

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 7 March 2017

(Extract from book 3)

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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	Naphthine, 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	Owens 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 Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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Tuesday, 7 March 2017

The mace was brought into the house by the Serjeant-at-Arms and laid under table.

RESIGNATION OF SPEAKER

The Clerk — I wish to advise members of the following communication. I have received the following letter from the Honourable Telmo Languiller:

I contacted the Premier on Saturday, 25 February 2017, to inform him that I would be resigning as the Speaker of the Parliament. The Premier accepted my resignation and agreed with me that it is the right course of action.

I hereby wish to advise you that I resign from my position as the Speaker of the Legislative Assembly effective Saturday, 25 February 2017.

ELECTION OF SPEAKER

The Clerk — As there is a vacancy in the position of Speaker, the house must proceed immediately to elect a new Speaker. Are there any nominations?

Mr CARROLL (Niddrie) — I propose the member for Bundoora as the Speaker of the Legislative Assembly. I move:

That the member for Bundoora take the chair of this house as Speaker.

Honourable members — Hear, hear!

The Clerk — Who seconds the motion?

Ms THOMSON (Footscray) — I second the motion.

The Clerk — Does the member accept the nomination?

Mr BROOKS (Bundoora) — I am honoured to accept the nomination.

The Clerk — Are there any further nominations?

Mr GUY (Leader of the Opposition) — I propose the member for Evelyn as the Speaker of the Legislative Assembly. This house needs someone who is independent, not a hack. This house needs an independent Speaker. This house needs someone who is going to adjudicate, not treat the Speaker's position as a stepping stone to a ministry. Let me quote the Premier, who said:

I am confident that you —
the member for Evelyn —

will be an impartial Speaker who will do great credit to the office you now hold.

The Leader of the House said:

Deputy Speaker Fyffe is someone who has both the respect and experience to take on the role.

That is why I am proud to nominate the member for Evelyn, someone who is not in the paper as saying they still hold ambitions to be a minister and who will not treat that chair in a tainted way or as a stepping stone for another job. This house has had enough of the captain's picks. We have seen captain's picks from this man end in tears. With pride, I nominate the member for Evelyn.

The Clerk — Who seconds the nomination?

Mr WALSH (Murray Plains) — I have the privilege of seconding the nomination of the member for Evelyn for the position. As all honourable members who have any decency would know, there is a crisis of confidence in the very democracy that our forefathers and our foremothers died to protect. For the first time in the 700 years history of the Westminster system we have witnessed the Speaker and the Deputy Speaker having to resign because they have been roting the taxpayers of Victoria — the two very people who were elected unopposed two years ago to uphold the dignity and integrity of this Parliament. And they have failed, with the Deputy Speaker apparently having no remorse for his roting of taxpayer funds in Victoria.

It is a pleasure to second the nomination of the member for Evelyn, someone who has a proven track record in conducting the business of this house in an impartial way, someone who can actually reinstate the dignity of the Speaker in this state, someone who can actually restore the confidence of Victorians in their parliamentary system.

The Premier's captain's pick will not work for this house. Someone who is aspiring to be a minister in the future just cannot be impartial in this house because that person will constantly be auditioning to those on the right-hand side of the house for his job as a minister in the future. He will not be able to be impartial, particularly with the issues that need to be investigated about the roting by the member for Tarneit and the member for Melton. We need an impartial Chair in this house so Victorians can actually have confidence that the system is working and not continuing to be roted by those opposite.

The Clerk — Does the member for Evelyn accept the nomination?

Mrs FYFFE (Evelyn) — I am honoured to accept the nomination.

The Clerk — Are there any further nominations?

The time for nominations has closed. A ballot will be conducted to determine the result. I shall ring the bells for 3 minutes.

Bells rung.

The Clerk — The members nominated and seconded are the member for Bundoora and the member for Evelyn. The ballot papers will now be distributed. Members will please remain in their seats while the ballot papers are being distributed.

Has every member received a ballot paper? As the voting is by exhaustive ballot, members should write only the name of their preferred candidate on the ballot paper. The surname will be sufficient. Members will complete their ballot papers and place them in the ballot box. We will allow 3 minutes for the ballot. Members will get a warning with 1 minute to go.

Ballots cast.

The Clerk — The time for casting ballots has now expired. Will the member for Niddrie please nominate a scrutineer for his candidate?

Mr CARROLL (Niddrie) — I nominate the member for Yuroke as our scrutineer.

The Clerk — Will the Leader of the Opposition please nominate a scrutineer for his candidate?

Mr GUY (Leader of the Opposition) — I nominate the member for Kew.

The Clerk — The scrutineers and the Deputy Clerk will retire and count the number of votes for each candidate. The bells will be rung when the scrutineers' report on the result of the ballot is received.

Sitting suspended 12.20 p.m. until 12.29 p.m.

The Clerk — The result of the ballot is the member for Bundoora has received more than half the votes. I declare the member for Bundoora duly elected Speaker of this house.

Motion agreed to.

Mr Brooks conducted to chair by proposer and seconder.

The mace was then placed on table.

The SPEAKER (Hon. Colin Brooks) — I express my sincere thanks to the house for the great honour conferred on me of being elected Speaker.

Order! The Premier.

Mr ANDREWS (Premier) — Thank you very much, Speaker — —

Mr Clark — On a point of order, Speaker, with your election the house is now properly constituted. I submit that, as with the commencement of every other day when the house proceeds to business, the first item of business should be the saying of the prayer. I submit that should take precedence over the Premier's remarks.

Ms Allan — On the point of order, Speaker, I know the manager of opposition business was very keen to get to this point; however, during the break earlier I had a conversation with the Clerk, and if the member opposite had shown a little bit more patience — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. Just before the manager of government business continues, I want to make it very clear that I understand there is a lot of passion in today's chamber but I will not hesitate to warn members and remove them from the chamber. I am happy to allow a free flow of debate.

Ms Allan — The Clerk has advised me that, given that there needs to be a direction from the Chair, he was going to advise the house of exactly how the prayer and indeed the acknowledgement of country were going to be accommodated as part of today's proceedings.

The SPEAKER — Order! On the point of order, it is my intention to proceed to the prayer and the acknowledgement of country once we have had a chance to say a few words about this important election for this position, and we will do exactly that.

Mr ANDREWS — Thank you, Speaker.

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Warrandyte and Malvern.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern is warned — last warning. Members who defy my ruling will be removed from the chamber under standing order 124.

Mr ANDREWS — Speaker, I rise to congratulate you and offer the congratulations of all members of the parliamentary Labor Party on your — —

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! The member for Warrandyte will remove himself from the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

ELECTION OF SPEAKER

Debate resumed.

Mr ANDREWS (Premier) — We will just acknowledge the deference shown by the member for Warrandyte. What a statesman he is.

Speaker, I am delighted to be able to join with all of my colleagues in the parliamentary Labor Party to offer you sincere congratulations on your elevation to high office. Your elevation to high office is a great statement of confidence by this house, notwithstanding stunts pulled by others. It is a great statement of confidence in you as a parliamentarian and in you as a member of this house — a passionate advocate for your local community and someone who, I am very pleased to say, has served this Parliament and the community faithfully.

Honourable members interjecting.

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

Mr ANDREWS — As I was saying, Speaker — —

Mr Battin interjected.

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

Mr ANDREWS — As I was saying, Speaker, your elevation to this position is a great statement of confidence in your ability, your considerable skills, the contribution you have made to public life and the Parliament, your advocacy for your local community and your proven ability to discharge each and every

responsibility given to you during your time in this place, including — —

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Caulfield

The SPEAKER — Order! Under standing order 124 the member for Caulfield will withdraw from the chamber for the period of 1 hour.

Honourable member for Caulfield withdrew from chamber.

ELECTION OF SPEAKER

Debate resumed.

Mr ANDREWS (Premier) — As I was saying, I am certain that you will discharge those duties in accordance with the considerable traditions of the office.

Ms McLeish — On a point of order, Speaker, since the change of circumstances today we have had two members ejected without warning. Could you inform the house whether it is your intention to eject people without warning?

The SPEAKER — Order! Both members were warned before being removed from the chamber. There is no point of order.

Mr ANDREWS — It is our judgement and the judgement of fair-minded Victorians that you will serve faithfully to the considerable traditions of the office of Speaker.

Honourable members interjecting.

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

Mr ANDREWS — I offer you my sincere congratulations —

Honourable members interjecting.

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

Mr ANDREWS — and best wishes for what is already proving to be a challenging role. Most important roles are challenging, Speaker. I wish you well. My only regret today, of course, is that your

family — your mum, Kay, and your father, Bill — could not be here for a range of reasons, not least of which is your father's ill health. His disability actually prevents him from being here today. That is of considerable regret to me and I am sure to you, but given that he has a pretty healthy dislike of members of Parliament, yourself excluded, he will somehow find a way to get over it, Speaker, I am sure.

Just as you have served as an outstanding parliamentary secretary, a party whip in this chamber — serving in many different roles over your esteemed service since your election in 2006 — I and all of my colleagues in the government are very, very pleased to offer you our congratulations and our support as you seek to uphold the traditions of your office and allow this house to conduct the very important business that all Victorians send us here to do. Well done. You should be proud. We certainly are very proud of you and your considerable skills.

Mr GUY (Leader of the Opposition) — Speaker, we have now seen one thing for sure, and that is that the Premier thinks he is the head of God or Indigenous recognition — —

Honourable members interjecting.

The SPEAKER — Order!

Mr GUY — I also saw what happened, Speaker, when you offered — to this side of the chamber only — that you would not hesitate to remove people, and that was the Premier saying very clearly, 'He sure will', because this house does not need a captain's pick, and I hope you will not be it.

The SPEAKER — Order! I understand this is a robust debate, but I will not have reflections on the office of Speaker.

Mr GUY — As I said, Speaker, I hope this will not be seen as a captain's pick. I hope you will not be a lapdog of this man opposite, of this guy who has allowed people to rort the system. I hope and trust you will not be a patsy of the Premier in this chamber and that you will stand up for that chair and the independence of it. I trust and I hope that you will be someone who will rise above —

Honourable members interjecting.

The SPEAKER — Order! Government members! The member for Eltham!

Mr GUY — this man's lines to the media that he has got another captain's pick.

Honourable members interjecting.

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

Honourable members interjecting.

The SPEAKER — Order! If everyone shouts over each other, we are not going to hear anybody.

Mr GUY — I ask you, as the new Speaker, to prove your independence to this chamber in the position that you hold. Release the travel logs of your predecessor; release all the driver records of your predecessor; release all the travel details of your predecessor. Show to this Parliament that you are independent.

Honourable members interjecting.

Mr GUY — Show to this Parliament that you are not the lapdog that this man has just interjected that he wants you to be. Show to this Parliament that you are not going to allow rorting by members opposite, including the member for Melton, who sits up the back, banished.

The SPEAKER — Order! There will be no reflections on members.

Mr GUY — Show to this Parliament that you have got our confidence by being independent and releasing all the information that this house and Victorians want. Be a part of the investigation the upper house is conducting into electorate office rorts. Do not hinder it. Help us. Help this Parliament find the truth that now sits — —

Honourable members interjecting.

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

Mr GUY — Speaker, that test now sits with you, and to get this side of the house's confidence, we ask you to do that for this Parliament — no obfuscation, no second guessing, no pretending otherwise. There is material. We ask you as the new Speaker to prove to this chamber today that you can release it so that all Victorians know that seat is not just another seat, an extension of this man and his rorting, thieving government — —

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER**Member for Essendon**

The SPEAKER — Order! The member for Essendon was warned earlier. I ask him to leave the chamber under standing order 124 for the period of 1 hour.

Honourable member for Essendon withdrew from chamber.

ELECTION OF SPEAKER

Debate resumed.

Mr GUY (Leader of the Opposition) — Guarantee to this Parliament that you will be a part of the investigation to uncover the Labor rorts into their electorate allowances. Guarantee to this Parliament you will not take dogs in the back of your car. Guarantee you will not take your car to a Springsteen concert. Guarantee to this house that you are not rorting the second residence allowance. Guarantee to this house that the culture of rorting and thievery that exists in this government is not something you subscribe to.

You will have our confidence if you release those documents. You will make it very challenging for us if you do not. I submit to you that the way to get the confidence of this Parliament right now — and all Victorians — is to release all the material that has been asked for: travel logs, driver logs and overseas records. If you do not do that, you make it very difficult for this side to have the confidence that that chair deserves.

Mr MERLINO (Minister for Education) — Speaker, can I firstly congratulate you on your appointment to this very important role within the Parliament of Victoria. For all members of Parliament, but particularly for those opposite, the member for Bundoora — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will address his remarks through the Chair. Honourable members will come to order.

Mr MERLINO — Speaker, in you we have someone who has served this Parliament with distinction over the last 11 years, someone who has conducted himself at all times in accordance with the highest ideals of Parliament. That is the type of person that as parliamentarians we want in the chair, someone who has pursued the best interests of the community that he serves.

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully is warned.

Mr MERLINO — I endorse the election of you, Speaker, to this role. You have served this Parliament in a number of roles: as parliamentary secretary, for a brief time as whip in the Brumby government and most notably — —

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER**Member for Gembrook**

The SPEAKER — Order! The member for Gembrook was warned. I ask him to leave the chamber for the period of 1 hour.

Mr Battin interjected.

The SPEAKER — Order! I ask you to resume your seat please. It is inappropriate to reflect upon the Chair. I ask you to withdraw and apologise.

Mr Battin — I will not withdraw. If you are actually going to prove who you are standing with, that is fine.

NAMING AND SUSPENSION OF MEMBER**Member for Gembrook**

The SPEAKER — Order! I name the member for Gembrook. I ask the minister at the table to move the appropriate motion.

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

That the member for Gembrook (Mr Battin) be suspended from the service of the house during the remainder of the week's sitting.

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
 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

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
 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.

Honourable member for Gembrook withdrew from chamber.

ELECTION OF SPEAKER

Debate resumed.

Mr Southwick interjected.

The SPEAKER — Order! The member for Caulfield has been suspended from the house. He can return for the vote but nothing further. I ask the member to leave the chamber.

Mr Clark — On a point of order, Speaker, the member for Caulfield wishes to raise the matter of an offensive remark that was made to him by a member on the opposite side of the chamber as he came in here to take part in the vote. The normal rules are that those points of order should be taken forthwith. I would submit that the most appropriate course is for you to allow the member to make the point of order — —

Honourable members interjecting.

The SPEAKER — Order! Members on my right!

Mr Clark — The issue arose in the course of the taking of the vote. If you do not accept that submission, Speaker, I ask you to at least assure the honourable member that when he is allowed to return to the chamber the elapse of time will not prevent him from taking a point of order about the very offensive remark that was made to him by a member opposite.

The SPEAKER — Order! I thank the manager of opposition business for his point of order. I am advised that there is no availability for the member to remain in the house after the division because he has been suspended, although I will seek advice from the clerks as to whether he can raise that matter when he returns to the chamber.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte! I am advised that the member can raise that matter when he returns to the chamber. The member will leave the chamber.

Just before we move to the prayer and acknowledgement of country and questions, I want to thank members for electing me to this position. I think — —

Mr Clark — On a point of order, Speaker, my understanding is that the Deputy Premier was in the course of making remarks, which he had not concluded. I know there are other members who also wish to make remarks, so I submit that, given your previous ruling, that process should continue.

The SPEAKER — Order! I call the Deputy Premier.

Mr MERLINO (Minister for Education) — As I was saying before we were rudely interrupted — and if ever we needed to see a display of a mob completely unable to form government — —

Honourable members interjecting.

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

Mr MERLINO — Speaker, I have seen firsthand as shadow Minister for Education and as Minister for Education your advocacy for schools not only in your electorate but statewide, whether it is Greensborough College or whether it is families with children with disabilities — engaging with those families, engaging with those young people. The work you did in

developing the special needs plan we are implementing through the Andrews government is making a positive difference to thousands and thousands of children, and that is a reflection on you and your quality work as a member of Parliament over the last 11 years. I congratulate you and I congratulate your family on your elevation to this role. It is a difficult period you are entering into. I know you will use your considerable skills from your over 11 years in this house and will be a fantastic Speaker. Congratulations.

Mr WALSH (Murray Plains) — As you would know, respect for the Speaker is something that has to be earned; it is not just a given. I must say that at this stage I am struggling — —

Honourable members interjecting.

The SPEAKER — Order! Members on my right!

Mr WALSH — I am struggling to see that that respect is being earned by your actions already. It has already been said that you have taken on the Speaker's role after a very dark day for this Parliament.

Honourable members interjecting.

The SPEAKER — Order! The member for Mordialloc!

Mr WALSH — As I understand it, this is the first time in the 700-year history of the Westminster system that both a Speaker and a Deputy Speaker have been forced to resign at the same time for rorting the system, as they have done here in Victoria. So you do take over that role at a time when there is very low confidence. There is actually a crisis of confidence in this Parliament, in that chair you sit in, on the part of the people of Victoria. I think it is a very sad day for democracy in this state. We all were elected to uphold democracy and the Westminster system here in Victoria. Our forefathers and our foremothers fought wars to make sure we had the democracy we enjoy in this state, and I am afraid the former Speaker and Deputy Speaker brought the status of those positions down because of what they did in rorting the system.

It would appear that particularly the former Deputy Speaker has no remorse at all for what he did over that time. Apart from the fact of his actions, I find the fact that he has no remorse for what he did and believes it is his entitlement just plain wrong and totally disrespectful to the people of Melton, who he is supposed to represent.

The SPEAKER — Order! This is a debate around the election of Speaker, not the circumstances of a previous Deputy Speaker. I just ask — —

Honourable members interjecting.

The SPEAKER — Order! Members on my left! I would just ask the Leader of The Nationals to come back to the point.

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals, without the assistance of his own members.

Mr WALSH — As I was saying, you have taken on the role when there is a crisis of confidence in the role and in the running of this Parliament here in Victoria, and you have a job to do to prove your impartiality and to make sure that there is confidence again from both sides of the house and from all Victorians that the role of Speaker is there to act fairly and justly in this Parliament and not be partisan.

I must admit that I was disappointed to read commentary saying that you still aspire to be a minister, and I am very — —

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Mordialloc

The SPEAKER — Order! The member for Mordialloc has already been warned. I ask the member to leave the chamber for the period of 1 hour.

Honourable member for Mordialloc withdrew from chamber.

ELECTION OF SPEAKER

Debate resumed.

Mr WALSH (Murray Plains) — Speaker, I would hope that in your rulings and in your controlling of this house you will not be effectively auditioning to your political masters for that ministerial role in the future.

As I said, the right to respect has to be earned; it is not a given. I hope you do the work so that respect can be earned and you show your impartiality in how you carry out your role as Speaker.

The SPEAKER — Order! Thank you.

Mr HIBBINS (Pahran) — On behalf of the Victorian Greens and my absent colleague the member for Melbourne I would like to congratulate you on your election as Speaker. It is clear that now more than ever we need a Speaker that upholds the values and the standards that the Victorian people expect and demand from this Parliament and its members. Of course, as was pointed out, you, like all of us, will be judged by your actions in the role that you hold, but can I express my support and my confidence in your ability to restore the community's trust in this place and to independently uphold the rules and the procedures that govern us. Congratulations.

Mrs FYFFE (Evelyn) — Congratulations on having attained the position of Speaker, but it is with a lot of sadness that I reflect that we have to have a new Speaker today. As you know, I have a very high regard for the role that you now hold. The first Speakers were elected in the 13th century, and the reason for the Speakers was to control the Parliament, to set very high standards of integrity and to be an example to the members of the house. As we have seen with the former Speaker, your immediate predecessor, and the former Deputy Speaker, the member for Melton, that has not been upheld.

It is unheard of. There are 83 parliaments around the world that follow the Westminster system, and this is the only Parliament that has fallen into the disgraceful position that we have today.

Honourable members interjecting.

The SPEAKER — Order! The member for Evelyn without the assistance of her own members.

Mrs FYFFE — I ask you, Speaker, to ensure that all documents relevant to the former Speaker and the former Deputy Speaker are made available and that there is full disclosure. You have that power; I know you have that power. You have access to all Department of Parliamentary Services documents. You can ask for them, you can assess them, and I ask you, Speaker, to do that so that we will show you the respect due to that position that I value so highly.

The SPEAKER — Order! I thank the member for Evelyn. There being no further speakers, I just want to thank members, as I think I said before, for this important position. I do pledge to all members to carry out this role impartially and to the best of my ability. I want to acknowledge the service to this house of the previous Speaker and Deputy Speaker.

My gratitude also to the member for Evelyn, who contested this position today. It is every member of this

house's right to accept a nomination for this privileged position, and I congratulate her for putting her hand up for that spot.

My gratitude also to the people of Bundoora, who I am privileged to represent. When I rose in this place to make my first speech I spoke of Bundoora's connectedness. It is a great community that is underpinned by a spirit of volunteerism. That has not changed in the time I have been in this place, and although I am adding this role to my responsibilities in here, I pledge to the people of Bundoora that my representation of them will not change.

In the time I have been in this place I have seen our Parliament at its best. I have seen passionate speeches that have moved this chamber to tears and I have seen wrongs righted. I have seen members from every corner of this state, from every political background, give voice to their communities' concerns.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition! But there are other times when we could do a lot better, and I think it is fair to say that while there is nothing wrong with robust, passionate debate, we all need to make an effort to improve the standard of debate and sometimes behaviour in this house. For my part I will endeavour to apply the standing orders, the practices and the precedents of this house that have served us so well. The rest is up to all of you.

Finally, I want to thank my family — my wife, Melinda, my children, Aly, Thomas and Emma, my mother and father, Kay and Bill, and my brother, Rob — without whom I could not perform this role.

I ask members now to stand for the prayer.

The SPEAKER (Hon. Colin Brooks) read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER — On behalf of the Parliament, the Premier, the Leader of the Opposition and all members of this place, I acknowledge the traditional 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.

SELECT COMMITTEE ON MEMBERS FOR TARNEIT AND MELTON

Establishment

Mr GUY (Leader of the Opposition) — I desire to move, by leave:

- (1) a select committee be appointed to inquire into and report on all matters relating to the conduct of the member for Tarneit and the member for Melton in relation to their claiming of second residence allowances and their subsequent resignations as Speaker and Deputy Speaker, including:
 - (a) all claims they have made for second residence allowances;
 - (b) whether they were entitled to make those claims and whether it was appropriate for them to do so;
 - (c) the documents and other materials they provided in support of their claims;
 - (d) whether any of the documents and other materials they provided were false or misleading;
 - (e) whether the statements, documents and other material they have made or provided in relation to their claims are consistent with statements, documents or other material they have made or provided in relation to their electoral enrolment and in relation to any entitlement or liability in relating to any residential property, including regarding stamp duty, land tax, income tax or council entitlements or liabilities;
 - (f) what repayments of second residence allowances have been made by each member;
 - (g) whether either member used their office as Speaker or Deputy Speaker to assist in the procurement of an allowance to which they were not entitled;
 - (h) whether each member has complied with the Members of Parliament (Register of Interests) Act; and
 - (i) whether any threats were made to either member, or any inducements offered to them, to resign their office;
- (2) the committee is to make recommendations on:
 - (a) whether either the member for Tarneit or the member for Melton should be dealt with by the house for contempt or breach of privilege;
 - (b) whether the house should require the member for Tarneit or the member for Melton to make any repayment, or further repayment, in respect of any allowance they may have claimed;
 - (c) whether any material or findings arising from the inquiry should be provided to Victoria Police, the Independent Broad-based Anti-Corruption Commission, the State Revenue Office, the

Australian Electoral Commission, the Victorian Electoral Commission or any other body; and

- (d) what measures should be taken by the house to restore its standing in the eyes of the community following the damage caused by the conduct of the Speaker and Deputy Speaker.
- (3) the committee will consist of four members from the government party nominated by the Leader of the House, three members from the opposition nominated by the Leader of the Opposition and one member from the Australian Greens nominated by the member for Prahran;
- (4) the members will be appointed by lodgement of the names with the Speaker no later than 4.00 p.m. on the sitting day following the motion being agreed to;
- (5) the first meeting of the committee must be held no later than 12 noon on Tuesday of the week following the sitting week in which the motion is agreed to;
- (6) the committee may proceed to the dispatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy;
- (7) four members of the committee are to constitute a quorum of the committee;
- (8) the chair of the committee will be a non-government member and the deputy chair will be a government member;
- (9) the committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders;
- (10) the committee may commission persons to investigate and report to the committee on any aspects of its inquiry;
- (11) the committee will present its final report to the Assembly no later than 2 May 2017;
- (12) the presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions; and
- (13) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Assembly, will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Assembly.

I seek, by leave, to have this motion immediately debated.

The SPEAKER — Order! Is leave granted?

Ms ALLAN (Minister for Public Transport) — In addressing this matter, as the Leader of the Opposition is very well aware, the audit committee — —

The SPEAKER — Order! I do need to know whether leave is granted or not.

Ms ALLAN — In refusing leave for this motion — —

Leave refused.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. Was there a point of order?

Ms Allan — No.

MEMBER FOR MELTON

Mr GUY (Leader of the Opposition) — I desire to move, by leave:

That this house calls on the member for Melton to repay all money he has received from claiming a second residence allowance while living outside his electorate of Melton.

The people of Melton deserve this answer. I urge this motion to be debated immediately.

Leave refused.

Mr Clark — On a point of order, Speaker, consequent upon the refusal of leave in relation to these two matters there is a matter that you need to make clear, I submit to the house, and that is your intentions in relation to the audit committee, to which the previous Speaker indicated that the matters concerning misuse of second residence allowances would be referred.

As you will be aware, Speaker, the constitution of that audit committee provides that you will be the chair of that committee. I would submit that in the circumstances it would be completely inappropriate for you to take over that role as chair of that committee. As the Leader of the Opposition has previously submitted, it is important for you to fully cooperate with that committee, but I think, in the interests of not only the substance but the appearance of impartiality, you should decline to take up the chair of the committee and you should allow the chairing of that committee to continue to be undertaken by the President of the Legislative Council. I submit you should indicate your intentions in that regard to the house.

Ms Allan — On the point of order, Speaker, *Rulings from the Chair*, December 2016, page 149, very clearly outlines the practice around how questions to the Speaker are not permitted. Clearly the mechanism those opposite are using at the moment is, by way of point of order — —

Honourable members interjecting.

The SPEAKER — Order! The member will be heard on the point of order.

Ms Allan — I am asking you to rule the point of order out of order in line with the practices that have been established in this house.

The SPEAKER — Order! Firstly, points of order are not an opportunity to ask questions of the Chair. That is an established point of principle in this place. Points of order are to raise issues of procedure in this house and the operation of the house. There are opportunities for members to ask questions of the Speaker. Those opportunities are outlined in *Rulings from the Chair*. There are clear rulings from Speaker Maddigan, citing May, and also Speaker Plowman, and I would ask the member to refer his question through that appropriate process. I am happy to answer that as accurately and quickly as I possibly can.

Mr Clark — Further on the point of order, Speaker, I would submit that you reconsider that ruling. I was not asking a question. If it needs to be put in a way that puts that beyond doubt, I was submitting to you that it was appropriate for you to provide certain information to the house as to your intentions, and I submit that it is in order for you to rule on the submission.

The SPEAKER — Order! I thank the member for Box Hill for speaking further on that point of order. I am going to rule that point of order out of order because it was seeking information from me, but I am happy to answer questions that are put to me via the appropriate method. Are there any questions?

Mr Clark — On another point of order, Speaker, as the Leader of the Opposition submitted to you earlier, it is important that you make clear to the house exactly what role you intend to take in terms of having these rorts that were undertaken by your predecessors dealt with. This house has passed a motion asserting that this house has exclusive cognisance in relation to rorts matters.

As you are aware, we on this side of the house do not accept that view. We believe this house should have cognisance but not exclusive cognisance and that while, as I previously submitted, you should not be chairing the audit committee, it is important that you fully cooperate with that investigation. As the Leader of the Opposition indicated earlier, as Speaker of this house and the one who is charged with giving guidance and upholding the standards of this house, you should, in the current circumstances of crisis, be immediately informing this house what you intend to do to bring

these matters to account and to have justice and the reputation of the house upheld.

Ms Allan — On the point of order, Speaker, it might have been a slightly different format but that was essentially the same substance as the point of order that was in the — —

Honourable members interjecting.

Ms Allan — Speaker, I would suggest that once again, given that in your previous ruling you offered a pathway to address those issues that were raised in the previous point of order, you should rule this point of order out of order.

Honourable members interjecting.

The SPEAKER — Order! There are members that have been warned already today, and I do not want to remove more members from the chamber.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition is not on the list yet. I renew my ruling on the previous point of order. I am more than willing to address questions and answer them as quickly and accurately as possible if they are addressed to me in the appropriate manner.

Mr Guy — On a point of order, Speaker, on a ruling relating to Speaker Plowman, Speaker Plowman made it fairly clear that urgent matters of business of the house could take precedence for questions to the Speaker and points being raised to the Speaker. So as a consequence I seek clarity and feedback from yourself around the second residence allowance forms from your predecessor and the former Deputy Speaker, the travel logs, the driver logs, the overseas travel details and all documentation that I have sought from you as to whether or not they will be released, and whether you can advise this house whether they will be released and when.

Ms Allan — On the point of order, Speaker, as the house is well aware, there is a process that has been established through the audit committee. You have provided additional information by way of your previous ruling to the member for Box Hill as to how you intend to deal with these matters. I would suggest the matter that should come before the house immediately is the commencement of question time to enable the orderly passage of the day — —

Honourable members interjecting.

Ms Allan — What we are seeing is repeated use of points of order by those opposite to pursue the same point. You have ruled on that point.

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Ripon

The SPEAKER — Order! The member for Ripon will leave the chamber for 1 hour under standing order 124.

Honourable member for Ripon withdrew from chamber.

MEMBER FOR MELTON

Debate resumed.

Ms Allan — Speaker, you have ruled on that point, and I would suggest that we now need to move to question time to enable the passage of the day's activities. I would suggest that question time is by no means a protection racket.

Mr Walsh — On the point of order, Speaker, can I support the point of order from the Leader of the Opposition and speak against what the Leader of the House said. I do not believe your position has been made clear to this house. I do not think we are any the wiser as to what your role is going to be in the audit committee, and I think you owe it to the house and you owe it to all Victorians. From what we have seen over the last couple of weeks with the rotting that took place by the former Speaker and former Deputy Speaker, we are owed an explanation from you as to how you will conduct this business. Meeting privately to be told what is going to happen just does not cut the mustard on this, I am afraid, Speaker. The people of Victoria deserve an answer on what your intentions are as to how you are going to deal with a very dark day in this chamber brought on by the former Speaker and former Deputy Speaker, and particularly the former Deputy Speaker's lack of remorse for what he did to this chamber and to the taxpayers of Victoria.

Mr M. O'Brien — On the point of order, Speaker, I agree with the submission made by my colleagues the Leader of the Opposition and the Leader of the National Party. There is a genuine, urgent issue before the house and that is the appropriateness of the member for Melton continuing to vote in this house while he is under such allegations. We have already seen him vote

once for the election of the Speaker. We have also seen him vote on the decision to name and suspend the member for Gembrook for standing up for what he believes in, so there is an issue of genuine urgency before the house. We need to know how these allegations of rorting, which impact on whether this house has been treated with contempt by the former Speaker and Deputy Speaker, are going to be dealt with, because it is within this house's power to decide to in fact expel those members from this place. Unless we know what the process is for investigating this rorting, how is this house to have any confidence that the member for Tarneit or the member for Melton should continue to cast tainted votes in this house?

The SPEAKER — Order! I will renew my ruling on this point of order, but I will make a comment to hopefully address some of the concerns. Having only just been elected Speaker, I have not been briefed on the issues that are being talked about in the substance of this motion. I will rule that point of order out of order. I renew my ruling that I am happy to receive questions as Speaker in the form put forward in *Rulings from the Chair*. I will not hear similar points of order. Are there any questions?

Mr Pesutto — On a point of order, Speaker, under standing order 25 it is your responsibility as the Speaker to allocate seats in this house, and I note that the rorting member for Melton has shifted seats. The Premier this morning made a statement that he had sought and obtained the resignation of the member for Melton.

The SPEAKER — Order! What is the point of order?

Mr Pesutto — When the member for Melton voted for your position he was seen by members on this side of the house showing his ballot to members on the other side. Fine — I ask that if he is going to remain a de facto member of the caucus you should place him where he belongs, with all the other rorters.

The SPEAKER — Order! I will not see points of order used as an opportunity to drag out this debate. If the house does not have any questions of government we can proceed to the next item of business. Are there any questions?

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member conduct

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, if you oppose the former Deputy Speaker's rorting as you say you do, why will you not use your numbers on the floor of this Parliament to force him to repay the more than \$100 000 that he systematically rorted in the parliamentary second residence allowance when he was one of your MPs?

Ms Allan — On a point of order, Speaker, on page 147 of *Rulings from the Chair* it says very clearly that parliamentary administration is not the responsibility of the Premier. The question raised by the Leader of the Opposition went to matters that are the domain of the Parliament — —

Honourable members interjecting.

The SPEAKER — Order! There are a number of members who have been warned for being quite vocal. They will be removed from the chamber if they persist.

Ms Allan — As I was saying, that question should be ruled out of order because it is not within the practice of the ruling that is on page 147 of *Rulings from the Chair*.

Mr Walsh — On the point of order, Speaker, the Premier has previously said in this house a number of times that he takes responsibility for everything that happens in the Labor Party on his watch, and anything that happens in his government on his watch. I would submit it to you, Speaker, that this is something that the Premier very much needs to take responsibility for, because it was his Speaker and it was his Deputy Speaker, and they have been caught rorting the system. I would ask that the Premier answer the question from the Leader of the Opposition.

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

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. As the Leader of the Opposition knows only too well — he has been raising a whole series of points of order about this very matter — there is an audit committee process that should be allowed to run its course. The member for Melton understands my view that he ought to have repaid the money. He is unwilling to do that. He has therefore been asked to resign from the parliamentary

Labor Party, and he has. He sits on the crossbench. We all await the audit committee's work — —

Honourable members interjecting.

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

Mr ANDREWS — We all await the audit committee's work and to study the report.

Supplementary question

Mr GUY (Leader of the Opposition) — In the Victorian public service the behaviour of the member for Melton and the member for Tarneit would see them sacked. In the private sector such misuse of funds would see them sacked. Premier, why do you continue to run a protection racket for rorters? Why will you not boot these rorting members out of the Parliament?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his supplementary question. I reject the assertions made in the question, and I would refer the Leader of the Opposition, who is better at shouting than listening it would seem, to my earlier answer.

Ministers statements: housing affordability

Mr ANDREWS (Premier) — I am very pleased to rise to advise the house about the government's work to help Victorians into their first home and to deal with housing affordability — —

Honourable members interjecting.

The SPEAKER — Order! As I said before, I know there is a lot of passion in the chamber today, but I would ask members to try to extend due courtesy to members of this house.

Mr ANDREWS — It is a very important package of measures that will support tens of thousands of Victorians across our state. We are abolishing stamp duty for first home buyers on homes with a value of up to \$600 000, and we are doubling the first home buyers grant to \$20 000 for the construction of new homes in regional Victoria. This is great news, and we will take the endorsement — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth and the member for Bass are in the unfortunate position of being located just to my left, and I can hear them very clearly. I would ask them both to desist from interjecting. Both members should consider themselves warned.

Mr ANDREWS — The broad package of measures that we announced over the course of last week will increase housing supply — —

Honourable members interjecting.

Mr ANDREWS — Every measure is opposed by this lot here. Every measure is opposed by this rabble across the back here.

We will stand up for first home buyers and we will stand up for young couples wanting to get into the property market, while those opposite oppose every single measure that we announce to support those trying to get into the property market.

This package is good for first home buyers, good for jobs and good for our economy and communities. But I will tell you what is not good for our economy, not good for communities and not good for working people: when you cut their take-home pay by taking the axe to penalty rates, costing average workers the best part of \$100 a week, which is supported by this mob over here and supported by this one over here. He backs cutting the take-home pay of ordinary Victorians, and shame on — —

Honourable members interjecting.

The SPEAKER — Order! A question from the Leader of the Opposition.

Member for Melton

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, you have said yourself that the member for Melton should pay rorted moneys back. The member for Melton has been claiming a second residence allowance while living in the country for a number of years, either Ballarat or Ocean Grove, while representing Melton. Premier, exactly how much money are you aware that this Labor MP rorted from the Victorian taxpayer?

Mr ANDREWS (Premier) — Again I would refer the Leader of the Opposition to my earlier answer. I think he would be aware that there is an audit committee process ongoing, given that he has been raising, albeit spurious, points of order about that very process. Those are matters that are best determined by the audit committee, and that is my answer.

Mr Guy — On a point of order, Speaker, on relevance, I did not ask about the audit committee; I asked how much was the Premier aware, when he asked for the member for Melton's resignation, that he had rorted from the system. I did not ask about a

process of the Parliament; I asked about this guy and how much he knew had been rorted.

The SPEAKER — Order! The Premier was relevant to the question asked.

Mr Clark — On a point of order, Speaker, regardless of your ruling about relevance, it is clear that the Premier's answer was not responsive to the question. It was, as the Leader of the Opposition said, a very clear question about the Premier's state of awareness about the extent of the rorting by the member for Melton. The Premier has failed to even come within cooe of addressing that question. I ask you under sessional order 9 to require him to give a written response to that question.

The SPEAKER — Order! Above all of the shouting I was not able to hear the answer — or the question — properly, but I will undertake to consider both the question and the answer at the end of question time and provide a ruling to the house.

Supplementary question

Mr GUY (Leader of the Opposition) — Will you deny that the rorting member for Melton's Ocean Grove address, the one he had stated was his principal place of residence, is in fact a caravan?

The SPEAKER — Order! The Leader of the Opposition will rephrase his question so it relates to government administration, not parliamentary administration.

Mr GUY (Leader of the Opposition) — Speaker, my question relating to the principal question I asked is: Premier, are you aware that the rorting member for Melton's Ocean Grove address, the one he stated was his principal place of residence, is in fact a caravan?

The SPEAKER — Order! I am going to rule that question out of order.

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, the question related to the Premier's conduct as Premier. He has announced actions in relation to the member for Melton as Premier. The Leader of the Opposition is entitled to ask him what was his state of knowledge about the rorting by the member for Melton at the time that he took actions as Premier. I submit you should reconsider that ruling and admit the questions relating to the Premier's conduct as Premier.

Ms Allan — On the point of order, Speaker, firstly, you have ruled already on this matter. The Premier has answered the substance of the question during the earlier answer. Those opposite, I appreciate, are treating this as quite a — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully has already been warned.

Ms Allan — They undermine their own efforts by treating this as a joke. However, I would suggest that the Premier has addressed this issue within the requirements of the standing orders and the sessional orders and that your ruling is entirely in order because the personal matters of the member for Melton are not a matter for the Premier or part of government administration.

Mr Guy — On the point of order, Speaker, today the Premier issued a statement about the member for Melton where he was talking about the member for Melton's principal place of residence. This is entirely in order. The Premier himself today issued a statement that talks about the member for Melton's principal place of residence. I have asked a question on which today the Premier has issued a statement, and as such that alone should mean that this question is totally in order.

The SPEAKER — Order! I have already ruled on this question. It must relate to government business, not parliamentary administration.

Ministers statements: housing affordability

Mr PALLAS (Treasurer) — I rise to update the house on the recent release of Homes for Victorians, a policy about making — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Kew

The SPEAKER — Order! The member for Kew has been warned a number of times. I ask him to leave the chamber for 1 hour under standing order 124.

Honourable member for Kew withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Ministers statements: housing affordability

Questions and statements resumed.

Mr PALLAS (Treasurer) — I rise to update the house on the recent release of Homes for Victorians, a policy about making housing accessible for everyday Victorians. We are making changes to stamp duty which are expected to help 25 000 Victorians find their first home, with an average saving of around about \$8000. We are also doubling the regional first home owners grant to \$20 000 to assist thousands of regional Victorians to get their foot in the door. There will be more housing stock into the market, simpler planning processes, support for social housing and the revitalisation of public housing stock. Perhaps best of all, modelling shows that this package will deliver net benefits of \$3.7 billion and 50 000 jobs in the construction industry.

This policy has been welcomed by a wide range of stakeholders. Perhaps the best endorsement we received was on the benefit of stamp duty reduction:

... a real saving on tax that goes straight to the pockets of the first home buyer.

Mr Riordan interjected.

The SPEAKER — Order! The member for Polwarth!

Mr PALLAS — That is exactly what we have done, so of course the member for Malvern must be a very big fan of our policy. Even the federal Treasurer was heaping praise on our shared equity scheme — ‘Good on them’, he said. But while we are making it easier for people to own their own home, the Liberals are making it harder for people to earn a living. We do not patronise first home buyers, and we do not ignore renters or those in community housing. Instead we get to work, and we are getting it done.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern!

Mr PALLAS — We are delivering real accessible housing for all Victorians.

Questions and statements interrupted.

DISSENT FROM SPEAKER’S RULING

Mr GUY (Leader of the Opposition) — I desire to move, by leave:

That this house dissents from the Speaker’s previous ruling in relation to my question which the Speaker has ruled out of order, which is entirely within order.

I move dissent from this ruling. I ask that this house immediately debate your ruling on the question, which was clearly within order. The statement from the Premier states very clearly about the member for Melton that he was not living within the necessary requirements to claim the second residence allowance. You gagging this side of the house has set a precedent that will dominate the next 17 months of discussion. You gagging this side of the house from asking a legitimate question that this Premier issued a statement on today, is completely and utterly outrageous. I move dissent from your ruling. I move that this house debate that very matter that you, as a patsy of this Premier — —

The SPEAKER — Order! Members know it is disorderly to reflect on the Chair.

Leave refused.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Questions and statements resumed.

Member for Tarneit

Mr GUY (Leader of the Opposition) — My question is to the Premier. The previous Speaker, the member for Tarneit, stated to the media that he resigned his position at his own volition, yet you issued a statement saying that you had sacked him. Premier, under what circumstance did Mr Languiller leave office? Did you sack him, or was his statement correct and yours yet another lie?

Honourable members interjecting.

The SPEAKER — Order! Members on my right and left!

Mr ANDREWS (Premier) — As usual the Leader of the Opposition just makes it all up. No such statement was issued or made by me, as presented by the Leader of the Opposition. The former Speaker, the member for Tarneit, in offering to repay that money, has done the right thing. As for his entitlements, eligibility or otherwise, that is entirely a matter for the audit committee, and I propose to allow that committee to do

its important work. Yet again, I reject the assertions — the falsehoods — pedalled in the Leader of the Opposition's questions. Your abuse will not make your question accurate, mate, and I reject it entirely.

Supplementary question

Mr GUY (Leader of the Opposition) — On Friday, 24 February, you expressed confidence in the member for Tarneit as Speaker, going so far as to be quoted in the media as saying that he was entitled to claim around \$40 000 to live in Queenscliff while representing Tarneit. Twenty-four hours later the member for Tarneit had, as you claim, been forced from office. Premier, what changed your mind from Friday, when you backed this man, to Saturday, when you supposedly sacked him?

Mr ANDREWS (Premier) — The problem with the Leader of the Opposition is he equates volume with accuracy, and getting angry, screaming and shouting, and acting like he is today does not make his question accurate. It is riddled with errors yet again.

The member for Tarneit has made the appropriate decision to resign as Speaker and to repay the money. As for his eligibility or otherwise, that is a matter for the audit committee, an audit committee, the primacy of which the Leader of the Opposition has only just stopped impressing upon us all. Now apparently that is not good enough. He is all over the shop and wrong. As with every question he asks — made up, half-truths, mistruths — if you get angry and if you shout a lot, suddenly it will be accurate. Well sorry, Leader of the Opposition, in that you are wrong as well.

Mr Guy interjected.

Mr ANDREWS — Give us your abuse; it is about the only thing you are good at, mate.

Ministers statements: penalty rates

Ms HUTCHINS (Minister for Industrial Relations) — I rise to advise the house of the disappointing further news around the Fair Work Commission's decision to cut penalty rates, affecting Victorian workers in this state. We are considering making a further submission to the commission on the transitional provisions as we go ahead.

I would like to reflect on the fact that I had the ability last week to visit Westfield Doncaster in the seat of Bulleen and talk to a range of retail workers there who rely on their incomes on a Sunday and who are going to be affected by this cut of up to \$72 per week. Now \$72

might be a bottle of wine for those on that side, but for retail workers, that is \$72 per week.

Mr Clark — On a point of order, Speaker, this issue will be an important test of how you intend to conduct your rulings on this matter as Speaker. The Minister for Industrial Relations is proceeding to debate a matter and is proceeding to call upon the opposition in relation to certain matters. Her responsibility is to advise the house about various matters, not to debate it and not to make calls upon the opposition. I ask you to rule that the Minister for Industrial Relations is out of order and require her to comply with sessional orders.

Ms HUTCHINS — On the point of order, Speaker, I was not calling on anything from the other side. I was actually stating the facts of how these decisions are affecting Victorian workers.

The SPEAKER — Order! The minister to continue, but I ask the minister to confine her comments to making a statement about those matters relating to her portfolio, just as is declared in the sessional orders.

Ms HUTCHINS — In visiting those workers at Westfield Doncaster, they spelled out for me that that \$72 a week that is going to be slashed — that is at least \$72 a week — will be all the difference for them in being able to pay their rent, in being able to get to work and cover their travel costs.

Honourable members interjecting.

The SPEAKER — Order! The member for Eltham will come to order, as will the members on my left.

Ms HUTCHINS — Of course I am extremely disappointed in the Turnbull government's actions in not standing up and making a submission to the Fair Work Commission's inquiry into this. They do not care about retail workers. They do not care about hospitality workers, fast-food workers or pharmacy workers.

Mr Clark — On a point of order, Speaker, the minister is defying your ruling. She is now proceeding to make reflections upon the opposition rather than complying with your ruling to advise the house about matters relating to her portfolio. It would be in order to talk about Mr Shorten's contribution to this issue about the Fair Work Commission, but it is not in order for her to make reflections on the opposition.

The SPEAKER — Order! The minister to confine her comments to matters related to her portfolio.

Ms HUTCHINS — Those opposite are not listening, as usual. I was reflecting on the

commonwealth, but let us talk about your stance. We had the Deputy Leader of the Liberal Party, who came out last week — —

Honourable members interjecting.

The SPEAKER — Order! I do not think it assists any members if people are shouting across the table at each other.

Mr Clark — On a point of order, Speaker, you have twice counselled the minister to comply with sessional orders. It is difficult for you to hear above the noise from behind her, but she is continuing to defy your ruling. I ask you to have her either comply with your ruling or to cease her statement.

The SPEAKER — Order! I again ask the minister to come back to talking about issues related to her portfolio.

Ms HUTCHINS — We have heard confusion from the other side. Will they stand up for workers? Will they defend penalty rates?

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

Member conduct

Mr HIBBINS (Pahran) — My question is to the Premier. Premier, surely the actions that have resulted in both the Speaker and the Deputy Speaker resigning and the member for Melton sitting on the crossbench show that MP entitlements need to be administered not by the MPs themselves but independently. Can the Premier confirm whether, in asking the Special Minister of State to review the entitlements system, he has asked that minister to consider the establishment of an independent parliamentary standards commissioner?

Mr ANDREWS (Premier) — I thank the member.

Mr R. Smith interjected.

Mr ANDREWS — Are you back from the wild? He is all very red. I thought he was going to explode. Old Johnny Tap over here, I thought he was going to full-on explode. In any event, the member for Pahran has asked a serious question.

Honourable members interjecting.

Mr ANDREWS — I am interested in providing an answer to the member for Pahran. Those opposite who have just rejoined us because of their appalling behaviour — —

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte has only just come back into the chamber after being asked to leave for a period of 1 hour. I do not want to have to ask him to leave again. I would ask all members to show respect to other members in this place.

Mr ANDREWS — The member for Pahran has asked a serious question and one which I intend to answer fulsomely. If I can get a word in, I will be more than happy to go through the details of it. I have asked the Special Minister of State to look at all entitlements, all allowances, all payments that are made to all of us.

In essence, the answer to the member's question is yes, because I have asked the minister to consider all relevant matters, to look at the whole system. The members specifically raises the issue around — I think if I heard him correctly over the abuse and nonsense from those opposite — the provision of advice, the provision of — —

Honourable members interjecting.

Mr ANDREWS — Those opposite show how serious they are about these matters. The member for Pahran has asked whether everything is being considered, and the answer to that question is yes. That includes governance arrangements as well as — —

Mr R. Smith — On a point of order, Speaker, just to clarify: in relation to the Special Minister of State's review of parliamentary allowances, can the Premier clarify whether the rorting of parliamentary allowances for campaigning will be included in that?

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

Mr ANDREWS — Is it any wonder he was asked to leave?

Honourable members interjecting.

The SPEAKER — Order! Members on my right!

Mr ANDREWS — All matters and all allowances will be considered and are currently being considered by the Special Minister of State.

Honourable members interjecting.

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

Mr ANDREWS — The Special Minister of State will provide advice to the government, and we will make announcements in due course. The scope of that review is broad, and it does — yes, member for Prahran — include — how we might better govern the administration of any payments that are made and the provision of any advice. I have said on a number of occasions — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! The member for Warrandyte is persistently interjecting. I ask him to leave the chamber again for a period of 1 hour under standing order 124.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member conduct

Questions and statements resumed.

Mr ANDREWS (Premier) — Thank you so much, Speaker. As I was saying, the scope of Minister Jennings's work is broad — —

Honourable members interjecting.

The SPEAKER — Order! The member for Ringwood!

Mr ANDREWS — and it already does include issues of governance, advice and the administration of any allowances such as will be left by the time we have properly reformed this system. I would draw to the honourable member's attention two further points: one, I have indicated that the system needs profound change, and I intend to deliver that; and secondly — —

Honourable members interjecting.

The SPEAKER — Order! The Premier, in silence.

Mr ANDREWS — I do look forward to making further announcements quite soon.

Supplementary question

Mr HIBBINS (Prahran) — It seems that by leaving this review up to just the Special Minister of State and the government the public are essentially being asked to trust the government to fix these problems. I ask the Premier: when does he expect the Special Minister of State to make his recommendations, and will he commit to releasing these recommendations to the public before their consideration by the government?

Mr ANDREWS (Premier) — I thank the member for Prahran for his serious question in relation to these matters. The Special Minister of State will provide that advice to the government quite soon, and we will make announcements in good time. I cannot quite give you a date, member for Prahran, if that is what you are asking for, but certainly weeks rather than months. There is some urgency on these matters, and I intend to get on with it.

In terms of the confidence or otherwise of the community, I ask the member for Prahran respectfully and all other members —

Honourable members interjecting.

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

Mr ANDREWS — to wait and see the proposed reforms before he and others make a judgement about whether they are meritorious in nature. They will be broad, and there will be deep and profound changes —

Mr Riordan interjected.

The SPEAKER — Order! The member for Polwarth!

Mr ANDREWS — particularly in relation to the second residence allowance, and I would ask all members to exercise a little patience before they pass judgement on those reforms. They will be here in good time, at which point I will be only too happy to arrange a full briefing for the member for Prahran and any other member who is interested to receive one.

Ministers statements: police enterprise agreement

Ms NEVILLE (Minister for Police) — Speaker, I offer my congratulations to you on becoming Speaker.

I rise to update the house today on the police enterprise bargaining agreement, what it means and how it is working for Victoria Police. In December 2015 this

government, with the Police Association Victoria and Victoria Police, signed up to a historic pay deal —

Honourable members interjecting.

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

Ms NEVILLE — a deal that was about flexible work arrangements and better career progression. Importantly, it was historic because fairness was hardwired into that agreement for the first time.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Polwarth

The SPEAKER — Order! The member for Polwarth has been warned a number of times. I ask him to leave the chamber for the period of 1 hour under standing order 124.

Honourable member for Polwarth withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: police enterprise agreement

Questions and statements resumed.

Ms NEVILLE (Minister for Police) — Hardwired into that agreement are fair penalty rates for our police officers and our protective services officers (PSOs). For the first time, our police and our PSOs, when they are out on the street — 24 hours a day, Saturday and Sunday nights and on public holidays — are now getting penalty rates. Their work, for the first time, is being recognised. Given the comments we have heard from those opposite — the flip-flop on this issue — I am pretty sure there is not one person, not one police officer and not one member of the community who believes that those opposite would ever have delivered penalty rates to our police officers and our PSOs. For the first time, under this government — —

Mr Clark — On a point of order, Speaker, the minister is now departing from the requirements of sessional orders in relation to advising the house. She is commencing to debate the issue and to cast reflections on the opposition. In line with your instructions to the

Minister for Industrial Relations, I ask you to advise her to come back to making a ministers statement.

The SPEAKER — Order! I do ask the minister to make a ministers statement about matters related to her portfolio.

Ms NEVILLE — Thank you, Speaker. For the first time, under this government police officers who respond to family violence issues on Saturday and Sunday nights or on Christmas Day and police officers who are working New Year's Eve will be appropriately recognised and acknowledged through appropriate penalty rates. If those opposite have their way, these rights will be at risk. We know this because the Leader of the Opposition is backing a man whose only claim to fame — —

Mr Clark — On a point of order, Speaker, the minister is defying your ruling. I ask you to bring her back to complying with sessional orders and advising the house about matters rather than debating matters.

The SPEAKER — Order! I ask the minister to come back to making a ministers statement.

Ms NEVILLE — Thank you, Speaker. Can I just be clear: we have guaranteed to our police officers and our PSOs appropriate pay, working conditions and, very importantly, for the first time in Victorian history, proper penalty rates, recognising the work they do for our community.

Member conduct

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, can you guarantee that no breaches of the Crimes Act 1958, particularly relating to fraud, have been committed by either of your rorting Labor members, either the member for Tarneit or the member for Melton, and if so, do you have any plans to refer this rorting to Victoria Police?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question and for again reminding all of us that he fundamentally misunderstands that the executive has one role — —

Honourable members interjecting.

Mr ANDREWS — It is not for members of Parliament, least of all the Leader of the Opposition, to be making assessments on whether the Crimes Act 1958 has been breached or not. That is not the function of any member of this place, least of all, might I submit, the very angry and wholly inaccurate Leader of the Opposition.

Supplementary question

Mr GUY (Leader of the Opposition) — On 9 April 1997 the member for Melton told the Parliament:

If the government wants to look at ... whatever ... expenses I have been utilising within the Parliament I have no problems with that because members must be accountable and open.

Premier, will you now hold the member for Melton to his word and ensure that all documentation — including second residence allowance statutory declarations, land tax primary residence declarations, company registrations and all other documents associated with the biggest rort in Victorian history — is all publicly released?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. He may have missed this, but it was my understanding that there had been public comments made, that both the member for Tarneit and the member for Melton fully intend to cooperate and participate and be available to the audit committee, and that is the appropriate process. In the space of an hour we have gone from defending that process to now calling it redundant. It is the proper process. It ought be cooperated with fully, and I expect that it will be. That is the answer to the Leader of the Opposition's yet again angry and ill-informed question — just about the only thing he is any good at.

Mr Walsh — On a point of order, Speaker, I refer back to the previous point of order about your position on the audit committee. The Premier has referred to the audit committee as his defence or his go-to to get out of answering the questions that have been asked, and I believe the house and Victorians need an explanation from you as to what your role is going to be on that audit committee. I encourage you to publicly say what is going to happen with the audit committee, because the Premier has constantly been using it in his answers.

The SPEAKER — Order! I do not disagree with the sentiment that the member has expressed in terms of my position on this, but I do not intend to move away from the forms of this house. Many members today have spoken about the need for the Speaker to be an impartial position, and I think upholding the standing orders, the norms and the practices of this place as best I can is the best way to show that I am being impartial in this regard. I will answer questions that are put in the correct format to me as Speaker as quickly and as accurately as I possibly can.

Ministers statements: bridge upgrades

Mr DONNELLAN (Minister for Roads and Road Safety) — It is a great opportunity today to rise to update the house on the bumper harvest and the enormous work we have done to upgrade bridges across Victoria to get that produce to market. We made a commitment to deliver 52 upgrades; to date 25 of these have been completed and 10 more will be completed by the end of June. I expect the construction program to be finished by December this year. What a mighty job we have done to help facilitate growth in this economy. That is one of those things we are very supportive of — over 3.3 per cent growth, unlike what we used to see where we used to see 0.8 of a per cent growth, which was an absolute scandal.

Over the weekend I had an opportunity to read the papers. I had a good little read over the weekend and I saw an article by John Ferguson.

Honourable members interjecting.

The SPEAKER — Order! This is the last ministers statement for the day. I would ask members to please hear the statement in silence or if they wish to leave the chamber, that they do so.

Mr DONNELLAN — It was a great opportunity over the weekend to read an article by John Ferguson. I noticed that the conservatives are bringing back a low-wage warrior, as I used to call him; the old Arthur Daley of federal politics is coming back to be their president. Remember old Arthur? Remember the old dodgy phone cards, the boys in balaclavas? You know, the people overboard, children overboard?

Mr Clark — On a point of order, Speaker, you previously counselled ministers about their obligations to adhere to sessional order 5. The minister is now moving to matters that have got nothing to do with his portfolio. I ask you to bring him back to complying with sessional orders.

The SPEAKER — Order! I do ask the minister to bring his statement back to matters relating to his portfolio.

Mr DONNELLAN — As I was saying there is some great news for those producers who are moving things to port. Fifty two different bridges have been upgraded under us because we understand the importance of facilitating growth and because 0.8 of a per cent growth is an absolute scandal. The fact that all you could deliver was a slovenly 0.8 per cent of growth in 2013–14 — what a pack of ordinary second-raters you are.

CONSTITUENCY QUESTIONS

Mornington electorate

Mr MORRIS (Mornington) — (12 361) My question is for the Minister for Ports. As the minister is aware, in 2016 the Mornington pier suffered extensive damage from an extreme storm event. I have previously raised this matter in the house. I sought immediate action to restore the safety of the harbour, but unfortunately, apart from some temporary works, very little action has been taken. We have broken concrete panels sitting on the seabed or lying haphazardly near the pier. The damage has affected the operation of the lower landing and of the swing moorings in the harbour, which are particularly exposed to westerly and south-westerly winds and waves. The damage has effectively compromised the safe operation of the harbour under certain circumstances. It is now an issue of public safety, and there is potential risk there to life. I ask the minister: when will the overdue and urgently required repairs to the Mornington pier be commenced?

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — (12 362) Congratulations on your appointment, Speaker, and I wish you all the best for the future. My constituency question is for the Minister for Small Business, Innovation and Trade in the other place, and I ask: how many small businesses in the Broadmeadows electorate have been assisted by the support services offered by Small Business Victoria in 2016, including the small business bus, and what opportunities will the small business community in Broadmeadows have access to in 2017? Small business is critical to driving jobs. Broadmeadows is going through deindustrialisation, which means most of the big factory jobs have been lost, so it is vital to promote and assist small and medium-size businesses. I thank the Minister for Small Business, Innovation and Trade for coming to Broadmeadows last year to discuss these issues with local businesses, and I look forward to working with him to further develop an ongoing plan to deliver jobs where they are needed most. This is incredibly important for my constituents. It will give them opportunity, optimism and hope for the future.

Euroa electorate

Ms RYAN (Euroa) — (12 363) My constituency question is for the Minister for Health. I would like to know when will the minister actually pay attention to the healthcare needs of Shire of Strathbogie residents and provide public beds at Euroa Health. Euroa resident Allan McGillivray last year suffered a compound

fracture in his ankle in the driveway of his home to the extent that his ankle was almost severed from his leg. He was able to get the attention of neighbours to call 000; however, the ambulance took an hour and a half to arrive. This is interesting, noting the commitment of those opposite to improve ambulance response times. While Mr McGillivray was bleeding seriously from his leg, he could not move from beside the road. He does not have private health insurance, so he could not access Euroa Health — the very crux of the issue — despite it being just across the road. He often now wonders whether if there had been public healthcare provision there, his wound could have been stabilised and he could have been much better off.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (12 364) My question is for the Treasurer. I welcome the recent suite of policy announcements designed to assist first home buyers to enter the market. I ask the Treasurer if he could outline what the main changes are and how they will assist prospective first home buyers in the district I represent, Pascoe Vale. In recent times house prices, particularly in major cities such as Melbourne, have appreciated substantially, particularly in inner Melbourne areas, such as the community I represent in Moreland. In many cases the growth in house prices has outstripped growth in wages and incomes, making it increasingly hard for first home buyers to enter the market, forcing them much further afield than where they would like to live in our community of Moreland. The issue of housing affordability has been compounded by the federal government's unwillingness or inability to undertake the tax reform that is desperately needed to create a level playing field for first home owners. I ask the Treasurer if he can detail how his changes will assist my community.

Brighton electorate

Ms ASHER (Brighton) — (12 365) My question is to the Minister for Water and relates to flooding, particularly in the Elwood and Brighton areas. My question is: when will the minister direct Melbourne Water to start flood mitigation work in Elwood and Brighton? Basically every time there is heavy rain there is flooding, and wishful thinking will not make this go away. Attention should be paid by Melbourne Water in particular to the Elster Creek catchment. Indeed I note that my constituent, the member for Albert Park, would be very, very interested in this question, in which I am advocating very strongly on his behalf for flood mitigation work to be done in Elwood. The Minister for Water wrote to me, and it is clear from her letter — I thank her for that response —

that works were last done in 2011. That is way too long ago, and I call on her to bring on action now. As I have said, my question is: when will she direct Melbourne Water to start those works?

Yan Yean electorate

Ms GREEN (Yan Yean) — (12 366) Thank you, Speaker, and congratulations on your ascension to this high office.

My constituency question is to the Minister for Roads and Road Safety. I ask: when will further road investments and upgrades be announced for Melbourne's north? I commend the minister for already securing funding for much-needed projects to support my electorate, including the Hume Freeway–O'Herns Road interchange, the Plenty Road upgrades and the initial Yan Yean Road duplication up to Kurrak Road. The minister has also ensured that Bridge Inn Road and Yan Yean Road up to Bridge Inn Road are now no longer the responsibility of local government but are declared main roads. However, there are more road investments to be made, in particular to reduce congestion and to support the government's massive public transport investments, including the Mernda rail extension and the Plenty Valley bus network, which delivers over 1600 additional bus services per week across Melbourne's north.

Ringwood electorate

Ms RYALL (Ringwood) — (12 367) My constituency question is for the Minister for Roads and Road Safety. Paul from my electorate of Ringwood asks: when will the minister act to ensure that the footbridge across the Maroondah Highway next to the Coach and Horse hotel and adjacent to EastLink is cleared of graffiti? The footbridge is one of the main things that drivers see as they head east on the Maroondah Highway into Ringwood, and it is one of the last things they see when they are heading west. This is a gateway into what is a growing and vibrant hub of metropolitan Melbourne and a major activity centre, and the people of Ringwood do not want graffiti signalling the disrespect and disregard shown to them by vandals. That is what people see when they enter that great suburb. They also do not want to be looking at it as a constant reminder of that disrespect and vandalism that has been inflicted. Research shows that graffiti is best removed as soon as possible after vandals have committed their crime. That is why the former government instituted anti-graffiti activities on the Eastern Freeway, where graffiti was removed promptly and which significantly curtailed the blight that had become prolific over a short of time.

Niddrie electorate

Mr CARROLL (Niddrie) — (12 368) My constituency question is to the Treasurer. Many young people in my electorate of Niddrie are acutely aware of the housing affordability crisis, with skyrocketing prices that are making the Australian dream of buying a home increasingly out of reach. So I ask the Treasurer: how will the recently released *Homes for Victorians* initiative make it easier for first home buyers in the Niddrie electorate to purchase their first home? As we in this house all know, housing affordability and access is a national problem, and yet our national government is refusing to act. I want to know how the recently released *Homes for Victorians* initiative, particularly in relation to stamp duty relief, will make it easier for young people in the Niddrie electorate to get a foot in the door and purchase their own home.

South-West Coast electorate

Ms BRITNELL (South-West Coast) — (12 369) My constituency question is for the Minister for Education. When will funding be provided to build a new special development school in Warrnambool? Money was provided in the last budget to buy the land on which the school will stand but no money was provided to build the school. The previous coalition government committed \$10 million to the project, but those opposite only committed to buy some land. Now the school is left waiting with an empty block of land and no money to build, while the current school building is cramped. There are now 131 students on a site originally designed for 30, and enrolments continue to grow, as they have every year since 1999. My understanding is that the plans have been drawn up and work is ready to start. It is absolutely imperative that money be given in the next budget so the school can complete the project. It cannot be delayed further. It is making it hard for the brilliant staff to cater to the individual needs of these students, who have complex needs, and places extra pressure and stress on the teachers, students and parents.

Sunbury electorate

Mr J. BULL (Sunbury) — (12 370) Congratulations, Speaker, on your election to the position of Speaker. I am sure you will do an outstanding job.

My question is to the Minister for Multicultural Affairs. How can the Andrews Labor government's new multicultural policy, *Victorian. And Proud of It*, benefit my local community, and how can residents learn more about this policy? We have all heard our communities' concerns about the degradation in support for

multiculturalism. It is pretty hard to miss. A couple of weeks ago the, Premier, Minister for Multicultural Affairs and Victoria Police chief commissioner Graham Ashton joined community leaders to launch Victoria's multicultural policy, *Victorian. And Proud of It*. This policy is underpinned by a Victorian values statement which articulates the values all Victorians should live by: one law for all, freedom for yourself, discrimination is never acceptable, a fair go for all. It is up to all of us to contribute to this policy. Again I ask the minister: how can this new policy benefit my community, and how can local residents learn much more about it?

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017

Introduction and first reading

Mr PAKULA (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Family Violence Protection Act 2008, the Coroners Act 2008, the County Court Act 1958, the Crimes Act 1958, the Criminal Procedure Act 2009, the Magistrates' Court Act 1989 and the Public Health and Wellbeing Act 2008, to repeal the Family Violence Protection Amendment Act 2014, to make consequential amendments to the National Domestic Violence Order Scheme Act 2016 and for other purposes.

Mr PESUTTO (Hawthorn) — I seek a short explanation of the bill.

Mr PAKULA (Attorney-General) — The purpose of the bill is to implement a further 11 recommendations of the Royal Commission into Family Violence, particularly the recommendations that were designed to be implemented within the period of 12 months. There are a range of legislative changes in this bill which acquit those recommendations.

Motion agreed to.

Read first time.

PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017

Introduction and first reading

Mr DONNELLAN (Minister for Ports) — I move:

That I have leave to bring in a bill for an act to amend the Marine Safety Act 2010, the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Port Management Act 1995 and the Road Safety Act 1986 and for other purposes.

Mr HODGETT (Croydon) — I request a brief explanation of the bill.

Mr DONNELLAN (Minister for Ports) — The bill deals with restrictions in relation to the use of jet-skis,

licensing of younger persons and removal of abandoned ships and watercraft in waters outside the port of Melbourne.

Motion agreed to.

Read first time.

Mr Pesutto — On a point of order, Speaker, just in relation to the point of order I made earlier about the seating arrangements for the member for Melton, could I please ask for you to consider the matter and come back. What strikes us as inexplicable is that if I am correct there was no Speaker from after midnight until your election. My understanding — and I am happy to be corrected — is that the sitting arrangements are decided by you. I am asking you to consider the matter and report back to this house at an early and prompt time as to who made the decision to reallocate seating for the member for Melton and on what basis.

The SPEAKER — Order! I am happy to consider the matter and report back to the house.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 1 to 3 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 4.00 p.m. today.

PETITIONS

Following petitions presented to house:

Yarrambat and Diamond Creek rezoning

To the Legislative Assembly of Victoria:

This petition is of disenfranchised, detrimentally impacted stakeholders/owners of 201–219 (5 acres) Ironbark Road, Diamond Creek, Victoria, 175–199 (40 acres) Ironbark Road, Diamond Creek, Victoria, adjoining 40–60 (14½ acres) Pioneer Road, Yarrambat, Victoria and (in support of) 221–233 Pioneer Road, Yarrambat, Victoria (8 acres). These lands are located north of original historic Diamond Creek township of Chute Street (precinct one) and on the west side of Ironbark Road, Diamond Creek (via Collins Street towards Yarrambat) and were within the Plenty growth corridor (not green wedge prior to 2000).

In year 2000, the new-format Nillumbik planning scheme was formed whereby lands were supposed to be rezoned to their closest fit zone translation. In this process the subject urban residential lands (since 1970s) were incorrectly backzoned to environment rural, now rural conservation. Their correct closest fit zone translation should have been residential one (or township), in compliance with the then-applicable legislation, keeping the lands within their urban boundaries and corridors.

This unfair and unreasonable change of urban status to rural status is a significant injustice causing major financial exploitation. This residential status protected the urban lands paid for (directly and/or indirectly), established urban reticulated infrastructure (and capacity) with associated development/property rights or entitlements. Despite being continually pointed out, including to *Plan Melbourne Refresh* and managing new residential zones. Also now for the Premier and Minister for Planning prior to below new bills, these planning mistakes have still not been equitably rectified and the lands included rightfully in the urban boundaries.

The petitioners therefore draw to the urgent attention of the house that the imminent Victorian Planning Authority Bill 2016, Urban Renewal Authority Victoria Amendment (Development Victoria) Bill 2016, with interrelated changes to the Planning and Environment Act, also proposed changes to the local government act, and vegetation and other rural policies, whereby their application may impact directly and/or indirectly on the petitioners lands, distinctive urban reticulated infrastructure (and capacity) and associated property/development rights and/or entitlements (and their interrelated previous urban strategies). Such detrimental impact on property ownership is in breach of the Charter of Human Rights and Responsibilities. Likewise, it may/will interfere, complicate or compromise the legal position of our lands planning and infrastructure dispute.

These lands must still be recognised as urban irrespective of any actual final site-specific land use, thereby protecting their urban land values and their correct urban status identification, and urban corridor inclusion.

Environment, conservation or any other new community aspirations are not excuses to deny this as these can still be achieved by designation of such and protected in the overall development plan of any residential area or site-specific property itself.

PRAYER: The petitioners request that the Legislative Assembly urge the Premier of Victoria Hon. Daniel Andrews, Minister for Planning Hon. Richard Wynne, Minister for Major Projects and Minister for Public Transport Hon. Jacinta Allan, Minister for Water Hon. Lisa Neville, all other relevant ministers and the Victorian state government to:

- (1) defer the further consideration and royal assent of the above bills until the following actions are undertaken, or provisions or amendments made to ensure that the above lands are not impacted detrimentally in any way by these bills, other new legislation, existing or new urban growth strategies, policies and permanent vegetation/conservation corridors or targeted 'pockets' of;
- (2) ensure the petitioners' lands are included within Melbourne's new metropolitan urban boundary (via *Plan Melbourne Refresh* or other) and all other applicable urban boundaries and strategies;
- (3) ensure fair correction of these lands into 'general residential' (or township), the closest to the original promised 'best-fit' zone translation in year 2000. This is irrespective of final site-specific land use. Ensure equitable correction to any of the petitioners' lands if 'targeted' and/or treated differently at any time to like lands (e.g. other than residential purposes);

- (4) ensure inclusion of all servicing strategies and catchments for residential development and land use;
- (5) ensure where eroded/redirected, return of the lands' urban-reticulated utility services and capacity;
- (6) ensure reinstatement of urban, arterial/main road status of Ironbark Road and its collector Pioneer Road;
- (7) ensure reinstatement of the lands' planning and infrastructure provisions prior to year 2000;
- (8) If all the above is no longer possible because of new community aspirations, other needs or reasons, then ensure provision of an urgent meeting with the petitioners and the Minister for Planning to enable the facilitation of amicable mediation for compensation for losses and damages (include loss of land values/capabilities) or other agreeable mediated equitable remedies. This may include a compromise of development and compensation.

By Mr SOUTHWICK (Caulfield) (4 signatures).

Australian Sustainable Hardwoods

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house and requests that the Legislative Assembly of Victoria ensure the Andrews government acts immediately to secure hundreds of jobs of East Gippsland's timber workers, including those jobs which are directly under threat at Heyfield's Australian Sustainable Hardwoods mill.

We call on the Victorian government to direct VicForests to immediately review timber resource allocations to compensate for those areas that have been put into reserve in the past two years.

By Mr T. BULL (Gippsland East) (1887 signatures).

Gaffney–Sussex street intersection, Coburg

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house road safety matters at the intersection of Gaffney Street and Sussex Street in Coburg. This intersection is an increasingly busy thoroughfare for motorists, cyclists and pedestrians. The installation of traffic lights at this intersection (including pedestrian-operated crossings) would make the precinct safer and facilitate smoother traffic flow.

The petitioners therefore request that the Legislative Assembly of Victoria ensure state government agencies work with local government agencies and relevant service providers to install traffic lights at the intersection to make the precinct safer for pedestrians, cyclists and motorists.

By Ms BLANDTHORN (Pascoe Vale) (218 signatures).

Beach Road traffic refuges

To the Legislative Assembly of Victoria:

The petition of the residents of Beaumaris, Mentone, Bayside, Kingston and wider Melbourne draws to the attention of the Legislative Assembly the regular and serious difficulty confronted by pedestrians in crossing Beach Road owing to the high volume of traffic. The coastal walking track provides a much-valued precinct for physical activity on the part of local residents and senior residents in particular.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls upon the Victorian government and VicRoads to install strategically located traffic refuges along Beach Road between Balcombe Road, Black Rock, and Naples Road, Mentone, so that residents and senior residents in particular do not have to play Russian roulette in high volume traffic whilst crossing Beach Road.

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

Tabled.

Ordered that petition presented by honourable member for Pascoe Vale be considered next day on motion of Ms BLANDTHORN (Pascoe Vale).

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 3

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 3 of 2017* on:

- Children, Youth and Families Amendment (Youth Offenders) Bill 2016**
- Commercial Passenger Vehicle Industry Bill 2017**
- Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017**
- Education and Care Services National Law Amendment Bill 2017**
- Jury Directions and Other Acts Amendment Bill 2017**
- Resources Legislation Amendment (Fracking Ban) Bill 2016**

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Australian Children’s Education and Care Quality Authority — Report 2015–16

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over Koala Conservation Centre and Churchill Island Visitor Centre (two orders)

Education and Care Services National Law Act 2010 — Report 2015–16 of the Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners

Essential Services Commission Act 2001 — Review of the Act and Government response (two documents)

Interpretation of Legislation Act 1984 — Notices under s 32(4)(a)(iii) in relation to Statutory Rules 54/2007, 166/2008, 37/2011, 132/2012 (*Gazette G7, 16 February 2017*) and 2 (*Gazette G9, 2 March 2017*)

Municipal Association of Victoria — Report 2015–16

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

- Alpine — C38
- Banyule — GC48
- Baw Baw — C89 Part 2
- Boroondara — GC48
- Colac Otway — C92
- Greater Bendigo — C227
- Greater Geelong — C272, C328 Part 2
- Latrobe — C90
- Manningham — GC48
- Melbourne — GC40, C288, C290, C310
- Monash — C132
- Moonee Valley — GC40
- Mount Alexander — C81
- Nillumbik — GC48
- Port Phillip — C146
- Stonnington — GC48, C247, C253
- Surf Coast — C113
- Swan Hill — C71
- Whitehorse — C212
- Whittlesea — C187
- Yarra — GC48
- Yarra Ranges — C157

Professional Standards Act 2003 — Instrument amending the RICS Valuers Limited Scheme under s 14 (*Gazette G7, 16 February 2017*)

Statutory Rules under the following Acts:

Dangerous Goods Act 1985 — SR 2

Victorian Civil and Administrative Tribunal Act 1998 — SR 3

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 1, 2, 3

Documents under s 16B in relation to:

Assisted Reproductive Treatment Act 2008 — Guidelines under s 100A

Victorian Commission for Gambling and Liquor Regulation Act 2011 — Decision-making guidelines for approval of premises as suitable for gaming

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice No 1/2017 (*Gazette G8, 23 February 2017*).

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

Estate Agents Amendment (Underquoting) Act 2016 — Whole Act — 1 May 2017 (*Gazette S35, 21 February 2017*)

Traditional Owner Settlement Amendment Act 2016 — Parts 1 and 3 and ss 4 to 10, 25 and 27 — 28 February 2017 (*Gazette S44, 28 February 2017*).

ROYAL ASSENT

Message read advising royal assent on 28 February to:

Children Legislation Amendment (Reportable Conduct) Bill 2016
Climate Change Bill 2016.

APPROPRIATION MESSAGES

Message read recommending appropriations for:

Commercial Passenger Vehicle Industry Bill 2017
Education and Care Services National Law Amendment Bill 2017.

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, 9 March 2017:

Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016

Building Amendment (Enforcement and Other Measures) Bill 2016

Commercial Passenger Vehicle Industry Bill 2017

Education and Care Services National Law Amendment Bill 2017.

I will only make a brief comment on the government business program that is before the house today because we are well into the afternoon and I am sure members are very keen to get on and speak on the bills that I have just indicated will be on the government business program for consideration by this place and completion by Thursday at 5 o'clock.

I have had some conversations with the manager of opposition business regarding the desire to see three of these bills potentially considered in detail. I have indicated to the manager of opposition business that there is unlikely to be time available for all three of those bills to be considered. However, the government understands that the opposition is keen in particular for the Commercial Passenger Vehicle Industry Bill 2017 to be considered during the consideration in detail stage. If we were going into that, we would do that on Thursday afternoon. Understanding that there is some detail that is contained in that bill, I will be interested to hear what the opposition has to say about that given they have already signalled they are opposing the legislation. I am wondering what nuance they may want to bring to that debate.

There is a lot on the program this week for the house to consider, and we look forward to having these issues debated over the course of the week. I do flag for the house to be alive to the fact that there needs to be an ongoing discussion between the government and the opposition — I imagine that will be with myself and the manager of opposition business — as to why the opposition has chosen to not honour an established practice that we have developed around pairing arrangements. I look forward to having further discussions on that. I would hope that we could honour those agreements that have been established. With those few comments, I commend the program to the house.

Mr CLARK (Box Hill) — The opposition opposes this program. We are in the middle of one of the biggest scandals that has ever gripped a Westminster Parliament, whereby we have lost both our Speaker and Deputy Speaker over the roting of their entitlements — a Speaker and Deputy Speaker who of course were charged with the responsibility of upholding the highest standards of this Parliament. They have

comprehensively let this Parliament down, and they have rorted taxpayers funds in what has, I think rightly, been characterised as one of the most gross abuses of public funds in the history of parliaments here in Australia. Yet the government just wants to carry on as though nothing has happened. ‘We have lost a Speaker. We have lost a Deputy Speaker. We will elect replacements, and then we will pretend everything is fine and we will just keep going. We will shuffle it off to an inquiry, and we will think about what we might do in due course. Everything is fine’.

If you look back through the history of Westminster Parliaments, you will see that when there have been scandals of this magnitude the course of the House of Commons, from which we derive our traditions, has been to address them in this chamber. There should be a full and open debate on these issues — what has happened, why it has happened, what is going to be done about it — and it should be open for all the community to hear and to see and to hold each and every one of us to account for the positions that we take in the debate on that issue.

The Leader of the Opposition sought leave to move such a motion earlier. That leave was refused. Notice of that motion has now been given. It will be on the notice paper, and there should be time made during this sitting week for that motion to be debated extensively. But there has been no indication and no commitment from the government in that regard. If the government does not think that is the appropriate way of dealing with the matter, then it should put forward some other approach itself. But what should it not be doing is just trying to sweep this scandal — this rorting, this abuse of taxpayers funds — under the carpet and carry on as though nothing has happened.

The government has been very fond recently of quoting from the works of John Hatsell, the Clerk of the House of Commons, published in 1818. If one goes back and reads those volumes — no doubt the member for Essendon will have done so in recent days — one will see that there are, time and time again, instances where scandals, abuses and misconduct by the Chair have arisen and been debated in the house. The house has come to grips with the problems that it has faced with its Chair, and that is exactly what should be happening here. In the absence of that, this side of the house is not prepared to agree to the government business program.

Of course we appreciate the indication of the Leader of the House that time will be made available to consider the Commercial Passenger Vehicle Industry Bill 2017 in detail. She may have referred, and I hope she did refer, to the Administration and Probate and Other Acts

Amendment (Succession and Related Matters) Bill 2016. We certainly think it would be appropriate, in line with the government’s commitments, that consideration in detail also occur on the Building Amendment (Enforcement and Other Measures) Bill 2016.

These matters should not be dealt with at the expense of the most pressing and burning issue that is facing this house this week — namely, the scandal and the rorting that has gone on by those who have been chosen collectively by this house to uphold our standards and set an example for all members to live by. We should be dealing with that. The community is just sick and tired of this sort of abuse going on.

We have seen time and time again the rorting from the Labor side of the Parliament. We have seen Mr Herbert and his dogs, we have seen the red shirts, we have seen all of these instances and the community is just sick of it. The government — the Labor Party — should not be seeking to run away from this issue, to hide it, to bury it in some inquiry, to try to smooth it all over and hope that it all goes away. They should be bringing on a debate over this issue in this house this week.

Let me finally conclude by rejecting the insinuation by the Leader of the House that this side of the house is not prepared to grant pairs in appropriate circumstances. We certainly are, and we reject the imputations of the Leader of the House. We oppose this business program.

Mr McGUIRE (Broadmeadows) — I am delighted to contribute to debate on the government business program because the bills before the house build on Victoria’s economic leadership and AAA financial management and on providing greater opportunities and a fair go to people throughout Victoria. The first bill I want to cite is the Building Amendment (Enforcement and Other Measures) Bill 2016. This bill continues the delivery of the government’s commitment to improve protection from home-building malpractice and seeks to address the longstanding flaws in the building regulatory system identified by the Victorian Auditor-General’s Office as well as addressing other emerging issues with the building system in Victoria. It could not have come at a better time, because here you have the Victorian government taking the national leadership again to try to help first home buyers on housing affordability. We have got 50 000 jobs in the pipeline, stamp duty reductions and many other attractions in the public interest.

This is what this government does. It gives people a better opportunity in life, it sets up the economy and it drives the reforms that are required. With this bill

before the house, home owners will be relieved to know that the new registration scheme will be backed by clear personal and financial probity.

Mr Watt — On a point of order, Speaker, the member for Broadmeadows appears to be anticipating debate of a bill that is before the house. I ask you to advise the member not to anticipate the debate but to get back to the motion that is before the house, which is the government business program, and to not actually debate particular bills on the program.

The SPEAKER — Order! The member for Broadmeadows, on the business program.

Mr McGUIRE — I am speaking in the public interest on what the community is vitally interested in, what the government is doing and what it is delivering through its business program. This is the proposition that I will address. We look at the Education and Care Services National Law Amendment Bill 2017, and again this is in the national interest. How do we actually get the connection right to establish a nationally consistent framework for the regulation of education and childcare services in Australia?

Mr Watt — On a point of order, Speaker, the member for Broadmeadows is clearly defying your ruling, which was to debate the government business program and not debate the bills that are on the government business program. It is not the role of this particular motion to debate each and every bill; it is the role of this debate to actually debate the government business program. The member is clearly in defiance of your ruling, and he is clearly anticipating debate on bills that are before this house. It is not within the standing orders, and I ask you to call him back to actually participating in the debate and not anticipating future debates.

The SPEAKER — Order! I thank the member for his point of order. I was listening very carefully after he raised his first point of order, and my understanding is that the member was talking about the individual bills on the business program without straying in depth into those bills. I will listen very carefully to the member concluding his remarks on the government business program.

Mr McGUIRE — Thank you, Speaker. I will explain it succinctly. I am outlining what the key bills are, what their roles are and what their significance is, because you need to set up the context for the debate. That is why this government business program is important, it is why it matters to all Victorians and it goes to the critical issues that they want to know about.

They want to know about the economy, jobs, growth and everything else. This is what is significant here.

We will not be distracted. The government will continue with its commitment. I commend the Minister for Public Transport for the bill that she has introduced, which goes to a complex range of issues. That will be debated, as it should be, and that is of real significance to a lot of people in this community and to small businesses in particular. I commend the government's business program to the house. This is what people are really interested to see — how we drive the economy, create better opportunities and provide for their safety and security.

Mr WALSH (Murray Plains) — I rise to support the manager of opposition business in his opposition to the government business program. In doing that, can I say the most urgent issue before this house is dealing with the rorting by the previous Speaker and previous Deputy Speaker. Leave was refused for a motion to do with that, but that is the most urgent issue before this house. That is what this house should be dealing with this week. We have had a systematic rorting of the system here in Victoria by a number of Labor MPs now, and I think it is time that those issues were actually given a full airing in this house.

There is a very good saying that a fish rots from the head down, and that is what we have in this place now. We have the situation where the Premier is now in the High Court of Australia trying to stop the Ombudsman looking at the red shirt issue and the rorting that was done at that particular time. There has been a sequence of events, and this house should be spending time looking at those issues. You have got the red shirt issue. You had the rorting of a government-funded car and chauffeur to cart two dogs around — to cart Patch and Ted to Trentham and back. Again, it just does not pass the sensible test. It does not pass the pub test, let alone pass any rules in this place. This chamber should be spending its time debating the motion that has now been tabled by the Leader of the Opposition to be included on the notice paper tomorrow. That is what this house should be spending its time on.

We had the issue of how the former Government Whip in the upper house sold out his members in a deal with Clean Event when he was the secretary of the Australian Workers Union here in Victoria. So there is this systematic rorting — —

Mr McGuire — On a point of order, Speaker, we have drifted well from the government business program in making such assertions. I would raise the issue of

relevance and ask you to draw the Leader of The Nationals back to the government business program.

Mr Pesutto — On the point of order, Speaker, what the Leader of The Nationals is clearly doing is placing in context the importance of the probity issues and the roting. Clearly what took place in terms of Mr Melhem in the other place and the Australian Workers Union, where workers were comprehensively sold out, is another example of the roting that goes on inside this government.

Mr Noonan — On the point of order, Speaker, I think it is very clear from the rulings you made in relation to the member for Burwood in response to the member for Broadmeadows' contribution that this is a very narrow scope motion. I would suggest very strongly that the Leader of The Nationals has drifted very far and wide from this particular motion, and I would ask you to draw him back.

Mr Watt — On the point of order, Speaker, the minister at the table, the Minister for Industry and Employment, has just talked about your previous rulings. Your previous rulings were to do with anticipating debate. This is not about anticipating debate. The argument that the Leader of The Nationals is putting forward is that the reason we are not agreeing with the government business program is there are other issues that we actually do need to get on and debate and that the things the people of Victoria actually care about are things like the roting member for Melton and the roting member for Tarneit. These are issues that are important and these are issues that need to be debated, and the member is simply saying that we should get on to these things.

We need to make sure that we have room to debate this issue because roting is a serious issue. We found that out in the last Parliament when the member for Mulgrave stood up and told us how important roting is. He stood here and talked about \$1800 worth of roting, and now he refuses to talk about over \$150 000 of roting. It is a disgrace!

The SPEAKER — Order! The member for Burwood will resume his seat. I think it is appropriate for members, during this debate, to be able to reflect on items they think should be on the government business program ahead of items that are on the business program, but I would suggest that members should only make passing references to those issues, as opposed to spending all of their contributions and all of their time on those matters. I would ask the Leader of The Nationals to come back to the specific

business program that has been put forward by the Leader of the House.

Mr WALSH — The crocodile tears from the other side are going to drown us soon. They supposedly stick up for workers, but all they do is rot the system. On the government business program, the Commercial Passenger Vehicle Industry Bill 2017 is another bill where there is a clear broken promise from the other side of the house. There was a commitment — the Premier put his hand on his heart on the news the night before the election and said that there would be no new taxes here in Victoria, and we are going to be debating a bill about putting a new tax on every taxi trip here in Victoria.

I have had significant representation from taxidivers in my electorate who are absolutely angry about the fact that there is going to be a \$2 tax on every taxi trip that they do. Every pensioner who wants to go to the doctor or wants to go to the supermarket to do their shopping is going to be charged \$2 more to go and they are going to pay \$2 more to come home. They are the people in society who can least afford those \$4 per return trip. If you talk about some of the people in our community who have severe disabilities and who use taxis regularly, that \$2 for each of those trips has to come out of their pension.

To make it even worse, there is a very strong view, which I support, held by country taxi operators that the small amount of money for their compensation will be raised in the first six to eight months of this legislation, if it is passed, and then they will be sending \$2 from every trip down to Melbourne to pay the government, whatever they do with that money. We are going to be debating that bill, and I would like to see the Leader of the House dedicate time so we can actually go into consideration in detail on that bill, because from a country member's point of view what is being put forward is something that country people find absolutely offensive.

On one hand we are going to charge a pensioner who does not have a lot of money \$2 to go to the doctor and \$2 to come home, but on the other hand we are not prepared to debate the issue that the member for Melton can rot more than \$100 000 from this Parliament by allegedly not living in a caravan at Ocean Grove. I think the double standards in this place at the moment are just rank hypocrisy: we will not talk about the big issues but we will talk about how we are going to tax pensioners in the future when they want to go to the doctor or they want to go to the supermarket to buy their groceries. They can ill afford that.

I would urge this house to oppose the government business program so it can be amended and so we can actually debate the motion put on the notice paper by the Leader of the Opposition. We can then give these issues a big, clear airing so Victorians can have confidence in this place again in the future.

Mr PEARSON (Essendon) — I too would like to congratulate you, Speaker, on your election. I am delighted to make a contribution in relation to the government business program. I listened to the member for Box Hill's contribution. I think it is fair to say that the contention of the member for Box Hill, who is the manager of opposition business, is that we should suspend all government business and debate the expenditure claims that the members for Melton and Tarneit may have made. I want to draw the member for Box Hill's attention to the UK expenses scandal of the early 2000s. I would like to remind the member of the way in which the House of Commons chose to deal with that at that time.

By way of background, in February 2008 there was a Freedom of Information Act 2000 request that requested the details of all MPs' expense claims, and that was allowed by the information tribunal at the time. What subsequently happened was that it was refused by the House of Commons authorities and it went to the High Court. The High Court ruled that some of that information should be released, and the information was released to the *Daily Telegraph*. Once the information was out in the public domain the House of Commons then sought to establish a tribunal, which was headed up by a former senior civil servant by the name of Thomas Legg, who published all of the findings in relation to the expenses.

As the member for Box Hill would know, I am not an auditor. Most of us are not auditors. A few of us are accountants or lawyers. When you are looking at something like this you need to do the work — you need to have a forensic analysis of the accounts and expenditure of any member where it is being questioned. It is appropriate that the audit committee of this place be charged to do that work and for those findings to be reported back to the Parliament. That is a fair and appropriate process, and that is exactly the way in which, as I understand it, the House of Commons dealt with this matter when there were allegations raised back in the 2000s. We have got an important level of work before the house. We will not be distracted by the stunts of those opposite. I commend the government business program.

Mr HIBBINS (Prahran) — The Greens will not be opposing the government business program in this

instance. There are four bills on the agenda and we do not have any amendments to any of those bills, so we have not requested to go into consideration in detail. Understanding the extraordinary nature of what has occurred in this Parliament this week, I am confident that the Parliament, by focusing on these bills, is not being negligent in its duty. We will not be opposing the government business program in this instance.

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	Wynne, Mr
Kilkenny, Ms	

Noes, 37

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

Motion agreed to.

RESIGNATION OF DEPUTY SPEAKER

The SPEAKER — Order! I wish to advise the house that the Clerk has received the resignation of the

former Deputy Speaker of the Legislative Assembly, the member for Melton. The house will now proceed to the election of the Deputy Speaker. Are there any nominations?

Mr Clark — On a point of order, Speaker, standing order 18(2) provides that where a subsequent vacancy occurs for the office of Deputy Speaker — that is, after the opening of Parliament — the election will take place as the last item of formal business on a day to be determined by the Speaker within six sitting days of the vacancy arising. Up until your indication a few moments ago there was no indication, as far as I am aware, that has been communicated to any member on this side of the house as to your intention in relation to the conduct of an election of Deputy Speaker. I submit to you that the clear purpose of the standing order is that there be some advance notice given formally to the house by the Speaker as to that time.

Ms Allan interjected.

Mr Clark — By interjection the Leader of the House refers to it being on the sheet that has been distributed as a daily program for the guidance of members, but I do emphasise that this is something that is provided for the guidance of members. As you indicated earlier on your assumption to the Chair, Speaker, there are matters that you need to determine. I submit that it would not be appropriate for you to make a determination at the time of the conduct of the election but that you need to make a determination so that members have some advance notice as to when the election of Deputy Speaker will take place. Accordingly, that election should not take place now, but you should determine and declare to the house a future day on which it will take place.

The SPEAKER — Order! I thank the member for his point of order. There is no point of order. The election of the Deputy Speaker was clearly indicated on the Legislative Assembly daily program. We will proceed to the election of Deputy Speaker.

ELECTION OF DEPUTY SPEAKER

Ms ALLAN (Minister for Public Transport) — I am very pleased to propose the member for Bendigo West as Deputy Speaker, and I move:

That the member for Bendigo West be appointed Deputy Speaker of this house.

With your indulgence, Speaker, I have known the member for Bendigo West for the best part of 20 years. She has worked incredibly hard — —

Honourable members interjecting.

Ms ALLAN — They do not know much about supporting women over there, so I am not surprised they are talking about ‘all Bendigo’.

Honourable members interjecting.

The SPEAKER — Order! Members will come to order so that the member on her feet can be heard in silence.

Ms ALLAN — The member for Bendigo West is a person who has worked incredibly hard in her electorate, working very hard for important community groups like those representing the Eaglehawk, Kangaroo Flat and Castlemaine communities that need a member who will work hard, get in here and represent them strongly. She has also done a power of work on the committees that she has been chairing. She has a great passion for special education in particular and has been doing some really important and significant work in that area. I am very pleased to move that the member for Bendigo West be appointed as Deputy Speaker of this house. I am confident she will do an outstanding job.

Ms HALFPENNY (Thomastown) — I second the nomination of the member for Bendigo West.

Ms EDWARDS (Bendigo West) — I am honoured to accept the nomination.

The SPEAKER — Order! Are there any further nominations?

Mr WALSH (Murray Plains) — I have great pleasure to move:

That the member for Mildura be appointed Deputy Speaker of this house.

Honourable members interjecting.

The SPEAKER — Order! Members on my right! We need to proceed with this election on the basis of silence, respect to members and courtesy extended to all members of this place.

Mr WALSH — As I said, I have great pleasure in nominating the member for Mildura for the position of Deputy Speaker. The member for Mildura has a long history of service not only to his electorate but also to the house. He has spent a significant amount of time as Acting Speaker at various times and as a member on committees, so he has a very good understanding of the workings of this house. As I said in the previous debate about the election for your position, Speaker, we need

people who will restore decency and respect to this chamber, and I believe the member for Mildura will do that. When you speak about his service to his electorate of Mildura, you only have to go back to the work that he did before he became a member of Parliament in leading the fight against the toxic waste dump that those opposite wanted to force on the community of Nowingi. The only thing they could do for Mildura when they were in government previously was put a toxic waste dump there. It is my great pleasure to nominate the member for Mildura for the position. I think he will do a very, very good job in restoring decency and honesty to the position of Deputy Speaker.

Mr GUY (Leader of the Opposition) — I second the nomination.

Mr CRISP (Mildura) — I am honoured to accept the nomination.

Mr Merlino — On a point of order, Speaker, I am seeking clarification that the member for Mildura actually now lives in Victoria and not New South Wales. How many years did he live in New South Wales?

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

Mr R. Smith — On a point of order, Speaker, can I also seek clarification on whether the member for Bendigo West lives in her electorate and is not claiming a living away from home allowance?

The SPEAKER — Order! The names of the members proposed are Maree Edwards, the member for Bendigo West, and Peter Crisp, the member for Mildura. The ballot papers will now be distributed. I ask members to remain in their seats while ballot papers are being distributed. As the voting is by exhaustive ballot, members should write only one name on their ballot paper, that of their preferred candidate. The surname will be sufficient. I ask members to complete their ballot papers and place them in the ballot box.

Ballots cast.

Will the proposer of the member for Bendigo West name a scrutineer?

Ms ALLAN (Minister for Public Transport) — I nominate the member for Yuroke.

The SPEAKER — Will the proposer of the member for Mildura name a scrutineer?

Mr WALSH (Murray Plains) — The member for Ovens Valley.

The SPEAKER — The scrutineers and the Deputy Clerk will retire and count the number of votes for each candidate. The bells will be rung when the scrutineers' report on the result of the ballot is received.

Sitting suspended 3.01 p.m. until 3.09 p.m.

The SPEAKER — Order! The result of the ballot is that Maree Edwards, the member for Bendigo West, has received more than half the votes. I declare the member for Bendigo West duly elected as Deputy Speaker of this house.

MEMBERS STATEMENTS

Election of Speaker and Deputy Speaker

Ms RICHARDSON (Minister for Women) — Speaker, I take this opportunity to congratulate you on your election to the speakership and also the Deputy Speaker, who is now assuming the seat as well. Congratulations to you both. I know you will do very, very well.

Chandler Highway upgrade

Ms RICHARDSON — I would like to update the house on a very significant milestone that was reached in the upgrade of the Chandler Highway bridge in my community. It is a \$110 million upgrade and a very important project. It is of course a project very close to my heart and to my community and perhaps also to the member for Kew. This is a 125-year-old, two-lane bridge across the Yarra. It is a notorious pinch point, and it is a bridge that has consistently featured on the RACV red spot survey.

I am pleased to say that we are one step closer to getting this issue resolved. Seymour Whyte Constructions has been awarded the tender for the project, and by mid-2018 we expect to see the Chandler Highway bridge duplicated. Along with the removal of the Grange Road level crossing and the Darebin bike trail completion, this is indeed a transformative project for my community, and of course it is a Labor government that is getting on with the job and getting this done.

I want to particularly thank VicRoads and its CEO, John Merritt, for the work they have done working with my local community. I will continue to work alongside my community to ensure we address any concerns about this project.

Member conduct

Mr HODGETT (Croydon) — The Andrews Labor government is the world leader in rorting the public purse. There was the recent rorting in the use of a chauffeured limousine to attend a Bruce Springsteen concert at Hanging Rock, yet the member involved was not the Minister for Tourism and Major Events. There was the claiming of parliamentary second-residence entitlements by the former Speaker, the member for Tarneit, who eventually fessed up and said he would pay back the \$40 000, and the former Deputy Speaker, the member for Melton, who, with \$113 000 under question, has refused to return the money to Victorian taxpayers. This is despite the member for Melton on 2 June 1999 in the other place condemning an officer from a TAFE college for wining and dining his mates to the tune of \$20 000 a year. The then member for Melbourne North in the Council said:

Not a bad lark if you can get it!

Fast-forward almost 18 years, and the Premier refuses to ask the member for Melton, who resides in either Mordialloc or the Bellarine Peninsula — or perhaps Wendouree — to pay back this money, \$113 000, despite this clear breach of the spirit of the second-residence allowance. If the member for Melton believes he has not done anything wrong, why did he resign as the Deputy Speaker?

There were also the serious rorts for votes in the use of parliamentary entitlements for electorate officers by many members of the Australian Labor Party prior to the November 2014 state election. The 2 September 2015 *Herald Sun* headline ‘ALP rorts for votes’ said it all. Electorate officer funding was used instead for campaigning. This misuse of public moneys is par for the course for the Labor Party. In defending the indefensible, the Premier has stopped at nothing, whether in attempting to block the Ombudsman, Deborah Glass, at every turn or in the government launching court action after court action to stop the truth emerging. Shame on all the rorters opposite!

Craigieburn Festival

Ms SPENCE (Yuroke) — I rise to congratulate all involved in this year’s Craigieburn Festival, an annual event held in the Yuroke electorate and attended by many thousands of locals. I would like to particularly mention the Country Fire Authority (CFA) torchlight parade, which is a highlight of the weekend, with local residents lining the route and watching and thanking our emergency services as they march. The new route through the middle of Craigieburn Central was a great

success. Congratulations to Craigieburn CFA secretary Dianne English, first lieutenant Chris Gray and all involved.

David Woodgate

Ms SPENCE — On 27 February of this year Craigieburn lost a local community icon in David ‘Woody’ Woodgate. Woody was a resident of Craigieburn for 40 years and served as president of the Craigieburn Cricket Club between 2004 and 2013. He began playing at Craigieburn Cricket Club 33 years ago and was a terrific opening batsman in the first XI and president from 2004 to 2013. He held many other roles at the club, with highlights including watching the first XI break a 35-year premiership drought in 2012–13 and being the inaugural women’s XI premiership coach. He contributed to the community in many ways and in many roles, but perhaps his proudest achievement was the mentoring role he played in the lives of young people. He not only fostered a love of cricket but also encouraged young sportsmen and women to do better. My condolences to his wife, Heather, his children John and Julie and his eight grandchildren. Woody shared the day he was born with Sir Donald Bradman, and he also died on the same day that Sir Don died. Woody will be greatly missed.

Member conduct

Mr T. BULL (Gippsland East) — I am sure all members of the house from all political parties and backgrounds would have been disappointed to pick up the papers the week before last to read that the second residence allowance had been rorted by those who have been given the job of upholding the standards in this Parliament. I also note the member for Melton has today become an Independent member and, in line with the Premier’s comments on the former member for Frankston, I assume the Premier will no longer accept the vote of the member for Melton in any legislation. We wait to see.

Australian Sustainable Hardwoods

Mr T. BULL — It was pleasing to have the Leader of the Opposition visit my electorate last week and speak with staff and management of Australian Sustainable Hardwoods in Heyfield. The possible closure of this mill would be disastrous for the 250 staff and the wider community. It is very disappointing that the government’s working party did not meet its four-week deadline, which ended last Monday. These timber workers and their families should not be left in limbo. They deserve answers from this government. Action needs to be taken, and it

needs to be taken now. I understand Australian Sustainable Hardwoods have a meeting at 5.00 p.m. today to discuss the future of that business in the town. Its removal would be absolutely disastrous.

Gippsland bowls grand finals

Mr T. BULL — A very quick well done to the Bairnsdale Bowls Club on winning three of four premierships on offer on Saturday, defeating Lakes Entrance in division 1, Lindenow in division 3 and Howitt Park in division 4. Well done to Paynesville Gold on beating Bairnsdale in division 2. And some good news for Heyfield: their bowlers upset Sale White in a thriller in the North Gippsland grand final.

Victoria University Sunbury site

Mr J. BULL (Sunbury) — Deputy Speaker, congratulations on your election this afternoon. I am sure you will do an outstanding job.

Last Tuesday night, 28 February, at the Sunbury Bowling Club I had the great pleasure of joining 200 passionate residents determined to see change at the Victoria University campus on Jacksons Hill. These residents are determined to create a new vision and a master plan that the community can be proud of for decades to come. It was a fantastic night hosted by the Victorian Planning Authority, one that saw great excitement in the room and terrific ideas put forward. This is an opportunity for the community to come together to get this plan right for good. I want to take the opportunity to thank everyone who came along and shared their ideas for the future of the site. We have come a long way, but there is plenty of work ahead of us. I would particularly like to thank the Sunbury Community Progress Association and the Sunbury Asylum Alliance for their hard work in getting to this point. I thank the Sunbury Asylum Alliance in particular for their hard work in presenting a petition to the house to be tabled. I certainly want to thank them for all of their efforts.

Penalty rates

Mr J. BULL — The Leader of the Opposition and the Victorian Liberal Party should hang their heads in shame after this week confirming what we have always known: they will never, ever support working people. The Deputy Leader of the Opposition confirmed this week that he supported the federal government's changes to penalty rates and that he did not have a concern about changes to penalty rates. Well, of course he does not have a concern. He is not losing \$72 from his Sunday pay. To members of my family and my

friends, these are all very important rates. What a shameful position to take. What an absolute disgrace.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I appreciate that this is a very torrid time in the house, having elected a new Speaker and a new Deputy Speaker, but I would ask members to show some order and some respect, so that we can continue with statements in an orderly manner.

Government performance

Mr SOUTHWICK (Caulfield) — This Labor government under the Premier started as a bunch of rorters in 2014 and just over two years on continue to be the biggest rorters Victoria has seen. We saw it with the 2014 red T-shirt Community Action Network campaign paid for by taxpayers funds, and now this government led by the Premier is challenging decisions in the High Court, again spending taxpayer dollars to try and cover up the rorting that they have done. They rorted from the beginning; they continue to rort now.

We have seen just today the former Speaker and Deputy Speaker being dismissed and replaced by new members. Why? Because they have rorted the system. They have taken taxpayer dollars and have spent them. They have stolen money, they have spent it, and this government have not held them to account. We have seen Steve Herbert in the other place use his car to take his dogs on trips — Dog gate — travelling 97 kilometres on taxpayers money. Again, there is no regard for taxpayers funds.

We have seen two ministers in this government, the Attorney-General and the Minister for Public Transport, go off to visit 'the Boss', Bruce Springsteen — a 75 kilometre trip on taxpayers money. Every single time we have seen this government putting their hand in taxpayers pockets and taking money that is not theirs. These actions do not pass the sniff test. This government should be ashamed.

Overton Road, Seaford, level crossing

Mr EDBROOKE (Frankston) — Congratulations on your appointment, Deputy Speaker.

Last week we announced that the Labor government will remove the Overton Road level crossing by the end of 2018. This obstacle that divides our community will be removed one year early.

Mr Watt interjected.

The DEPUTY SPEAKER — Order! The member for Burwood will desist from yelling out across the chamber while statements are being made.

Mr EDBROOKE — Early works begin within months to solve the issue of the most avoided intersection in Frankston. By the end of 2018 we will have removed this bottleneck to increase trade for our businesses within the Frankston CBD. The feedback has been overwhelmingly positive as people say goodbye to this level crossing that has caused so many incidents and tragedy. It is the most dysfunctional block of land in Frankston.

Frankston railway station

Mr EDBROOKE — We are judging stage 2 of the Frankston station design competition today. The jury is receiving briefings from the architects of the final five entries and will deliberate over the next few days. This is such an important decision for Frankston's future. We have to ensure it is done right. The winning design team will be announced in late March.

Thank you to the Office of the Victorian Government Architect team: Jill Garner, Cara Wiseman, Stephen Varady, Felicity Stewart, Peter Elliott and Geoff Oulton; and Adrian Dolley; and Frankston City Council CEO Dennis Hovenden for your passion and commitment to this exciting process.

McClelland College

Mr EDBROOKE — No matter how many times I see the Hands on Learning program in action, I am always super impressed. McClelland College is one of more than 60 Hands on Learning schools in Victoria committed to preventing the harm of early school leaving by creating opportunities at school for young people to discover their talents and experience success.

Frankston Heights Primary School

Mr EDBROOKE — Congratulations to the Frankston Heights Primary School 2017 school leaders. It was an honour to present them with their school badges this week, and I know they will do us proud. I taught the students a lesson on democracy, where our mini Parliament debated whether the canteen should only sell healthy food. It was also fantastic to see the new school fence that we funded last term. It makes a massive difference to the external fascia of what is already a fantastic school.

Member conduct

Mr PESUTTO (Hawthorn) — The public are dismayed and disgusted with this government. For 900 years, we have never seen such an egregious, such an outrageous abuse of the public's trust in the rorting that we have seen by the former Speaker and former Deputy Speaker.

Mr T. Smith interjected.

The DEPUTY SPEAKER — Order! We do not normally hear points of order during statements by members, so if he wishes to make a point of order, I ask that he save that until statements are concluded.

Mr PESUTTO — This government is doing everything to try to obstruct a proper investigation into the seriousness of these rorts. The Leader of the Opposition moved just this morning an urgent process to look into these rorts, and the government blocked it, just like they did two sitting weeks ago, when instead of dealing with bail, the most important matter of community safety, they wanted to — guess what? — talk about a way to stop an investigation into major rorting before the last election. This is an outrage, and we should uphold better standards than this.

CityLink Tulla widening

Mr CARROLL (Niddrie) — Thank you, Deputy Speaker, and congratulations on your appointment.

I rise to applaud VicRoads and infrastructure construction company Lendlease for their terrific work rebuilding the English Street Bridge, which provides a vital link between Airport West and Essendon Fields. After 23 days of around-the-clock construction, the new English Street Bridge — part of the \$1.3 billion CityLink Tulla widening project — welcomed its first drivers, cyclists and pedestrians on 25 January.

The bridge was closed from 3 January, when it was demolished by a fleet of excavators, concrete breakers and steel cutters. Sixteen hundred tonnes of steel and rubble were removed before giant cranes moved in to install 15 massive steel beams across the freeway, each weighing 40 tonnes and measuring 38 metres long. The bridge reopened on 25 January, taking an incredibly brief 23 days to complete. Three lanes in each direction are now open to traffic, and pedestrians and cyclists can access a shared user path on the northern side of the bridge.

I would like to take this opportunity to congratulate CityLink Tulla widening project director Trevor Boyd and operations manager Catherine Gunn for their terrific

management of the project. Thanks also to the VicRoads CityLink Tulla widening Melbourne Airport to Bulla Road project team, led by delivery manager Dian Witono. Thanks to the Lendlease project team led by director Rob Maroney and area manager Salvatore Valvo. Also, thanks to the VicRoads communications team, Janette Sato, Michelle Adams and Jessica Foulds, for keeping me and my constituents in the loop with all that was occurring, making sure no-one missed a flight and making sure that this terrific project was completed.

As the summertime VicRoads program of works comes to a close, reopening the English Street Bridge is a major milestone of the CityLink Tulla widening project and represents a remarkable engineering feat. VicRoads and Lendlease should be very proud, and I know the Andrews Labor government is very proud of this project too.

Member conduct

Ms KEALY (Lowan) — It has been 10 long days since the Labor Speaker and Labor Deputy Speaker resigned in absolute disgrace following media reports of extensive rorting of the second residence allowance. It is appalling that two senior positions of leadership and respect within the Parliament have been treated with such contempt. I cannot fathom why the former Deputy Speaker, guilty of rorting in excess of \$100 000 of taxpayers money, is not guilty enough to repay that money. By failing to make the former Deputy Speaker repay this rorted money, the Premier is complicit in his support of this vile culture within the Labor Party. Premier Andrews must stop the cover-up of the culture of rorting in his Labor government and get the money repaid immediately.

Towards Zero

Ms KEALY — The government's Towards Zero strategy has proven to be a flop, with the road toll increasing and constituents continuing to report extensive damage to vehicles. We do not need mandatory lower speed limits in country Victoria. What we need is Daniel Andrews and his Labor government to immediately reverse their extensive cuts to the country roads budget and reinstate the Nationals Country Roads and Bridges Fund.

Lowan electorate hospital funding

Ms KEALY — After well over two years of the Andrews Labor government, none of the 17 hospital campuses in Lowan have received any major capital works funding. This is an absolute disgrace, showing sheer neglect for local patients and the vital clinical and

administrative staff of our amazing local health services. Whether it is the aged-care facility at Edenhope hospital or the emergency department and wards of Hamilton hospital, our country region needs and deserves our fair share of hospital capital funding just as much as any of our city health counterparts.

Albacutya Bridge

Ms KEALY — After almost 100 years the Albacutya Bridge is at risk of closure due to deterioration. It is essential that the Andrews Labor government redirect country bridges funding, which has been directed to the Premier's city electorate, back to where it belongs in the country and provide immediate funding of up to \$3.3 million to have this bridge rebuilt so that it can continue to carry high-tonnage vehicles and keep jobs and business alive in Lowan.

Caroline Chisholm Society

Ms BLANDTHORN (Pascoe Vale) — Thank you, Deputy Speaker. Congratulations on your appointment.

On the eve of International Women's Day, I am very pleased to report to the house that the member for Essendon, the member for Niddrie and I joined the Deputy Premier to open the new home of the Caroline Chisholm Society on Mount Alexander Road in Essendon on Saturday. This is an important service, and it serves women and families in our local community. From its humble beginnings in Park Street, Moonee Ponds, where it simply delivered material aid, it now is a service that works right across the western suburbs, into Caroline Springs and up to Shepparton. It provides essential family services for women and particularly their unborn and newborn babies and their small children.

The Caroline Chisholm Society has respect for life, it is compassionate and caring, it values social justice, it believes in the empowerment of women and families, it recognises diversity and it operates accountably, according to best practice. As they say in their motto, they are inspired by Caroline Chisholm and acknowledge the traditional owners of the land in the communities in which they work. Indeed on Saturday it was particularly inspiring to have one of the descendants of Caroline Chisholm, James Chisholm, join us for this occasion. Also joining us was a student from Loyola College, the captain of Chisholm House at the school. They often raise money for the Caroline Chisholm Society. I congratulate the president, Paul Webster, the dynamic CEO, Helen Cooney, the volunteers and the board for their work.

Member for Melton

Mr MORRIS (Mornington) — From *Hansard*, the member for Bendigo East, now Leader of the House, on 24 October 2012:

Doing the right thing would be paying back the money ...
Doing the right thing would be the Premier standing aside the member for Frankston while these investigations are under way ... Doing the right thing would be making sure that the member ... is held absolutely accountable for his actions.

From the member for Mulgrave, now the Premier, on the same day:

His intention was to rot the very system he was entrusted to uphold.

And again on 11 June 2014:

It is about probity and decency. It is about doing the right thing and being consistent.

And finally from the member for Melton, former Deputy Speaker, on the same day:

We should not allow any member of Parliament on either side of the house, whether they are Labor, Liberal, Nationals or Independent, to rot their entitlements. That is not what we are here for.

The Members of Parliament (Register of Interests) Act 1978 is very clear:

Members shall —

ensure that their conduct as Members must not be such as to bring discredit upon the Parliament ...

Clearly the Premier, the Leader of the House and even the member for Melton understand what discreditable conduct is. They understand that the member for Melton has brought discredit upon the Parliament. They understand that any vote he casts is tainted. The Premier has a choice: he can either deal decisively with the member for Melton — because this is about probity, this is about decency, this is about doing the right thing — or he can continue to dodge and weave, he can continue his pattern of distraction, deception and denial or be revealed as the hollow hypocrite he truly is.

La Trobe University 50th anniversary

Mr CARBINES (Ivanhoe) — Thank you, Deputy Speaker, and I congratulate you, the member for Bendigo West, on your election to Deputy Speaker.

I quote:

The true measure of a university's greatness is the total effect it has on human welfare and progress.

So said Professor David Myers, the founding vice-chancellor of La Trobe University. From 1967 to 2017 — happy 50th birthday, La Trobe University. It is a true beacon of enlightenment and hope for generations of students in Melbourne's northern suburbs and also of course to other campuses and students across regional Victoria.

I encourage all members to take a moment this week to visit La Trobe University's exhibition in Queen's Hall. La Trobe is on the border, the doorstep, of the Ivanhoe electorate, and I am thankful for the ongoing strong relationship between the government and La Trobe to advance the educational opportunities for Victorians, particularly in the northern suburbs of Melbourne and regional Victoria.

Banksia Palliative Care Service

Mr CARBINES — I was also pleased to join the Minister for Health last week at Banksia Palliative Care Service to announce a \$5 million fund for community palliative care agencies to provide at-home palliative care, to support more Victorians with a terminal illness to be cared for and die in their place of choice. Banksia Palliative Care Service is a local organisation in my electorate, in Heidelberg. It cherishes the values of respect, compassion, partnership, excellence, innovation and integrity. The service is among the most highly regarded and respected institutions in my community. I was humbled to meet local patients, some of whose children I met at a recent school opening in my electorate the week before. It reminds us all of the challenges we face in life and the love of family and friends. Banksia Palliative Care will see us through and sustain us in the hardest of times.

Member conduct

Mrs FYFFE (Evelyn) — The damage done to the roles of Speaker by the rotting of the former Speaker, the member for Tarneit, and the former Deputy Speaker, the member for Melton, is immeasurable. The proud tradition of this house has been damaged, as I say, immeasurably. The former Speaker and Deputy Speaker have had to resign, but rather than recall Parliament the Premier allowed them to continue in their roles, with the extra pay, for 10 more days. They should be forced to repay that extra salary. The damage done to the reputation of every member of this house will stick to us like mud for the rest of this parliamentary term.

The former Speaker's repayment of the \$40 000 he rorted from taxpayers does not absolve him of the fact that he systematically and cynically rorted these

taxpayers, the ordinary workers of Victoria. He did not do it just once; he did it month after month after month and banked the money. He will go down in history as the first Speaker in the more than 83 world parliaments that operate under the Westminster system to have rorted more than \$40 000, and also to have circumnavigated the world on several occasions at taxpayers expense. This dark period of rorting is in defiance of all that is good about the roles. These members have brought irreparable damage to and diminished the roles of Speaker and Deputy Speaker and brought this house into disrepute.

Caroline Chisholm Society

Mr PEARSON (Essendon) — Congratulations on your election, Deputy Speaker.

I was delighted to recently join the Deputy Premier and the members for Niddrie and Pascoe Vale at the opening of the Caroline Chisholm Society community centre on Mount Alexander Road, Essendon. This purpose-built facility will provide a range of services and assistance for families in need, including counselling, housing, aid and in-home family support. The Victorian government contributed \$950 000 towards this \$3.2 million project alongside community funding. The funding has allowed the Caroline Chisolm Society to set up specific spaces that cater for the different services provided — comfortable rooms for client meetings, a spacious bathroom with changing facilities and adequate space for the sorting and processing of clothes, prams, toys and food.

The Caroline Chisholm Society is a charitable organisation that was established in 1969 with a mission to provide services that respond to the needs of families and support them to achieve and maintain a safe and nurturing environment. I would like to acknowledge Paul Webster, president of the board, and board members Michael Christie, Phil Gatens, Frank Smit, Stephen Mullins, Gavin Kempin, Wendy Hunt, Sarah Notaro, Kate Rowswell, Tess Fogarty and Stuart Rowland. I would also like to thank the very formidable CEO, Helen Cooney, and her management team, Mo Connolly, Marie Panzera and Sylvana Romagnano. I would also like to single out Margaret Christie, who shared the vision of creating a fit-for-purpose facility for the Caroline Chisholm Society and then proceeded to raise a significant amount of money to turn her dream into a reality.

Thank you to Mark Anderson, the O'Brien family, the Noonan family, the Beck and Fox families, Essendon Fields, the Lions Club of Doutta Galla, Rose Piper and the quilters, the Strathmore Community Bank Branch

of Bendigo Bank, the Schiavello group, the Nelson Alexander Charitable Foundation, Chisholm House at Loyola College in Watsonia, the Essendon branch of the Country Women's Association of Victoria, the Rotary Club of Essendon, Playgroups Victoria, Rohin Adams, the Rotary clubs of Brimbank central and Caroline Springs, the Lions Club of Essendon, Julia Di Cosmo and Sarah Notaro.

Government performance

Mr THOMPSON (Sandringham) — The hand of the Victorian Labor government is ripping into the pockets of every Victorian voter. Counsellors who help people living in poverty advise that it can take three to four years for someone who is in poverty, under mentoring, to discharge their debt. Recently I was speaking to a pastry cook who advised that he had had to sell his suburban business because it could not absorb the rising electricity charges. His life journey has changed significantly due to the increasing costs of power in this state.

We have had examples of cost overruns by the Labor Party which have ripped into the pockets of Victorian taxpayers. There is HealthSMART; the ministry of housing Anite project; the justice department Rosetta project; the ultranet, which is further subject to Independent Broad-based Anti-corruption Commission review; and the process of electronic conveyancing, which saw millions and millions of dollars shoring up a failing project. Then there is the example of how Victorian taxpayers are being hit not just in their pockets but in terms of their health, with the Victorian Comprehensive Cancer Centre project losing the 13th floor, 42 beds, four operating theatres and the synergies that were available through private sector investment. That is not to mention the \$1.3 billion of east-west link money that has been thrown out. There is also infrastructure that does not work and railway infrastructure under the projects —

The DEPUTY SPEAKER — Order! The member's time has expired.

Sri Yagam — Maha Yajna

Ms SULEYMAN (St Albans) — Congratulations on your appointment, Deputy Speaker.

On Saturday, 4 March, I was delighted to attend the universal peace Sri Yagam — Maha Yajna on behalf of the Premier and the Minister for Multicultural Affairs. Sri Yagam — Lakshmi Maha Yajna is a traditional ritual performed in front of a sacred fire to harmonise the environment, human beings and the spirit. I want to

thank the JET Australia Foundation and the Sri Durga Temple in Rockbank.

International Women's Day

Ms SULEYMAN — I was also delighted to celebrate International Women's Day on Sunday, 5 March, and join many inspirational women from the Macedonian Australian Community Organisation. I presented awards to Izzi Dymalovski, a 16-year-old student and the founder of Luv Ur Skin, and Ms Zsaneta Filipovska, the founder of the house of Zsaneta clothing label. I would like to also say special thanks to Lidija Neskovska, the president of the Macedonian Australian Community Organisation, for bringing so many inspirational women together.

I also attended the International Women's Day event of the Vietnamese Community in Australia, Victorian chapter, in Sunshine West and heard inspirational stories of determination and perseverance from women across the west. When women work together it creates opportunity and change, which provides positivity and impacts us all. Thank you to Viv Nguyen and in particular to the women's organisation of the Vietnamese Community in Australia, Victorian chapter.

Member for Melton

Mr T. SMITH (Kew) — I have a message for the member for Melton that the Premier of Victoria is incapable of delivering:

The time has come
To say fair's fair
To pay back the roths
To pay your share
The time has come
A fact's a fact
It belongs to them
Now give it back.

We have an extraordinary situation in this state where this bloke, the member for Melton, owes \$113 000 to the people of Victoria yet the Premier will not use the powers of this place to compel him to pay it back. The Premier sent the member to the crossbench. If the member does not pay the money back, he must be booted from this Parliament. If there is going to be any respect left in this place by the end of this sorry saga, the member for Melton must be asked to leave by the Premier of Victoria if he has not paid that money back.

Now, whilst I have got 30 seconds left, the Minister for Equality — equality being apparently non-negotiable in this government — thinks it is appropriate to mock the height of the member for Hawthorn. You are a

disgrace. How is the hard-core porn investigation into your Twitter account coming along, you grub?

Mr Foley — On a point of order, Deputy Speaker — —

Mr T. SMITH — You foul-mouthed grub.

The DEPUTY SPEAKER — Order!

Mr T. SMITH — No point of order. Sit him down.

The DEPUTY SPEAKER — Order! The member for Kew will resume his seat. The member for Kew will leave the chamber for 1 hour under standing order 124 — —

Mr T. SMITH — For what?

The DEPUTY SPEAKER — Order! For being disruptive during statements.

Mr T. SMITH — No.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I will let the member for Kew continue with his statement if he can do so in an appropriate manner.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Kew's time has expired.

Australian Rules football round table

Mr PERERA (Cranbourne) — Congratulations, Deputy Speaker.

It was with great pleasure that I hosted an Australian Rules football round table at my Cranbourne electorate office last week. Over the last year I have been working to introduce Aussie Rules into Sri Lanka. I had the pleasure of hosting the Honourable Arundika Fernando, Deputy Minister of Tourism Development, Sri Lankan government; the Honourable Manoj Sirisena, Leader of the House, Southern Provincial Council, Sri Lanka; Dr Amila Kankanamage, president, Colombo Chamber of Commerce; Dr Amith de Mel, founder president of Lankan Fest based in Melbourne; Mr Andrew King, president of the Lyndhurst Football and Netball Club; Mr Isaak Iliadis, the vice-president of the Lyndhurst football club; and Mr Michael Palma, president of the Parkmore Junior Football Club. The Honourable Dayasiri Jayasekara, the Sri Lankan Minister for Sports, was in Melbourne a couple of weeks ago and declared his full support for the initiative.

The round table discussion was quite fruitful indeed as it has now resulted in representatives from the Lyndhurst football club entertaining the idea that they will travel to Sri Lanka in around early October 2017. Their travels will include a couple of exhibition matches and also conducting around five footy clinics in Sri Lanka during their stay. The Lyndhurst footy club is happy to establish a long-term relationship with the Sri Lankan Aussie Rules football fraternity. This year the Australia-Sri Lanka Friendship is celebrating its 70th anniversary. The Australian interest is to expand the game globally, and I am sure Sri Lanka will be very interested to take the Australia-Sri Lanka friendship to a new height.

Oakleigh electorate volunteers

Mr DIMOPOULOS (Oakleigh) — Congratulations, Deputy Speaker, on your election to such a prestigious office. I am really pleased to see you there.

Last week I met some of the fantastic volunteers from the Monash — —

The DEPUTY SPEAKER — Order! The time for members statements has ended.

Mr T. Smith — The point of order, Deputy Speaker, that I attempted to make during members statements was that the Minister for Equality, in a gross double standard, decided to mock the height of the member for Hawthorn during his speech. It is okay for equality to be non-negotiable, yet it is also okay for the Premier to mock the weight of the member for South Barwon, the height of the member for Hawthorn and the height of the Leader of the Opposition. And the member for Dandenong earlier today in question time made a culturally insensitive remark with regard to the member for Caulfield.

Honourable members interjecting.

Mr T. Smith — It is outrageous, and you know full well it is outrageous.

The DEPUTY SPEAKER — Order! There is no point of order. The member for Hawthorn is in the chamber and he can make his own point of order.

Mr Clark — On a point of order, Deputy Speaker, I draw your attention to standing order 120, which provides that:

If a member objects to words used in debate:

- (1) The objection must be taken immediately.

Given your previous ruling, the member for Kew has taken the objection as immediately as possible. Paragraph (2) relates to if the member of the house personally finds the words offensive, which does not apply. Paragraph (3) provides:

If the Chair considers that any other words used are objectionable or unparliamentary, the Chair may order the words to be withdrawn and may require an apology.

In effect that is what the member for Kew was saying. He was submitting to you that the words used by the Minister for Equality in regard to the height of the member for Hawthorn were objectionable and unparliamentary, and he was calling upon you to order the words to be withdrawn and to require an apology. It is a matter within your discretion of course, but I support his submission that it would be appropriate for you to do so. The abuse and the mocking from the Minister for Equality is unacceptable, and you should require him to withdraw those words and to make an apology.

Mr Foley — On the point of order, Deputy Speaker, in terms of the accusation made by the member for Kew. I dispute whatever he may have believed was said, but for the sake of ensuring the smooth running of the house, if the member for Hawthorn has taken offence at any of my comments, I unreservedly withdraw.

Mr Watt — On the point of order, Deputy Speaker, I refer to *Rulings from the Chair*, particularly to:

Points of order to be raised at the end of statements. It is appropriate for points of order to be taken and dealt with at the end of the time for making statements. Members should be afforded the opportunity to make statements uninterrupted.

That is from 10 November 1999; Speaker Andrianopoulos made that ruling. I note that during members statements you, Deputy Speaker, also made that ruling. Subsequently you allowed the minister at the table, the Minister for Equality, to raise a point of order during members statements. I am a little disturbed that you would allow the minister to raise a point of order when only just minutes before — —

The DEPUTY SPEAKER — Order! The member for Burwood will resume his seat while I rule. The member for Burwood is not making a point of order.

Mr Watt — I am making a point of order.

The DEPUTY SPEAKER — Order! I did not call — —

Mr Watt — My point of order is that the fact that you allowed the minister to actually take a point of order when you ruled that it was not appropriate.

The DEPUTY SPEAKER — Order! The member for Burwood will resume his seat while I rule on this point of order.

I did not call the minister at the table for a point of order. Therefore there is no point of order. Do you have a different point of order?

Mr Watt — My point of order, Deputy Speaker, is around consistency in rulings from the Chair, particularly consistency in your rulings, given that during members statements you clearly told the member for Kew that he was out of order yet you allowed the minister to get up and do the same thing. You allowed him to make a point of — —

The DEPUTY SPEAKER — Order! The member for Burwood will resume his seat. My ruling was that the minister was not called on to make a point of order at that time. If the member for Burwood did not hear me — I am clearly in the right because I did not call the minister on a point of order during members statements. Therefore there is no point of order.

Does the member for Burwood have a further point of order? Otherwise I will call him for making frivolous points of order. Please make a point of order that is not frivolous and which is further to the previous two points of order.

Mr Watt — On a point of order, Deputy Speaker, given the fact that you sat the member for Kew down for raising a point of order — I was in the chamber and I listened to you make comments and you certainly did not sit the minister down when he tried to raise a point of order in this place.

The DEPUTY SPEAKER — Order! There is no point of order. I have ruled on this. We will proceed with the orders of the day.

Mr T. Smith — Further to the last point of order that the member for Burwood raised, Deputy Speaker, you sat me down halfway through my members statement because you said it was not appropriate. It is not for you to decide, Deputy Speaker, what I say and what I do not say. I will say what I like. If I want to talk about the porn investigation into the Minister for Equality's Twitter account, I will. Thank you very much, Deputy Speaker.

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

BUILDING AMENDMENT (ENFORCEMENT AND OTHER MEASURES) BILL 2016

Second reading

Debate resumed from 7 December 2016; motion of Mr WYNNE (Minister for Planning).

Government amendments circulated by Mr FOLEY (Minister for Housing, Disability and Ageing) under standing orders.

Mr CLARK (Box Hill) — This is a bill to make a number of changes to the Building Act 1993 that are intended to improve the enforcement of that act, to provide for further regulation of building practitioners and reform of building permit processes and to amend the Domestic Building Contracts Act 1995 to make further provision for the regulation of entry into domestic building contracts.

There are a number of separate areas of amendment contained within the bill. The first, and one of the more significant — and featured in the second-reading speech — is to provide for the registration of building practitioners that are corporations or bodies corporate. The second-reading speech indicates that the bill proposes to do that for the first time, with the purpose of ensuring that the probity of corporations with whom consumers do business can be checked so consumers can have greater confidence in the builders they engage. The minister indicated in the second-reading speech that the provisions in the bill will ensure that legal entities that enter into a major domestic building contract and take out domestic building insurance will be the same, in order to provide greater assurance to consumers that their building work will be covered by the correct insurance. There will be further provisions requiring a building surveyor to check the insurance details of the proposed builder against the builder named in the domestic building contract.

The bill further goes on to provide that in order to become a registered building practitioner, a company will require at least one nominee director whose personal registration authorises that person to carry out work in the class in which the company seeks registration. This is a significant change. It has taken a while for a measure along these lines to reach the Parliament since the current government decided not to go down the reform path that was set by the previous government. It is intended to address what has from time to time been a significant issue. We certainly hope that it is going to work effectively to do so, because there have been a number of instances

where there have been difficulties with domestic building contract insurance arrangements in relation to corporations, and consumers have suffered as a result. If the government is continuing the approach to reforms in this area on which it is currently set, then ensuring that consumers do not continue to suffer in future is an important measure.

The bill also provides for new personal and financial probity tests for registration and renewal and will give the Victorian Building Authority (VBA) discretion to register an applicant as a building practitioner following an examination of their qualifications and experience as well as a range of personal and financial probity matters. Again we certainly hope that this provision will work effectively, because experience shows that there is a minority within the domestic building area who — either through disregard or contempt for their responsibilities or through their inability to manage their business properly due to lack of skills in one or other area and often due to lack of financial skills — say that they can take on projects and then fail to deliver to the consumer. The consumer can suffer very badly when that occurs, and it is important, therefore, to ensure that practitioners do have the capacity to take on the projects that they agree to take on and to deliver them in accordance with their commitments, that they are held to account when they do not and that the regime overall provides appropriate protection for consumers where there is a failing by a builder.

As I referred to, the previous government had underway a wide range of reforms in that area which we believed would provide substantial improvement to the regime that existed. The current government has decided it will go in a different direction, and now the onus is on it to ensure the direction that it is going in will deliver the improvements and protections which consumers are entitled to expect.

The bill provides for information on building practitioners' registration and disciplinary history to be more accessible to consumers through a new register of building practitioners that would incorporate that information. Again we hope that provision will work well. The bill provides for improvements in the building permit levy process and collection — or certainly that is what it seeks to do — and it provides that building permits will only be able to be issued after a building permit number has been issued by the VBA, that a building permit number can only be issued after the applicant has paid the building permit levy and that the building permit levy will also be able to be assessed on unauthorised work and work where the cost of building work has increased. As with a number of the other measures, the bill seeks to tackle an important

area, and we certainly hope that its provisions will be successful in doing so.

There are also a number of provisions to simplify the service and enforcement of building notices and building orders, particularly with respect to owners corporations. There are provisions that are proposed to clarify who can inspect building work and how inspections are to be carried out. There are provisions to make changes to the regulation of building surveyors, including providing for the transfer of work between building surveyors. Some of that is consequential upon the establishment of body corporate registration. This aims to ensure that an individual building surveyor is responsible for the building surveying work carried out by the body corporate.

The bill also provides for a new framework of entry and information-gathering powers for authorised persons and contains provisions for injunctions to prevent illegal building work and ensure that it can be effectively remedied where it does occur. It also provides measures which it says are intended to require that the person who is named on the building permit as the builder must ensure that the building work carried out under the building permit is compliant.

These are all worthy objectives for reasons that I have touched on in detail in relation to a number of them. There are, however, some concerns that we have in relation to the operation of some of the new provisions of the bill, particularly those that relate to some of the penalties and the wording of some of the provisions placing obligations on persons named in building permits to undertake certain responsibilities and ensure certain things in relation to building work.

Clearly the objective of ensuring that people do the right thing in relation to building work, be it domestic building work or any other building work, is a very worthy objective. We have certainly seen in recent times what appear to be instances of people who have thought they could just go ahead and defy the law and get away with it. I will not go into those matters in greater detail because they are still before the courts, but this house, with support across the chamber, has passed amendments dealing specifically with the issue of heritage matters, and this side of the house supported greater penalties for the destruction of heritage sites and particularly for wilful actions. In terms of holding people to account we are a strong believer in that in relation to building work, as indeed we are in relation to many other aspects of the law.

But there is a general principle of the law, and it is a principle of common sense as well, that you can only

hold people responsible for matters within their capacity to control, and in particular you should avoid imposing criminal sanctions on people for matters that occur that are not within their control. There can be times when what is within a person's control and what is not can be debated, and that is the area which the opposition has concerns about with regard to this bill.

There are a number of provisions in the bill. In clause 20, starting at page 50 and continuing from there, provisions require that certain persons must ensure certain things in relation to building work. In particular section 16(3) of the Building Act 1993, the current provision, is replaced with the words:

An owner of land must ensure in relation to building work carried out on that land that a building permit in relation to the work has been issued and is in force under this act.

The replacement for section 16(4) of the Building Act 1993 states:

A building practitioner or an architect who is engaged to carry out building work must ensure that a building permit in relation to the work has been issued and is in force under this act.

Then in proposed new section 16(4A):

A builder named in a building permit must ensure that the building work to which the building permit applies is carried out in accordance with this act, the building regulations and the building permit.

In relation to each of those provisions I think there is a legitimate question to be asked as to whether the person who is charged with the obligation of ensuring these matters is always going to be reasonably in a position to ensure that they can carry out what they are required to carry out. There are very significant penalties attached to each of these provisions — namely 500 penalty units in the case of a natural person and 2500 penalty units in the case of a body corporate.

The coalition parties are seeking some response from the government on the concerns that we have and on the concerns that have been raised by the Master Builders Association and the Housing Industry Association. For example, proposed new section 16(3) provides that an owner of land must ensure that a building permit in relation to work has been issued and is in force under the act. What exactly does that obligation consist of, bearing in mind that owners of land are not necessarily experts in this area? They can be ordinary mums and dads, aunties, uncles, young families or single parents. A whole cross-section of the community have engaged a builder or engaged another professional — perhaps an architect or someone else — to take on a project for them, yet this

provision says that with building work they must ensure that a building permit in relation to that work — I emphasise the words 'in relation to that work' — has been issued and enforced.

It may be one thing to say that an owner has got to sight the building permit — has got to see the building permit and say, 'Right, yes, there is a building permit' — but what this provision seems to require is that the owner of land on a strict liability basis must make sure that every scrap of the building work that is being carried out is covered by the terms of the building permit. Building permits can be quite technical and complex documents, yet it seems that owners are being told they need to make sure that what their builder, their professional, is going to do complies with the building permit that that builder has gone along and obtained. We are concerned as to whether that is a reasonable obligation to impose on an owner and whether it is reasonable to subject them to a penalty of up to 5000 penalty units if they do not comply with it. We are very keen to obtain the government's response on that concern.

We have similar concerns in relation to the other two subsections. Proposed subsection (4) of section 16 imposes an obligation on a building practitioner or an architect to ensure that a building permit in relation to the work has been issued and is in force. One may say that these are professionals and they may be in a better position to verify these matters than a layperson or owner of land, but again there is a lot of detail and a lot of complexity in these permits and people are charged with responsibility for ensuring that the correct building permit has been issued, whether or not they are the ones who actually made the application for that permit.

Then in relation to a builder in proposed subsection (4A), the builder must ensure that the building work to which the building permit applies is carried out in accordance with the act, the regulations and the permit. Again, in broad terms, that seems a pretty reasonable requirement. They need to build in accordance with what they are authorised to build and they certainly need to be doing everything they can to achieve that. But I come back to the point that it seems to the opposition that this is a strict liability offence. In other words, there could be a breach in a relatively limited manner which is completely unintentional. A builder doing their utmost to comply with the building permit, often on a complex project or a complex part of a project, might inadvertently fail to comply with a building permit in some respect. If that occurs, it is intended that they be subject to the penalty of up to 5000 penalty units if they are a natural person, an individual, or 2500 penalty units if they are a body

corporate. The question that we are asking is whether or not that is fair, reasonable and appropriate.

As I indicated, we certainly believe that people who take on responsibilities in relation to building work should deliver on those responsibilities and should be held to account for those responsibilities. But we do have concerns that these provisions, whether for policy reasons or unintentionally, go too far, and about whether or not they need to be modified because of that. As I indicated, these are not just the opposition's concerns; they are concerns that have also been raised by the Master Builders Association of Victoria (MBA) and the Housing Industry Association. The MBA wrote to the Minister for Planning early last month raising a range of concerns and they reiterate a number of the points to which I have referred.

The MBA point out that all three of the proposed subsections require a party to ensure certain actions, which is a very onerous requirement; that they introduce a strict or absolute liability for those provisions; and that all the prosecutor needs to show is that an outcome occurred and that the building practitioner, architect or owner did not stop it. They argue that that is not practicable and is very unreasonable in the building and construction industry. They argue that it means that where the building practitioner, architect or owner may not even be aware that there was no permit or that the work done did not comply with the permit, they would be convicted of an offence. They gave the example of a builder who instructed subcontractors to use a certain type of brick that is compliant with the building permit, who would be convicted of an offence if their subcontractors did not use that type of brick.

The MBA argue that if a builder has taken steps and developed appropriate processes, then it is not appropriate for them to be found guilty of an offence for the action of others. They go on to make the point that this is very problematic in the building and construction industry because many components of work are carried out by different experts and parties, and indeed some work such as plumbing and electrical work must be carried out by licensed practitioners. They argue that it is a criminal offence provision requiring a low burden of proof and that it is likely to apply to many very minor incidents, and that if a person is convicted it could have damaging effects on their ability to operate their business, maintain their registration and work in other industries. They argue the evidentiary threshold for conviction is so low that it will be applied unnecessarily to a very broad set of behaviours which they do not consider were the intention of the government to cover.

The MBA go on to put forward amendments to the minister that they believe would improve the situation. They point out the current provision of section 16(3) of the Building Act 1993, which was inserted in late 2015, requires that the owner not permit building work to be carried out unless there is a building permit and the works accord with the permit. They make the point that this provision, as it currently stands, requires the prosecutor to prove that the owner permitted the work knowing there was no permit, whereas under the bill's amendments, replacing 'permit' with 'ensure' removes that element of knowledge and makes the relevant person responsible simply by virtue of the fact that there was not compliance with the permit regardless of what they knew or regardless of what level they ought to have responsibility for in relation to that failure.

These are very important concerns that these industry bodies raise. They do not detract from the overall objective of holding people to account for what they should be properly held accountable for, but I am sure that many members of the house will know that the building industry in Victoria, particularly in relation to domestic and other small building projects, derives its efficiency and its productivity from the fact that there are many subcontractors involved. Many parties come together to collaborate, and builders rely on the expertise of their subcontractors to get the job done, and if that capacity to rely on qualified and suitable subcontractors is undermined so that a strict liability is placed on the builder, then that could undermine the effectiveness of how the domestic and other smaller scale building industry operates in Victoria.

Of course none of this is at odds with ensuring full and comprehensive protection for consumers when anyone in the building chain does the wrong thing, be it the principal builder, be it the architect or be it any one of the subcontractors. The consumers ought to have an effective right of redress, and people should be held to account. Many of the current problems in the domestic building sector still need to be addressed after the current government decided they were not going to go down the path of the reforms which the previous government had underway. Nothing that I say detracts from the entitlement of consumers who either have been deliberately ripped off or have suffered due to the incompetence or lack of skills or qualifications or capability or capacity of a professional — none of their rights and entitlements to be compensated. But we are now talking about the issue of criminal liability and whether liability should be imposed on people for things that they do not reasonably have the capacity to control.

The MBA has raised a concern also about other provisions in the bill, and those are a provision in

proposed section 16B to be inserted into the Building Act 1993 that would provide that a person who is in the business of building must not carry out building work if the person knows that the building work is not being carried out in accordance with the act, the regulations or the permit. There are some very substantial penalties imposed — 600 penalty units or imprisonment for five years or both in the case of a natural person; 3000 penalty units in the case of a body corporate.

Now, this provision does not have the problem that I referred to in relation to the earlier provision of imposing an unqualified obligation on a person to ensure something. This provision only prohibits a person who is in the business of building from carrying out work if they know that it does not comply. However, the MBA does raise the issue of whether the magnitude of the penalties imposed is appropriate to the level of the offence there, it being an indictable offence carrying a penalty of imprisonment for up to five years.

They make the point that there can be a wide range of gravity in these matters, from those that are very heinous indeed to others that may come within the wording of the subsection but may be less so — they could be quite technical or minor. The Master Builders Association of Victoria indicate in their letter to the Minister for Planning that they:

... remain troubled that such an offence could potentially cover many minor works such as back garden gazebos and pergolas.

They also say that a conviction:

... would have far-reaching consequences for an individual's livelihood for many years in the future.

You could say that these are the maximum penalties and that of course if it were a minor infringement, you could expect the court to impose a penalty much below the maximum, but there are some consequences of offending that are defined by reference to the maximum sentence to be imposed, not by reference to the actual sentence that was imposed. This raises the issue of whether, if there is a maximum penalty of imprisonment for five years, that could trigger very serious unintended consequences for people for relatively minor breaches of their obligations. The opposition does not have a firm view on this issue; we are, however, very keen to hear the government's response to it. Our position in relation to the bill will be very much shaped by the response that the government is able to provide on those issues.

In conclusion, there are many provisions in the bill that seek to tackle significant issues that exist in the building industry. They are issues that do need to be tackled. As

I indicated earlier, the previous government had a wide range of reforms underway at the time we left office that were intended to tackle many if not all of these issues. The current government decided not to continue down the path that the previous government was moving along and to take their own approach, and that has resulted in a significant time lag before some of these measures have been brought to the house. We hope that they are going to work satisfactorily and effectively to achieve their important objectives. In relation to these penal provisions that I have canvassed, we do have concerns about how they have been put together, without detracting from the underlying principle that people should be responsible for their conduct, and we do seek the government's response to the concerns that we have raised during the course of this debate.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to make a contribution on the Building Amendment (Enforcement and Other Measures) Bill 2016. Obviously this is the second of a tranche of bills in relation to this very important area of public policy. It continues the reforms to Victoria's building system that commenced under the previous piece of legislation, the Building Legislation Amendment (Consumer Protection) Act 2016, which I also spoke on. Effectively that bill introduced a package of measures to improve dispute resolution, effectively taking a load off the consumer and achieving a system that far better serves the consumer. We, the government, foreshadowed that further reforms were required. These reforms include implementing all of the remaining recommendations of the Auditor-General's report, and this bill does that.

It is also an appropriate week for this bill to be debated given the significant announcement this government made on Sunday in relation to helping people buy their first home. That is a pretty extraordinary commitment we have made, which we believe will not only see first home buyers being able to purchase their home more easily but also engineer greater residential building activity. This is a very opportune time to have this bill come before the chamber — just ahead of a new wave of building that will commence, I think, because of our announcements on Sunday for housing affordability for new home owners through stamp duty exemptions and a whole range of other fantastic measures.

This bill does several things. It enhances regulatory powers to enable the Victorian Building Authority (VBA) and other regulators to be more effective and provide stronger offence provisions, because they were found to some extent to be wanting in the Auditor-General's report and in other forums. The bill proposes

to permit the registration of corporations for the first time, which is a significant step. Corporate registration will also enable the VBA to take any necessary disciplinary action directly against a company in addition to an individual building practitioner, which was somewhat of a gap. It seeks to introduce new maximum penalties for corporations, consistent with the principles in the Sentencing Act 1991. These penalties for corporations are set at five times higher than those for natural persons.

The bill seeks to replace existing 'holding out' offences with new offences prohibiting a person or corporation not registered in a particular class of registration from representing or implying that they are in fact registered. It also does a range of other things, including providing more flexibility for consumers in relation to the availability of building surveyors. Industry and consumer groups, including ones in my electorate, have told us that the current system is a bit inflexible. As an example, under the current arrangement, as the minister said in his second-reading speech, building work may be delayed if a building surveyor is on leave at the time when a building practitioner notifies that the mandatory inspection stage has been reached, so you have to chase the building surveyor. Corporate registration of building surveyors will provide greater flexibility in the deployment of the corporate building surveyor's personnel so they can make decisions to designate another individual.

There are registration and disciplinary history provisions in the bill to make it more transparent for consumers. Again this is something I have heard time and time again — the need to look at the disciplinary history of the personnel being contracted. Again, that would avoid a world of pain in relation to some of the people who have experienced issues in my electorate.

There are a fair few provisions in the bill, but I want to come to the new indictable offences that the member for Box Hill spent a fair bit of time on in his contribution. As we know from the minister and his comments in the public domain, the recent demolition of the Carlton Inn — or the Corkman hotel — highlighted that the current offences in the Building Act, which provide for fines alone, are not a sufficient deterrent for people in the business of building who knowingly do the wrong thing. For this reason the act will create those indictable offences that the minister referred to in his second-reading speech and the member for Box Hill also focused on. Just in relation to that I want to clarify the government's position.

The government's position is that the proposed indictable offences are intended to apply only to the

most serious contraventions of the Building Act. This may include circumstances where there are risks to health and safety resulting from those contraventions. The indictable offence provisions will not apply to minor breaches, which can be dealt with summarily. The offence will only apply in the most serious cases of deliberate non-compliance.

In relation to the strict liability offences the member for Box Hill canvassed, the government's intention is that the offences to be inserted by clause 20 in section 16(3), section 16(4) and section 16(4A) are all strict liability offences and that the defence of honest and reasonable mistake is open in relation to them. It is expected that if a regulator was considering charging a person, for example, with a section 16 offence, the regulator would consider any evidence as to whether a person was operating under an honest and reasonable mistake. That would address the concerns of the Master Builders Association of Victoria, which has been in conversations with the government.

In my view the member for Box Hill painted a picture of the building industry in terms of it being a collaborative effort of different professions, and I accept that. In my personal view I accept that, but the problem is you cannot just assume that that will deliver the best outcome for the consumer, and clearly it has not done so in the past. This bill seeks to close some of those gaps and require a high level of cooperation between those people in the building industry to protect consumers, which is something we have heard is required.

The clarification I gave in relation to the indictable offences and strict liability offences is the clarification provided to the Master Builders Association by the government and the minister, and I think that more than addresses the concerns the member for Box Hill has raised by also addressing the concerns that consumers have raised with the government, with the Victorian Auditor-General and with me in my office specifically. I have had a couple of really high-profile cases that have ended up in the newspapers. I will not go into personal details here, and I have previously mentioned them in relation to the first bill.

The other provision that I think is very important that I want to also raise is clarification of the role of local government. I spent 11 years in local government and one of the most common things brought to me by residents and constituents was the fact that councils seemed to have a hands-off approach when it came to private building surveyors, because somehow it was not their problem anymore. Obviously that was a context created by the former Kennett Liberal government, so

the Victorian Auditor-General has pointed to some uncertainty concerning the role of councils in administering and enforcing parts of the act where private building surveyors were involved, and I have experienced that, as I said, with my constituents.

This bill therefore amends section 212 of the act to provide that the appointment of a private building surveyor does not limit the administration and enforcement responsibilities of a local council. That is a great relief to my constituents. This amendment is not intended to alter the fact that the manner in which a council exercises, as the minister said in his second-reading speech, its responsibility for administration and enforcement may be affected by the appointment of a private building surveyor to the building work within the municipality, but all it does is clarify that the council absolutely has a role, and that is very appropriate.

This is a government that delivers on its election commitments. It is delivering on its election commitment to clean up the consumer protection laws and frameworks in relation to residential building for consumers and for my constituents. This is an important step in implementing the recommendations of the Victorian Auditor-General's Office, and I commend the bill to the house.

Mr McCURDY (Ovens Valley) — I rise to make a brief contribution on the Building Amendment (Enforcement and Other Measures) Bill 2016. The purpose of this bill is to amend the Building Act 1993 to improve the enforcement of that act, to provide for the further regulation of building practitioners and to reform the building permit process, which is an important aspect, to amend the Domestic Building Contracts Act 1995 to further regulate entry into domestic building contracts, and to make other miscellaneous amendments for other purposes.

The main areas of the bill that concern me are that the bill will enable bodies corporate to register as building practitioners, and it will give the Victorian Building Authority (VBA) the discretion to register an applicant for registration as a building practitioner, following an examination of their qualifications obviously and their experience, as well as a range of personal and financial probity matters, which is again important when we are looking at the building industry. The building practitioner has had a chequered past on various levels, so it is important to keep those protocols in place.

The bill also establishes a new register of building practitioners that incorporates information of a building practitioner's registration and disciplinary history. It is

very important that we look back and understand the history of the building practitioner in this space, because, as I say, the building practitioner has had a chequered past and it is important that we can crosscheck — for want of a better word — on the history of a building practitioner.

The bill also improves collection processes relating to the building permit levy. Building permits will only be able to be issued after a building permit number has been issued by the VBA, and a building permit number will only be issued after that applicant has paid the levy. It is important to make sure we get that money. The building permit levy will also be able to be assessed on unauthorised work and work where the cost of the building work has increased. To me this crosscheck is one of the most important aspects of the bill, and I see that as a critical part of the foundation of this bill.

The bill also simplifies the service and enforcement of building notices and building orders, particularly with respect to owners corporations. By the same token it clarifies who can inspect building work and how inspections are to be carried out. Again, it is very important to know who is in a position to do that and who is not, because as the system changes and privatises throughout the community it is important to know who can conduct those inspections.

The bill also introduces a new framework of entry and information-gathering powers for those authorised people by introducing wide-ranging injunction powers to prevent illegal building work and ensures it can be effectively remedied where that does occur. Again, those are sufficient crosschecks to make sure that we can go back and check on those building works. The bill establishes a clear framework and provides that those who are named on the building permit as the builder must ensure the building works carried out are under that building permit and are compliant to that permit, and that they are not getting somebody else to do that job for them.

There have been some concerns raised by the Master Builders Association of Victoria, particularly in relation to section 16B of the bill, and the concern appears very high considering that this introduces an indictable offence which carries a maximum penalty of five years jail and the section drafted is very wide and does not go to the scale of the wrongdoing or the actual damage of the consequence. So although it is acknowledged that the offence requires knowledge to be shown that a permit was required and that there was no permit in force so to speak, I maintain that an additional element that should be included is that of a significant financial gain.

Other concerns of the Master Builders Association, particularly in relation to the introduction of an indictable offence, include that they remain troubled that such an offence could potentially cover minor works, such as back-garden gazebos and pergolas. As was mentioned by the member for Box Hill, they are very minor works. Furthermore, any such offence brings about a criminal conviction, which could have far-reaching consequences for an individual's livelihood for many years to come in the event of a back-garden gazebo or pergola misdemeanour, so to speak. It could have those far-reaching consequences, and that is a concern for the Master Builders Association.

According to the Housing Industry Association (HIA), the bill increases some of the penalties, introducing a corporate multiplier for offences as a consequence of the introduction of corporate registration. HIA recommends an amendment to the bill to limit the corporate multiplier to larger companies, and I certainly agree with that. A monetary turnover limit may be appropriate for this purpose.

The Victorian Building Authority is able to impose a fine of up to 100 penalty units if a disciplinary action against a registered building practitioner is proven. The bill increases this to 150 penalty units for a builder and 750 penalty units for a body corporate. It is therefore HIA's view that a regulator should not be allowed to impose such a high, large fine as this as the sanction of suspending or cancelling the registration of a builder has ongoing effects if the misconduct of a registered builder is serious enough. HIA have recommended that the existing limit of 100 penalty units for a fine imposed following a non-judicial process should be retained. Those are the comments from HIA on the Victorian Building Authority.

The building industry is very important in regional Victoria as well as in metropolitan Melbourne, obviously — right throughout Victoria. In regional Victoria, behind agriculture it is probably one of the most important industries because of the flow-on effect and the ripple effect it has throughout the electorate when something gets built. So many other stakeholders and so many other businesses are part of the building process, and certainly it is a major portion of our employed contractors. That is why it is important that we keep building and keep it going, certainly, but also that we make sure there are the right checks and balances in place to ensure that it is all done above board and there are less problems further down the track.

It is a bit disappointing. We were given some amendments just prior to the bill being debated this afternoon, so my comments do not take into consideration the list of amendments. There are up to 34 different amendments that I had not seen up until this point, so I cannot really comment on those. With those brief words, I will commend the bill to the house.

Ms KNIGHT (Wendouree) — Deputy Speaker, I congratulate you on your appointment as Deputy Speaker. You look even better in the chair now than you did last sitting week.

I am really pleased to rise today to speak on the Building Amendment (Enforcement and Other Measures) Bill 2016. This bill is designed to improve protection for consumers from malpractice within the building industry and also to make reforms to legislation relating to building in Victoria. The bill currently before us comes to the house with a history and also with a real need for reform behind it. In May 2015 the Auditor-General produced a report on Victoria's consumer protection framework for building construction. This report examined the performance of the Victorian Building Authority, the Building Practitioners Board and Consumer Affairs Victoria as they relate to the management of building disputes and the Victorian Managed Insurance Authority. That report by the Auditor-General made a number of recommendations. A number those recommendations formed part of the Building Legislation Amendment (Consumer Protection) Bill 2015. Further recommendations are part of the bill currently before the house, the Building Amendment (Enforcement and Other Measures) Bill 2016.

Two years ago, in response to the Andrews government's commitment to improving protections within the building industry and the Auditor-General's report, the Andrews government introduced the Building Legislation Amendment (Consumer Protection) Bill 2015. That bill sought to improve the process for resolving domestic building disputes in Victoria, improve the process of registration to ensure ongoing compliance and improve the timeliness and appropriateness of disciplinary processes and sanctions as part of the regulation of building in Victoria. Those were really important changes to the regulation of building in our state, but as I noted, that bill did not implement all the reforms required in building regulation in Victoria.

The bill currently before the house makes further required changes to the regulation of building in Victoria. The purposes of this bill are to provide for the registration of body corporate building practitioners;

introduce new personal and financial probity tests for registration and renewal; give greater access to consumers to the registration and disciplinary history of practitioners in our state — and I will come back to that in a moment; make improvements to the building permit levy process and collection; make improvements to the operation of building notices and orders to simplify the service and enforcement of building notices and building orders; ensure increased rigour around the inspection of building works; improve the regulation of building surveyors; and provide the Victorian Building Authority and other regulators with stronger entry and information-gathering powers. These are really very significant changes to the regulation of building practitioners and the work they undertake.

When consumers enter into a building contract it will often be for the largest investment that they will ever make: the construction of their home, often their family home and sometimes their home for life. Even when building work relates to renovations and other smaller scale work, significant funds are involved in contracting a building practitioner to undertake those works. In making the decision about which registered builder to use to undertake that work, I think that consumers — who are paying a lot of money — really deserve the very best information. They need to be able to inform themselves of verified deficiencies in the builder's activity through easily accessed information relating to the registration and disciplinary history of registered practitioners.

This is not an abstract matter; this is one that actually affects people in communities right across the state. A couple of years ago I wrote to the minister about a constituent who had come into my office and who had suffered as a consequence of substandard building work. One of my constituent's concerns was that information on the practitioner's disciplinary record was not easily found. In my letter to the minister I wrote:

Consumers cannot make informed decisions about the engagement of a builder and that builder's practices without easy access to information placed on the Practitioner Disciplinary Register.

At the time the minister's response to me, and the proactive response of the Victorian Building Authority in making the disciplinary record of register practitioners more easily accessible, was absolutely outstanding. I want to take this moment to thank the minister for his genuine interest in improving the system of regulating Victoria's building industry and particularly for his concern that consumers — regardless of who they are, regular members of our community — can make those informed decisions.

Further improvements to the accessibility of a practitioner's disciplinary record as provided for in this bill will be an important tool for consumers to make those informed decisions. I also believe that by making the disciplinary record more easily available to consumers the quality of work in Victoria will increase; it will improve.

Most building practitioners do a really good job. They take a great deal of pride in their work, and genuinely want to provide a quality job, but some do not. Some do not do a great job. By making their record of disciplinary measures more readily available to consumers who will then be better able to make an informed purchasing decision — one of the biggest purchases of their lives — it will become more difficult for shoddy operators to slip under the radar.

Multiple disciplinary findings by the Victorian Building Authority will make it more difficult for building practitioners who are not up to scratch to get work. Not only will consumers be better informed, making information on the disciplinary record of practitioners readily available will make it a more difficult environment for those who do not meet the expected standards.

Similarly, provisions in the bill for increased maximum financial penalties as a disciplinary measure are very important. As I said earlier, most building practitioners really want to do the right thing — in fact their business depends on them doing the right thing. Some will not only do the right thing when the consequence of a disciplinary charge is potentially large enough to be a disincentive to poor practice.

The bill provides for stiff maximum penalties of 150 penalty units for individuals and 750 penalty units for corporations. These are stiff maximum penalties, but we should not apologise for that. There is a reason that they are stiff: because they need to be.

Finally, I would just like to speak on the new offences that form part of this bill. These offences will apply to a person or corporation who carries out building work without a building permit or who knowingly carries out building work in contravention of the act, building regulations or a building permit. This is a very important strengthening of the sanctions of failing to comply with the act, regulations or a building permit or of conducting building work without a permit. All Victorians need confidence in the regulation of building in our state, and any registered practitioner who conducts work without or contrary to a building permit gives everyone in Victoria cause for concern. By including new indictable offences in relation to building

works in contravention of the act, regulations or a building permit or building works without a permit this act can restore confidence in the regulation of building in Victoria.

This bill provides for a range of important reforms. I believe they will improve consumers' confidence in building practices in our state. I think in terms of the announcement that we have just made around the Homes for Victorians package — the doubling of first home buyers grants for regional Victorians; abolishing stamp duty for first home buyers on homes up to \$600 000; creating the opportunity for first-time buyers to co-purchase their first home with the Victorian government and, really importantly to me, the creation of the \$1 billion capital fund for social housing growth — it has never been more important that we are able to have trust and confidence in building practitioners than now.

The Andrews Labor government is absolutely committed to providing housing for those who cannot afford it and to providing housing for first home buyers so that they can set up their homes with their families for the rest of their lives. I know with my kids I have always been worried about how we are going to manage that. With education and with higher education contribution scheme debts, being able to get into the housing market has always been a worry for me, but I am worrying a little less now. I really commend this bill to the house, and I congratulate the minister on the great work he and his staff have done.

Mr THOMPSON (Sandringham) — A former Victorian Premier once noted that if you give a person the opportunity to own their own home and to have a job, you have the start of building a good society. In terms of people owning their own home there is the significant question of home affordability and also, in relation to the issue of home ownership, that you minimise to the best extent possible the likelihood in a construction project of there being flaws in construction that add to costs and can lead to half-finished projects. Throughout my electorate there are half-finished projects where there have been matters of building disputation due to the negligent work, perhaps, of a building surveyor or through a builder having undertaken more work, not being able to deliver contracts within cost and facing insolvency, receivership or personal bankruptcy.

In overall terms the context of the building environment also comes within the planning regime of my electorate, and I am pleased to note that in the Sandringham electorate, and in overall terms within the City of Bayside, there is the largest level of neighbourhood

residential zone protection. It is within that neighbourhood residential zone protection — the largest protection in metropolitan Melbourne — that there are many construction projects underway to provide for the increase in population in the local area.

In recent days I have met with residents in Cheltenham, where there had been an overlay, a structure plan that promoted stronger residential growth in a district where the residents preferred to keep a level of development undertaken by builders to two storeys and not more than two dwellings per block, which applies to a wider precinct in the district. Representations will be made to the government to see whether that density of development is possible and for these building projects that will be undertaken whether we will be able to implement the legal requirements that would protect residential amenity in an important part of Cheltenham, which is known as Pennydale by many local people.

On the bill itself, the opposition's lead speaker, the member for Box Hill, has noted the concern regarding the strict liability provisions, which are in the bill at pages 50 and 51. These relate to offences relating to carrying out building work. One applies to the owner of land. It states that they must:

... ensure in relation to building work carried out on that land that a building permit in relation to the work has been issued and is in force under this Act.

The penalty is 500 penalty units in the case of a natural person or 2500 penalty units in the case of a body corporate. There have been concerns raised regarding the issue of strict liability.

New section 16(4) of the principal act states:

A building practitioner or an architect who is engaged to carry out building work must ensure that a building permit in relation to the work has been issued and is in force under this Act.

There is a penalty of 500 penalty units in the case of a natural person or 2500 penalty units in the case of a body corporate. I reiterate the concerns raised by the lead speaker, the member for Box Hill.

New section 16(4A) of the act states:

A builder named in a building permit must ensure that the building work to which the building permit applies is carried out in accordance with this Act, the building regulations and the building permit.

The penalty in this case is 500 penalty units in the case of a natural person and 2500 penalty units in the case of a body corporate. These are significant penalties that are being applied.

There has been an advocate for the domestic building industry within my electorate, Mr Phil Dwyer, who had an organisation called the Builders Collective of Australia. He was advocating for improved outcomes for construction in Victoria. He travelled up the eastern seaboard lobbying very strongly. He was concerned about multiple issues, but one in particular was the limitation of insurance coverage for domestic builders, which involved — if I can get the classifications correct — the death or disappearance of a builder or the folding up of a builder. There were difficult pathways to access reimbursement, and a number of projects were left half-baked, underdone or incomplete.

Another element in relation to the building industry in the southern region of Melbourne pertains to the level and magnitude of infrastructure that supports increased residential development. In those areas along railway corridors, where the act will apply to many dwellings built, there is concern about the provision of associated infrastructure. Melbourne's population is due to double over the next 30 years or thereabouts. Will there be the appropriate infrastructure that supports the increased density of housing? That is a major concern, and there is a very strong call on the part of the Pennydale community in Cheltenham to ensure that there is the development of surrounding infrastructure.

There is a spillover of commuter parking in residential streets close to the Cheltenham railway station and also around the Mentone railway station, but there is no increase in the capacity of car parking for railway commuters in those precincts. I will be calling upon the government to change its plans in that area to ensure that there is a massive uplift in commuter car parking to take the burden off residential streets where buildings will be built under the Building Amendment (Enforcement and Other Measures) Bill 2016, which will enable good work to be undertaken.

Ms WILLIAMS (Dandenong) — Deputy Speaker, it is a pleasure to see you in the chair today.

It is my pleasure to rise in support of the Building Amendment (Enforcement and Other Measures) Bill 2016. As we have heard, in 2015 the Victorian Auditor-General's Office tabled a report called *Victoria's Consumer Protection Framework for Building Construction*. The Auditor-General's office found that the current consumer protection framework does not provide adequate protection for consumers if things go wrong. As many of us in this place will know, especially those of us who have engaged in building projects, they often do go wrong.

In April last year we commenced a series of reforms to Victoria's building system. At that time we decided to pursue a staged process of reform, prioritising the most urgent consumer protection measures. This included the establishment of a new dispute resolution body and the introduction of dispute resolution orders as well as a new streamlined show-cause discipline system, time-limited registration and a number of other measures as well.

This bill before us today continues those reforms and responds to the remaining findings of the Victorian Auditor-General's Office, including shortcomings in the oversight of building permits, inadequate control of the building permit levy, inadequate auditing of building work by the Building Commission and a lack of clarity around the role of local government in the enforcement of the Building Act 1993 in cases where a private building surveyor has been appointed. This bill addresses these findings by reforming the building permits and levy system to ensure a more timely provision of information and remittance of building levies to the Victorian Building Authority and clarifying the role of local councils.

The bill also provides greater regulatory powers in areas where they are needed and stronger offence provisions with much higher penalties as a disincentive to people doing the wrong thing. This is particularly pertinent in light of the recent demolition of the Corkman hotel in Carlton, which rightly caused huge public upset and outrage. I will touch on this a bit later. I will say that I used to, at a different time in my life, frequent the Corkman. I was one of the many Melburnians who was — —

Mr Pearson — Did you drink at the Paris end of the bar?

Ms WILLIAMS — I did drink at the Paris end of the bar, member for Essendon. I must admit that I felt a little bit of my youth lost with the demolition of that building. It is amazing how someone can have an emotional attachment to a place. Clearly the Melbourne community felt that as well, as we saw with the reaction to the demolition of that pub.

To go to the details of the bill, the bill introduces enhanced information gathering and entry powers for the Victorian Building Authority, municipal building surveyors and Energy Safe Victoria. It also introduces new indictable offences carrying heavier maximum penalties to better prevent deliberate contraventions of the Building Act and building regulations — that is, knowing contraventions. These are very serious contraventions and done, as I said, deliberately. We do

know that occasionally these occur. This is incredibly important to prevent actions like those that resulted in the demolition of the Corkman.

For these deliberate contraventions, a penalty of \$93 276 or five years imprisonment for an individual will apply. It is substantially more for a body corporate; it sits at a little bit over \$466 000. Further, if a person is found guilty of one of these indictable offences, the provisions of the Confiscation Act 1997 can apply to ensure that people do not profit from their wrongdoing, and I think that is incredibly important indeed in meeting community expectation. Now these are hefty fines, and they need to be. After incidents like that involving the Corkman, I think the public's confidence in the penalties at our disposal has been seriously dented, and we hope that this restores public confidence in our ability to prevent such acts into the future.

The bill also increases the maximum financial penalties that can apply by way of disciplinary action against a registered building practitioner. These will increase from \$15 546 to \$23 219 for individuals and to \$116 595 for corporations. This better aligns Victoria with the maximum disciplinary financial penalties in New South Wales and Queensland. Importantly, to prevent further events like those that happened at the Corkman, the bill also introduces new powers that allow an injunction to be sought from a court against a person who has engaged or is proposing to engage in conduct that would contravene the Building Act or a person who aids, abets, counsels or procures another person to do so.

This power is wideranging and will enable a court to make any orders it considers appropriate to address the contravention or proposed contravention. This might include, for example, restraining illegal building or demolition work, requiring building or protection work to be undertaken, requiring a building to be rebuilt or maybe even requiring a person to cease trading as a building practitioner or plumber.

A number of other important changes that will better hold individuals to account are included in this bill. For example, the bill contains an explicit requirement that a building surveyor must not issue a permit unless a person is named on the permit as the builder. As it stands the building surveyor is able to issue the permit before the appointment of a builder. This reform is designed to ensure that there is a clear allocation of responsibility over a building project which will enable a regulator to better target enforcement activity. This does not mean that the person named on the permit would be responsible for everything though. That would clearly be unfair if a certain issue with the

structure was outside their scope. Where the person named on the permit was not responsible for the non-compliant work, because it was excluded from the scope of the builder's contract, a regulator would be able to look at enforcement against the person who carried out that particular piece of work. That is obviously the right approach to take.

The bill includes further registration reforms, including the introduction of a corporate registration scheme and financial and personal probity tests so that consumers can have confidence in the builders they engage. It also includes improvements to the register of building practitioners, including with respect to disciplinary history, which will enable consumers to be better informed about their choice of builder. As we know, information is incredibly important when exercising choice. The bill includes an extension of the time limit to prosecute offences as well as improved regulation of building inspections, ensuring the inspectors who perform inspections are appropriately qualified and that inspections are timely and properly documented. The bill includes limits on payment to builders or plumbers who unlawfully perform domestic building work or plumbing work without the required licence or registration. Finally, it includes the introduction of new injunction powers. Those are just some of the measures included in this legislation. I will not touch on all of them in my contribution today.

This bill produces a range of benefits to consumers and offers greater protections from shonky or unscrupulous builders, but equally the bill also benefits registered building practitioners — builders doing the right thing. It does this by offering them protection from unlawful competition from unregistered builders and plumbers and by reducing delays. The bill also offers benefits to building surveyors by reducing the regulatory burden, offering greater flexibility in the deployment of personnel and more.

We have all heard stories about unscrupulous builders. Many of us know someone who has been impacted by the actions of unscrupulous builders, and some of us may have had a bad experience ourselves. In most cases these experiences relate to domestic projects — usually to home renovations that people have saved a long time for and that constitute a significant spend for them as an individual or as a family. They are big investments; therefore, when things go wrong, it can have an enormous impact on individuals, mums and dads and families. It can be financially crippling, not to mention time consuming, confusing, frustrating and all of those things many of us have experienced when trying to navigate building codes and the like. This is why these consumer protections are so important. It is about

improving outcomes for consumers and creating a better regulated and fairer building industry for the benefit of all Victorians, and particularly for those who might be, as it currently stands, less able to protect themselves. With all that in mind, I strongly support this bill and commend it to the house.

Mr CRISP (Mildura) — I rise to speak on behalf of The Nationals in coalition on the Building Amendment (Enforcement and Other Measures) Bill 2016. The Nationals are not opposing this bill. The purpose of the bill is to amend the Building Act 1993 to improve the enforcement of the act, to provide for further regulation of building practitioners and to reform the building permit process and to amend domestic building contracts legislation to further regulate entry into domestic building contracts, to make consequential and other miscellaneous amendments to other acts and for other purposes. This is probably better known as the Corkman bill, because the trigger for this was the Corkman Irish Pub.

There are a number of provisions in this bill that need discussing, and some of them are of concern. The Master Builders Association of Victoria has been in touch with the coalition, and they have concerns around the bill's proposed section 16B, which appears excessive, particularly considering it introduces an indictable offence that carries a maximum of five years jail. This section is drafted very wide and does not go to the scale of the wrongdoing or the actual damage or consequences, although it is acknowledged that the offences at 16B(1) and 16B(3) require knowledge to be shown — that the permit was required and that there was no permit in force. They maintain that an element should have been included where there was significant financial gain. So there are some of those liability issues that have come forward, and the master builders have reflected those.

Similarly the Housing Industry Association (HIA) have concerns about some of the penalties being introduced, with a corporate multiplier for offences as a consequence of the introduction of corporate registration. The HIA recommends an amendment to the bill to limit the corporate multiplier to large companies, with a monetary turnover limit that may be appropriate for this purpose.

Some bits of this bill are of concern. In particular, in maintaining a healthy building industry we need to make sure we have a structure that does not penalise the builders who are doing the right thing or who maybe have just made a mistake. This appears to be a heavy-handed approach. While with the Heritage Bill 2016 the coalition supported greater penalties for the destruction

of heritage sites or for wilful actions — much greater penalties — this bill effectively introduces a strict absolute liability by requiring a party to ensure certain actions which are very onerous in their requirement. This means that where a building practitioner, architect or owner may not have even been aware that there was no permit or that work did not comply with the permit, they would be convicted of an offence.

Similarly, the Scrutiny of Acts and Regulations Committee (SARC) has reported on the bill but not come to a proper understanding of the key infringements on individual rights. The HIA has written to SARC to ask SARC to revisit the bill.

The building industry is very large in Victoria, and it is even more important to Mildura. Both the Master Builders Association of Victoria and the Housing Industry Association have begun running campaigns amongst their members against some of the provisions in the bill. Mildura is an expanding regional centre, and the building industry is an important part of our economy. That is why I think we need to make sure we have the balance right.

There is another area which has some of those heritage factors attached to it that I want to also talk about in relation to the bill, and that is very much to do with house moving. It is certainly part of the regeneration in Mildura as it grows out. You often have an older home that probably belongs in a rural setting which is not so comfortable in an urban setting. It is probably not a heritage building but it is part of Mildura's history and character. What has been increasingly the tendency with these homes is to move them. It is quite a business in Mildura, house moving, and it is very important. They have been relocating houses in the Mildura region for a very long time, and those involved in it have a good relationship with VicRoads and others. The alternative to moving houses is to see them end up in the back of a large tip truck at the hands of an excavator or a bulldozer, which is certainly not desirable.

There is a process involved in shifting a house. Applications to move these houses is via the National Heavy Vehicle Regulator, which is in Brisbane, who refers the application to VicRoads. Until recently the process has worked well because most of these buildings are over 6 metres in width. However, permits to move these buildings are now being declined due to the 6-metre rule. Shifting houses is complex, as I have said. It requires extensive route evaluation, consultation with numerous other authorities — electricity comes to mind — as well as local VicRoads transport safety services officers.

It is a complex process. Videos are taken, measurements are done and these things generally move in the early part of the morning. They have been moved safely and effectively in the Mildura region over a long period of time, and that has certainly helped to maintain some of these character buildings that were probably homes of significant growers from the early days. They can be moved out further onto rural residential allotments.

Many of these homes can be cut, but not down to 6 metres. Many of the buildings are 8 metres or sometimes a little larger. To cut them into 6-metre sizes means, in my view and that of many others, that they are most likely to fall to pieces as soon as the truck tries to move. That is part of this heritage.

As sad as it was to see the Corkman end up on the back of a truck, it is very sad to see some of these homes end up on the back of a truck. That is the reason for moving some of these homes, whether it is to a new subdivision on one of the former horticultural properties or whether it is to within Mildura where there are larger lots of land. As we move to a little bit higher density these buildings can be moved because although some of them are approaching a century old — to use the old phrase, ‘They do not make them like that any more’ — they are generally quite solid.

However, this is something that I will take up with the minister in another forum to ensure that we can continue to get the permits to shift those buildings because, as I said, just like the Corkman, we do not want to see them on the back of a truck and destined for landfill. That would be a great waste and a wasted opportunity because a number of these homes still offer a first home opportunity for people. They generally sell at a quite reasonable price, and if you are young, energetic and have some skills, you can complete a renovation and make yourself a very comfortable home.

Some of these issues are further complicated by something I am sure the Minister for Planning will be very aware of in Mildura — and that is the C89/C92 issue, which is a planning issue. People want to build, and in some places want to move one of these properties into the rural setting where they belong, but because of the ban on housing in the horticultural area, particularly under amendment C89, these homes cannot be taken to a place where they belong for a little longer although they are certainly of an architecture and style that suits the rural setting and are very compatible with a horticultural background.

There are considerable issues that bat on from this bill, ones that I think are very important for Mildura. Just as

some people mourn the loss of the Corkman, there are many people in Mildura concerned about some of our older homesteads ending up on the back of a truck and as landfill. With that said, I will be approaching the minister in the hope that we can continue to shift those houses.

Mr McGUIRE (Broadmeadows) — I would like to take this opportunity to congratulate you, Deputy Speaker, on your appointment and to wish you all the best for the future.

This bill is significant and timely. It continues delivering the government’s commitment to improving protection from home building malpractice and seeks to address the longstanding flaws in the building regulation system identified by the Victorian Auditor-General’s Office as well as addressing other emerging issues with the building system in Victoria that the government has confronted.

Home owners will be relieved to know that the new registration scheme will be backed by clear personal and financial probity criteria. There will also be new restrictions on domestic builders’ entitlements to payment if they carry out work when unregistered. Related to discipline, higher penalties will be introduced and discipline will be strengthened to accommodate corporate registration. These are important reforms that will help people who are dealing with the building of a home, which is often their most significant asset.

This fits into the bigger picture strategy of the Andrews government and how everyday people see where they fit in that and where their interests are being protected and taken care of. I say this bill is timely because it coincides with the Andrews government’s reforms for first home buyers. The Treasurer outlined in his ministerial statement today how this will help provide stamp duty reduction, 50 000 jobs and many other attractions that are in the public interest, and provide great opportunities for first home buyers.

I also want to address the questions that have been raised by the opposition. The member for Box Hill asked about the indictable offences provision and when that would be used. The previous speaker categorised some of the clauses as heavy-handed, which I do not think actually stands up to scrutiny.

In my contribution I would like to go to the issue of indictable offences and make sure that they are contextually understood. It was following the demolition of the Carlton Inn, also known as the Corkman Hotel, that the need for higher penalties for knowingly undertaking unlawful building work became

apparent. The bill creates new indictable offences to strengthen compliance with the Building Act 1993. Indictable offences apply to a person in the business of building who knowingly carries out building work without a building permit or who carries out building work knowing that the building work contravenes the Building Act, the building regulations or a building permit. A person in the business of building includes a person in the business of managing or arranging the carrying out of building work.

The bill provides maximum penalties of five years imprisonment or 600 penalty units, a total of \$93 276 for natural persons, while bodies corporate will be liable to penalties of up to 3000 penalty units or a sum of \$466 380. If found guilty of one of these indictable offences, the provisions of the Confiscation Act 1997 can also apply to ensure people cannot profit from their wrongdoing. That is the proposition — that they cannot profit from their wrongdoing — and this is limited to a specific set of circumstances.

I just want to go to that issue again and the question that is really being raised: will the indictable offences be used to prosecute minor contraventions of the Building Act? The answer is no, straight up. Indictable offences are intended to apply to the most serious contraventions of the Building Act, so I think that should be known and understood. The initial consideration in the decision is whether the evidence is substantial enough to justify the initiation or continuation of a prosecution. The Victorian Building Authority (VBA) will institute a prosecution where there is admissible, sufficient and reliable evidence of an offence against the legislation administered by the VBA. The VBA will update its compliance, enforcement and prosecution policies to reflect the introduction of these new offences.

Put simply, the new indictable offences form part of an integrated suite of tools to improve compliance with the Building Act 1993. Factors that might be taken into account include the severity of the alleged contravention and risks to health and safety resulting from the unlawful conduct. This will apply to people who are in the business of building and who know the requirements of the industry in which they work. The indictable offences have more serious consequences so that the consequences of doing the wrong thing are not treated simply as a cost of business.

This is a critical proposition. You cannot just put yourself above the law and say, 'That is a cost of business, and I will just take that fine', and then move on and avoid any heritage issues or other regulations that would otherwise have applied. The proceeds of crime legislation, or the Confiscation Act, provides for

the confiscation of property and profits made from illegal conduct in certain circumstances. It is a relevant consideration if a person knowingly breaks the law to make a profit, and this is the critical point — that they knowingly break the law to make a profit. A conviction for an indictable offence can lead to the confiscation of that profit and any other property gained as a result of the illegal conduct at the court's discretion. That is how the system will play out. The power to bring confiscation proceedings under the Confiscation Act rests with the Director of Public Prosecutions (DPP) and other authorised persons. The offence will apply in the most serious cases of deliberate non-compliance.

I want to allay some of the fears or the anxiety that have been raised by the opposition by putting that in the context that the bill provides. If the illegal building work is not carried out by a person who is in the business of building, the indictable offence will not apply. Other offences under the Building Act 1993 and other legislation will apply. Appropriate government bodies, including the VBA and the relevant local council, are responsible for enforcing the Building Act 1993. These bodies can issue charges for the indictable offence, which can be prosecuted summarily in the Magistrates Court. The DPP has carriage of the prosecution of indictable offences in the County and Supreme courts. The DPP also has the power to take over and conduct, including terminating, summary or indictable offences in the Magistrates Court.

The government has responded strongly to the alleged circumstances of the Corkman hotel demolition. However, the government is of the view that any circumstances of serious offending under the Building Act 1993 may be more appropriately prosecuted as an indictable offence. This is particularly relevant in circumstances where, for example, the contravention of the Building Act 1993 has resulted in the death or serious injury of a person or otherwise put the safety and health of people who use buildings and places of public entertainment at risk. The government is committed to the indictable offences only being used in appropriate circumstances and in the case of serious breaches of the Building Act 1993.

I hope that puts to rest any concerns about when this will apply, because this is the context and these are the circumstances. There has to be a serious and wilful aspect to a breach that would raise it to this level of significance, so this is not for unintended breaches or misunderstandings. This is a much higher test, and it is clearly in the public interest. For these reasons, I recommend the bill to the house.

Ms GREEN (Yan Yean) — Speaker, it is good to see you return to the chair just in time for my contribution. Thank you very much.

It gives me great pleasure to join the debate on the Building Amendment (Enforcement and Other Measures) Bill 2016. The context of this bill goes back a long way. The Victorian Auditor-General's Office (VAGO) tabled its report entitled *Victoria's Consumer Protection Framework for Building Construction* in Parliament on 28 May 2015. VAGO examined whether the Victorian Building Authority and the Building Practitioners Board were performing their existing powers and functions effectively. The Auditor-General also examined Consumer Affairs Victoria in relation to dispute resolution and the Victorian Managed Insurance Authority's provision of domestic building insurance. The report identified that the shortfalls and weaknesses in the framework are well known, having been the subject of six other performance audits, reviews and inquiries dating back to 2000.

The fire at the Lacrosse building in Melbourne exposed other shortcomings in the existing regulatory framework. Some of these shortcomings have been known since 2000. After I was first preselected, Speaker, at the end of 2001, in early 2002 — and I actually think you might have met the constituents concerned because we were both working in the northern suburbs — there were a number of people who were victims of a builder that went belly up. But before the builder had gone into receivership, for a number of consumers who lived in the then boundaries of the Yan Yean electorate there were serious, serious defects that were not addressed.

I remember advocating as a candidate and, working with others in the north, trying to lobby in support of these constituents. The Bracks government proposed a set of reforms to assist consumers like this, but sadly those opposite used their numbers in the upper house and knocked off those reforms. This has continued to be a problem that has really impacted on the community's confidence in our building industry in this state, which by and large does a good job. But we always need to have effective watchdogs.

It is always those opposite who like to see less watchdogs and less checks and balances on things like this, and they are particularly critical of industry unions that actually stand up for workers in an industry like this, which is a very, very dangerous industry. These unions want to see those who work in the industry remain safe. They also want, for those who live and work in these residences, the buildings being constructed to be safe. We on this side of the house

stand together with those in the industrial movement who want to see this happen.

We do not want to see anything like that which occurred in the Bjelke-Petersen era, for example, when it was open slather for developers who wanted to demolish historic buildings, who wanted to ruin the heritage buildings of Brisbane and other parts of Queensland and who would knock them down overnight. The government and the corrupt police officers that were named in the Fitzgerald inquiry all turned a blind eye to that. We will not have that sort of thing in Victoria. We have got to be really strong as a Parliament and as a legislature to respond to events like the demolition of the Corkman hotel. We do not want those sorts of things to become endemic in Victoria. This bill and other changes that this government has put forward seek to address that.

We also saw these dangers with the fire at the Lacrosse building. Dodgy building products are being imported into this country. As I said before, this endangers those working in the industry if they are working with a product that is not labelled as having asbestos in it and they then find out that it does. Also, not having effective fire barriers, particularly in multilevel buildings, as we saw in the Lacrosse example, is disastrous. I have had constituents who work in the building industry come to me, particularly those who work in the plastering industry, and say that they have been really concerned with the lack of regulation of and commitment to appropriate fire standards.

The Rangeview estate in Diamond Creek has been one of these dreadful stories in a residential sense. It is a medium-density estate, which is a bit different to what is normally seen in Nillumbik. It is in a beautiful environment on the banks of the Diamond Creek. It should be a great location — it is a great location for people to live in — but the renters and owners of those buildings have discovered that the appropriate standards were not adhered to in the construction of the buildings. There are not appropriate fire walls between the residences, so it is a huge problem.

I commend the Minister for Planning and other members of cabinet that have worked to bring this bill to the house. I want to put paid to some of the criticisms that came from the other side, on behalf of leaders of some of the peak bodies in construction who have been concerned about the penalties in the new provisions that replace those in section 16 of the Building Act 1993. I can reassure them that the indictable offences are intended to apply only to the most serious contraventions of the Building Act. This may include circumstances where there are risks to health and safety

resulting from these contraventions. The indictable offence provisions will not apply to minor breaches, which can be dealt with summarily. The offences will only apply in the most serious cases of deliberate non-compliance.

With the strict liability offence provisions, the government's intention is that the offences contained in new sections 16(3), 16(4) and 16(4A) will all be strict liability offences and the defence of honest and reasonable mistake is open in relation to them. It is expected that if a regulator was considering charging a person with a section 16 offence, the regulator would consider any evidence as to whether the person was operating under an honest and reasonable mistake.

The construction industry is incredibly important to this state, particularly as the population of our state is booming. People are moving to Melbourne. They are choosing to move here from Sydney because there are still affordable house and land packages here, particularly in my electorate and on the outer edges of the northern suburbs of Melbourne, which are much closer than the outer suburbs of either the west or particularly the south-east and east of Melbourne. With the provision of good public transport, like the extension of Mernda rail and the business case that we are undertaking to connect the Upfield line to Somerton and to the Craigieburn line, these house and land packages will continue to offer a great lifestyle. With the road investments we have already announced and those that will be forthcoming, this is really important.

The building and construction industry also provides enormous numbers of jobs in my electorate. We want to continue to see growth in construction and growth in our infrastructure projects building those houses but also providing jobs for locals. I am absolutely rapt that 10 per cent of the jobs that will be created are to be set aside for trainees and apprentices. Unlike what occurred in the Kennett era and in the four years prior to this government, we do not want to see the number of trained building practitioners drop. We do not want to see a shortage of these and we do not want to see young people not having pathways into construction work in particular.

I know that this will give home owners a greater level of confidence, and I think they want that level of confidence, knowing that they are going to get extra support when building new houses outside Melbourne with a doubling of the first home owner grant and also the exemption from stamp duty for first home owners. Those opposite have been saying, 'Why don't you do these things?'. We are actually doing them, and now we are regulating and ensuring that we are going to

have a better construction industry and better regulation in this state.

Ms COUZENS (Geelong) — Congratulations on your election, Speaker. I put on record my congratulations to the Deputy Speaker as well.

I am pleased to rise to speak on the Building Amendment (Enforcement and Other Measures) Bill 2016. I begin by congratulating the minister on the work that has been put into the bill. The bill continues to deliver on the government's commitment to improve protection from home building malpractice and seeks to address the longstanding flaws in the building regulatory system identified by the Victorian Auditor-General's Office, as well as addressing other emerging issues in the building system in Victoria.

The timing is great, given the recent announcements of the increases in the first home owner grants and cuts in stamp duty. I know this will increase building activity in my electorate of Geelong, and I know there will be many families, particularly young families, that will be able to access that. At the same time they will have more confidence in appointing a builder, because they will be able to find out a bit of history on that builder and find out whether they are suitable to build their property.

The aim is to provide a regulatory system in which consumers, building practitioners and industry can have confidence and which will deliver better outcomes for all Victorians. I am aware of many issues raised by constituents in my electorate who have experienced building malpractice. Some years ago I worked as a consumer advice worker and often had people complain to me about shoddy building work or builders who had not obtained permits — all those issues — and often represented them at the Victorian Civil and Administrative Tribunal to try to resolve their matters. But many of the bigger issues were not easily resolved, so I am sure that people in the electorate of Geelong will be very happy that this bill provides even more consumer protection, which is really important.

The bill addresses longstanding flaws in the system and in particular responds to the remaining findings of the Victorian Auditor-General in relation to building practitioner registration, the building permit levy system and the role of local government. It also demonstrates the government's commitment to respond to emerging issues, such as the Lacrosse building fire in 2014 and the recent demolition of the Corkman hotel in Carlton. It is criminal what happened there. Developers who think they can do

whatever they like need to think again, because under this bill they will be severely penalised.

The bill provides greater regulatory powers in areas where they are needed. Stronger offence provisions with higher penalties are intended to act as powerful disincentives to people who do the wrong thing. New indictable offences are being inserted into the principal act, which apply to a person or corporation who knowingly carries out building work without a building permit or knowingly carries out building work in contravention of the act, the building regulations or a building permit. As indictable offences, any contraventions will be subject to the provisions of the Confiscation Act 1997. A penalty of \$93 276 or five years imprisonment will apply for an individual and \$466 380 for a body corporate. Stronger injunction provisions will allow courts to make any orders they consider appropriate with respect to a person who has contravened or proposes to contravene the Building Act 1993, or any person who aids, abets, procures or counsels such a contravention.

The bill introduces the registration of corporations as building practitioners, not just individuals. There will also be new restrictions on the entitlement of domestic builders to any payment if they carry out work when they are unregistered. There will be new entry and information gathering powers. The information gathering powers will give the Victorian Building Authority (VBA), municipal building surveyors and Energy Safe Victoria similar powers to other regulators, such as WorkSafe, to gather information and enter premises. New entry powers will enable evidence to be seized and samples taken. There will be restrictions on entry into private residences and other safeguards, including a requirement to keep a register of entries.

Certain people will be required to be named on a building permit as a builder and will be under a duty to ensure building work complies with the act, the building regulations and the building permit. The role of local government will also be clarified where a private building surveyor has been appointed. The building permit levy system will be strengthened to include new checks. A building permit number will be issued by the VBA only after the building permit levy has been paid, and the number must be included on the permit.

Building surveyors will be able to more readily refer work to other building surveyors, provided the person who appointed them consents to the referral. Registered corporate building surveyors will have to designate a registered individual to undertake the relevant building surveyor functions. Who can carry out certain work on

behalf of the building surveyor will also be more tightly controlled. Building notices and orders will be able to be served more easily, particularly in large buildings. In apartment blocks the owners corporation will be able to be held responsible for repairs to the building, reflecting that the owners corporation typically holds insurance over the whole building.

The period in which offences can be prosecuted will be extended to two years from when a regulator first becomes aware of the offence to up to 10 years from the date the offence was committed. This reflects the fact that offences at the Lacrosse building could not be prosecuted because the period of limitation had run out.

Consumers will benefit from improved and accessible information on a building practitioner's registration and disciplinary history, which will be on the VBA website. This will assist them to make more informed decisions about their choice of a building practitioner. They will be able to check on builders before they engage them to do building work for them. As I said earlier, we will see an increase in building throughout our communities, in particular in Geelong, which will benefit people who are entering into first home ownership, particularly as a result of the introduction of the increase in the first home owner grant and the cuts in stamp duty.

I want to make sure that my community is protected as well as it can be when young families are going out appointing builders to build their first home. First homes are quite significant for many people. It is a big investment for a start, and for a lot of young families it is the first home they will buy. To avoid ending up with a building that is not fit for purpose and not what they deserve to have, people need to have protection to ensure that when they do appoint a builder, that builder is going to do the right thing. We know that there have been a lot of shonky builders in the community, and Geelong is no different from other places in Victoria. There have been major concerns about the work that they do — the fly-by-nighters — particularly on the homes of elderly people, who are quite vulnerable. They are the sorts of people we need to protect consumers from, and I think this bill goes a long way in doing that.

With the increase in building that is going to occur due to the first home owner grants scheme, I think our communities will be on alert once this bill goes through the house and people are more aware of what their consumer rights are. We have a great Minister for Consumer Affairs, Gaming and Liquor Regulation who makes sure that that information gets out to people. I am sure that she will be doing a great job in ensuring that people, particularly vulnerable people and young

families, are very much aware of what their rights are and what the penalties are for those who do the wrong thing. I commend the bill to the house.

Mr PEARSON (Essendon) — I would like to take this opportunity to congratulate you, Speaker, on your ascension to Speaker of the house. I checked with the Clerk earlier today, and I believe this was the first time a ballot has been used to elect a Speaker since Sir Kenneth Wheeler's time, and I think that would have been either in 1973 or 1976, because Sir Kenneth was a former member for Essendon — —

Mr Pesutto interjected.

Mr PEARSON — My advice was that it was actually Sir Kenneth Wheeler in 1973 or 1976, but I stand to be corrected by the member for Hawthorn if I have that wrong. Any which way, whether it was back in the 1970s or back in the 1990s, we are in the 21st century now, Speaker, and I congratulate you on your ascension.

I am delighted to make a contribution in relation to the Building Amendment (Enforcement and Other Measures) Bill 2016. This is an important piece of legislation. Melbourne is growing at 100 000 people per annum, and has done so for the best part of 20 years. There is a need for the state to intervene and to regulate where there is evidence of market failure — for example, the Lacrosse building's eruption in flames in 2014 or the demolition of the old Carlton Inn or Corkman hotel, which I understand was a former stomping ground of the member for Dandenong, as it was for me in the early 2000s when I was studying for my master of business administration. Indeed I suspect that the member for Eildon as well was known to sneak in a cheeky frothy at the 7.30 break. It was a great shame to see that happen. Obviously where there is market failure there is a need to look at regulating.

One of the reasons we need to do this is the fact that property taxes bring in around \$9 billion per annum — that was what was projected in the 2016–17 financial year according to last year's budget papers — which is roughly about 15 per cent of the state budget. That requires a certain level of integrity in the way in which property taxes are collected and the way in which the building and construction industry operates. You cannot have a situation where dodgy or shoddy works that are not up to scratch or standard ultimately undermine the integrity of the system, which then sees a reduction in taxation revenue, leads to additional claims or leads to a reduction in population growth.

Although some opposite are against population growth, or would seem to be given their previous pronouncements, the reality is that one of the reasons why our economy is going so strongly, and one of the reasons why Victoria's state final demand is the highest in the nation, is that more and more people are voting with their feet and are coming to Melbourne from either interstate or overseas. That means what we have to do is make sure that we have some robustness and integrity in the system in order to ensure that revenue remains a significant contributor to the state economy.

I mentioned earlier the destruction of the Carlton Inn. The reality is what this bill will look at doing is ensuring that heritage buildings are protected. One of the issues is that while a fine of \$900 000 for the destruction of a heritage-listed property is not an insignificant sum if the uplift you could achieve might run into the tens of millions of dollars, then clearly a fine of that nature is inadequate. Just as I was pleased that this bill has come in now to ensure we do not have another instance like the demolition of the Corkman hotel, I am similarly focused on ensuring that this does not happen to the Burvale Hotel because, as you and I know, Speaker, the Burvale is now heritage listed. I think back to the 1990s and the times when I spent my payday drinking at the Paris end of the main bar of the Burvale Hotel. That was a great joy and pleasure, and it is something that I hope many generations of Victorians get to experience subsequently because I think this is important. I would hate to see the late 1960s architecture of the Burvale Hotel go the way of the Corkman. I think that would be a great tragedy.

Turning to the bill itself, new section 171D, 'Personal probity requirements', puts requirements in place so that if in the time line of the last 10 years a person has been convicted or found guilty of any offence involving fraud, dishonesty, drug trafficking or violence that was punishable by imprisonment for six months or more, or has been convicted or found guilty of an offence under any law regulating building works, basically they cannot practise. I think that is an important step to ensure the integrity of the system.

Similarly new section 171E, 'Financial probity requirements', relates to ensuring that the people who go into business have met the requisite financial requirements. Again, this is about making sure that we do not have instances where people who might be running the risk of trading insolvent or have a bad financial history then find themselves unable to complete the work that they have been tasked to do. I think these are important steps because we have got to make sure that there is a certain robustness and integrity in the system. If you are looking at overseas investors,

people investing in the state of Victoria need to have some sense that what they invest in will be a quality product and will not be devalued or diminished because of poor practices or shoddy construction — all those sorts of issues. These issues will arise from time to time in any event. It is the nature of these things that there will be some people who, for whatever reason, are unable to do the job as well as they could, and there will be some problems, which is why we have the building warranty regime in place and why we have seven years as the horizon in which work needs to be completed. It is about making sure that we have a set of circumstances whereby we try to minimise the number of instances of those failures.

New section 228H refers to the seizure of electronic equipment. I think this is a sensible measure. The reality is that most practitioners are not likely to be conducting the work with pen and paper; they will be using laptops or other computers and they might be storing their documentation in the cloud. So there is a need, if a warrant is being executed, for that document to be accessed to help enforcement agencies do their job. I think that is a very sensible measure. Again it is about making sure that legislation that is brought to this house reflects the times in which we are living and that we have got an appropriate response to the practical realities of doing business.

I note too that there is a new section 192(A) about designated bushfire-prone areas. This has obviously been quite a contentious issue, both in relation to Black Saturday and more recently with the Wye River fires. The reality is that once upon a time you could carve out a bit of dirt, you could build a house and you would hope that you would not be lost in a blaze; you would hope for the best. Those of us who can remember Ash Wednesday would recall seeing the fires on the Surf Coast and how a lot of Lorne got badly damaged as a result of Ash Wednesday, and places like Aireys Inlet as well. Wye River is a more recent phenomenon, but it is about making sure that we identify where there are these problems or these issues and there is an opportunity for the state to intervene to provide some comfort and reassurance to people that you cannot buy in these areas and you cannot build in these areas because of these potential problems and issues, thereby providing that level of protection.

So it is a good piece of legislation. It is a very thick piece of legislation I know, and I felt quite guilty when I grabbed the bill itself. I have made sure I have not written in it so that others can use it as well, but I think it builds on the work that was announced on the weekend about trying to understand that we can make housing more accessible and more affordable and

ensure that we have got some integrity in the system. The reality is that having access to property is one of the best ways that people can get real wealth — real liquid wealth — and create real wealth for themselves, and we have got to try to make sure that if we are fair dinkum about being a progressive society, that we have the opportunities to make sure there is that level of integrity in the system.

Speaker, congratulations on your elevation. I commend the bill to the house.

Ms WARD (Eltham) — Speaker, may I join with the member for Essendon in congratulating you on your elevation. It is terrific to see you in that chair, and I know that you will be a very fair, impartial and good Speaker.

I rise to support the Building Amendment (Enforcement and Other Measures) Bill 2016. This is a very good bill. It addresses a number of issues that have come out of the Victorian Auditor-General's Office (VAGO) report and will improve protection from homebuilding malpractice and address the longstanding flaws in the building regulatory system identified by VAGO. It is great that this government and the minister are actually listening to recommendations that are being made and are creating policy and legislation that will help act on them.

Speaker, with your indulgence I would like to talk about a recent experience in my own community within my electorate of Eltham, within the suburb of Eltham, where we have had a developer who has caused quite a deal of stress to a number of people in my community and who on Monday was taken by Nillumbik Shire Council to the Magistrates Court and was fined \$30 000 — a record for my municipality — for the illegal removal of trees, as well as having to pay \$8000 in costs.

What this developer did was put in an application for units on a block that had been subdivided. The Nillumbik council rejected that with the support of residents. It went to VCAT; VCAT also rejected his units application — I believe the number was four — and he went and built three units. As I understand it, once the permit expired he put in a new permit application, again for four units, and then a week later it would appear he proceeded to chop down 12 protected trees on that block. So this was a developer who was deliberately trying to nudge the system, if you like, to allow him to make the maximum profit from his block regardless of the environmental effects of him actually doing this. I am very, very pleased to know that the Magistrates Court has actually fined this developer, and

I hope it is a very important lesson to him that you cannot just come in and ride roughshod over a community, over a community's expectations, over the appearance and general environment of the community solely for the purpose of making a profit.

This was a gorgeous treed block. This was a block that used to have a tennis court on it. The fence was covered in vines. There were shrubs, there was bush, there were the 12 trees — it was heavily vegetated. You could not actually see what was on that block. Now it is a wasteland. There was yellow box, all sorts of different varieties of trees have been removed by this developer, who appeared to have no conscience about his actions at all. He has also erected a fence which is contrary to the wishes of local residents, and through the instructions of Nillumbik council he has had to cut holes in his fence to allow native animals to flow freely in and out of what was a very green and safe place for them to be.

The block is right by the Diamond Creek, so as you can imagine, Speaker, it is a gorgeous environment, a part of Eltham that is relatively untouched in terms of development. We need to ensure that we do have legislation that helps protect communities from developers who actually do not respect the communities out of which they want to make a profit. I understand that developers want to make money, that they do want to have a business model that works and is feasible, that is healthy and strong, but they also need to understand that the money they make out of a community cannot be at the cost of a community. So I am pleased to see within this legislation that there are stronger injunction provisions, which will allow courts to make any orders they consider appropriate with respect to a person who has contravened or proposes to contravene the Building Act 1993 or any person who aids, abets, procures or counsels such a contravention.

We really need to send a clear message to developers, to people who are making a profit out of our communities, that they need to take the community's expectations into account. They need to take the community's desires into account, and they also need to take the overall overlay of a community into account. You cannot go in and ride roughshod over a community solely for the purpose of turning a profit. I understand that this developer has also cut someone's driveway in half and is challenging an easement as to whether it is 1.7 or 1.5 metres. Speaker, as you can imagine this has caused considerable concern not only for the person whose driveway this developer is encroaching upon but also for my wider community.

These are challenges that we do have to face as a state with such strong growth. When we have got a state that is growing in population at the rate that this city and this state overall are, we do have to ensure that we do have adequate housing, and we have to ensure that we have affordable housing. So it is important that we do have legislation that reflects the need to increase our housing.

May I say, Speaker, I also echo the member for Essendon's comments, which I often do — I often agree with the member for Essendon. There are some things that we do not always see eye to eye on, but there are a great deal of things that we do see eye to eye on. I have to say that his fondness for the Angels is also shared by myself; however, his passion for his Bluebird, I have to say, I do not share with him. However, I do digress. I support the member for Essendon in what he was saying about the affordable housing strategies that this government has brought in and which were discussed in question time today.

It is very, very important to have a government that does respond to the needs of a community and does respond to the housing needs of a community, because once you have got shelter, once you have got a safe place to live, you can do so many other things in your life. It makes it easier for you to be educated. It makes it easier for you to have a job. It makes it easier for you to be healthy. So many other things in your life start to fall into place once you have a secure place and home to live in.

So by removing stamp duty for new first-time home owners, by increasing the assistance that is given to people buying their first home in regional Victoria, by putting a 1 per cent additional tax on homes that are actually left vacant in order to encourage people to lease these homes so that more rental properties can become available — and the astronomical rents that we are currently seeing will hopefully lessen a bit — by having such farsighted policies, by really thinking outside the square and responding to community needs this government is doing the right thing, and this is a very good government that is being strong in its response to addressing the housing shortage that we currently have.

It is something that we cannot sit on our hands about; it is something that we have to act on now. We cannot have four years of inactivity, of not addressing population growth, of not addressing the housing shortage and of not addressing affordability. We do have to put things in place, which is what this government is doing. So we have created legislation that helps strengthen communities and helps strengthen the government's hand in trying to curtail the

overzealousness, or the overreach, of developers and so on, and at the same time we are also creating policy and creating legislation and creating funding that will help people afford their first home.

I know this is another experience that the member for Essendon has probably had, along with me. My parents struggled really hard to get their first home; they had to work incredibly hard. But the percentage of their income that was required to actually buy that first home is nothing compared to what is required now. I think we are looking at something like 17 to 20 times the annual income that is now required to purchase a home as opposed to when my parents were purchasing their first home. It is a huge shift in affordability. It is not, as is commonly said by some people, that people today want the palace: that they want all their furniture, all their garden done, everything — the whole kit and caboodle. They do not. They just want a house, and they want a house that is near services. They want a house where they can get to schools, where they can get to their jobs and where they can get the health care that they need. This is a government that is investing in infrastructure, that is investing in jobs and that is investing in housing affordability. We want this state to be strong, and that is exactly what this legislation will do. I commend the bill to the house.

Mr HOWARD (Buninyong) — Speaker, it is terrific to see you in the chair. I congratulate you on being elected earlier today as the new Speaker in this house. I am sure you will, as others have said, carry out this role with distinction, and I look forward to working with you over the coming years.

I am pleased to speak on the Building Amendment (Enforcement and Other Measures) Bill 2016 that is before the house, because it does reinforce that this government is serious about following through on ensuring that building is a good experience. We know that the building industry is a very, very important industry. On the one hand it supplies jobs to so many people in my electorate, and on the other it provides people in my electorate who are hoping to build new homes with dreams. We want to see that those dreams are delivered appropriately and that those dreams do not become nightmares.

Most MPs in this house would have constituents who have come to them to share negative experiences about housing. Fortunately those instances are, in my experience, in the minority, and most of the building companies that work across the Ballarat region and across my electorate seem to be doing a very sound job. For my first time ever, I built a new home last year, and I was really delighted with the outcome, working with a

local Ballarat builder, JG King, that completed my home on time and to my expectations. They were a pleasure to work with.

Mostly people will have good experiences, but we do know that that is not always the case. We have heard that the Victorian Auditor-General's Office undertook a review of the building industry and found that there were many issues that need to be addressed. I am pleased to see that this government has already enacted a number of the recommendations made by the Auditor-General. This bill follows through on other recommendations that needed to be introduced. Clearly within the building industry we want to ensure that we strengthen and clarify the role of the Victorian Building Authority and that councils, in their role of overseeing building construction in their areas, are clear about their role and are given the strength to ensure that they can do that role appropriately.

In this bill, as we have heard from other speakers, we are tightening regulations where the Auditor-General has recommended they needed tightening. We have picked up on other issues that have come to the government's attention in recent years that are new issues that we need to follow through on. We have, where necessary or where it is appropriate, proposed to increase penalties where people have done the wrong thing. Also in this bill we are ensuring that more relevant information is provided in the public domain so that people who are undertaking building can know as much as possible about their proposed builder and be confident that any information that is known about builders who have not done the right thing is available to them and they do not find out too late that they have appointed a builder who has previously caused grief to others for whom they have worked.

There are many provisions in this bill that will ensure that all people who build a house are clear about their expectations and can feel confident that the quality of the building will be overseen appropriately and that the builder who they engage — the name of the registered builder — will be the person who is responsible for building their house. If something goes wrong, redress will be able to be served against the registered builder. Likewise, where building inspectors are required to carry out appropriate inspections, this bill clearly sets out that those building inspectors need to be appropriately registered; that they cannot send out their assistant if they are busy; that it always has to be a properly qualified person who carries out an inspection; and that those inspections have to be carried out at the appropriate times that are mandated. If the builder does not call the inspector to undertake the inspections at the mandated time, then this bill provides that the building

inspector has a role to report those late referrals. We want to make sure that that inspection system is followed through clearly and that anybody who is having a house built will be able to be confident that the construction of their home is undertaken appropriately.

Others have spoken about the Corkman hotel in Carlton, which people across this state would know was demolished suddenly overnight without permits being issued. As somebody coming from a historic town, I want to ensure that nobody can demolish any buildings of historic significance — or any buildings across Ballarat for that matter — without the appropriate permits being in place, and that if they do, we can take action against those people who have done the wrong thing and know that the courts are in a position to take action against them to seek appropriate redress and to fine them appropriately.

In talking about our historic buildings in Ballarat, I cannot help but say how wonderful it was last Saturday night when White Night came to Ballarat and featured our historic buildings in Lydiard Street, Sturt Street and other parts of central Ballarat so impressively with the lighting displays. Over 40 000 people flocked to Ballarat on Saturday night to appreciate those historic buildings and experience the excitement that White Night, which was being held outside Melbourne for the first time, provided in the City of Ballarat. Those buildings — whether it be Craig's hotel, the mining exchange, the Bank of New South Wales building opposite or the Pitcha Makin Fellas, which had a fantastic visual display — highlighted how fortunate we are to have historic buildings in Ballarat and of course in other parts of Victoria. We need to make sure that those buildings are appropriately protected and that there are significant penalties in place for anybody who does the wrong thing.

I also note that last Friday I had the pleasure of the Premier and the Treasurer coming to my electorate in Buninyong to meet with two people who are looking forward to building a new home. At that time the Premier and Treasurer announced that first home builders in regional Victoria will now be eligible for not just a \$10 000 grant but for a \$20 000 grant from the state government. We have since heard that further concessions in terms of stamp duty will be available for first home buyers. This government is clearly giving hope to young people, people who have not been in a position to own their own home before, and providing them with a greater opportunity to actually move into the home ownership market. It was a fantastic announcement. The couple who are planning to build their home in Mount Pleasant, together with many

others, will benefit from the great opportunities the government is providing.

This bill will ensure that when people build their first home, or even their second home, they can be much more confident in appointing a builder. It will be a great experience for them. They will come out the other end excited that they own a new home. I am very pleased that this government has worked methodically through the Victorian Auditor-General's report and has taken into account the other information that has come to its attention about rorts in the system or misuse of the building code in the past. It will ensure that we are doing the right thing by people who build in the future.

Ms SHEED (Shepparton) — Speaker, firstly, I congratulate you on your election to this position and wish you all the best as time goes on.

I am pleased to make a contribution on the Building Amendment (Enforcement and Other Measures) Bill 2016. Melbourne is expanding, and new suburbs are proposed. There will be a great deal of new housing under construction over the coming years, and a lot of this will be in the new growth areas around Melbourne. When I drive into Melbourne I often feel regret when I see so much of our rich agricultural land going to buildings.

I often drive down Somerton Road. It is up on a hill, and you look out over the city of Melbourne; it is a truly magnificent view of Melbourne. Up until recently, when you looked down that hill you would see a wheat crop in full growth in November and December — golden, blowing in the wind and truly looking wonderful. It will not be long before that is just another housing estate, and it is one of the very regretful things about development, about the spread of our cities that is taking place. I think many of the members here who drive in from the country have noticed over the years that encroachment onto what is rich agricultural land.

The loss of that land is something to be taken into account, and it should be reflected in the policies of government when it comes to density issues and perhaps building more buildings in cities along our public transport routes. I know that that is under consideration, but the loss of agricultural land in areas where we have plentiful rainfall is truly significant. No irrigation is needed to grow that crop on Somerton Road; it is on a hill. Think about Werribee, a suburb that has been renowned for its market gardens since the early times of settlement. Farmers there are looking further out of Melbourne to find land that will be suitable to grow the crops that they once grew on that very rich land.

While this bill contains a range of provisions which implement a package of measures to improve dispute resolution, registration requirements and disciplinary processes, it also strengthens sanctions for certain conduct. A number of the amendments respond to findings of the Victorian Auditor-General.

I am pleased that dispute resolution will be made easier and will be improved. I know from personal experience how important conciliation conferences at an early stage of any sort of litigation can be, and the opportunity, particularly when it comes to disputes around building, which are often incredibly complex and very protracted, is very important. So I am pleased that the bill addresses this in some way.

Among other things, the bill responds to the recent demolition of the Corkman hotel in Carlton. The bill strengthens regulatory powers to enable the Victorian Building Authority and other regulators to take a more powerful position, and it provides for more offences with higher penalties so as to act as a powerful disincentive to people who do the wrong thing.

The preservation of our older buildings is very important, and it was interesting to see the level of outrage in the community when the owners of the Corkman proceeded with that demolition. I think people really value our heritage buildings, and with many of our older buildings I believe people in the community have a sense of ownership of them, even when they belong to private individuals or corporations.

I would like to talk about Shepparton for a minute. Shepparton had a very different history from cities like Bendigo and Ballarat, which were part of the gold mining boom, so as a result of that, those cities have ended up with some truly magnificent buildings that are still there and are truly valued. Shepparton was born out of an agricultural community. It did not have the benefit of a mining boom and the wealth that led to that sort of building occurring in the early days. Shepparton is surrounded by fertile soils, it has plenty of sunshine and up until more recent times I would have said it had plenty of water. The irrigation was pivotal to the growth of the area and to the development of wealth in the area.

It is a great shame that we are faced with a situation where because of government policy we are effectively in a government-induced drought as a result of the Murray-Darling Basin plan. Just last week the Minister for Water here released a socio-economic impact statement on the impacts of the Murray-Darling Basin plan since it commenced in 2012, and those impacts have been significant. It is quite clear that our dairy industry is at a tipping point, and should a further

450 gegalitres of water be taken out of our community, it could have very serious impacts and change the face of our communities. We have already lost many dairy farmers from our industry, and that depletes populations in our towns.

In a city like Shepparton there are a number of older buildings, but not many, and it was in 1974 that the Shepparton post office, a grand old red-brick building with a clock tower, was demolished. People still bemoan the fact that that building was demolished, and it was replaced by a very ordinary 1970s brown-brick building, which still sits there. It is no longer the post office. Our post office is really like a lot of the ones you see around the city now — just little buildings providing a fairly basic service.

I heard the member for Mildura speaking about older homes in his community, and of course there are many homesteads and homes that are truly wonderful buildings. They show us the heritage of our rural development over a long time. I was really quite sad to see in yesterday's *Australian* an article about how a number of properties that have really formed the basis of the merino sheep industry in this country — Wanganella, Peppinella and Boonoke in the southern Riverina — are all up for sale as a package to foreign ownership. These properties are such a pivotal part of our history, particularly during the last century.

I grew up in the town of Jerilderie in the southern Riverina, and those properties are probably a bit before my time, but they used to employ 20 or 30 people. They had their own butchers and bakery shops. They formed a rich part of the social network of the local town. These things have changed significantly. We have seen the very substantial loss of the Kidman properties to overseas ownership. It is so important that these buildings — wonderful shearing sheds, wonderful homesteads on these properties — be preserved. There is a real fear across Victoria and New South Wales that places and homes like that may get neglected and not caught up in the rush to preserve heritage buildings, as they are in our cities and towns.

I am pleased the government is taking the step of increasing penalties and making it much more difficult for people with little or no regard for our heritage to behave as has happened in our community from time to time. For years we have heard complaints of poor-quality buildings and a lack of redress available to people who are the victims of shonky or poor-quality building. The building list before the courts has always been a busy one, and it is most unfortunate that people have to resort to litigation to try and get some sort of redress when they find themselves in a situation where

the builder has done the wrong thing by them. It is pleasing to see that the registration requirements will insist on individuals and corporations passing various tests, and in the case of individuals they must be fit and proper persons.

The government has made announcements in relation to stamp duty relief and increased grants for first home buyers. I think we can anticipate that this will have some impact on the construction industry and that there will be a lot more homes being built. I certainly hope that that is the case in cities such as Shepparton. I am pleased that this legislation will provide a higher level of protection for those people entering the housing market, particularly first home owners. For them to find themselves in a dispute with a builder is just gutting and not something that they need. They have usually struggled very hard to get together the money they need for such an opportunity. They do not need conflict and they do not need litigation; they just want to move into their home and start living. For all of these reasons, I support this bill and commend it to the house.

Ms BLANDTHORN (Pascoe Vale) — I also congratulate you, Speaker, on your appointment. You are certainly someone of great integrity, and I am sure you will bring great dignity to the role that you are now in. I wish your family could be here to share it with you. I know they will be very proud of you. Congratulations.

I am very pleased today to speak in relation to the Building Amendment (Enforcement and Other Measures) Bill 2016. As someone who represents a very fast-growing community, bills such as this one are particularly important to how we see the development of our city and our suburbs and, as the member for Shepparton has just outlined, beyond our suburbs and into regional Victoria. The community that I represent in Moreland and in my particular patch of the district of Pascoe Vale is one of the fastest growing communities in Melbourne. There is much talk about and concentration on policy development at the current point in time in relation to how we can better plan and build our new suburbs, particularly those on the suburban fringes of outer Melbourne. Statistically speaking, Moreland is one of the fastest growing communities. It has one of the highest birth rates, and it certainly has a lot of people looking to move in and call the Moreland area home.

Certainly where we have previously had big houses and suburban blocks, they are more and more often giving way to townhouses and units — one house gives way to three, four, five or six townhouses or units. For an area that was previously very dense in industry, both light

and heavy manufacturing in particular, those bigger blocks are giving way more often than not to new apartment dwellings, and at times hundreds of apartments are going into one place at a time.

I am certainly not someone who is anti-development. I am a very firm believer that we need to have a range of housing options that meet the range of demands that our community have, that families in Victoria have, for the way they need to live or want to live, whether they are a small family or a big family, whether they are somebody with special needs or whether they are somebody who has a busy lifestyle and would like an apartment rather than the traditional suburban blocks that used to make up the district of Pascoe Vale more often than not. But at the same time, we have to have communities that are properly planned, from the way in which we allow those houses to be built through to where we allow them to be built and the types of services that we ensure are built around those developments.

Certainly there are positives and negatives to development. As a consequence, one of the most common complaints that I see coming through my door is in relation to building development. It can relate to building sizes, it can relate to things like accessibility and it can be about fences, demolitions, the rate at which buildings are going up or poor planning. Whatever the reason, the common thing among many of the complaints that come through my office is the building that is taking place in the area. So this bill is particularly important because it seeks to provide a regulatory system in which consumers, building practitioners and industry can have confidence. As such, it also hopes to build a system in which all Victorians can have confidence, a system in which the Victorian people are put first.

We are addressing longstanding flaws in the system, and in particular we are responding to findings of the Victorian Auditor-General's Office in relation to building practitioner registration, the building permit levy system and the role of local government. From my perspective the role of local government is something that in particular needs to be clarified.

This government is also responding to events, as others have also mentioned, such as the Lacrosse building fire in 2014 and the recent demolition of the Corkman Irish Pub in Carlton. As did the members for Essendon and Dandenong, I too can add myself to the list of people who have previously sat at the Paris end of that bar. I can go one further. I am a former University of Melbourne student and was quite active in the student union — at the time I was president of the student

union — and we actually considered buying the Corkman hotel. Perhaps we would not be here today if that had proceeded.

The key measures in this bill are that new indictable offences have been inserted and apply to a person or a corporation who knowingly carried out building work without a building permit or knowingly carried out building work in contravention of the act. As someone before me has said, too often we have seen people who simply build into the cost of their building projects the consequences of doing the wrong thing. No longer will doing the wrong thing simply be a cost of doing business. There will be penalties of \$93 000-odd or five years imprisonment for an individual and \$466 000 for a body corporate.

There are also stronger injunction provisions which will allow courts to make any orders they consider appropriate with respect to a person who has contravened, or who proposes to contravene, the Building Act 1993, or any person who aids, abets, procures or counsels such a contravention. The bill introduces registration of corporations, not just individuals, as building practitioners. There will also be new restrictions on domestic builders entitlement to any payment for work they carry out while unregistered. There will be new entry and information-gathering powers not dissimilar to those of other regulators such as WorkSafe. There will be the ability to seize evidence and to inspect premises, and people will be required to put names on building permits so that everyone knows exactly who is responsible. And, as I said, the role of local government will also be clarified.

So this legislation is an important continuation of the reforms included within the recent Building Legislation Amendment (Consumer Protection) Act 2016. As many in this house are aware, the building and construction industry plays a central role in the Victorian economy, and it plays a central role in my local community. Not only does this industry provide the bulk of housing options needed to accommodate Victorians — a range of housing options, as I said earlier, needed to accommodate the different needs of different Victorians — the industry also provides the commercial property required by businesses, governments, schools and universities, amongst other industries and sectors, to generate much of the wealth, knowledge and innovation that underpin Victoria's prosperity.

As recent events demonstrate, however, this is an industry that requires strong regulation. Strengthening Victoria's building system, which is what this bill will effectively do, will enforce higher standards and in turn deliver greater fairness, greater safety and greater

accountability in our community. Certainly it is of fundamental importance that all consumers can trust and feel confident that the commercial and residential sectors of the building industry are being held accountable. It is important that the current system is reformed so we can ensure that shameful incidents such as we saw with the Corkman hotel or the Lacrosse building fire do not happen in the future.

In addition this bill provides for greater penalties, which also means people cannot profit from doing the wrong thing. The passage of this legislation will go a substantial way towards changing that. Through the creation of indictable offences, the bill will deter dodgy developers from engaging in untoward activity. The penalties and threat of a jail sentence will also act as a disincentive to ensure people do not carry out work without the relevant permit. The new regulator's powers will also ensure that people are held accountable.

The passage of this Building Amendment (Enforcement and Other Measures) Bill 2016, however, is just one of a range of bills and policies the Andrews Labor government has introduced to strengthen the regulation and standards of Victoria's building system and to preserve our cultural heritage. As was seen with the Corkman hotel, it was not just people such as the members for Dandenong and Essendon and I who had drunk at that hotel or who had some personal affinity with that building and who were upset by that incident, it was something that was felt across the community. I think, as the member for Shepparton very eloquently put it, buildings such as the Corkman hotel, which are symbols of our heritage and the way in which this state has been built over time, serve for people as a reminder of the things we need to protect. We need to make sure we have a system that protects the heritage of Victoria and, where there are developments, that those developments are sympathetic to that heritage.

That is certainly an issue that we are also currently dealing with locally in my community in relation to the development of the Pentridge prison in terms of making sure that, where the necessary development takes place, we do not lose in the process those things that the local community or the state as a whole think are important in the way in which we view our past. So I think this bill is a great measure that will protect our heritage and ensure consumers have adequate protection as well.

Mr PERERA (Cranbourne) — I wish to speak on the Building Amendment (Enforcement and Other Measures) Bill 2016. At the outset I wish to congratulate you, Speaker, on your elevation to your

new role. I am absolutely positive you will serve well in your new role.

This bill is aimed at strengthening Victoria's building system by heavily penalising illegal construction. The cowboy developers who illegally demolish buildings in Victoria will face up to five years in jail. The tougher penalties will include significant fines and jail time for people found guilty of illegal building work.

The Andrews government's latest initiatives, such as increasing the home owner grant in regional Victoria from \$10 000 to \$20 000 and the abolition of stamp duty for first home buyers for properties costing less than \$600 000 and discounts for properties worth \$600 000 to \$750 000 will boost the construction of housing. With these new announcements, the tough measures are a definite requirement to protect the consumers who will be coming into the market to build houses for the first time in their lives with little knowledge of building and construction. The Andrews government is strengthening the building system so all Victorians are treated fairly and can have confidence in the building industry.

On 9 November 2016, in response to the Corkman pub demolition, the Premier announced the government's intention to amend the Heritage Act 1995 to increase maximum penalties for moving, demolishing, damaging or altering anything listed on the state register. There was no permit to pull down this pub nor was there a planning permit for a building to replace it. By the time council inspectors arrived the building had been largely demolished. The city council issued a stop-work order to prevent further demolition, but the crew returned on the following Sunday to finish the job. This is absolutely appalling. This is a very serious matter — that a building which was protected by a heritage overlay should be demolished. The Andrews government said we would review penalties after the Corkman pub was demolished and after the Lacrosse fire so that fines would be a deterrent and not a cost of doing business in Victoria.

A number of high-rise buildings will need to be investigated for fire-prone exteriors after a report into a tower inferno in Docklands exposed the use of flammable and non-compliant construction material. Aluminium cladding from China has been blamed for the rapid spread of a blaze that took just 6 minutes to travel from the 14th floor to the roof of the 23-storey Lacrosse building in November 2014. More than half of 170 buildings audited in central Melbourne failed to comply with the national building code. The Victorian Building Authority (VBA) said this showed a systematic failure to adhere to the rules. As many as 51 per cent of

the 170 building permits investigated between May and December 2015 did not meet the cladding requirements of the Building Code of Australia.

The audit, a consequence of the November 2014 Lacrosse fire, was the first of its type in the country and showed that the problem was a national one. The audit also showed that participants across the building chain failed to understand their requirements to select and apply building materials correctly. The failure to comply was spread along the chain rather than being focused on any one group of participants, such as the surveyors who signed off on the buildings.

To the credit of the Senate, it will investigate dodgy imported building materials following the fire that took hold of the Lacrosse apartment building in Docklands in 2014. The Senate inquiry follows a range of incidents, including windows falling off the new Australian Security Intelligence Organisation headquarters in Canberra and the Lacrosse fire in Melbourne. The inquiry follows consultation between Senators Xenophon, Madigan and Lambie, and the Housing Industry Association, Australian Window Association chief executive, Tracey Gramlick, and other representatives of Australian building product makers. In Melbourne the incorrect use of aluminium-based composite panels featured in several cases of non-compliance was identified by the audit.

This problem is not necessarily about imports and is separate from the Senate inquiry taking place into imported building materials. A sheet of cladding may comply with standards if used for one purpose, such as an internal wall of a building, but not in another case such as an external one. In 2015 Western Australia conducted an audit that revealed non-compliant cladding on buildings in Perth. It is my understanding that no other state has done so. New South Wales has acknowledged the issue as a problem. Unfortunately the federal coalition government has not done much in this space to protect consumers.

The bill before the house is a result of those commitments by the Andrews government to make sure history does not repeat itself. While addressing longstanding flaws in the current building system, the bill also responds to findings and recommendations from an Auditor-General's report relating to building practitioner registration, the building permit levy system and the role of local government. The provisions in the bill relate to a range of issues such as the regulation of building surveyors, the building permit levy system, entry and information gathering powers, the registration of corporations and reforms to practices in the registration system.

A broad level of consultation with the industry has taken place in respect to the measures proposed in the bill. A number of key measures have been included in the bill to remedy the current situation. A person or corporation that knowingly carries out building work without a building permit, or knowingly carries out building work in contravention of the act, the building regulations or a building permit, will be guilty of indictable offences under the provisions in the bill. Therefore, as indictable offences, the provisions of the Confiscation Act 1997 will apply to contraventions.

A penalty of \$93 276 or five years imprisonment for an individual and \$466 384 for a body corporate will apply. Stronger injunction provisions will allow courts to make any orders they consider appropriate with respect to a person who has or proposes to contravene the Building Act 1993, or any person who aids abets, procures or counsels such a contravention.

There will be new restrictions on domestic builders' entitlements to any payment if they carry out work when unregistered. This measure will stop unregistered or, in most cases, less qualified domestic builders from undertaking work. There will be new entry and information-gathering powers. The information-gathering powers will give the Victorian Building Association, municipal building surveyors and Energy Safe Victoria similar powers to gather information and enter premises as other regulators, such as WorkSafe. New entry powers will enable evidence to be seized and samples taken. There will be restrictions on entry into private residences and other safeguards, including a requirement to keep a register of entries. Certain people will be required to be named on a building permit as a builder and will be under a duty to ensure building works comply with the act, the building regulations and the building permit.

The role of local government will also be clarified where a private building surveyor has been appointed. The building permit levy system will be strengthened to include new checks. A building permit number will be issued by the VBA only after the building permit levy has been paid, and the number must be included on the permit. The provisions in the bill are good for consumers and good for Victoria. Registered corporate building surveyors will have to designate a registered individual to undertake the relevant building surveyor functions. I commend the bill to the house.

Mr CARBINES (Ivanhoe) — Can I add the congratulations of the electors of Ivanhoe on your election, Speaker. There has been a lot of commentary about your appointment to this role, but let us be very clear that your election to the role of Speaker by this

house was by acclamation, and I congratulate you. I know that it is not only the people of the Bundoora electorate who have great regard for you and for the work you do on their behalf. It is a great endorsement and affirmation of your contribution as a member of Parliament to assume that role — to be elected to represent us all and the standards in this house. I wish you well in that regard.

On the Building Amendment (Enforcement and Other Measures) Bill 2016, can I say, as past colleagues at Banyule City Council, that I never quite made it to the esteemed role of mayor of Banyule City Council as you did, Speaker, but I know that in our roles as Banyule city councillors we had a lot to do with building amendments, enforcement and other measures.

Of the great risks that people take and the big investments that people make, the biggest investment in their lives is usually the purchase of a family home or a loan. It is the biggest financial commitment that families and individuals can make. When considering whether to purchase a home people can look at certain areas and make that financial commitment, and one of the things they can choose to do is buy something off the plan and then have an expectation as to what they have purchased. They could seek to go down the path of renovations on their property and plan for the future — for children or for other reasons that they might want to expand. I think what is really important is that they feel the law is on their side and that their government of the day and their Parliament are providing them with accountability of tradies.

Of course, Speaker, as a past sparky, you would know the great regard that tradespeople have in the community. This bill is making sure that they are accountable, because good customers and good clients mean a good reputation. When you sit around the dinner table these days, can I say they are a lot more interested when you say you are a plumber or a carpenter or a sparky than if you say you are a member of Parliament or a lawyer or many other tasks — —

Mr R. Smith interjected.

Mr CARBINES — I am not sure what the member for Warrandyte did in a past life, but can I just say that there is a great regard for tradies in our community. They are in high demand, but that also is a reflection, I think, of the fact that in the economy people are keen to invest in their properties. They are keen to invest in places to live, whether it be off the plan or renovations to their property, but what they want to know is that when things go wrong, when things do not go according to plan, the law is there to defend and

advocate their interests and protect their interests. The Building Amendment (Enforcement and Other Measures) Bill is about making sure that we are affirming, defending and advocating the rights of those who make those big investment decisions by holding accountable tradespeople and others for the work that they do so that people feel that they have a recourse and that they have rights when things go wrong.

What I have certainly seen as a resident of Rosanna in my Ivanhoe electorate — the heart of the Ivanhoe electorate — is that many people are undertaking renovations and that most of the houses there were built in the 1950s. Many members of that community are moving on, and it is a new generation of people. Our family is very much that demographic buying those old 1950s houses from the children of those people who built that community in the 1950s. Those places are a bit the worse for wear — I can attest to that — and people are doing their work. They are renovating, they are extending and they are living the life that people did some 65 or 70 years ago, and it repeats itself.

After councils provide a planning permit for construction work to be done people go to building consultants to check on the work for which the permit is given, and they find that the work is not done: that people have not installed frosted windows, that they have not complied with the setbacks of buildings or that they have removed trees that are in tree protection overlays. These are all issues for which people seek redress under the law. And then when they speak to the council, they find that, for example, Banyule planners are not actually responsible for planning approvals and it is actually being done by some consultants on the other side of town. It has not actually gone through their local council. Then they find they cannot get onto the PO box of the building inspector who is meant to make sure that the planning conditions are being complied with, and they cannot get to the bottom of these issues. In the meantime there is stress and there is anxiety for families, not just because they have made an investment themselves in some work that has been done on their property but because there is work being done on the property next door and the builders or the building inspectors have not ensured that the works have complied with planning permits. You end up on this never-ending merry-go-round, trying to get justice and trying to get advice on the way in which you should deal with those matters.

This is happening right across Melbourne. This is happening all the time. I hear these stories. I talk to Banyule council, for example, and ask, ‘Well, how do we get redress here? Why can’t you send people out to have a look whether the work that’s being done complies

with the planning permit?’, and they say, ‘Well, that planning permit was actually issued by someone on the other side of town who never came to us. It is a spec home, a home that doesn’t require the planning approvals from us. There’s some planning consultant who’s dealt with it. We can’t help you’. People are then left thumbing their way through legislation, such as we are today, to get redress and recourse, or they come to their local MP seeking advice.

People need to understand that these are very real matters that are happening in our community. If we continue to not hold accountable builders for the planning permits that have been issued to them, if we do not continue to make sure that building inspectors uphold those planning permits and make sure that people are complying with the law, we will continue to then have upset in the community and angst from members of the community, whether or not they have invested in a renovation of their own or whether they have purchased a property which they are happy with and something has happened next door or across the road for which they feel they cannot get redress. When a planning permit is issued, people should feel, in looking through that detail, that that is what is going to be built either on their house or somewhere nearby. These are the issues that people need some comfort from, and I commend the Minister for Planning for seeking to deal with some of those matters in this Building Amendment (Enforcement and Other Measures) Bill.

Can I say that what is important in this place is that we maintain our focus, not only as a government but as a Parliament, on what matters to people every day in their lives. What matters to people is where they live, what matters to people is their employment and what matters to people is prosperity in their home, of their family and in the community in which they live. That prosperity and that comfort and that reassurance comes from knowing that the government is committed to them and to enforcing the law on their behalf and to making sure that where there is injustice we seek to change the law to provide greater surety for people in our community. It is very clear that too many people are on the wheel of pain, chasing redress in relation to issues that are dealt with in our Building Amendment (Enforcement and Other Measures) Bill 2016.

People do not feel that they know their way around seeking justice and enforcement on these matters. Many of us plough away through these bills, acts, recommendations and regulations. There are so many people in our community who do not have that expertise and are not able to understand these matters. They just think that they should be treated fairly and

reasonably and that they should be supported as citizens in our community. This bill and these amendments go some way to ensuring that there is greater redress in our community for people who find themselves in difficult circumstances.

There are always people seeking to stretch the law, disrespect the law or undermine the law. This government continues to work closely with the community, to represent them in this place, to understand and empathise with them in these absolutely day-to-day circumstances that arise and to ensure that they feel empowered and that their rights matter and are protected, advanced and advocated by this Labor government. I commend the amendments to the house.

Debate adjourned on motion of Ms HALFPENNY (Thomastown).

Debate adjourned until later this day.

**ADMINISTRATION AND PROBATE AND
OTHER ACTS AMENDMENT
(SUCCESSION AND RELATED MATTERS)
BILL 2016**

Second reading

Debate resumed from 23 November 2016; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I rise tonight to speak on the Administration and Probate and Other Acts Amendment (Succession and Related Matters) Bill 2016. In speaking on this bill I am happy to advise the house that the opposition will not oppose the bill, although I will be moving some amendments shortly. However, I do wish to foreshadow that we will reserve our position in the Legislative Council.

Opposition amendments circulated by Mr PESUTTO (Hawthorn) under standing orders.

Mr PESUTTO — This bill builds on a number of changes that have ensued from the Victorian Law Reform Commission's *Succession Laws: Report of 2013*, which of course was commissioned by the previous government and my predecessor, the honourable member for Box Hill and former Attorney-General. This bill addresses three key areas. Firstly, it addresses what happens in the case of intestacy, where a person dies without having made a will. Secondly, it deals with executor's fees — the fees, commissions and charges that an executor is able to either levy or recover in the course of winding up an estate and managing the affairs of the estate. Thirdly, it deals with the law of

ademption, which applies when something which is earmarked effectively in a testamentary disposition is disposed of earlier, leaving the intended beneficiary without the benefit of that gift.

I might just quickly address the matters of intestacy, because for us those are matters that we do not cavil at. They introduce a range of new rules which in the main we note are geared towards ensuring that partners of deceased persons who died intestate will receive more support and that in the case where there is a partner and no children he or she will receive the entirety of the estate.

Clause 11 of the bill, which inserts a new part IA, introduces all of these new rules dealing with a range of scenarios. What I did want to note in relation to clause 11 before I move on to my amendments is that there is a new provision that limits the distribution on an intestacy to people no more removed than cousins. I do note what the government is saying in its supporting materials that according to State Trustees only in 5 per cent or thereabouts of cases are there beneficiaries beyond the radius, if I can use that term, of cousins. But it is to be noted that there will potentially be people who will miss out on dispositions under an intestacy where they otherwise would have received that and that the government will effectively be able to enjoy the assets and wealth associated with estates where they are exhausted at the point of first cousins, leading those who might previously have benefited without access to those assets or funds. So that is a significant change. We take the government at its word that in doing this there will be a very small cohort of people affected adversely, but we do note that there would obviously be some benefits, presumably in the application of this new rule.

On the question of the rules that clause 11 introduces, and they are quite substantial, we are happy to see how these provisions operate in practice. We are concerned to ensure that children in particular will not be adversely affected in ways that leave them exposed, but we understand the reasons for this are in large measure intended to address the position of partners who for quite some time have not received the benefit of distributions on an intestacy to this kind of extent. So we want to see how part IA, which will be newly inserted into the act, will operate in practice, but we take the government at its word that there will not be any injustices visited upon people as a result of those changes.

I do want to turn to the issue of clauses 16 and 17, which deal with executors fees, and it is in relation to those that I am moving amendments. I want to say just generally that a lot has been done in the last couple of

decades in particular to make solicitors and barristers more accountable, not just for their performance but for the costs and charges which they impose. That is perfectly legitimate and something we wholeheartedly have supported. We do need to be careful in this and in other areas that we are not going beyond what might be reasonable in some measures by continually applying further levels of regulation on the way practitioners and executors operate.

Families, and I should say people who are executing wills, are so often looking for somebody they can trust by way of not just integrity but in their capacity to conduct what can be very complex estates on the death of the testator. It is really important that we do not overreach on regulation and the provisions which impose different and new obligations on executors. So what part 3 of the bill is doing is essentially introducing an overarching power of the Supreme Court to review and reduce commissions and fees to be charged.

In clause 17 of the bill there is a requirement that a personal representative who is an executor will not be entitled to receive payments under a remuneration clause in a will unless he or she is given informed written consent. We certainly do not have any problem with that. It also provides in new section 65C that where there is no remuneration clause, the executor will need the informed consent of interested beneficiaries. Again we are reasonably comfortable with that. New section 65D sets out a number of the requirements where an executor seeks that informed consent, and new section 65E talks about an election by an executor to charge fees instead of receiving a commission.

I just want to turn quickly to my amendments, which are designed simply to mitigate some of the impacts of clauses 16 and 17 on executors, because if we do not do this, what we risk doing is increasing costs and imposing an additional layer of regulation, which is not doing anything to improve the experience of those who are relying on the executor or the prompt execution of estates.

In terms of the amendments, the house will note that I am proposing a new subclause (3) in clause 16 providing that:

If —

- (a) the testator gave written informed consent under section 65B to the inclusion of a remuneration clause on which the executor or administrator seeks to rely; or
- (b) all interested beneficiaries gave informed consent under section 65C to the fees or commission the executor or administrator proposes to receive —

the court may only make an order under subsection (1) if satisfied that, despite the matters specified in paragraph (a) or (b), as the case requires, there are exceptional circumstances justifying making the order under subsection (1).

What we are really trying to do there is say, 'Let's respect the right of an executor to make decisions about his or her will and the disposition of property on death and at least impose an obligation on the court to attach serious weight to those decisions that are made'. I also wish to note in relation to clause 17 that we are proposing that, in new section 65B, subsection (b) of that will be deleted because we think it is sufficient that a testator has given written informed consent to that.

Finally, the last key amendment that I want to address specifically is that in clause 17 we propose that in new section 65D there be a new subsection (6) which provides that an executor who has acted honestly and in good faith on behalf of an estate is entitled to the fees, commission or percentage of the assets of the estate as the court considers fair and reasonable. We think that is appropriate to ensure that an executor who does very good work does not miss out simply because they have not discharged every single aspect of the obligation. It is up to the court to make that decision.

Just in relation to the changes to the law of ademption, we do not cavil with any of that and we think that the court's overriding jurisdiction to make decisions where there might be an unjust advantage or just disadvantage to make decisions that will ensure those who stood to benefit may nevertheless receive the benefit.

We do not cavil with the bill but we do hope the government will support the amendments because they do not compromise the integrity of what the government is trying to achieve, but they do remove from clauses 16 and 17 what we think are additional obligations that will not achieve anything apart from adding unnecessary regulation and cost for beneficiaries, for testators and for others who are affected. On that basis, I commend the bill to the house.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

V/Line air-conditioning trial

Mr T. BULL (Gippsland East) — (12 371) My adjournment matter is for the Minister for Public Transport. The action I am seeking is for the minister to reveal the findings of the promised 2016 trial of new

air-conditioning systems, particularly those on V/Line long-haul carriages. The issue country rail travellers have is that when the temperature exceeds 36 degrees, the air conditioning on these long-haul carriages fails. This causes great discomfort for passengers when air conditioning is needed most and is actually quite a serious health concern, particularly for the elderly who use the V/Line service regularly. I am contacted on regular occasions by my constituents who believe that, quite simply, this is not an acceptable situation. The issue is not unique to my own electorate. I have heard of situations in other parts of the state where trains have been halted and replaced by buses due to the extreme heat and there being no air conditioning.

I raised this matter through a question on notice in March last year. The minister's response and information received from a meeting with V/Line stated that a trial would be held in the third quarter of 2016 and a decision would be made on further upgrades, taking into account the outcomes of this trial. Despite the air conditioning still failing on hot days, my request to V/Line to obtain the results of the trial have fallen on deaf ears. I now request, through this adjournment debate, a response from the minister on the results of the promised trial that was to take place in the third quarter of 2016. Many in my electorate are very interested in the outcome as they are the ones who are suffering.

State Emergency Service Essendon unit

Mr CARROLL (Niddrie) — (12 372) Can I first congratulate you, Deputy Speaker, on your rise to this important role.

I rise to address a matter for the attention of the Minister for Emergency Services, and the action I seek is that the minister accompany me and the member for Essendon on a visit to the Essendon State Emergency Service (SES) premises to see firsthand the fantastic work the SES does for our local community, to learn how its recently approved grants will improve the ability of the SES to respond to emergencies and to hear about the organisation's long-term plans for a major expansion to its facilities.

I have long been a supporter of the Essendon SES and a frequent visitor to their premises, located in Moonee Ponds near the banks of the Maribyrnong River. I have had numerous chats there with important local identities, including John Bates and Justin Navas, about the organisation's needs. Essendon SES provides critical assistance in dealing with Melbourne's infamous four seasons in one day. I am proud to work

with it alongside the member for Essendon to promote and highlight the work it does.

Just recently the member for Essendon and I advocated for Essendon SES to receive grants from Emergency Management Victoria. We supported applications for a range of grants, including for a generator to ensure that the facility can operate effectively in times of power failure; a new fence and remote gate to improve the security of the facility; a replacement trailer to carry sand, sandbags and pumps during floods; remote doors for the facility's vehicle bay, again to improve volunteer safety at night and reduce response times; as well as an additional four-wheel drive response vehicle that will allow the crew to deploy a team rapidly.

I was more than happy to support these grant applications and will continue to do so in the future. I am very committed to ensuring that the Essendon SES, including unit controller John Bates and project officer Justin Navas, along with regional manager Ray Jasper, are firmly aware of the work the member for Essendon and I are doing to ensure that their premises are expanded and that we have a 21st century emergency response time right in the heart of Essendon and Niddrie.

Thorpdale Primary School

Mr BLACKWOOD (Narracan) — (12 373) I wish to raise a matter for the Minister for Education, and the action I seek is that he provide funding to Thorpdale Primary School for a new boundary fence. Thorpdale Primary School is a medium-sized school in a small country town that services a rural agricultural area that produces potatoes, onions, timber and dairy produce. The community is very proud of its primary school of 57 students, and student numbers are expected to increase to 70 next year. The school has a broad curriculum that rivals any big city school, and it has a highly dedicated and motivated group of teachers and support staff.

Last week I met with Brenda Murphy, the president of the school council, and inspected the existing fence. Most of the boundary fencing is old post-and-wire farm fence in very poor condition. The estimated cost of replacing the fence has been investigated and will come in at around \$60 000. There is a renewed sense of urgency to ensure that this fence is replaced, as staff at the school have had to do some quick repairs themselves in recent weeks. It is impossible to safely secure the school boundary with the existing structure, and the safety of students is definitely compromised, especially any student with special needs who may be tempted to wander. At the moment there is no way to keep students clear of the staff car park. To the east of

the school is a creek and a dam, and on the western and southern boundaries are major roads. One of the roads is the main road out to the Latrobe Valley. It is frequented by heavy trucks, B-doubles carting milk, timber, fuel, potatoes and onions; agricultural machinery and large tractors. Because of the size of these vehicles drivers may not be able to see or stop in time for a small child.

Thorpdale Primary School is very well supported by parents and the community, but finding the \$60 000 required to replace the existing fence with a suitable structure is very much out of the reach of the school community. I urge the Minister for Education to seriously consider how he may be able to provide a grant or funds from any source that will assist Thorpdale Primary School to improve the safety of its students.

Kyneton courthouse

Ms THOMAS (Macedon) — (12 374) Can I first congratulate you, Deputy Speaker, on your election to this very important position.

The adjournment matter I wish to raise this evening is for the Attorney-General, and the action I seek is that the Attorney-General provide me with an update on the work being undertaken to make the Kyneton courthouse safer for victims of family violence. Since being elected I have joined with my community to raise awareness of and campaign against family violence. Safety at the courthouse has been a key concern, particularly for the Macedon Ranges safety committee, so I was delighted when the Attorney-General joined me last year to announce \$1.2 million to redevelop the courthouse and for other security upgrades, including security officers and handheld scanning wands.

Tomorrow is International Women's Day, and it is important to take the time to acknowledge that family violence still is the biggest contributor to ill health and premature death in women aged 15 to 44 and that on average one Australian woman each week is killed by a current or former partner. That is why the Andrews Labor government established Australia's first ever Royal Commission into Family Violence and why we are implementing each and every one of the royal commission's 227 recommendations, including measures to ensure access to our justice system is safe for family violence victims.

I commend the Attorney-General on his initiatives to make Kyneton courthouse safe and on the other reforms he is leading across our justice system to better protect women and children from family violence. I look forward to receiving an update on progress on

these important safety initiatives at Kyneton courthouse in my electorate.

Snake control

Mrs FYFFE (Evelyn) — (12 375) My adjournment matter is directed to the Minister for Energy, Environment and Climate Change, and it regards snakes and the cost of their removal. This summer has brought a lot of snakes into backyards. In Evelyn we have a problem in that if you call a snake catcher to remove a snake, they usually charge about \$300, and that is far too much for pensioners. A solution that is happening around the area — one that of course we do not wish to happen — is that neighbours who might help with removing a snake, which is dangerous for them and for the ageing resident, may actually kill the snake to protect the resident. For someone on a basic pension, paying \$300 is far too much. I ask the Minister for Energy, Environment and Climate Change to look at how this can be managed better and at what she can do before next summer starts. If the number of snakes appearing in the backyards of Evelyn continues to increase, as it has been, we are going to have a real problem next summer.

Grange–Oakleigh roads, Carnegie

Mr DIMOPOULOS (Oakleigh) — (12 376) I wish to raise a matter for the Minister for Roads and Road Safety. The action that I seek is for the minister to come again to the intersection of Grange and Oakleigh roads in Carnegie to inspect the installation of the new traffic lights funded by this government and see firsthand how these traffic lights are helping to reduce accidents and allow pedestrians to cross Grange Road safely.

Just by way of background, the Grange-Oakleigh roads intersection has been the site of many accidents over many years. It is a notorious blackspot. In the last five years there have been eight accidents, resulting in three serious injuries. These are just the accidents that have been reported; we know there are many more — and near misses are an almost daily occurrence. I often see the telltale remnants of a car crash there — glass on the road, oil spills and parts of bumper bars left on the nature strip — or a smashed-up car waiting to be towed away. I am told that in the past people's front fences have been heavily damaged too.

This is a very busy area, with 16 000 vehicles using Grange Road and around 4500 using Oakleigh Road every day. The intersection is next to Ormond Community Kindergarten and only a short distance from Kilvington Grammar School, Katandra School, Glen Huntly Primary School and the Ormond train

station. So you can imagine the amount of foot traffic, particularly young kids, struggling to get across a busy Grange Road every day. There have been many campaigns in the past to rid our community of this blackspot, and it is something that my predecessor, Ann Barker, worked very hard to achieve. But, pardon the pun, there was always a roadblock somewhere. That has now changed.

Firstly, I would like to thank the minister for his commitment and dedication to road safety in Victoria. In 2015 I asked the minister to visit the intersection of Grange and Oakleigh roads, which he subsequently did. He recognised the need to fix this intersection, with the likely installation of traffic lights as suggested by VicRoads being the most appropriate solution. But in order to do this, it needed funding. After all the years of waiting and all the campaigning, in just the second Andrews government budget, funding was allocated specifically to fix this intersection by installing traffic lights. As of today works are underway and are expected to be completed in the coming weeks. So I have to pay tribute to the minister for working with me and the community. He did not just listen to an argument, he looked at it, and when it came to the crunch he delivered. You cannot ask for more than that.

I would also like to thank the Treasurer. As he would know, this is something I have been in his ear about for some time. Finally, I would like to thank the community. They have lived with this intersection for too long. They have joined in the campaigns. They have lobbied. They have collected signatures on petitions. It is always heartening to see real community activism which is rewarded in the end.

One statistic that is hard to measure is how many lives you have changed or indeed saved with these individual blackspot fixes. But despite that, you know that they do change lives. They do actually save lives. There are the accidents that never occur, the injuries never sustained. So while they will never know it — and that is a good thing — drivers and pedestrians get to go home to their families. So while some might say it is only a set of traffic lights, it is more than that, much more.

On that note, I look forward to welcoming the minister back to Carnegie to see the change that we helped to create. I thank my colleagues for their indulgence.

Water policy

Mr PAYNTER (Bass) — (12 377) My adjournment matter is for the Minister for Water, and the action I seek is for the minister to finally and without further

delay cancel the \$27 million order placed for the delivery of 50 gigalitres of water.

The desalination plant operator, AquaSure, expects to know soon whether it will need to fire up 30 diesel generators to meet the deadline to supply the first order of desalinated water. If the plant's electrical power supply cannot be fixed, the generators will burn a total of 150 000 litres of diesel per day — four B-double loads — to power the desalination process and pump the water to Cardinia Reservoir. They are expected to operate around the clock for up to a month.

Recently Watershed Victoria's president, Mark Robertson, called on the state government to cancel the \$27 million order for water the state does not need. He is quoted as saying:

For a decade our community has been reassured that the plant will operate under world's best practice — burning millions of litres of stinking diesel to produce water we do not need is anything but.

If the generators are required, they can only be activated following Environment Protection Authority Victoria approval for a temporary 60-day permit, which at this stage has not been granted and would require 15 days notice prior to being activated. Despite AquaSure's assurances that if the generators are required, they will do everything in their power to minimise any potential impacts and they will offer relocation help to our dear farmers and expenses to immediate neighbours who will be affected by the operation of the generators, far too many questions remain.

Although the plant has never been required to produce water, Victorians are still required to pay more than \$600 million per year to AquaSure for 30 years to cover construction costs and a payment to ensure the plant is kept water ready. With Melbourne's total water storages now standing at a reasonably healthy 66.7 per cent, compared with 63.7 per cent last year, a wasteful \$27 million water order adding to Victorians' cost of living and the threat of over 400 tonnes of pollutants being pumped into the air if the generators are used, will the minister simply admit that she has got it wrong and cancel the order?

Mr Nardella — No.

Mr PAYNTER — You have got it wrong, member for Melton, very badly wrong!

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Bass will resume his seat. The member for Bass may not have noticed but his microphone was actually off.

State Emergency Service Cranbourne unit

Mr PERERA (Cranbourne) — (12 378) The matter I raise is for the Minister for Emergency Services, and the action I seek from the minister is to secure funding for the construction of a much-needed State Emergency Service (SES) unit in Cranbourne. Together with all of Victoria's emergency service units, the SES certainly plays an integral role in supporting our local community. As well as operating the largest road rescue network in the nation, the SES assists our police in search and rescue operations and also plays an important support role during major bushfire responses.

The nearest SES unit is located in Narre Warren. I have had reports that there have been several jobs in the southern part of Casey which took teams 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. Basically, it can be the difference between life and death.

During the state election campaign in 2014 the coalition made a funding promise on the run. They promised the construction of an SES unit in Cranbourne. They made many funding promises on the run during the last few weeks of the election campaign, as they were certainly desperate times for the then Napthine government. While our local area was growing and growing, the Baillieu-Napthine governments, during their term of government, turned their backs on the people of Cranbourne and its surrounds and did nothing to support a much-needed SES unit.

To get up an SES unit there must be a joint approach with the local council and the state government. I have been working on this with local councillor Steve Beardon, who has advised me that council has located suitable land for the construction of an SES unit in Cranbourne. All they now require is for the state government to commit funding to make this dream a reality. I call on the Minister for Emergency Services to support and commit funding for the construction of an SES unit for Cranbourne, as it is dearly needed.

Bail justices

Mr RIORDAN (Polwarth) — (12 379) My adjournment matter is for the Attorney-General, and the action I seek is for the Attorney-General to investigate and take action on the under-resourcing of the bail justice system.

The current crime wave that is sweeping across Victoria is making headlines not only in Melbourne but

also in once quiet and safe rural communities. In the last week we saw the once safe city of Colac have 15 cars, two trucks and a tractor stolen in the middle of the night — an unprecedented tally by any standard. The tractor thieves were so brazen that they drove through a service station, demolishing it for want of some cheap fags, and led police on a high-speed tractor chase which did not end because police resources are sufficient in the state of Victoria or in country towns but because the tractor ran out of diesel.

Sadly, our justice system cannot afford to run out of diesel as the tractor did. Currently hardworking volunteer bail justices like Gary Poole from Derrinallum are spending up to \$1500 of their own money each month driving from one country town to another dispensing much-needed justice to a very under-resourced legal system. Gary and other rural bail justices can drive hundreds of kilometres in a weekend, in their own cars, with their own resources, providing their own paperwork. It is a thankless task, an under-resourced task and one that this community takes very much for granted.

To see this government so prepared to let its ministers be chauffeur driven to Springsteen concerts and turn a blind eye to senior office-holders who have rudely claimed hundreds of thousands of dollars in allowances is an insult. Meanwhile our justice system is left in the hands of volunteers who give up their nights and who leave sporting events in Melbourne and drive 200 kilometres back to their country towns and from there back home for a 2-hour sleep only to be called out to Ballarat, Geelong and other places all in the course of one night because this government cannot get its act together. It is responsible for this out-of-control crime wave, and at the same time it is not prepared to back and support hardworking volunteers in our community who are there for the rest of us, to try to keep our community safe.

Frankston railway station

Mr EDBROOKE (Frankston) — (12 380) My adjournment matter is for the Minister for Major Projects, and the action I seek is that the minister come to Frankston and assist me to announce the winner of the Frankston station design competition in our community. The jury has been receiving briefings from the architects of the final five entries and has deliberated over the last few days. All designs were of an incredibly high standard and showed an understanding of how important this project is for Frankston's future. The jury has been faced with some fantastic designs and ideas, and we had to ask ourselves so many questions, like 'What if Frankston station

wasn't just seen as a train station? What if it was seen as a community place that provides a sense of arrival and a place for activity? What if it was a state-of-the-art city square for events in Frankston?'

What people in Frankston agree with is that we need an iconic train station that, along with the redevelopment of Young Street and the revitalisation of the CBD, attracts people to shop in Frankston by providing a safe, friendly and attractive atmosphere that drives business growth as well. This is such an important decision for Frankston's future. We have to ensure it is done right. I would like to thank the Office of the Victorian Government Architect team — Jill Garner, Cara Wiseman, Stephen Varady, Felicity Stewart, Peter Elliott and Geoff Oulton — along with Adrian Dolley and the Frankston City Council CEO, Dennis Hovenden, for their passion and commitment to this exciting process.

Mrs Fyffe — On a point of order, Deputy Speaker, the member for Frankston raised a matter. Adjournments are for action. The member for Frankston asked for an update. I ask that you rule that adjournment matter out of order.

The DEPUTY SPEAKER — Order! I thank the member for Evelyn. I will take that matter to the Speaker, ask his advice and get back to the member for Frankston.

Responses

Ms NEVILLE (Minister for Water) — I thought it was only the National Party that did not understand water; apparently the Liberal Party do not understand water either. Firstly, in response to the member for Bass, we made an order on the advice of independent experts, including the Bureau of Meteorology. Secondly, AquaSure, as I have said on a number of occasions, will deliver the order or they will suffer the consequences through their security payment. Thirdly, the gas-insulated switchgear that linked the power cable to the desalination plant was damaged. It is now fixed, and if the member for Bass actually read his own paper and read the information provided to the local community, he would not only know that it is fixed but he would also know that AquaSure have said that there will be no use of generators. As I indicated to them, I never supported the use of generators, and at no point had they received Environment Protection Authority support for that. There is no cost in any of this; this is all covered by AquaSure.

We then have this situation where people argue, 'We don't need the water order'. Let us be really clear about

this: rain events do not equate to storage increases, and in fact we have not had one increase in our storage since 25 November. We reached a peak on 25 November last year. There has not been one increase — nothing, zero increase. In fact the storages have continued to decline and continue to decline each and every day. So as our catchments continue to dry and as our storages continue to decline, this order is absolutely critical to ensure water security. As Melburnians continue to use up to about, in the last week, 203 litres per day per person, we continue to see that.

The only thing those opposite ever knew about water was when they ripped off taxpayers —

Mr Paynter interjected.

The DEPUTY SPEAKER — Order! The member for Bass!

Ms NEVILLE — in terms of the office of living it up.

Mr Paynter interjected.

The DEPUTY SPEAKER — Order! The member for Bass!

Ms NEVILLE — Just like if they do not deliver the water order, us cancelling the water order would also cost Victorian taxpayers. If that is what they want —

Mr Paynter interjected.

The DEPUTY SPEAKER — Order! The member for Bass! I will not ask you again. If you continue with interjections, you will have to leave the chamber.

Ms NEVILLE — If those opposite are suggesting that not only do we cost taxpayers money by cancelling the water order but we have reduced water security, we are not going to do that.

On other matters, a number of members have raised a range of issues, and I will pass those issues on to the relevant ministers.

The DEPUTY SPEAKER — Order! I have received advice from the Clerk in relation to the member for Evelyn's point of order about the member for Frankston's adjournment matter. I can advise that according to standing orders the request for an update is indeed an action. The house will now adjourn.

House adjourned 7.25 p.m.