2016.

To address the burden of disease, prevention and treatment in the communities most affected, I propose that Broadmeadows expands as a health hub, building on the assets of Dianella Health, the GP super clinic and the $20 million surgery funded by the Andrews government, which is soon to open, and I propose that we renegotiate the commonwealth's funding for dental treatment, changing the focus from episodic treatment to prevention, thus improving health and reducing costs. Health services are organised geographically. Australia needs systemic change because conditions in which people are born, grow, live, work and age — social determinants of health — are intimately linked to place. The World Health Organization recognises them as major causes of unjust and avoidable health differences.

Mount Waverley electorate sporting clubs

Mr GIDLEY (Mount Waverley) — Today in the Parliament I rise to acknowledge the Mount Waverley Cricket Club, following the opportunity I had to participate in their under-11s end-of-season presentation. The Mount Waverley Cricket Club is 110 years old — it was established in 1906. It fields 25 teams, including 18 junior teams, from under-11s to under-17s; an under-16 girls team; four senior teams playing in the Victorian Sub-District Cricket Association competition; four veterans teams; four further representative junior teams, largely drawing on our junior base; and a Milo program with 45-plus registrants. All this makes it the largest cricket club in Monash and likely one of the largest in metropolitan Melbourne.

As a cotenant, the Waverley Blues Football Club is the largest football club in the Monash region. It has a playing base of 300-plus players and very strong community support.

Unfortunately the home-ground facilities for both clubs are woefully inadequate, resulting in players needing to access completely inappropriate changing rooms and clubrooms, or worse still, in players having no access to clubrooms at all for some home-based games. Appropriate lighting and quality net and training facilities are sorely needed all year round. It is time the Monash City Council and the Andrews Labor government stumped up and provided the necessary funding to ensure the provision of appropriate club and change rooms, lighting, training and net facilities for these clubs.

Police numbers

Mr GIDLEY — Today in the Parliament I call on the Andrews Labor government to immediately cease the cuts to Victoria Police, which have resulted in the significant loss of police officers in the 2016 financial year alone, as confirmed by the Chief Commissioner of Police. With crime up in Monash by 20 per cent in 2016 and 28 per cent since the election of the Andrews Labor government, this government's cuts to police numbers are resulting in higher crime levels. More crime, more victims, more life-changing impacts on Monash residents from those significant police cuts.

Catholic Education Week

Ms BLANDTHORN (Pascoe Vale) — Last week was Catholic Education Week, and across the state our Catholic school communities celebrated. Catholic and independent schools are a vital part of our education system. Over a third of Victorian students are educated in Catholic and independent schools. Melbourne Catholic schools from across the state participated in a concert in Treasury Gardens where Mercy College Coburg performed. There was a young speakers' colloquium and a visual arts exhibition, amongst other activities.

The week culminated in a mass at St Patrick's Cathedral, and local schools such as Penola Catholic College; Antonine College; Mercy Coburg; St Pauls Primary School; St Mark's School, Fawkner; and St Thomas More Primary School, Hadfield, all attended. The week celebrates the efforts, achievements and faith of students and families in Catholic schools, and it recognises the work of teachers, aides, principals and officers and administrators of Catholic education.

John Jordan

Ms BLANDTHORN — I would like to take this opportunity to wish one such administrator, John Jordan, who is the manager of industrial relations at the Catholic Education Commission of Victoria, a very happy 60th birthday for Thursday, 23 March. As well as being a constituent of the people's republic of Moreland and my former boss, John is a great servant of Catholic education. His first interest is always the

students of Catholic education, and he is committed to delivering fair and reasonable outcomes for all those who work in our Catholic schools. I wish John a very happy birthday.

Barry Beckett Children's Centre

Ms BLANDTHORN — I also refer to the Barry Beckett Children's Centre opening, which I attended last week. The Andrews Labor government committed $300 000 towards the much-needed upgrade of this facility.

Timber industry

Mr RIORDAN (Polwarth) — The large timber and cartage industry of the Otways and south-west Victoria stands in solidarity with the protesters from Heyfield who have gathered at Parliament today. Australia is a net importer of timber. This means that the Victorian timber industry has a huge potential to grow and develop. As a sustainable and renewable essential resource, timber can provide everything from paper to construction materials and the furniture we use every day, but it has the extra benefits of locking up carbon and providing wealth, jobs and strong futures for people in regional Victoria. Yet this Labor government continues its war against our timber industry. It continues its war against the workers of regional Victoria. When this government has a chance to keep the coffee shops of Fitzroy happy, where half its cabinet reside, outside of their own electorates, it will. This government continues to sell out country jobs and opportunities to win green votes. Logic, common sense and people's futures are all up for grabs when Labor wants to win green city votes.

So what does this government's treatment of Heyfield workers mean to the rest of country Victorians? It now means no industry is safe. We have seen this government destroy caravan parks along the Great Ocean Road through bad policy. We have seen this government destroy the Heyfield mill through bad policy. And what is the Premier's solution? His solution is to nationalise these businesses. He wants government running once-profitable private enterprises. This is a crazy, unsustainable policy approach. Government needs to get out of wrecking and controlling business and let the people of country Victoria get back to work. Good policy and sensible regulation is needed, not a maniacal Zimbabwean approach to land management and resources.

Frankston electorate schools

Mr EDBROOKE (Frankston) — It was my pleasure to present leadership badges at Aldercourt Primary School and Frankston Primary School this week. Seeing our young leaders coming up to collect their badges with pride and confidence is a wonderful sight for their teachers and families. Congratulations to our school leaders for 2017. We know you will do an incredible job this year. It was also great to catch up with Frankston Primary School principal Morry Rubinstein to look over the $800 000 state government redevelopment taking place at the moment, which is looking incredible.

Education funding

Mr EDBROOKE — If you want to know why Gonski funding is important, go straight to a school and ask the principal. That is what I did last week at McClelland College in Frankston. High-performing countries with successful economies allocate their resources equitably across socio-economically advantaged and disadvantaged schools. My question to Prime Minister Turnbull is simple: if you support the thought of an 'innovation nation' and tell us that Australia is falling behind in terms of maths and science teaching in schools, why are you not addressing this by supporting Gonski funding?

The Babes Project

Mr EDBROOKE — I recently had the opportunity to visit The Babes Project. Our families deserve the best start in life, and it is proven that an investment in education addressing risk factors during pregnancy prevents the need for intervention at later stages. That is why the Andrews Labor government is providing $50 000 in funding for The Babes Project to support their perinatal services for local women. This will ensure The Babes Project can continue their amazing work in our community.

URBAN RENEWAL AUTHORITY VICTORIA AMENDMENT (DEVELOPMENT VICTORIA) BILL 2016

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 18, after line 32 insert—

'(3) After section 49(2) of the Principal Act **insert**—

"(3) Development Victoria must consult with the municipal district in which the land is located before entering into an agreement under subsection (1) concerning the use or development of that land.".'.

NEW CLAUSE

2. Insert the following New Clause to follow Clause 19—

'A Annual report

In section 69 of the Principal Act—

(a) in paragraph (b), for "completed." **substitute** "completed; and";

(b) after paragraph (b) **insert**—

"(c) in respect of each declared project being delivered by the Authority during the financial year, details of value creation and capture, including—

(i) community services, benefits and infrastructure;

(ii) increase in social capital;

(iii) enhancements to public amenity;

(iv) commercial outcomes;

(v) productivity enhancements;

(d) a report on the financial status of each declared project.".'.

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

That the amendments be agreed to.

I will make only a few brief comments on the bill as amended, as it is returned from the Legislative Council. This house had a good and strong debate on this bill a few weeks ago. It passed this chamber; however, I do note that the opposition at the time opposed the bill on its way to the Legislative Council. The Legislative Council have had the opportunity to consider this bill, and I am pleased to say that they have supported the bill — unlike those opposite, who just opposed it outright. However, there was an amendment that, if I recall correctly, was put forward by the Greens and that was acceptable to the government. I will just speak to that matter regarding the amendment.

The amendments, which were, as I say, supported by the government in the other place, ultimately leading to the successful passage of the bill and its return here for our consideration, were that Development Victoria be required to consult with the municipal council for the district in which the land concerned for use or development is located and also to look at an enhanced reporting regime in respect of each declared project. They were sensible suggestions that the government was pleased to accept and work through with the Greens in the Legislative Council. They are fairly straightforward additions to a bill that is important in terms of how we improve the opportunities at a government level to undertake developments on government land and undertake them in a way that maximises the value.

When I say 'maximises the value', I do not just mean in a purely economic sense — that is clearly important, and the commercial underpinnings obviously need to be front of mind — but we do know that there are strategic parcels of government land that are appropriate for social and affordable housing. We do know that there are parcels of government land that community groups are interested in for community uses, whether it is for community facilities or indeed open space. These types of value-capture opportunities that have a broader community benefit cannot always be quantified in facts and figures, but they are certainly quantified in terms of improving the local amenity and the local community areas, and that is what we are seeking to achieve with the creation of Development Victoria.

It is an important step forward in how we develop land, identify parcels of land and work on the precincts that we have emerging around the city, particularly in places like Arden, where the Metro Tunnel project is going to unlock a significant urban development opportunity. We need to make sure we have got our governance structures in place to ensure that that is successfully and appropriately planned and delivered, working particularly in this instance with Arden, a key stakeholder in the City of Melbourne as well. I say all that noting that those opposite are potentially going to continue to oppose this important and strategic advancement in the government's development of its own land that it holds as a significant asset. We come from the point of view that we are wanting to unlock this asset for broader community benefit as well as see where there is an opportunity to make a financial return to the state. I commend the bill to the house.

Mr CLARK (Box Hill) — The house is being asked to consider amendments made to this bill by the Legislative Council. The opposition parties continue to be opposed to the bill as a whole, but we do not with this motion have an opportunity to revisit that. Unfortunately the government is persevering with the bill, and our vote in opposition to this bill as a whole was defeated. Nonetheless the amendments that were

made by the Legislative Council go to the heart of the reasons that the opposition oppose this bill as a whole.

We certainly do not oppose the notion of governments properly and sensibly making effective use of public land and other assets — of making provision for that land to be redeveloped and redeployed in an appropriate manner — but what we do object to is what is becoming the track record of the current Andrews government of seeking to impose inappropriate, excessive, high-density developments, particularly in residential areas and more generally in other areas across the state. This bill, we very much fear, is a vehicle to allow the government to continue with that policy and to impose excessive redevelopments of government land contrary to the wishes of the local community in a way that substantially and detrimentally impacts on local communities.

The two measures that are before us in these amendments from the Legislative Council seek to respond to that in two ways. The first of those amendments from the Legislative Council — an amendment moved by the Greens party and agreed to by the government — was to provide that:

> Development Victoria must consult with the municipal district in which the land is located before entering into an agreement under subsection (1) concerning the use or development of that land.

The second of the two amendments requires further information to be provided in the annual report of Development Victoria. In respect of each declared project being delivered by the authority during the relevant financial year, details must be included of value creation and capture, including in relation to community services, benefits and infrastructure; increase in social capital; enhancements to public amenity; commercial outcomes; and productivity enhancements, as well as a report on the financial status of each declared project.

With those two amendments of the Legislative Council, the opposition parties are in agreement with the amendment relating to enhancements of the annual report. We and the Greens party believed it was important that these details be provided in respect of each declared project as part of greater transparency and accountability, and to understand exactly what Development Victoria was doing. It does not remove all of our concerns in relation to the operation of Development Victoria because there are still many aspects of the finances of Development Victoria and the ability to shuffle money from one fund to another to retain money within Development Victoria rather than pay it into the consolidated fund that continue to concern us.

The coalition spokesman in the Legislative Council, the Honourable David Davis, referred to it as a slush fund approach, and that is probably a very good way of summarising it. The finances of Development Victoria are not on the clear and transparent footing that we believe they should be on, and they are not calculated towards ensuring that public funds are directed to their greatest and best use across the whole of government. So while this second amendment requires some greater accountability in respect of each declared project and is an improvement as far as it goes, it does not address that broader problem of the financial structure of Development Victoria and how moneys can be, without proper accountability, diverted from one project to another within the Development Victoria empire or indeed the empire of the Minister for Major Projects.

The first of the two amendments that we are being asked here to approve was also moved by the Greens party and accepted by the government. I have to say the coalition parties are very disappointed in this amendment. We are very disappointed that the Greens party was prepared to sell out residents in suburbs and towns across the state and were prepared to sell out local communities on what seemed to us to be the most spurious of grounds. Of course the government was quite happy to accept the amendment that the Greens party moved because, at the end of the day, it does not really amount to much. It does not give much protection at all to local communities.

There is a requirement about consultation with the municipal district in which the land is located. We have seen the government's track record on consultation before. You just go through the motions, have the discussion, give the local council 5 minutes to have their say and then completely ignore what they and the local community are saying. It has been a sellout by the Greens party to the government's excessive development approach and the government's willingness to impose inappropriate developments on local communities.

The coalition parties in the Legislative Council instead urged the Council to agree that the amendment should require that Development Victoria could not enter into a relevant agreement concerning the use or development of land without the consent of the municipal council in which the land was located. In other words, give the local communities a real say in this decision-making and not simply consult with them: give them 5 minutes to put their views on the record and then go ahead and do exactly what the government wanted to do in the first

place. We believe that would be a much better way of protecting local communities, and we believe that approach should be persevered with.

Accordingly I move:

> Omit "consult with the municipal district in which the land is located before entering into an agreement under subsection (1) concerning the use or development of that land" and insert "not enter into an agreement under subsection (1) concerning the use or development of land without the consent of the municipal council for the municipal district in which the land is located".

This will reinstate what we urged upon the Legislative Council. It is an amendment that will give a genuine say to local communities through their local council and will avoid some of the disgraceful overdevelopment proposals that we are already seeing from the government and which will become even worse if this legislation becomes law.

The example of the Markham estate was raised by my colleague the honourable member for Burwood in the previous debate, and I am sure he will have a few more words to say on that if he has the opportunity to do so. That is just a classic example of how government is willing to trample all over local communities. It is an area of land that certainly would benefit from some upgrading and enhancement but, instead of a sensible, measured, sympathetic, compatible development that fits in with the amenity of the neighbourhood, there is a gross overdevelopment being proposed to be imposed on the community.

We are, as I say, very disappointed that the Greens party was prepared to sell out local communities in relation to this issue and on the most strange and concerning grounds. I refer to remarks made by the Greens party spokesperson in the Legislative Council in that regard. She, as I say, gave the strangest reason for the Greens party rejecting that proposal. She said:

> I think one of the issues for us in relation to that, although it was made with good intent, is that what we have seen sneak into local government — and it saddens me greatly, because I am very passionate about local government as a tier of government in our community — is quite an element of hatred and bigotry and racism. What concerns us is that if you needed local government consent, those particular motivations might be used in order to discredit a project that may well be a worthy project into the future, and that is a very poor outcome indeed.

The Greens party spokesperson in the Legislative Council, Ms Dunn, said that during the course of the debate. The suggestion that Boroondara council, Whitehorse council, Stonnington council or Monash council could be motivated by hatred, bigotry or racism is an appalling slur on those communities. I certainly hope that is not what Ms Dunn intended to say, but that is certainly the way that it reads. I think it is quite an affront to local communities to suggest that a majority of local communities or their elected representatives could be motivated by hatred, bigotry or racism in making their decisions.

As Mr Davis pointed out in the debate in the Legislative Council, most local government welcomes responsible and sensible development in its municipality. As he said:

> … most councils want development on public land in their area; they want to ensure there is appropriate development.

To suggest that local government would not agree to a sensible proposal coming from the government is very concerning. Indeed it flies in the face of the government's claims in other contexts that it wants local government to be involved in having a say. Unfortunately I think it is showing the real underlying agenda. The government's purported desire to have greater local government involvement in planning decisions is a bit of an illusion. The government want to give the semblance of local government having a say, but at the end of the day they want to impose their wishes on local communities — indeed impose their wishes for very intense and inappropriate overdevelopment on local communities, including on the sorts of public land projects to which this bill relates.

One hardly needs any further demonstration of the government's determination to oppose inappropriate development across Melbourne's suburbs — indeed across townships throughout Victoria — than the recently announced changes to residential planning zones. We have seen the government's pretence and sham of claiming they are going to protect backyards — 'preserve the backyard', they called it. Not only is that claim illusory but under the cover of that claim they are proposing to gut the neighbourhood residential zone. Instead of that zone being limited to two dwellings per lot there is now going to be the potential for an unlimited number of dwellings per allotment, and in the general residential zone the raising of the height limit from 9 metres to 11 metres will make it far easier for three-storey developments to take place in ordinary residential streets across our suburbs.

The government has let the cat out of the bag in terms of what its plans are. It wants to tear up the protections of residential areas put in place under the previous coalition government. It wants to allow excessive and inappropriate development to undermine neighbourhood characters. It says in areas where a two-dwelling redevelopment has been accepted as appropriate that the

sky is now the limit. It says, 'As many as a block will take is what we are going to allow you to have'. So all those suburbs and neighbourhoods that were given the assurance of protection under a neighbourhood residential zone are going to lose that — —

Mr Pearson interjected.

Mr CLARK — The member for Essendon interjects and says there are open space and permeable space requirements. Indeed there are. That rather proves the point that I was making about the illusory nature of this purported 'save the backyard' announcement that the Minister for Planning made the other day, because when you go and look at the detail you see that the existing permeable space requirements in many of the zone schedules across our suburbs are already far greater than what the minister purports to be the new requirement that is going to, as he incorrectly alleges, 'save the backyard'.

In fact his open space requirement, which is actually not a 'keep the backyard' requirement, is going to count swimming pools, deck areas, gravel driveways and a whole lot of other things as open space. When you take this into account the minister's so-called open space requirements in many instances — probably the vast majority of instances — are going to make no difference, no improvement and no extension to the protections already there.

Of course the other aspect of this sham is that the new open space requirements are only going to apply when a planning permit is required. The government and the minister have been out there trying to suggest that everybody in every residential street across the state can be assured that their neighbours' backyards are going to be kept as their neighbours' backyards and thus their neighbourhood character is also going to be kept. However, if it is simply knocking down one house and building another in its place on an ordinary-size suburban block, then none of the minister's new requirements about open space are going to apply. Exactly the same size of McMansion will be able to be built under the minister's much-trumpeted changes as can be built at present.

We have seen the government's form on this. We have seen the government's record of wanting to impose inappropriate development on residential streets. They have done it with their *Plan Melbourne* changes. They have done it with their residential zone changes. They have made clear their intentions with the various things that the minister has said in his speeches. Now we are seeing the government with this bill determined to cut local communities out of having a say. They are determined to go ahead with inappropriate and excessive developments on public land in municipal districts and residential streets, and they are prepared to only go through the motions of consulting with local government. They are certainly not prepared to give local government any real say in negotiating what these redevelopments are going to be.

As I said previously, we are very disappointed that the Greens party was willing to sell out to the government on this and not stand up and protect residential neighbourhoods. We are even more concerned with the government, which is determined to drive home these excessive over-developments of residential areas, both through this bill and through their other planning changes. For that reason, while we do not oppose the amendment relating to greater accountability, we believe the amendment relating to the involvement of municipalities should be amended in the form that I have moved to make it clear that Development Victoria cannot proceed with a relevant redevelopment plan without the consent of the municipal council.

If the government has any commitment to giving the community a genuine say in these matters, I call on it to agree to this amendment rather than persevere with the sham consultation amendment that the Greens party have moved and that the government has so far been willing to go along with.

Mr WATT (Burwood) — I rise to speak on the Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016, particularly the amendment that has brought it back to this house. I note that the amendment talks about consultation. 'Consultation' is a very interesting word. The amendment that has been proposed by the Greens says that Development Victoria must consult the municipal district in which the land is located before entering into an agreement. As I said, I think 'consultation' is a very interesting word. The only thing this government knows about consultation is the first three letters — 'con'.

The member for Box Hill talked about a particular development in my electorate where the government has shown utter contempt for the residents and for the local council. The government has put forward a proposal for a development for which 85 per cent of all the units they are planning on putting on this site do not meet with the Better Apartments design standards that the government recently released. Quite frankly, this particular development has been ill thought out and the process has been nothing less than an absolute disgrace.

The consultation that was done amounts to zero. The government, through Places Victoria, decided to hold

information sessions and not consultation sessions because they had already made their decision. They had already decided that they were going to ignore the community, so they held information sessions. The first information session was held at 7.30 on a Wednesday morning at Alamein train station. Anybody who knows Alamein train station knows that it is not the busiest train station in the world. The government chose to have an information session at 7.30 on a Wednesday morning. They followed that up with another information session at the Ashburton shopping strip at 7.30 on a Monday morning. This is what the government would like us to believe is consultation, and this is the problem that I have with the amendments that have been brought to this house through the Greens in the upper house and why I am supporting the member for Box Hill's amendment, which will mean that the government must have the approval of the local council.

The Markham estate is an interesting development in my electorate. This site has 56 two-storey townhouses on it. Then the government decided to redevelop it. Originally they said there were going to be 242 units on the site, then they increased that to 250 units because they realised that to get the yield and to get the super profits that they had talked about they would have to actually increase the density on the site. The government has taken the site from 56 units — public housing units — and has then kept talking about this 10 per cent figure. For a long time they could not really get it through their thick heads that if you go from 56 to 60, that is not a 10 per cent increase. It is not a 10 per cent increase particularly when a number of the units that are being put in are single bedroom units. When you put single bedroom units in, you actually decrease the yield on the site. You get fewer public tenants. The government likes to talk about increasing public housing, but in fact it is actually housing fewer public housing tenants, particularly on that site.

I note a freedom of information request that I put in in September 2015. For some reason I was told that it was not in the public interest for anyone to know that the government was massively overdeveloping this site for what we have discovered are super profits. By way of a separate freedom of information request that a resident put in, an email was found that was sent in July 2015 that specifically talked about the problem of how the government was going to deal with communicating — or not — the super profits on the site and the fact that the government was making super profits. It was going to be an issue because obviously the residents in the local area were not going to be too happy knowing that there was going to be massive overdevelopment and that the reason for that was so that the government could make super profits.

We also discovered recently in this house that the government, while making super profits, is also making additional profits through the sale of the land and more particularly through stamp duty that is attached to the sale of that land. Thereby, it is putting more money back into consolidated revenue, meaning that there is going to be more development on this site. We are talking about seven storeys. My residents should feel comforted by the fact that the minister responsible for this bill and for the site today talked about maximising the value. Those words are very similar to those in the super profits email that I saw. The minister also stated that commercial underpinnings are front of mind. I would have thought that local residential amenity would be front of mind for any government. Destroying people's livelihoods, destroying their amenity should not be secondary to commercial underpinnings. It is interesting that the minister herself talked not half an hour ago about maximising value and the commercial underpinnings being front of mind.

I note that the member for Box Hill talked about the government trying to densify suburbs, and my constituents are very concerned about this, particularly on this site. The neighbours along Markham Avenue, and particularly the ones that back onto Markham estate through Ashburn Grove, will have an 8-metre neighbourhood residential zone. There will be a maximum height limit of 8 metres. They should feel comforted by the fact that they will be protected by that 8-metre height limit from the guys next door, but what they are not comforted by is the fact that we have a government here that is introducing a block, which has a 9-metre height limit that the government is overruling, that is going to be a seven-storey building in a quiet neighbourhood, backing onto parkland with Gardiners Creek at the bottom of it.

My residents are extremely, extremely concerned by the government's actions. The council is concerned. This is not a proposal that the council is unable to deal with. As a matter of fact these types of proposals are the types of proposals that the council deals with on a regular basis. The reason this particular proposal has been called in by the minister and the reason it is being dealt with in this way is because the minister knows, as does the Minister for Housing, Disability and Ageing, that this particular development in its current form would never pass the council because it is inappropriate.

My residents know it is inappropriate, and that is why they have organised a rally on 25 March starting at 10.00 a.m. and going from the Ashburton train station to

the Ashburton library. I encourage the Minister for Housing, Disability and Ageing, who is here with us, to come along. He has ignored all other invitations he has received to other consultation sessions that we have had — decent consultation sessions — as has the Minister for Planning. But as I keep telling people in this house, and I keep reminding the Minister for Housing, Disability and Ageing and the Minister for Planning, the government does not get the final say. This particular proposal will require a planning scheme amendment.

Section 38(2) of the Planning and Environment Act 1987 makes it very clear: if you do not do your job properly, either house of Parliament — the upper house or the lower house — could move an amendment or could reject a planning scheme amendment. They could put the kibosh on this silly little proposal. It is actually not too little; it is actually quite large — it is a silly big proposal that the Parliament could put the kibosh on.

Mr GIDLEY (Mount Waverley) — I now rise to make a contribution on the Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016 and the amendment circulated by the member for Box Hill. Is it any wonder that we do not have any government members prepared to step up to the plate to make a contribution on the legislation before the house? That is always a good indicator, it is always a good test, it is always a good estimate as to the quality of the proposed changes to laws and whether or not the government that is proposing these changes has support within it.

The government is very divided and distracted at the moment — there is no question about that — but I would have thought that notwithstanding all the issues the government has, there would have been some members who would have got up, stood up to the plate and made a contribution. But that is telling.

Is it any wonder that members across the south-east — whether or not it is the member for Carrum or the member for Mordialloc or a number of other members — go out to their communities and make statements about planning and supposedly give people an opportunity for genuine consultation out in the community then come into the Parliament and do exactly the opposite? Some may say they are 'two faced', some may say they have a 'lack of ticker' to stand up for those things in their party room. Others may say they are blind with their head in the sand. Whatever is accurate, there is no question that those members are not standing up for their communities. This government is not standing up for its communities, and this government will wreak havoc in local planning in Carrum, in Mordialloc and in Bentleigh, no question about it, as well as a number of other districts in the middle-ring suburbs.

The problems with this bill are numerous and significant, as has been outlined before the house. Firstly, there is no question that the financial reporting mechanisms and responsibilities for Development Victoria are not adequate. These are precious taxpayer dollars that are going to be utilised, and once again this government comes ducking and weaving to avoid the appropriate level of transparency that should be available to Victorian taxpayers to know how government agencies are using their money. This particular bill, without a doubt, does not provide the necessary transparency or accuracy or reporting mechanisms for Development Victoria. That is the first aspect.

On the second aspect that I am greatly concerned about, I was pleased to see the amendment moved by the member for Box Hill, which makes it clear that developments should not be entered into for agreements for land use without the approval of the municipal council. We know that this government has an appalling track record on consultation. I mean, the words 'the Windsor Hotel' say it all. Consultation is just lip-service. Consultation, in reality, does not exist — whether or not it is a matter of doing a phoney email and saying to government staff members, 'Oh, we'll just go through this process. We'll just say that we are going to do consultation' — but in the end, wink, wink, nod, nod — 'we've already made up our mind on that', as we saw with the Windsor Hotel and a number of other developments by the Victorian branch of the Labor Party.

That is why genuine consultation is important. Those opposite simply cannot be trusted to undertake consultation because of their appalling record on the Windsor Hotel and a number of others, as the member for South Barwon has quite rightly identified.

Mr Katos interjected.

Mr GIDLEY — That is exactly right, member for South Barwon. That is why there needs to be a requirement that development arrangements are not entered into prior to and without the consent of the local municipal district. Let us be logical and reasonable about this. If there was an appropriate development that was going to be entered into, then most local councils and most local communities would be happy to have that because there are jobs, there is investment, there are opportunities there.

But what that tells you is that it is about the developments that the community does not want: the developments that are inappropriate, and the

developments that are going to wreak havoc and chaos and cause maximum damage in medium-density suburbs and suburbs that are already developed, which this government is seeking to avoid by undertaking a sham consultation rather than requiring a municipal district to actually agree to it before it got up.

It is very clear when you look at the government's own planning documents, whether or not it is the Infrastructure Victoria 30-year plan that clearly refers to increasing:

> … medium density housing development in established areas of Melbourne —

including and specifically focused on middle-ring eastern and south-eastern suburbs. And what do you know, Glen Waverley is in there, as well as a number of others. It is in the government's own document, the Infrastructure Victoria 30-year strategy, as the member for Brighton has referred to. In addition to that you can look at the *Plan Melbourne* refresh, another planning document that is supposed to be a legacy document for this government, that very clearly talks about increasing the level of density — medium and high-density developments — in established areas.

Those are the sorts of developments where this bill will not require agreement by local municipal districts and councils before the development happens unless the amendment put forward — the very good amendment put forward — by the member for Box Hill is supported, which would require a municipal district to actually agree to the development before it was approved. That is the sensible, logical and reasonable thing to do when you actually take into account respecting the views of a community or a neighbourhood.

But this government does not. It did not with the Windsor Hotel, it did not with so many others, and it does not with this bill. That is why it is not going to be a requirement. There is simply going to be a sham consultation in relation to that. I have touched on the members who are clearly sensitive and almost ashamed of this bill but are not prepared to stand up and put it on the plate and talk about it. I have talked about the issues that that is going to create throughout the south-eastern suburbs — your Carrums, your Mordiallocs, your Frankstons, your Bentleighs and others.

Mr Richardson interjected.

The ACTING SPEAKER (**Mr Carbines**) — Order! The member for Mordialloc.

Mr GIDLEY — The community will be aware that on this side of the house, where we believe in genuine consultation, we have an amendment before the house that would require a municipal district to actually approve prior to a development rather than having a sham consultation. Of course it disappoints me greatly, whether it is this piece of legislation or the lack of rigour and ticker for protecting heritage values in this government. Whether or not it is the London Hotel, which the member for Albert Park would be aware of, or other heritage aspects in Melbourne, this government just does not seem prepared to stand up for residents in their local areas and protect heritage values, to protect the quality of neighbourhoods. Instead, it only seems intent on, in this bill, putting forward developments that must be entered into whether or not communities want that or not.

That is a great shame because what we are going to end up with is inappropriate development, which means that we are going to have higher densities in areas where we should not, so people will not have the ability to have the sort of streetscapes that they have at the moment. They will not have the ability to have the sort of open space they have at the moment. They will not have the ability to have the sort of native vegetation requirements that they do at the moment. We have seen with the changes to the neighbourhood residential zones the removal of caps, as an example, and other things that basically tear the heart out of the protection of neighbourhood character that neighbourhood residential zones provided. Those changes announced by the planning minister will tear the heart out of those. That is a great shame because whether or not it is kids being able to play in the backyard, or kids being able to go for a walk in relation to neighbourhood character, or them being able to see greenery — —

Ms Halfpenny interjected.

The ACTING SPEAKER (**Mr Carbines**) — Order! The member for Thomastown.

Mr GIDLEY — To understand those things this government just seems intent on ensuring in those suburbs that that is not a priority. That is a shame. I find that a shame in terms of quality of life. I think it is a great shame as a conservationist myself that these sorts of attributes are not welcomed by this government or not protected.

The previous government introduced neighbourhood residential zones. We fought so hard to protect neighbourhood character to ensure people could have a backyard, to ensure there would be trees and native vegetation, and to ensure that there was a better balance between the need for housing stock and protecting neighbourhood character. It is almost as if this government has come in and said, 'To hell with it. We

are going to do everything we can to rip the heart out of those neighbourhood zones, to rip the protections away from residents'. That is a shameful indictment on this government. It is no wonder members of the government will not stand up and make a contribution on this. I support wholeheartedly the amendment by the member for Box Hill.

Mr HIBBINS (Prahran) — I rise to speak on the amendments to the Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016. We have two amendments from the other place. They were put forward by the Greens — by Ms Dunn, the Victorian Greens planning spokesperson — and we have an amendment to those now put forward in the lower house by the opposition. The main part of the Greens amendments is to essentially ensure that Development Victoria consult with local government before entering in an agreement, and I see that the opposition amendment seeks that that agreement cannot be entered into without the consent of the municipal council. Essentially I see that as giving a veto power over the agreement.

We feel that that is a step too far, a bridge too far. We feel that we have come to a reasonable midpoint in terms of this particular issue. We feel that in giving the local government, the municipal council, essentially a veto over such an agreement could mean that worthy projects could be stopped and prevented for unworthy or unjust motivations, so we will not be supporting the opposition's amendment.

What we have aimed to do is trigger a consultation process. Whilst I am very sympathetic, there have been some severe deficiencies in the approach by this and the previous government — in fact in all successive governments, I would say, over the last decade or so — to community consultation in regard to these matters. Ideally we would like to see the local government as a referral authority for Development Victoria applications as the best process or the best way of handling this particular issue, but it would be outside the scope of this bill to put that forward. What we have tried to do is find a midpoint and a way to ensure that the view of local governments — and we in the Greens are very passionate about local government as a level of government, and we are passionate about advocating for them — on planning and urban design are heard.

The other Greens amendments were essentially to provide reporting requirements on Development Victoria to provide clarity around the detail on value creation and the capture of individual projects and to provide further information on the finances of each project. The Greens will be supporting the amendments from the other place, but we will not be supporting the opposition's amendments in this instance.

Mr FOLEY (Minister for Housing, Disability and Ageing) — I move that the question be put.

Mr Clark — On a point of order, Acting Speaker, I am not clear whether or not you are proceeding by virtue of the minister moving that the motion be put or simply proceeding because no other speakers have risen to speak. I submit that the latter would be in order. I am not sure whether it is in order for you to accept a motion that the motion be put. Would you be able to clarify your intentions in that regard?

The ACTING SPEAKER (**Mr Carbines**) — I thank the manager of opposition business. I can clarify that the Minister for Public Transport has moved that Council amendments 1 and 2 be agreed to. The member for Box Hill has moved an amendment to Council amendment 1 proposing to omit some words with a view to inserting an alternative set of words. The question on the member's amendment to the Council amendment is that the words proposed to be admitted stand part of the bill. Members supporting the member for Box Hill's amendment should vote no.

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

Ayes, 47

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
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
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 38

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Northe, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
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

Amendment defeated.

Motion agreed to.

DISTINGUISHED VISITORS

The SPEAKER — Order! I acknowledge a former Deputy Speaker in this place, Mr Weller, the former member for Rodney, who is in the gallery.

LEGISLATIVE COUNCIL STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Treasurer

Message from Council seeking agreement to resolution considered:

Council's resolution:

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

> That this house refuses to grant leave to the Treasurer, the Honourable Tim Pallas, MP, to appear before the Legislative Council economy and infrastructure committee to give evidence and answer questions in relation to the committee's inquiry into infrastructure projects.

We are already hearing the murmurs of discontent from those opposite, which is somewhat unsurprising. I say 'somewhat' for a reason; the motion we are moving is entirely consistent with the practice that those opposite engaged in when they were in government. I guess we are getting used to the hypocrisy of those opposite, but is it not always a surprise? It still continues to surprise me from time to time. I will not speak for too long on these matters because we have seen these requests come from the upper house, which chooses to engage in these standing committee practices that are not necessarily always about getting an outcome but more about the political gains for the Liberal Party and the National Party in cahoots in the upper house.

Mr Pakula interjected.

Ms ALLAN — I will let you comment on that matter, Attorney. As I said, it is a practice of this chamber to assert its independence from the other chamber, and this is a long-held practice. Indeed not that long ago we had a lengthy debate on these very matters in this house, and this house resolved in the affirmative on that matter. I am merely being consistent in upholding that practice. I note that the matter they are seeking the Treasurer to appear for is with regard to an inquiry into infrastructure projects. I happen to know a little bit about this inquiry because we have made a number of government officials available to this committee over the past months and years. We made available a number of our senior officials who are responsible for delivering those projects that those opposites failed to do — the Metro Tunnel project, getting rid of level crossings, building services and improving services in regional Victoria through V/Line and building the Murray Basin rail freight project. These are important projects, and I always find it interesting that those opposite choose to continue to criticise and attack these projects that they in government refused to even contemplate delivering.

This need not be a lengthy debate, although I predict those opposite will bluff and bluster about how outrageous it is, how terrible it is and how the Treasurer should be dragged before the upper house and questioned in various ways. I put it to those opposite that they have had every opportunity to question the Treasurer. They have had dozens of question times since the budget was handed down last May to question the Treasurer on his administration of the budget. How many questions has the opposition asked the Treasurer about the 2016 state budget? The answer is none. They have not bothered to raise even a whimper in this place in terms of asking the Treasurer questions about the budget. If they were genuine about accountability, if they were genuine about wanting to probe the Treasurer on matters relating to his portfolio, they would do it in this chamber through question time. There are also constituency questions and all manner of opportunities, but they refused to do so, choosing to use other practices that they know have been unacceptable to governments from both sides of the fence. With those few words, I have moved the motion and hope that it has the support of the members of this chamber.

Mr CLARK (Box Hill) — The opposition opposes this motion. There is no good reason why the Treasurer should not appear and give evidence before the Legislative Council committee. The government, as per usual, is going to any length to avoid being accountable, avoid answering questions on its administration and avoid being held to account for its rorts. They are now in this classic case of inconsistency,

where on the one hand the other week they passed through this house a motion saying they had exclusive cognisance over certain matters yet they persistently refuse to do anything to deal with those matters that they claim that they are entitled alone to deal with because of this false assertion of privilege, while continuing to maintain that assertion.

If you look at the history of the sessional and standing orders here and the practices of other parliaments, you see that what this motion from the Legislative Council is seeking to do is entirely consistent with our standing orders as they have stood over many years. Indeed it is at least consistent with, and in one view goes beyond, what is accepted practice in other parliaments, including the commonwealth Parliament. To assert or suggest that in some way it is inappropriate or a trespass on the privileges of this house for the Legislative Council to ask for one of the ministers in this house to give evidence to a Legislative Council committee is completely wrong. You can look at the standing orders of the Legislative Council as they currently are and see that standing order 17.03, 'Attendance of Assembly member or officer', states:

> If the Council or a Council committee desires the attendance of a member or officer of the Assembly as a witness, a message will be sent to the Assembly requesting that leave be given to such member or officer to attend to give evidence in relation to the matters stated in such message.

What the Legislative Council has done is entirely consistent with their own standing orders and indeed it is provided in our standing orders at 198:

> If the Council or one of its select committees wishes to examine a member or officer of the house, the house may:
>
> (1) Give leave for the member to attend if the member thinks fit.
>
> (2) Order an officer to attend.

I make the point that both our standing orders and the Council standing orders draw an important distinction between officers of the relevant house being asked to give evidence to the other house and members being asked. So, for example, the standing orders of the Legislative Council at 17.10 provide under 'Evidence of proceedings not to be given elsewhere without leave':

> No Clerk or officer of the Council, or person employed to take minutes of evidence before the Council or before any committee thereof, may give evidence elsewhere in respect of any proceedings or examination had at the bar or before any committee of the Council, without the Council's special leave.

In other words, there is an absolute prohibition on officers of the Council giving evidence to this place. There is no such prohibition in relation to members of the Council. There is a similar structure in relation to our standing orders, where 197 is headed 'Officers not to give evidence without leave':

> No person employed or contracted to assist the house or a select committee will give evidence in respect of any proceedings of the house or a committee without leave of the house.

Again, there is an absolute prohibition on officers giving evidence without leave but no such prohibition in relation to members. The same situation has existed for a long time in relation to our standing orders, and I refer to the 1982 edition of standing orders, which were the standing orders that were applied up until our current standing orders were adopted in the last decade. I quote from the old standing order 224**:**

> When the attendance of a member of the Legislative Council, or of an officer of that house, is desired, to be examined by the house, or any committee thereof (not being a committee on a private bill), a message shall be sent to the Council to request that the Council give leave to such member or officer to attend, in order to his being examined accordingly upon the matters stated in such message.

Standing order 233 of the old standing orders says:

> No Clerk or officer of the house, or shorthand writer employed to take minutes of evidence before the house, the committee or any select committee, may give evidence elsewhere in respect of any such proceedings or examination unless authorised by resolution of the house.

So for a long time the position has been clear. Officers are prohibited by our standing orders and the corresponding standing orders of the Legislative Council from giving evidence without leave. The position is silent in relation to members, save that there is provision for a message to be sent. That leaves a degree of uncertainty on the face of the record as to whether or not leave is required for a minister of this house to go and give evidence before a committee of another house if the message has been sent. If one looks at the practice of other jurisdictions, in particular the practice of the commonwealth, it is quite clear that leave of the relevant house is not needed. I cite two authorities in support of that. One is proceedings of a body called the Australia and New Zealand Association of Clerks-at-the-Table, in a paper that was given in 2009 in a discussion that was led by Mr Ian Harris, AO, Clerk of the Australian House of Representatives, and I quote:

> A member volunteering to appear before a Senate committee does not require the leave of the house. Senators cannot be compelled by the house to appear before it or one of its committees, or to produce evidence. The same applies to members in relation to the Senate and its committees. The immunity is entrenched practice, but derives ultimately from the Australian constitution. Leave of the Senate or the house

> would be required for attendance by one of its staff before the other house or one of its committees.

Similarly there is a document on the Parliament of Australia's website, information paper 13, 'Rights and responsibilities of witnesses before Senate committees', which was Senate brief 13 of September 2015. Under the heading 'Parliamentarians as witnesses' it says:

> Under the principle of comity, a house of Parliament does not seek to compel the attendance of members of another house (including members of state or territory parliaments). It is common, however, for members of the House of Representatives and members of state and territory parliaments, including ministers, to appear by invitation or by request before Senate committees, to assist with committee inquiries.

I think there is arguably some doubt as to whether any resolution of this house is even needed for the Treasurer to appear before a Legislative Council committee. The commonwealth practice is that ministers do not require leave of their house in order to do so, but whatever the answer may be on that question, what is absolutely clear is that the standing orders of both this house and the Legislative Council envisage a procedure which is entirely consistent with what has happened here. In other words, either house can send a message to the other house asking for leave for a minister to come along and give evidence, and indeed our new standing order 198 makes clear that if the Council or one of its select committees wishes to examine a member or officer of the house, the house can give leave for the member to attend if the member thinks fit, or it can order an officer to attend.

So the government cannot stand up and say there is anything improper or untoward in the process that is being followed here by the Legislative Council. It is entirely consistent with longstanding practices. If the government wants to get up and say that the Treasurer should not be given leave to attend, the government needs to come up with some particular justification on the facts of this particular matter. It cannot just say it is inappropriate, it is against the rules, it infringes on the privileges of the Assembly or any such argument, because that is palpably wrong. It is entirely longstanding. The government needs to get up and say why it does not want its Treasurer to go along and explain to the Legislative Council exactly what the government is doing.

Mr Foley interjected.

Mr CLARK — The Minister for Housing, Disability and Ageing interjects about the forms of this house. Well, either he has not been listening or arguments of logic just do not sink into his head, because I have quoted at length the relevant standing orders and the history of the standing orders. So if the minister wants to be in a post-fact world and say, 'I don't care what the facts are, I don't care what evidence you lay before me, I don't care what standing orders you cite, I want to block my ears to that and assert it is contrary to the forms of the house regardless of the facts and regardless of the history', that just confirms he is in a bubble of his own and nothing is going to penetrate that bubble, regardless of what we might try to do on this side of the house, and he can continue to live in a world of his own.

But the fact of the matter is on any logic and having any regard to the history of the standing orders, not only in this Parliament but in the commonwealth and Westminster parliaments, if the government wants to say the Treasurer should not go and be accountable to the upper house, it has got to justify that based on some specific reference to the facts of this matter rather than some pious attempt to hide behind phoney assertions — —

Mr Richardson interjected.

The ACTING SPEAKER (**Mr Carbines**) — Order! The member for Mordialloc!

Mr CLARK — We have seen plenty of that in recent days. As I said earlier, we have had the government come into this house and falsely assert that it has got exclusive cognisance over rorts, falsely assert that Victoria Police could never have properly investigated the Geoff Shaw matter, falsely assert that Victoria Police cannot investigate potential criminal conduct by the member for Tarneit or the member for Melton and falsely assert that the Ombudsman cannot investigate the red-shirts rorts. The government says, 'No, you can't do any of that because that's part of our privileges', but then it will not set up a select committee of this house to investigate what is going on and deal with these matters itself. It says, 'No-one else can touch them, but we're not going to do anything with them either'. We have seen these phoney claims of privilege in defence of rorting, and here we are seeing a phoney claim of privilege in defence of trying to protect the Treasurer from going along and explaining exactly what is going on.

For the record, way back in June last year when the Standing Committee on the Economy and Infrastructure sought to have the Treasurer come and give evidence, the then chair of the committee, Mr Morris, a member for Western Victoria in the Council, said that the committee wanted to understand the cost of replacement V/Line coaches, and he referred to the preliminary costings.

However, there has not been an overarching view of what the debacle with public transport in regional Victoria has cost the state. He raised the issue of the cost of replacing tracks and so forth.

The committee is still waiting to hear from the Treasurer about this and get some evidence from a whole-of-government point of view about the costs involved or whether there is any whole-of-government explanation for the debacle that has unfolded in V/Line and its lack of services. There are issues which the economy and infrastructure committee want the Treasurer to give evidence about. If the government wants to say, 'No, the Treasurer shouldn't give evidence to the committee', it needs to come up with some explanation for it.

Unfortunately we are seeing time and time again that government members said all sorts of things about transparency and accountability when in opposition but have run a mile from it when in government. It has run a mile from accountability in this house. It has run a mile from its promise to have consideration of bills in detail become a part of standard practice. It has run a mile from its promises about changing question time and giving the Speaker the power to require ministers to give written answers if they are non-responsive. We have seen arguments submitted to the Chair from that side of the house that as long as the minister is relevant, they do not need to be responsive, which entirely negates the sessional order that they trumpeted about in opposition.

Wherever you look, this government just does not want to come out and tell the truth to the Victorian community or tell the truth to a parliamentary committee. We are hearing all sorts of sham arguments being trotted out here to try to defend the Treasurer, rather than allowing him to go along and follow what is completely appropriate accepted practice. What should have been agreed to is a matter of routine, forthwith upon the motion from the Legislative Council message arriving at this house.

But instead here we are some nine months later. The only reason that the government is bringing on this matter now, rather than leaving it languishing on the notice paper and continuing to thumb its nose at convention and comity between the houses is, as I said earlier, that they have so badly organised their legislative program — they have failed to actually get that legislation through the cabinet process and get it to the Parliament — that they have only got the one bill available for debate today. So they are bringing on this motion in order to pad out a bit and cover over for their inadequacies with their legislative program. We certainly reject the attempt by the government to try to stop the Treasurer giving evidence to this Legislative Council committee. We believe that the Treasurer should give that evidence, and we oppose the motion moved by the Leader of the House.

Mr PAKULA (Attorney-General) — I do not intend to speak for very long on this motion — —

An honourable member — Hear, hear!

Mr PAKULA — Hear, hear! Because this is a bit of a case of deja vu, in that the member for Box Hill and I tend to traverse the same ground on these types of motions week in, week out. The member for Box Hill over the last few minutes engaged in what I would describe as an exercise of knocking down a straw man, because he was railing against a range of arguments that had not been made by the Leader of the House. It has not been asserted by the government that the Legislative Council — —

An honourable member — The Minister for Housing, Disability and Ageing did.

Mr PAKULA — I will come to that. It was not asserted by the Leader of the House that the Legislative Council cannot ask. The Legislative Council can ask away. The Legislative Council has done so, and they no doubt will continue to do so. We have asserted that they cannot compel a member of this house to appear before a committee of the upper house. We assert moreover that if we are talking about convention, it is the convention both here and in the federal Parliament that members of the lower house cannot be compelled to and do not as a matter of practice appear before upper house committees.

Mr Pesutto interjected.

Mr PAKULA — I will come to that too, I will say to the member for Hawthorn.

The member for Box Hill talked about a number of commitments that were made by the Australian Labor Party when in opposition as if to suggest that somehow there had been a commitment by the then Labor opposition that ministers in the lower house would appear before upper house committees if Labor were elected to government. Of course that was never committed to by Labor in opposition. The member for Box Hill talked about consideration in detail. I know that I have dealt with consideration in detail on a number of occasions in this house. I understand that there is a request from the opposition to do so again this week. I understand the Minister for Public Transport did so last week.

The member for Box Hill mutters under his breath, 'You said it would be standard practice'. I am trying to recall how many bills were considered in detail in the four years of the Baillieu-Napthine governments, and I have got to say it was a lot less than what we have already considered in detail in two and a bit years — a lot less. It might have been three or four times over four years, and I reckon I am being generous. It was only when those opposite could no longer rely on the vote of the member for Frankston that they started agreeing to bills being considered in detail. Up to that point I think the number was zero.

In response to an interjection from the Minister for Mental Health, the manager of opposition business said, 'Oh, well, the Minister for Mental Health interjects regardless of history'. I would say that when the member for Box Hill talked about the history, one thing I do not recall him detailing was the history of Liberal Party lower house ministers in the Baillieu government, in the Napthine government or indeed back to the Kennett government appearing before Legislative Council committees. I do not recall it ever happening. So the member for Box Hill's contribution is effectively a case of 'Don't do what we did; do what we say now'.

In terms of the other contribution by the member for Box Hill, in making claims about the government making false claims, he makes false claims himself. The member for Box Hill said that the government falsely claimed in this place that the Ombudsman could not investigate this matter or that. Let us be clear on what the government said. What the government said is that the Liberal-Nationals-Greens alliance in the Legislative Council cannot make determinations about whether members of this house can be investigated by the Ombudsman or anybody else. That is what the government said.

Mr Pesutto interjected.

Mr PAKULA — I say to the member for Hawthorn: the Liberal-Nationals-Greens alliance was given the opportunity to put its money where its mouth was in the upper house over the last two sitting weeks.

Mr Pesutto interjected.

Mr PAKULA — I am sure that there is business that can be done between the member for Hawthorn and the member for Prahran, but let me say that in the other place over the last two weeks the government offered the Liberal, Nationals and Greens parties the opportunity to show that their money could be put where their mouth was. There was a motion moved to say, 'Well, if the Ombudsman is going to investigate pre-election campaign expenditure and pre-election campaign activity, let us extend that investigation to the pre-election campaign activity of the Liberal Party, the National Party and the Greens'.

Mr Pesutto — Have you got any allegations?

Honourable members interjecting.

Mr PAKULA — The member for Hawthorn says, 'Have you got any allegations?'. Let me simply say that if he goes to the *Hansard* of the upper house, a number of allegations were made, but the fact is this: they used their numbers to shut down the motion for that investigation that was moved by the government party in the upper house. They used their 21 votes, the Liberals, Nationals and Greens, so do not come in here crying crocodile tears. You had an opportunity to show that you were as big as your word in the other place, and you declined to take up that invitation.

The government does not intend to have a situation where a capricious Liberal Party-National Party-Greens party majority in the other place can simply at will decide that members of the Legislative Assembly — who today happen to be ministers but may be any member of this house — can be made to appear before an upper house committee at any time.

When I describe their capriciousness, let us not forget the debate we had here last year when we talked about the fact that those same 21 votes were used to expel or suspend the Leader of the Government from the service of that house for six months even though the Leader of the Government had handed over more documents than any Leader of the Government in that place ever. So if those opposite think that the government is going to submit, or members of this house are going to submit, to that capricious Liberal-Nationals-Green 21-vote majority, they can think again. The motion ought to be supported.

Mr R. SMITH (Warrandyte) — I rise to support the manager of opposition business. May I say it is interesting to follow the Attorney-General, whose shamelessness is overshadowed only by the government's hypocrisy as a whole. This is a government that came to the last election saying that they would be transparent, that they would be open and that they would be willing to tell Victorians everything they were doing and indeed explain what they were doing, to be quite open about what they were doing. Far from that, this government has been nothing but opaque in the way it has conducted itself.

This government needs to understand that it cannot continue to go through the full term of government skating on a thin veneer of media releases and press conferences; there actually has to be some substance underneath it. In picking up something the Leader of the House said earlier about this myriad of infrastructure programs that the government purports to put forward, the fact of the matter is that in the main there has been very little done beyond the spin, and what has been done has been done without the consultation of the community or indeed without the blessing of the community it is impacting.

Let me say that the Treasurer should front the economic and infrastructure committee, which is a committee that was set up because the Liberal and Nationals parties in coalition, and indeed the crossbenchers, had a very justifiable level of mistrust in the Andrews Labor government such that they felt the need to set up this committee so that the government could be held accountable. Even in the early days of the Andrews government there was that level of distrust such that, because Labor has a long history of not being able to manage major projects or infrastructure projects in any way that does not blow budgets or time lines, those in the upper house saw fit to put this committee together so the government could be held accountable for its actions.

The committee has not only spoken to departmental officials and agency officials, as the Leader of the House mentioned earlier, but has also spoken to a number of residents who have been very poorly affected by the government's decisions.

The manner that this government has conducted itself with those communities has been appalling, to say the least. We have had people who have been affected by the level crossing removals out in the south-east who came in and showed the committee and indeed the broader Victorian electorate that this government was non-consultative; that it could not and still cannot supply or produce a business case for that project, which has now been dubbed sky rail; and demanded that the government be held accountable for the complete mess it is overseeing in terms of the construction of that particular project, putting something like 12-metre-high and indeed 15 and 20-metre-high constructions behind fences a mere couple of metres away from those residents. The government is pushing a project onto them that they never talked about before the election — in fact they did more than that, they actually pushed a solution to level crossing removals that was far from what was actually delivered.

Indeed the member for Oakleigh has been absent from any opportunity for the community to talk to him about it. And did the member for Mordialloc not scream and kick in the caucus when he made it clear that he was not going to have the same sort of project, the same sort of level crossing removal solution, put in his electorate? The kicking and screaming obviously paid off because the member for Mordialloc certainly is not getting the project, but the hapless member for Oakleigh certainly is. It only takes a hapless new Labor member to be able to turn an 8.5 per cent margin into something that is now incredibly risky. Certainly the community will speak loudly and clearly in November 2018 when they kick that member out for not standing up for them. He has shown them that he will never fight for them. He is a Labor apologist in his electorate rather than a representative of those people here in this house.

We need the Treasurer to go and talk about projects such as the western distributor — or indeed the West Gate distributor, as the minor half-a-billion-dollar project was called before these people opposite came to government. This project that they spruiked to the Victorian people was supposed to be shovel ready, but when the government came to office, the various industry groups made it very clear that not only was this project not shovel ready but it certainly did not have the capacity to allow the construction industry any sort of pipeline that the government found itself backed into a corner. Then Transurban on its white horse rolled in with a $5.5 billion project that would have long-reaching ramifications for the people of Victoria in the way that residents in the east and the south-east would have to pay tolls on the concession deed for many, many years to come, lining the pockets of Transurban and Transurban's shareholders but certainly doing nothing for Victorian motorists.

May I say, going further, that I am seeing a brochure go far and wide throughout the electorate in Labor's typical spin fashion, saying that work is already underway on the north-east link. Well, that is another project that has not even got off the ground, has no funding, has no plan and has no route. For goodness sake, what is this government trying to pull on people when they are saying that multibillion-dollar projects are underway when there has not been a sod turned, much less a sod turned on the projects that they say were ready to go? The hypocrisy of this government is just extreme.

May I look at some other of the projects that the government has been talking about? On Melbourne Metro, there has been no consultation with the community. Hundreds of businesses are losing business as a result of this project. There has been ill-thought-out

planning when it comes to the location of Domain station and no planning at all when it comes to South Yarra station, which is sorely needed in an area that is growing rapidly. I would have hoped that the member for Prahran would actually say something about that, but I have to say he has been very quiet in that regard. To go further, this government has refused to consider those necessary additions to the project and certainly has not made any business case that takes into account the level of traffic congestion that will come down St Kilda Road as a result of this ill-thought-out project.

It is for this reason and many others that the government should agree that the Treasurer should front the committee so that the committee can get the answers that it needs to go into depth on these projects so that Victorians can see that there perhaps is something more than the spin and rhetoric and press releases and press conferences that this government insists on rolling out instead of anything of real substance.

It only leads us to wonder about the reason why the government will not allow the Treasurer to front this all-party committee — a committee with a Greens member, a Shooters and Fishers member and also Labor members — that is asking for the Treasurer to come and give some depth and detail to these projects. It is a question that Victorians will have on their lips: is the reason this will not happen because the Treasurer simply has nothing to say? He does not want to be open, does not want to be transparent and does not want to be clear about the projects that he is happy to spruik about in minor detail through the press and in his dissertations to this house in contributions that lack any sort of detail at all.

In short, I support the manager of opposition business. The Treasurer should certainly front the committee. The committee does have many questions to ask, and indeed Victorians want to know the answers to many of those questions. In saying that, I support the manager of opposition business.

Mr CRISP (Mildura) — I rise to make a contribution and to add The Nationals' support that the Treasurer should front the upper house Standing Committee on the Economy and Infrastructure to give evidence and answer questions in relation to their inquiry into infrastructure projects. This is about transparency. When Labor came to government, they talked a lot about transparency, and here, at one of those tests of that commentary around transparency, they have fallen over. They are not prepared to allow the Treasurer to go and explain certain projects and their details so that everybody can understand those projects, in particular where the money is coming from and where the money is being spent.

One of those projects that is of interest to country people is the Murray Basin rail project. This significant project is underway and is one that the Labor government has certainly had a lot to say about. However, there are some issues there. One issue that I wish to raise is that of level crossings. In order to realise the benefits of a $440 million investment in that rail corridor for freight, we have an issue with level crossings.

The rail line is to be made safe for freight at 80 kilometres an hour; however, to realise those benefits you have to overcome level crossing issues. The Mildura rail corridor has a speed restriction of 50 kilometres an hour for when the freight train first enters the crossing until when it leaves. With 130 or more of those crossings between Mildura and Maryborough that are not protected by both lights and booms, then I think the reality is that the freight trains are only going to move at 50 kilometres an hour through much of that course.

These are the sorts of things that the Treasurer could answer as to what is the plan because a lot of Victorian money has been invested in this project, and now we have got to realise it. I am sure the Treasurer is capable of answering those sorts of questions. There are a number of other aspects of this particular project that relate to funding and how the project is progressing.

There are also other major infrastructure projects that are within the Treasurer's realm, in particular the sale of the port. It was meant to have a dividend for country Victoria of 10 per cent. That 10 per cent is to be spent on economic transport infrastructure; however, there still remains a large black hole in everybody's knowledge about just how that money will be spent. It needs to be spent on economic infrastructure like roads, rail and a number of other infrastructure projects like handling and other projects around roads. There is a real concern amongst country people that that once-in-a-generation dividend will simply be washed away by a reduction in maintenance funds to VicRoads. The Treasurer can lay those concerns to rest by appearing before the upper house committee and quickly answering those questions that would clarify those issues for country people.

Those road and transport issues are very important. Agriculture is becoming far more important in the economies of both Australia and Victoria. Apart from the dairy industry, a number of other areas have recovered from both drought and poor commodity

prices. That has now given a lift in confidence, particularly in the grain and horticultural areas. Dairy remains a major issue and will need to be supported because dairy has been the backbone of so much of our exports that have gone through the port of Melbourne. They too need to have a dividend to enable them to improve their transport infrastructure and to deliver their export products that benefit Victoria at the lowest possible price to the port, because that too makes them sustainable in the long term.

Those questions are certainly easily answered by a Treasurer. I think the reason that he does not want to answer those questions is truly a blight on transparency. There are major projects around the city that country people are also interested in and want to understand better how they are going to be delivered. Some of those have been outlined in depth by the previous speakers, in particular the member for Box Hill, who made a very good contribution on some of the ins and outs of this process.

Transparency is important. With that, I think this would have been far easier if the Treasurer had agreed to appear before this committee, get it over and done with, put Victorians' minds at ease and then move on. With those words, we will be supporting the motion before the house that the Treasurer should appear.

Mr HIBBINS (Prahran) — Of course the Treasurer should appear before the upper house Standing Committee on the Economy and Infrastructure and their inquiry into infrastructure. There are certainly plenty of questions.

Mr Pearson interjected.

Mr HIBBINS — I am glad the member for Essendon asked, because there are certainly plenty of questions that would be asked of the Treasurer. In particular, I am sure we would all like to know a lot more about the western distributor process. I am sure we would all like to know about the western distributor and particularly to drill down into the traffic modelling and any independent assessment of that traffic modelling, the sweetheart deal with Transurban and what impacts the tolls would have on Victorians. There is certainly a lot more to be found out about the western distributor and whether that project actually stacks up. I am sure there are plenty of questions to be asked about the impact of federal funding, including the impact of the lack of federal funding for public transport in Victoria and what impact that is having on our ability to fund public transport in this state. Certainly there are lots of questions to be asked about Melbourne Metro and of course South Yarra station. The member for Warrandyte suggested that I had somehow been silent on the inclusion of South Yarra in Melbourne Metro. The member for Warrandyte would be well advised that I have been campaigning for that inclusion since my time on Stonnington council when the former Liberal government was still sticking to their original Melbourne Metro plan without South Yarra station. I am not sure who is advising the member for Warrandyte on my comments on South Yarra station. He might want to form his own view and look over the record of my campaigning on this issue, not just since I have been elected but in my time previously on Stonnington council.

The upper house of course does not have the power to compel ministers to appear before its committees, and the minister is not being compelled. The council has asked for this minister to appear before it. This house is deliberating on this. However, the government has not put forward any reasonable reason as to why the Treasurer should not appear before the committee. If, perhaps, the upper house had been deemed to be overzealous or had constantly requested or demanded that the minister appear before the committee, then that, you would imagine, would be a reason why the minister should not appear before it. But I think this house and I think the general public would see that it is more than reasonable for the Treasurer to appear before the committee to answer some detailed questions that one can only get by doing so.

I understand committee hearings can be very political in nature and that the questioning can be quite political, but I think both the government and the opposition can also be guilty of that, so it is entirely reasonable for the Treasurer to appear before this particular committee. There are plenty of questions to be asked about infrastructure in this state, and I am more than confident that the Treasurer could answer those questions. Clearly this government does not have confidence in its own minister's ability to appear before an upper house committee and answer some questions about projects that the state is delivering and the finances in regard to those projects. It is disappointing that this government has taken this route. I think it is more than reasonable that the Treasurer appear before this committee.

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
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
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms
Neville, Ms
Noonan, Mr
Pakula, Mr
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, 39

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
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.

Ordered that message be sent to Council informing them of decision of house.

JURY DIRECTIONS AND OTHER ACTS AMENDMENT BILL 2017

Second reading

Debate resumed from 22 February; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I am pleased to rise this afternoon to speak on the Jury Directions and Other Acts Amendment Bill 2017. This is a further tranche of changes to jury directions and the law generally around juries that has taken place over the last three or four years. Both governments, Liberal and Labor alike, have introduced a number of changes over that period to modernise the law around juries and jury directions and also to simplify and clarify a number of the rules around what can be an exceedingly complex area.

Jury directions are not only a test of the intellectual capacity of seasoned jurists; they are also very trying and quite hard — to be quite candid — for members of the jury and for people who observe court proceedings in criminal trials, and also in civil trials, for that matter, so the reform of the law around juries is a very important part of our civil and criminal justice reforms.

I should say at the outset that the coalition parties will not oppose the bill before the house. We think for the most part that the changes should, based on what we have been advised by the government and its departmental advisers, improve the operation of our jury system and the rules around directions that judges are to provide, although we do have some concerns, and I will come to those in a little while.

Before I turn to the bill proper, I just repeat what I said in relation to a number of other bills that have come before the house in the area of criminal justice in particular. I have said on a number of occasions, and I will repeat it here, that although this bill — like others that have dealt with juries and a range of other matters — is doubtless important, there are some very urgent matters that are yet to make their way to the house. For the record we are not satisfied that the government has shown the urgency needed to bring bail reform before this house. We know that it has talked of a review, but we do not think that review was necessary.

There were some urgent reforms that the government could have brought in. The changes that we have been calling for to deal with the Court of Appeal decision in *Department of Public Prosecutions v. Walters*, which effectively struck down baseline sentencing, have seen nothing from the government. So the net effect of the Court of Appeal's decision, coupled with the complete inaction by the government, is that we have had no change to sentencing outcomes in relation to a range of very serious crimes. It is a matter of growing concern for us in the coalition that the government has yet to make any announcements on the Victorian Law Reform Commission's report into victims. The Leader of the Opposition and I made such an announcement in January, containing as it does very profound changes to the way our criminal justice system will operate.

In addition, whilst this bill is very important, we think that there is growing urgency around the need to bring before this house and this Parliament stronger measures to deal with gang activities and criminal syndicates, which are growing more sophisticated by the day and which, according to media reports, boast about how

liberal Victoria's gang regime is. For example, the anti-consorting provisions that apply in Victoria are weaker compared to other jurisdictions.

I just wanted to flag at the outset that we agree that this is an important bill. I have said we will not oppose it, but I again renew my calls on the government to get its priorities right and to understand that the Victorian people want some matters brought before this house urgently on the matters I have touched upon.

With the bill before this house, we do not think it is controversial for the most part, and I will just note a few key provisions. Clause 3 provides in subsection 2 of what will be new section 4A that a court's reasoning with respect to a number of matters where juries are not involved:

> (a) must be consistent with how a jury would be directed in accordance with this act; and
>
> (b) must not accept, rely on or adopt—
>
> (i) a statement or suggestion that this act prohibits a trial judge from making; or
>
> (ii) a direction that this act prohibits a trial judge from giving.".

Whilst I do note, in fairness to the government, that there does seem to be some obvious reasoning about why those provisions are there — namely to ensure parity between a tribunal of fact which involves a jury and also a summary committal or appeals proceeding that does not involve a jury to make sure that similar reasoning is adopted — I just cite clause 3 of the bill because the Scrutiny of Acts and Regulations (SARC) report raises a number of concerns in relation to what will be new section 4A(2)(b) in particular. I might just go to those. On page 11 of the alert digest, SARC reports, and I quote:

> … one effect of new section 4A(2)(b) may be that magistrates and appeal judges must ignore all forensic disadvantage experienced by an accused when determining the accused's charge or appeal, unless the judge has first determined that the forensic disadvantage was 'significant'.

The report goes on to say, further down on page 11:

> The committee considers that, to the extent that new section 4A(2)(b) applies to the second category of prohibitions and bars courts in non-jury matters from accepting, relying on or adopting matters that fall within such prohibitions, it may impose a new and potentially significant limitation on how magistrates and appeals judges determine the outcomes of summary hearings, committal hearings and appeals against conviction and, therefore, may engage the charter rights of criminal defendants to have their charges determined after a 'fair hearing' and to have any conviction reviewed by a higher court in accordance with the law.

I just wanted to note that because SARC does raise a number of concerns, and its report goes into much more detail, as you would know Acting Speaker Kilkenny, about the operation of new section 4A(2)(b). I urge the government to give serious consideration to that.

I just want to note that clause 5 of the bill, in relation to previous representations, inserts new section 44B to provide that if evidence is given of a previous representation in a trial:

> … the trial judge is not required to direct the jury that repeating a previous representation does not make the asserted fact true.

Again, that should be a matter of some clarification for juries, and as I said, the coalition parties do not cavil with that.

New section 44F of the act, as inserted by this bill, is one I also wish to note. It will effectively abolish the operation of the jurisprudence emerging in the case of *R* — or the Queen — *v. Markuleski*, a New South Wales case. New section 44F will provide that:

> In a trial in which more than one offence is charged, the trial judge must not direct the jury that if the jury doubts the truthfulness or reliability of the victim's evidence in relation to a charge, that doubt must be taken into account in assessing the truthfulness or reliability of the victim's evidence generally or in relation to other charges.

I just want to note that it is a prohibition on general inferences, if you like. It is not a provision which applies to particular directions in relation to particular matters. I think that is an important distinction to make because it would be problematic were it otherwise.

I note new sections 44H and 44I, which deal respectively with prohibited statements and suggestions in relation to interest in the outcomes of trials and also directions on an accused giving evidence or the interest of an accused in the outcome of a trial. We do not cavil with those, and we explicitly believe they will be — hopefully — of assistance in trials.

I note new section 44J:

> The trial judge must not direct the jury about any of the following matters in relation to the evidence of an accused —
>
> (a) whether the accused is under more stress than any other witness;
>
> (b) that the accused gave evidence because —
>
> (i) a guilty person who gives evidence will more likely be believed; or
>
> (ii) an innocent person can do nothing more than give evidence.

Again, it should be a matter of some clarification. There is a lot of material that has emerged in recent years about how complicated some of these can be. Similar provisions apply in relation to motives to lie in respect of prosecution witnesses.

I did want to note in particular clause 7 of the bill, which deals with differences in a complainant's account. This is quite a lengthy clause. The key provision is section 54D, and I quote subsection (1) of new section 54D, which is to be inserted by the bill:

> If, after hearing submissions from the prosecution and defence counsel (or, if the accused is unrepresented, the accused), the trial judge considers that there is evidence in the trial that suggests a difference in the complainant's account of the offence charged that is relevant to the complainant's credibility or reliability, the trial judge must direct the jury in accordance with subsection (2).

Subsection (2) goes on to provide a number of matters that must be included in the trial judge's directions, and they are:

> (a) it is up to the jury to decide whether the offence charged, or any alternative offence, was committed; and
>
> (b) differences in a complainant's account may be relevant to the jury's assessment of the complainant's credibility and reliability; and
>
> (c) experience shows that —

and there are a number of matters here —

> (i) people may not remember all the details of a sexual offence or may not describe a sexual offence in the same way …
>
> (ii) trauma may affect different people differently …
>
> (iii) it is common for there to be differences in accounts of a sexual offence; and
>
> …
>
> (iv) both truthful and untruthful accounts of a sexual offence may contain differences …

Then subclause (d) provides:

> it is up to the jury to decide —
>
> (i) whether or not any differences in the complainant's account are important in assessing the complainant's credibility and reliability; and
>
> (ii) whether the jury believes all, some or none of the complainant's evidence.

I just wanted to note this because I have had some informal reservations raised with me by people who work in this area, although they did not wish to make those public. This is not suggested as any basis for opposing the bill — as I said, we do not oppose it — but it has been put to me by people I respect that this could be confusing for juries. Nothing in clause 7 will preclude defence counsel from raising issues of credibility — it relates to a trial judge's directions — but if you have a trial judge who cannot say anything about these matters and yet you have defence counsel and prosecution counsel saying things, I can understand why there are reservations across parts of the profession that this could be quite confusing for juries. I just note this because I think it will be very important for the government, the department, courts and practitioners to be ready to respond to any injustices that this may cause for anyone — whether it is victims or difficulties for juries who may wrestle with what this will mean in practice. I can see why some of these concerns are being ventilated about the provisions dealing with differences in complainant accounts about that.

There are a couple of other minor things that I just wanted to note. Importantly, we think that the changes to directions to persevere, which trial judges will give to juries, and the provisions around majority verdicts, not only in the case of splitting perseverance directions with majority verdict directions but also obviating the longstanding requirement that juries deliberate for at least 6 hours before a majority verdict may become possible, appear to us to be sound. We think that they should reduce delays and administrative inconveniences in trials — that can be avoided — and certainly those delays which add nothing to the outcomes of trials. Importantly, and I note that this was included in the bill in response to a recent case about peremptory challenges in relation to jury selection, those provisions are clarified in clause 21 of the bill. It safeguards the right of accused persons and their counsel to view the faces of potential jurors before they are empanelled and clarifies that, given some of the uncertainties around it.

I do not wish to take up any more of the house's time. We think that this should, on balance, add to the efficiencies and benefits that reforms to jury directions and the law around juries have yielded in the last three to four years. There are some matters that the government will need to keep a very close eye on to ensure that they are not productive of the very injustices we wish to avert. With that, I commend the bill to the house.

Mr CARROLL (Niddrie) — It is my pleasure to rise and speak on the Jury Directions and Other Acts Amendment Bill 2017. Acting Speaker Kilkenny, as a

former lawyer yourself — or, should I say, a reformed lawyer — I want to begin with a quote from Lord Justice Moses, who described the traditional approach to jury directions as 'a system designed to ensure, in any but the simplest of cases, that the path we require [the jury] to follow should be as obscure, as tortuous and as arduous as could possibly be devised'. That is from Greg Byrne, PSM, special counsel, in the publication *Jury Directions: A Jury-centric Approach Part 2* from the criminal justice section of the Department of Justice and Regulation. That quote really sums up why we are here with this legislation on jury directions.

As the member for Hawthorn said — and I welcome his comment that the opposition do not oppose this important legislation — half a dozen years have been spent in simplifying jury directions and working with the Criminal Procedure Act 2009 to make sure our juries are as equipped and as resourced as possible in the criminal justice system. Essentially under this legislation we are simplifying and improving the way information is provided to juries in criminal trials. Jurors are faced with a difficult task in criminal trials. Reform of the law in relation to jury directions aims to make that task easier by ensuring that the directions given to jurors are clear and assist them in their decision-making process.

These changes are intended to result in fewer appeals and retrials and to therefore minimise as much as possible the stress and harm caused to victims and their families. The government is always working to improve the experience of the criminal justice system for victims.

Only a fortnight ago on behalf of the Attorney-General I had the pleasure of attending the Neighbourhood Justice Centre in Collingwood to celebrate its 10th birthday. The centre uses a therapeutic justice approach, making sure that victims are getting the support they need not only at trial but also pre-trial and post-trial, and that they are plugged into the relevant services they need. At the end of the day it is victims that the court process is there to support. Many people would have heard today on ABC radio Jon Faine interview the mother of the young girl in Geelong. That trial was essentially abandoned because of the criminal justice system — the irony being that it was just too traumatic for her to proceed.

Jury directions have a long history of support on both sides of the chamber. A trial judge gives the jury the help needed to decide whether the accused person before them is guilty or not guilty. Given the fundamental importance of trial by jury to Victoria's criminal justice system, these directions are important and helpful and must be as relevant as possible.

The jury directions reform process has been underway for some years, as I said earlier. The first jury directions act was passed by the previous government and commenced in 2013. That act created a new framework for determining which jury directions are given in a criminal trial and encouraged a collaborative culture between trial judges and counsel by requiring discussions about which directions should be given and the content of those directions.

The act also supported trial judges giving a short and tailored summing up, encouraged better ways of communicating with juries and addressed two problematic jury directions. The current act passed by the Labor government, the Jury Directions Act 2015, made improvements to the 2013 act and added new provisions to clarify and simplify jury directions on issues such as unreliable evidence and delay and credibility. That act has been very well received by the courts and other stakeholders.

This bill will build on these reforms by amending the Jury Directions Act 2015 and making related amendments to other acts, including the Criminal Procedure Act 2009 and the Juries Act 2000. These reforms include clarifying the content of particular directions, discouraging or abolishing unhelpful and confusing directions, removing arbitrary time requirements for jury deliberations and introducing new directions to address common misconceptions.

In the same way as previous jury directions reforms, the reforms to the Jury Directions Act 2015 have been discussed in detail by the expert advisory group established by the department to assist in the reform process. The members of the advisory group are high-level representatives from the Court of Appeal, the County Court, the Office of Public Prosecutions, Victoria Legal Aid, the Criminal Bar Association and the Judicial College of Victoria, along with academics specialising in jury research. The input of the advisory group has been vital to ensure that the proposed jury directions reforms are fair, clear and effective.

The legislation before us will amend the Jury Directions Act 2015 to improve specific evidentiary directions on evidence of the accused, the accused's or a witness's interest in the outcome of the trial, whether a prosecution witness has a motive to lie and differences in a complainant's account. It also makes it clear that certain unhelpful common-law directions on previous representation evidence — for example,

evidence given about what someone said when not in the courtroom — are not required.

The bill clarifies the timing of perseverance directions, which ask the jury to keep deliberating to try and reach a unanimous verdict, and majority verdict directions, which provide that a majority verdict is permitted in some circumstances to avoid confusing the jury. It allows trial judges to direct juries on the order in which certain matters, such as offences or elements of offences, are considered in jury deliberations, and it abolishes a problematic direction on the truthfulness and reliability of evidence — the Markuleski direction.

It is very important that the Markuleski direction be outlined here. It required trial judges to direct juries, in word-against-word cases, that if they have a reasonable doubt concerning the truthfulness or reliability of the complainant's evidence in relation to one or more charges, that must be taken into account in assessing the truthfulness or reliability of the complainant's evidence generally. Courts and commentators criticise this direction for conflicting with the separate consideration direction and being unfairly advantageous to the accused, among other reasons. While the direction is infrequently given in Victoria, there are good policy reasons for ensuring that it is not given at all. Accordingly this bill abolishes the Markuleski direction. I just wanted to put that on the record concerning that previous jury direction. It is a very important case. Here Parliament is doing its job in making sure that that direction has been removed.

Key elements of the bill include that complainants in sexual offence trials often describe the offence differently to different people at different times. It is a common misconception that a real victim would remember all the details of an offence and describe that offence consistently each time. This legislation will allow trial judges to address this misconception. The direction will include that people may not remember all the details of a sexual offence or describe an offence consistently each time, and that it is common for there to be differences in accounts, particularly with historical sexual offences. This better reflects the reality that people retain and recall memories differently and that truthful accounts often contain differences. Evidence of the accused, interest in the outcome of the trial and motive to lie are all jury directions that will also be clarified.

I also want to touch on previous representations. This bill makes it clear that trial judges are not required to give certain unhelpful common-law directions on previous representation. A previous representation is a statement made outside of the court proceeding, such as a witness's earlier statement to police. The common law currently requires trial judges to give additional directions on previous representations that are confusing or unhelpful for jurors.

This amendment allows trial judges to direct juries on the order in which certain matters, such as offences or elements of offences, are considered in jury deliberations. This amendment is intended to provide clear guidance to juries in appropriate cases and increase the efficiency of jury deliberations. The Criminal Procedure Act 2009 currently requires trial judges to warn jurors not to draw any adverse inference to the accused or give the witness's evidence any greater or lesser weight just because a witness gives evidence via alternative means, such as CCTV.

These directions are intended to minimise the risk of prejudice against the accused. However, as CCTV and videoconferencing are now commonplace — key recommendations of the Royal Commission into Family Violence — it is unlikely that jurors would draw adverse inferences from the use of such arrangements. These directions are therefore unnecessary and are being repealed.

There is also additional work in relation to majority verdicts where the Juries Act 2000 gives trial judges greater discretion to decide when to accept a majority verdict by removing the mandatory 6-hour minimum for deliberations before a majority verdict can be accepted. This means that if a jury indicates that it has become deadlocked early in its deliberations, trial judges need not wait before directing the jury about returning a majority verdict.

Most judges in Victoria use a jury parade as part of the jury selection process in a criminal trial, where each potential juror walks in front of the accused person. Some judges have used this practice differently. This bill amends the Juries Act to provide that an accused person must have a reasonable opportunity to exercise a peremptory challenge and that this requires the accused to have an adequate opportunity to view the faces of prospective jurors. These changes will ensure ongoing clarity and avoid confusion in this area of the law. This change is also very important in terms of prospective jurors. The bill will not affect any previous cases where there was insufficient opportunity for an accused person to exercise their peremptory challenge.

Mr D. O'BRIEN (Gippsland South) — I am pleased to also rise to speak on the Jury Directions and Other Acts Amendment Bill 2017. It seems like we have had a few of these over the last 12 months or so. Certainly there have been a number of bills with respect

to the court system, statutes and the like. Unfortunately they have not always been the ones we think are necessary and that the Liberals and The Nationals have been calling for from this Labor government.

However, as outlined by the member for Hawthorn, the coalition will not be opposing this bill. This is an important bill but relatively minor or relatively restricted in the areas it applies to. As has been outlined, the bill is about clarification of the content of certain directions that judges give to juries. It removes a number of time requirements for jury deliberations and introduces certain new directions.

In preparing for the debate I had a bit of a look around and saw some comments from the Law Council of Australia, which has indicated its concern about legislative prescription of jury directions. Whilst I understand that, and I understand that there is no objection from the legal fraternity to this particular piece of legislation directly, I also appreciate that there are some concerns about how clause 7 will be implemented. With respect to the concern about legislative prescription, I think this legislation strikes an appropriate balance.

Clause 7, as I alluded to, requires a judge at a trial involving a charge of a sexual offence to inform the jury that it is common for a complainant's account of alleged sexual offending to differ and that both truthful and untruthful accounts may contain differences. That is completely understandable. It is of course the case that someone who is a victim of an alleged sexual offence will have trouble at different times remembering the exact details. These are by nature traumatic events, and it would be difficult for anyone to always come up with a wholly accurate and consistent message.

However, I note also that it is important for the courts and more particularly for the wider public to appreciate that just because someone is accused of a crime they are clearly not guilty until found so by a court. There are, unfortunately, some circumstances where a person is accused of a crime, particularly when it is one on one, where only the accused and the alleged victim were present and the only witnesses, and sometimes it is one person's word against another's. In those situations it is very difficult for a court to find the truth of the matter, but as much as there are a number of these heinous crimes before the courts each year there are a small number of incidences where such accusations made against the defendants turn out not to be true. While we do not oppose clause 7 with respect to the differences of evidence that may be given by a victim, it is important to also recognise that sometimes people do get their story wrong because their story is wrong. That will be something that the courts will need to work through.

Clause 9 provides that a judge need not give a direction for a jury to persevere in reaching a unanimous verdict before giving a majority verdict direction. That is an issue of efficiency for the courts and provides for the implementation of a general jury guide developed by an expert advisory group, which summarises the important information relevant to criminal trials. Hopefully that will also speed up the process of trials. Likewise, clause 22 removes the requirement that a jury deliberate for at least 6 hours before the court may discharge it or accept a majority verdict. They appear to be sensible suggestions.

The courts of course have a difficult job, but equally in the public mind there is growing concern and growing anger at some of the sentences and decisions that are handed down, particularly by magistrates. I note that this came to the fore again last week with a particular case involving a young policeman who had been shot. That generated a lot of community comment about the sentences given in that situation. Likewise last week we had the release of the latest crime statistics, which again show that crime is out of control in this state and that we have a government floundering around seemingly unable to address it.

What is of great concern to me and many of my colleagues — and this was reported quite widely in the media last week — is the fact that the crime wave that has been hitting Melbourne is now spreading into country areas of the state. Up until recently I was saying, 'Yes, it's not affecting my constituents that greatly, but it concerns them greatly what is happening in Melbourne'. But now we are actually seeing that coming into our country areas. In my own electorate last year crime rose 16.6 per cent in the Shire of South Gippsland and 7.83 per cent in the Shire of Wellington. More particularly, since the government came to power, crime reporting has risen 29 per cent in the South Gippsland shire and almost 22 per cent in the Wellington shire, suggesting that it is clearly a problem.

I know a lot of police officers in my electorate and I know they work hard and do their best, but they do not have the resources or the support and it is very obvious that they are concerned by what is happening in the courts as well. That was confirmed by Chief Commissioner Graham Ashton at the Public Accounts and Estimates Committee hearings only a couple of weeks ago, when he indicated the frustration of his officers with them catching the crooks and then the crooks either being bailed, let go or given a proverbial slap on the wrist.

That is something that is driving our constituents crazy because people are sick of it. They want to see criminals punished and they expect the government to lead from the front to ensure that those who do the wrong thing are indeed punished accordingly. This legislation hopefully will lead to some improvement in the court process and also to some efficiencies. I confirm that the opposition will not be opposing this legislation.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on Jury Directions and Other Acts Amendment Bill 2017. It is obviously an important bill, as other speakers have said, including the Attorney-General in his second-reading speech. The bill seeks to reduce errors in jury directions and improve communication to juries so that we have clearer communication and therefore better justice outcomes. Hopefully we will have a more efficient justice system through the reduction of retrials and appeals.

There are many elements to this bill, but I just want to speak on a handful of them. This bill primarily amends the Jury Directions Act 2015 but also some other acts. In relation to the points I want to make in terms of how it is cleaning up jury directions, I am drawing from the Attorney-General's second-reading speech, particularly in relation to one of the messes it tries to clean up, which is directions on previous representations. As the Attorney-General said, a previous representation is a statement made outside of the court proceedings, such as a witness's earlier statement to police, which is something that is commonplace. Jury directions on this evidence aim to instruct juries on how they may or may not use the evidence and, where relevant, its potential unreliability. Directions on the use of this evidence are working well and do not need specific legislative intervention. The Jury Directions Act 2015 already contains directions on unreliable evidence.

The Attorney-General went on to say in his speech that, however, the common law currently requires trial judges to give additional directions on previous representations that are confusing or unhelpful for jurors. For example, judges must sometimes direct that evidence from a witness who heard a statement is not independent proof of the facts stated. This direction could be misunderstood by jurors to mean that a complainant's evidence needs to be independently confirmed, which is not correct.

The bill will clarify and simplify this area of the law by making it clear that this and other problematic common-law directions are not required. While trial judges may still give such directions if appropriate, these provisions will reassure trial judges that they do not need to 'appeal proof' their trials, so to speak, by giving these directions in each case. That is a pretty significant example of what this bill seeks to clean up at the moment.

There are others — for example, differences in a complainant's account, and I think the member for Hawthorn mentioned that in his contribution. Again, drawing from the Attorney-General's contribution to the house — and this is a very important one — defence counsel often use differences in accounts to discredit a complainant's credibility or reliability. Jury directions are quite an old tradition. More contemporary research shows that people retain and recall memories differently — that seems like common sense now — and truthful accounts often contain differences. For example, an August 2016 report published by the Royal Commission into Institutional Responses to Child Sexual Abuse found that in the sample study defence counsel raised inconsistencies within the complainant's own evidence in more than 90 per cent of cases.

Trauma can also exacerbate the normal variability of memory. However, these issues are not commonly understood, and there is a misconception that if you are a genuine victim and you are telling the truth, you will remember all the details of an offence against you and describe that offence consistently each and every time to any person in any context. I think we all know from our personal experience that that is not true, regardless of how traumatic the event. The bill will allow trial judges to address this misconception in appropriate cases. The direction will include that people may not remember all the details of a sexual offence, for example, or describe an offence consistently each time and that it is common for there to be differences in accounts. However, the direction will also emphasise that it remains up to the jury to decide whether any differences are important and whether they believe some, all or none of the complainant's evidence. It is up to them to believe or not to believe; that is the role of a jury.

There are quite a few of these things, including, for example, the archaic notion that in a majority decision a jury must deliberate for at least 6 hours, which has caused problems in situations where jurors are deadlocked or other situations where they know the result far earlier than 6 hours. This bill seeks to remove that requirement and replace it with something more applicable to a range of cases.

Another interesting one is jury empanelment and peremptory challenges. The bill seeks to amend the Juries Act 2000 to provide that an accused person must have an adequate opportunity to view the faces of prospective jurors. My understanding of how that

happens is that the traditional practice has been for potential jurors to walk in front of the accused or counsel for the accused. There were a couple of cases in recent memory where that did not happen and the jurors went straight to the jury box. Depending on the shape and infrastructure of the courtroom, going straight to the jury box may or may not lead to the accused seeing the prospective jurors' faces. This bill seeks to amend that by providing that the accused must have an opportunity to see the faces of prospective jurors.

There are really important things to consider, such as the evidence of the accused, interest in the outcome of the trial, as the Attorney-General said, and a whole range of other very important provisions. This bill is the third step in a process to clean up jury directions, a process that commenced in 2013. Under this government there was the Jury Directions Act 2015 and the bill we have before us today. This is a really important area of improvement in criminal justice. Juries need to be assisted, but assisted in a way that is to some extent neutral because they are the ultimate deciders of guilt or otherwise.

I am going to resist the temptation to have a go at the opposition, which is unusual because opposition members do not resist the temptation to have a go at the government. For example, the member for Gippsland South talked about a crime wave that actually commenced under his government. In response to the member for Hawthorn and his general position that anything that this government does is apparently not done as well as he would do it, I want to remind the member for Hawthorn and the opposition that when they had a go at interfering with the court system they really made a mess of it, including in regard to the base sentencing changes they sought to bring in. The Attorney-General has described a number of times in this chamber the mess they made.

The Attorney-General has asked the Sentencing Advisory Council to provide him with the most effective legislative mechanism to provide sentencing guidance to the courts in a way that is consistent in approach and promotes public confidence in the criminal justice system, unlike the approach of the previous government, which was torn to shreds by anyone with any knowledge of the criminal justice system, such as really junior people — I say tongue-in-cheek — like President Maxwell and the Victorian Court of Appeal, which said:

> The baseline provisions are therefore incapable of being given any practical operation. As we have explained, that is the consequence of the legislature having expressed its intention not by reference to a starting point taken from sentencing law, but by reference to an end point taken from the field of statistics.

The Court of Appeal goes on in terms of the mess the previous government made of its intervention in the court system. I am pleased the opposition is not opposing this bill, but unlike the intervention of those opposite, our reforms to the Jury Directions Act 2015 and the reforms we propose under this bill are good-quality reforms that were prepared in consultation with an eminent advisory board. I commend the bill to the house.

Mr ANGUS (Forest Hill) — I am pleased to rise this afternoon to make a brief contribution in relation to the Jury Directions and Other Acts Amendment Bill 2017. We can see in clause 1 the purposes of the bill. It amends a range of acts: the Jury Directions Act 2015, the Criminal Procedure Act 2009, the Evidence Act 2008, the Evidence (Miscellaneous Provisions) Act 1958 and the Juries Act 2000. Those amendments are outlined in summary in clause 1 and in more detail throughout the bill. We can see that the overall objective of the bill is to clarify the content of certain directions, remove certain time requirements for jury deliberations and introduce certain new directions.

In my brief contribution I want to touch on some of the main provisions in the bill. I note clause 5 of the bill abolishes a number of common-law rules requiring judges to give certain directions relating to previous representations, reliability of evidence, interests in outcome of trials and motives to lie.

Clause 7 requires a judge in a trial involving a sexual offence charge to inform the jury that it is common for a complainant's account of alleged sexual offending to differ, and that both truthful and untruthful accounts may contain differences. I note that there is some concern among parts of the legal profession that the changes in clause 7 have the potential to confuse juries by requiring them to accept that someone giving different accounts of the same events could be truthful in both cases. That is of concern to us on this side of the house.

Clause 9 provides that a judge need not give a direction to a jury for it to persevere in reaching a unanimous verdict before giving a majority verdict direction. Clause 12 provides for the implementation of a general jury guide, developed by an expert advisory group, which summarises important information relevant to criminal trials. Clause 22 removes the requirement that a jury deliberate for at least 6 hours before a court may discharge it or accept a majority verdict.

As other contributors on this side have noted, with the situation that we have here in Victoria with crime —

completely and utterly out of control throughout the whole of the state — we know that the courts are going to be under significant duress as the police go about doing excellent work in reeling in many of these offenders. Ultimately we hope the offenders will be going through the court system and receiving adequate sentences in line with community expectation. So there is no doubt that the whole jury process is a vital part of our community and a vital part of our legal system, and it should be enhanced wherever possible.

I hark back to my own experience with a jury in the 1980s, the one and only time I have been called up for jury duty. It was a very interesting case. As the charges were read out, I realised that I was in for a very significant event should I be empanelled as a juror. The charges were against a group of men involved in what we would now call an outlaw motorcycle gang. I will not mention the name of that particular gang.

It was an extraordinarily long list of offences, including firearm possession, a whole lot of other charges in relation to lawlessness and finished off with a charge of possession of explosives. That gives a fair indication as to the nature of the alleged offenders that were being dealt with there. We were warned by the judge at the time that the case could go for quite some time. Thankfully I had just started a new job and was getting married a few weeks subsequent to that jury being empanelled and was able to be excluded.

The case went on for quite some months and ended up in a hung jury situation, so it had to be retried. Then it ultimately came out that one of the jurors had been nobbled in the first trial because of the nature of the offenders in that particular matter. They were very heavy-hitting criminals and they had gotten to one of the jury members. The whole protection around the jury system is a vital pillar within our community, and one that has to be protected and continually looked at to ensure that it is operating effectively and efficiently for the benefit of all Victorians. With that brief contribution, I conclude by noting that the opposition will not be opposing the bill.

Ms KILKENNY (Carrum) — I am pleased to be able to speak on this bill, the Jury Directions and Other Acts Amendment Bill 2017. As we have heard, the opposition is not opposing this bill, and I am very glad to hear that. This bill represents the third stage in major reforms of jury directions. The first two stages resulted in the Jury Directions Act 2013 and then the Jury Directions Act 2015, of which I have already spoken about in this Parliament. This bill before us today will focus on specific problematic evidentiary jury directions. We heard the member for Hawthorn earlier say that this is not a high-profile bill, and I agree with him. But I certainly put to the house that the subject matter contained in this bill — that is, jury directions — is nonetheless very important.

Jury directions and juries go to the very heart of our criminal trial system and the very heart of the integrity of our criminal justice system. Over time we have seen jury directions become more and more frequent as the criminal process has developed over generations. The system of jury directions operates on the premise that jurors may have some difficulty fulfilling their very significant obligations and responsibilities without some sort of appropriate guidance from judges. Jury directions aim to help jurors carry out the role of deciding on issues of fact in light of quite complex legal principles, and they are intended to focus jurors' minds on the real issues of the case. In this regard jury directions serve the broader purpose of ensuring a fair trial and avoiding any perceptions of the risk of miscarriage of justice. This is obviously extremely important. Complex jury directions can, as we have seen over the years, lead to appeals and retrials. This creates significant delays in the criminal trial process and the court system, and ultimately subjects victims and witnesses to undue and unnecessary stress and anxiety.

The Jury Directions Act 2015, which was introduced by the Andrews Labor government, repealed the earlier 2013 act, and in re-enacting those provisions made amendments and refinements to them. In the lead-up to that bill the government stated that the purpose of jury directions should be that they are as clear, brief, simple and comprehensive as possible and should only direct the jury on points of law that the jury needs to know. We have seen and heard that many people, including judges, believe that the law about directions needs to change because they impose very unreasonable burdens on judges and create impossible tasks for juries.

As we have heard, the two earlier reforms culminating in the 2015 act went a very long way to addressing some of the issues with jury directions and the complexities involved with them. The bill before us today is the next stage in that continual improvement process; it builds on those reforms in relation to jury directions. Of course the aim here is the same: to reduce errors in jury directions, deliver shorter trials, provide greater efficiencies, ensure fewer appeals and retrials, and ultimately enhance the operation and integrity of our criminal justice system.

The reforms in this bill, as with the previous two sets of reforms, have been developed with significant input from the Jury Directions Advisory Group. Significantly, that group is made up of very high-level representatives from

the Court of Appeal, the Supreme and County courts, the Office of Public Prosecutions, Victoria Legal Aid, the Criminal Bar Association of Victoria, as well as academics specialising in this field. I note that considerable expertise has been behind the introduction of amendments proposed in this bill and that there has been significant support from those bodies.

The amendments in this bill to the Jury Directions Act cover a range of directions. There are, for example, directions on doubts about the truthfulness or reliability of the evidence of a victim, directions when an accused gives evidence, directions on the interest an accused person has in the outcome of a trial, directions on a prosecution witness's motive to lie, directions about why there might be differences in a victim's account of an alleged sexual offence, and directions about majority verdicts and persevering to reach a unanimous verdict.

I will just focus on two of those. The first is in clause 7 of the bill, which introduces a new division 3 into part 5 of the Jury Directions Act 2015. This deals with differences in a victim's account in relation to an alleged sexual offence. By way of context, sexual assault is one of the most, if not the most, difficult offences to successfully prosecute. Approximately 85 per cent of sexual assaults never come to the attention of the criminal justice system, and of those that do, only a small proportion ever proceed to trial. We saw in the *Age* newspaper today the really harrowing story of that young girl from Geelong and her family's decision not to proceed with the trial. That just highlights the difficulties faced by survivors as a result of a complex interplay of factors, including the treatment of victims throughout the trial, the significant distress suffered by those victims during cross-examination and stress from having to essentially replay or even relive the trauma. It also encapsulates the myths and stereotypes around the way victims should behave and of course entrenches gender stereotypes that still prevail in the system.

Obviously the role of defence counsel is to subject a victim's evidence to rigorous scrutiny, but because many sexual offence cases are word against word, the defence will in some cases try to tear apart the victim's evidence and try to trip them up to ultimately paint the victim as a liar. The new direction in this bill will apply when a trial judge, after hearing submissions from the prosecution and defence counsel, considers that there is evidence in the trial suggesting a difference in the victim's account of the charge that is relevant to the victim's credibility or reliability. In these circumstances the trial judge must direct the jury that people may not remember all the details of a sexual offence; trauma may affect different people differently, including how they recall events; and it is common for there to be differences in accounts of a sexual offence.

Sadly we still live in a system of power that perpetuates myths about sexual offences. This new direction will not end those myths but it will certainly go some way towards that. By making this jury direction clear and precise, we will ultimately reduce miscarriages of justice and the risk of retrials. It may also go some way to increasing the number of sexual offence victims who decide to come forward and prosecute these cases.

The second matter I did wish to address very briefly deals with doubts regarding the truthfulness or reliability of a victim's evidence arising out of the common-law direction known as the Markuleski direction. This direction held that in word-against-word cases — often the case sexual assault cases, as I said — the trial judge should as a general rule direct the jury that a reasonable doubt with respect to the complainant's evidence on any charge ought to be taken into account in its assessment of the complainant's credibility. This direction has been problematic, not least because it is considered inconsistent with the direction that the jury must consider each charge separately. New sections 44F and 44G will abolish the Markuleski direction. I understand that the Australian Law Reform Commission and the Criminal Bar Association representatives would prefer that this direction not be abolished but rather made not required. However, this is the minority view on the Jury Directions Advisory Group. It is an unhelpful direction, and judicial encouragement on this particular issue is not needed.

In conclusion, juries on the whole do perform their tasks conscientiously and with diligence. Of course criminal law is a very complex area of law and jurors need to understand, remember and integrate composite facts and legal principles. This bill assists in this process and builds on the significant reforms that this government has already undertaken. I commend the bill to the house.

Mr T. BULL (Gippsland East) — I rise to make a relatively short contribution on the Jury Directions and Other Acts Amendment Bill 2017. As indicated, this is a bill we will not be opposing. The bill makes various amendments that include clarifying the content of certain directions, removing certain time requirements for jury deliberations and introducing certain new directions. As we all know and as has been commented on by other members in the chamber, jury directions are the directions a trial judge gives to a jury to help them decide whether the accused person before them is guilty or not guilty. Obviously that is a critically important

element of Victoria's criminal justice system because the decisions and advice that are provided must be helpful, must be relevant and of course must be as fair as possible, that probably being the key point.

The jury directions reform process has been underway for some years. The first Jury Directions Act commenced in 2013. That act created a new framework for determining which directions are given in a criminal trial and covered which directions should be given and also the content of those directions. The act supported trial judges giving a short and tailored summing up, and also encouraged better ways of communicating with juries and addressed some problematic jury directions. This bill that is before the house today in many ways builds on some of those reforms, including by clarifying the content of particular directions, discouraging or abolishing unhelpful and confusing directions, removing arbitrary time requirements for jury deliberations, and introducing new directions to address what might be referred to as common misconceptions. Jurors do perform obviously a very vital role in our criminal justice system and should be supported and assisted greatly in performing that role.

Of course one of the biggest areas of angst within the system at the present time sits with the disappointment of many in the community in some of the sentencing that is being handed down. There are many who believe that at various stages of the system there are sentences and rulings that fall short of making people appropriately responsible for their actions. While this will remain an issue of discussion — although this bill does not go to the heart of that particular issue, it rather deals with the processes of obtaining the right outcomes — it is hoped that we can also see some changes in the space. I wind up my contribution there by reinforcing that we will not be opposing this bill.

Mr PERERA (Cranbourne) — I wish to make a contribution to the Jury Directions and Other Acts Amendment Bill 2017. The jury is an important part of the system of criminal justice not just here in Victoria or Australia but in all western democracies. Jury trials allow the community to play an important and direct role in the administration of justice, and therefore I will stick to speaking on jury directions as opposed to sentencing and crime statistics, unlike some of the opposition members who have tried to politicise this debate. To do this, juries must be properly instructed on the legal principles, as jurors are ordinary community members who are not necessarily from legal backgrounds. That is why jury direction legislation was enacted for trial judges to direct juries.

In recent years the issue of jury directions in criminal trials has been the subject of considerable research and commentary in Australia and relevant overseas jurisdictions, in particular New Zealand, Canada and the United Kingdom. If that is not important for the member for Hawthorn, I do not know what is important.

In Victoria jury directions had been too complex and technical and therefore were becoming more and more difficult for a jury to understand. Instead of helping the jury to reach a verdict, the directions were confusing them and making their job harder. The directions often went on for so long that they made trials too long and slowed down the process of justice. There had been an increasing number of appeals against verdicts based on the suggestion that the judges had made an error in the directions. Verdicts in some high-profile cases were overturned on appeal due to judicial errors related to very technical points of directions. Retrials are expensive, stressful for all concerned and slow down the process of justice.

Over the past several years the Department of Justice and Regulation has conducted a detailed review of key aspects of the law of jury directions in Victoria. The report discusses the proposed 2017 reforms. Many of the issues considered are more fundamental and consider the underlying reasons for an approach to jury directions.

Victoria has been strenuously reforming its jury directions process for some years. This bill is the third tranche of jury direction reforms commenced under a previous government. The Jury Directions Act 2013 created a new framework for determining which directions are given in a criminal trial. This also facilitated a collaborative culture between trial judges and counsel by requiring discussions on directions and the contents of the directions.

The Jury Directions Act 2015 improved the 2013 act by adding new provisions to clarify and simplify jury directions on issues such as unreliable evidence and delay and credibility. This bill will insert new provisions into the Jury Directions Act to improve and simplify the directions that are given in a number of areas. The bill will also make related amendments to other acts, including the Criminal Procedure Act 2009 and the Juries Act 2000, as well as applying aspects of the Jury Directions Act to criminal proceedings without a jury.

The Jury Directions Act 2015 is amended in the following areas: directions, previous representations, doubts concerning the truthfulness or reliability of a complainant's evidence, the accused giving evidence and interest in the outcome, the question of whether a

prosecution witness has a motive to lie, differences in the complainant's account, perseverance and majority verdicts, jury deliberations, alternative evidence directions and exceptions to the hearsay rule.

As with the previous two stages, the reforms in the bill relating to jury directions have been developed with detailed and significant input from the jury directions advisory group. The jury directions advisory group has developed a general jury guide. This is a valuable, short document specific to criminal trials that includes both practical and legal information. The bill will insert a new provision into the Criminal Procedure Act to give legislative support for a general jury guide and allow for the making of regulations to require its use in each trial. This is an important document containing written preliminary directions to reinforce important information on criminal trials and complements the oral directions given by trial judges at the start of trials. This guide, which is currently being trialled in the County and Supreme courts, also provides practical guidance to jurors on how to conduct their deliberations.

All the amendments in the bill are very important ones.

I refer to the perseverance and majority verdicts amendment. If a jury is having difficulty reaching a unanimous verdict, trial judges currently give a direction encouraging the jury to persevere to reach a unanimous verdict at the same time as explaining that the jury may sometimes return a majority verdict. This is very unhelpful and confusing for jurors who do not necessarily come from a legal background. This amendment avoids the perseverance direction which undermines the majority verdict direction by providing that the trial judge must not direct the jury to persevere to reach a unanimous verdict at the same time as the trial judge gives a majority verdict direction. Currently the trial judge needs to take at least 6 hours before giving the second direction.

I refer to the amendment about previous representation. The use of the word 'representation' in the Evidence Act 2008 has not been a particularly helpful innovation. For all intents and purposes, one can substitute the words 'statement' and 'conduct' for the word 'representation'. The term 'representation' is also defined in the Evidence Act and applies to conduct as well as statements. Previous representations include complaint evidence, prior consistent statements and prior inconsistent statements.

The bill will provide that, firstly, if evidence is given of a previous representation, the trial judge is not required to direct the jury that repeating a previous representation does not make the asserted fact true, and that, secondly, the trial judge is not required to direct the jury that the evidence of the previous representation does not independently confirm the victim's evidence of the commission of the alleged offence if evidence is given of a previous representation by a person who saw, heard or otherwise perceived the representation being made and the representation is a complaint made by the victim of an alleged crime.

The trial judge is not required to direct the jury not to substitute the evidence of the previous representation for evidence relating to a specific charge if evidence is given of a previous representation, if the representation is a complaint made by the victim of an alleged offence about the commission of the offence or if a complaint is made in general terms.

I also refer to the amendment concerning whether a prosecution witness has a motive to lie. The issue of whether a prosecution witness, including the alleged victim, has a motive to lie may be raised by the accused or defence counsel, by the prosecution or a witness raising the issue inadmissibly — for example, by the witness saying, 'Why would I lie?' — or by the jury in a question to the trial judge. At present, trial judges give lengthy directions that are unclear in scope. Trial judges invite the jury to speculate and may reinforce outdated notions that victims, particularly of sexual offences, frequently lie. For example, trial judges must direct the jury that the absence of a motive to lie cannot enhance a complainant's credibility.

Mr McGUIRE (Broadmeadows) — The Andrews Labor government is simplifying and improving the way information is provided to juries in criminal trials. The Jury Directions and Other Acts Amendment Bill 2017 clarifies that jury parades are not an essential part of the jury empanelment process.

Reforms also allow trial judges to address misconceptions that victims in sexual offence trials should be able to remember all the details of the offence and describe it consistently every time. Trial judges will be able to explain to jurors that victims often describe offences differently at different times. The new laws will also remove the mandatory 6-hour minimum time frame for jury deliberations before a majority verdict can be accepted in a criminal trial. This means that trial judges will be able to make directions sooner if a jury becomes deadlocked early in its deliberations — a practical reform. These reforms follow a number of changes the Labor government has made to jury directions to help reduce delays, deliver shorter trials and ensure fewer costly appeals and retrials, which is significant in minimising the possible stress and harm

caused to victims and their families and also to reduce court costs.

Jurors are faced with a difficult task in criminal trials. Reform of the law in relation to jury directions aims to make that task easier by ensuring that the directions given to jurors are clear and assist in their decision-making process. The government is always working to improve the experience of the criminal justice system for victims, which I support. Importantly directions that jurors can more easily understand and apply will enhance the integrity of jury verdicts, which is critical, and also of the criminal trial process itself.

Key amendments in the bill aim to deliver a more realistic understanding on critical issues such as differences in a complainant's account. Put simply, complainants in sexual offence trials often describe the offence differently to different people at different times. It is a common misconception that a real victim would remember all the details of an offence and describe that offence consistently each time. The bill will allow trial judges to address this misconception. The direction will include the statement that people may not remember all the details of a sexual offence or describe an offence consistently each time and that it is common for there to be differences in accounts. This better reflects the reality that people retain and recall memories differently and that truthful accounts may often contain differences. That is a critical reform that takes a more realistic approach on a critical issue.

Evidence of the accused's interest in the outcome of the trial and motive to lie is another key component part of the reform. This bill clarifies what can and cannot be said about an accused's interest in the outcome of a trial or a prosecution witness's motive to lie. Directions on evidence of the accused's interest in the outcome of the trial and motive to lie will remind the jury of the onus of proof and guide it on how to assess an accused's or prosecution witness's evidence fairly.

The bill will make it clear that trial judges are not required to give certain unhelpful common-law directions on previous representation. The proposition here is that a previous representation is a statement made outside the court proceedings, such as a witness's earlier statement to police. Common law currently requires trial judges to give additional directions on previous representations that are confusing or which can be unhelpful for jurors — for example, judges must sometimes direct that evidence from a witness who heard a statement is not independent proof of the facts stated. This direction can be misunderstood by jurors to mean that a complainant's evidence needs to be independently confirmed, which is not correct.

This amendment of directions on jury deliberations will allow trial judges to direct juries on the order in which certain matters such as offences or elements of offences are considered in jury deliberations. The example cited here is that currently a judge cannot direct a jury to consider the offence of murder before considering the alternative offence of manslaughter. This distinction is arbitrary and gives juries little assistance in structuring their deliberations. The amendment is intended to provide clear guidelines to juries in appropriate cases and increase the efficiency of jury deliberations.

Alternative means for giving evidence is also addressed in this bill. The Criminal Procedure Act 2009 currently requires trial judges to warn jurors not to draw any adverse inference about the accused or give a witness's evidence any greater or lesser weight just because a witness gives evidence by alternative means, such as CCTV. These directions are meant to minimise the risk of prejudice to the accused. However, closed-circuit television or video recordings are now commonplace and it is unlikely that jurors would draw adverse inferences from the use of such arrangements. These directions are therefore unnecessary and are being repealed.

On majority verdicts the bill amends the Juries Act 2000 to give trial judges greater discretion to decide when to accept a majority verdict by removing the mandatory 6-hour minimum for deliberations before a majority verdict can be accepted. This means that if the jury indicates that it has become deadlocked even early in its deliberations, trial judges need not wait before directing the jury about returning a majority verdict. Again, that will help with the effectiveness and efficiency of the process.

On peremptory challenges and jury parades, most judges in Victoria use what is termed a 'jury parade' as part of the jury selection process in a criminal trial, where each potential juror walks in front of the accused. During selection an accused may make a limited number of peremptory challenges to prospective jurors. Some judges have used a different practice which has led to recent appeals where convictions were overturned on the basis that the accused did not have an adequate opportunity to view prospective jurors' faces, which affected their ability to exercise their right to challenge jurors.

The bill amends the Juries Act 2000 to provide that an accused person must have a reasonable opportunity to exercise a peremptory challenge, and that this requires the accused to have an adequate opportunity to view the faces of prospective jurors but that a jury parade is not required in order to satisfy this proposition. These

changes will ensure ongoing clarity and are aimed at avoiding confusion in this area of the law. This change to peremptory challenges is prospective. The bill will not affect any previous cases where there was insufficient opportunity allowed for an accused person to exercise their peremptory challenge.

In summing up, I think this bill addresses a number of issues in a practical way. This is a good series of reforms that the Attorney-General has brought to the house. I am glad to see that the opposition is not opposing the provisions in this legislation. This bill forms part of a series of reforms that the Andrews Labor government is bringing to the Parliament to make the jury system easier for people to be a part of. It will help them be able to make a more considered contribution and also stop the need for any further retrials. On that basis I commend the bill to the house.

The ACTING SPEAKER (**Ms Spence**) — Order! The member for Essendon.

Mr PEARSON (Essendon) — Thank you, Acting Speaker Spence, and can I say what a joy it is to see you elevated to this lofty position. I always knew the day would come when you would be hoisted aloft on this grand chair, and it is fine to see you do so on this very first occasion. It is outstanding — —

Ms Williams interjected.

Mr PEARSON — I am delighted to make a contribution in relation to the Jury Directions and Other Acts Amendment Bill 2017, despite the rude interjections from the member for Dandenong. This is obviously a very important piece of legislation and is an important reform that the government is pursuing.

The bill led me to ponder and reflect upon the history of juries. In fact, in researching this topic I learned from George Macauley Trevelyn's *A Shortened History of England*, which was published in 1958, that the Vikings were actually quite litigious. They liked to look at empowering principal officers — their preferred option was 12 hereditary lawmen — to make inquiries into various matters that arose from time to time.

Indeed the English king Æthelred the Unready, which seems to be a very strange nom de plume to have attached to your name, issued a legal code at Wantage, which stated that 12 leading thegns of each wapentake, which is a small district, were required to swear that they would investigate crimes without bias. These reforms were built upon by Henry II in the 12th century. The interesting thing was that these learned men — and they were men; they were free men — were charged with uncovering the facts of the case on their own rather than listening to arguments in court. When they were charged to inquire into a particular matter they would go out into the field, perhaps on a fact-finding mission, to find out the vibe and get some sense as to what had happened. Then they would report back and make their contribution.

But over the course of time clearly there was a need to make sure that juries were less self-informing and were required to rely more on the trial itself. That led in the 18th century to a law that was passed by the Commons which started to codify this. It was interesting actually: there was a case in 1314 of the *Abbot of Tewkesbury v. Calewe*, where a jury was asked to decide whether certain land was 'free alms' or 'lay fee'. They pointed to the judge, and they said, 'Look, we are not men of law', implicitly asking for assistance, to which the judge replied, 'Say what you feel'. The problem with that was that it was difficult at times for the jury to be able to say what it felt or to do what it thought best when the law in itself had become quite complicated and complex over the course of time.

That led subsequently in the 20th century to Judge William J. Palmer of the Superior Court of Los Angeles writing an article in 1935 recommending that a committee be formed to compile approved instructions for civil cases. The presiding judge of the court was so impressed by the idea that they appointed a committee of lawyers and judges to accomplish this goal. In fact this led to the development of a publication which — Acting Speaker, I know you will be surprised by this — is still being used to this day in California and in other states. What it was seeking to do was to try to make sure that the level of error was removed that would crop up in cases from time to time when a direction was given or advice was provided that was subsequently shown not to be sustained or could often be overturned.

The other point that I found quite interesting was from an article I read an article on linguistics headed 'Language of Jury Instructions' by Bethany K. Dumas. In the article she talks about the fact that with jury instructions there is a need to try to work on language. Of course if you think about it this way, this place — this great institution, the Parliament — has its own peculiarities which are founded on *Erskine May* and subsequently on the practice manual from the House of Representatives, the standing orders of this place and the sessional orders of this place. It has its own lexicon which those of us who are new to this place — like you are, Acting Speaker, and like I am — are endeavouring to try to learn, but for laypeople to accomplish that in itself would be quite complicated. The issue is, as Ms Dumas says:

> … the major problem with jury instructions is that they often mirror the language of statutes or appellate court opinions, documents intended to be interpreted and used primarily by individuals trained in law, not individuals who have no legal training but who are expected to follow the law. Jury instructions constitute a different legal genre.

I learned — and I should have asked my good friend the member for Niddrie because he would have been able to advise me on this; I neglected to do so — that apparently in the United States of America previously instructions were read aloud by the judge but jurors did not receive printed copies of them. Increasingly now jurors do receive printed copies and can follow them as they listen to the judge reading them.

As I said earlier, it was actually in 1730 that the British Parliament passed a bill for the better regulations of juries, an act stipulating that a list of all those liable for jury service was to be posted in each parish and the jury panel was to be selected by lot from these lists. So as we see, over the course of time there has been the need to codify these arrangements and to have a far more structured and rigid approach.

Ms Dumas goes on to say that some of the issues are around sound-alike phrases such as 'proximate cause', which can be taken to mean 'approximate cause'. The phrases, however, are almost opposite in meaning. The former means 'legally sufficient to result in liability', while the latter means something like 'closely resembling'. So it is important that there is the ability to try to look at simplifying the language and look at simplifying directions.

With the bill that is before the house it is really looking at trying to provide a degree of clarity around these matters. It is that natural evolution over the course of centuries as we look at trying to make these reforms — not having jurors go out on a frolic of their own, making their own inquiries, and encouraging that division of labour between jurors, who are required to ascertain guilt or innocence, and the judiciary, which is focusing on sentencing and trying to provide a degree of structure and rigour to the way in which those deliberations are occurring.

As other speakers have spoken about earlier in various contributions, there is a whole range of reforms that are before the house in this particular proposed legislation. The directions, for example, on motive to lie focus on the burden of proof and are fair to both the accused and the alleged victim. Trial judges and the parties will continue to be able to comment on how a witness's or an accused's particular interest in the outcome of the trial does or may affect their credibility, and the bill will ensure that the jury is able to assess the accused's evidence fairly.

I think it is fair to say that the integrity of the judicial system plays a vital role in terms of ensuring that we have got a civilised society. Equally, it is important that we maintain that integrity. But we have to be honest: the world is changing, and we have to make sure that the laws of this state reflect common practice. We need to make sure that where you have got the internet of everything, where there is a vast volume of information that people can access, there are clear instructions and guidelines around what people can access, what they can do and what they cannot do. It is about making sure that we ensure that legislation like this that is in the statute books does reflect the 21st century that we live in and that it does not reflect the 1730s in Westminster, the reign of Henry II or indeed that of the Vikings of the first millennium.

On this side of the house we are very pleased and proud to produce a piece of legislation like this to modernise and update the Juries Act 2000. It is an outstanding piece of legislation, and it builds on the great work of previous attorneys-general of this state such as Rob Hulls, Jim Kennan and of course John Cain. I commend the bill to the house.

Ms WILLIAMS (Dandenong) — It is always difficult to follow on from the member for Essendon. I really cannot match his contribution because when I read the notes to this bill, Vikings did not enter my head. But I am not at all surprised to learn that they managed to make an appearance in the speech by the member for Essendon, who is incredibly eloquent and always contributes very colourfully to this place, and we are all very grateful for it.

It is my pleasure to rise in support of the Jury Directions and Other Acts Amendment Bill 2017, a bill which, as we have heard, is all about simplifying and improving the way information is provided to juries in criminal trials. A jury direction is a direction by a trial judge to help jurors make a determination. Those of us who have studied the law and practised as lawyers may be more familiar with the practice in a real-world sense, but I am sure many others who are not in that profession will be familiar with the practice from watching various programs on TV or movies over time. Even those of us with limited knowledge of this will know that being on a jury is not an easy task. You essentially have a group of laypeople — people without legal experience — and you are asking them to in many ways navigate complex legal problems and to understand directions that often lack clarity or are

overly complex and, as such, have great potential to be misunderstood.

Directions given to jurors are ultimately intended to assist in the decision-making process, but as it stands they may make things more confusing. The process of jury directions reform has been taking place for some time, with changes first coming into place in 2013 under the previous government. These changes were designed to result in fewer appeals and retrials — an objective that also informs the changes before us in the bill today. The 2013 changes created a new framework for determining which directions are given in a criminal trial, and they also encouraged collaboration between trial judges and counsel about what directions are required and the content of those directions. They made a number of other changes as well that I will not get into in my contribution today.

Further changes took place in 2015 under the Andrews Labor government which added new provisions to clarify and simplify jury directions around unreliable evidence, delay and credibility. The bill before us today further builds on these reforms. These reforms include clarifying the content of certain directions, discouraging or abolishing confusing directions and removing arbitrary time requirements for jury deliberations. Finally, it also introduces new directions to address common misconceptions — a measure which I think is particularly valuable and which I will talk to at greater length shortly.

An expert advisory group was established to assist in this reform process, a very significant reform process. The members of that advisory group included representatives from the Court of Appeal, the County Court, the Office of Public Prosecutions, Victoria Legal Aid, the Criminal Bar Association, the Judicial College of Victoria and academics specialising in this particular area. The expert panel deserves to be commended for its work on this very important reform agenda, and I would personally like to give my thanks to them for the work that they have undertaken.

Getting further into the details of this bill, I will touch briefly on a number of the changes it makes before delving into a couple of them in greater detail. The bill will amend the Jury Directions Act 2015 to improve specific evidentiary directions on the evidence of the accused's or a witness's interest in the outcome of a trial, whether a prosecution witness has a motive to lie, and differences in a complainant's account. The bill will make it clear that certain common-law directions on evidence of a previous representation are not required as well as making amendments that clarify the timing of perseverance directions, which are directions that essentially ask the jury to keep deliberating to try to reach a unanimous decision. It will also amend the Jury Directions Act 2015 in relation to majority verdict directions to avoid confusing the jury. I will talk about that to give that greater clarity shortly.

The bill will abolish a problematic direction on the truthfulness or reliability of a victim's evidence, as I have outlined. It will also make amendments to a number of acts, in particular changes to hearsay exceptions, to allow more evidence to be admitted about what child victims have said, and it will repeal the mandatory directions around the giving of evidence by alternative means — for example, by video link. The bill will also amend the Juries Act 2000 in relation to peremptory challenges in criminal trials — that is, challenges that an accused person can make to potential jurors during the jury selection process. It will make a number of other amendments as well.

To touch on a couple of these amendments in more detail, on directions regarding previous representations, we have heard other speakers speak to that. It has been determined that certain jury directions about previous representations have been largely unhelpful. A previous representation is a statement that is made outside of a court proceeding. For example, it might include a witness's earlier statement to police. As it stands, common law requires trial judges to give additional directions on previous representations that can be fairly confusing. These directions might include a statement that previous representations are not independent proof of facts, and it has been found that this often leads to a misunderstanding by jurors that a complainant's evidence needs to be independently confirmed, which is actually not the case.

Another change in the bill relates to, as I said, peremptory challenges. In Victoria there has been a longstanding practice that involves a prospective juror partaking in a 'jury parade', which is essentially where a potential juror walks in front of the accused on the way to the jury box. This practice has not always been followed by trial judges, which has led to appeals where the appellant's convictions were overturned on the basis that the accused did not have an adequate opportunity to view prospective jurors' faces. The bill before us today amends the Juries Act to provide that an accused must have a reasonable opportunity to exercise a challenge, which requires the accused to have an adequate opportunity to view the faces of prospective jurors. However, a jury parade in itself is not required in order to satisfy that particular requirement. It is hoped that this change will avoid unnecessary appeals and retrials of the sort that we have recently seen.

There are also changes around differences in a complainant's account. I think this is a particularly important amendment in this legislation. Defence counsel often use differences in accounts to discredit a complainant's account in sexual offence cases in particular. It is a common misconception that I think we have all probably been guilty of at some time in our lives to think that a 'real' victim, or an 'honest' victim or a 'real' account, if you like, would be consistent — that is, a 'real' victim would remember all the details of a sexual offence and would therefore be able to describe that offence consistently at each and every telling. But this is just not reality. Anybody who has ever been in a traumatic situation will know that shock or upset can have an impact on one's ability to recall details. Research shows us that people retain and recall memories differently and that this does not go to the truth of an account. As such, the jury should be made aware of this, and that is what this amendment allows for.

The bill does this by allowing trial judges to make a direction that outlines that people may not remember all the details of a sexual offence or might not describe a sexual offence the same way each and every time and that it is also fairly common for there to be differences in accounts. I think this is a really important direction for juries to be given. However, the direction will also instruct juries that it is ultimately up to them to decide whether any differences are important and whether they believe some of a complainant's evidence or all of it or none of it. In that way, the direction does not instruct a jury that they are necessarily to believe a complainant's account, just that they should not assume it to be incorrect if there are inconsistencies.

There are also changes to directions on jury deliberations. The amendment that goes to this particular aspect will allow trial judges to direct juries on the order in which certain matters, such as offences or elements of offences, are considered in jury deliberations. This is designed to improve the clarity of the guidance given to juries in appropriate cases and increase the efficiency of jury deliberations.

There are a number of other changes that, sadly, I will not have time to go through, because I think this is an incredibly important bill. I know some of those opposite have reflected that this is not particularly significant or high profile, but nonetheless I think the provisions within it are certainly important for the smooth and fair operation of our justice system. I would like to reflect on the fact that it improves things for all courtroom participants and leads to better outcomes. As such, I commend the bill to the house.

Mr EDBROOKE (Frankston) — It is always a pleasure to see you in the house, Acting Speaker Ward, especially in the Speaker's chair. I agree with the previous speakers on this side of the house that this is an incredibly important bill. I would like to thank the Attorney-General, the advisers and the department that worked on this bill, the Jury Directions and Other Acts Amendment Bill 2017.

Jury directions reform aims to reduce errors in jury directions, improve the way in which information is communicated to juries in criminal trials and make the issues that juries must determine a lot clearer. These changes may result in fewer appeals and retrials, which would be a positive. They will also minimise the stress and harm caused to victims and their families, which is one of the most important things we will talk about in this house. Directions that jurors can more easily understand and apply will also enhance the integrity of jury verdicts in the criminal trial process overall.

Of course juries bring the values, standards and expectations of our community into the courtroom, contributing in a very significant way to the administration of justice in Victoria, but for people who are called up for jury duty, often this is a very difficult job. It is confronting. It often involves talking about traumatic cases — murders, sexual assaults — with very serious consequences for offenders. It could even involve locking people up for life.

The modern jury evolved from the ancient customs of many cultures. The first reference I could find was to Germanic tribes where a group of males of good character were used to investigate crimes and/or judge the accused. The same custom evolved in other court systems throughout medieval Germany, Anglo-Saxon England and of course, Greece, as our friend from Essendon always likes to talk about. Of course we must continually improve everything we do, and improving the jury system by changing it from being custom, as it used to be, to a legislative framework is very important. We also have to improve our system so jurors more easily understand their role, and we must enhance the integrity of their role as well.

After all of the evidence has been given and summed up in court, the judge will ask the jury to retire to the jury room to consider their verdict. During this time jury members must not talk to anyone except other jury members about the case, and all discussions must take place in the privacy of the jury deliberation room when all jurors are present. The jury makes its decision based on evidence presented in court, and this includes evidence given by witnesses. It also includes physical objects, which are called exhibits. Exhibits could be

photographs or documents. The jury's verdict must be based only on the evidence presented in the trial. Because this evidence is so important, there are strict rules about what evidence can be given in court and what sort of questions can be asked.

In case people are not too familiar with the responsibilities of a juror, there are actually penalties under the Juries Act 2000 of more than $15 000 for conducting your own research outside of the jury room at any time. This might include talking to another person about the trial, using the internet or other means to get information about people involved in the trial, looking at a place or object relevant to the trial or asking someone to make inquiries on your behalf. We are talking about some very, very important legislation here to clarify the role of jurors, make the role easier and give it more integrity for individual jurors.

This bill amends the Jury Directions Act 2015 to improve specific evidentiary directions on evidence of the accused's interest in the outcome of a trial, motive to lie and differences in a complainant's account. I will go into a couple of those points in a little while. The bill abolishes a problematic direction, called the Markuleski direction, on the truthfulness and reliability of the complainant's evidence and provides certain common-law direction on previous representations not being required. It also repeals mandatory directions on the giving of evidence by alternative means.

On the Markuleski direction, Tomislav Markuleski faced four counts of alleged indecent assault of a girl aged under 16 and two counts of alleged sexual intercourse with that person without consent. These allegations related to five separate events that occurred within a year and five days in late January 1981 and early February 1982 when the complainant was aged eight to nine years old.

The trial was held in August 2000, and Tomislav Markuleski was found guilty of all allegations, but what came out of this was that it was a case where a primary ground of appeal raised the question of whether the recorded five verdicts of guilty were actually unreasonable or unsupported in light of a single not guilty verdict rendered by a jury. Although a new trial was granted, the court dismissed the ground of appeal of relying on inconsistent verdicts. As far as this legislation goes, we will not be using the Markuleski direction anymore.

This bill also clarifies when trial judges can give perseverance and majority verdict directions and amends the Juries Act 2000 to give trial judges greater discretion to decide when to accept a majority verdict in appropriate cases. The bill allows trial judges to direct juries on the order in which certain matters are considered in jury deliberations and amends the Criminal Procedure Act 2009 to encourage and support the use of a general jury guide.

The bill clarifies the application of the Jury Directions Act to criminal proceedings that do not involve a jury to ensure judges and magistrates reason consistently with a jury directed in accordance with the Jury Directions Act. The bill also improves the exception to the hearsay rule, which currently applies to certain child complainants in sexual offence trials, by extending the exception to representations made by an alleged victim of a criminal offence if he or she was under the age of 18 at the time of making the representation.

Finally, the bill amends the Juries Act 2000 in relation to peremptory challenges in criminal trials. Jury directions are the directions a trial judge gives to a jury to help them carry out their job and decide whether the accused person before them is guilty or not guilty. It cannot be understated how important this job is in our community. Given the fundamental importance of trial by jury in Victoria's criminal justice system, these directions must be as helpful, relevant and fair as possible. That is why we are here today to improve them.

We have touched on a couple of those aforementioned points, starting with the amendments to the Jury Directions Act 2015. I move now to directions on previous representations. A previous representation is a statement made outside of court proceedings. It could be a statement to police by a witness. Jury directions on this evidence aim to instruct juries on how they may use or not use that evidence. Where relevant it is potentially unreliable, of course. Directions on the use of this evidence are working well and do not need specific legislative intervention. The Jury Directions Act already contains directions on unreliable evidence.

Another clause we are changing with this legislation pertains to directions on the accused giving evidence and interest in the outcome of the trial. The accused is not required to give evidence in a criminal trial; however, if an accused decides to give evidence, common law may require the trial judge to give certain directions about that evidence that are confusing, unnecessary or inaccurate. These include a direction which provides that the jury should treat the accused's evidence in the same way as every other witness but that the accused is probably under more stress than other witnesses.

Another clause is the directions on motive to lie. During a trial counsel may argue that a prosecution witness,

including a complainant, has a motive to lie about the alleged offence — for example, for financial gain. The prosecution may rebut that motive, or it may suggest that the witness does not have a motive to lie. An example of this may be the witness saying while being questioned under oath, 'Why would I lie about this?'. Trial judges must currently give lengthy directions on motives to lie that are unclear in scope and may reinforce outdated notions that victims, particularly of sexual offences, frequently lie. Trial judges, for example, must direct the jury that the absence of a motive to lie cannot enhance a complainant's credibility, as there are many reasons people may lie and we might not know those reasons. Confusingly juries are then told not to speculate about any motive to lie.

In addition to amending the Jury Directions Act 2015 the bill makes related reforms to a number of acts. One is the Criminal Procedure Act 2009 and the Evidence (Miscellaneous Provisions) Act 1958. In those acts we have got an adaptation of the exceptions to the hearsay rule, amendments to the Criminal Procedure Act 2009 and the Evidence Act 2008.

Juries perform a vital role in our criminal justice system and should be supported and assisted in performing that role. The Jury Directions Act 2015 uses a jury-centric approach that enables and encourages trial judges to give directions that are clear, brief, simple and understandable. Adopting the same approach, this bill addresses additional jury directions and related provisions that require reform to assist jurors. Retrials due to errors in the jury selection process can be very distressing, particularly for victims and their families. That is why we are taking steps to prevent this from happening in the future. We are also making sure jury directions are clear and easy to understand, which will result in shorter trials and reduced delays, which is of course important for victims and families as well. I commend this bill to the house.

Ms THOMAS (Macedon) — It is my pleasure to rise today to speak on the Jury Directions and Other Acts Amendment Bill 2017. Like others before me, I have taken the opportunity to do some reading and have learned quite a bit more about the history of juries and the way they have evolved over time. I note that we have the good fortune at the moment of there not being too many lawyers in the house, although the member for Carrum is with us — with all respect to the clerks of course. I make that note because I am about to say things that they probably all learned in the first year of law school.

I took the opportunity to have a look at the report by the Law Reform Committee of this Parliament, *Jury Service in Victoria*, which was tabled in 1997. It was chaired by Mr Victor Perton, MP, someone who is probably well known to a number of us, and the deputy chair was the former member for Melbourne, Neil Cole, MP. In doing their work for this parliamentary committee looking at jury service, the report has an excellent introductory essay that looks a little at the history of juries over the years and the way in which they worked, particularly in our Westminster system of government, which has the executive, the legislature and the judiciary.

I want to take you through some of the points in this excellent essay, *Jurisprudential and Historical Aspects of Jury Service in Victoria*. This was the research that was done to support the work of the 1997 Parliament of Victoria Law Reform Committee report. I learned quite a bit, and in understanding the role of the jury in criminal and civil cases I learned that the jury has that vital role of determining the facts and then applying the law given by the judge to those facts in order to reach a verdict.

It is this division of functions in the trial, with the jury deciding on the facts and the judge deciding on the law, which is regarded as fundamental to the jury system. The jury system, as the member for Essendon talked about earlier, has had a long and chequered history — that is probably the best way to describe it — but those who have long supported the jury system have claimed and continue to claim that it does protect the liberty of the individual. I did find this aspect rather interesting: that liberty is seen to be potentially threatened on three fronts. The first front on which liberty may be threatened is by the executive itself. Indeed, as Lord Devlin noted in one of his many works on this issue:

> The first object of any tyrant in Whitehall would be to make Parliament utterly subservient to his will; and the next to overthrow or diminish trial by jury, for no tyrant could afford to leave a subject's freedom in the hands of 12 of his countrymen. So that trial by jury is more than an instrument of justice and more than one wheel of the constitution: it is the lamp that shows that freedom lives.

The second threat to the liberty of individuals may well come from the judiciary itself. It was Jeremy Bentham, well known to many as an abolitionist.

Ms Graley — Yes, he was John Stuart Mill's friend.

Ms THOMAS — The member for Narre Warren South reminds me he was a great friend of John Stuart Mill. Jeremy Bentham claimed that the only real justification of the existence of juries is the threat which may be posed by judges. Jeremy Bentham was concerned that judges themselves may well have been exposed to temptation and corruption and he suggested, and I quote:

> … if judges were not exposed to corruption and temptation juries should be abolished.

Alternatively, it may be said that juries provide a protection for the liberty of the individual because they may take a more lenient view of the law in certain circumstances. As observed by another commentator:

> … juries may, acting on their opinion, take a more lenient view of the law and stretch it to limits that judges would not themselves have countenanced.

This brings me to the third threat to the liberty of the individual, which is the legislature itself. Yes, that is right, us. The jury system protects against tyranny by us in that it protects the liberty of the individual by preventing unpopular laws from flourishing. This was a point made in defence of the jury: with the laws that we make, if we enable the jury to be the custodian of the community's conscience, then the jury system will ensure that we are mindful of the types of laws that we are making and ensure that they do protect the thoughts, opinions and indeed the conscience of the community as a whole.

Like the member for Essendon, I did take the opportunity to do some reading on the history of the jury system — its strengths and its weaknesses — but in terms of the reading I did I must say that I am totally convinced of the strength of the jury system. It does need improvement from time to time, and indeed that is what this bill seeks to do — to ensure that it can work more effectively, more efficiently and more fairly — but I think the strengths certainly outweigh any of the weaknesses of that system.

I would like to turn to the bill itself. As we have heard from others, the bill is part of this government's commitment to further simplifying and improving the way that information is provided to juries in criminal trials. Jurors are without doubt faced with a difficult task, and reform of the law in relation to jury directions aims to make that task easier by ensuring that the directions given to jurors are clear and assist in their decision-making process.

The changes are intended to result in fewer appeals and retrials — and certainly that would be a most welcome improvement to our justice system — and to therefore minimise as much as possible the stress and harm caused to victims and their families. The government is always working to improve the experience of the criminal justice system for victims. This is a point that this government takes very seriously, and I am very pleased that the Attorney-General has introduced this bill to the house. I know that these are matters that are of great concern to him. He wants to be the Attorney-General of a well-operating, effective and efficient but, most importantly, just legal system.

We have heard already about aspects of the bill, but I would like to talk particularly to the amendment that relates to sexual offence trials. I am very pleased to see that the trauma that complainants in sexual offence trials necessarily experience through our existing system will, to some degree, be alleviated as a consequence of the amendments that this bill makes. It is a very common misconception that a 'real' victim would remember all the details of an offence and describe that offence consistently each time. We know that this does not occur, but that should not detract from the complainant's evidence or from her — and it will most commonly be 'her' — —

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

Ms GRALEY (Narre Warren South) — It is an unexpected pleasure to speak at this time in the late afternoon on the first day of a sitting week on this important bill that the Attorney-General has brought to the house, the Jury Directions and Other Acts Amendment Bill 2017. I would like to put on the record that jury directions reform is really aiming to reduce errors in jury directions, to improve the way in which information is communicated to juries in criminal trials and to make clearer the issues that juries must determine. That is a very good focus that the Attorney-General has brought to this bill.

We hope that these changes will result in fewer appeals and retrials, which would minimise the stress and harm caused to victims and their families, and that directions that juries can more easily understand and apply will also enhance the integrity of juries' verdicts and the criminal trial process overall. As legislators, as lawmakers, one of our chief roles in this house is that we should all be concerned that our criminal justice system and indeed our justice system in general operate to their optimum performance level and that juries operate fairly, without any sense of doubt, time wasting or making mistakes. It is a very good purpose of this bill to make sure that all of that is somehow minimised.

I would like to say that these reforms are really important and are another example of the Andrews Labor government bringing reforms to the legal system to this house that are going to further protect not only the legal system more generally but victims especially. They often have the harrowing experience of going into court, and if there is a problem with a jury — the selection process or some sort of misdirection — they often find themselves having to return to court and go through all those experiences again. We know that that

is a real deterrent and a very difficult situation, especially when families have been through, say, a murder trial that has to be retried or, God forbid, when young women have to go to court because they have been sexually assaulted. It is very important that a court system be very focused on providing victims with clarity and support, and this bill is about simplifying and improving the way information is provided to juries in criminal trials.

The purposes of the bill are to amend the Jury Directions Act 2015 to improve specific evidentiary directions on the giving of evidence by an accused, the interest of an accused or a witness in the outcome of the trial, a witness's motive to lie and differences in a complainant's account. The bill abolishes the problematic direction on the truthfulness and reliability of complainants' evidence, provides that certain common-law directions on previous representations are not required and repeals mandatory directions on the giving of evidence by alternative means.

The bill also clarifies when trial judges give perseverance and majority verdict directions, and it amends the Juries Act 2000 to give trial judges greater discretion to decide when to accept a majority verdict in appropriate cases. The bill allows trial judges to direct juries on the order in which certain matters are considered in jury deliberations, and it amends the Criminal Procedure Act 2009 to encourage and support the use of a general jury guide. The bill clarifies the application of the Jury Directions Act to criminal proceedings that do not involve a jury to ensure judges and magistrates reason consistently with a jury directed in accordance with the Jury Directions Act. The bill improves the exception to the hearsay rule which currently applies to certain child complainants in sexual offence trials by extending the exception to representations made by an alleged victim of any criminal offence if he or she was under the age of 18 at the time of making the representation. Finally, the bill amends the Juries Act 2000 in relation to peremptory challenges in criminal trials.

In a previous career I was a legal studies teacher at a high school, and I must admit it was one of my favourite studies to teach because the students loved doing that subject. They always wanted to get down to the gory details of murder and manslaughter trials and talk about them in depth, and without fail there would be an exam question set on these matters at the end of year 11 or year 12. Indeed when I did year 12 legal studies I found myself writing a response to 'What are the advantages and disadvantages of the jury system as it operates in Victoria?'. I must say that in my experience overwhelmingly as both a teacher and a student most students and teachers were very much of the view that the advantages of the jury system, albeit it does have a number of concerns or flaws, certainly outweigh the disadvantages.

As other speakers have already said, we have a long tradition of juries in our own system but also elsewhere in the world — they are quite common in most criminal jurisdictions — and I think one of the reasons that is the case is that the general public thinks juries are a good thing. In fact I would go to the other extreme and say that a lot of the general public sometimes suggest that they do not have that much faith in the judicial system but they do have faith in the jury system because it actually brings a touch of common sense to the courtroom and a touch of understanding and often empathy to the victim.

We have probably all watched *The Good Wife* and seen the lawyers playing to the jury, trying to make sure that one particular person is targeted — they see a weakness there — and maybe undermining the decision-making of the jury. We have probably all watched *12 Angry Men* and seen one decision turned around completely. I have to say that one of the reasons why we are fans of *The Good Wife* or why that movie has become a classic is that people actually have respect for the jury system and think it is worth preserving. Even if sometimes there is a sense that the system may not be doing its job as well as it can or it may be corrupt in some shape or form, overwhelmingly people have faith in their fellow citizens putting up their hands to go and partake of the jury role.

I have done that myself, and I have got to say it was not the most comfortable day. You have to walk out and parade in front of a pretty savvy group of lawyers, who are all dressed up and ready to go on the attack as they think about whether you will be an appropriate juror. That is why this piece of legislation is very important. We do not want mistakes made at that stage especially. We also want to make sure that Victorians have faith in the courtroom procedures, pre-trial and after trial, such that they will put up their hand and continue to play a role as jurors.

In conclusion, this is another excellent piece of legislation brought to this house by the Attorney-General. I note he is on the record as saying:

> Retrials due to errors in the jury selection process can be very distressing, particularly for the victims and families involved. That's why we're taking the steps to prevent this from happening in the future.
>
> We're also making jury directions —

as I said at the outset —

> clearer and easier to understand, which —

we also hope —

> will result in shorter trials and reduced delays.

They are all win-wins for community faith in the jury system and legal system.

It is good to see you, Speaker, in the chair. I think it is the first time I have had the pleasure of standing up and speaking with our new Speaker in the chair. I would like to congratulate you on this great honour and say how well you have done so far in what is a very demanding situation. Without further ado, I would like to commend the bill to the house and wish it a speedy passage.

Mr RICHARDSON (Mordialloc) — Yes, it is the first time I have spoken before you, Speaker, and I wish you all the best in your role as Speaker.

It gives me great pleasure to rise and speak on the Jury Directions and Other Acts Amendment Bill 2017 after years of reform that have come through this Parliament on jury directions and reform. Trial by jury is such a fundamental part of our institutions. When we bring average Victorians before our court system as jurors, it is as a fundamental part of the judiciary. They decide on the merits of a case and make a finding of guilty or not guilty.

I should say as well that our legal system and reforms of this nature are very fundamental in streamlining and improving our judicial system, which is under the pump constantly and stressed. We should consider anything that we can do to minimise the risk of retrial, a further burden on resources in particular if you think about the burden on resourcing for Victoria Legal Aid and the great work that many selfless people in legal aid provide. If we have a retrial, if we have an issue where a direction to a jury is undermined or there is a problem or contestability, then that is a further burden on resources.

It segues into something that has been prosecuted by the federal member for Isaacs in my area, which is the burden placed on community legal centres and the savage cuts made by the federal Turnbull government to our community legal services. We discovered just recently that the burden on resourcing has got worse for legal community centres, with the federal Attorney-General, George Brandis, finally handing over his diary, which showed that he had slashed funding without a skerrick of consultation with those legal services. They are under more pressure, and they look to us, the state, to try to take up that burden. Some of these reforms in jury directions are very important to ensure that our legal system can have the most efficient processes, because criminal trials are fundamental.

The bill amends the Jury Directions Act 2015. There will be improvements to specific evidentiary directions on the giving of evidence by an accused, directions on the interest an accused or a witness has in the outcome of the trial, directions on whether a prosecution witness has a motive to lie and directions about differences in complainants' accounts, and there are further purposes.

One interesting point takes me back to my law degree days at the Waurn Ponds campus of Deakin in Geelong — namely, the jury parade. It is quite an interesting element of our system, and it goes back to some traditions and practices. The jury parade is where the individual walks past the accused and there is obviously then a selection of who will be part of that panel, and rightfully so. Through those institutions there is the ability to challenge. There can be challenges based on no reason — it is limited — but then there are challenges with reason that do not require the parade to go past. It probably harks back to changing some of those institutions that have existed and making them far more effective.

Members opposite made some points in terms of how much time should be spent on this bill today. I take issue with the member for Box Hill's categorisation that some of the debate on the bill does not warrant the time that it has been allocated, and that was discussed during debate on the government business program. There is nothing more fundamental than improving the operation and efficiency of our legal system. Those opposite might bang on about the law and order front, but there is a journey that happens through our legal system, from charges all the way through. If this bill is not part of the fundamental actions that we put forward and the work that we need to do, then I do not know what is.

It is a bit of a reflection on those opposite that we have had a lead speaker in the member for Hawthorn and then not too much more. We take this bill seriously. The reforms commenced under those opposite in 2013. The first Jury Directions Act was passed by the previous government and commenced in 2013. This bill looks at those longer term reforms — some of these systemic reforms initiated under different governments — and they need to be carried through. I would have expected a bit more interest and a bit more engagement on that front, but that is where we sit today.

Some of the other important changes that were introduced back in February by the Attorney-General will allow trial judges to address misconceptions that victims in sexual offence trials should be able to remember all the details in an offence and describe it consistently every time. Both Jon Faine and Neil Mitchell had a courageous mother on their programs

this morning; I was listening as I was driving in in the torrential rain. She talked about the onus that is put on victims of sexual violence — I should say the word 'victims' is probably incorrect, and it was pulled up by Jon Faine at the time that you should not say 'victims' — the people that are affected by those acts. The pressure that is put on people in those circumstances and the onus on them to bring forward the evidence is such a huge burden and hurdle. I think that talking about some of the things we need to do in that space is a very important debate. I note the point about some of the misconceptions of that direction, and I welcome that. It is probably a welcome time and context that that is being discussed.

Further, under the reforms trial judges will be able to explain to jurors that victims often describe the offence differently at different times. That obviously acknowledges the trauma that people face, and that should not necessarily be a cause to then undermine some of the evidence put forward when someone is in such trauma. I remember some of my criminal procedure and criminal law studies when I was a law student. I remember some trials where that was a point of contention and that was used as a way of trying to defend a case and undermine the integrity of evidence put forward. So I welcome that change, and I think it is very important.

I also note that the new laws will remove the mandatory 6-hour minimum time frame for jury deliberations before a majority verdict can be accepted in a criminal trial. Obviously the unanimous verdict is something that is an old institution, but for offences where there is an ability to have that majority verdict, that change in terms of mandatory time is an efficiency of system where we have potentially one or two jurors in some elements that might not come to that majority verdict. That also improves the process, and that also means that trial judges will be able to make directions sooner if a jury becomes deadlocked earlier in its deliberations.

These reforms broadly follow a number of changes that this Labor government has made to jury directions to help reduce delays, deliver shorter trials and ensure fewer costly appeals and retrials. As I have said from the outset, we would not be as concerned and we would not be in this predicament were it not for some of the changes to the support for our legal community centres, which are on the front line in some of these cases. That all has a spillover onto and impacts upon legal aid. Some of these reforms are urgently needed because of some of those challenges that we face.

I welcome these changes and the work of the Attorney-General and also the member for Niddrie, the Parliamentary Secretary for Justice, who has contributed to this debate as well as more broadly our agenda in the judicial space. Respecting those institutions and strengthening their support for communities is so very important. This is another very important reform, and the need to reduce those delays and reduce the burden on our legal system is very welcome. I look forward to the bill having a speedy passage through the house.

Mr CARBINES (Ivanhoe) — I commend the member for Mordialloc on his contribution to the debate on the Jury Directions and Other Acts Amendment Bill 2017. I am pleased to make a contribution on that bill. I will just touch on the obligations and role of people who make themselves available to serve on juries. As someone who worked at the *Geelong Advertiser* as a journalist, I have spent a lot of time in courtrooms reporting on the role of deliberations in our court system and certainly the work of juries and the commitment that people make in that role. It is an important role. There has been a lot of debate and discussion about the jury system and its value in providing justice to Victorians, but it is a system that I do believe in.

Going back 25 years plus to when I was a year 12 legal studies student at Viewbank College — a place where we are investing some $11.5 million in redeveloping the college — in my legal studies classes with Mr Buckley we often talked about the role of the jury system and how important it was. He was also our team manager when I was a junior at Heidelberg Football Club. We talked often about the role of the jury system and its place in the justice system. Was there a better system, is there a better system? What we understood was that to be judged by your peers in the community is a very important matter. To understand the role of juries, anyone who remembers that movie *12 Angry Men*, which in fact was a play before it was a movie — and juries have come a long way since the days of *12 Angry Men* — knows it makes a salient point about the role of being judged by your peers.

We work in a role where the views of the public are important to us. The views of our community matter, and they do not matter more than when justice is being served. Some of us who are married to lawyers talk about lawyers and our role as lawmakers, but ultimately it is those people in the community, everyday people, who have the opportunity to serve on juries. There is a desire on our part to make sure they understand the law so that they can in a commonsense way — not so much with a literal interpretation of the law — apply the law as the community expects it to be applied.

We have a role here as members of Parliament, as lawmakers. We get into a few technicalities when we

get into the clauses, but ultimately what we are doing with this bill is not for those lawyers who bill by the hour or by the minute to look into the intricacies of the law and how they can work that in the interests of the client and democracy, although that is okay. It is actually for the 12 people, good and true, sitting there and making decisions and judgements on behalf of everyone else in the community. We can get a bit caught up in our role, and those who represent ordinary citizens in our community can get a bit caught up in their role, and that is okay — you put your jumper on and play the role you are given — but what is particularly important is that those people who sit on the jury are not encumbered by anything other than their desire to act in the best interests of their community and the best interests of the law. They must be able to understand their role and apply their values in the community in the best interests of us all. That is what the Jury Directions and Other Acts Amendment Bill 2017 seeks to deal with.

I would say it is no different from matters where we all look for loopholes, we all look for grey areas if that is the task we are given. Whether you are a lawyer or you are the coach of a footy team, you are looking for a winning edge; you are looking for ways to support those people in the community that you are advancing the interests of in what are adversarial circumstances. We are in an adversarial system here. We are the government, the people over there are not. That is an adversarial system that has done us great justice for more than a century. The jury system is no different.

The law has to continually move and adapt and change to meet the concerns of the community. People, good and true, seek to perform their role in the community, yet they can find themselves being empanelled as jurors. People then have to endure costs, let alone trials. What this really is about is that as lawmakers we are ensuring the system meets the community's expectations of what the law is there to do — hold our police and investigative services to account and to a high standard to meet the law and to convict wrongdoers. We are also upholding the rights every citizen in our state is entitled to in order for them to fight for values and defend themselves against those pressures that are against them.

It is a hard balance. What is particularly important is people might give up what they think may be a day to be empanelled on a jury that never comes. They may sit on a murder trial or a significant trial for months, which interferes with their family and their working days. It is not often that you hear people complaining about that. It is not often that you hear about people recusing themselves of those obligations. More often than not most people in Victoria, most citizens, take it on themselves and say, 'Okay, I'll put my hand up. It's my civic duty and I will make my contribution'.

They almost go in there not knowing what role will be required of them. It might be a day, a few hours, a week or a month. They go in there, and it is an open-ended bargain that you make with the community. It is a blank cheque that you sign to say, 'I'll give as much time as the community needs of me to meet my role'. If you are prepared to go in there as a juror, what you are saying as well is, 'If I'm on the other side, if I'm in the dock, I want people to go in there as open-minded as I am to make whatever commitment is required of me to support our justice system'.

I think the Attorney-General has put forward some very significant amendments in this bill that are commonsense amendments. We are not lawyers; we are lawmakers here. We might get a bit pernickety with the zealousness or overzealousness of lawyers. I am quick to declare my marriage to a lawyer, but can I say that I think it is important that lawyers advance the best interests of their clients, and lawmakers should make sure that, whether you are thinking to provide the best interests of those who are accused or those who are defendants, the law is equal for everybody, and that jurors as well feel that they are not the victims here, that they are not being persecuted. They are providing community service. Occasionally in the overzealousness and adversarial nature of our justice system, we need to provide opportunities to make sure that it is not the jurors who are on trial. We need to ensure that jurors understand that they are supported by their Parliament for the blank cheque that they write to fulfil their role as citizens in the community.

They do not know whether they may be empanelled to a jury for a day. They might or might not get knocked back. They may provide that role for weeks or months on a jury, and I think that is really important. I also think it is important that these amendments provide an opportunity to affirm their role to support jurors, and to send a message to lawyers, rather than lawmakers out there, that they have some rights and responsibilities in the way in which they treat citizens who seek to participate for a very nominal fee. Maybe we could come back at another time and consider CPI matters and other matters in relation to the commitment that jurors make in their time, away from family and business. I think they are matters we could come back to.

I think these amendments put forward by the Attorney-General and the government, in the progressive nature that we have on this side of the house, will affirm the role of jurors in our justice system here in the Parliament of Victoria.

Ms HALFPENNY (Thomastown) — Unfortunately I am not going to have a lot of time to talk about this bill, except to say that I wholeheartedly support it. There have been several updates to the jury directions legislation, and this is the third section of these changes. The bill is the Jury Directions and Other Acts Amendment Bill 2017 — —

The SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue her speech when the matter is next before the Chair.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Doncaster Gardens Primary School

Mr R. SMITH (Warrandyte) — (12 446) My contribution is directed to the Minister for Education. My request is that he visit Doncaster Gardens Primary School so he can see for himself the urgent need for an allocation of double-storey portables to the school. In raising the matter I also wish to place on record and acknowledge the outstanding contribution that Doncaster Gardens Primary School makes to my electorate of Warrandyte. Situated in Doncaster East, Doncaster Gardens has grown to be a leader in educational standards, and is led by its principal, Carolyn Elliot, with her staff of 62.

The school is literally bursting at the seams. Current enrolments stand at 672, with an expected increase of over 60 students over the next two years, pushing enrolments to a staggering 732 students on a small site. This is despite the school being in the restricted enrolment category. Class size is reaching 30 students, well above the state's average class size of 22.3 students in 2016. At the commencement of 2017 the school was required to place an additional two classrooms into the staff car park to accommodate the growing enrolment as external learning spaces were already limited. This places an increased safety risk upon the school community, which will only intensify with growing enrolments.

The extreme restriction in external spaces also impacts on curriculum areas, with increased classroom capacity impacting on best practice teaching. Issues also arise in regard to enrolments of international students as well as forcing challenges on local families who must choose a school that is second to their first choice.

In May 2016 I raised this issue with the minister in this very debate. The minister responded that the school had sufficient classroom accommodation. If the minister had taken the action asked by meeting with school leadership, he may understand the necessity for double-storey portables to accommodate for future demands and to allow students to have a positive learning environment.

It is my hope that on this occasion the minister makes the trip to Doncaster Gardens Primary School so he can see firsthand the challenges that the school and its community face. I again urge the minister to visit the school and help fast-track the allocation of double-storey portables to Doncaster Gardens Primary School.

Great Stupa of Universal Compassion

Ms EDWARDS (Bendigo West) — (12 447) My adjournment matter is for the Minister for Regional Development in the other place, the Honourable Jaala Pulford. The action I seek is for the Minister to fund the Great Stupa of Universal Compassion in my electorate to support the connection of some utilities that are required to enable future works at the site of the Great Stupa to proceed.

The Great Stupa of Universal Compassion, when completed, is going to be the same size and design as the Great Stupa of Gyantse, which is 50 metres wide along each side at its base and nearly 50 metres high. The Great Stupa of Universal Compassion is being built in Maiden Gully in Bendigo. It will be the largest Buddhist temple in the Western world, indeed in the Southern Hemisphere.

Already the stupa is inspiring people to seek a peaceful and spiritual path, becoming a pilgrimage place for Buddhists from around the world. It is a place of great serenity and peace for those in need, and the Atisha Centre is a well-known and established retreat for monks.

The Great Stupa has been funded through philanthropic donations nationally and internationally. Construction is taking place on a progressive basis as funds become available. Much of this fundraising, most of the vision and much of the planning have been due to Ian Green, who has been the driver of this project since it began many years ago. To ensure the Great Stupa can proceed to the next stage of development, it is essential the project has access to some utilities that will support its future construction and expansion.

I was thrilled that the minister was able to visit the Great Stupa recently to see for herself what a magnificent asset it is to the Bendigo region, both in size and scope, but also in its potential as a major tourist

attraction for the region. Indeed it is already proving its value, with thousands of visitors every year. I hope the minister will support the Great Stupa of Universal Compassion with funding.

Weilong wine company

Mr CRISP (Mildura) — (12 448) My adjournment is for the Minister for Planning. The action I seek is that the minister acts to allow a statement of compliance for the Weilong wine company in Red Cliffs under clause 66.01-1 of the Mildura Planning Scheme.

The Weilong wine company has announced its intention to develop a site into a major winery. They have sought and received widespread community support for a winery that will ultimately have a capacity of 84 000 tonnes and will employ at the peak of the season up to 220 people. To support the winery, Weilong have been investing in vineyards and recently secured up to 20 000 tonnes of grapes from their own vineyards. The Weilong company is positioning itself to take advantage of the growth in the market for Australian-style wines in China. The Mildura Rural City Council has taken the position that the process of achieving a statement of compliance for telecommunications services is a two-step process in order to meet clause 66.01-1 of the Mildura planning scheme, which is common to all planning schemes in Victoria.

Step 1 is that Telstra provides an agreement letter, which means an agreement has been entered into. In order to meet the telecommunications condition requirements, step 2 requires a provisioning letter, which is a statement that all lots are connected to or are ready for connection, from the telecommunications network provider, Telstra. It is understood that the Mildura Rural City Council is one of the few councils in Victoria that takes such a stringent interpretation of clause 66.01-1. Telstra strongly disagrees with the position of the council and believes that step 1, an agreement letter, should satisfy the council as to the infrastructure to be installed.

The Weilong company has encountered a planning roadblock. It has been told that it requires a provisioning letter from Telstra for the supply of telecommunications. This letter requires that pits and pipes for copper wire are installed at the proposed site before the Mildura Rural City Council will approve the subdivision of the land to build a winery that the council has already approved for construction. Mildura Rural City Council has directed that the statement of compliance will not be issued until a provisioning letter is provided. For Mildura Rural City Council to provide a statement of compliance, a copper service — otherwise known as pit and pipe — has to be installed, with Telstra to provide a letter to confirm this.

NBN Co has made it quite clear that the service is currently serviced by wireless and that it understands that Weilong is seeking a wireless NBN service for their modern telecommunications requirements rather than copper wire. However, the council does not accept that NBN wireless meets the provisioning requirements derived from the state government, which is under clause 61.01-1.

The requirement for the works to be physically completed is a major problem. Telstra has rightly placed a low priority on installing pits and pipes due to the fact that they are never going to be used. No doubt Telstra will undertake the work in time, but these delays are certainly going to put the 2018 vintage in doubt. Worse still, Weilong may find somewhere else where planning is easier and more likely to deliver them a functioning winery by 2018. This could mean the loss of an $84 million investment and 220 jobs.

Napier Street rail bridge

Ms THOMSON (Footscray) — (12 449) It is good to see you in the chair, Speaker. I wish to raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek relates to the Napier Street railway bridge in my electorate. Specifically I ask that the minister please write to the relevant trucking companies who use Napier and Buckley streets near the bridge and urge them to remind their drivers to be aware of the dimensions of their vehicles and to note that the Napier Street bridge has a low clearance of only 4 metres.

It used to be that when trucks went under the bridge and got caught they would lose their loads, but the minister announced works on the bridge, which have now been carried out, including a realignment of the beams, so that when a truck strikes the bridge it does not lose its load. However, trucks are still hitting the bridge. As a matter of fact two trucks have hit the bridge since the beams were realigned. We are fortunate that without the load losses we are now no longer endangering pedestrians and cyclists, but it still inconveniences everyone when a truck hits the beam, so the action I seek from the minister is that he write to all the trucking companies to ensure that their drivers are all aware of the height of the bridge and to ensure that they avoid that bridge if they have a higher load.

Warburton Highway, Wandin North, pedestrian crossing

Mrs FYFFE (Evelyn) — (12 450) My request for action is directed to the Minister for Roads and Road Safety. The action I seek is that the minister provide a pedestrian crossing on the Warburton Highway in Wandin North, where the Warburton rail trail crosses the road. There has been an increase in the volume of traffic that uses the road and also the trail. There is an increase in danger and the need for a crossing, particularly for schoolchildren crossing the Warburton Highway during peak times to catch the school bus in the morning and the afternoon. I have talked to the community and many trail users, who say they have trouble crossing the road. Children do not have a good enough view when vehicles are parked on the left-hand side heading north-west. There is also a cause for concern for those that ride horses on the trail. The safety of both horse and rider is at risk. Horses do not respond well to cars travelling at over 70 kilometres an hour.

In 2011 the former government put a trail crossing on Lilydale-Monbulk Road in Mount Evelyn to increase the safety for local residents and trail users. The increased traffic on Warburton Highway is exhibiting similar concerns. The government needs to act, as we did when in government, to increase safety for the trail users and for local children.

Recently the government put a crossing at Lilydale that was not asked for by the community. Minister, this crossing in Wandin North is being asked for. The traffic lights the government installed in Lilydale had another set 170 metres travelling west on the Maroondah Highway and another crossing 270 metres east of the new crossing, not to mention that there was a bridge down the road that could have been used. Clearly the funds for those new Lilydale crossing lights should have been spent in Wandin North, where there is a community asking for lights. Minister, please act to protect the safety of Wandin North residents who cross the Warburton Highway and the thousands of trail users, including walkers, cyclists and horseriders of all ages.

Avondale Heights police station

Mr CARROLL (Niddrie) — (12 451) I rise to address a matter for the attention of the Minister for Police. The action I seek is that the minister accompany me on a visit to Avondale Heights police station, located at 162 Military Road, Avondale Heights, to see firsthand the great services this station provides for my community.

The Avondale Heights police station serves a large portion of the west of my electorate and does so extremely well. In Niddrie we are well served, with police stations in Avondale Heights, Moonee Ponds, Flemington and in particular the police air wing at Essendon Airport, which I have previously visited with the minister.

The Avondale Heights police station has been there for as long as I can remember, but it is unfortunately not in a location which is clearly visible to many residents, as it is sitting behind a petrol station on the extension of Military Road. Although signposted, it is often missed. It is a valuable local police station in my community. Just today I had the pleasure of speaking to the minister about this police station, with the hope that she can come and visit it soon.

Also today I have been in contact with a constituent of mine, Tonia Phillips, who lives in Airport West. She has also been in contact with me on Facebook and via email suggesting ways to increase police presence in the Avondale Heights, Airport West and Niddrie areas. At last week's meeting of the Airport West Neighbourhood Watch, Michelle Lascala-Puglisi suggested a greater police presence in Airport West. A shop at Westfield might serve as an option.

I am very well served by local Neighbourhood Watch groups in my electorate. Just last week I visited the Airport West Neighbourhood Watch to outline the valuable work the minister is doing right across Victoria with our community safety statement as well as the laws that are being passed and the once-in-a-generation police resources that are being put in place in Victoria. I want to thank all my Neighbourhood Watch captains for their work, in particular Gabrielle Nilsson, Duncan Walker, Kevin Marshall, Rhonda Lee and John Ayers, who was also a teacher of mine when I was at St Bernard's College. I would also like to thank the chair of Moonee Valley Neighbourhood Watch, Arthur Cale.

I look forward to the minister coming to visit Avondale Heights to see the great work that this police station is doing, as well as the police resources that the Victorian government is putting into the community, to see how we can make Avondale Heights a stronger and more visible police station.

School councils representation

Mr HIBBINS (Prahran) — (12 452) My adjournment matter is for the Minister for Education. The action I seek is for the minister to make student representation on school councils mandatory. Student representation on school councils is currently only optional. There are a number of benefits to ensuring all school councils have student representation.

The Victorian Student Representative Council (VicSRC) recently commissioned a report into student representation on school governance councils. Among the report's recommendations were that student representation on school councils be mandatory, with a special category specifically for students and student representatives on school councils — that they be equally valued members, seated equally with other members, moving towards full voting rights and membership responsibilities. To facilitate this, students should undertake training and receive support in school council work; school council meetings should support meaningful contributions; and students should be consulted about how to appoint or elect student representatives.

Among the benefits of student representation is that students have knowledge and expertise regarding school matters that other school council members may not have. Students are aware of issues and have direct experience of their school, which makes them aware of a vast range of issues and gives them a unique insight into and knowledge of their school.

There are some challenges to student representation working properly, which means it must not be tokenistic and schools must be active in making it work, but this is a change that can be achieved and will be of great benefit to students and schools.

The report states that student participation in school councils was common throughout the 1970s and was made a requirement in the 1980s. However, in the 1990s this was reversed and membership of students was no longer included. A subsequent review in 2006 found that while student participation should be encouraged, it was not made a requirement of school councils.

At its most recent congress, the VicSRC resolved in regard to school leadership and governance that there should be mandatory student involvement in decision-making processes through participation in high-level policy meetings including but not limited to school council meetings.

Schools that have embraced student voices and student participation are finding out just how valuable this is to their school. Students are an untapped resource in the strategic planning and policy development of schools. It is now time to make student representation mandatory on school councils and to realise the benefits that this will have for schools, students and the wider community.

Cobaw Community Health Services

Ms THOMAS (Macedon) — (12 453) The matter I wish to raise tonight is for the attention of the Minister for Health, and the action I seek is that the minister join me in visiting Cobaw Community Health Services in my electorate and provide an update on the allocation of funds from the $200 million Regional Health Infrastructure Fund. The fund was established by the Andrews Labor government to rebuild rural and regional health facilities following years of neglect by those opposite. What a fantastic initiative from a government that prioritises the health and wellbeing of all Victorians, a government that understands the particular challenges our rural and regional communities face in accessing first-class health care.

Minister, I would ask that you prioritise Cobaw Community Health Services. Cobaw was established in 1986 and provides a comprehensive range of free and low-cost services to more than 5000 of my constituents every year.

Hume Freeway, West Wodonga

Mr TILLEY (Benambra) — (12 454) I wish to raise a matter for the attention of the Minister for Roads and Road Safety, and the action I seek is to be given a comprehensive briefing on any and all proposed works for the intersection of McKoy Street, the Old Barny road and the Hume Freeway in West Wodonga. It is two years, almost to the day in fact, since speed restrictions were put in place on the Hume Freeway at the intersection of McKoy Street and — getting rid of the local colloquialisms — Old Barnawartha Road on the southern outskirts of Wodonga.

Now, other than at times of roadworks, I do not know of any section of the Hume Freeway, particularly in Victoria, with such restrictions, with the exception of when you get down to the Kalkallo Hotel, where not so long ago we saw an individual decide to take a shortcut and drive into the front of the pub. Certainly that is under repair, but that is significantly different to our regional centres and rural areas where the road reserve is quite significantly separated from those speed restrictions. I have not seen anywhere else where you will see a reduction in speed from 110 kilometres per hour immediately down to 80 kilometres per hour. So the speed restrictions that are in place have been there for the last two years, from 7.00 a.m. to 7.00 p.m., and I am approached constantly by locals and visitors to the region who are astonished by that restriction.

For anybody in this place who has taken the opportunity, whether they be on their way to Sydney or any other place, they will certainly identify with that section of road as they approach the border of Victoria and New South Wales.

Mr Edbrooke — It needs to be looked at.

Mr TILLEY — Absolutely, and I am asking the minister to actually have a damn good look at that. I am looking for a comprehensive briefing, not one of these one short, stern ones where they fluff you off, because this has been going on for two years now and the minister has been given a fair opportunity to rely on his department, VicRoads, to investigate. When it first came out VicRoads asked the question: is this the right location for an interchange or is another location a better one? It committed to looking at other interchanges as well. It is about how Wodonga interfaces with the freeway and making that work.

We have got a local government area there, the City of Wodonga, that is working to grow the region, and certainly there is a flow-on effect of not knowing how the freeway and the interchanges with the freeway will impact Wodonga. It has an ever bigger impact when you have a heavy vehicle-reliant city where you have a number of significant contributors to the road freight task in our state. There is a flow-on effect from, for example, Melrose Drive and Sangsters Road. Certainly our local government authorities cannot go into great planning in regard to that until VicRoads and the responsible minister address those concerns.

Frankston Pines Football Club

Mr EDBROOKE (Frankston) — (12 455) We certainly cannot end the day hearing about a car driving into a pub — that is one of the saddest things I have heard all day!

My adjournment matter concerns the Minister for Sport, and the action I seek is for the Minister for Sport to accompany me on a visit to the Frankston Pines Football Club. The Pines soccer club in Frankston North has been a valuable community asset since 1965. Frankston Pines Football Club is an amateur soccer club that promotes sport among our local community's youth and promotes a community sense of spirit. We have mixed junior teams and senior teams that play in the second highest state competition. Sadly, the clubrooms are well used and have the original 1965 carpets, bathrooms and fittings.

We know that sport is the fabric of our community, especially when we are talking about our youth, and I believe that our Frankston North community deserves better. I recently toured this facility with the Treasurer, and I have no doubt that he agrees that this club is hardworking and most deserving of some kind of assistance. The Pines community are a community of hard workers and you would not often see them complain about their lot in life, but I think it is time that we put this club back on the map. If the sports minister could come down so I could shake him down, that would be fantastic.

Responses

Ms NEVILLE (Minister for Police) — I thank the member for Niddrie for raising this issue and asking me to come out and see the great work being done at the Avondale Heights police station. I also want to thank him for the great work he does as the Parliamentary Secretary for Justice. He performs a really important role, particularly in the crime prevention space in supporting me in that role. I would also like to acknowledge the work of the Avondale Heights police station in supporting some of the other stations in the Moonee Ponds police service area during the tragic DFO plane crash. I know they really helped to offset the workload and enable police officers to respond. I commend their work and would like the member to pass that on.

I am sure the member is aware of the investment we are about to make in Neighbourhood Watch as well, and I am sure his local Neighbourhood Watch members, who do an incredible job, will be very appreciative of extra support. I would like to commit to the member that I will come out next week to visit the Avondale Heights station and any of the other important work of Neighbourhood Watch out there. I look forward to doing that and being able to pass on my thanks for the work of the local police out there in person.

The SPEAKER — Order! Does the Minister for Health wish to respond to the matter raised by the member for Macedon?

Ms HENNESSY (Minister for Health) — Very briefly, even to the chagrin of the police minister. I would like to thank the member for Macedon for her adjournment matter. I would be delighted to join her and to visit Cobaw Community Health Services, and I look forward to making those arrangements shortly.

Ms NEVILLE (Minister for Police) — A number of other members raised a range of issues, and I will pass those issues on to the relevant ministers.

The SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 7.23 p.m.