

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 10 May 2017**

**(Extract from book 5)**

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The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

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(from 10 November 2016)

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

**Speaker**

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker**

Ms J. MAREE EDWARDS (from 7 March 2017)

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

**Acting Speakers**

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

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>5</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
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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 <sup>6</sup>	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 <sup>7</sup>	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
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Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
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Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

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

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

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

<sup>4</sup> ALP until 7 March 2017

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

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

<sup>7</sup> Resigned 2 February 2015

**PARTY ABBREVIATIONS**

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

### **Legislative Assembly committees**

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

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

### **Legislative Assembly select committees**

**Penalty Rates and Fair Pay Select Committee** — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

### **Joint committees**

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

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

**Economic, Education, Jobs and Skills Committee** — (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr 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*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young.

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

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

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

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

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

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

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**Wednesday, 10 May 2017**

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 a.m. and read the prayer.**

**SEX OFFENDERS REGISTRATION  
AMENDMENT (MISCELLANEOUS)  
BILL 2017**

*Introduction and first reading*

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

That I have leave to bring in a bill for an act to make miscellaneous amendments to the Sex Offenders Registration Act 2004, to amend the Crimes Act 1958 to provide for the taking of DNA samples from sex offenders, to make consequential amendments to the Criminal Procedure Act 2009, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Working with Children Act 2005 and for other purposes.

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

**Ms NEVILLE** (Minister for Police) — The bill amends the Sex Offenders Registration Act 2004 and related acts to modify the circumstances in which a person may be placed on the sex offenders register, provide police with greater powers to investigate and monitor registered sex offenders and give police specific powers to take fingerprints and forensic samples of registered sex offenders.

**Motion agreed to.**

**Read first time.**

**PETITIONS**

**Following petitions presented to house:**

**Red Hill Consolidated School**

To the Legislative Assembly of Victoria:

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

1. the need for long overdue capital funding to upgrade the buildings and amenities at the Red Hill Consolidated School;
2. requests the state government to fund \$2.5 million in urgent capital works for building upgrades and maintenance in accordance with documentation submitted by the school to the minister in June 2015.

**By Mr DIXON** (Nepean) (143 signatures).

**Gaffney–Sussex streets 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) (59 signatures).

**Tabled.**

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

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

**DOCUMENTS**

**Tabled by Clerk:**

Auditor-General:

Public Participation and Community Engagement:  
Local Government Sector — Ordered to be published

Public Participation in Government  
Decision-Making — Ordered to be published

Statutory Rule under the *Evidence (Miscellaneous Provisions) Act 1958* — SR 26

*Subordinate Legislation Act 1994* — Document under s 15 in relation to Statutory Rule 26.

**FAMILY VIOLENCE PROTECTION  
AMENDMENT BILL 2017**

*Council's amendments*

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

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

## MEMBERS STATEMENTS

### Bendigo Kangan Institute

**Ms EDWARDS** (Bendigo West) — The previous Liberal-Nationals government cut \$1.2 billion from TAFE, causing the closure of regional TAFE campuses including dedicated agricultural colleges at Glenormiston and Sale. The Liberal-Nationals cuts to TAFE forced Bendigo TAFE to axe dozens of courses, sack 147 workers and merge with Melbourne's Kangan Institute. Bendigo shed 150 jobs and 36 courses were closed down. These included courses like cabinet making, where at least 25 apprentices were immediately affected. And what were the consequences of these cuts? There was a massive drop in student numbers and an increase in tuition fees. Bendigo TAFE had a net operating balance of minus \$305 000, which demonstrates how much TAFE had been cut to the bone in the wake of those actions.

In contrast, the Andrews Labor government's commitment to Bendigo Kangan TAFE includes \$2.81 million in the TAFE Rescue Fund, \$2 million in the TAFE Funding Boost, \$2.42 million in the Back to Work Fund and \$63.65 million in the TAFE Structural Adjustment Fund. It was a shocking display of shamelessness and audacity to see The Nationals member for Euroa and some bloke from the upper house, who is also apparently the National Party's appointed member for Northern Victoria Region — although no-one would know that given his lack of interest in the communities that he represents — standing at the front of our TAFE institute.

### Old Scotch Football Club

**Mr PESUTTO** (Hawthorn) — On 22 April I was pleased to attend the Camberwell sportsground on the occasion of traditional rivals Old Scotch Football Club and Monash Blues playing at Old Scotch's first home match of the season. The occasion was particularly notable because the guest speaker at the pre-game event was the Honourable Tim Fischer, AC, former Deputy Prime Minister of Australia, who was speaking on the very important subject of General Sir John Monash, who of course was a graduate of Scotch College and after whom Monash University is named. Mr Fischer spoke very passionately and tenaciously about his campaign to see General Sir John Monash posthumously elevated to the rank of Field Marshal.

I should say that the pre-game event was a collaboration of Old Scotch Football Club, led by president Tim Shearer and his fantastic committee, as well as Camberwell RSL, headed up by Lieutenant Colonel

Marcus Fielding, Peter Fielding and so many other dedicated members of the RSL. The pre-match event was followed by the *Ode* and also the playing of the *Last Post* before the game commenced. The question of whether General Sir John Monash should be posthumously elevated is a subject we should all consider given the great citizenship shown by that great Australian.

### Bendigo Special Developmental School

**Ms ALLAN** (Minister for Public Transport) — A few weeks ago I was delighted to attend the 10-year celebration of Bendigo Special Developmental School at its Kangaroo Flat site. This was a very special occasion as we marked the 10th anniversary of the school moving into the brand-new school buildings, which of course were built and funded by the Bracks Labor government. Back in 2007 I had the great pleasure of opening those school buildings, and I was honoured to be invited back by the school community to celebrate their 10 years at this site.

Most importantly the overwhelming focus of the celebration was talking about and celebrating the great education that young people from our community receive at Bendigo Special Developmental School. I would really like to congratulate the principal, Kirshy McAinch, and the teachers and staff who do a wonderful job each and every day. We were there on a special day celebrating the school, but it is those teachers and staff who every single day do a wonderful job, providing quality education and quality care for young people in our community who need the best go and the best start in life, and we saw it on wonderful display this day. The students put on performances. They sung, they danced, and they showed us how great an education they are receiving at Bendigo Special Developmental School.

### VicRoads services

**Ms KEALY** (Lowan) — Labor continually ignores rural and regional Victoria when it comes to our roads, but it is a further disappointment that the city-centric Minister for Roads and Road Safety now appears to be determined to restrict VicRoads services in country Victoria by stealth. My office has had numerous reports of locals being told they must travel hundreds of kilometres to undertake an assessment with a VicRoads occupational therapist at a cost of hundreds of dollars. A Hamilton woman with multiple sclerosis was told that she had to go to Geelong for an assessment, a woman from Edenhope had to travel over 300 kilometres to Ballarat, and a man in Peshurst had to pay \$900 for an assessment in Hamilton. What is the minister doing to improve access to VicRoads occupational therapists in

rural and regional Victoria, including consideration of the very high expense for some of our most vulnerable community members?

### **Wimmera cancer centre**

**Ms KEALY** — In May 2016 the Minister for Health promised local cancer patients, ‘If you don’t get there, we will. We’re going to build this. This project is not going to stop if the community fundraising falls short’. Some of these cancer patients are no longer with us today. It is an absolute disgrace that the minister has broken her promise. Without additional funding the Wimmera cancer centre will be significantly cut back, meaning no dialysis services and no palliative care. Our local people are, rightly, devastated. We will not let the Andrews Labor government get away with this disgraceful deceit.

### **Adam Robertson**

**Ms KEALY** — Congratulations to Adam Robertson, who was recently announced the Young Achiever of the Year at the Glenelg Shire Council Business and Tourism Awards. Earlier this year I was honoured to launch Adam’s book, which details the history of the Casterton railway line. This is a fantastic achievement, Adam; you should be exceptionally proud.

### **Annie**

**Ms KEALY** — Chookas to the cast and crew of *Annie*, another fabulous Horsham Arts Council production, which opens in the Horsham Town Hall on Friday. I am certain this will be another raging success, and I congratulate the cast and crew on all their hard work and commitment to create a top class, professional local production. Well done!

### **National Volunteer Week**

**Ms KEALY** — This week is National Volunteer Week, and I just want to express my sincere gratitude to all of our volunteers — —

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

### **Anzac Day**

**Ms THOMAS** (Macedon) — Once again I had the opportunity to commemorate Anzac Day at the Mount Macedon dawn service, this year conducted by Afghanistan veteran Alan Mitchell. Thank you to the dawn service organising committee for once again delivering a very moving and beautiful service. Thank you to Romsey-Lancefield RSL, and especially to

president Reinhard Goschinski and secretary Trish Vowles for organising the Anzac Day service in Lancefield. As always it was wonderful to see the recognition of service personnel from conflicts across the decades and to see children from Romsey Primary School, Lancefield Primary School and St Mary’s Primary School participate so beautifully in the service.

### **Macedon electorate historical societies**

**Ms THOMAS** — Last month I had the opportunity to meet with the Romsey and Lancefield Districts Historical Society to congratulate them on receiving a small grant to frame and display a piece of local history, a photo of the Australian 22nd Battalion, taken in France in 1918 and featuring a local Lancefield soldier. Members will not be surprised to learn that the historical societies in Macedon are mostly led by women, and while these volunteers are busily recording, curating, cataloguing, writing about and promoting local history, they are very modest about their own achievements.

As we celebrate volunteers this week I take this opportunity to thank the members of Woodend and District Heritage Society, Gisborne and Mount Macedon Districts Historical Society, Daylesford and District Historical Society, Malmsbury Historical Society and Kyneton Historical Society. I would also like to thank all the committees, elected office-bearers, members and other volunteers for playing a vital role in ensuring our stories live on. In doing so I note our historical societies are increasingly aware of the untold stories of Aboriginal people of our region — the Jaara, Wurundjeri and Taunglerong people — and I applaud their efforts to connect with local elders and land councils.

### **Glen Eira College**

**Mr SOUTHWICK** (Caulfield) — I would like to congratulate students from Glen Eira College for winning first prize in the Dis-Moi Dix Mots annual international competition organised by the French Ministry of Education in partnership with the French Ministry of Culture and Foreign Affairs. I am told 800 projects were submitted internationally and that Glen Eira College came first in the category ‘D’établissements étrangers-overseas schools’. The school has been invited to attend the prize-giving ceremony at the prestigious Academie Francaise in Paris on 18 May, and students are currently completing expressions of interest.

Well done to the following students who took part in the competition: from year 7, Noah Bennie, Tiphaine Chevalier Freyeisen, Alexine Dubois, Estelle Laville,

Baptiste Mazuel, Emily McLenaghan, Ael Menard, Constance Thevnon, Lucas Vaidie and Jarrod Wisdom; from year 9, Kahiya Ali, Mitchell Bennie, Oscar Crick, Tahlia Delaney-Murnane, Kirra Foster, Lily Gordon, Rachel Hoch, Louis Jacobe de Naurois, Morgan Jaulin, Estelle Lipovetsky, Dominique Liu-Hervo, Julian Mansfield, Isabella McFarland, James McLoughlin Parsons, Pamela Parvakis, Aurelie Personnier, Christopher Rudel, Leah Sandow, Bridie Skinner, Kei Someda, Louis Villeseche and Cooper Walters; and from year 10, Alice Sabouraud. A big thanks to teacher Loveena Narayanan and intern Camille Lancelin for guiding the students.

### **Debra Korman**

**Mr SOUTHWICK** — Congratulations to Debra Korman for winning the B'nai B'rith Menorah Award for her dedicated voluntary work. I had the privilege of working with Debra on the Mitzvah Day committee, on which she is a founding member and a tireless community worker.

### **Ormond sky tower**

**Mr SOUTHWICK** — The Victorian transport committee needs to act now, and the minister needs to call on the Ormond sky tower to determine the outcome of that important project for — —

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

### **National Volunteer Week**

**Ms WILLIAMS** (Dandenong) — This week is National Volunteer Week, an annual celebration to acknowledge the generous contribution of our nation's volunteers. On Monday I marked the occasion by attending a morning tea to thank the volunteers at South East Community Links, an organisation dedicated to achieving better social and economic outcomes for some of the most vulnerable in the south-eastern suburbs of Melbourne. Nineteen per cent of the South East Community Links team are volunteers. This equates to about seven equivalent full-time positions. In 2015–16 volunteers contributed around 14 000 volunteer hours, which is just remarkable. This organisation utilises volunteers in a number of programs, including the L2P program, the No Interest Loan Scheme, the homework club and emergency relief. These volunteers are at the coalface, giving practical help to the people who need it most.

At Monday's morning tea the benefits of volunteering were on full display. Not only was the benefit to the

community obvious, but individual volunteers spoke about the personal benefits of volunteering. We heard from Ameet, who is a driver educator in the L2P program, helping members of the community attain the required number of hours of driving experience before they can sit their test. Ameet spoke eloquently about the skills the role had given him — the skills to communicate well and work with a range of people from a range of different backgrounds — but, more than this, he spoke about the joy he felt at being able to contribute and give back to his community.

Ameet is just one of over 1.5 million Victorian volunteers over the age of 18 who volunteer. This week we say a big thankyou to all of them and the volunteer managers who support them. You are the glue that keeps our communities strong, and we would be lost without you. Thank you.

### **Brighton graffiti**

**Ms ASHER** (Brighton) — I wish to draw the house's attention to a graffiti project which is underway in Church Street, Brighton. It is run by Keiran Cromie from Brighton Travelworld, and it involves all of the local traders with CCTV. Also in place is liaison with police and schools. I would like to congratulate all those involved in the project because it is resulting in offenders being caught. Those offenders are removing graffiti and apologising to traders, and in many instances the issue is being taken up by their teachers in the schools.

### **Rotary Club of Brighton Beach**

**Ms ASHER** — On another matter, after 22 years Brighton Beach Rotary club is closing down. This Rotary club has a fine record of service to the Brighton community, and again I would congratulate Keiran Cromie and Julie Avery, two of the club's very well-known members.

I would like to thank all of the members of Brighton Beach Rotary club for the valuable work they have done in the community over many years. They will of course join two highly effective Rotary groups in the Brighton area — Brighton Rotary and Brighton North Rotary — which are both excellent organisations. I wish the members of Brighton Beach Rotary particularly well. I think the contribution of Rotary to the electorate of Brighton has been outstanding over many years, and its contribution should be placed on record and acknowledged by everyone in this place.

### **Bentleigh Sunday Market**

**Mr STAIKOS** (Bentleigh) — Congratulations Bentleigh Moorabbin Central Rotary Club on 40 years of the Bentleigh Sunday Market. It was a pleasure to join the celebrations recently of a market that has become an iconic part of Bentleigh. When it began in 1977 there was some resistance from local traders. But 40 years on it is clear that the market has enhanced the shopping precinct by drawing crowds from across Melbourne to our local area each and every Sunday. The best thing about the market is that it has raised more than \$3 million for very worthy causes, including the Salvation Army, Marriott House, Monash Health and countless schools. We look forward to the next 40 years of the Bentleigh Sunday Market.

### **King George VI Memorial Reserve pavilion, Bentleigh East**

**Mr STAIKOS** — I welcome Glen Eira council's funding allocation to complete the upgrade of King George VI Memorial Reserve pavilion in East Bentleigh. The allocation of \$804 000 in council's draft budget includes \$100 000 from the Andrews Labor government for much-needed female toilets and change room facilities, King George reserve is home to Bentleigh Junior Football Club, Bentleigh ANA Cricket Club and East Bentleigh Central Cricket Club. Both Bentleigh Auskick and Bentleigh ANA have girls participating in sport, yet the pavilion does not currently have any female-friendly facilities. In addition to providing female-friendly facilities, the plans will now include a greater redevelopment of the pavilion, including a space for the community to gather during games. I congratulate Glen Eira council on including this upgrade in their draft budget and encourage all councillors to support it.

### **Latrobe Valley employment**

**Mr NORTHE** (Morwell) — In recent times we have had the Premier and a bevy of ministers ride into the Latrobe Valley and pretend to create jobs for locals. However, this is far from reality. The reality is that our community desperately need real jobs for real people with real families, yet the state government thinks that a shuffling of public service jobs across various government departments and agencies will suffice. One has to question what the state government is doing to retain jobs in the Latrobe Valley. Businesses such as BOC Gas and Alternate Dwellings have closed their doors, whilst Johnson Health Tech is soon to relocate out of the valley, with further job losses.

And now the Latrobe Valley Hotel in Morwell is closing, and it appears the state government has done nothing to save these important jobs across all those businesses. The Latrobe Valley Hotel's operations manager, Melissa Cain, said the loss of business following the closure of Hazelwood power station is part of the reason they will not stay open. She said:

We lost a lot of accommodation as well. We had a lot of people that would come down from Melbourne and stay with us as well, and that came to an end as the power station did as well.

Yet despite this, apparently the state government's policies and budget decisions around Hazelwood are not to blame. The Premier said he would fight for every Victorian job. However, if you live in the Latrobe Valley it simply does not apply.

In addition, approved developments like the Lake Narracan subdivision project, which would bring hundreds of jobs to the region, currently sit idle despite assurances from the Premier and the state government that these local developments would be fast-tracked as soon as possible to get our local economy moving — a fail for the Premier.

### **Wear Orange Wednesday**

**Ms GREEN** (Yan Yean) — I am pleased that a number of members of Parliament are wearing orange today for Wear Orange Wednesday. I particularly want to pay tribute to the State Emergency Service volunteers who serve each and every day, 24 hours a day, 365 days a year, wearing that orange, whether it is when responding to floods, motor vehicle accidents or one of many other disasters. I particularly want to commend the Whittlesea unit. I had the privilege of being with former minister Bob Cameron in the last decade when he officially opened that unit. It is an oversubscribed unit; it is so popular that it has a waiting list for people to get in. The Nillumbik unit has also served the community for a very long time, and I also want to commend the units operating in the Mitchell and Murrindindi shires. I was pleased to see that the state budget has provided operational funding certainty now and has taken that over from local government. I think that is fitting support for our volunteers.

### **VicRoads deceased animals policy**

**Ms GREEN** — I also want to draw the house's attention to VicRoads's policy and practice of dealing with deceased pets found on roads. I have had a number of contacts from my constituents who are concerned that when much-loved pets who are microchipped and have contact details are found on roads, they are not being dealt with appropriately — —

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

### **State Emergency Service Lilydale unit**

**Mrs FYFFE** (Evelyn) — It was an honour for me to once again attend the Lilydale State Emergency Service awards night. They are a hardworking, dedicated group of volunteers who without hesitation attend car accidents and storm and flood damage.

### **Members for Tarneit and Melton**

**Mrs FYFFE** — In it is an honour for all of us to be elected to this place, no matter from what party or whether as an Independent. It is an honour I have always held dearly, so my anger and despair about how this is being trashed and tainted has no bounds. To have still sitting in this house the member for Tarneit, who as Speaker held the fourth highest position in the state, and his former deputy, the member for Melton, who have between them embezzled well over \$200 000 from taxpayers by claiming money to which they were not entitled, besmirches this role that we all hold. To have both of them sitting here receiving full pay and all MP entitlements with the full support of Premier Andrews is unpalatable and an insult to all Victorians. Both should be expelled from this place and the member for Melton forced to make full repayment.

**Mr Nardella** interjected.

**Mrs FYFFE** — Perhaps the member for Melton would like to expand on his comment that I should have been expelled. The member for Melton might like to explain that comment.

### **Education funding**

**Ms KILKENNY** (Carrum) — The Andrews Labor government continues to invest in education, and the federal Liberal government, under Malcolm Turnbull, continues to cut education funding. Here in Victoria we have committed to continue the Gonski needs-based funding for schools and we have committed to help more and more students get the learning support they need, but Malcolm Turnbull is cutting more than \$3.5 billion from Victorian schools — a shortfall of \$630 million next year alone. Schools in my electorate will feel this, but most disappointingly some of our most vulnerable kids will really feel this.

In my electorate I see firsthand the Gonski funding in action. Support teachers for some of our most vulnerable students, smaller class sizes and teaching and learning aids are all things that make a real and tangible difference. In my electorate, schools are also set to

benefit from the Andrews Labor government's continuing investment to upgrade and modernise our schools, with Seaford North Primary School set to receive \$5 million for a new gym and school hall, Carrum Downs Secondary College to receive \$3 million for a new gym and community centre, Rowellyn Park Primary School to receive \$275 000 to cover costs for its outdoor basketball courts and Seaford Primary School to get a share of funding to plan for its future modernisation and upgrade.

Education funding should be seen for what it is: an investment that delivers a very valuable and genuine public net return on investment. I say to Malcolm Turnbull: education funding should never, ever, be the place to find your budget savings. Our children and young people should never be asked to fund your tax cuts to big business. The federal Liberal government must be called out for its failure to properly and adequately fund early childhood, school and tertiary education. Now more than ever we need sustained education investment.

### **Heyfield timber mill**

**Mr BLACKWOOD** (Narracan) — The Andrews government is still keeping the community of Heyfield in limbo. It is clear that the number of Leadbeater's possums that actually exist is far more than is indicated as being critically endangered. It is time for the Greens to stop the lies they are spreading with the deliberate intent of shutting down the entire native forest industry, and it is time for the Premier to step up to the plate and support the town of Heyfield and the Victorian native forest timber industry.

### **Thorpdale and District Kindergarten**

**Mr BLACKWOOD** — I recently met with the Thorpdale and District Kindergarten committee and heard their concerns about their current operating environment. The kinder operates from the local town hall, and every time a daytime community event uses the hall the kinder cannot operate and all kinder equipment has to be packed up and stored away. This has a serious impact on the education of the children, is an unnecessary disruption to working parents and creates extra work and inconvenience for the dedicated staff. Thorpdale Primary School is very keen to accommodate the kinder on their campus, which would give us the opportunity to establish an education hub on the primary school grounds. I urge the Minister for Education to support us in this endeavour.

### V/Line regional services

**Mr BLACKWOOD** — Gippsland V/Line services are still under pressure from overcrowding. As an example of this, it is having an impact on the ability of school groups to book seats for daily excursions to Melbourne. Recently Warragul Regional College was denied the opportunity to book 60 students on the 8.18 a.m. service from Warragul and on the 3.20 p.m. return service. The current three VLocity train carriages are not coping, and Gippsland urgently needs more carriages on most services.

### Coburg North Primary School

**Ms BLANDTHORN** (Pascoe Vale) — ‘From little things, big things grow’ was written on my Facebook page last week by former Coburg North Primary School council president Blair Hocking. In the lead-up to the 2014 election Blair approached me at Batman Market in Coburg to discuss the urgent needs of Coburg North Primary School, a school originally built with only three or four permanent classrooms and now experiencing massive population growth. Since 2007 the student population has increased by approximately 150 per cent. Accommodating such a substantial growth in enrolments has been a very big challenge for the school. This year alone they have over 100 preps.

The Minister for Education and the Treasurer have visited the school and gained a firsthand understanding of the issues that the school faces. In the 2016–17 state budget the school was provided with funding for planning, and last week it was provided with \$6.7 million for an upgrade of the school. The upgrade will include the modernisation of facilities at the school as well as the construction of a new learning and arts hub. Securing this funding is the culmination of a lot of hard work by the school community. It is also testament to what can be achieved when the government works closely with local communities.

I would like to thank the students of the school, who have gone out of their way to particularly show the Deputy Premier and the Treasurer what their needs are; former school council president Blair Hocking; former school council president Jo Harrison; Benjy Lee and Owen West, who are both members of the school council; principal Helen Zull; and assistant principal Kyla Mamie. I look forward to working with this year’s elected school council, which includes Kate Copping.

### Gilbert and Sullivan Society of Victoria

**Mr ANGUS** (Forest Hill) — I recently had the pleasure of attending the current production of the

Gilbert and Sullivan Society of Victoria, *Iolanthe*. The society, which is based in my electorate of Forest Hill, is one of the longest running theatrical organisations in Australia, having been in existence for over 80 years. I was also pleased to catch up with several committee members, including the president, Adrian Glaubert. I congratulate the society on its performances and wish it well for the future.

### Box Hill Reporter District Cricket Association

**Mr ANGUS** — I congratulate the Box Hill Reporter District Cricket Association (BHRDCA) on recently organising the presentation by Good Sports on a guide to developing an illegal drugs policy. This was an important event for local cricket clubs and was well attended by various club committee members. With the scourge of illegal drugs permeating most areas of the community, it is very important that all community groups and particularly sporting clubs are as prepared and protected as they can be from this threat. Well done to BHRDCA president Peter Rosenthal for being instrumental in organising this informative event.

### Vermont South Bowling Club

**Mr ANGUS** — I congratulate the bowlers from the Vermont South Bowling Club and other bowling clubs who recently participated in a charity fundraising day at Vermont South. More than \$1500 was raised to support prostate cancer research, and by all accounts a good time was had by all.

### National Volunteer Week

**Mr ANGUS** — I note that this week is National Volunteer Week. I thank all the numerous and various volunteers in the Forest Hill electorate for the outstanding work they do. Whether that is as part of a sporting club, a school, a church, a service club, scouts, guides, the State Emergency Service, a welfare agency or any other community organisation, the work volunteers do is highly valued and appreciated. This work is often unrecognised and anonymous but is nevertheless invaluable. Attending meetings, arriving at events early, setting up, packing up, being last to leave, organising meetings, taking minutes and doing the banking are just some of the tasks volunteers undertake. I congratulate all the unsung volunteers who work for our community tirelessly, day in and day out. Thank you for all you do to serve and improve our community.

### Trevor Edwards

**Ms COUZENS** (Geelong) — I would like to acknowledge Trevor Edwards, an Aboriginal elder, who

recently passed away. Trevor's great commitment to the Wathaurong and his community is a great legacy and his family should be very proud. Vale, Trevor Edwards.

### Member for South Barwon

**Ms COUZENS** — I ask if Senator Ryan is calling on the member for South Barwon to apologise. Last Wednesday on ABC Melbourne Liberal Senator Scott Ryan said that members of Parliament should not attack the independent Electoral Commissioner:

... the Electoral Commissioner enforces the law as it is and to impugn the honesty and integrity ...

So it would come as some surprise to fair-minded people that on the same day in the *Geelong Advertiser* the member for South Barwon attacked the Victorian Electoral Commissioner.

'They're hiding behind the citizens jury', Mr Katos said.

'The VEC did this 12 months ago and came up with a proposal — why isn't that one of the options?'

That rings alarm bells for me that they're basically just putting up options that the government wants rather than what their consultation and their workers determined'.

I was not surprised because Liberal Party members have steadfastly refused to listen to the people of Geelong and their views, as expressed through the groundbreaking citizens jury. After all, they stood in this place and supported consultation and then said they would ignore the outcome! They also insulted those 100 people who committed their time to the citizens jury.

### Member for Melton

**Mr T. SMITH** (Kew) — We have heard the member for Melton this morning get stuck into the member for Evelyn for reasons unknown. The member for Melton has served this place for 25 years. He has been paid millions of dollars from the taxpayer already, and when he leaves here he will be given a pension worth millions of dollars. The member for Melton has stolen from the taxpayer — —

**Mr Nardella** — On a point of order, Deputy Speaker, if the honourable member for Kew wants to cast aspersions about me, he needs to do it via a substantive motion. I ask you to bring him back to making a parliamentary statement.

**The DEPUTY SPEAKER** — Order! I ask the member for Kew to stay within the boundaries of a parliamentary statement.

**Mr T. SMITH** — On a point of order, Deputy Speaker — —

**The DEPUTY SPEAKER** — Order! We do not call points of order during statements. Please continue with your statement.

**Mr T. SMITH** — He did! The member for Melton is a crook. He is a thief. He has stolen from the taxpayer. He owes them another \$76 000. It is completely outrageous that he has not been compelled to pay back the \$174 000 that he has stolen from the taxpayer. He has already received millions in payments over 25 years. He is going to get a pension, and it is completely outrageous that he comes in here, has a go at the member for Evelyn, who was an outstanding Deputy Speaker, who upholds the values and the principles of this Parliament — unlike this bloke, who rorted it and brought it into disrepute.

**The DEPUTY SPEAKER** — Order! Before I call the member for Narre Warren South I remind members that points of order are not to be called during statements. I ask the member for Melton to resume his seat.

### Women in public life

**Ms GRALEY** (Narre Warren South) — Despite comprising over 50 per cent of the world's population women continue to be underrepresented in political and public life. According to the United Nations 10 women are heads of state, nine are serving as heads of government and across the world 17 per cent of government ministers are women. Despite the commitment of the international community to gender equality, the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action it is only in 12 of 52 commonwealth countries that women hold 30 per cent or more seats in Parliament. In Victoria the Labor Party leads the way, with half of the cabinet being women.

In Myanmar, a country new to democracy, 10.5 per cent of all MPs are women. I have been fortunate to work with the International Women's Development Agency (IWDA) to support political activists, politicians and MPs in Myanmar. Obtaining and holding office in the face of sexist institutions and political flux is hard for women no matter where they are. Women need to support women everywhere, especially in Myanmar, where women have no staff, offices or laptops.

Australian MPs across all political parties are working with IWDA's Akhaya Women to develop a mentoring program as part of the Women's Action for Voice and

Empowerment program. It was my privilege to work with Nan Moe along with her fellow mentees Nan Htwe Thu, Chris Htun, Khin Swe Lin, Nang Khin Saw and Khin Saw Wai. These brave and talented women are committed to improving the lives of the people of Myanmar and will do better when equipped to meet the challenges of lawmaking and policy. It is not easy; I am still learning.

As Nan Moe said:

I have been facing challenges all my life. We will continue to work hard to be great leaders.

It works both ways — we have all benefited from this amazing experience. When women support women, women win everywhere.

### Heidelberg Historical Society

**Mr CARBINES** (Ivanhoe) — I would like to pay tribute to the Heidelberg Historical Society on its 50th anniversary and was pleased to attend and speak at its luncheon the other week.

The state government provides for the preservation of formal records of our state's history through institutions such as the Public Records Office Victoria, the State Library of Victoria, the National Gallery of Victoria and the Museum of Immigration. But there is another level to preserving records about people, events and the physical environment that formed communities and can trace their evolution, promoting a continuing sense of community.

The old Heidelberg courthouse, now 117 years old, has been the venue in more recent years for the Heidelberg Historical Society, which has some 200 members, of which I am one. Fifty-two members are volunteers. The society's resources include some 15 000 photographs, 4000 maps, plans and tens of thousands of pages of documentation relating to other community organisations, all accessible through its 15 varied databases.

I thank President Jenn Burgess and Graeme Speers, who has been a tireless worker and committee member, for their work. Professor Graeme Davison, emeritus professor of history at Monash University, gave a great presentation titled 'Do we belong here? The appeal of local history'. The Honourable Jenny Macklin, federal member for Jagajaga; Cr Tom Melican, mayor; and Cr Peter Castaldo of Banyule City Council were also guests. It was a great opportunity to reflect on their great work in protecting our history as well as helping people in the community preserve our history and understand where we came from and our future together.

**The DEPUTY SPEAKER** — Order! The time for making statements has now ended.

**Mr Nardella** — On a point of order, Deputy Speaker, I ask the member for Kew to withdraw under standing order 118, seeing as I was not able to ask him to withdraw when I raised for a point of order earlier.

**The DEPUTY SPEAKER** — Order! The member for Kew is not present in the chamber.

**Mr Clark** — On a further point of order, Deputy Speaker, I draw to your attention concern about your ruling about no points of order during the course of members statements. It is perfectly reasonable to take a very tough attitude to points of order during members statements, particularly when it appears that the point of order might be designed to waste the time of the person making the members statement. But it is contrary to standing orders for the Chair to refuse to accept a legitimate point of order, and it makes it impossible for this house to ensure that the house is conducted in accordance with the standing orders and that genuine points of order are drawn to the Chair's attention. So I do ask you to reconsider that ruling. I appreciate you made it on the fly in quite contentious circumstances. I think the signalling of a strict approach by the Chair to points of order would be in order, not a refusal to accept any points of order during members statements.

**The DEPUTY SPEAKER** — Order! I acknowledge the member's point of order. It was an unfortunate mistake on my behalf to accept the point of order. The ruling of this house has been that points of order are not called during members statements to allow members to have their full 90 seconds to make their statements. Points of order are generally called at the end of the statements being made. The member for Melton has made his point of order. The member for Kew is not in the chamber. I will refer that to the member for Kew.

### STATEMENTS ON REPORTS

#### Law Reform, Road and Community Safety Committee: probationary driving age

**Mr DIXON** (Nepean) — I wish to report today on the Law Reform, Road and Community Safety Committee's recent report on the inquiry into lowering the probationary driving age in Victoria to 17. First of all I would like to take this opportunity to thank the staff of the committee and also my colleagues who worked very hard on this committee. I must say with due respect to my colleagues and myself that I think we all moved into this inquiry with very, very open minds as to what the outcome might be.

With that in mind, it was disappointing in a way that within probably an hour or two of the committee's report being tabled the government immediately knocked the main recommendation of the committee — to lower the probationary driving age in Victoria from 18 to 17 — on the head. I think the respect that is due to the committee's work — the work of not only the members but also the secretariat of the committee, all the witnesses and the experts who were called to give evidence — is that the findings of the committee are discussed and digested and the recommendations or responses to the recommendations by the government be made in due course, not within an hour of the committee actually tabling its report. So I think that was disrespectful and disappointing.

The genesis of the report was Mr James Purcell in the other place driving the inquiry. That was based on a lot of feedback he received from country Victorians, especially young people and their families about the issue of young people getting to jobs, training and education opportunities in areas that are not served well by public transport. That primarily impacted on 17-year-olds. He asked the committee to inquire into the matter, and the committee was given the reference to investigate all the circumstances surrounding the driving age being lowered from 18 to 17, but with a particular emphasis on people in country Victoria. I really would like to take this opportunity to support the recommendations made by the committee. I think it is very, very important that the government and the minister concerned read the committee's report, understand the recommendations and why we made the recommendations that we did, and take them seriously and report back to the Parliament in due course.

I actually held a number of meetings with young people in my electorate because I thought it was an important issue for a semi-rural electorate where public transport is not good. The issues surrounding the genesis of the report were very similar in my electorate to those Mr Purcell was putting forward.

A couple of things in the report stood out. One was that the graduated licensing system that we do have in Victoria is first class; it is world-leading. We recommended a number of minor changes to it, but I think it was recognised by all that no matter where they were coming from in the discussion — whether they were young people, experienced drivers or lawmakers — our graduated licensing system is a very, very good one.

I would like to talk very briefly about a couple of the recommendations and the reasons behind the recommendation that we made to lower the driving age

in Victoria from 18 to 17. Recommendations 7, 8 and 10 especially boil down to the fact that there is no real up-to-date evidence to support the contention that there is a massive difference between the brain development and therefore the driving ability of 18 and 17-year-olds. If there was more up-to-date evidence and better evidence, we might have made a different recommendation, but in the absence of that we made the recommendation that the driving age be lowered from 18 to 17, and I fully support that recommendation.

### **Electoral Matters Committee: electronic voting**

**Ms SPENCE** (Yuroke) — I am very pleased to speak on the inquiry into electronic voting that has recently been undertaken by the Electoral Matters Committee. As this is the first time that I have spoken on this report I would like, firstly, to thank the committee chair, the member for Brighton, and all of the other members of the committee for their constructive and cooperative approach, those other members being the member for Pascoe Vale, the member for Nepean, the member for Morwell and Adem Somyurek and Fiona Patten in the other place. I would also like to thank the secretariat of the committee, Mark Roberts and his team — Nathaniel, Maria and Bernadette — as well the assistant clerk, Robert McDonald, who assisted with the work of the committee. I would also like to thank all those who made submissions, attended hearings and contributed to the inquiry. There was certainly a great deal of community interest in this inquiry.

Under the terms of reference, the committee was required to consider and report on the forms of electronic voting currently utilised in Victoria and other jurisdictions and their effectiveness, as well as considering alternatives that are available and that, if implemented, would ensure the continued integrity and security of the electronic voting system. When the inquiry commenced, community expectations regarding internet-based voting were quite high. 'Why can't I vote from home?' or 'Why can't I vote on my phone, where I do everything else?' were common questions that people were asking. The cost and timeliness of postal voting were increasing as issues of concern. The delay in the 2016 federal election result prompted the Prime Minister and the federal Leader of the Opposition to call for electronic voting, and a federal inquiry on that matter was commenced.

Then we had the 2016 Australian census fail, and this reminded everyone of the risks that are associated with internet-based activities. And of course the 2016 presidential election in the United States provided daily commentary of potential hacks and security concerns which raised questions about the validity of the systems

and the result. So the public position on electronic voting actually shifted during the course of this inquiry. I also shifted somewhat in my position. At the start of the inquiry I was really keen to see the implementation of internet-based voting. This seemed convenient and in line with all the other activities that we undertake online. However, while I still support the convenience and opportunities of internet-based voting, the evidence we were provided with overwhelmingly demonstrated that there is not currently a system that provides the security, secrecy and verifiability of our current system of voting. In fact it was the opposite that was found.

The committee explored the technologies being used in other states and the experience in international election administrations. In Australia most of note is iVote in New South Wales and its adaptations that have been rolled out in other states. But when we looked internationally, as Australia has been moving to increase adoption of internet-based voting, other jurisdictions around the world, with the exception of Estonia, were moving away from anything that was internet based, and that was all about the security concerns.

For me, the concerns that were raised about security and verifiability have not been answered to a degree that satisfies our terms of reference, which were to look at models that ensured continued integrity and security. The expert evidence provided was that the current internet-based options do not provide this integrity and security. However, I do still support, in principle, internet-based voting, as in recommendation 1 of the committee. To that end I would also hope that there is a collaborative approach by the state electoral commissions and the Australian Electoral Commission so that we can work towards national electronic voting capacity in Australia, and that is in accordance with recommendation 2 of the committee.

Of note, if we look at the example of the United States, each of the states have a different approach, and even within the states they can have a different approach. This seems to be very cumbersome and not the most efficient or effective way to have voting systems. It would be far better if we could have a more unified approach here, and certainly from the discussions we had with other electoral commissions in Australia it was clear that was a preferred approach for them.

It is also important to note that when we talk about electronic voting we are not only talking about internet-based voting; we also need to have a think about other ways to improve voter experiences and electoral administration through the use of technology. The committee goes on to discuss a couple of these options,

particularly in recommendations 4 and 5. On that basis I commend the report to the house.

### **Electoral Matters Committee: electronic voting**

**Mr NORTHE** (Morwell) — I rise this morning to speak on the report handed down by the Electoral Matters Committee, of which I am privileged to be a member. The inquiry into electronic voting was an interesting one. As the member for Yuroke said, it is interesting to analyse some of the electronic voting systems that are in place in other jurisdictions, not just in Australia but internationally as well. Under the terms of reference the committee was asked to look at the types of voting that we utilise in Victoria currently but also in other jurisdictions and to ascertain how effective they are, and I will talk more about that later in my contribution.

Under the terms of reference we also looked at the alternatives that are available and at the need to ensure that we have the integrity and security of an electronic voting system if that were to be implemented. The way that people have voted historically has not changed much over generations, but when you look at other areas of our lives the technology that is available to us in this modern age has changed dramatically in recent times, whether it is in ways of communicating with each other, in paying bills or in doing banking. As we know, technology has moved us on quite quickly from what we did decades ago to what we are doing now.

Electronic voting occurs in some jurisdictions at present in different forms. As the member for Yuroke said, many of those jurisdictions are moving away from electronic voting purely and simply because the integrity and security of the systems cannot be guaranteed. They were certainly the findings and the conclusion of the committee. Interestingly Estonia seems to be the only jurisdiction that maintains its current form of electronic voting. We saw the debacle that occurred with the recent census here. I suppose the faith and confidence the public has in electronic systems was somewhat downgraded during that period of time, to say the least.

Ultimately the committee came up with six recommendations. Recommendation 1 is in-principle support by the committee for remote voting in Victoria, but that is confined to a limited category of electors. That might include people who are blind or have low vision, who have some form of motor impairment, who have insufficient language or literacy skills or who are eligible electors who might be interstate or overseas at the time of an election. I think that is a common-sense approach to remote voting, which occurs in certain circumstances at the moment.

Recommendations 2 and 3 go to the heart of the integrity and security of electronic voting systems.

Recommendation 2 talks about collaboration between the Victorian Electoral Commission (VEC), the Australian Electoral Commission and other state and territory electoral commissions to develop what might be agreed principles around the integrity and security for systems that are available and to look at that from a national perspective as well. Recommendation 3 is interesting from my perspective because it recommends that we establish an electronic voting board, which would oversee the technical and traditional scrutiny arrangements for remote voting. That board, as recommended by the committee, would have members from academia with technical expertise around electronic voting, and specialists and representatives from registered political parties.

Recommendations 5 and 6 talk about the VEC undertaking further work. One element of that is a cost-benefit analysis of electronic roll mark-off facilities. I think one of the frustrating things for many people is that an individual or individuals — and I know they are in the minority — who vote at multiple polling places on election day upset the integrity of the whole system. I would support us having an electronic roll mark-off facility, but the VEC will do some more work in that space. Thank you to the chair and all the committee members for their hard work on the report.

### **Electoral Matters Committee: electronic voting**

**Ms BLANDTHORN** (Pascoe Vale) — I too rise to speak on the report of the Electoral Matters Committee and the inquiry into electronic voting. This report is a testament to the thorough and productive work of a committee that can work well together to truly investigate at a very genuine level the issues around a topic that I think a number of us came to with some preconceived ideas. But as a result of some fairly thorough research, and with the assistance of the secretariat and the Deputy Clerk, Robert McDonald, the committee has spawned a good piece of work that thoroughly examines the issues.

The inquiry required the committee to examine the effectiveness of electronic voting systems utilised in Victoria as well as in other jurisdictions with a view to implementing alternatives that would enhance the democratic process and ensure the continued integrity and security of the electronic voting system. There were six recommendations, but I guess the overarching one was that in principle we support electronic voting for a limited cohort of electors, certainly for those with disability access issues and perhaps for those who are absent from Victoria on election day.

It is worth noting that Victoria was the first state in the world to adopt a secret ballot. It was here in Victoria that Henry Chapman designed a system to enhance democracy. Our recommendations reflect a commitment to ensuring that Victoria retains that commitment to enhancing democracy, where the vote of each and every Victorian is secret and sacrosanct.

There were two key demands which drove the push for electronic voting, and the first of those was how we can better ensure secret access for vision impaired and disabled voters as well as for our culturally and linguistically diverse communities. There is no doubt that Victorians with vision impairment, disabilities and language barriers are often restricted in their enfranchisement. They are unable to cast their vote in true secrecy as they may have to rely on the support of another person to cast their ballot, disclosing their vote in the process. We agree in principle that electronic voting has the capacity to further enfranchise these Victorians.

However, the electronic voting system currently operating throughout Australia cannot provide these Victorians with a means of voting that ensures their vote will be kept secret. For example, the iVote system that a number of members have referred to today — implemented in New South Wales and recently extended to Western Australia — relies on a verification system that reads the vote back to the elector over the telephone. This process compromises the secrecy of the vote. The identity of the voter can be revealed through this process, and the mechanism for verifying callers can be circumvented in numerous ways.

The second issue driving this demand for electronic voting is the modern expectation for more convenient methods of voting. This is probably reflected in the increased number of people that we see casting pre-poll votes: votes before election day increased 52.58 per cent in 2010 and have increased 157.71 per cent since 2006. There have been numerous calls for increased access to electronic voting and the media since the 2016 federal election. This demand is related to the public's increasing engagement with automated services; for example, Victorians are used to electronic banking. Often the question is put: if I can bank online why can I not vote online?

The answer, whilst not immediately apparent, is simple. A certain amount of fraud is expected and underwritten in the business model of a bank. Discrepancies and fraudulent transactions are remedied by tracking receipts and sharing information. We do not generally want a receipt of our vote but we do want a receipt when we bank. And unlike banking the capacity for large-scale fraud and manipulation is not acceptable in an electronic

voting system. And as the recent census debacle shows, there is an expectation that sensitive information is kept secret and anonymous. As the recent US election shows, electronic voting systems cannot always protect this.

Ultimately calls for increased convenience do not justify the use of electronic voting in a broad sense. There is much to be said also for community engagement on polling day; the sausage sizzle, the bunting and the opportunity for public discourse are vital to a healthy democracy. In the future, when the right system has been developed, it will be justified for those voters outside of Victoria on polling day and those living in remote locations. The electorate must have a high regard for the integrity of the system, and the system must not only be secure but it must also appear to be secure.

The committee was asked to consider the iVote system presently implemented in New South Wales and Western Australia. There have been a number of security issues with this system. It is worth noting that the New South Wales joint standing committee on electoral matters recently recommended that the iVote system be withdrawn from use until these issues are addressed. The committee's recommendations reflect an understanding that while the electoral process in Victoria requires some innovation, the overall security and integrity of the process is — —

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

### **Accountability and Oversight Committee: oversight agencies 2015–16**

**Ms STALEY** (Ripon) — Today I rise to speak on the *Report into Victorian Oversight Agencies 2015–16*. Before I do, if I could just briefly say that I have very much enjoyed the contributions from all sides of the house on the recent Electoral Matters Committee report into electronic voting. I think that is the work of committees at their best.

Today I want to focus on section 3.4.4 of the report into Victorian oversight agencies, which is about an investigation referred from Parliament to the Ombudsman's office. I have spoken on this report previously, and since I last spoke there has been quite a significant development on this issue: the High Court has ruled that the Ombudsman has jurisdiction to inquire into allegations that ALP members of the Victorian Parliament misused members' staff budget entitlements against the provisions of the Parliament of Victoria Members Guide.

What we have seen is that the government has, right from the beginning, right from when the Legislative Council sought to refer this serious matter to the Ombudsman, gone through every possible legal mechanism they can. They have failed at every stage. Starting with the Supreme Court, they then appealed that decision in the Court of Appeal and then they went to the High Court, at an enormous cost to taxpayers. The High Court has upheld the right of the Ombudsman to investigate these extremely serious matters.

When we look at what these matters are, at their heart, they are people being employed by the Parliament as electorate officers, working for the member of Parliament who employs them, and in some cases never meeting them. We know in this chamber the allegations made in relation to this by whistleblowers, and there are a number of them, suggests that quite a bit of this behaviour came out of the broader Geelong region.

One of the whistle-blowers is from Colac, and we have got allegations that the member for Lara was an instigator in signing these time sheets for staff that were in fact in the campaign office, red shirts working for the member for Bellarine. This is of course completely outside the guidelines, and that is why we have seen this government seek at every stage along the way to stop an inquiry by the Ombudsman into that.

Now we have a series of allegations that have been made by Labor MPs. I refer the house to a report in the *Herald Sun*, which quotes three Labor MPs. I will read just one:

We don't know who we've employed or what they've been doing ... People did wonder but we were told it was all okay ... There was no reason to doubt the advice coming from the leader's office ... Everyone contributed — I reckon the vast majority did.

We know that these very active Labor community action network people made thousands of calls to get Labor members elected and re-elected. And if — as it is likely because they have tried so hard to stop the Ombudsman investigating it — they know they have got something to hide, we can really legitimately ask, did they steal the election through this process? Are they legitimately sitting on the government benches? Because you have got to use the right processes to get here. You cannot fraud your way into government. And yet this government has used every single part of its armoury in trying to stop this investigation by the Ombudsman. In fact in the report I am speaking on today it notes that the Victorian government had challenged the decision in the Court of Appeal — and at that point it was before the court. They lost that appeal and then they lost in the

High Court. So then in the course of the debate the Attorney-General said they would legislate no end.

**Public Accounts and Estimates Committee:  
budget estimates 2016–17**

**Mr DIMOPOULOS** (Oakleigh) — I rise to speak on the report on the 2016–17 budget estimates, and I do so with a tinge of sadness because last night's federal budget did not really restore the imbalance that exists currently with infrastructure funding in Victoria. In the Public Accounts and Estimates Committee report on the 2016–17 budget estimates the Treasurer is quoted as saying:

I think it is important for the state to acknowledge that we do need to look at whether or not we are getting value for money from the assets that the state holds and whether or not we can work our balance sheet better in order to get a better return for the Victorian community.

I think one of the reasons the state has formed a view ... that it is important to make sure that we are getting value for the assets that the state holds. I do not see 'asset recycling' as a cute one-liner. I see it as being something very tangible and real in the sense that, if we asset recycle, that is we are changing a current status, which could in fact be a leasehold, into another state asset that we have formed a view has better and more immediate economic value for the state.

Of course the Treasurer was referring to the lease of the port of Melbourne and the funds from that going into level crossing removals, a commitment we made to the Victorian people before we came to office and a commitment that I think absolutely is one of those that is similar to the prevention of family violence. This government is branded by those two commitments. If you ask any Victorian about what the Andrews Labor government stands for, if they know nothing else — and there is a lot we stand for — they know about family violence prevention and level crossing removals.

Of course the asset recycling initiative that the federal government announced was to receive 15 per cent of the sale or lease proceeds as a bonus for recycling an asset. It has been a bone of contention between the federal government and our state government here, and unfortunately it was not addressed last night. I think we have gone up 1 per cent, but we are still at about 8 per cent or 9 per cent of infrastructure funding provided by the federal government to states and territories, while we represent 25 per cent of the population of Australia. So our taxpayers are paying enormous GST revenues and income tax revenues to the federal government, and in return we are getting 8 per cent, or perhaps 9 per cent after last night's budget, rather than the 25 per cent that New South Wales is getting comparable to its population.

If there is any misunderstanding in the community about who is to blame for this, it is absolutely clearly the federal government. The Victorian government has done everything possible to establish a framework where we can receive those funds. We signed the agreement with the federal government to receive those funds. We have set up the Victorian Transport Fund, and we have established Infrastructure Victoria, an independent, non-political group of experts to advise not just us but effectively the Victorian community on infrastructure needs over the next 30 years. We have a AAA credit rating. We have lower debt than that which we inherited. We have significantly higher economic growth than that which we inherited. I think when we came to office our economic growth was better only than Tasmania; now we are first or second in Australia. We of course have invested significantly of our own funds, so we are not just going cap in hand to Canberra. Our infrastructure investment over the last three years of this government is close to \$9 billion. It was less than half of that under the previous government.

We have a big agenda of infrastructure projects. It is not as if we are struggling to find any and we have to dig up the ones from the bottom drawer. All our frameworks are in place, our vision is in place and our legitimacy is in place in terms of being elected on this big infrastructure agenda. All we are waiting for is a fair deal from Canberra. While it sounds like a political cliché, it is such a significant issue. We are being short-changed — I think the Treasurer said by about \$6.5 billion. When we say that we are being short-changed, it is not the people in this room necessarily, it is the Victorian taxpayer that is getting 9 per cent rather than 25 per cent. Imagine the infrastructure improvements we could make if we got our fair share, particularly for a growing population, which Victoria has. So it is a timely reminder to keep putting pressure on the federal government to restore that imbalance.

**CORRECTIONS LEGISLATION  
MISCELLANEOUS AMENDMENT  
BILL 2017**

*Statement of compatibility*

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

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

In my opinion, the Corrections Legislation Miscellaneous Amendment Bill 2017 (the bill), as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

### Overview

The bill amends the Corrections Act 1986 (the Corrections Act), Children, Youth and Families Act 2005 (the Children, Youth and Families Act) and the Serious Sex Offenders (Detention and Supervision) Act 2009 (the SSODS act) to:

insert new offences into the Corrections Act, Children, Youth and Families Act, and the SSODS act to prohibit the operation of remotely piloted aircraft and helicopters, or possession of remotely piloted aircraft, in, at or in the vicinity of prisons, residential facilities and youth justice facilities;

expand the search and seizure powers in the Corrections Act, the Children, Youth and Families Act and the SSODS act to encompass where a new offence is reasonably believed to have been committed or is being committed;

introduce stricter parole laws into the Corrections Act for prisoners who have been convicted of aggravated home invasion, home invasion, aggravated carjacking, carjacking, terrorism and foreign incursion offences;

amend the information-sharing provisions in the Corrections Act and the SSODS act to correct anomalies and ensure consistency between them;

make various amendments to the supervision order regime under the SSODS act, including with respect to the review and renewal of orders, the core conditions attached to orders, and reporting requirements on the use of force by supervision officers and specified officers.

### Human rights issues

#### Offences and powers relating to operation and possession of remotely piloted aircraft and helicopters

Clauses 4, 42 and 64 of the bill insert new provisions into the Corrections Act, the SSODS act, and the Children, Youth and Families Act respectively to create offences relating to operating remotely piloted aircraft or helicopter, or possessing a remotely piloted aircraft in, at or near a prison established under the Corrections Act; a residential facility established under the SSODS act; and a youth justice centre, youth remand centre or youth residential centre established under the Children, Youth and Families Act. A residential facility in this context is a premises appointed under the SSODS act for the accommodation, supervision and management of sexual offenders on supervision orders. A youth justice centre or remand centre in this context is a premise appointed under Children, Youth and Families Act for the detention of child offenders or children accused of offences.

Clause 4 of the bill inserts new section 32A into the Corrections Act. New section 32A(1) creates an offence for intentionally or recklessly operating or attempting to operate a remotely piloted aircraft or helicopter or possessing a remotely piloted aircraft in, at or in the vicinity of a prison in a manner that threatens, or is likely to threaten, the good order or security of a prison or any person in a prison unless the person doing so

has a reasonable excuse. New section 32A(3) empowers an escort officer, or a police officer in the case of a prison in a metropolitan area, to order a person to leave the neighbourhood of the prison if the officer believes on reasonable grounds that the person is committing or has committed an offence under new section 32A(1). The relevant officer must advise the person of why they are being ordered to leave. It is an offence under new section 32A(5) for a person to fail to comply with an order to leave the neighbourhood.

New section 32A(6) empowers an escort officer to apprehend a person without warrant if the officer believes on reasonable grounds that the person has committed an offence against new section 32A(1). Pursuant to section 32A(7), an escort officer who has apprehended a person must as soon as possible deliver the person to the custody of a police officer to be dealt with according to law. New section 32A(8) provides that apprehension under this provision is governed by the provisions of the Crimes Act 1958 (Crimes Act) dealing with the period for which the apprehended person can be held and the bringing of the person before the court. For this purpose, a person apprehended under section 32A(6) is to be treated as if apprehended under section 459 of the Crimes Act. For instance, pursuant to section 464A of the Crimes Act, a person arrested under section 32A(6) and delivered into police custody must be released unconditionally, released on bail, or brought before a bail justice or the Magistrates Court, within a reasonable time.

Clauses 42 and 64 of the bill inserts similar provisions into the SSODS act and the Children, Youth and Families Act and with respect to the operation of remotely piloted aircraft and helicopters, or possession of remotely piloted aircraft in, at or in the vicinity of a residential facility or youth justice facility in a manner that threatens, or is likely to threaten, the good order or security of a residential facility or youth justice facility within the meaning of the SSODS act or Children, Youth and Families Act.

These clauses potentially engage the following human rights in the charter:

the right to be presumed innocent until proved guilty (s 25(1));

the freedom of movement (s 12); and

the right to liberty (s 21).

#### *Presumption of innocence — section 25(1)*

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. Provisions that create 'reasonable excuse' exceptions to offences may be viewed as engaging the right to be presumed innocent by placing an evidential burden on the accused to raise evidence of the relevant excuse.

The offences created by new section 32A(1) of the Corrections Act in clause 4 of the bill, new section 141A(1) of the SSODS act in clause 42 of the bill, and new section 488DB(1) of the Children, Youth and Families Act in clause 64 of the bill contain an exception for where a person has a reasonable excuse. In my view, defences of reasonable excuse do not transfer the legal burden of proof and therefore do not limit the presumption of innocence. Once the accused has adduced or pointed to some evidence that would establish the excuse on balance, the burden then shifts back to the prosecution to prove

beyond reasonable doubt the absence of the excuse raised, as well as each element of the offence. The matters that may form the basis of the defence of reasonable excuse will be peculiarly within the accused's knowledge. Furthermore, the burden does not relate to essential elements of the offence and is only imposed on the accused to raise facts that support the existence of the excuse.

For these reasons, I consider that these offences do not limit the right to be presumed innocent and, in the event that a different view is taken, any such limitation is reasonable and demonstrably justified under section 7(2).

*Freedom of movement — section 12*

Section 12 of the charter provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and to leave it, and has the freedom to choose where to live. The right to move freely in Victoria includes a right not to be forced to move from or to a particular location.

New section 32A(3) of the Corrections Act, new section 488DB(3) of the Children, Youth and Families Act, and new section 141A(3) of the SSOds act impose some restriction on the freedom of movement by empowering certain officers to order a person to leave the neighbourhood of a prison or residential facility. Disobeying such an order is an offence under the new provisions.

However, I consider that, to the extent that these provisions limit the right to freedom of movement under the charter, the limitation is justified under section 7(2) of the charter. The limitation serves an important purpose of protecting the security of prisons, residential facilities and youth justice facilities. A person may only be ordered to leave the neighbourhood where the relevant officer believes on reasonable grounds that the person is committing or has committed an offence under subsection (1) of the new section 32A of the Corrections Act, new section 488DB of the Children, Youth and Families Act, and new section 141A of the SSOds act. These offences concern threats to the good order or security of prisons, residential facilities and youth justice facilities. The power to order a person to leave the neighbourhood is directed to removing the threat. Before order a person to leave, the officer must advise the person of the reason for that order.

Further, I am satisfied that the limitation is confined to the minimum restriction on a person's movement necessary to achieve the objective. A remotely piloted aircraft may be operated from some distance away from a prison, residential facility or youth justice facility. Accordingly, the threat posed by the aircraft can only be addressed by requiring a person believed to be operating the aircraft to leave the vicinity of these locations. The initial consequences are confined to the person being required to leave the neighbourhood and a person only commits an offence if they disobey the order.

The provisions balance the need to protect the security of prisons, residential facilities and youth justice facilities with the right to freedom of movement. The new offences include a required element that the conduct threatens or is likely to threaten the good order or security of a prison or facility or any person in that prison or facility. There is a nexus between security of the prison, residential facility or youth justice facility and order to leave the neighbourhood. Existing operational procedures for prison officers exercising similar powers under the Corrections Act and officers under the

Children, Youth and Families Act ensure that they are always proportionate to the relevant security risk. Officers are trained to appropriately assess security risks and must identify possible courses of action inside or in the surrounding area outside these facilities that are reasonable, necessary and proportionate. While a less restrictive means could be to fix a maximum period, the extent and duration of a security risk will vary according to the individual case. Therefore the maximum period of the order to leave the neighbourhood of the prison, residential facility or youth justice facility is for the period that the officer reasonably believes that the offence is being committed; is likely to commit a further offence or to prevent the person from committing a further offence. This restriction is reasonable and proportionate.

In my opinion, while the provisions inserted by clauses 4, 42 and 64 of the bill limit the right to freedom of movement as protected under section 12 of the charter, the limitations are justified in accordance with section 7(2) of the charter.

*Right to liberty — section 21*

Section 21(2) of the charter provides that a person must not be subjected to arbitrary arrest or detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.

New section 32A(6) of the Corrections Act, new section 488DB(6) of the Children, Youth and Families Act, and new section 141A(6) of the SSOds act empower officers to apprehend a person without warrant in certain specified circumstances. These provisions potentially engage the right to liberty. However, the grounds for arrest are clear and appropriate, and cannot be regarded as arbitrary. The power of arrest requires the officer to reasonably believe that the person has committed an offence, namely an offence under subsection (1) of these provisions. The offence in subsection (1) is a serious offence involving a threat, or likely threat, to the good order or security of a prison, residential facility or youth justice facility. Further, pursuant to new sections 32A(7), 488D(7), and 141A(7), after arresting a person an officer must as soon as possible deliver the person to the custody of a police officer to be dealt with in accordance with law. The provisions of the Crimes Act relating to the period for which the person can be held and the bringing of the person before court also apply to safeguard the person's right to liberty. The arrest power, therefore, is appropriately confined so as not to allow a deprivation of liberty for longer than necessary or otherwise than in accordance with the law.

For these reasons, I consider that the provisions inserted by clauses 4, 42 and 64 of the bill do not limit the right to liberty.

*Search and seizure powers*

Clauses 5 and 43 of the bill expand the search powers in section 45 of the Corrections Act and section 142 of the SSOds act respectively. Clauses 6 and 44 of the bill expand the seizure powers in section 46 of the Corrections Act and section 143 of the SSOds act respectively. Clause 64 inserts new search power in sections 488DD and 488DE of the Children, Youth and Families Act applying other search and seizure provisions in divisions 3 and division 3A of that Act namely sections 488F, 488G, 488GA, 488GB, 488GC and 488GD, excluding section 488E.

Clause 5 inserts new sections 45(2A) to (2D) into the Corrections Act. These new sections empower an escort officer, or if requested by the governor of the prison, a police officer to conduct a search outside but near the prison. A search may be conducted if the governor or an escort officer believes on reasonable grounds that a person is committing or has committed an offence against new section 32A(1). In conducting a search, the relevant officer may, among other things, search and examine a person who is reasonably believed to have committed the offence, including any thing belonging to the person or in the person's possession or control, require a person outside but near the prison to submit to a search, and seize any thing in accordance with new section 46(1A). The search must be conducted in accordance with the Corrections Regulations 2009 (the corrections regulations).

Clause 6 inserts new section 46(1A) into the Corrections Act. This section empowers an escort officer conducting a search under new section 45(2A) or (2B) to seize things found on a person or in a person's possession, or in, at or outside but near the prison, which the officer believes on reasonable grounds will afford evidence of the commission of an offence against new section 32A(1). Any seizure must be immediately informed to the governor of the prison, who must deal with the thing seized in accordance with the corrections regulations.

Clause 43 inserts new sections 142(2A) to (2C) into the SSODS act. The new sections empower a supervision officer or specified officer to conduct a search outside but near a residential facility. A search may be conducted if the officer in charge of the residential facility, a supervision officer or a specified officer believes on reasonable grounds that a person is committing or has committed an offence under new section 141A(1). In conducting the search, the relevant officer may, among other things, search and examine a person who is reasonably believed to have committed the offence, including any thing belonging to that person or in the person's possession or control, require a person outside but near the residential facility to submit to a search, and seize any thing in accordance with new section 143(1A).

Clause 44 inserts new section 143(1A) into the SSODS act. This section empowers an officer conducting a search under new section 142(2A) or (2B) to seize things found on a person or in a person's possession, or in, at or outside but near a residential facility, which the officer believes on reasonable grounds will afford evidence of the commission of an offence against new section 141A(1). Pursuant to existing section 144 of the SSODS act, the officer in charge of the residential facility must immediately be informed of the seizure and it must be recorded in the register of seized things maintained by the commissioner.

Clause 64 inserts new section 488DD into the Children, Youth and Families Act. The new sections empower an officer under section 482DD to conduct a search outside but near a youth justice facility. A search may be conducted if the officer in charge of the residential facility, a supervision officer or a specified officer believes on reasonable grounds that a person is committing or has committed an offence under new section 488DB(1). In conducting the search, the relevant officer may, among other things, search and examine a person who is reasonably believed to have committed the offence, including any thing belonging to that person or in the person's possession or control, require a person outside but near the residential facility to submit to a search, and seize any thing in accordance with new section 488DE.

Clause 64 also inserts new section 488DE into the Children, Youth and Families Act. This section provides that an officer in carrying out searches under section 488DD(1) or (2) seize things found on a person or in a person's possession, or in, at or outside but near a youth justice facility, an officer may seize any thing found on a person or in a person's possession or any thing found in, at or outside but near a youth justice facility, which the officer believes on reasonable grounds will afford evidence of the commission of an offence against section 488DB(1). Pursuant to new section 488DE(2), the officer who seizes the thing must inform the officer in charge of the youth justice centre. The officer in charge must deal, in accordance with sections 488F, 488G, 488GA, 488GB, 488GC and 488GD including record the seizure in the register of seized things maintained by the officer in charge.

These clauses potentially engage the following human rights in the charter:

the right to privacy (s 13); and

the right to property (s 20).

*Right to privacy — section 13*

Section 13 of the charter provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. However, an interference with privacy will not be unlawful where it is permitted by a law which is clear and appropriately circumscribed. Interferences with privacy will not be arbitrary provided they are reasonable in the particular circumstances, just and proportionate to the end sought.

The new search powers introduced by clauses 5, 43 and 64 of the bill are relevant to a person's right to privacy. The powers may involve an interference with a person's bodily integrity, and may be exercised without obtaining a warrant.

In my view, the power to search a person reasonably believed of having committed an offence will not constitute an arbitrary or unlawful interference with privacy. The limited circumstances in which a search may be conducted are clearly set out in the relevant acts and are appropriately circumscribed. I am satisfied that any interference with a person's privacy that occurs will therefore be permitted by law.

Further, the search powers are not arbitrary as they are reasonable and proportionate to the law's legitimate purposes of preventing and addressing threats to the good order and security of a prison or residential facility. The search powers are not at large. First, under new sections 45(2A) and (2B) of the Corrections Act, new section 488DD of the Children, Youth and Families Act, and new sections 142(2A) and (2B) of the SSODS act, a search may only be conducted outside but near a prison, residential facility or youth justice facility if a relevant officer believes, on reasonable grounds, that a person has committed an offence against new sections 32A(1), 141A(1) or 488DB(1). Second, in conducting a search of a person or location, the relevant officer must reasonably believe that an offence has been committed or is being committed against proposed ss 32A(1), 141A(1) or 488DB(1), or, that there is some thing on the person or in the person's possession, or in, on or at the location, which will afford evidence of the commission of an offence against proposed ss 32A(1), 141A(1) or 488DB(1). This requirement protects against the risk of indiscriminate or arbitrary searches.

The powers also contain sufficient safeguards to prevent overreach. With respect to the new search power under the Corrections Act, the search must also be conducted in

accordance with the corrections regulations including the manner and procedure for conducting the search (being a scanning search, garment search or pat-down search) including informing the person of the reason for the search. Under these regulations, the prison governor must keep a register with certain information about the search conducted by a prison officer or escort officer.

With respect to the new search power under the SSODS act, a search of a person is limited to either or both of a garment search, pat-down search, and any pat-down search must (to the extent practicable) be conducted by a person of the same sex as the person being searched, pursuant to existing sections 142(4) and (5).

With respect to the new search power under the Children, Youth and Families Act, the search must also be conducted in accordance with the Children, Youth and Families Regulations 2005 including the manner and procedure for conducting the search (being a scanning search, garment search or pat-down search) including informing the person of the reason for the search. The officer in charge must keep a register with certain information about the search conducted by an officer.

It is my view that the nature and scope of the searches are proportionate to the purpose of the new provisions of protecting the security of prisons, residential facilities and youth justice facilities. The powers are necessary to enable the enforcement of the offences created by new sections 32A(1) and 141A(1) and 488DB(1).

These powers strike an appropriate balance between upholding privacy and protecting the security of prisons, residential facilities and youth justice facilities. I do not consider there to be any less restrictive means reasonably available to ensure the safety of the community and the security or good order of prisons, residential facilities and youth justice facilities.

For these reasons, I am satisfied that clauses 5, 43 and 64 of the bill do not limit the right to privacy.

#### *Right to property — section 20*

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law which authorises a deprivation of property and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct.

Clauses 6, 44 and 64 of the bill engage the right to property as they empower relevant officers to seize a person's property. However, these clauses clearly specify the circumstances in which a person's property may be seized during a search. An item will only be seized if the relevant officer believes on reasonable grounds that it will afford evidence of the commission of an offence. Seizures are subject to mandatory oversight by the persons in charge of the relevant facility. A relevant officer must immediately inform the governor (in the case of a prison) or the officer in charge (in the case of a residential facility or youth justice facility) of the seizure.

The corrections regulations, and the SSODS act and Children, Youth and Families Act regulations made under those acts also outline the manner and procedure for dealing with a seized item, including the maintenance of a register of seized items. Further, the corrections regulations prescribe criteria for the retention, forfeiture, disposal and return of such items. I am satisfied that any deprivation of property under the bill will

occur on the basis of transparent, accessible and predictable criteria directed towards the legitimate objective of investigating the commission of an offence, and thus be in 'accordance with the law'.

For these reasons, I consider that clauses 6, 44 and 64 of the bill do not limit the right to property.

#### **Parole**

The bill amends the Corrections Act to introduce a stricter framework for parole for prisoners who have been convicted and sentenced for terrorism, foreign incursion, carjacking, home invasion and defensive homicide offences (the relevant offences).

Several provisions of the Corrections Act currently treat serious violent offenders and sexual offenders differently from other prisoners for the purposes of parole.

Section 74AAB of the Corrections Act currently governs the release on parole of serious violent offenders or sexual offenders. It creates the serious violent offender or sexual offender parole division (SVOSO division) of the parole board. Under section 74AAB(3), only the SVOSO division may order the release on parole of a serious violent offender or sexual offender. The SVOSO division may only make such an order if another, differently constituted division of the parole board has recommended that parole be granted, and the SVOSO division has considered this recommendation.

Section 77 of the Corrections Act currently governs the cancellation of parole. Under section 77(3), if a serious violent offender or a sexual offender is charged with a violent offence or a sexual offence while on parole, the parole board must cancel the prisoner's parole unless it is satisfied that circumstances exist to justify the continuation of the parole. Under section 77(6), if a serious violent offender or a sexual offender is convicted of a violent offence or a sexual offence while on parole, the prisoner's parole is automatically cancelled on their conviction.

Clauses 8 and 9 of the bill extend the operation of these provisions to prisoners convicted of a relevant offence. Prisoners convicted of a relevant offence will be treated in the same way as serious violent offenders or sexual offenders under sections 74AAB and 77 of the Corrections Act, to the extent permitted by Victorian law. Most terrorism and foreign incursion offences are federal offences. As such, the new schedule 4 to the Corrections Act, inserted by clause 14 of the bill, defines terrorism and foreign incursion offences to include any offence against a law of Victoria, where the prisoner also committed, and was sentenced to imprisonment for, a specified terrorism offence under the Criminal Code Act 1995 (cth). In practice, these changes will apply to a person who has been convicted of both a federal terrorism offence and a Victorian offence, and is being released on parole in respect of a Victorian offence having already served their sentence for the federal offence. This differential treatment is based on the person's conduct and the circumstances of their offending, and reflects the seriousness of terrorism and foreign incursion offences.

Clause 8 extends the Corrections Act's special process for the release on parole of serious violent offenders and sexual offenders, to prisoners convicted of a relevant offence. Only the SVOSO division will be able to order that a prisoner be released on parole in respect of a relevant offence, in

accordance with the same procedure that currently applies to serious violent offenders and sexual offenders.

Clause 9 extends the Corrections Act's provisions for the cancellation of parole to prisoners charged with or convicted of a relevant offence. The following examples highlight the effect of clause 9:

If a prisoner is released on parole in respect of a sexual offence, and then charged with a terrorism offence while on parole, the parole board must cancel the prisoner's parole unless it is satisfied that circumstances exist to justify the continuation of the parole.

If a prisoner is released on parole in respect of a carjacking offence, and then convicted of a home invasion offence while on parole, the prisoner's parole will be automatically cancelled on their conviction.

Clauses 8 and 9 of the bill are relevant to the following human rights in the charter:

the right to liberty (s 21);

the right to be presumed innocent until proved guilty (s 25(1))

the right not to be punished more than once in respect of the same offence (s 26); and

the right not to be subjected to retrospective criminal punishment (s 27(2)).

Right to liberty (s 21)

Section 21(1) of the charter provides that every person has the right to liberty. Section 21(2) provides that a person must not be subjected to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on the grounds and in accordance with procedures established by law.

Clauses 8 and 9 of the bill are relevant to the right to liberty, because they may appear to authorise the deprivation of the liberty of a prisoner who is eligible for, or has been granted, parole. Clause 8 constrains the opportunity for a prisoner convicted of a relevant offence to be released on parole. Clause 9 makes it more likely that certain prisoners released on parole will serve all or part of the remainder of their sentence, as their parole may be cancelled if they are charged with or convicted of a relevant offence, among other offences.

In my view, however, clauses 8 and 9 do not limit the right to liberty of the person. It is well established that the right to liberty of the person is reasonably and justifiably limited where a person is deprived of their liberty under a sentence of imprisonment, after conviction for a criminal offence by an independent court following a fair hearing. Clauses 8 and 9 affect the granting and cancellation of parole. They do not increase the limitation on the right to liberty caused by the original sentence. Where parole is refused or cancelled, the person is ultimately required to serve the full sentence imposed by the court as punishment for the offence and for the protection of the community.

There is no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole for the duration of a person's sentence. In *Crump v New South Wales*, the High Court held that the power of the

executive government to order a prisoner's release on parole may be broadened, constrained or abolished by the legislature of the state, to reflect prevailing policy and practice.

Clauses 8 and 9 are not arbitrary. They clearly set out the role of the SVOSO division and the grounds for cancellation of parole in respect of prisoners convicted of relevant offences. The SVOSO division's oversight role in relation to a prisoner who has been convicted of a relevant offence reflects the seriousness of those offences and the need to protect the community from the risk of re-offending. Similarly, if a person is convicted of a relevant offence while on parole, the need to protect the community clearly warrants the cancellation of his or her parole. Where there is sufficient evidence to charge a person with a relevant offence, this raises legitimate questions of community safety which will ordinarily justify the person serving a further term of imprisonment, unless circumstances exist to justify the continuation of the parole.

*Right to the presumption of innocence (s 25(1)); right not to be punished more than once in respect of the same offence (s 26); right not to be subjected to retrospective criminal punishment (s 27(2))*

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. Section 26 states that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law. Section 27(2) provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

I consider that clauses 8 and 9 of the bill do not limit these rights. Neither a refusal to make an order for parole, nor cancellation of parole, can be characterised as punishment. In both cases, the prisoner is merely required to serve the full sentence imposed by the court for the original offence.

### Information sharing

Section 104ZY of the Corrections Act provides for circumstances in which a relevant person may use or disclose personal or confidential information. Section 104ZY(1) allows for information sharing in two broad circumstances: where it is reasonably necessary for the performance of official duties of the relevant person or any other relevant person, or where it is reasonably necessary for the performance by the relevant person of certain specified other duties (such as law enforcement duties or for the enforcement of a court order). Section 104ZY(2) lists a number of specific circumstances where the use or disclosure of personal or confidential information is permitted, including where the relevant person believes on reasonable grounds that the use or disclosure is necessary to reduce the risk of a person committing a violent offence.

Section 189 of the SSODS act provides for circumstances in which a relevant person may use or disclose to another relevant person information obtained by them in carrying out a function under that act or any other act. These circumstances include where the relevant person believes on reasonable grounds that the use or disclosure is necessary to reduce the risk of a person committing a violent offence or engaging in violent conduct.

Clauses 10, 11 and 61 expand the information-sharing powers in the Corrections Act and SSODS act by expanding the

circumstances in which use or disclosure is permitted. Clause 10 expands the definitions in s 104ZX of the Corrections Act by amending the definition of ‘official duties’ to include the administration of corrections-related legislation and inserting a list of such legislation into the act, including the Mental Health Act 2014, the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010. These amendments are designed to allow information sharing where it is reasonably necessary for the administration of a broader class of corrections-related legislation. This is consistent with section 189 of the SSODS act, which permits information sharing where it is reasonably necessary to carry out functions under a similar list of legislation. Clause 10 also amends the definition of ‘relevant person’ to remedy certain anomalies.

Clauses 11 and 61 expand the information-sharing powers in the Corrections Act and SSODS act respectively by permitting disclosure where the relevant person believes on reasonable grounds that the use or disclosure is necessary to reduce the risk of a person committing a violent offence or a sexual offence or both. ‘Sexual offence’ is defined by reference to the list of serious sexual offences in schedule 1 of the SSODS act. These amendments are intended to reduce the risk of a person committing a sexual offence, which is consistent with the purpose of the SSODS act to protect the community from serious sexual offenders. The equivalent amendment to the Corrections Act is designed to ensure that the information-sharing powers in the Corrections Act are, where appropriate, consistent with the powers in the SSODS act.

Clause 11 further expands the information-sharing powers in the Corrections Act by correcting certain anomalies, removing an administrative hurdle for disclosure of information for the purposes of the Working with Children Act 2005 (namely, the requirement for a formal request by the secretary) and allowing disclosure to specified oversight bodies, persons authorised to act on behalf of these bodies, and any person or body prescribed by regulations.

#### *Right to privacy — section 13*

These provisions engage the right to privacy under section 13 of the charter by broadening the circumstances in which personal or confidential information may be used or disclosed under the Corrections Act and the SSODS act.

In my view, any disclosure of personal information pursuant to these provisions will not constitute an arbitrary or unlawful interference with privacy. The limited circumstances in which personal or confidential information may be disclosed are clearly set out in the relevant acts and are appropriately circumscribed. I am satisfied that any interference with a person’s privacy that occurs will therefore be permitted by law. Further, the provisions are not arbitrary as they are for legitimate purposes that are relevant to and necessary for the performance of the duties and functions of the relevant bodies, or to reduce the risk of a person committing a serious sexual offence.

For these reasons, I am satisfied that the information-sharing provisions of the bill do not limit the right to privacy under section 13 of the charter.

#### **Amendments to the serious sex offender scheme under the SSODS act**

The bill also makes various amendments to the supervision order regime under the SSODS act.

To preface my consideration of relevant human rights affected by these amendments, it is necessary to restate the purpose of the SSODS act and the nature of orders made under the SSODS act. The main purpose of the SSODS act is to enhance community safety by requiring offenders who have served custodial sentences for serious sex offences and who pose an unacceptable risk of harm to the community to be subject to either a supervision or detention order. The secondary purpose of the SSODS act is to facilitate the treatment and rehabilitation of such offenders so as to reduce their risk of harm to the community. The scheme is not punitive in nature, and ensures that the orders effect the minimum level of limitation upon rights necessary to ensure community safety. In making a supervision order, a court must be satisfied that an offender poses an unacceptable risk of reoffending if the order is not made and the offender is in the community. The evidence justifying the decision must be cogent and the court must be satisfied by that evidence to a high degree of probability. The court retains discretion as to whether or not to make any order. It may take account of any matter in exercising its discretion.

The bill makes a number of amendments with respect to the review and renewal of supervision orders. Clause 38 inserts a new section 78A into the SSODS act. New section 78A(1) removes the requirement of leave for an application for review by the Supreme Court or the County Court of a supervision order under section 68(1) of the SSODS act, if the application for review is on the ground that amendments to section 16 of the SSODS act which amend the core conditions for a supervision order have come into operation since the supervision order was made or last renewed or reviewed (and that the supervision order needs to be reviewed in light of those amendments). On such an application, the court may make any variation or addition to the core conditions of a supervision order that are necessary to ensure that they accord with section 16 of the SSODS act.

The main purpose of these amendments is to reduce the risk to the community posed by violent sex offenders by making it easier for courts to update the core conditions of supervision orders. Core conditions are attached to all supervision orders. The amendments in the bill complement reforms made in the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 (the Community Safety Act). This reform will enable the courts to update orders to ensure the supervision and management of the risks posed by violent sex offenders as well as the other core conditions to manage serious sex offenders.

In addition to review carried out pursuant to section 68(1) of the SSODS act, once a supervision order is reviewed, the core conditions in section 16 will apply by the operation of existing sections 73(9A) and 78(3A), and schedule 3, of the SSODS act. In my view, clause 38 itself does not engage any charter rights, as it merely removes a procedural bar (the requirement for leave) to an application for review of a supervision order in the specified circumstances. It does not affect an offender’s substantive rights, or interfere with the court’s power to revoke the supervision order under section 73(1) unless it is satisfied that the offender still poses an unacceptable risk of committing a relevant offence. The amendments do not alter the court’s

overall discretion whether to make or renew or revoke a supervision order or its ability to factor community interests and human rights into its consideration of whether unacceptable risk is made out. For these reasons, I do not consider that clause 38 engages or limits any of the human rights protected by the charter.

Clause 52 of the bill inserts a new division 7A into part 10 of the SSODS act, which concerns the management of offenders on supervision orders. New division 7A applies if a supervision order contains a condition requiring an offender to comply with the directions of the adult parole board in relation to the auditing of computers and other devices in the offender's possession. New section 158EC provides that an offender must comply with a direction of the adult parole board to produce to an officer a computer or device that is in their possession or under their control. If an offender fails to comply with such a direction, new section 158ED empowers an officer to enter any part of the location where the offender resides and search the location and any thing belonging to the offender, or in their possession or under their control. The officer may also conduct a garment search or pat-down search of the offender at the location, and may use reasonable force to carry out the search.

New section 158EE, inserted into the SSODS act by clause 52 of the bill, permits an officer carrying out a search under new section 158ED to seize or operate any computer or other device for the purpose of auditing the computer or device for any images, programs or material that may constitute a breach of the conditions of the supervision order, or may increase the risk that the offender may commit an offence. If necessary, an officer may use reasonable force to carry out a seizure under this section.

Clause 47 of the bill amends section 151 of the SSODS act, which sets out the power of a community corrections officer to give instructions in accordance with the supervision order applying to an offender. Specifically, under new paragraph (ab) inserted into section 151 by the bill, an officer may give an offender such reasonable instructions as are necessary to ensure compliance with the conditions of the supervision order. Pursuant to section 16(2)(i) of the SSODS act, the core conditions of a supervision order include that an offender must obey all instructions given by a community corrections officer under section 151. An offender who fails, without reasonable excuse, to comply with a condition of a supervision order commits an offence under section 160 of the SSODS act, which carries a penalty of a minimum of 12 months imprisonment pursuant to section 10A of the Sentencing Act 1991 unless special reasons apply (such as impaired mental functioning).

The human rights protected by the charter that are relevant to these provisions of the bill are:

the right to privacy (s 13); and

the right to property (s 20).

I note at the outset that several provisions of the bill insert a reporting requirement into provisions of the SSODS act that permit the use of force, arrest, search or seizure. For example, clause 44 amends section 143 of the SSODS act to require a supervision officer or specified officer who carries out a seizure under that section to report the seizure to the officer in charge of the relevant residential facility. Clause 46 amends section 146 of the SSODS act to require the commissioner to report to the Secretary any use of force or application of an

authorised instrument permitted under the section. These reporting requirements are an important procedural protection against the infringement of charter rights.

#### *Right to privacy — section 13*

I consider that the limits on the power under new section 158ED to search computers and devices, together with the other protections afforded by the bill, ensure that any interference with a person's privacy that occurs under new division 7A of part 10 will be lawful and not arbitrary, and will therefore not amount to a limit on this right. The power to conduct this type of search will only apply where a court has decided that it is necessary to impose a condition requiring the offender to comply with the directions of the adult parole board in relation to the auditing of computers or other devices. New section 158ED(5) explicitly provides that a search may continue only for as long as necessary to achieve its purpose. The conduct of searches under the section is also subject to other strict limitations. For example, subsection (3) provides that, to the extent practical, a pat-down search must be conducted by a person of the same sex as the offender. Further, clause 29 of the bill amends section 158G of the SSODS act to require an officer to inform the offender that the search under new section 158ED is to occur, and that reasonable force may be used to assist in its execution. Where reasonable force is used, the officer responsible must report it to the Chief Commissioner of Police as soon as possible, who must in turn report to the secretary.

Similarly, I am of the view that clause 59 of the bill, which amends section 166 of the SSODS act to provide that a police officer may use reasonable force to carry out a search of an offender apprehended in accordance with the section, does not constitute an unlawful or arbitrary interference of a person's privacy. Section 164 of the SSODS act makes clear that a police officer may only exercise reasonable force to carry out a search if there are reasonable grounds to suspect that there is an imminent risk that the offender will breach a condition of a supervision order. Moreover, section 166, as amended by clause 34 of the bill, requires a police officer who uses force to carry out a search under the section to report the fact to the Chief Commissioner of Police as soon as possible, and further requires that the chief commissioner report to the secretary any use of force by a police officer under the section.

#### *Right to property — section 20*

In my opinion, the seizure power in new section 158EE, inserted into the SSODS act by clause 52 of the bill, does not limit the right in section 20 of the charter. It is sufficiently confined and structured, accessible and formulated precisely such that any deprivation occurs in accordance with the law. Further, it guards against any permanent interference with property where no offence has been committed. For example, clause 54 of the bill amends section 158G of the SSODS act to require an officer to inform the offender that the seizure under new section 158EE is to occur, and that reasonable force may be used to assist in its execution. New section 153EF requires the Chief Commissioner of Police to establish and maintain a register of things seized under new division 7A, and further provides that, as soon as practicable after seizure, an officer must inform the Chief Commissioner of the seizure and must record the details of the seizure in the register. Finally, an officer who uses force to carry out a search must report it to the Chief Commissioner of Police as soon as possible, who must in turn report it to the secretary.

Accordingly, I am satisfied that any deprivation of property pursuant to new section 158EE will be in accordance with law and, consequently, will not limit the right in section 20 of the charter.

The Hon. Lisa Neville, MP  
Minister for Police

*Second reading*

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

That this bill be now read a second time.

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

The main purpose of the Corrections Legislation Miscellaneous Amendment Bill 2017 is to strengthen the operation of the corrections system and further enhance community safety. In summary, the main reforms of the bill will amend the Corrections Act 1986, the Children, Youth and Families Act 2005, and the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) to:

- a. for the first time in Australia, establish laws prohibiting the operation of remotely piloted aircraft (commonly referred to as 'drones') and helicopters, or possession of a remotely piloted aircraft in, at, near, or above a prison or a residential facility or a youth justice centre, a youth remand centre or a youth residential centre and give search and seizure powers to certain officers to address these incidents;
- b. give courts more power to update the core conditions of supervision orders including to prohibit serious sex offenders from committing violent offences or engaging in violent offending and violent conduct. This amendment supports the implementation of recommendation 7 of the Complex Adult Victim Sex Offender Management Review Panel review led for former Victorian Supreme Court judge David Harper (Harper review) as first legislated by the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 (the community safety act);
- c. introduce stricter parole laws for prisoners who have been convicted of aggravated home invasion, home invasion, aggravated carjacking, carjacking, defensive homicide and Victorian terrorism offences, including that such prisoners may only be released on parole by the Serious Violent Offender or Sexual Offender (SVOSO) division of the adult parole board; and
- d. broaden information sharing provisions to promote consistency between the Corrections Act and SSODSA (for example, information sharing to facilitate the delivery of mental health services to prisoners and offenders).

I will now turn to the provisions of the bill in more detail.

**Ban on a remotely piloted aircraft and helicopter in, at or near a prison or residential facility or youth justice facility**

Remotely piloted aircraft (RPAs) and helicopters pose distinct security threats to prison security and other facilities operated by the Department of Justice and Regulation. For example, an RPA or a helicopter may be a means of smuggling contraband into a prison, as a surveillance tool; or potentially used as a weapon.

In May 2014, an incident in which an RPA was used to attempt to smuggle contraband into the Melbourne Remand Centre attracted national and international media attention. Incidents involving the use of a remotely piloted aircraft in or near prisons have been reported in New South Wales, Western Australia, Queensland and Tasmania.

There is currently no specific prohibition under either commonwealth or Victorian law against the use of a remotely piloted aircraft or helicopter near a prison, a residential facility or youth justice facility. For the first time in Australia, Victoria is proposing to introduce such a ban.

The bill will introduce a new offence that will prohibit a person from intentionally or recklessly operating remotely piloted aircraft or a helicopter, or possessing a remotely piloted aircraft in, at, near, or above (400 feet or below) a prison or residential facility or youth justice facility that threatens, or is likely to threaten, the good order or security of a prison or a residential facility or a youth justice centre, youth remand centre or a youth residential centre or any persons in a prison or the facility. A maximum penalty of two years imprisonment will apply which is the same maximum penalty for entry of contraband into prisons.

The proposed ban is extended to a helicopter to address the security risk posed by helicopters. For example, helicopters may be used as a means for escape or surveillance.

The bill does not criminalise inadvertent behaviour as the conduct must be intentional or reckless. The bill also provides for reasonable excuse to the offence. The bill will also provide for exemptions for using a remotely piloted aircraft or a helicopter such as police, ambulance, fire, other emergency services or other lawful purpose. For example, a remotely piloted aircraft may be authorised to allow a service provider such as an engineering firm to conduct an inspection of prison infrastructure.

The bill makes clear that a corrections officer's existing search and seizure powers can be exercised in relation to the new offence. In respect of the prisons located in the Melbourne's CBD the Melbourne Assessment Prison and Judy Lazarus Transition Centre, the bill gives new powers to police officers to exercise search and seizure powers if there is a reasonable belief that a person is committing or has committed the new offence.

The bill also provides a power for corrections officers or youth justice officers, where relevant, to order a person to leave the neighbourhood of a prison or a residential facility or youth justice facility, if there is a reasonable belief that the person is committing, or has committed, the new offence. Police officers may order a person to leave the neighbourhood in relation to the two prisons located in Melbourne's CBD.

Safeguards on the exercise of these powers will apply. For example, there will be a requirement to give an explanation to the person when ordered by an officer to leave the

neighbourhood of a prison or a residential facility or youth justice facility.

### **Amendments to the Serious Sex Offenders (Detention and Supervision) Act 2009**

The SSODSA is a civil, non-punitive scheme providing for the ongoing supervision or detention of sex offenders who have completed their prison sentence and present an unacceptable risk of committing further sexual offences. The Supreme Court or County Court determines who will be on these orders and sets the conditions of supervision orders. Conditions must be aligned to the offenders' risk of sexual offending, such as where they are to reside in the community and any treatment or monitoring.

To strengthen the serious sex offenders scheme the bill will reduce the risk to the community posed by violent sex offenders by making it easier for courts to update the core conditions of supervision orders. Core conditions are attached to all supervision orders. The amendments in the bill complement reforms that the government made in the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016 (the Community Safety Act).

The main purpose of the Community Safety Act was to address the risks posed by violent sexual offending identified in the Harper review. That act also introduced restrictive conditions that, upon breach, will constitute an offence resulting in a minimum term of imprisonment of 12 months unless special circumstances apply.

#### *Allowing courts to add core conditions including violence conditions more quickly*

Some serious sex offenders are not yet subject to the new core conditions prohibiting violent offending and behaviour since the commencement of the Community Safety Act. This is because the current legal test requires new facts and circumstances to be provided which may be difficult to satisfy because past violent offending or behaviour may have been previously considered by the court in the previous review hearing. The fact the core conditions have changed is not enough to satisfy this test. The date set by the court for the periodic review of the supervision order may also have not yet arrived.

The government is of the firm view that it is important that offenders are transitioned to the conditions addressing violent offending made by the Community Safety Act as soon as possible. Consequently, the bill will insert an amendment allowing any core conditions of a supervision order (or interim supervision order) to be updated without the requirement for the secretary to satisfy the legal test for leave currently set out in the SSODSA. The fact that Parliament has changed the core conditions is sufficient justification for the court to update the core conditions that apply to supervision orders. The mere fact the core conditions have changed will be enough. The new core conditions will apply from the time that the court updates the supervision order. The bill also ensures that the court can make any variations or additions to the core conditions that are necessary to ensure the core conditions are updated.

This reform will enable the courts to update orders to ensure the supervision and management of the risks posed by violent sex offenders as well as the other core conditions to manage serious sex offenders.

#### *Auditing offender electronic devices*

The bill will also add new powers for courts to manage offender electronic devices if appropriate. To ensure this condition has real meaning, the bill will grant staff powers to examine, seize, and delete inappropriate material on electronic devices. For example, social media applications on mobile phones or offender owned USB devices or computers.

#### *Other improvements to the SSODSA*

Other technical amendments in the bill include allowing periodic reviews to occur even if an offender is in custody, including on remand, so as to reduce the risk of violent offending upon release from custody. The bill will also ensure that the powers of the court conducting a review of a detention order are explicit, and clarifies which court will hear matters if a supervision order is imposed by the Chief Magistrate (who is also a judge of the County Court).

The bill will also improve consistency and accountability in the reporting on the use of force by corrections staff or Victoria Police and also ensure that comprehensive appeal grounds are specified if an offender is made subject to an interim supervision or an interim detention order.

### **Parole reforms — expanding the category of serious violent offenders**

The bill will introduce stricter parole laws for prisoners who have been convicted of certain serious offences including aggravated home invasion, home invasion, aggravated carjacking, carjacking, defensive homicide as well as terrorism and foreign incursion offences. The offences of home invasion and carjacking are confrontational and demonstrate a significant criminal invasion of privacy and personal security. Terrorism is an egregious crime representing an attack on our society. It is appropriate to include these offences as serious violent offences for parole purposes to reflect their serious nature and the impact that these offences have on the community and victims.

These prisoners will be subject to stricter parole laws under the serious violent offender or sexual offender (SVOSO) division of the adult parole board. The parole reforms relating to terrorism and foreign incursion offences will only apply in rare cases where the sentence for a Victorian offence is longer than the sentence for the commonwealth offence. The bill does not impact on commonwealth parole decisions.

Section 77 of the Corrections Act also creates a presumption that a serious violent offender or sexual offender's parole will be cancelled if the person is charged with or convicted of a violent offence or a sexual offence that was committed while the person was on parole. If such a prisoner on parole is charged with, or convicted of, one of these new serious violent offences while on parole, a presumption in favour of cancellation of parole will apply.

This reform is important because it aims to ensure that these prisoners are only released into the community, or remain in the community, on Victorian parole where it is consistent with community safety.

The adult parole board is currently required to report annually on the number of persons convicted of a serious violent offence or sexual offence while subject to a parole order or a community correction order, respectively. As a result of this bill, the adult parole board must also annually report on the number of persons convicted of aggravated home invasion, home invasion,

aggravated carjacking, carjacking, defensive homicide, terrorism and foreign incursion offences while subject to a parole order.

### Information sharing reforms

Part 9E of the Corrections Act currently permits information sharing about current or former prisoners or offenders in certain circumstances, for example, when sharing the information is reasonably necessary for a person to perform their official duties for the purposes of 'corrections legislation'. The bill expands the grounds to use or disclose personal or confidential information about prisoners, parolees and offenders (and former offenders). Information sharing will be permitted where it is reasonably necessary for a person to perform their official duties for the purposes of 'corrections-related legislation' including:

- a. the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 or the Mental Health Act 2014, for example to facilitate mental health services to prisoners or offenders;
- b. the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010;
- c. the administration of the Working with Children Act 2005 and orders under the Sentencing Act 1991.

The bill also will also permit this information sharing:

- a. for the purposes of the commonwealth Migration Act 1958 to build on reforms in the Corrections Legislation Amendment Act 2016 regarding deportation of non-citizen offenders or prisoners;
- b. by the secretary of the adult parole board for official duties;
- c. by persons delivering services or advice on behalf of the Australian Federal Police for official duties, as is currently the case for persons working with or for Victoria Police; and
- d. by the Victorian Electoral Commission to establish a prisoner's entitlement to vote, as is currently the case with the Australian Electoral Commission.

Section 189 of the SSODSA also permits information sharing for the purposes of the post-sentence serious sex offender scheme to prevent further such offending. In addition to existing grounds, the amendments in the bill will further ensure that information can be shared to reduce the risk of a serious sex offender committing another sexual offence.

The existing safeguards on the appropriate use or disclosure of this information continues to apply, including a criminal offence for unlawful disclosure.

The bill represents further action this government is taking to strengthen the corrections system in order to protect our community and keep it safe.

I commend the bill to the house.

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

**Debate adjourned until Wednesday, 24 May.**

## CITY OF GREATER GEELONG AMENDMENT BILL 2017

### *Statement of compatibility*

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

#### Opening paragraphs

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the City of Greater Geelong Amendment Bill 2017.

In my opinion, the City of Greater Geelong Amendment Bill 2017, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### Overview

The purpose of this bill is to amend the method of election of the mayor of the Greater Geelong City Council and the constitution of the council to provide that the mayor and deputy mayor be elected by and from among the elected councillors for a two year term and the council be constituted of eleven councillors representing four wards.

#### Human rights issues

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

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

Section 15 of the charter protects freedom of expression which includes the freedom to hold and express a political opinion. Section 16 of the charter protects the right to peaceful assembly and freedom of association including for political purposes.

The bill is relevant to the right to vote and be elected at municipal elections and the right to take part in public life, and the complementary rights of freedom of expression, peaceful assembly and association.

##### *Are the relevant charter rights limited by the bill?*

The right to participate in public affairs (section 18) is a broad concept, which embraces the exercise of governmental power by all arms of government at all levels. The right to be elected ensures that eligible voters have a free choice of candidates in an election, and as with the right to vote, the right to occupy public office is not conferred on all Victorians; it is limited to eligible persons where the criteria and processes for appointment, promotion, suspension and dismissal are objective, reasonable and non-discriminatory.

Clause 6 provides that the mayor of the Greater Geelong City Council (council) must be elected by the councillors to be the mayor. While this change to the council's electoral structure

impacts the way the mayor is elected, it does not remove the right of people in the City of Greater Geelong to elect their council representatives. The election of the mayor by freely elected councillors is a representative, independent, fair, lawful, reasonable and democratic process. The public are still participating in the election of the mayor through chosen representatives. The councillors and mayor remain electorally accountable to the public. Therefore, the right to take part in public life under section 18 of the charter is not limited.

The bill at the same time also promotes the right to take part in public life. It gives effect to a mayoral election model that was representatively chosen by the City of Greater Geelong community. It provides the opportunity for any of the elected councillors to be appointed mayor and reduces the term from four years to two years, providing for more councillors to be appointed to the role. The move to having 11 councillors representing four wards also enhances representation, voter accessibility to councillors and the opportunity for community participation in council electoral and governing processes. Similarly, the complementary rights of freedom of expression (section 15) and right to freedom of peaceful assembly and association (section 16) are promoted by the bill to the extent that it enhances the opportunity for public debate, assembly and association.

***Is any limit on relevant rights by the bill reasonable and justified under section 7(2)?***

If the bill is a limit on the rights protected under sections 15, 16 and 18 of the charter by requiring a person to be elected as a councillor at the council general election in order to be eligible to be mayor for the council and by removing the ability for voters to directly elect a candidate as mayor, the limitations are reasonable and demonstrably justified in a free and democratic society under section 7(2) of the charter.

The purpose of the limitations is to give effect to the recommendation of the Geelong Citizens Jury (the jury) that the mayor be elected by the council from among the councillors for a two-year term. Consultation in Geelong on the most appropriate mayoral model for the Geelong council has been evenly divided between a councillor-elected mayor and a directly elected mayor.

The jury recommended the mayor be elected by the council, after many hours of deliberation and consideration of the merits of both mayoral models, on the basis that this model would be less susceptible to populism and provide:

- better relationships between the mayor and the councillors;
- greater internal support for the role of mayor;
- a more cohesive unit with less conflict between the mayor and councillors; and
- a mayor with a greater understanding of council operations.

The former Greater Geelong City Council was dismissed following a commission of inquiry report detailing a number of failures of governance structures at the council. In particular a lack of clarity in roles and responsibilities, prevalence of narrow sectional interests prevailing over collective decision-making and serious behavioural and conduct issues by councillors and senior staff, that all impact on delivery of good government in the municipality.

It is essential for the restoration of proper governance structures and the development of a positive and productive workplace culture that the mayor represent the electors with probity, integrity and accountability, and in the interests of the community rather than competing sectional or personal interests.

I consider that the bill is compatible with the charter because no human rights are limited or if they are the limitations are reasonable and proportionate. Any limitations strike the correct balance by providing persons the right to take part in public life and ensuring the mayor performs to appropriate standards of probity, integrity and in the public interest.

Natalie Hutchins, MP  
Minister for Local Government

*Second reading*

**Ms HUTCHINS (Minister for Local Government) — I move:**

That this bill be now read a second time.

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

This bill will amend the City of Greater Geelong Act 1993 to reform the method of election of the mayor of Greater Geelong City Council and alter the constitution of that council, putting into effect recommendations of the Geelong Citizens Jury. It will also reform the election and term of the deputy mayor of the council, and make other consequential amendments relating to the mayor and deputy mayor and the constitution of the council.

In April 2016, the previous council was dismissed by the Parliament of Victoria in response to the findings and recommendations of the independent commission of inquiry into the council. The commission of inquiry concluded that the council had failed to provide good government to the people of Greater Geelong, the leadership of the council was dysfunctional and riven by conflict and there was a deep-seated culture of bullying within the council and its administration. The commission also found a range of organisational failures had contributed to the breakdown of good governance at the council, including a failure by council to provide a safe workplace for its employees.

Administrators were appointed in May 2016 to implement eight recommendations from the commission of inquiry that were for council action and to act as the council until the next general election in 2017.

The government committed to consult the community about the future constitution of its council during the debate of the legislation to dismiss the council. At my request, my department commissioned the new Democracy Foundation, an independent non-partisan research organisation specialising in innovations in democracy, to design and oversee a citizens jury process to make recommendations to the government on the future democratic representation of the council.

The Geelong Citizens Jury was a randomly selected group of 100 residents who were representative of Greater Geelong in terms of age, gender and geography. They were asked to consider the question: 'Our council was dismissed. How do we want to be democratically represented by a future council?'

The jury was asked to provide 'practical' recommendations for an electoral structure for the council within the scope of existing Victorian local government legislation in time for the general election of the council in October 2017. The jury was also able to make 'aspirational' recommendations outside the scope of existing Victorian legislation, including any ideas to improve local democracy for Greater Geelong.

The jury met and deliberated over four Saturdays between October 2016 and January 2017 to provide its recommendations to government. It considered thousands of inputs, including background information prepared by the department as the commissioning agency and academics from across Australia. The jury further considered nearly 1000 community responses to a values-based survey, written submissions from community members, feedback from a range of public and targeted community workshops, expert and community speakers and other information requested by the jury.

The jury delivered its final report on 21 January 2017 which included 13 recommendations to government. I delivered the Victorian government response to the jury on 18 March 2017. It outlines the government's level of support for the jury recommendations and what action the government will take to address each recommendation.

Two of the jury recommendations relate to the constitution of the council for the next general election of the council. The jury recommended that the council be constituted by:

- a mayor elected by the council from among the councillors (instead of being directly elected by voters) for a two-year term; and

- a total of 11 councillors elected across four multi-member wards, comprising the northern region (three councillors), the Bellarine coastal region (three councillors), suburban Geelong (three councillors) and central Geelong (two councillors).

The jury also made 11 other 'aspirational' recommendations about how to improve local democracy in Geelong. These include broadcasting council meetings through different media platforms, utilising citizens juries and committees to review council decisions and performance, and enhanced candidate and councillor public information. The government has provided a level of support for the majority of these recommendations, many of which are being considered as part of the current comprehensive review of the Local Government Act 1989.

The government has accepted both jury recommendations for the constitution of the council. This bill will implement those two recommendations, to apply for the general election of the council scheduled for Saturday, 28 October 2017. Specifically, the bill will provide for the following constitution of the council:

- a mayor and deputy mayor elected by and from among councillors for a two-year term;

- eleven councillors, including the mayor and deputy mayor, elected from four wards as follows:

- three wards each consisting of three councillors; and

- one ward consisting of two councillors;

- provision for an order in council to be made to set ward boundaries for the new electoral structure.

Additionally, the bill will make consequential amendments to the act to support the key changes proposed by the bill to reflect the jury's recommendations.

The jury's rationale for its recommendation for a return to a councillor-elected mayor was to support better relationships between the mayor and councillors characterised by greater cohesion and less conflict. The jury reasoned that there would be greater internal support for the mayor if elected by and from among fellow councillors. The jury also sought to make the position less susceptible to populism and improve the understanding of council operations.

The jury argued that an 11-councillor multi-member ward structure would provide broader representation of the diversity of local needs and interests in each area, increase the accessibility of voters to councillors, avoid deadlocks when voting on issues and encourage collaboration between councillors. The jury's recommendation for multi-member wards is consistent with the recommendations from the commission of Inquiry.

In giving effect to the jury's recommendations, this bill will make a significant contribution towards restoring good governance in Geelong and support the city on its way to reaching its full potential. Without this bill, there is a serious risk of a continuation of the past dysfunction and poor governance at the council. The current directly elected mayor model for Geelong was a disastrous experiment that failed the people of Greater Geelong. Continuing with this failed model is an unacceptable situation. Geelong must have, and deserves, first-class local governance.

We have seen time and time again that there is no 'silver bullet' for a council structure for Geelong that provides for both good governance and democratic representation. However the Victorian government is confident that the changes recommended by a representative and informed cross-section of the Geelong community will provide the best opportunity to address the dysfunction seen at the council in the past, improve democratic representation for the people of Greater Geelong and strengthen good governance at the council.

This has been a groundbreaking approach to designing a council structure — no other community in Australia has had this opportunity. Importantly, this bill demonstrates that the Greater Geelong community has been heard about how they want their next council to represent them. When any government consults the community, it is important that it listens to what the community says. The changes proposed by this bill directly reflect what a random but representative section of the community said about how it wants to elect its next council after a careful consideration of information about different council structures.

The jury deliberated over many hours to find common ground to respond to the challenge put to them. The jury can and should be proud of its work which was done in the best interests of the Greater Geelong community. I thank them for their commitment and their work which is at the centre of this bill.

The jury now expects that the Parliament of Victoria and Greater Geelong's future councillors will listen to their recommendations and put aside individual and partisan agendas to support a successful and bright future for Victoria's second-largest city.

I commend the bill to the house.

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

**Ms HUTCHINS** (Minister for Local Government) — I move:

That the debate be adjourned until next day.

**Mr CLARK** (Box Hill) — On the question of time, it is conventional that debates be adjourned for two weeks after the second reading of the bill. We have had no indication from the government as to why they want to abridge that time period. I am not sure if perhaps the minister was getting confused about stages of debate, but in the view of the opposition the second-reading debate on this bill should be adjourned for two weeks in accordance with normal practice, unless there is some particularly compelling reason to do otherwise after discussion with other parties. If the minister intends to proceed with moving that the debate be adjourned only until tomorrow, the opposition would oppose that.

**House divided on motion:**

*Ayes, 45*

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Richardson, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Howard, Mr	Thomson, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr
Knight, Ms	

*Noes, 39*

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Thompson, Mr
Hodgett, Mr	Victoria, Ms

Katos, Mr	Wakeling, Mr
Kealy, Ms	Walsh, Mr
McCurdy, Mr	Watt, Mr
McLeish, Ms	Wells, Mr
Morris, Mr	

**Motion agreed to.**

**Debate adjourned until next day.**

**The SPEAKER** — Order! I call on the Clerk.

**The Clerk** — Third order of the day, Appropriation (Parliament — —)

**Mr R. Smith** interjected.

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

**The Clerk** — Next order of the day, Family Violence Protection Amendment (Information Sharing) Bill 2017.

**Mr R. Smith** interjected.

**SUSPENSION OF MEMBER****Member for Warrandyte**

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

**Mr R. Smith** interjected.

**The SPEAKER** — Order! I ask the member for Warrandyte to withdraw that remark — that I was joking.

**Mr R. Smith** — I withdraw.

**The SPEAKER** — Order! You have been asked to leave for a period of 1 hour.

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

**FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017***Council's amendments*

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

1. Clause 30, line 7, omit "230" and insert "230A".
2. Clause 40, page 31, line 9, omit 'Officer.'" and insert "Officer.".
3. Clause 40, page 31, after line 9 insert—

**‘230A Review of amendments to first mention date for family violence safety notices**

- (1) The Minister must cause an independent review to be conducted into the operation of section 31(3) as amended by section 32 of the amending Act for the period commencing on the day on which section 32 of the amending Act comes into operation and ending on the day that is 2 years later.
- (2) The Minister must cause a copy of the review to be laid before each house of the Parliament within 6 months, after the end of the 2 year period.
- (3) The review must give particular consideration to any unintended or adverse effects of the amendments made to section 31(3) by section 32 of the amending Act, including any increased risk to affected family members.”.

**Mr PAKULA** (Attorney-General) — I move:

That the amendments be agreed to.

In so moving, I would just like to make a few brief comments. The Greens party moved amendments to the Family Violence Protection Amendment Bill 2017 in the Legislative Council, and those amendments were passed in the Council. Those amendments provide for a statutory review of the amendments in clause 32 of the bill. Clause 32 of the bill extends the period within which the first court date for a family violence intervention order application commenced by a family violence safety notice must occur from five working days to no later than 14 days. That implements recommendation 76 of the Royal Commission into Family Violence.

Specifically, the amendments made by the Greens party and passed by the Council provide that the minister must cause an independent review to be conducted into the operation of the amendments of clause 32 for the period commencing on the day on which the amendments come into operation and ending on the day that is two years later. The minister must cause a copy of that review to be laid before each house of the Parliament within six months after the end of the two-year period, and the review must give particular consideration to any unintended or adverse effects of the amendments in clause 32, including any increased risk to affected family members.

In the text of its report the royal commission also recommended that extending the period of operation of family violence safety notices from five to 14 days be subject to evaluation after a period of two years, with an emphasis on evaluating any unintended or adverse consequences, including increased risk. So the Greens

party amendments, which were passed by the Council, are therefore consistent with the recommendation of the royal commission regarding extending the period of operation of family violence safety notices to 14 days, and in that spirit the government has accepted those amendments.

**Mr HIBBINS** (Pahran) — I rise to speak on the Greens amendments to the Family Violence Protection Amendment Bill 2017. These are commonsense amendments put forward by the Greens spokesperson for women in the other place, Nina Springle. These enshrine in legislation a review of section 31(3) of that act, which is being changed by clause 32 of this bill. That particular clause extended the period between serving a family violence safety notice and the first mention date from five to 14 days.

This was done, as recommended by the Royal Commission into Family Violence, to ensure that those hearings are purposeful and useful. But it does come with risks, in that there could be a lack of legal representation for the victim for a longer period. Victims often do not engage with a lawyer until the first mention date, with increased uncertainty for victims and family members who at that particular time are potentially being subject to coercion and pressure from the perpetrator and others to recant allegations or to ask police to drop particular matters. With these changes there are some risks for victims in that it could increase the period of vulnerability and their being left without the protection of a family violence intervention order despite being at risk of harm.

The royal commission did recommend that this change be evaluated, and so this amendment would require the minister to review those changes after two years in operation and to table a report of the review before each house of Parliament, with the review comprising an independent evaluation with a focus on unintended or adverse consequences, including increased risk, as recommended by the commission. As I said, these are commonsense amendments put forward by the Greens in the upper house that will safeguard the protection of women and all people suffering from family violence. We support the amendments.

**Mr PESUTTO** (Hawthorn) — We support the amendments. We raised, and I personally raised, in the second-reading debate here a little while ago some concerns about the operation of this amendment to the Family Violence Protection Act 2008, not because I cavil with the overall objectives — there is a bipartisan approach to that — but because of its effect in practice. Moving the maximum date out from five to 14 days can tend to prolong resolving what is essentially a very

highly charged situation. My concern is not so much that the victim does not have the protection, because the victim will rightly have the protection of a family violence order in that extended period, but that by extending the period out you are in effect prolonging the period before the court can at least make some more enduring orders on those matters.

We are happy to see this amendment go through. We support it. The only thing I would encourage the government to do is ensure it monitors the effect of this closely over the two years — obviously, do not wait for the two years to pass to do the review. I would imagine that the government and those involved in this system will want to do so, but it is really important because it does carry some risks in that in very difficult, estranged and charged situations extending that by nine days — a little over a week — could have significant consequences in some circumstances. But we support the amendment.

**Motion agreed to.**

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Election commitments

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order. The Minister for Tourism and Major Events is warned.

*Honourable members interjecting.*

**Mr M. O'BRIEN** (Malvern) — It is worth waiting for.

**The SPEAKER** — Order! Yesterday's question time I do not think reflected well on the house. It was a very noisy and, if there is such a word, shouty question time. I would ask all members to assist in the smooth running of question time today by not increasing the noise levels.

**Mr M. O'BRIEN** — My question is to the Premier. On election eve 2014 when asked on television:

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

you replied:

I make that promise, Peter, to every single Victorian.

*Honourable members interjecting.*

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

**Mr M. O'BRIEN** — Premier, 10 new or increased taxes later, why did you break your promise? Why did you lie to every single Victorian?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Clarinda is warned.

**Mr ANDREWS** (Premier) — I thank the member for Malvern for his question. Whether it was in fact worth waiting for, I do not know about that. I am terribly sorry I missed the budget reply yesterday. I do not know whether I will ever be able to recover. I do not know. I feel diminished because I did not get to hear the one over there who is unburdened by self-doubt, the member for Malvern, Mr Confidence himself.

This government makes no apology for delivering on every single commitment that we have made. Interestingly I see that in last night's federal budget Treasurer Morrison seems to be following the same set of policy parameters.

**Mr Clark** — On a point of order, Speaker, this is a question about the Premier's accountability to the people of Victoria and whether or not he told them an untruth prior to the election. I ask you to bring him back to answering that question.

**The SPEAKER** — Order! The Premier has been answering this question for less than a minute. I ask the Premier to answer the question that was asked.

**Mr ANDREWS** — As I was saying, we make no apology for closing loopholes between where spouses — —

*Honourable members interjecting.*

**Mr ANDREWS** — Well, if those opposite think it is appropriate for spouses to move properties between each other to avoid paying stamp duty, that is their policy position. Let the record reflect that. If those opposite are opposed to those who invest in our city and state but who are not residents in our city or state paying a little more in order to protect all the things that make us a great state —

*Honourable members interjecting.*

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

**Mr ANDREWS** — then that can be their position as well. The list goes on and on.

None of our election commitments were predicated on increasing taxes or introducing new ones. We have been completely in accord with the commitments that we made, and we are getting on with delivering each and every one of those commitments.

It is because of that work that we are leading Australia in job creation, leading Australia in infrastructure commencement, leading Australia in business confidence, leading Australia on taking action on family violence, and I simply say to the member for Malvern, keep your questions coming.

*Honourable members interjecting.*

**The SPEAKER** — Order! Before calling the member for Malvern to ask a supplementary question, I warn the members for Hawthorn, Ivanhoe, Lowan, the Minister for Housing, Disability and Ageing, the member for Malvern and the member for Bass.

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) — Premier, one of your 10 new or increased taxes is the increase on stamp duty on new motor vehicles, which is slated to raise \$400 million over the next four years. Given that the Transport Accident Commission has shown a direct link between the age of cars and the incidence of serious injury or death in road accidents, did you seek any advice on how many Victorians will suffer serious injury or death as a result of you breaking your promise and making new cars less affordable?

*Honourable members interjecting.*

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

**Mr ANDREWS** (Premier) — The member for Malvern may not be aware but the preferred status in relation to taxation treatments for those vehicles was in respect of the Australian automotive industry, an industry that those opposite sat by and allowed to leave our nation. If you were to extend the logic, then it was a matter of road safety when Joe Hockey dared Holden to leave. What a ridiculous connection to be drawing.

**Mr M. O'Brien** — On a point of order, Speaker, the question clearly asked the Premier if he sought any advice — any advice — before imposing this new tax regarding what it would mean for road safety and death or serious injury on our roads. The Premier has not been invited to talk about federal motor vehicle policy; it is

about the advice that he sought prior to imposing this new tax on new car buyers.

**The SPEAKER** — Order! I ask the Premier to answer the question.

**Mr ANDREWS** — I would simply say to the member for Malvern that in each of the decisions that are made in the budget, the government takes advice and considers all relevant opinions in a careful and considered way. That is why it is a budget that has been acclaimed right throughout the state as a budget with the right priorities that is getting on with the job.

### Ministers statements: federal budget

**Mr ANDREWS** (Premier) — I am saddened to have to rise to inform the house that in last night's federal budget Victoria was ripped off by the commonwealth government because the Prime Minister decided that it was national leadership to rat on a deal done with the state of Victoria — \$1.45 billion was owed to the people of this state as a result of the stunningly successful privatisation of the port of Melbourne. It was a privatisation initially opposed by those opposite — —

**Ms Ward** interjected.

**The SPEAKER** — Order! The member for Eltham is warned.

**Mr ANDREWS** — The Prime Minister of Sydney — and that is all he is — decided to not honour that agreement with the people of Victoria, but in New South Wales the very same agreement was honoured to the last dollar.

Apparently you have got to be honourable, you have got to honour your agreements and deliver in full in Sydney and New South Wales, but in Melbourne and Victoria it is okay to rat on deals and short-change Victorian taxpayers, in this instance, most notably, the good people of regional Victoria, who are entitled to \$1.45 billion of that money being spent to upgrade and improve — in the interests of safety, I might add for the member for Malvern — the regional rail network, and in the process creating 1000 jobs.

The Prime Minister may be offended and upset to be referred to as the Prime Minister of Sydney. I will be clear: I will stop calling him the Prime Minister of Sydney when he stops acting like the Prime Minister of Sydney, looking after his mates with harbour views at the expense of regional Victorians.

### Family Safety Victoria

**Ms VICTORIA** (Bayswater) — My question is to the Minister for the Prevention of Family Violence. At the announcement of Family Safety Victoria the Premier said:

The agency will of course be accountable in the first instance to the Special Minister of State ... and that's as it should be.

Minister, you have personal and professional experience in this area. You are far more qualified to oversee this new agency than Gavin Jennings. What rationale did your Premier give you when he gave what clearly should be your responsibility for this new body to the Special Minister of State?

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — I thank the member for her question. Of course I am incredibly proud and honoured to be part of a government that is making incredibly important strides and investing in the prevention of and responding better to family violence. The \$1.9 million investment that has been made is not only leading in Victoria but is of course leading other jurisdictions, and of course sadly, as a consequence of having a look at the federal budget last night, it is clear to me that we are also leading the nation with respect to our investment.

The member does of course raise a very important matter with respect to preventing family violence, and it is something that is going to take some time. This is cultural change. It will take not just five years but a generation to — —

**Ms Victoria** — On a point of order, Speaker, on relevance, my question was very simple. It was about the relevance of the position — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gembrook and the member — —

**Ms Victoria** — Speaker, I take offence at the member for Yan Yean's comments, and I ask her to withdraw.

**The SPEAKER** — Order! The member for Yan Yean to withdraw.

**Ms Green** — I withdraw.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bayswater.

**Ms Victoria** — Speaker, that is not a proper withdrawal, and I renew my request. I will not be bullied in this chamber by her or anybody else.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order. I ask the member for Yan Yean to withdraw in an appropriate manner.

**Ms Green** — I withdraw.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Gembrook and the member for Yan Yean for interjecting across the table while the member for Bayswater is attempting to make a point of order. In silence, the member for Bayswater.

**Ms Victoria** — I renew my point of order on relevance, and that is as to whether or not the Special Minister of State is in fact the right minister to be overseeing this new body or whether it should in fact be the Minister for the Prevention of Family Violence.

**Ms Allan** — On the point of order, Speaker, the minister had been answering the question for less than a minute and had been outlining very clearly and very well to the house the investment that was made in last week's state budget and was — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hastings is warned.

**Ms Allan** — She was outlining very clearly the budget initiatives, and the reference to the family violence prevention agency was indeed a budget initiative. The minister was outlining budget initiatives in this policy area to the house. I would suggest that the minister be allowed to continue to answer her question without these interruptions by point of order.

**Mr Clark** — On the point of order raised by the member for Bayswater, Speaker, her question was a very specific question about the assignment of ministerial responsibility for Family Safety Victoria. The minister has had an opportunity to set a context, but I do ask you to now bring her back to answering the specific question that was asked.

**The SPEAKER** — Order! The question did relate to the broad issue of family violence, but there was a question at the end of the member's question which related to the rationale about giving a certain responsibility to the Special Minister of State. I do note

that the minister had only been on her feet for some 50 seconds. I ask the minister to continue answering the question.

**Ms RICHARDSON** — I am very pleased that the member is asking these important questions about how we can prevent family violence and specifically about the architecture that we will put in place to ensure that we can develop a strategy and change our culture and change our ways to ensure that we do more to prevent the harm that is family violence in the first place.

I am so very proud to see as part of our prevention strategy that we announced just over a week ago that \$12 million has in fact been allocated to deliver the prevention architecture that needs to be put in place because we know all too well that budget cycles and election cycles mean that all too often these kinds of significant cultural change might slip under the radar in time. I am so very pleased and proud to be working alongside not just the Special Minister of State and the Premier but every single colleague in this house to ensure that we actually get this architecture right. It is not going to be — —

**Ms Victoria** — Speaker, I renew my point of order on relevance to the question as it was asked, which was about which minister should in fact be overseeing this body. I understand what the minister is trying to say, but it is not relevant to the question that was asked, which was about the relevance of which minister should be overseeing this body.

**Ms Allan** — On the point of order, Speaker, the question related to the family violence prevention agency and the minister was just speaking about that exact agency in her answer, so she could not be more relevant to the question that was asked, and I suggest that she be allowed to continue to answer it.

**The SPEAKER** — Order! I do not uphold the point of order. The member for Euroa, on this point of order or a further point?

**Ms Ryan** interjected.

**The SPEAKER** — Order! I am sorry; I did not see you stand up before I made the ruling. I have ruled on the point of order. The minister to continue her answer.

**Ms RICHARDSON** — Thank you, Speaker. These kinds of reforms are going to need to be longstanding. They are going to be the kinds of reforms that are going to require every single minister, every single member. These are whole-of-government reforms that are going to be very important and significant for our state.

I must say that Victoria has actually led the way with respect to these kinds of reforms in terms of what we have done with respect to the Transport Accident Commission and WorkSafe. That is the kind of model that we want to see put in place, and it is the kind of model which will then deliver significant change — cultural change — for our state and, hopefully, ultimately for our nation, because I have no doubt that if we get this right, Victoria will lead, not just in Australia, but in jurisdictions around the world — —

**Ms Ryan** — On a point of order, Speaker, with due respect, this was a very specific question. It asked the minister what advice the Premier gave to the minister, the so-called ‘champion for gender equality’ on this side — —

**The SPEAKER** — Order! The member will resume her seat.

**Ms Ryan** — What advice he gave his female — —

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Euroa

**The SPEAKER** — Order! The member for Euroa will leave the chamber for the period of half an hour. The member continued to make a statement while I was on my feet.

**Honourable member for Euroa withdrew from chamber,**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Family Safety Victoria

**Questions and statements resumed.**

**Mr Clark** — On a point of order, Speaker, you appear to have ejected the member for Euroa simply for raising a point of order. I think that sets a very unfortunate precedent. As I heard it you have not yet ruled on the point of order either.

**The SPEAKER** — Order! I ruled the point of order out of order, and the member continued to talk and stay on her feet when I rose to my feet — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I had ruled on the point of order and the member continued to talk over the top of the Chair. The Minister for the Prevention of Family Violence, to continue her answer.

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — I renew the point that I am incredibly pleased and proud to be part of the reform agenda that we are putting in place —

*Honourable members interjecting.*

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

**Ms RICHARDSON** — and I will be working alongside each and every minister and each and every colleague in our government, and hopefully too with some colleagues on the other side of the chamber, to ensure that we get this reform right.

*Supplementary question*

**Ms VICTORIA** (Bayswater) — My supplementary question is to the minister. You were not given responsibility for Family Safety Victoria despite being the Minister for the Prevention of Family Violence, was this because you did not ask for the responsibility or because you asked for it but were not given it?

*Honourable members interjecting.*

**The SPEAKER** — Order! Members on my right will come to order.

**Ms RICHARDSON** (Minister for the Prevention of Family Violence) — The member may or may not be aware that in fact each and every minister in our government has responsibility for delivering upon the royal commission report. That decision was made some time ago. What that means then is that each of the responsibilities and very many of the recommendations with respect to the royal commission are being delivered — as they should be — by responsible ministers.

With respect to the prevention of family violence, which is of course my portfolio and my responsibility, I will be working to ensure that we deliver a prevention agency that will ensure we can make the cultural change that we need to make in this state and in fact right across Australia.

**The SPEAKER** — Order! The member for Bayswater on a point of order.

**Mr Walsh** interjected.

**The SPEAKER** — Order! The Leader of The Nationals is warned.

**Ms Victoria** — On a point of order, Speaker, my question was very clear and it was more a question about whether the minister did not seek responsibility for the agency —

**Ms Thomson** interjected.

**The SPEAKER** — Order! The member for Footscray is warned.

**Ms Victoria** — or whether she was not given it.

**The SPEAKER** — Order! Has the minister concluded her answer? The minister has concluded her answer.

**Mr Clark** — On a point of order, Speaker, I would submit that given that the minister has concluded her answer and that answer was not responsive to the question for the reasons raised by the member for Bayswater, I ask that you ask her to provide a written response.

**Ms Allan** — On the point of order, Speaker, the minister went into great detail about the construction of Family Safety Victoria, her role, the role of the Special Minister of State and how this is a whole-of-government effort. She answered it very clearly, very well and very thoroughly. The points of order underscore the point that those opposite will not ask a question about the policy of family violence, but they will when they want to score a political point.

**The SPEAKER** — Order! The minister will resume her seat. I will consider the responsiveness of the answer to the question and report back to the house.

### **Ministers statements: federal budget**

**Ms ALLAN** (Minister for Public Transport) — I rise to update the house on the federal government's contempt for regional Victoria in last night's budget. Not only is the Prime Minister Sydney-centric but he is also anti-Victoria and he has gutted our regional rail revival package.

Just like when he was a merchant banker, the Prime Minister has picked winners and losers, and the big winner in last night's federal budget was his big backyard that backs onto the Sydney Harbour. He short-changed regional Victoria by more than \$450 million, leaving large parts of the V/Line network completely devoid of funding.

What does this look like in each regional community? Clearly, the federal member for Wannon, Dan Tehan's, petition to himself did not work because Warrnambool line passengers did not get one single red cent from the federal budget. We wanted to provide \$100 million for the Warrnambool line; Dan and Malcolm gave them nothing.

The member for Corangamite's petition to herself did not work either because she did not get the funds she needs to duplicate the Waurn Ponds line. Indeed, this project that she is claiming for her electorate will not even reach her electorate as a result of the funding.

And of course there is the federal Infrastructure Minister and local member for Gippsland who could not even deliver for his own Gippsland community. The money allocated is less than half of what is needed to deliver to the Gippsland community the extra train services they need and deserve.

As for communities like Echuca, Ararat, Ballarat, Maryborough and Bendigo — well, those lines do not even exist in Malcolm Turnbull's federal budget. The question for every single Liberal and National Party member in this place and in Canberra is: do you stand with Malcolm or do you stand with regional Victoria?

### Member for Melton

**Mr GUY** (Leader of the Opposition) — My question is the Premier. Yesterday you told this house — —

**Ms Allan** interjected.

**The SPEAKER** — Order! The Leader of the House is warned.

**Mr GUY** — My question is to the Premier. Premier, yesterday you told this house that the repayment plan between the member for Melton and the Parliament had nothing to do with you. Yet when you launched this repayment plan to the media on 24 April, no parliamentary officer and no Department of Parliamentary Services employee had been approached or informed about anything like it. Premier, is it not a fact that your claim yesterday that the details of the member for Melton's rorts repayment plan had nothing to do with you are a complete and total lie?

**Mr ANDREWS** (Premier) — The answer to the Leader of the Opposition's ridiculous question is no.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition on a supplementary question.

### Supplementary question

**Mr GUY** (Leader of the Opposition) — Given that, Premier, you deny you are lying when you claim that the member for Melton's rorts payment plan had nothing to do with you, and given that no parliamentary officer and no-one in the Department of Parliamentary Services had been approached or informed about it when you announced it, who did negotiate the repayment plan with the member for Melton that you announced to the media on 24 April?

*Honourable members interjecting.*

**The SPEAKER** — Order! I again warn members not to shout across the chamber. I remind the Leader of the Opposition to refer to members of this place by their correct title. I ask the Premier to answer the question.

**Mr ANDREWS** (Premier) — The Leader of the Opposition, just like he was confused last week about every line in the state budget that he cannot talk about, is again confused today. He is absolutely wrong. An arrangement? That is absolutely incorrect, and I stand by my earlier answers.

**Mr Walsh** — On a point of order, Speaker, on the issue of — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Without the assistance of the Minister for Tourism and Major Events, the Leader of the Opposition or the Premier.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, it was a very clear question to the Premier. If he did not negotiate the repayment plan, who did? I ask you to make him answer that question.

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

### Ministers statements: regional rail services

**Mr PALLAS** (Treasurer) — I rise to update the house on the Andrews Labor government's plan to improve public transport and grow jobs in regional Victoria. Last Tuesday I handed down the 2017–18 Victorian budget. In it, the Andrews Labor government revealed its regional rail revival plan. It is a program that will upgrade every single regional rail line in this state, and it is funded by a \$1.46 billion commitment that Malcolm Turnbull and the federal government owe the people of Victoria —

*Honourable members interjecting.*

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

**Mr PALLAS** — from the lease of the port. In response to our budget the Infrastructure Partnerships Australia CEO had this to say:

The Victorian budget puts firm dollars behind real projects, doubling funding and showing what a real infrastructure budget looks like —

instead of the baloney we got out of Canberra last night.

Last night they promised \$1 billion to Victorians for infrastructure while they dishonoured the \$1.46 billion they failed to deliver to Victoria. In New South Wales they cannot shovel money fast enough down the throat of that government — \$2.2 billion on any wish list that the New South Wales government comes up with.

It is regional Victoria that loses out as a consequence of this. It is a transparent rip-off. It means that the people you are supposed to be representing are the losers out of this, and Malcolm Turnbull and his government will forever be remembered as the government that broke the hearts of regional Victorians.

#### **Melton electorate schools**

**Mr NARDELLA** (Melton) — Thank you, Speaker, and it is my first opportunity to formally congratulate you on your elevation to Speaker.

My question is to the Minister for Education. My Eynesbury and Exford communities thank you and the Andrews Labor government on the budget decision to purchase the Eynesbury primary school site. We have been to the site with the — —

**Mr T. Smith** — On a point of order, Speaker, when are you going to make this crook pay the money back? He is a thief, he is a crook — —

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

**Mr NARDELLA** — We have been to the site with the community and the principal of Exford Primary School — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order. I need to be able to hear the question.

**Mr NARDELLA** — We have been to the site with the community and the principal, Lisa Campo, from Exford Primary School, in the recent past.

*Honourable members interjecting.*

**Mr Merlino** — On a point of order, Speaker, the member for Melton is asking me a question. I cannot hear the question.

**The SPEAKER** — Order! Members of the house need to be able to hear the question that the member is asking. I ask the member for Melton to ask his question again.

**Mr NARDELLA** — My question is to the Minister for Education. My Eynesbury and Exford communities thank you and the — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn all members that I will remove members from the house because I cannot hear the question that the member is asking.

*Honourable members interjecting.*

**Questions and statements interrupted.**

### **SUSPENSION OF MEMBERS**

#### **Members for Mornington and Brighton**

**The SPEAKER** — Order! The member for Mornington will leave the chamber for the period of half an hour.

**Ms Asher** — That is just unfair.

**The SPEAKER** — Order! The member for Brighton will leave the chamber for the period of half an hour.

**Honourable members for Mornington and Brighton withdrew from chamber.**

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

#### **Melton electorate schools**

**Questions and statements resumed.**

**Mr NARDELLA** (Melton) — My Eynesbury and Exford communities thank you and the Andrews Labor government on the budget decision to purchase the Eynesbury primary school site.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Ferntree Gully will leave the chamber for the period of half an hour.

**Mr NARDELLA** — We have been to the site with the community and the principal, Lisa Campo, from Exford Primary School, in the recent past. I ask: can the minister outline the timetable and the process for this land purchase and the subsequent building of the Eynesbury primary school?

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Ferntree Gully

**The SPEAKER** — Order! Before calling the Deputy Premier, the Minister for Education, to answer the question, I do not think the member for Ferntree Gully heard me over the shouting, but I asked him to leave the chamber for the period of half an hour.

**Honourable member for Ferntree Gully withdrew from chamber.**

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Melton electorate schools

**Questions and statements resumed.**

**Mr MERLINO** (Minister for Education) — I thank the member for Melton for his question.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order.

**Mr MERLINO** — I certainly do not get questions about school buildings from those opposite. I do not get questions on education from those opposite.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast is warned.

**Mr MERLINO** — We know that enrolment growth pressures are felt in a number of communities right across Victoria, including in Eynesbury in the City of Melton.

*Honourable members interjecting.*

**The SPEAKER** — Order! I have already warned members that I will remove them from the chamber without warning because of the level of noise in the chamber.

**Mr MERLINO** — As part of this year's budget we funded land acquisition for Eynesbury primary school to respond to the growing demand in Eynesbury and in the City of Melton. In the City of Melton, as the member would be aware and as those opposite should be aware, the population growth will be the third highest of all local government areas in Victoria. In the suburb of Eynesbury the primary school student population will grow by 50 per cent over the next few years to 2021. We have been working closely with the City of Melton and have identified the need to start work immediately to ensure we have primary school provision in Eynesbury for the Eynesbury and Exford communities and in the City of Melton to keep pace with population growth and local development.

This is one part of 56 new school projects in our pipeline, 10 of which have already opened in 2017. The department — —

**Ms Kealy** interjected.

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

**Mr MERLINO** — The department, through the Victorian School Building Authority, will commence negotiations with landowners. That will occur over the next year to finalise the purchase of land for the school, and the funding of Eynesbury primary school will be considered in future budgets under the government. We will work closely with the City of Melton, other planning stakeholders like the Victorian Planning Authority, local residents and landowners. To put this in some perspective, we have invested over our three budgets an average of \$843 million in capital, compared to \$237 million in the first three budgets of those opposite.

#### *Supplementary question*

**Mr NARDELLA** (Melton) — My supplementary question is also to the Minister for Education. Minister, you and I have been to Bacchus — —

**Mr Paynter** — On a point of order, Speaker, it is bad enough to sit here listening to this dirty, rotten, lying rorter ask a standard question.

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

**Mr Paynter** — I am not going to sit here and listen to him ask — —

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

**Mr Paynter** interjected.

**Questions and statements interrupted.**

**NAMING AND SUSPENSION OF MEMBER**

**Member for Bass**

**The SPEAKER** — Order! I name the member for Bass, and I ask the minister at the table to move the appropriate motion.

*Honourable members interjecting.*

**The SPEAKER** — Order! We need to be able to hear the motion in silence.

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

That the member for Bass (Mr Paynter) be suspended from the service of the house for the remainder of the week's sitting.

**House divided on motion:**

*Ayes, 47*

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Richardson, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Sheed, Ms
Green, Ms	Spence, Ms
Halfpenny, Ms	Staikos, Mr
Hennessy, Ms	Suleyman, Ms
Hibbins, Mr	Thomas, Ms
Howard, Mr	Thomson, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr
Knight, Ms	

*Noes, 37*

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

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

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

**Motion agreed to.**

**The SPEAKER** — Order! I ask the member for Bass to leave the chamber.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bass needs to leave the chamber.

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

**DISSENT FROM SPEAKER'S RULING**

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

That this house dissents from the Chair's ruling to name and eject the member for Bass but protect the roting member for Melton.

*Honourable members interjecting.*

**Mr GUY** — Speaker, leave has not been refused. I request leave to move dissent in the Chair.

**Leave refused.**

**Mr WALSH** (Murray Plains) — I desire to move, by leave:

That this house dissents from the Chair's ruling to name and eject the member for Bass.

**Leave refused.**

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Questions and statements resumed.**

**Melton electorate schools**

*Supplementary question*

**Mr NARDELLA** (Melton) — In regard to the Bacchus Marsh secondary college will the minister and the education department help to develop — —

*Honourable members interjecting.*

**The SPEAKER** — Order! As I said before, we need to be able to hear the question that is being asked.

**Mr NARDELLA** — Will the minister and the education department help to develop and implement a plan for the future stages of the Bacchus Marsh secondary college redevelopment?

**Mr MERLINO** (Minister for Education) — I thank the member for Melton for his supplementary question. Bacchus Marsh secondary is a wonderful school, and I have been there a number of times. We have delivered on our election commitment of \$5 million. We delivered that in our first budget and a further \$3 million in our second budget.

*Honourable members interjecting.*

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Oakleigh

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

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Melton electorate schools

*Supplementary question*

**Questions and statements resumed.**

**Mr MERLINO** (Minister for Education) — And there is also a contribution from the school community, \$9.2 million in total, that will go towards a science, technology, engineering and maths, or STEM, centre. The last time I visited the school they were doing great things in the area of science, technology, engineering and maths. I look forward to the completion of that project. Like many schools there is always the next stage to do, and I will ensure that the Victorian School Building Authority will engage with the school community over their future plans.

### Ministers statements: water policy

**Ms NEVILLE** (Minister for Water) — As we have heard a lot today, Victoria continues to do the heavy lifting when it comes to infrastructure, and that is certainly the case when we talk about water. Just over

the last two and a half years we have provided funding for the extension of the Wimmera–Mallee pipeline, Macalister irrigation district, the Lance Creek connection for South Gippsland, the Werribee and Bacchus Marsh irrigation districts, the Bendigo groundwater project and also business cases for Mitiamo, West Wimmera and East Grampians.

But again last night the federal government duded us when it comes to infrastructure, including water infrastructure — these really important projects, critical to the growth and sustainability of our agricultural districts right across Victoria, are calling out for this funding. But of course it is not surprising. Then what we had from the commonwealth last night was: ‘Come along, trust us. Trust us again. Sell us your share in the Snowy Hydro. Trust us and we will do the right thing by you’. Now this is an important public asset — —

**The SPEAKER** — Order! The minister to resume her seat. Stop the clock. The Leader of The Nationals on a point of order

**Mr Walsh** — On a point of order, Speaker, the minister is misleading the house. The Mitiamo business case was actually funded by the federal — —

**The SPEAKER** — Order! It is not a point of order — —

*Honourable members interjecting.*

**Mr Walsh** — Yes, it was. Yes, it was. Yes, it was funded by — —.

**The SPEAKER** — Order! The Leader of the House will come to order. It is not a point of order. The minister to continue her statement.

**Ms NEVILLE** — We know those opposite put nothing into water infrastructure, so it is pretty embarrassing for the former water minister. But we have indicated our willingness to have the conversation with the commonwealth government. But let us be clear: this Snowy Hydro cannot replace the infrastructure that we are deserving of — that we need and that we are entitled to. We have got to have guarantees about the payment of that money. We have got to ensure that this asset remains in public ownership and, most importantly, that the entitlements we have under the Murray, the Snowy and entitlements for irrigators are maintained, confirmed and locked in by the commonwealth. The 530 gegalitres that ensure reliability for our irrigators are absolutely critical to a future deal. Being pressured into selling assets to get our rightful share is appalling, and we will look at this proposal, and we will look at it carefully, but we want to ensure that our irrigators and our two iconic

rivers, the Snowy and the Murray, are protected by the commonwealth.

**Mr Walsh** — On a point of order, Speaker, will you name the charity that the member for Bass's salary is going to, and is it the member for Melton's charity fund?

**The SPEAKER** — Order! There is no point of order. For the information of members, I think the practice is that at the end of each financial year any funds that have been allocated through the naming of members are identified by the Speaker.

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

**Mr BATTIN** (Gembrook) — My question is to the Minister for Emergency Services. You have had Chris Eccles and Tony Bates in a bunker for the last year trying to sort out your Country Fire Authority (CFA) mess, and they cannot. You have asked Simon Crean, and he cannot. You have asked Harriet Shing in the Legislative Council, and she cannot. Peter Parkinson, Greg Sword, Luke Hilakari, two CEOs, two boards and you are the second minister. When are you finally going to stand up to Peter Marshall and tell him he is not getting what he wants?

**Mr MERLINO** (Minister for Emergency Services) — I thank the member for Gembrook for his question. He clearly needs a history lesson, so I will give him that history lesson. The fact is an agreement was reached. An agreement was reached between the CFA and the United Firefighters Union of Australia (UFU) representing career firefighters for the operational agreement.

**Mr Battin** — On a point of order, Speaker, the minister is clearly misleading the house when you are talking about a history lesson. The volunteers in the CFA have as much say in the operations of the CFA, and again he has only mentioned the union, the UFU and career firefighters. He must put in that the CFA volunteers are happy for an enterprise bargaining agreement to go through. It can go through as long as it does not negatively impact on volunteers in our state.

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

**Mr MERLINO** — He talks about standing up for volunteers. Cutting \$66 million out of fire services, denying presumptive rights, going to the tennis while the state is burning — —

*Honourable members interjecting.*

**Questions and statements interrupted.**

### **SUSPENSION OF MEMBER**

#### **Member for Rowville**

**The SPEAKER** — Order! The member for Rowville will leave the chamber for half an hour.

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

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

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

**Questions and statements resumed.**

**Mr Clark** — On a point of order, Speaker, the Deputy Premier is both debating the question and misleading the house. I ask you to bring him back to answering the question asked by the member for Gembrook.

**Mr MERLINO** — On the point of order, Speaker, I am not misleading the house. The former emergency services minister, Peter Ryan, admitted those budget cuts on the record.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Deputy Premier to come back to answering the question that was asked.

**Mr MERLINO** — An agreement was reached. If the member for Gembrook wants to talk to anyone, he should talk to his mates in Canberra. The fact is that the unprecedented political interference of the Turnbull government means this: it means that not only the proposed Country Fire Authority (CFA) — —

*Honourable members interjecting.*

**Mr MERLINO** — Do you want to hear the answer or not?

**The SPEAKER** — Order! Members should come to order.

**Mr MERLINO** — They do not want to hear the answer.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gembrook has asked a question. He should listen to the answer.

**Mr MERLINO** — The federal legislation means that not just the proposed CFA agreement but any CFA agreement cannot be finalised because of the federal legislation. That is, any agreement that contains clauses that relate to training, that relate to equipment, that relate to rostering —

*Honourable members interjecting.*

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

**Mr MERLINO** — that relate to other normal aspects that you would see in an enterprise agreement. The advice to government is that any agreement cannot pass because of the political interference of the Turnbull government.

**Mr Guy** — On a point of order, Speaker, on relevance, the Deputy Premier is referring to legal opinion. I request that he table that legal opinion to the house. With the consent of the opposition, by leave, I ask him to now table the legal advice he is referring to.

**Ms Allan** — On the point of order, Speaker, the Leader of the Opposition is completely abusing the forms of the house. The Deputy Premier was advising — —

*Honourable members interjecting.*

**Ms Allan** — Do you know what legal advice would be interesting? The Ventnor settlement. That would be good legal advice, wouldn't it? Come on, put that on the table.

*Honourable members interjecting.*

**Ms Allan** — You reckon that's good, don't you? Swindling! You swindled the state of millions of — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House will resume her seat.

**Ms Allan** — Speaker, let the record show that the Leader of the Opposition thinks it is a good day when he can conceal legal advice.

*Honourable members interjecting.*

**The SPEAKER** — Order! I cannot hear what the minister at the table is saying.

**Ms Allan** — While the Leader of the Opposition is gloating about his failed record in office, the Deputy Premier was clearly referring to advice that ministers receive in the course of their business. He was not

referring to any particular document and therefore there is nothing to table.

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

**Mr MERLINO** — Thank you, Speaker. So what the Andrews Labor government is doing is delivering 100 appliances to our volunteers and our volunteer brigades. We are delivering a \$15 million grants program to support our volunteers and our volunteer brigades. What we will not do is deny presumptive rights to volunteer and career firefighters. The only people that want to continue with this political — —

**Mr Clark** — On a point of order, Speaker, the Deputy Premier is again debating the issue. I ask you to bring him back to answering the question.

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

**Mr MERLINO** — We will continue to support both volunteer and career firefighters, the men and women who put their lives on the line to protect other people's lives and property. The only people that want to pit firefighters against firefighters are those opposite.

**Mr Clark** — On a point of order, Speaker, the Deputy Premier is defying your order. If he has completed his answer, you should counsel him that he should show greater respect to the Chair and honour the instructions that you have just given.

**The SPEAKER** — Order! I think the Deputy Premier has concluded his answer.

*Supplementary question*

**Mr BATTIN** (Gembrook) — Minister, why is it that you are prepared to take orders from Peter Marshall about what he wants, yet you will not even listen to the vast majority of Victorians and your own backbench, who clearly do not want to break up and destroy our proud Country Fire Authority?

**Mr MERLINO** (Minister for Emergency Services) — Quite simply I reject the premise of the member's question. I have travelled the state talking to volunteers and engaged recently with Volunteer Fire Brigades Victoria and with the CFA. In speaking to both volunteer and career firefighters, they want the political interference to end, and that is exactly what we will be doing.

**Ministers statements: federal budget**

**Mr DONNELLAN** (Minister for Roads and Road Safety) — I rise to provide the house with an update on the federal government’s budget last night. Let us be clear: there is very little in it for Victoria. Victoria’s share of infrastructure funding is still well below 10 per cent — with 25 per cent of the population. If you look at the federal budget figures, if you are looking forward, New South Wales is getting \$23 billion over the forward estimates, Queensland is getting \$13.5 billion and Victoria is down there at \$10 billion. What a rotten effort. We have been well and truly underdone.

But what the budget also confirms is what a marvellous job the Andrews Labor government has done to ensure that all the federal government money headed for the dud east–west project got put into regional and rural roads, because we fought and we are the party that delivers for regional and rural roads.

The member for Bass I know will want to thank me for the effort I put in to get him funding for the Phillip Island road. The member for Polwarth will want to thank me for the \$53 million we got for the Great Ocean Road. The member for South-West Coast will want to thank me for the \$40 million we got to widen unsafe roads throughout her electorate. Let us be very clear: I know the member for Gippsland South is sitting there waiting to thank me for straightening up the Black Spur on the South Gippsland Highway. I know they want to thank me.

The last person who will want to thank me is the Leader of the National Party because we have fixed up his Echuca-Moama bridge mess. It was going to start in 2010. Guess what? What did the National Party do? It spent four years trying to find a route, and it could not get there.

**Mr D. O’Brien** — On a point of order, Speaker, the minister is misleading the house because in all the projects he has just mentioned he failed to mention the contribution of the federal Nationals with \$345 million, projects he would not even be touching if it was not for that money.

**The SPEAKER** — Order! There is no point of order. I will allow members to leave the chamber before we start constituency questions.

**CONSTITUENCY QUESTIONS**

**Gippsland South electorate**

**Mr D. O’Brien** (Gippsland South) — (12 625) My question is to the Minister for Roads and Road Safety,

and it refers to the Hyland Highway which, given the issue he just raised, is quite pertinent. The federal government committed \$5 million to the Hyland Highway upgrade, contingent on matching funding from the state. Now we are in a quandary in Gippsland South and Yarram in particular because we do not know what the state government is actually doing with this. VicRoads has been consulting on how the money is going to be spent, but the state Labor government has not yet announced \$5 million for the Hyland Highway to match that funding.

I ask the minister to explain whether or not the state Labor government is going to match this funding. It is not in the budget. It has not been referred to in a media release by the minister or a member for Eastern Victoria Region in the Council, Harriet Shing. We are confused as to whether the state Labor government is in fact going to match this \$5 million funding for the Hyland Highway. I ask the minister to clarify that as quickly as possible.

**Macedon electorate**

**Ms THOMAS** (Macedon) — (12 626) My constituency question is also to the Minister for Roads and Roads Safety, but my question is actually a properly constituted constituency question. Minister, how will community members in my electorate be consulted about the vital intersection upgrades at Saunders and Station roads and at Kilmore and Pierce roads? I was so pleased to see in this year’s budget planning money for these much-needed upgrades. These intersections are notorious, and after the previous Liberal government failed to address the concerns of the people of Riddells Creek, Gisborne and New Gisborne who use these roads, I am very relieved to see a Labor government in power, putting people first and getting the job done.

**Mornington electorate**

**Mr MORRIS** (Mornington) — (12 627) My question is for the Minister for Energy, Environment and Climate Change, and I raise the ongoing issues we have had with Mount Martha north beach. They have been ongoing over a number of governments. In late 2010, I think it was, some 10 000 cubic metres of sand was transported to deal with the sand erosion issue, but it continues to be a problem. In what appears to be an effort to divert attention from its failure to act, the current government has commenced a coastal processes study, which will be called ‘Mount Martha coastal processes investigation and future management recommendations’. It was commissioned in January, and I understand the study will be finalised around midyear,

so I ask: will the minister release the report within seven days of its publication, and if not, why not?

### **Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) — (12 628) My constituency question is for the Minister for Roads and Road Safety. I ask the minister if the traffic lights at the intersection of Bell Street and Suffolk Avenue in Coburg are now appropriate for pedestrians who are blind or vision impaired. A Pascoe Vale constituent brought this matter to the attention of my office at a mobile office at Pascoe Vale in the Park. The constituent was vision impaired and was speaking on behalf of vision-impaired members within our community.

According to a 2013 Vision Australia report, there are approximately 357 000 people in Australia who are blind or experience some form of vision impairment. This number has been projected to increase to 564 000 by 2030. It is extremely important that infrastructure in our community reflects this need. While all pedestrians are confronted with a number of safety issues when travelling to and from work, to service hubs or to visit their family and friends, vision-impaired people have particular challenges, and I ask the Minister for Roads and Road Safety to ensure that these lights now meet those needs.

### **Hastings electorate**

**Mr BURGESS** (Hastings) — (12 629) My question is to the Minister for Sport. I ask the minister for information about the provision of funding by the state to assist with the rebuild of the Somerville basketball stadium. Somerville and its surrounding community was devastated by the destruction of the Somerville basketball stadium by a fire that occurred in the Somerville Community and Recreation Centre on 1 May 2016. The stadium is used by many thousands of participants across a range of sports each week. It is the home of the Western Port Steelers and hosts state-level basketball games. The local community is frustrated by the year-long delay by the Mornington Peninsula Shire Council in rebuilding the stadium and by the refusal of the Andrews government to provide any funding at all to assist with the rebuild. I ask the minister to provide information on how additional funding can be provided to assist with the rebuilding of this critical community asset.

### **Broadmeadows electorate**

**Mr McGUIRE** (Broadmeadows) — (12 630) My constituency question is to the Minister for Police. The information I seek concerns details of the Andrews

government's plan for public safety, especially on how it affects the constituents I represent. This includes the needs-based strategy designed in coordination with Victoria Police, the resources the Labor government has committed to deliver it and the number of Victorian police involved in implementing the plan in Melbourne's north, particularly in Broadmeadows, noting the significance of the record allocation in this year's budget to deliver 300 new frontline officers.

### **Caulfield electorate**

**Mr SOUTHWICK** (Caulfield) — (12 631) My constituency question is to the Minister for Planning. Residents in Ormond and surrounding suburbs are deeply concerned about the Labor government's proposed Ormond sky tower to be built on top of Ormond railway station. Last year I tabled a petition bearing 374 signatures from Ormond residents opposed to the proposal. The Victorian Transport Projects Advisory Committee was due to submit a report to the minister on the Ormond sky tower project in March 2017. I ask on behalf of concerned resident: where is the report?

### **Yuroke electorate**

**Ms SPENCE** (Yuroke) — (12 632) My constituency question is to the Minister for Industry and Employment, and I ask: what benefits can jobseekers in the Yuroke electorate expect from the Jobs Victoria Employment Network program? We all know how important a secure and stable job is to our wellbeing. It is not just about a pay cheque, it is about a place in the community. Being unemployed can too often cause social isolation and problems well beyond simply not having an income. That is why I have been proud of the Andrews Labor government in that it is making sure it does everything it can so that people have every opportunity to get a job. I know that access to employment is a top priority for local residents, and I look forward to hearing from the minister about how Yuroke constituents will benefit from this initiative.

### **Nepean electorate**

**Mr DIXON** (Nepean) — (12 633) My question is to the Minister for Energy, Environment and Climate Change. Minister, will you ensure that Parks Victoria meets its commitment to fund and construct overflow car parks for the Arthurs Seat Eagle? Parks Victoria made a commitment to fund and construct these overflow car parks at a meeting on 24 March this year. Obviously the car parks need to be constructed before the 2017 peak season. Time is needed for the planning and construction, and obviously with winter and spring

rains, as much time as possible is needed. It is very important that the commitment is honoured. I ask the minister whether she will ensure that the commitment that was made at the meeting on 24 March is honoured.

### Dandenong electorate

**Ms WILLIAMS** (Dandenong) — (12 634) My constituency question is to the Minister for Health and Minister for Ambulance Services. I ask: how is this government supporting local paramedics to ensure they have the resources they need to respond to the needs of my constituents in Dandenong and ultimately to help save lives? Our ambulance services do an incredible job for our community, and it is important that they have the best possible structure and resources to carry out this very important work.

## APPROPRIATION (PARLIAMENT 2017–2018) BILL 2017

### *Second reading*

#### Debate resumed from 2 May; motion of Ms ALLAN (Minister for Public Transport).

**Mr M. O'BRIEN** (Malvern) — In rising to speak on the Appropriation (Parliament 2017–2018) Bill 2017 I can flag at the outset that much of my contribution will relate to the way in which this Parliament's money is raised and expended, particularly in relation to the honesty and integrity of members of this place. I refer to page 338 of budget paper 3, which refers to the departmental objectives of the Parliament. It says the departments of the Parliament of Victoria aim to, amongst other things:

... safeguard Parliament's independence and integrity ...

In the 10 years that I have been honoured to be a member of this place, at no time has this Parliament's independence, and more importantly its integrity, been under such direct threat than it is at the moment. The current disgraceful — and there are other words for it, but I will settle for disgraceful at the moment — circumstances surrounding the rotting conduct of the members for Melton and Tarneit do a grave disservice to this Parliament as an institution and to every member of it.

Yes, the Labor Party will rightly be attacked by us and by others. It will rightly have its reputation further shredded by its disgraceful defence of the actions of the member for Melton and by its failure to require to him to repay all the money that is owed to the Parliament and the people of Victoria. But the opprobrium will be more than just on the member for Tarneit and the

member for Melton and the Labor Party. This is a disgraceful episode in this Parliament's history that will damage all of us as individual members and damage this place as an institution.

It is deeply troubling that we have reached this point. To have two of our own who were in the highest offices that this Parliament can appoint deliberately, deceitfully and dishonestly take moneys to which they were not entitled, and to do so while they literally spoke for us in the positions of Speaker and Deputy Speaker, is something which is very hard to explain to ordinary members of the public.

In the time I have been in Parliament I can say for certain that no single issue relating to parliamentary conduct has been raised with me without invitation by members of the public as much as this has been. Going down the street, going to my kids' football and netball matches and basketball games, this is what the mums and dads of my Malvern electorate want to speak to me about. Overwhelmingly it is, 'Why is he still there? Why are they still there? Why haven't you got the money back?'. People feel a real sense of grievance. They feel that their money and, just as much as the money, the trust that they placed in this chamber, in the Parliament as an institution, have been taken advantage of by the conduct of the member for Tarneit and, even more egregiously, the member for Melton.

For the benefit of posterity and perhaps future *Hansard* readers who have not read everything else about this issue, of course we are talking about two members who represent suburban electorates in Melbourne but who rearranged — it is the politest way I can put it — their living arrangements to claim a second living allowance for members living more than 80 kilometres from the Melbourne CBD. There was no need for them to live there. They did not represent those places. This was an artificial arrangement purely designed to receive a payment from this Parliament to which they were not entitled. That is the rot.

I refer to the PricewaterhouseCoopers or PwC — whatever they are called these days — *Review of Members Second Residence Allowance: Phase 1*, which was tabled in this Parliament earlier this year and is dated 21 March. In relation to the member for Melton, we know he had been doing this for years. For years he has been laughing at us. He has been laughing at the public, ripping us off, lining his pockets, while the rest of us who try to do the right thing live our lives and while the public who try to do the right thing pay taxes to keep us on this green leather. Well, the public deserves better. The rest of the Parliament who do the right thing deserve better.

The fact is that between March 2010 and April 2014 the member for Melton helped himself to \$76 582 of a second residence allowance while using or claiming to use — and who knows when it comes to that member for Melton? — a property at Lake Wendouree as his principal place of residence. He was not the member for Ballarat. He was not the member for anywhere up near Lake Wendouree. He is the member for Melton, a suburban electorate in Melbourne. He had the right — you might say the responsibility — to live in his electorate.

I do not know how I could do my job as the member for Malvern as well as I want to and as well as I think my constituents are entitled to expect if I did not live there. You pick up so much information about what is happening in your electorate by living there, by moving around it, by going down to the shops, by bumping into people in the street and by going down to the local park and walking the dogs. If I was living somewhere else, if I was living across town, all those interactions that give me information about what is happening in my electorate and that give people access to me would be gone. So it is very important, I believe, that you do live in your electorate because that helps you to be a better member of Parliament.

The member for Melton and the member for Tarneit had that option. They have been longstanding members of this place. They came in under the old scheme, so they are going to have very nice, fat, juicy parliamentary pensions waiting for them from the day they leave this place until the day they die, and then any spouse will get it till the day they die. So the taxpayer is going to be on the hook for the member for Melton and the member for Tarneit for decades to come, we assume. But despite all of that and despite all of the largesse that this Parliament provided them through appointing them as Speaker and Deputy Speaker — the chauffeured cars, the overseas trips, the extra salary, the extra allowances — that was not enough for them. Instead those two members decided to artificially rearrange their living arrangements for the specific purpose of obtaining a second residence allowance to which they were otherwise not entitled, and that is morally and ethically disgraceful conduct on both their parts.

There is this grubby little deal which the Premier and the member for Melton seem to have engaged in whereby the Premier has said: 'We'll protect you, member for Melton, because you only have to pay back the Ocean Grove rorting. You don't have to pay back the Lake Wendouree rorting'. That is completely unacceptable. The PwC report found that between April 2014 and February 2017 the member for Melton claimed \$98 254 in a second residence allowance based on allegedly

living in a caravan at Ocean Grove. Well, as we know, that caravan park does not allow permanent residents. As we know, nobody at the caravan park ever saw the member for Melton. To simply say that this was an arrangement which was less than satisfactory is completely understating it. This was a rort. The member for Melton never lived in the caravan. He never lived in that caravan park at Ocean Grove. It was a lie, and it was a lie to take money from this Parliament and from Victorians to which he was not entitled.

The Premier seems to think that partial repayments of all the money rorted by the member for Melton makes it all go away, makes it acceptable. Let us just be very clear about the Premier's grubby deal with the member for Melton. He is saying: 'Well, you can keep the \$76 582 that you rorted when you were living or claiming to live in Lake Wendouree'. Even though that was not his electorate, even though it is suggested by the PwC report that he never owned the place that he claimed as his principal place of residence there, the Premier is saying to the member for Melton: 'I'm going to let you keep that \$76 582 that you rorted by artificially changing your arrangements to claim something to which you were not entitled'.

In tax law you call that tax evasion. This is not tax minimisation. This is not just doing something sensible to not pay more tax than you have to. The law makes a distinction between that and artificial arrangements seeking to evade the law. This is tax evasion. That is what the member for Melton engaged in: evasion. He deliberately and artificially changed his arrangements purely for the purpose of taking money from this Parliament to which he was not entitled — \$76 582. And the Premier said: 'That's okay'. The Premier said: 'You don't have to pay it back'. The Premier said: 'Keep it; that's on me'. Except of course it is not on the Premier; it is on all of us and, more importantly, it is on the taxpayer. It is not good enough that that man to whom so much was given by this Parliament — we appointed him Deputy Speaker — should be able to take and keep that money.

But it is worse than that. When it comes to the \$98 254 which the member for Melton rorted through his arrangements at the Ocean Grove caravan park, the Premier says: 'Mate, I'll look after you. Why don't you pay it back in bits? Pay it back in instalments. Keep your job, keep your \$150 000 a year, plus your electorate allowance, plus whatever else you get. Keep that. Pay a bit of that \$98 000-odd back every fortnight or every month, and then there will be a balloon payment towards the end. You can pay \$16 000 just before you leave the Parliament'.

How do we know that that money is ever going to be paid back? We asked the Premier in question time yesterday what guarantee he can give that that balloon payment will ever be made. The Premier of course denied it has anything to do with him. Despite the fact that he announced the payment arrangements at a press conference and despite the fact that he made those announcements when no other parliamentary officer was aware of them, he still denies at the dispatch box that it has anything to do with him, and he did it again today.

We have no faith in that rorting member for Melton that he will repay the money, even that small figure of \$98 000. Even if he were to repay that amount of money, and even putting aside the \$76 000 from Lake Wendouree, who else gets an interest-free loan from taxpayers over years? He started rorting this money in April 2014 and kept doing it until February this year. Under the Premier's dodgy deal with the member for Melton, the Ocean Grove money only has to be paid back in bits, and there is no interest payable. This is not Harvey Norman. There are no interest-free deals for rorting members of Parliament.

**Mr Angus** — There are here.

**Mr M. O'BRIEN** — Well, there should not be, member for Forest Hill. No interest for three years and no money down — it sounds like a Harvey Norman advertising slogan, but it is actually the way the Premier of this state deals with taxpayers money. It is completely unacceptable. Every dollar of that entire amount — the \$175 000-plus — should be repaid immediately, it should be repaid with interest and then the member for Melton should leave this place. He should get out of here and hang his head in shame. As somebody who has been a member of this Parliament in both houses for so long — for well over two decades — when he walks out those doors for the last time the very most that he can hope for in relation to his quarter of a century of election to this Parliament is to walk down the street and hope that nobody knows who he is, because for as long as anybody knows his name he will be regarded, rightly, by the public as somebody who rorted the system, who ripped them off and who took their money.

You can look at it as a teaching moment, as our American friends like to call it. You could say that it is something like a salutary lesson, but I am actually worried about those members of the public who look to us as leaders of the community. Those people have been badly let down by not just the conduct of the member for Melton. Let us not let the member for Tarneit off the hook. He did exactly the same thing. He artificially rearranged his living arrangements for the specific purpose of claiming a second residence allowance he was not entitled to. There

was a pair of them in it. And when he repaid the money — so we are told — that he claimed inappropriately, he did not pay it back with interest, nor did he pay it back with a penalty.

The Premier comes out all hairy-chested and says, 'I'm going to change the system. I'm going to make it good. I'm going to make it honest now. If a member of Parliament over-claims, they're going to have to pay a penalty of 25 per cent, except for the two Labor members of Parliament who have been caught red-handed with their hands in the cookie jar stealing our money'. For those members of Parliament: no penalty for them. For those members of Parliament: no interest payable for them — oh no. They get looked after because they are Labor mates. We know how this works. Well, it is not the way it should work.

If members opposite think that they are going to be getting any clear air during whatever it is they want to talk about, as long as that rorting member for Melton continues to occupy that seat, they have got another thing coming. If members opposite thought that they were able to cause a bit of a show during the Geoff Shaw saga in the last Parliament, they ain't seen nothing yet.

**Ms Graley** — Threats, threats, threats.

**Mr M. O'BRIEN** — There is no need to threaten. This is simply the way it is going to be, because we have got an obligation to the public not to let this drop. We have got an obligation to the public to get that money back. What is interesting is that when I look at even yesterday's *Hansard* I see Labor members of Parliament defending the disgraceful rorting behaviour of the member for Melton and the member for Tarneit. So that I am not accused of paraphrasing, I will read directly from yesterday's *Hansard* into today's. The member for Buninyong said:

I note the opposition members in opposing debate on the government business program today are again arguing that this place should be turned into some sort of Star Chamber so that they can carry on in regard to the activities of the members for Melton and Tarneit. I am pleased to see that both members have been in the house again today, and that I think is a pleasing thing, because we know that these members have been members of this house for many years — more than 40 years collectively — both in this house and, in the case of the member for Melton, in the upper house. They have served in so many roles in their time in Parliament, and they deserve to be treated like respected members in this chamber, recognising that they have held high office. And even though they might be criticised for misdemeanours, there is an appropriate process to go through to investigate those.

And then the member for Buninyong goes on. He is criticising us for daring to raise these issues in the chamber and criticising us for, and I quote:

... not recognising that they are dealing with members of this chamber of long standing, who deserve to be treated respectfully ...

We have got no respect for thieves and rorters, and the fact that you do says volumes about your integrity, ethics and honesty. You are here defending those rorting members of Parliament, asking — demanding — that we treat them respectfully. We will treat them with as much respect as they deserve, as much respect as people who rip off the Victorians we are sworn to represent deserve.

We do not regard ripping off taxpayers and committing fraud and rorts as misdemeanours. They are breaches of trust. They are among the gravest breaches of trust that you can have as a member of this place, and the fact that the member for Buninyong — the Labor member for Buninyong — flushed himself out as the defender of the members for Melton and Tarneit says volumes about how seriously this Labor Party, this Labor government, treats these issues and cares about public money. It is absolutely appalling, and we will not let this matter drop.

We will continue to pursue it because this could be dealt with very, very quickly. The Leader of the Opposition has on the notice paper a motion to allow this house to establish a committee to get to the bottom of it and deal with it once and for all, and there is only one reason why that motion is not being debated. It is that the Labor Party is running a protection racket for its rorting friends, the rorting member for Melton and the rorting member for Tarneit.

Why will members opposite not support a motion to investigate and deal with these matters? It is not acceptable to say ‘There’s a police investigation’ or ‘It’s being looked at by the police’. That was not good enough for them when Geoff Shaw was being dealt with. We had parallel processes where the Parliament asserted its own privilege and its own right to deal with our own members, and we took responsibility for dealing with a breach of proper conduct by one of our own. That happened in parallel with police processes, and members opposite did not complain about that. In fact it was the coalition government at the time that established the motion to refer it to the Privileges Committee.

We were not going to sit back and say that rorting behaviour or improper behaviour should be swept under the carpet. We said, ‘No. We’re going to deal with it. We actually believe in integrity and the reputation of this

place’. And we dealt with it. What have Labor Party members done? They have shut it down. They have gagged debate. There they were, voting to name the poor old member for Bass — who was calling out rorting — and protecting a rorter, accepting the tainted votes of the rorting members for Melton and Tarneit to kick out a member of the Liberal Party, a member of the coalition, who was actually bringing to public attention the rorting behaviour of Labor mates. Talk about blaming the victim; you know?

There is the member for Bass saying it is bad to be a rorter — and he gets kicked out of Parliament. He will probably wind up paying more money than the member for Melton ever will, but the Labor Party is very happy to vote to kick out a member of this Parliament who is actually telling the truth, in order to protect two rorting members of Parliament who should not be here. That is how bad this Parliament has become, this Labor government has become, under this Premier, because we know that a fish rots from the head.

Those of us who were in the previous Parliament saw the conduct of the then Leader of the Opposition. You could not find a higher moral high ground for him to perch on. He would be there lecturing us in the Parliament, on the television, in the newspapers, on the radio, about how rorting behaviour was unacceptable, about how it needed to be dealt with, about how it was more important than a government getting its business program through — these matters were far too important — and that a member should be expelled. When a member of Parliament breaches a fundamental trust of the public, they should be expelled from this place. That was the standard that the then Leader of the Opposition — the now Premier — set in the last Parliament. He is a complete and utter hypocrite because we know when it comes to this Premier, it is Labor first and integrity last. He is a hypocrite. He is now covering up and protecting rorting, dishonest, unethical behaviour from two of his own.

As I flagged in my budget appropriation speech yesterday, I believe there is a very important reason for this. There is a grubby political reason for this. I believe that the member for Melton and the Premier have done a deal — a dirty deal — where the Premier has said to the member for Melton, ‘You only have to pay back some of the money you’ve stolen from the Parliament — some of the money you’ve stolen from the public. Just give us back some of the Ocean Grove money — without interest, without penalty — but you can keep all the Lake Wendouree ill-gotten gains’.

I believe the reason for this is that the member for Melton has threatened the Premier that if he is forced to

pay back all the money he took, he will go. He will pick up his swag, he will walk out the doors with his taxpayer-funded lifetime pension and he will cause a by-election. And we know with all the issues that are running in this state at the moment — the crime wave, the attacks on the Country Fire Authority volunteers, the sky rail lies, just to name three — and the neglect that the Labor government has shown for some of its own electorates, people will make a call that Labor deserves to be punished. If there is a by-election in Melton, I feel very confident in saying the Labor Party will lose it, and if Labor loses that by-election, the Premier would be gone within a week, because we know the jackals in not just his backbench but his own frontbench are waiting for him to stumble.

They are waiting for him to stumble. If the member for Mulgrave lost a by-election in a Labor seat, he would be gone within a week, faster than you could say ‘special caucus meeting’. I am sure the member for Essendon would be one of the first ones putting his signature on the form calling that special caucus meeting. He can smell a promotion a mile off, the member for Essendon. He is not wearing that suit because he is a shrinking violet; he is wearing that suit because he wants to stand out. That is the dirty deal. The member for Mulgrave would rather push his own interests in preventing a by-election at any cost than do the right thing: get all the public’s money back and expel the rorters from the Labor Party and this Parliament, because that is what should be happening.

As I have said, this is something that the Labor Party has done which is not just hypocritical and not just an abrogation of responsibility; this is politically corrupt. It is politically corrupt to protect people who have taken money from the public under false pretences and to say, ‘You don’t have to pay it all back’. It is politically corrupt to protect people who should be subject to the processes of this Parliament and in my view should be expelled from this Parliament in order to look after the political interests of the Premier of the day. This is political corruption writ large by the Labor Party, by the Labor government and by this Premier.

Victorians should not have to put up with it, and as far as the coalition is concerned Victorians will not put up with it. We will continue this fight for integrity, this fight for justice, this fight for repayment of every single cent that the taxpayers have had stolen from them, and we will continue the fight to restore a semblance of honesty to this place, because as long as the member for Tarneit continues to sit in his seat, taking his salary and voting with Labor, and as long as the member for Melton continues to sit in his seat, taking his salary and voting with Labor, honour will not be restored.

Going back to budget paper 3 and looking at the obligations of the Parliament and the department:

The departments of the Parliament of Victoria aim to:

...

safeguard Parliament’s independence and integrity ...

Members opposite would not know integrity if they fell over it. They are prepared to put their own base political interests before the interests of this Parliament as an institution, the interests of the public we are sworn to serve and the interests of the democracy that sent each one of us here. That is not good enough.

This Appropriation (Parliament 2017–2018) Bill 2017 should be used as an opportunity for all members to reflect on the importance of integrity, which we are obliged to uphold, and as long as the rorting members for Melton and Tarneit remain in this place it will forever be sullied.

**Ms GRALEY** (Narre Warren South) — For someone who had unlimited time to speak on this bill, that was a rather short lecture on integrity. But I concur with the member for Malvern on one account — that is, there has never been a time when the standing of this Parliament and of members of Parliament across the globe, I would suggest, has been held in lower regard. It is not just to do with the fact that we have had issues with members of Parliament in this Parliament; it has to do with the way that we behave, the way that we conduct ourselves and the way that we go about talking to people in our electorates and engaging with people in our electorates.

Indeed it is about showing respect for each other instead of shouting people down, and it is about respecting the role of the Chair so that when they stand on their feet they are given that respect. It has been a very longstanding tradition in this house that when the Chair stands on their feet the member speaking sits down. I have to say that when I was new to this house I made the mistake of continuing to talk when the Chair was on her feet, and that Chair, the member for Evelyn, actually threw me out. It was the best lesson I have ever had actually, because I was given a lesson in how to behave in this Parliament and I never made that mistake again. I would suggest to the member for Bass that if he was modelling good behaviour to his electorate, then he would show decent respect to the Chair and he would take today as a lesson. But as I said, this is what people are talking about on the street and the member for Malvern reminds us that people are talking about these issues, so we all need to take heed of that.

I tell you what else people are talking about: they are also talking about this budget, and this budget has — —

*Honourable members interjecting.*

**Ms GRALEY** — Yes, they are. ‘It’s brilliant’, says Domestic Violence Victoria. ‘This is a budget with heart’, says the Victorian Council of Social Service. ‘These initiatives will help young Victorians to enter the home market across the state’, says the Housing Industry Association. This is a fiscally responsible budget that delivers in the key areas of education and health and invests in infrastructure. These are the things that people are talking about, but I digress — —

**Mr Clark** — On a point of order, Speaker, this is the Appropriation (Parliament 2017–2018) Bill 2017, not the Appropriation (2017–2018) Bill 2017. Perhaps you could direct the member to come back to speaking on the Appropriation (Parliament 2017–2018) Bill 2017.

**The SPEAKER** — Order! I uphold the point of order. I understand the member was responding to comments that were made in the previous contribution, but I do ask her to come back to the Appropriation (Parliament 2017–2018) Bill 2017.

**Ms GRALEY** — I am more than willing to return to the Appropriation (Parliament 2017–2018) Bill 2017. I am saying that we need to invest in this august institution and make sure that it continues to operate in good working order.

I wish to put on the record, as has always been the habit in this place — I did notice, however, that the member for Malvern did not do this — my thanks to the staff of the Department of Parliamentary Services and those who work in this building, including the clerks, the library workers, the staff at Strangers and the attendants, who really go beyond the call of duty in providing us with a comfortable and fitting working environment. I must say that I have always had strong respect and a high regard for the staff in this building. They have always been able to provide me with the right advice not just on the information I need but also on entitlements et cetera.

I also note — and we all need to make note of this — that there is extra funding in this budget for security and staffing for members of Parliament. I want to talk about this because it goes back to the point I was making at the outset. Sadly, members of Parliament are often not held in high regard, and this has meant that many of us — I have read this in the papers — have felt under threat or insecure at our electorate offices. I confess that I have been one of those members. I have been concerned not only for my safety and security but also for those of my staff.

We live in times when people think they can say and do anything and there will be no repercussions for doing so. Sadly, that is the case. In talking to journalists, I have remarked to them that they are not helping this cause by reporting on members of Parliament, particularly when it has amounted to an incursion into the privacy of our lives. That is making us more vulnerable. When security attended my office they were really quite alarmed at the situation we faced, so I was not backward in coming forward in talking to the Treasurer about the need for extra security for all members of Parliament and, as I mentioned, our staff.

As I said, we live in different times. I do not want to see members giving up the privilege of being connected, good, hardworking, engaged members of Parliament. That is why we need to have this extra staff and security. We still need to engage with our electorates, we still need to go out, we still need to bring people in, we still need to communicate strongly and we still have to put on our best face, but we know that in these times, when there is just far too much nastiness and thoughtlessness — too much ‘Me! Me! Me!’ actually — and far too little kindness, support and respect for others, that has become harder. We are all suffering from this, so I am very pleased to see in this bill that all MPs will be provided with extra security.

I have a statement about the budget which says that this security is being provided to help minimise workplace risks associated with existing staffing levels. It is a sad day when a workplace risk is not someone tripping over a cord but is instead about the actual safety of your staff. I am very aware that this extra security comes as a bit of a shock when it is first installed. It means that your office is not open for people to come in and out of as they please, but that is something we will have to increasingly adjust to. Certainly in my case I am using my best endeavours to make sure that people still feel very welcome and well looked after when they come to my electorate office.

I am not one to back away from the fact that people should be able to engage with and in fact demonstrate out the front of a member of Parliament’s office. One of the real values that we have in democratic Victoria is the right to demonstrate. I note that recently there have been demonstrations outside MPs’ offices. We need to be aware of this because Parliament’s resources are finite. We have delivered a fiscally responsible budget, but all members of Parliament also need to be fiscally responsible in the way that the Parliament spends its money and the way that electorate offices are run.

I noticed recently that there were some volunteers outside the electorate offices of a member of Parliament

in the Bayside area. Recently this member of Parliament, a Liberal member in the upper house, Mrs Peulich, stood up in Parliament and called for an investigation into the funding and activities of Environment Victoria.

Committee inquiries are a very expensive thing that the Parliament does, but this member of Parliament got up and called for one because people were demonstrating outside her office. I presume that Mrs Peulich is a climate change sceptic. She asked the Special Minister of State to launch an investigation into the funding and activities of Environment Victoria.

We have to be very careful that we are not seen in this Parliament to be wasting resources on political witch-hunts and on things that you happen to disagree with because you have a different ideological view. As the open letter to Mrs Peulich in reply from Environment Victoria said:

The volunteers outside your electorate office last week live in your electorate and are representative of this 93 per cent, because for them action by the coalition and all political parties on climate change is a priority. While there were no Environment Victoria staff present —

there is no real need for an investigation, so I hope we do not waste resources on it —

I can assure you that if the coalition continues to oppose environmental measures and lacks its own environmental agenda, we will continue to inform Victorians this is where their alternative government stands when it comes to protecting our environment.

So there is no need for an investigation. These people have every right to demonstrate, and I think the ball is in the opposition's court. It would be a ridiculous waste of the Parliament's resources if we were to go down that track, and we have already seen examples of that happening in the upper house where things are just dispensed off to committees and inquiries. The government's strong agenda to make sure that Victoria is the best place for everyone to live, work and raise a family is being held up by cheap political manoeuvres that are not serving Victorians and indeed are wasting money. I think that everybody has the right to demonstrate, but this is a warning to those who want to waste the Parliament's resources. It is also a wake-up call to the opposition. You really need to get your act together on environmental matters.

I noticed that already in the upper house the opposition has voted against the Climate Change Bill 2016, voted against fairer tariffs for solar energy, campaigned to keep the dirtiest power station in Australia open for longer and signalled an intent to scrap the Victorian renewable energy target if re-elected. It is not good policy, and if we are spending time on discussing pretty

pathetic arguments that are being put up to oppose these matters, that certainly is a waste of the Parliament's resources.

I will finish my contribution by just saying that it is very, very important that members of Parliament in this house respect the traditions, the conventions and each other, frankly. I would also like to finish up by saying thank you to the Treasurer, who has not only delivered a fantastic budget for all of Victoria, but he has also delivered a magnificent budget to make sure that this Parliament can continue its good works.

I would particularly like to commend his staff, especially his chief of staff, Alison Currie, who I think is a real dynamo and who has been able to bring all this matter that is a plethora of figures, wishes and desires by parliamentarians and of course constituents into this magnificent document entitled *Getting on with the Job: Victorian Budget 17–18*. I would especially like to thank his caucus liaison adviser, Calum Walker, who does a terrific job of working with the caucus and making sure that we understand how the budget works but also making sure that we are mindful that we are all part of a team and we all need to work together to make sure that the budget does represent the best for Victoria.

It is a real privilege to work in this Parliament and to serve the people of Narre Warren South and Victoria. But I do just want to put on the record that if we want respect, we have to earn it and we have to earn it every day that we are in this house and every day that people are here. We must use the resources provided by this bill wisely and respectfully because it is an essential part of making sure that this really precious democracy that we have in Victoria is more accountable, more successful and more highly regarded. So without hesitation I do commend this bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I too am pleased to rise to speak on the Appropriation (2017–2018) Bill 2017. I could not agree more with the member for Narre Warren South on a number of those issues, in particular the need for us as MPs to respect this Parliament. Unfortunately what we have seen from a former colleague and a current colleague of the member for Narre Warren South is absolute disrespect not just for this Parliament but also for the people of this state. The way that the member for Melton and the member for Tarnet have behaved is just disgraceful. It brings great shame on them and the Labor Party, and sadly it brings great shame on all of us because, as the member for Narre Warren South said, we are all tarred with that same brush unfortunately. So I am extremely frustrated and angry at the performance of those members and the way it has reflected on this house. As previous members have said,

we need to use the appropriations given to this Parliament wisely, and indeed the government needs to use all appropriations wisely. I am certainly concerned that that has not been the case with the former Speaker and Deputy Speaker. That is very obvious. I will come back to those matters later.

On the other matters that confront the Parliament at the moment, we are seeing some of the money allocated in past years ending this year, with the new accommodation that is being built rising out of the ground behind us. I know many members of the public would say that we should never expend any money on Parliament or on politicians, but I do look forward to the new accommodation that is being constructed. I hope it is delivered on budget and as efficiently as possible, and I look forward to having a window where I can actually see the sky or daylight at some stage. But it is a privilege to be in this Parliament, and it does not matter whether you are in a broom closet or the Premier's office. People should treat it with respect and be thankful for the services that we have here.

In speaking to that too, I acknowledge the work of the staff at Parliament, from the clerks to the Hansard reporters and the tour guides, who help us here in the chamber, and the committee staff. The committee staff do a fantastic job running the committees, which involves a lot of detail and a lot of information. I note that the budget this year for parliamentary committees has actually been reduced, which is I think a backward step on the part of this government.

**Mr Clark** — They don't want to be scrutinised.

**Mr D. O'BRIEN** — They do not want to be scrutinised — the member for Box Hill is right. That budget is being reduced by half a million dollars, and that is a backward step because the committees do great work in prosecuting difficult issues, in looking into complex matters that the Parliament needs to get its head around and act on and also in scrutinising the government of the day. The government has form on this, having referred a number of its election commitments — including, for example, a parliamentary inquiry into onshore gas — to an upper house committee that had no resources to be able to properly interrogate that issue. We got a virtually useless response as a result. The government should not be cutting funding to the committees, because that is an important part of the parliamentary process.

I also thank all those who work in the Department of Parliamentary Services, including the finance and administration sections, human resources et cetera. Although many of us have regular interaction with them,

and it is not always good, I encourage those departments to do their work as efficiently as possible.

I talked about using the taxpayers money in this Parliament wisely. We have not seen that with the actions of the members for Melton and Tarneit. Not only was it not a wise use of funds, it was an outright deception and robbing of the taxpayer. It has left a stain on all of us in this place. As much as we can take comfort that it was someone else, a constant theme that I hear is, 'You're all the same'.

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

**Business interrupted under sessional orders.**

## MATTERS OF PUBLIC IMPORTANCE

### Country Fire Authority enterprise bargaining agreement

**The DEPUTY SPEAKER** — Order! I have accepted a statement from the honourable member for Gembrook proposing the following matter of public importance for discussion:

That this house condemns the continual undermining of the CFA by the Andrews Labor government, including:

- (1) the disrespect shown by the Premier, Daniel Andrews, to all CFA volunteers;
- (2) the Andrews government's caving in to the United Firefighters Union demands to take control of the CFA; and
- (3) the dangers to all Victorians from a possible break-up of the CFA, which would undermine surge capacity for fighting fires and put Victorian families at risk.

**Mr BATTIN** (Gembrook) — It is National Volunteer Week in Victoria, and today is a day in a week in which we should be very proud of those who stand up and protect us across the state, whether it is the State Emergency Service (SES), the Country Fire Authority (CFA), volunteer ambulance officers or people in schools, councils, the Australian Red Cross and local kinders — the list goes on. So many people in our community protect us every day and volunteer in their local communities to make Victoria a better place.

I know for a fact that people like the member for Evelyn have so much respect for CFA volunteers, particularly the work that several CFA brigades do in her community. I can say that the member for South-West Coast thanks and respects those in Woolsthorpe, and she thanks and respects the Port Fairy SES unit and the work that they do in their community. I have been out with the member for South Barwon to thank and respect the

Grovedale CFA brigade as well as the South Barwon SES unit, which celebrated 40 years of service recently.

I would like to personally thank those from the CFA brigades and the SES units and all those other volunteers in my electorate, with a special focus on Clematis. The Clematis CFA brigade is a station that has assisted in training me to get me ready to turn out for fires, and I can understand the training that a CFA volunteer goes through. I put on record my thanks to the member for Benambra, who is a volunteer in his own community and stands up for his community not just as a member of Parliament but also as a proud volunteer in the CFA, to Simon Ramsey, a member for Western Victoria Region in the Council, and to the member for Scoresby for their services within our CFAs. Finally, the federal member for Wannan, who is also a very proud volunteer, has stood side by side with me as we have talked about those volunteers and what they do across the state.

Yet what do we see on the other side of the chamber in a week when we are talking about respecting our volunteers? It is a week when we are talking about needing to make sure they are here for the future, yet we are talking about a Premier who now wants to destroy the CFA and the very, very community-minded people who have been involved in the CFA for so many years. He is joined by a minister who is remembered for the more than 10 statutory declarations that came into the Parliament to prove he was lying in relation to presumptive legislation when he met the captains and leaders of CFA brigades in his own community.

A perfect example of the current Minister for Emergency Services' two-faced approach to his war on volunteers was his visit to the member for Warrandyte's electorate for the official opening of the new South Warrandyte CFA station. He stood in front of the volunteers and the career firefighters and said how proud he was of the volunteers — their service, their dedication and their commitment. At the same time he was working in the background to sack them from that brigade and make it a career-only station in the future — getting rid of volunteers and disrespecting them. There is no bigger sign of disrespect than pushing out the men and women who have protected us for so long, including on Black Saturday and Ash Wednesday. These men and women are the ones you can easily identify because as most of us are driving away from the dangers of fire, they are the ones driving into the face of fire to make sure they can protect our lives, our property and our future.

Why is Premier Andrews doing this? In a week of thanks to the volunteers, why would you go to the media and start talking about destroying the CFA? Why would a Premier want to put a message out which creates

anxiety among CFA volunteers across the whole state, particularly in those 35 stations that are integrated — the 35 stations that have volunteer and career firefighters that many will tell you have worked so closely together for so long and have fought fires in their communities together? Why would a Premier want to go out and do that right now?

On behalf of his union masters, he obviously made some kind of promise before the election that he will hand across control of the CFA to the union. He has promised Peter Marshall of the United Firefighters Union (UFU) that he will hand across control and they will use the clause in the enterprise agreement about consultation as the scapegoat. They talk about consultation and then they add the words 'and agree'. In anyone's language that is a veto clause. It removes the power from management to operate the services and protect the very volunteers who are working for those services.

On behalf of the Liberal and National parties, I am very proud to rise to speak on this matter of public importance today, and I know I speak on behalf of every person on this side of the house. We will fight tooth and nail to stop this happening. We will work with our local communities, we will work with our local volunteers and we will push every button we can through the media, social media and our local networks to make sure every person in Victoria understands that in the week when we are supposed to be respecting volunteers, the Premier is trying to tear apart the very organisation that they have been proud to represent and one we should all be standing by.

The disrespect is never-ending. It has created a massive dispute that has been going on for some time now. As I recall, it was just under a year ago that the Premier proudly said, 'It needed to be fixed, and I fixed it'. Nothing could be further from the truth. You are not going to believe it, but in a statement of 8 May his Minister for Emergency Services actually came out and said, 'We're working on fixing it'. Which is it? Was it fixed 300-odd days ago or is he is still trying to work on a fix now? Even in question time this week, the Premier and the Minister for Emergency Services could not once say, 'We guarantee that every volunteer in this state will be protected in the station they have proudly served and will continue to serve into the future'.

Let me assure you: the Liberal and National parties guarantee that if they are in government, they will protect every volunteer in such a vital service. We will respect them, and we will ensure that they have the safety equipment and the opportunities to go forward in the future to protect our community. They are the world's best trained volunteers. They are some of the

world's best firefighters. You can go out to Meredith, you can go down to South Barwon, you can go down to Pakenham or you can go up north to Mildura — all of these stations have got quality volunteer firefighters who have done excess training as well as turning out to many thousands of fires and protecting us across the years.

What do we get? A decision by the Premier that shows disrespect for them. He is aiming to sack them from those 35 stations. You would think he would just stop there. You would think he would have done enough just by getting rid of volunteers in paid stations — no. We have seen the list that is out there. Let us look at the Lara CFA brigade. Lara CFA is one of the stations that the UFU continuously target. They intimidate and they bully. They send out false documents in relation to their response times. They blatantly lie to the community. They send messages through committees in this Parliament, and on the record they have lied about response times from the Lara CFA.

If you want the facts around Lara CFA, go and actually speak to the volunteers down there and ask them about the turnouts. How many times do they turn out per year? It is more than 300. On every occasion, apart from when they have to respond to the prison system, they are actually on time. Their standard response times are nearly 100 per cent.

If you add in the prison response times, you actually get a different result, because they cannot just drive straight into a prison. There are obviously security issues, so their response times are different. That will not change if there are career firefighters at Lara. They will still have to wait outside the prison. They do not get a special exemption to go in that, just like volunteers do not get one.

We need to make sure that the truth is on the table and people are reading from the facts about what is happening out at Lara. It is about time that this government and the member for Lara stood up in this place and said they will not accept the fact that the career firefighters are coming in to take over a station that has proudly served his community.

**Mr R. Smith** interjected.

**Mr BATTIN** — Exactly. As the member for Warrandyte said, the community has put millions into this facility, not just in man-hours but actually in raising money and cash to build the facility, and the union and Peter Marshall want to come in and take it over. That is a disgrace. If you were to go back to the enterprise bargaining agreement (EBA), you could actually fix the problem down there. You could fix the problem by putting in an industry brigade near the prison, a brigade

that serves the prison system. But no, the Minister for Emergency Services, who is just walking into the chamber, is working with Peter Marshall to ensure that there is a clause in the EBA that says you cannot have industry responses. They are putting the union ahead of the safety of Victorians, and they are putting their union mates and the deals ahead of all Victorians.

It is fair to say that the union is out there campaigning right now. They are out there trying to get their message into the media about what they are doing. Brenton Smith, a firefighter up in Ballarat, was awarded the Ballarat Trades Hall Young Activist of the Year Award — —

**Mr Merlino** interjected.

**Mr BATTIN** — Sorry, is that the minister? The minister is a bit touchy when we talk about the young activist of the year for the UFU, who put an op-ed out. If you summarise the op-ed, he has effectively said that the volunteers up there are useless, they cannot do anything, they do not respond on time, and if you live in an area with volunteers, you are unsafe. I hope the minister goes on the record and supports his statement and goes out there and lets all the volunteers know that he agrees with Brenton — that if you live in a community with volunteers, you are unsafe. Because those are the words he has put there.

Members do not need to take my word for it. I refer to a letter from Chris Jones, the captain of the Meredith rural fire brigade:

Mr Smith's statements could not be further from the truth.

It is my fellow volunteer firefighters who for decades have day in, day out given their time for free and on many occasions at the expense of the member to protect our communities and who come together in times of crisis to preserve life and property ...

If we lose our CFA volunteers and the current structure that we have for so long cherished, we also lose the surge capacity that comes with it and the large numbers of firefighters that attend fires just like the Scotsburn fire in 2015. This will be a disaster for community safety across the state.

Chris Jones is going to stand up for his community. He is a firefighter who is going to stand up to this minister, he is going to stand up to this Premier and he is going to make sure the message is out there. Volunteers have protected us for a long time and they will protect us for a long time into the future. They now are asking the minister, quite simply, why he will not protect them.

When the minister gets up and speaks on this matter — and I am assuming that he has walked into the chamber to speak after me on this matter, so he should take a note

of this — I challenge him to get up and give a guarantee to every volunteer firefighter in this state that not one will be displaced from any station across the state — not one. I want a guarantee that the volunteer firefighters in Pakenham, in Warrnambool, in Mildura, in Ballarat, in Ocean Grove, in any of those stations that are integrated, will not be pushed out in favour of the minister making a dodgy deal with Peter Marshall. It is about time that the minister stood up for them. We know where the last person from his side who stood up to Peter Marshall sits now, the last person who said she was threatened that an axe would be put in her head. I wonder if the minister has had those same threats from Peter Marshall, but I suppose you do not get threats when you do everything Peter Marshall says.

The minister may have missed what I said before, but we saw the respect he has for his own brigades when he lied straight to their faces about presumptive legislation. He came into this place and continued that lie after the first question. Then 10 statutory declarations were actually tabled to say that the minister had lied. That is the respect that the CFA volunteers have for this minister.

The minister has been put into a position, along with the Premier, where he has to protect all Victorians and not just the unions that have bankrolled Labor to get it where it is. Whenever you are going to make a change to the CFA or the Metropolitan Fire Brigade or change how you deliver fire services — and no-one on this side will deny you have to make changes to the fire service delivery model to keep up with technology and to keep up with available resources; we all understand that — you cannot make a decision on these things based solely on what the UFU wants. You have to go out there and work out the best outcome for Victorian families and the best outcome for Victoria.

When we go back to February 2009, the minister should be able to tell us how many career firefighters were on the firefighting ground on 7 February for the first 5½ hours on Black Saturday. I can tell the house that it was zero. The volunteer firefighters were all out protecting us and protecting our environment, our future and our lives. The career firefighters and the volunteer firefighters worked very closely together post that time. The reality is that surge capacity is vital, and we need to respect that volunteers are available on call at the drop of a hat at any time to protect us. That is not about demonising anyone. That is the fact. The fact is we need to make sure that we have got surge capacity in this state.

I know the minister would never look at the Volunteer Fire Brigades Victoria (VFBV) website, because he does

not get past the UFU website. But if the minister would like to look on the VFBV website, he would understand how surge capacity works. If he is not sure, I can email him the list of exactly how it works and the little drawing on the VFBV website that shows how surge capacity actually works. We need to protect that surge capacity going forward, and the only way to protect that is for government and opposition to stand side by side and protect the volunteers.

However, we have got a problem with it. We have a minister and a Premier who are more interested in standing side by side with Peter Marshall than getting on with the job of making sure we have the best fire services in Victoria. As I said at the start, only the Liberal and National parties will stand with every volunteer in this state to protect Victoria, our future, our people and our volunteers.

**Mr MERLINO** (Minister for Emergency Services) — I am happy to rise to speak against the matter of public importance, as you would expect. It is another round of drivel from those opposite, another attempt to spread fear and division, and another base attempt to pit firefighter against firefighter. It is what they have been doing not just for the last two and a half years; it is what they have been doing for many, many years.

Let me make this point: the Andrews government has done more to support our fire services — the Country Fire Authority (CFA) and others — and our volunteers than the previous mob could be bothered doing in their entire time in government. Those opposite come into this place and they talk about respect for firefighters. It is unbelievable.

Their MPI talks about ‘the disrespect shown’. Let me say that it is not respectful to cut \$66 million out of our fire services budgets, straining precious resources. That is what those opposite did when they were in government. It is not respectful to deny evidence that certain cancers are caused by firefighting duties. Those opposite denied that. It is not respectful for those opposite to refuse to acknowledge the need for presumptive rights legislation. That is what they have denied. It is not respectful to let firefighters continue to train at a ground like Fiskville even though it was known that they were being exposed to dangerous chemicals. They let them continue training there. That is not respectful; it is disgraceful, and every one of those opposite should be ashamed. It is not respectful to abandon an inquiry into the scandal at Fiskville because you have better things to do. That is what the member for Gembrook did; he abandoned the inquiry. He could not even be bothered hearing the evidence.

**Mr Battin** interjected.

**Mr MERLINO** — You left it, you coward; that is what you did.

It is not respectful to spend a Friday evening at the tennis while there are dozens of fires burning. That was the previous emergency services minister, the member for Rowville. It is not respectful to vilify career firefighters, calling them thugs and using their legitimate right to bargain for a new enterprise bargaining agreement (EBA) as an opportunity for a political fight. I tell you what, the thug is the member for Gembrook. The thug is the Leader of the Opposition for vilifying and demonising the men and women in our fire services who put their lives on the line to protect property and to protect and save other people's lives. Those opposite are the thugs. They are the bullies.

It is not respectful to lie to volunteer firefighters and to scare them about things that are blatantly untrue — that they will not be welcome in the CFA and that they are not capable of working with career firefighters. They lie blatantly about issues such as seven on the ground. Those opposite have never sought to do anything other than ramp up tensions in our fire services for their own political gain, and that is what they are doing now.

The paid firefighters EBAs, of both the CFA and the Metropolitan Fire Brigade, expired in 2013. Those opposite were in government but made no effort to come to a resolution. In fact those opposite declared war on our firefighters. After extensive work to consult and to put in place additional safeguards, the CFA and the firefighters union reached an agreement to end this dispute. It was based on the recommendations of the independent umpire, the Fair Work Commission, and work was underway for it to go out to employees for a vote. The federal Turnbull government intervened and amended the Fair Work Act 2009 to target career firefighters. The federal government intervened to prevent an agreement the two parties had reached from being implemented and then took the extraordinary step of writing to the CFA with a series of legal threats to intervene in proceedings and block the agreement from going ahead.

In light of this extraordinary intervention, the CFA and the union returned to the Fair Work Commission. It is no secret that the political interference of the Turnbull government means that it is virtually impossible for a CFA operational agreement to be reached. The facts of the situation are on the table. I have had these discussions with Volunteer Fire Brigades Victoria, I have had these discussions with the CFA and I have had these discussions with the CFA Performance and Policy

Consultative Committee, a committee of volunteer and career firefighters. The clear and unambiguous advice to government is that the federal legislation makes not just the proposed CFA agreement but any agreement virtually impossible. The legislation is so broad — —

**Mr Battin** — On a point of order, Deputy Speaker, the minister is referring to legal advice he has had as to how the EBA can or cannot go through. We ask him to table that legal advice to ensure all the community knows that he is lying to the volunteers yet again.

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

**Mr MERLINO** — The legislation is so broad that it would ban clauses, completely normal industrial relations clauses, in EBAs, terms that exist in fire services EBAs in other jurisdictions. It is things like staffing levels, career pathways, hours of work, safety standards for uniforms, for equipment and appliances. All of these clauses are banned by virtue of the political interference of the Turnbull government — the Liberal and National party mates in Canberra. This is the reality.

So we are here all this time later because those opposite and the federal government thought that they could get some political mileage out of keeping this dispute running. The fact of the matter is that the current proposed CFA agreement and any CFA agreement that contains clauses around training, equipment, staffing and rostering will be banned under this legislation. So do not talk to me; talk to your mates in Canberra.

In terms of our volunteer firefighters, career firefighters and all of the community, they are sick of this political football. As CFA chief officer Steve Warrington told the parliamentary inquiry into fire season preparedness in August last year:

The reality is we have had agreements in the past. The sky was going to fall in in 2010, and I can tell you we continue again to provide service in a collaborative manner across this state, and we will continue to do so.

The emergency management commissioner, Craig Lapsley, has been definitive about this, saying that they have had no problems at all with CFA firefighters — career or volunteers — working together, working with other agencies, and that it has been absolutely critical and a stellar effort. The firefighters, whether career or volunteer, won't let Victorians down; they haven't missed a call yet, and they won't miss a call.

The South Warrandyte former captain, Greg Kennedy, said:

We're looking forward ... getting on with what we're here to do, which is protecting the community and providing the best service we possibly can.

Those opposite have gone around the state telling the community that volunteers were going to stop turning out. This is irresponsible, an insult to volunteers and patently untrue. The parliamentary inquiry into bushfire preparedness heard from CFA volunteer Ian Ashcroft, who stated:

If the EBA was signed tomorrow, then on Monday we would not see any difference at East Gippsland.

Nick Barton told the same hearing:

If I could support what Ian says, there is no concern that local volunteers will not turn out.

Former CFA chair John Peberdy said:

My experience is when there is a fire, the firefighters are there, and I was not personally convinced that we would lose a lot of people ...

We know that volunteers will always turn out. This is why we are the ones making the investments in our fire services. While those opposite want to call the dedication of firefighters into question and call it respect, we are the ones who invest in our fire services. We do not rip millions of dollars away — that is the record of those opposite.

We have targeted investments at our emergency volunteers because they are our first line of defence. Our 57 000 CFA volunteers do an outstanding job keeping our community safe. It is vital that our brigades have the support, the equipment, the facilities and the training they need to get on with the job. That is why we introduced the emergency services volunteer sustainability grant, providing \$15 million in immediate investments across the emergency services sector. With over \$850 000 worth of direct investment already announced and more to come for CFA brigades across the state, volunteers are already seeing the benefit. It meant that brigades like Devon Meadows could finally afford specialist equipment like thermal imaging cameras, and that volunteers at other brigades like Edithvale could have the brand-new facility they need to keep the community safe.

Our first budget in 2015–16 provided for 80 additional trucks — 80 additional appliances — for CFA volunteer brigades. There are a further 28 appliances as part of our \$35 million emergency management volunteers package. We are rebuilding stations at Huntly, Buninyong, Plenty and Edithvale. We are rolling out emergency medical responses to our integrated CFA brigades and other volunteer brigades as well.

**An honourable member** interjected.

**Mr MERLINO** — No, both, you fool. We make these investments because we are committed to the safety of our firefighters, unlike those opposite. They wilfully and callously ignored the problems at Fiskville, which put so many firefighters, career and volunteer — —

*Honourable members interjecting.*

**Mr MERLINO** — They stand up here today pretending that they care about volunteer firefighters. They did not care when they were exposed to dangerous chemicals. They do not care if they contract cancer as a result of their firefighting duties. They do not care about that.

The CFA services 3.3 million Victorians, including 60 per cent of Melbourne suburbs. Victoria's population is projected to increase by 4.6 million people between now and 2050, with significant increases in the CFA area. The 2009 Victorian Bushfires Royal Commission looked at this issue and noted the significant change in the needs and risk profiles of our outer suburbs and our regional centres.

The Jones review into CFA volunteers, which was commissioned by the former coalition government, had this to say:

It is clear that the changing risk profile in Victoria, with the development of new urban areas and extension of urban growth boundaries will place significant pressure on the CFA to ensure its service delivery standards are maintained. Inevitably, this will result in more paid firefighters being required to meet the service needs.

The Jones inquiry — your own inquiry — said more paid firefighters will be needed. That is the election commitment we made: 350 additional firefighters. The member for Rowville called that a disgrace. Tell that to the growing outer suburbs. Tell that to regional cities that need those additional career firefighters supporting our volunteer brigades to keep our community safe. That is what it is all about.

We will always need a strong CFA. We will always need to protect and enhance our volunteers. Surge capacity is absolutely vital. We have had it, and we always will. We need a strong professional career force as well. That is what we need in a growing state. That is what we need in a modern fire service.

Because of the political interference of those opposite, a CFA agreement cannot be reached because of the federal legislation. So we are looking at all options. We are going to the bushfires royal commission. We are

going to the Jones review. We are going to the fire services review, and it is only Labor that will deliver the support that our fire services need.

**The DEPUTY SPEAKER** — Order! Before I call the member for Mildura, I would ask members to be in their allocated seats if they wish to speak across the chamber, and I would also ask members to refer to other members by their correct titles.

**Mr CRISP** (Mildura) — I rise to speak in support of the matter of public importance (MPI) raised by the member for Gembrook. This is about volunteerism in our community. Volunteers, including those in the Country Fire Authority (CFA), are paid in respect; that is all they ask for in exchange for their time and in some cases their money to keep our community safe. It is locals looking after locals. It is locals understanding local needs, and it is local knowledge that is everything to our communities.

Now we hear of some secret committee that is going to change things. What sort of change do we know of? What we are hearing is that despite previous promises about boundaries, the Andrews government is considering splitting the CFA. This goes to the very heart of what so many of our volunteers and our communities expect. Can the boundaries of the CFA be moved? The answer is yes. The boundaries are set in legislation with complex details on how you move them.

Boundaries can be changed by request from the Metropolitan Fire Brigade (MFB) and a municipal council agreement, and then it goes to the Governor in Council. That is if you want to enlarge the urban boundary. But that is not what I am here to talk about, because I am talking about Mildura. If the government wishes to create new areas that are not a simple expansion of the existing boundary, it is not possible — it requires legislation. That is what is rumoured is going to happen in Mildura.

Expanding the boundaries of the MFB to the edge of the metropolitan area would capture many brigades and both integrated and volunteer firefighters. It would displace thousands of volunteers that cannot volunteer at MFB stations, thus impacting our surge capacity. I will explain surge capacity later.

The government can make Mildura part of the MFB, it can displace the volunteers from Mildura and, yes, the government can redraw the response boundaries threatening the nearby volunteer brigades. This is what scares our communities most: that there will be a creeping takeover of the Mildura CFA areas. Yes, the government is a slave of the United Firefighters Union

(UFU) in their takeover plans for the Mildura region. They will do anything for the UFU, including removing — —

**The DEPUTY SPEAKER** — Order! There is too much audible conversation in the chamber. I cannot hear the member for Mildura.

**Mr CRISP** — What has become of the volunteers in integrated stations? All I can talk about is Mildura. In Mildura they have been driven out. There is no other way to describe it. They are part of the group of 3800 volunteers that have left the CFA. They have been driven out by the activities of the paid firefighters within that station complex. It has become a hostile environment that has just ripped out the respect for what they are there to do.

Where have these great community-minded volunteers gone? Some have gone to nearby brigades, which are now threatened. Some have joined the rural fire service over the river in New South Wales. All these volunteers wanted was respect. The Andrews government has allowed respect to be ripped out of the CFA, particularly at integrated stations. By implication the Andrews government is ripping respect out of communities. The government may not value respect, but country people do, and I do.

Surge capacity has been discussed. As well as keeping the community safe day-to-day, CFA volunteers provide the state with a stable surge capacity. Surge capacity is vital to how we go about major campaign fires. It is the ability to mobilise large numbers of emergency personnel to major emergencies while currently maintaining the coverage at local services at home. For example, during the major disasters both volunteers and paid firefighters travel outside their areas to fight major fires, such as on Black Saturday, and we can even go back as far as Ash Wednesday.

In my particular area in the recent period there were what we call the Yaapect fire and the South Australian border fires. Surge capacity is only available to a volunteer agency with thousands of firefighters trained and able to travel anywhere across the state. The Yaapect fire burned for 10 days, with multiple crews from the Mildura region working 12-hour shifts, and we had a fire in almond hulls and husks down at Carwarp that required a long commitment of volunteers to look after that area. Also crews from our region travel interstate to assist other states. The Blue Mountains is one area where volunteers went in recent years.

There is also the role that our volunteers play in non-fire emergencies. We had floods in January 2012 in Beulah,

and there were volunteers from Mildura sandbagging that area. I was there, and they were giving their time. Then later in February there were huge floods in Mildura from getting our annual rainfall in 12 hours, and those volunteers worked for weeks pumping water away from roads and other infrastructure. In the Remembrance Day storms they assisted the State Emergency Service, particularly in Merbein, to remove debris and fallen trees. The Merbein fire station, staffed by volunteers, became the hub of that community. The community interacted with that station. That is where they went for information and that is where they went for support. Even the Deputy Premier visited the station and was briefed by volunteers. It took days to clear away the debris to let the utility services access and restore services.

The fire stations are the centres in community emergencies because the community feels connected to them. They respect their volunteers and they are respected, and they have been doing that for over 70 years. Paid firefighters and volunteer firefighters are all trained the same, and they are prepared to continue to protect their communities. But in these circumstances, with the lack of respect for them, it is certainly being ripped out of them.

The enterprise bargaining agreement dispute could have been resolved if there had been no negative impact. Volunteer Fire Brigades Victoria have been demonised in this. They have said that all they want to do is protect the CFA volunteers and not see the CFA split up. This year the government has become enslaved to the UFU, which just wants to see what they can get.

In dealing with all the red herrings, the false news and the alternative facts, or even perhaps lies, the government cannot demonise the federal government on this. All they were endeavouring to do was maintain the role of the volunteer in the Australian community, so to demonise the federal government I think is worse. All they wanted was that the volunteers be respected and that volunteerism thrive in our community.

In fact to many of those volunteers and many of those communities it seems like it is just a takeover. What they are afraid of is that they will be wedged up by boundary changes hidden away within the presumptive legislation, which is something that has been promised for a long time. It will be in the same bill. There is no doubt about that. It will wedge volunteers, and therefore they will feel they will have to give away their volunteerism to agree to that. They should not be put in that situation. The government has been in no hurry to introduce this presumptive legislation because I think it wants to use it to blackmail those volunteers. It was promised within

100 days of them coming to government, but there is no sign of it yet. It has been used as a wedge — something that is unfair on those particular communities.

One of the other things that is going on out there that is impacting how volunteers feel about being respected is the apparent budget reduction of \$47 million this year. Again, this is not adding to the value of the gift they give us, which is their time. They deserve respect. Then there is the cost of all of this to Victoria. So much of the money that is going to be a priority for the government and the UFU could go to equipment if they have to go way beyond these boundary issues. Imagine what could be done with that spend.

The principle of volunteerism is under threat. A cornerstone of our community is under siege. I stand with the communities and the volunteers to oppose a government that is complicit in driving volunteerism into the ground. Shame on the government that has sunk to this level.

**Ms WARD** (Eltham) — It astonishes me that those opposite actually have the gall to put themselves up as the moral custodians of the Country Fire Authority (CFA) and volunteers in this state. I do not know where they get off.

**Mr Dimopoulos** interjected.

**Ms WARD** — Absolutely right, member for Oakleigh. After they ripped out of the heart of the CFA \$66 million over four years, that they then think they are the moral custodians of volunteerism in this state is an absolute disgrace, because, member for Oakleigh, they are not. All they are is political opportunists. That is all it is: it is political opportunism. They do not really care about what happens to our CFA, whether it is the volunteers, whether it is the career firefighters or whether it is the communities they serve. They only look to serve themselves and they only look for the political advantage that they can gain out of this. The fact that they have no conscience whatsoever over the disharmony, the discord and the deep, deep hurt that they are causing in communities and in CFA brigades astonishes me. I know it probably should not, but it does. It astonishes me that they should be so base as to use such an institution as badly as they do.

To think that they portray themselves as the only ones in this house who understand the importance of the CFA, understand the importance of the volunteerism of the CFA and understand the career firefighters — to think that they think they are the only ones! I have lived practically my whole life in the shadow of a CFA siren going off every Sunday morning. I know exactly how

important the CFA is to communities at both a career level and a volunteer level. My father fought in the Ash Wednesday fires; my brother still fights today. I absolutely understand the importance of the CFA — and how dare members opposite accuse me of lying about the service of my father and my brother. How dare you! Who do you think you are that you can come into this house and accuse people of lying about the actions of their families? Where do you get off? It is astonishing that you would use the CFA in such a manner.

**Ms Thomson** interjected.

**Ms WARD** — Absolutely right, member for Footscray, as a political tool.

For a few days after Black Saturday I was in the command centre at Kangaroo Ground CFA. I heard the phone calls, I saw the work that people did — and I see the member for Yan Yean here, and I know exactly the work she did too. My community bands together when it is needed, and my community works hard together, whether they are career firefighters, whether they are volunteer firefighters or whether they are a community as a whole. They work together.

And that is exactly what the CFA is supposed to be and that is exactly what those opposite have worked incredibly hard to destroy, which is collectivism, because those opposite do not under any circumstance support collectivism. They do not support people working together to achieve a common aim. What they support is division. The only way they see through political debate or conversation is through division, because those opposite have no underlying philosophical basis behind them. They have nothing that they actually want to achieve for our communities. What they want to achieve for our communities is division, because the only way that they think they can achieve success is by hurting people.

When they were in government they absolutely hurt our CFA: they ripped \$66 million out of our CFA brigades. That is around a thousand dollars per volunteer that they ripped out of the pockets of our CFA brigades while they were in government. They did not care about our CFA at all. As soon as they see an opportunity that they think will give them political mileage on this issue, they jump on it with jack-nailed boots. They jump on the hopes. They jump on the communities. They jump all over people, causing pain wherever they go. That is the only way that they think they can get the success because they are a policy deficit zone. They have no policies. They have no vision for this state. They just want to cause pain.

Let me read something posted on the member for Gembrook's Facebook page by a volunteer who served at the Hazelwood fire. He wrote:

It's a great shame that this whole issue has been manufactured by the Liberal Party and the *Herald Sun* newspaper for political and financial gain.

This is a CFA volunteer from Gippsland. He continued:

They have no respect for us volunteers past, present or future.

We need all firefighters to work together, not to be forced into political fights.

That is exactly what they have reduced this to. They have reduced it to a political fight for their own base means, nothing else. Where has the federal government been since they made their legislation? Where are their visits to our CFAs? Where is their support for our CFAs? There is zero. It was a political football.

**Mr Foley** — Where is the Sydney-centric PM now?

**Ms WARD** — Absolutely, Minister for Housing, Disability and Ageing. Where is our Prime Minister for Sydney now? Well, he is not at any of our CFAs. The election has been and gone, and so is he — out of this state. He could not care about what happens in Victoria, and he could not care what happens to our CFA. It should not be a political football. This volunteer firefighter fought at Hazelwood, but let me read out a career firefighter's experience at Hazelwood — the Hazelwood that those opposite walked away from, the Hazelwood that those opposite did not know how to manage and the Hazelwood that those people let burn and burn and burn. Let me read the story of that firefighter:

I responded to the Morwell mine fire in the first few days of it burning. I spent a month in that hole the size of Sydney Harbour with a crew of four, including myself, doing our bit to extinguish an environmental disaster. Once you took the 15-minute trip to the bottom of the mine for the 12-hour shift, you soon realised that you were standing in the stereotypical vision of hell and putting it out would be as big a job as putting hell itself out. I was covered in black coal for a whole month.

What was immediately obvious was the politics of the disaster. At that stage we were there to extinguish this fire with the minimum of resources to avoid the scrutiny of the media and journalists realising the huge scope of this disaster. That didn't happen.

On the first day my crew ate food out in the open with ash falling on their food as they ate it, and there was nowhere for them to sleep. After a 12-hour shift crew leaders like myself were refusing to put our crews at risk anymore, with no emergency plans to evacuate crews and no carbon monoxide monitors, even though a crew of five was hospitalised with poisoning days before.

The first politician I saw on scene was the opposition leader, Daniel Andrews. On the second-last night shift I spent in the mine I was almost killed by falling coal boulders the size of a small car. Things like this happened because the previous government were at war with the fire services and cut budgets while expecting firefighters to produce the same results.

The member for Gembrook wants this to be a political battle that sees volunteer and career firefighters as collateral damage. This is now a man who stands with the current Premier, this is a man who stands in this house, this is a man who fought to save people's lives time and time again, and this is a man who has taken dead bodies out of cars and out of buildings, as have all of our firefighters. I ask members to consider the trauma that our firefighters experience every single day when they are out defending our communities and how harsh and brutal the approach by those opposite is. They do not care about the needs of our firefighters, whether career or volunteer.

The things that these men and women have seen in their professional and volunteer lives I would not wish on anyone. I really would not. They have seen shocking things. They have seen things that would keep any reasonable person up at night. And what do those opposite want to do? They want to turn it into a political football match, they want to play with these people, they want to tease these people and they want to use them up for their own base means. They think that this battle is their ticket to government. I tell you what: the ticket to government is very simple. It is not through hurting people, it is not by damaging people and it is not by dividing people; it is by creating good policy that actually helps people. It is about investing in things like our CFAs, as this government has done.

I thank the Minister for Emergency Services for the money that he has put into my community for the fire truck at the Research CFA, for the money that has gone into extending the Research CFA, for the money that has gone into the Diamond Creek CFA for a new truck, for the rebuilding of the Plenty CFA and for the money for the extension to the Wattle Glen CFA. The money that has gone into emergency services since this government was elected is everything compared to the zero investment that those opposite made when they were in government. They did nothing for our emergency services, and they should be absolutely ashamed of how they are treating our emergency services. But do you know what? They have no shame.

**Mr Katos** — On a point of order, Deputy Speaker, the member for Eltham has been quoting a lot of material from her device and a Facebook page, so I ask that she makes that device available to Hansard so that they may verify everything she has been quoting.

**The DEPUTY SPEAKER** — Order! The member for Eltham will pass her notes on to Hansard.

**Mr R. SMITH** (Warrandyte) — I rise to join the debate on this matter of public importance (MPI) and support the member for Gembrook's matter of public importance, which highlights the disrespect that the Andrews government has shown to volunteers and its caving in to the United Firefighters Union (UFU). It also seeks to highlight the dangers that the government's policy will inflict on particularly those who live in our rural areas but also those in areas such as my own electorate of Warrandyte.

For a very long time — almost 11 years — I have been in this place, and I have seen a number of matters of public importance debates. There have been MPIs of varying degrees of importance. I would rate this one as one of the most important MPIs that has been raised in this place, because this MPI deals with the breaking up of an organisation that has been around for over 70 years — an organisation that has protected communities right across the length and breadth of this state, has saved lives and has been at the forefront of making sure that property and life is protected. The fact that this government seeks to undermine and break up this organisation is testament to how indebted this Premier and this government are to Peter Marshall and the UFU.

I just want to begin by talking about a case study that was put out by Emergency Management Victoria — a case study that was endorsed by the Country Fire Authority (CFA), the Metropolitan Fire Brigade (MFB), the then Department of Environment and Primary Industries, Victoria Police and the State Emergency Service.

This case study talks about a fire that happened in my own electorate on 9 February 2014. It was a big day for fires. There were a number of fires. I believe there were up to 900 around the state that day. This particular case study talks about the fire that began in Flannery Court in Warrandyte, and the fact that the Warrandyte Country Fire Authority captain — a volunteer CFA captain — was the first to get there. He took an assessment of the situation, and was joined shortly afterwards by two deputy group officers who were also Warrandyte volunteers. Knowing the area very well, they took it on themselves to establish a control point up on a hill just near Tindals Road, which gave them an excellent view of the fireground and also dealt with a number of the blackspot areas to enhance their communication.

Twenty minutes after the fire started there was a wind change which pushed the fire towards houses off

Amersham Drive. Volunteer crews from Warrandyte came in very quickly, along with several other crews, but the Warrandyte volunteers were in a vehicle that was able to access areas that the larger trucks could not. Indeed in the course of their duty they extinguished several spot fires which, if the Warrandyte volunteers had not been there, would have claimed more houses. By the time the fires were extinguished we had had over 300 firefighters there, and over 70 vehicles and two aircraft had helped contain that fire.

I go to page 4 of this particular case study, which says, and I quote:

The early and significant escalation of resources based on the local knowledge of the Warrandyte captain and his situational awareness ensured both an immediate weight of attack and integration of MFB resources he knew were available.

It goes on to say that the local Warrandyte police had helped significantly because there had been a great integration between the CFA and local police, and also that:

The decision to locate the control point in Tindals Road — as I mentioned earlier —

provided an effective overview of the fireground, allowed the reception and deployment of resources as they arrived, and eliminated communication black spots (based on the local knowledge of the personnel involved).

It goes on to say towards the end:

The key people involved in decision-making during the early stages of this fire were all from the area and have extensive local knowledge. The two DGOs, in addition to being Warrandyte firefighters, are former brigade captains. These two people in conjunction with the current captain have built strong relationships during the many years they have worked together.

My point in talking about this case study is that this is an example of how local knowledge can help protect communities to an enormous degree. This case study talks about the expertise of the local volunteer firefighters, their commitment to the communities and the importance of their local knowledge.

Why is this important, Deputy Speaker? The reason this is important is that when government members were questioned about their plans for the CFA, when we question government members about the possibility of moving boundaries to remove volunteers from integrated stations, replacing them with career firefighters who do not live in the area, who do not have local knowledge, that is enough to send fear up the spine of every person who lives in Warrandyte, North Warrandyte, South Warrandyte and Wonga Park. It is

only through local knowledge and expertise that the community has been protected for so long. If there is a move from this government — which the Premier has refused to deny at every opportunity — then the outcome of this will be a less protected community.

This volunteer community is a huge part of Warrandyte, so much so that the local community has raised tens of thousands of dollars for their local community. Just a few years ago the Warrandyte community held what they called a fire ball, a fundraiser where 300 people came, celebrated the work of the CFA and raised thousands of dollars — \$57 000 — which was spent on a new tanker for the North Warrandyte CFA station. This event is held every two years. The subsequent event had over 400 people and had to be moved out of Warrandyte because the demand from people wanting to come along and support the CFA was so great. There was not a place in Warrandyte that could have held that, so we held it at a venue in the city and raised over \$80 000. This goes to show what an integral part of the community the CFA is.

The Warrandyte CFA brigade, the North Warrandyte CFA brigade, the South Warrandyte CFA brigade and the Wonga Park CFA brigade are such an important part of our community, and it is a place that our community wishes those volunteers to hold. I have noted that in her contribution the member for Eltham again refused point blank to guarantee that her volunteers at Eltham station would be guaranteed their position there — refused to guarantee that those people who had proudly served that brigade would remain there. All the member for Eltham or indeed the Premier or Minister for Emergency Services needs to do is get up and say, 'Every volunteer who proudly serves in their station will continue to serve there', and not one of them has been able to do that.

We asked the Premier yesterday on several occasions to guarantee that he would not change boundaries, to guarantee that he would not remove volunteer firefighters from their brigades. We have had no answer, which should be enough to set alarm bells ringing. I hear from those opposite, 'We're in this situation because of Liberal lies', 'Liberal lies have caused this problem'.

I ask those opposite: was it Liberal lies that made the member for Brunswick resign as Minister for Emergency Services? Was it Liberal lies that caused a decorated police officer, Lucinda Nolan, who had been hand-picked by the Premier to take charge of the organisation, to resign in protest? Was Liberal lies that caused a board to resign en masse because of what had happened? Was it Liberal lies that led Jack Rush, a man intimately involved in the 2009 Victorian Bushfires

Royal Commission, to comment that the proposed enterprise bargaining agreement was unjust?

The fact of the matter is that those opposite can scream about Liberal and National Party lies all they want. The fact of the matter is that there are people on their own side that the Premier has hand-picked who do not want a bar of what the Premier has got on the table — not one bit of it. So say all you want that it is a political football, but the fact of the matter is Labor's own people have backed away from this in droves, and those backbenchers who have CFA brigades in their electorates know. You can say all you want in this chamber, but we know what it is like. We have been out to your electorates. We have spoken to your people. You know you are burning on this issue 100 per cent.

Those opposite also want to talk about how the former coalition government apparently slashed \$66 million from the budget. You might be able to read the Labor Party handout, but I invite you to read the budget from that year and I invite you to read the bushfires royal commission report, which recommended a one-off payment of \$66 million to boost resources in CFA stations. The coalition government duly delivered on the \$66 million one-off payment as recommended by the bushfires royal commission, boosted resources as the royal commission recommended and got on with the job.

If those opposite want to keep reading the Labor handout and ignore the facts, then that is fine, but they also should get up and talk about the \$47 million that this government has cut from their own budget this year. So I invite you, in addition to reading the Labor Party handout, to read the budget of the former coalition government, to read the recommendations of the bushfires royal commission and read your own budget of today.

Acting Speaker, I have to say that it is time for volunteers to stand up — to stand up to the weak minister that they have, to the bullying Premier that they have and to the arrogant union that is causing grief to an organisation of 70 years that protects this state. Stand up to them and make sure they do not do what they are planning to do.

Your emergency services minister must go to bed every night racked with guilt. If he does not, he is a hollow, empty man who has not a skerrick of integrity left. It amazes me that he is able to come in here and talk about supporting volunteers when he clearly does not. There is no way that this man supports volunteers. He is trying to break them up. He is taking away our surge capacity, and this lack of respect by the minister and by the Premier indeed is only overshadowed by the mess that

Labor has made over the last two years in trying to hand control of our proud organisation — the CFA, with its 70 years of integrity — over to the union.

**Mr HOWARD** (Buninyong) — I am certainly pleased to speak on this matter of public importance (MPI), which is about a very important organisation to this state, an organisation that is indeed vitally important across my electorate, and to say that the wording of this MPI is absolutely absurd. To suggest that the Premier or any member on this side of the house has any disrespect toward our great volunteers in the Country Fire Authority (CFA) or our career firefighters for that matter is absurd.

As somebody who has worked with all of the CFA brigades across my electorate, which amount to more than 15 brigades currently, and when I add to that the brigades that were within the former boundaries of my electorate, that is at least another 15. Over the years I have been very pleased to work with the fantastic volunteers of those many brigades across my electorate, and I have also been pleased to work with our career firefighters who are located at the Ballarat City fire station for the most part.

Both, I have noted, have worked very well together over the years, and they continue to do so whenever they are called out to fight fires together, because they work together as volunteer and career units within my region. They have done some fantastic work in addressing fires like the Scotsburn fire that we experienced not that long ago in my area and, sadly, before that on the fires in Mount Clear, Musk Vale and in many other parts of my electorate. The joint activities of the volunteer brigades, supported by career firefighters, produced the outcome of putting those fires out as quickly as possible.

The volunteer brigades based in my electorate that I have visited over the years include Millbrook, Elaine, Meredith, Napoleons, Smythsdale, Scarsdale, Buninyong, Ballarat, Mount Helen, Linton, Ballan, Sebastopol and many more. I have enjoyed my visits to them on numerous occasions, whether that has been to hand over keys to new tankers or new units that those brigades have been able to get, including through the Volunteer Emergency Services Equipment Program funding, which has added to the great fundraising those brigades have done but has also enabled them to get new equipment quickly, whether that has been for a CFA rollout of vehicles or whether that has been for new fire stations.

When I look back over the years to my former electorate — and it is good to see the member for Macedon take over much of that territory and support it so well — I look at those brigades in Daylesford, Musk,

Newlyn, Kyneton, Malmsbury, Creswick and so many more where I saw either new fire stations built or new appliances provided under Labor governments. We have led the support for these brigades over the years, recognising the great efforts that our volunteers have put in. We continue to show great respect for the terrific work they do as volunteers, coming out week after week if necessary, especially through the firefighting season but also at other times with their rescue vehicles as well as their firefighting vehicles, to save property and lives across our area. I know that every member on this side of the house has great respect for our firefighters, whether they be volunteer or career.

I will just remind members of the history of the issue with the enterprise bargaining agreement (EBA) for the CFA. We know that it was due to be restructured in 2013. That was under the former government. For two years, in the final part of their term before they were thrown out by the people of Victoria, the former government did nothing to address it or get on with developing a new EBA. So it was left to this government to work through the process of establishing a new EBA. As we know, eventually an agreement was struck last year which allowed our firefighters to move forward.

Unfortunately in the meantime a federal election came up, and our opponents managed to misuse and inflame a lot of the concerns that were out there amongst volunteers. They did not worry about the facts; they scaremongered as much as they could, and they are scaremongering again today. They raised concerns among firefighters. When I went out and talked to brigades across my electorate, most of them took a sensible approach. They wanted answers to questions. I was very pleased that the current Minister for Emergency Services came to meet with leaders of most of my brigades last year; he was able to answer their concerns. The volunteers continued to get on with the jobs they had been undertaking. They continued to work with career firefighters across my area. They did a great job throughout the fire season last summer and they have continued to do so since then.

I do not know if it is related to the political affiliations of some brigade members — I do not like to be too direct on this — but I have a strong sensation that for some of my brigades perhaps political affiliations have led them to be a little bit more militant and strident in expressing their concerns than in the majority of my brigades. But we are still working with them.

The problem we now face is around the agreement that was struck after going to the Fair Work Commission. The federal election further inflamed these issues. The federal government decided to get involved and to

complicate these issues further, so we have not yet been able to finalise the agreement with the CFA. We face a long period of uncertainty which we have to work our way through as a government. No doubt the government will try to work through it.

When the federal Minister for Employment, Michaelia Cash, got involved in this matter she did not seem to understand it at all. She did not seem to appreciate that clause 7A.1 of the agreement says that the role of volunteers in firefighting bushfires and maintaining community safety and delivering high-quality services to the public in remote and regional areas and in integrated stations is not altered by the agreement. She said, 'Well, I disagree with it'. She disagreed with the agreement that was in place and went ahead with bringing in new federal legislation, which has only complicated this issue; it has not helped it in any way at all.

We have to work our way through this. We know that there are always challenges when you are dealing with volunteer circumstances. Most of my brigades are doing a fantastic job in trying to recruit new members. Some are supporting junior brigades in great ways so that they see new volunteers flowing in in the future. Some are doing well, but others recognise that this is a tough job and it is only getting tougher in terms of attracting new volunteers, as we have seen happen especially in the more urbanised areas. We know this is going to be the case.

This is not something that is new; this is not something brought on by the EBA. We know this has been a longstanding issue. In fact over the last two years there has been no significant change in numbers; they have stayed stable. But we know there is a challenge. For that reason, both the Brumby government and this government have supported bringing on more career firefighters to support the volunteers and to support our fire response. We need to continue to review our capacities, especially in places like Ballarat, so that as our regional towns grow we can continue to provide a response to the demands of fires. This government has been more than intent in doing that by bringing on many new career firefighters to support the volunteer structure of the organisation. We will continue to review the best ways to provide fire services across our region to ensure that we go forwards not backwards.

Yes, there are challenges ahead in dealing with the outcome of the federal intervention. Yes, our government will work to try to find the best way to work through it. Scaremongering, however, will not help. We need to work with our volunteers. We need to bring them on board and keep them informed. This side of the house respects our volunteers. We will continue to respect our volunteers and we will continue to work with

them to find the best outcome and the best way forward. Scaremongering for party-political advantage, as the other side are doing, is not going to help us through this process. This government is determined to ensure that we have a very healthy firefighting capacity across regional Victoria.

**Mr NORTHE** (Morwell) — It really does not give me any great pleasure to rise today to speak on this matter of public importance (MPI). We really should not be having this debate this afternoon, particularly during National Volunteer Week, which is an opportunity to honour and respect those volunteers across our community who do so much good work, including those in emergency services, whether it be the State Emergency Service, the Country Fire Authority (CFA), ambulance services or others.

Speaking from the Morwell electorate perspective there is long-running concern in our community and across many regional communities about the government's respect or lack thereof for CFA volunteers. In many country towns and communities our CFA volunteers — our men and women, our juniors — are enormously respected and highly valued, as are our career firefighters, and they should be.

Speaking from experience, in my time as a member of Parliament, over the last 10 years or so, unfortunately we have had many major and complex fires in our region; indeed a month after the 2006 election we had a significant fire in the Cowwarr-Toongabbie area, where 10 homes were lost. It gave me a great appreciation at the time of how well our rural CFA members functioned. Yes, it was sad that 10 homes were lost in that particular fire — and if you understood the terrain, it is just amazing that it was limited to that number — but there was no loss of life, which was extraordinary in the circumstances. I still vividly remember touring through that particular fire area in the aftermath, and my respect for firefighters absolutely increased at the time.

In January 2009 we had the Delburn complex of fires in the Boolarra and Mirboo North area, and unfortunately a number of homes were lost during that time. Again, I have vivid memories of attending community meetings as the fire front came towards the township of Boolarra, which was like a village set down at the bottom of some hills. Again, there were just some extraordinary efforts not only from the local CFA brigades but also from those of neighbouring towns who came to not only save the town but also ensure that there was no loss of life. It is just remarkable what those volunteers and career firefighters did at the time.

Then of course there was Black Saturday, which we have spoken about many times in this chamber — just a terrible, terrible event for not only my local community but also many Victorians. There were 173 lives lost and thousands of homes and stock destroyed. The damage was just extraordinary. Unfortunately this time during that awful set of circumstances there was loss of life locally, and it was just absolutely terrible. Again, you can only commend, honour and acknowledge the efforts of all firefighters at that time.

It was obviously a different set of circumstances or a different complex of fires when we had the mine fire in Morwell in 2014. It was not so much just the flames at the time; the ongoing smoke event that engulfed the Morwell township and beyond was just terrible. In relation to the conditions that those firefighters and volunteers faced — career, interstate and international firefighters — you can only take your hat off to the work that they did in trying to extinguish the mine fire at the time.

So my observation, assessment and conclusion is one of absolute admiration and respect for all firefighters, and there are no boundaries to that respect, whether they be career firefighters or volunteers. Indeed last Sunday at Churchill we had a CFA memorial service for firefighters who have passed away. One of those people was a young Churchill lad who passed away around 35 years ago, young Darren McLean. His mum and dad, Barry and Val, still live in Churchill. I guess it really brings home to roost what a dangerous occupation or volunteer role many men and women in our community undertake. Again, my condolences to Barry and Val on the passing of their son Darren even though it was 35 years ago.

Many members opposite, including the previous Speaker, have talked about scaremongering and politicising firefighters, and I just find it absolutely hypocritical and extraordinary. I think one only has to have a look at the Electoral Matters Committee inquiry into the 2014 election and have a look at the evidence that was tendered by a number of CFA volunteers and helpers of political parties at polling booths to understand some of the bullying, intimidation and impersonation of CFA volunteers for the United for Firefighters Union (UFU) to curry favour in having the now Premier elected. It is just extraordinary, and I particularly encourage newer members of the government who are here today to go back and read some of that evidence that was submitted by the volunteers, and you might get a better appreciation of the scaremongering and politicking.

Since that particular time, one of the frustrations for many of our CFA volunteers has been the uncertainty that exists for them. We have had the extraordinary situation, as has been articulated, of the resignation or forced resignation of the previous minister, Lucinda Nolan gone, Joe Buffone gone and the board sacked. What has happened has just been an absolute debacle and a disgrace from so many perspectives. I talk to a number of volunteers and personnel across our brigades, whether it be Newborough, Yallourn North, Tanjil South, Tyers, Yinnar, Yinnar South, Glengarry, Glengarry east, Traralgon South, Toongabbie, Cowwarr, Boolarra or Callignee. The feedback that I have received from people who work in the stations has been mostly just shaking their heads in frustration about what has transpired over these past two and a half years.

In the Morwell electorate we do have two integrated stations, those being Traralgon and Morwell. I think one of the questions being asked at the moment is: what becomes of those volunteers in those stations? Do they actually get a new station? Will they be forced to merge with other brigades out in the regional communities? One has to ask that question. What is right?

In some of the conversations and reading notes, no doubt from the other side, they talk about cuts to the CFA budget when the coalition was in government. It is just simply not true. I encourage any member to bring in to this Parliament proof of that, because the facts are that when the coalition was in government every single CFA budget was more than the last Labor CFA budget before the 2010 election — fact. It is fact. And yet with the hypocrisy that exists in this budget, there is actually a \$47 million cut in emergency management capability. It is just extraordinary. There is even a concession from the government in the budget papers that volunteer capacity will reduce by 3800, and we simply cannot afford that to happen.

On a final note, this is an email from a volunteer of a station within the Morwell electorate. I will not name the person or the station because this person did not want me to. What it actually says is, and I quote:

With the Andrews government's poor handling of the EBA and removal of the CFA board and minister and inexcusable support for the UFU, our once-friendly, welcoming station became a broken, defective, destructive cold place. And now we understand the Andrews wrecking ball of government wants to destroy any chance of things being repaired. If they have their way, where do I stand as a volunteer and my fellow members who are part of integrated brigades all over the state? Does this mean that we are given a station with a truck to ourselves? Or is our service and dedication just thrown out after protecting our community with dedication and spirit that is the Aussie way? I am sorry, but I don't understand why all members of government have abandoned us. When the —

excrement —

hits the fan you need as many volunteers as possible, and you are now putting that at risk.

That is from a CFA volunteer, and they are legitimate questions. There is ongoing uncertainty and concerns that have escalated over the past two and a half years. The new minister, Lord Farquaad, was put in place to try to fix this, and like Lord Farquaad, he has not been able to resolve these issues. It is not good enough. It is not satisfactory for any of the CFA volunteers or indeed career firefighters. While there have been challenges, they have worked well together over decades. I support the MPI that is in play.

**Mr RICHARDSON (Mordialloc)** — It is good to rise and correct some of the extreme misconceptions that have been raised in this matter of public importance. Again we have seen another political stunt from the member for Gembrook, who is trying his best to be a credible shadow minister but who falls far south of the expectations of someone who holds that position. The member for Gembrook has put forward a proposition about supporting volunteers, and it is during National Volunteer Week that we acknowledge the service and sacrifice of our volunteers across all agencies — the Country Fire Authority (CFA), the State Emergency Service or Life Saving Victoria.

The shadow minister representing emergency services has come into this place and talked about volunteers. The member for Gembrook had one of the biggest opportunities at the start of this parliamentary term to be part of a landmark inquiry into the exposure of volunteers and career staff to hazardous chemicals over a period of more than 50 years, a landmark inquiry that he was put onto to represent a shadow portfolio and a landmark inquiry that tried to get to the bottom of some of those historical practices. This shadow minister has not once, since jumping off that inquiry, mentioned Fiskville in this Parliament — not once. That is the priority he places on the support and protection of volunteers.

But it goes further than that, because today we heard an extraordinary statement from a shadow minister in this Parliament when he interjected that Fiskville was merely a set-up. The member for Ovens Valley, in the presence of the member for Gembrook, the shadow minister, said the inquiry into Fiskville was a set-up. Today I call on the member for Gembrook to come forward, in this place or outside, and tell all Victorians and all volunteers whether he supports the member for Ovens Valley's comments that Fiskville was merely a set-up. He should come forward and tell the volunteers today that he thinks their exposure — the exposure of people for more than

50 years to hazardous chemicals — was merely a set-up. He needs to come forward today and explain to Diane Potter why he could not be bothered getting along to two parliamentary inquiry hearings. The response he put forward to the *Herald Sun*, a disgusting response, was that he was too busy with shadow cabinet commitments.

The member for Gembrook is someone who stood here and said that he was a volunteer of the Clematis fire brigade and that he stands alongside volunteer firefighters, then he denied Fiskville — because if the member for Gembrook leaves unchecked the member for Ovens Valley's comments that Fiskville was merely a set-up, then that is an endorsement by the Leader of the Opposition and the shadow cabinet that Fiskville was merely a set-up. Remember, this was an inquiry that found there were significant exposures of volunteers to various hazards. This was an inquiry that said that there should be a redress scheme for people who were exposed to those chemicals over time. It made recommendations about the ongoing monitoring of volunteers and career staff — no differentiation — and the ongoing monitoring of their health, similar to the Hazelwood mine fire inquiry. To say and to categorise that as a mere set-up is an absolute disgrace and an outrage to all those people — the more than 100 000 people — who went through Fiskville and to some of those who are exposed and still live with the uncertainty of what they might have been exposed to and what might manifest in their health in the future.

I call on the member for Gembrook to have the guts and the courage. He is all right going out and trying to fundraise for the Liberal Party on websites, masquerading and standing up for the CFA when he is trying to get some funds for his Gembrook caravan of courage out in Berwick. We know the real truth here. He is just pork-barrelling his next campaign. He could not care less about the CFA, because if he did, he would not have disgracefully turned his back on such a landmark inquiry like Fiskville.

Of course there was the minority report that was put forward — all of two pages, all of about 650 words — where opposition members suggested that there were a number of organisations that 'derive their livelihoods from proclaiming that the "sky is falling"' and that they 'never miss an opportunity to turn any incident into an occasion to advance a political agenda or ideology'. I challenge those who put that forward, and the member for Gembrook, and ask whether they stand by those claims, whether, when Brian Potter courageously came forward to the *Herald Sun* to expose contamination at Fiskville, that was political ideology from the Potters. That is a disgusting and despicable claim put forward and something that really should be called out for what it

is. Is that supporting volunteers? Is that putting forward the needs of volunteers during National Volunteer Week? Absolutely not. That is turning your back, and when the member for Gembrook stands in here and says the disrespect is never-ending, I could not have a greater example here today than the disrespect he showed when he turned his back on the more than 100 000 people who have gone through Fiskville.

But the devil is in the details as well. The 2009 Victorian Bushfires Royal Commission was a landmark inquiry, one of the most significant inquiries in our state. The member for Warrandyte selectively quoted from that report. What he did not say was that that document, put forward to support volunteer and career efforts to keep our state safe, put forward an additional 380 career staff — not just career staff in the city but across our state — to protect, to train and to mentor our volunteers. Because if that is a diversion from what was put forward in that inquiry, then effectively it is saying that we do not need integrated stations — that those career staff who link in so importantly, including at Patterson River just down the road from my community, those career staff who mentor and support volunteers, are not doing the right job.

Because when the then Minister for Emergency Services, the member for Rowville, suggested that those resources were not needed, he was undermining the work of Justice Teague, who determined that 380 firefighters were absolutely critical to our surge capacity and to the support of our career and volunteer firefighters. That is irrefutable. Anyone who has bothered to read the full report into the Black Saturday fires knows that that is absolutely the case. To then attack our additional resources for the more than 450 firefighters that deliver — —

**Ms McLeish** interjected.

**Mr RICHARDSON** — The member for Eildon may laugh — a community that was so affected by Black Saturday. You think that is funny. That is absolutely outrageous. Guess what, member for Eildon, that community was affected. You were not even on the scene. The former member for Gembrook, Tammy Lobato, was servicing those communities while you were in the city, living nowhere near your electorate. That is an absolute disgrace and that is outrageous.

Those additional firefighters were delivering on the recommendations of the bushfires royal commission. The member for Eildon might laugh and think that is funny, but the communities of Warburton that you supposedly now represent evacuated for six weeks straight — all the way from Woori Yallock through to

Warburton evacuated for six weeks straight. You can laugh and put that forward, but they were evacuated for such a long time. Your coalition opposed the 380 additional firefighters. It is an absolute outrage.

**Ms Victoria** — On a point of order, Acting Speaker, I suggest you direct the member for Mordialloc to address his comments through the Chair.

**The ACTING SPEAKER (Mr Carbines)** — Order! I am happy to take suggestions from the member for Bayswater on points of order. I understand the point she is making, and he is coming to a conclusion. The member for Mordialloc will continue and direct his contribution through the Chair while the member for Eildon awaits her opportunity to make her contribution.

**Mr RICHARDSON** — We see as well that during the coalition's term in office there were significant cuts to our firefighting services that directly impacted on volunteers. That is irrefutable. They do not deny that. It was put forward by those opposite in slashing budgets. The other thing that was put forward while we visited Fiskville was rather than investigating the water quality and the issues that were present on-site, there was an investment in accommodation and facilities there. If they were fair dinkum and serious about supporting volunteers, they would have done that work and looked into the risks and exposures and the water quality on-site.

Those are the facts of the matter: you turn your back on Fiskville, you cut funding to the CFA and you deny extra firefighters that absolutely underpin better training and better outcomes for the 60 000 volunteers that support our state. The coalition opposed that extra resourcing and then demonised career staff who link in in my community so perfectly. That is the reality of the matter here, because in my community we have a fully volunteer brigade in Edithvale that links in with the Metropolitan Fire Brigade and links in with an integrated station at Patterson River. They do an outstanding job, turning out nearly 400 times a year. I am proud that we are investing in building a new station, something the Liberals turned their back on in the last term.

**Ms McLEISH (Eildon)** — I am delighted to speak on the matter of public importance (MPI) put forward by the member for Gembrook today. But first of all I want to acknowledge that this week is National Volunteer Week and today is Wear Orange Wednesday to support our State Emergency Service. I note a few people here have worn orange today.

While this week is National Volunteer Week, the news last week that the government was going to undermine

the Country Fire Authority (CFA) with the proposed split and what that was going to mean was certainly a kick in the guts. It is also worth remembering that 95 per cent of our emergency services workers are volunteers and that is an extraordinary number. The MPI today is about the support and respect for our CFA volunteers whose spirit of volunteerism is under threat from the proposed changes being put forward by the Andrews Labor government, which clearly shows a lack of respect for the CFA.

I grew up in a CFA family. My father was a 45-year member. He stood down at the age of 74, but he still continued to defend fires on his land. Certainly on Black Saturday we were all involved in defending our land that was under threat. We were not devastated, as many others were, but we did have some losses. I think the member for Mordialloc was very flippant in his comments previously, because I do know about bushfires. I have had them probably 10 metres from my door. As children in the 1969 bushfires, our house was surrounded on all sides by fires and my father was away for weeks on end fighting fires goodness knows where. We certainly were unaware of where he was as young children. I grew up also with the Limestone fire brigade, where often the Christmas parties for families were held at the station.

As the member for Eildon I represent 51 CFA brigades. They are all volunteer brigades. I have no integrated brigades at all. I have larger brigades around Mansfield and perhaps Healesville, but I have a whole bunch of smaller ones from Reefton to Yellingbo to Boorolite, Barjarg and the like. The small brigades are often the heart of the community, and they are very accepting of men and women. My brigades span four different districts — 12, 13, 14 and 23. Some of the members of the brigades are employed by the CFA and some by the Metropolitan Fire Brigade (MFB). It seems as though more and more MFB paid employees are joining some of the local brigades.

I have put on record time and time again that I am a long-time supporter of the CFA and will continue to support the CFA because it is something that I absolutely believe in, having grown up with it. I respect the brigades, I value their efforts and value the commitment and skills that they offer. We have had the CFA for some 70 years. In 1945 it was established following the 1939 bushfires, which were absolutely devastating. But many brigades have histories longer than that and have been around for decades before then. Kangaroo Ground is the longest continuously operating rural brigade and they have just had their 125-year celebration, having been formed in 1892. Healesville was formed in 1894, Mansfield in 1891, Warburton in

1913, Murrindindi-Woodbourne in 1920 and Strath Creek in 1926.

There were some 60 000 volunteers engaged with the CFA, but when these disputes started happening and there was all the noise about the threats to their future there were losses, and that is very sad. The CFA also has some 1000 paid firefighters. These firefighters all work with other agencies and we know at times when there are major emergencies that they all work together, and it is important that they work well together. The CFA and its members are skilled. They are professionally trained. They deal with day-to-day fires, emergencies and other major disasters. They can deal with a home fire, a shop fire or a factory fire, motor vehicle accidents, major hazards and of course bushfires.

There are a number of issues at play here that undermine the future of the CFA. What will the proposed changed boundaries mean for brigades who are on the fringes of the city? Whilst I do not have any integrated brigades, I certainly know what is going on at the Eltham brigade, and I have heard some of the stories from there about the culture, fear and disrespect. It is important that in these stations the volunteers and paid firefighters work well together. I know of cases where that does happen, but I know of cases where that does not happen.

I have got a number of other brigades around the urban fringe — Panton Hill, Kangaroo Ground, Healesville, Yarra Glen and Hillcrest at Woori Yallock. Those stations are very worried about the future because they can roll out very quickly to attend an emergency. As I understand it, Point Cook is a volunteer brigade and they can get out extremely quickly. So the issues that are on the table about what will it mean for the future and how a change of boundary is going to impact on what they do are certainly of great concern to many of my brigades.

I want to refer now to the threat to surge capacity, and I want to draw on comments made during the 2009 Victorian Bushfires Royal Commission. The importance of the surge capacity was noted, and a key strength of the CFA was that they could mobilise a rapid response. They could combat multiple fires at a time. The CFA can supply firefighters for weeks on end. This is a fundamental benefit of the large, committed, volunteer workforce — the fact that they can get out quickly to fires and can back each other up.

It is not unusual for brigades to travel a long way out of their district to support other districts. I remember, I think it was about 2007, there were fires on our property very close to our home. I was out at the time and very concerned about what would happen because there were a number of other fires, but the members of the

Shepparton brigade, who had come miles and miles, were actually the ones at my house saving it, and I am very pleased and thank them for that.

We also note that the bushfires royal commission recognised the CFA in their volunteer capacity. It recognised their dedication. It recognised their professional skills and how professionally they go about their tasks. I find it quite remarkable that those opposite think that the Liberal-Nationals would abandon the CFA, and even suggest that we cut funding to them when, if you have a look at the bushfires royal commission, it had a whole bunch of recommendations that the Brumby Labor government refused to implement, and we went on to implement them. There was a whole bunch.

**Ms Thomas** interjected.

**Ms McLEISH** — The member for Macedon is quite surprised to hear that they did not implement all of the bushfire royal commission recommendations. I am more than happy to enlighten her at a later time of what they did not do.

However, to do it, we needed to put an additional spike — an additional \$66 million into a particular budget — to pay for the recommendations that needed to be done. This was on top of the increased budget that we were already delivering each and every year, well above what Labor had done — the figures are there in the budget, but of course no-one wants to look at the facts and figures.

We know that this side of the house certainly has a great deal more respect for the fire brigades and the CFAs than those opposite, who are absolutely beholden — and the Premier is beholden — to the UFU. Goodness knows what it has on him. The former minister was prepared to stand up. No-one over there is prepared to stand up to the UFU, to say to Peter Marshall, 'you cannot have what you want at this time'. We know the CFA have the confidence of the communities that they represent. They have the support of their families and they also have the support of their employees.

This has gone on long enough. This needs to be put to an end. The Premier, in June 2016, said:

This dispute had to come to an end and I ended it.

Let me tell you, he has not.

**Ms THOMAS** (Macedon) — I suppose someone has to follow the member for Eildon and that person is me. I will give the member for Eildon this: she did make the point that today is Wear Orange Wednesday. I am doing

that, taking the opportunity to appreciate and celebrate our State Emergency Service (SES) volunteers. It is volunteer week, and I do note that the member for Gembrook chooses to use his matter of public importance to bring into this place a statement of lies, and to forego an opportunity to indeed talk about the terrific work that our SES volunteers are doing, that our Life Saving Victoria volunteers are doing, indeed that our Red Cross volunteers and our Country Fire Authority (CFA) volunteers are doing. He could have brought in a matter of public importance that focused on celebrating the work of our volunteers. Instead of that he has utilised this time that he has in the house to spread lies and misinformation, and to continue to politicise the CFA to no end other than his own political advantage. He cares not a whit for community safety, not a whit, and I will talk to that in some detail.

As I said, it is Wear Orange Wednesday, a day to pay tribute to the thousands of men and women in our community who give up their time to volunteer and keep us safe in time of storms and floods. You know, the SES does not always get the same attention as their colleagues in yellow. Providing rescue and clean-up services after storms and floods is dirty, wet and smelly work. Attending to road accidents and providing rescue and recovery services is tough. It is physically and emotionally demanding. So I want to commence my contribution today by noting that I am wearing orange and I am sending my respect to the thousands of women and men across this state who volunteer for the SES with, of course, a particular shout-out to the fantastic SES units at Gisborne and Woodend in the Hepburn shire.

It was really pleasing to note that the Andrews Labor government, in its most recent budget, is delivering \$34.3 million for trucks, boats and trailers to the SES to modernise their buildings, including \$2.8 million each for the Chelsea and Broadmeadows depots. This is fantastic news. This is how you respect volunteers. This is true respect for volunteers.

I note also that included in this budget is the establishment of new SES units in Caroline Springs, Clyde, Craigieburn north, Cranbourne, Officer and Point Cook. In a further significant reform, \$14.9 million will cover the costs of SES units located on council land with long-term leases, giving them more certainty about their future.

This matter of public importance, as I said, is full of lies. Let us be clear about that. The shadow minister has had an opportunity to speak to and to celebrate the work of our volunteers. Instead of that he has decided that he wants to put before this house a statement of lies which is all about cheap political point-scoring.

We on this side of the house will not exploit our emergency service volunteers in this way. Instead of that the Andrews Labor government is focused on giving volunteers the resources they need to get on with the job. That job, whether they are volunteers, whether they are paid, is about keeping our community safe. That is where we want to see our emergency services. That is what unites our volunteers and our paid staff — that strong belief and determination to do all that is necessary to keep our communities safe.

That the Liberal Party, in an act of absolute political bastardry and exploitation of the highest order, used CFA volunteers to raise funds for the Liberal Party in the federal election campaign is an absolute disgrace. Do you know what? They have gone quiet on that side. Where is the money? When are they going to give back that money — that money that they raised from people in Victoria under false pretences? This was a disgraceful act of robbing from those on the other side.

We know of course that the Liberal Party in this state is in all sorts of financial strife, what with their thieving former state secretary now locked up in jail and their current president, as we know, at war with major donors over his failure to satisfy them that there is some process around donations and some transparency. I make this point: on this side of the house we absolutely respect our volunteers, and if those on the other side wanted to show them some respect, then they would give back the money that they took from the Victorian people under false pretences.

While the Liberal Party in government sat with their heads in the sand on Fiskville, this government took action on this. We established a parliamentary inquiry, and I congratulate the member for Mordialloc on his contribution and for calling out the member for Gembrook. He walked away from that committee and will not speak about Fiskville because he knows that when they were in government they chose to ignore what was going on at Fiskville. They chose to pretend that there was nothing going on. We know that, shamefully, both volunteer and paid firefighters were exposed to cancer-causing chemicals at Fiskville. But what did those on the other side do about this? Nothing. They put their heads in the sand, and the now shadow minister, when he had an opportunity to make a positive contribution and to atone for the failure in government by participating in the government committee, walked away from that. He was too busy shaking the can and raising money under false pretences for the Liberal Party.

We are committed to ensuring that firefighters have the best and the safest training facilities possible. We did not stand idly by while Fiskville remained open, and we will

not stand by until we have new and upgraded firefighting training centres. That is why this year's budget invests \$46.2 million for a new firefighting centre in the Central Highlands at an updated facility at Huntly. We will invest \$80.7 million to decommission and remediate the Fiskville training facility and conduct environmental audits and upgrades at six other operational centres located across regional Victoria.

For all the chest thumping we have seen on display today it is worth remembering that those on the other side did nothing to introduce presumptive rights legislation for firefighters. They did nothing to boost resources for the CFA to keep our communities safe. As we know, and as the member for Mordialloc pointed out, they have actively campaigned against the recruitment of additional firefighters, as recommended by the royal commission into Black Saturday. As I said, they actively opposed additional firefighting resources.

In contrast, I am very happy to show every day in my work as the member for Macedon the respect that I have for the volunteers in my electorate. I take every opportunity to get out and about to dispel the myths and lies propagated by those on the other side.

In my electorate CFA volunteers are 100 per cent focused on keeping our communities safe, and they do not appreciate being used as political footballs. Last Saturday I joined the Metcalfe CFA to hand over the keys for a new tanker, to award national emergency medals and to acknowledge the incredible 60 years of service of Mr Tony Neylon. The Sunday before that I was celebrating the centenary of the Bolinda and Monegetta brigade and officiating at the opening of their new station, and the Sunday before that I was delighted to visit Karlsruhe brigade, again for medal presentations. In April of this year the Premier joined with me to announce a new tanker for the Malmsbury CFA brigade.

This is what respect looks like. Respect for our volunteer CFAs is about getting out there. It is about the \$250 000 that Kyneton CFA received. It is about the \$100 000 for a light tanker that Pastoria received, the \$100 000 that Glenlyon received, the \$100 000 to the Benloch CFA and the \$53 000 for the Gisborne CFA —

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

**Mr KATOS** (South Barwon) — I am pleased to rise in support of the matter of public importance (MPI) submitted by the member for Gembrook. It is very fitting that in National Volunteer Week we bring this matter to the house because this government disrespects

our Country Fire Authority (CFA) volunteers. In particular the Premier of this state is the chief disrespector of our CFA volunteers, followed by the Minister for Emergency Services.

An average person who is not a member of a union or a political party and has no particular political leaning would look at this situation and at the government's intentions — to try and split up and divide our fire services — and think this is absolute madness. There are the whims of one man in particular, Peter Marshall. What he wants is what he is getting. Everything he wants, he is getting, and this government and this Premier are prepared to turn the whole CFA upside down, to split it up and to divide our fire services, which have worked really well for the last 70 years, to give Peter Marshall everything he wants. I really want to know: what does this man have on our Premier? Why is he doing this? So many people have looked at this. Even more recently Simon Crean walked away from this thinking, 'This is just crazy. What are you doing? This is just madness'.

I have heard a lot in the contributions from members of the government about volunteers being used as political footballs, yet the Premier in June last year had his Julia Gillard moment. She said, 'There will be no carbon tax under a government I lead'. He said, 'This dispute had to end, and I ended it'. On that day, not only did he have the United Firefighters Union (UFU) standing next him but there were children in the photo. Members of the government are saying that they do not want people used as political footballs, but they are putting children in press releases and at press conferences. Then they have the audacity to come in here and say that volunteers are being used as political footballs. They are not being used as political footballs; they are standing up for their rights as volunteers, and they want to protect their local communities.

We all know that the UFU has its hit list. There are 35 integrated stations where they want to throw out the volunteers, push them out onto the street after years of service and take over those stations. The *Herald Sun* printed a picture of a whiteboard. The Labor Party and the unions love whiteboards. Just like Justin Madden loved his whiteboard, they love their whiteboards. Here is a list of the stations, and that is just the start of them.

In the Geelong area, we already have integrated stations at Belmont, Corio, Geelong City and Ocean Grove. Torquay will be next on that hit list. The UFU will want to take that one over and throw out the volunteers. Grovedale, although 100 per cent volunteers at the moment, will be the next on the list, because a new emergency services precinct is mooted for Boundary

Road, Armstrong Creek. There are plans to move the CFA headquarters from North Geelong to that site and have a CFA brigade there — an integrated station and an ambulance station. That is in the future planning. Obviously Grovedale CFA will be thrown out on the street too. Those volunteers will be given their marching orders. That is the plan of this government. Then there will be 100 per cent career staff, subservient to the union and Peter Marshall, at their new Armstrong Creek facility in the future. That is what this government will do. Highton brigade will be one of those ones on the hit list as well — another 100 per cent volunteer brigade. They will be swallowed up by Belmont. Belmont will become a career-only brigade, and Highton will be gone. I can guarantee those are the plans of this government.

Just to show the jackboot way that some in CFA management are treating local CFAs, on 28 February this year it was Red Balloon Day, which is a national program where you pay your respects to local firefighters, whether they are career or volunteer — any firefighter around the country. I had organised with the Grovedale CFA to hold a sausage sizzle to which I donated sausages, bread and condiments. We held that outside the front of the Grovedale IGA in Marshalltown Road. The local school across the road, Grovedale Primary School, was invited. They were given sausages at half price — a dollar a sausage — and the grade 5s and 6s came across. I was there along with the member for Gembrook, who is also the Shadow Minister for Emergency Services.

That event raised over \$400 for the volunteers at the Grovedale brigade. The station was not used, and 100 per cent were volunteers donating their own time to do this. Yet the brigade got a call from someone at the CFA office in Geelong chastising them for having the member for Gembrook and me there running a sausage sizzle to raise money for the Grovedale CFA and also recognising Red Balloon Day. That is the attitude of some in the CFA. I have no doubt that that person in the CFA would have had United Firefighters Union affiliations. The fact is that those volunteers simply raised money for their own brigade, and I assisted them. I am the local member, and I assist a lot of community organisations in their fundraising efforts. I see that as my role. But to be called and chastised by the local CFA command about holding a fundraiser and not using any taxpayer resources or taxpayer equipment to do so is a complete disgrace. It is an absolute disgrace that that is what these people have done.

It is pretty clear that this government wants to move the boundaries. They want to split up our fire services, all at the behest and the whim of Peter Marshall. It is quite outrageous that they want to do this. I certainly have

other brigades in my electorate: Barrabool; Bellbrae, which was funded by the previous coalition government — a brand new station; Connewarre; Freshwater Creek; Gnarwarre and Modewarre. These stations are all fairly much your local country CFAs which, under this government's plans, will remain volunteer only. But I can guarantee you that Torquay will be under the gun, as will Grovedale and Highton. They are the three that will be stomped upon by the UFU and this government, particularly Torquay. I can see that becoming a career station. All those stations are doing a great job with the volunteers. They are responding quite well, and they are responding within their required time frames.

We have a situation where this government wants to divide our fire services. They want to demonise our volunteers. That is what it is about. There are 60 000 volunteers in this state.

Regarding the surge capacity: even with 350 additional career firefighters, if our volunteer base drops off because of the way they are being treated at the moment, and if morale drops and they leave, then that surge capacity will simply disappear. When we get another event like Black Saturday, or when we get another event like Ash Wednesday or even like what happened in Wye River last year and at Scotsburn, near Ballarat, that surge capacity will not be there. That will put property and lives at risk. I fully support this MPI from the member for Gembrook. It is time that this Premier and this emergency services minister started respecting our volunteers.

## APPROPRIATION (PARLIAMENT 2017–2018) BILL 2017

*Second reading*

### Debate resumed.

**Mr D. O'BRIEN** (Gippsland South) — I will pick up from where I left off speaking about the parliamentary appropriations bill. I was discussing the concerns on this side of the house about the activities of the members for Melton and Tarneit and just how outrageous the rorting has been by those members. I know that many members opposite are equally frustrated, but it is just a disgrace that the Premier is actually allowing the member for Melton in particular to get away with what he is getting away with. We had the unedifying spectacle of the Premier yesterday and today saying that he had nothing to do with the payback arrangements that the member for Melton has allegedly committed to for a proportion of the money that he falsely claimed, despite the fact that it was the Premier

himself who announced those payback arrangements on 24 April.

That in itself just highlights the non-transparent way that this government goes about its business. It made an announcement on the changes to the parliamentary entitlements system at 4 o'clock on Anzac Day eve and then at about 8 o'clock on a Friday night the member for Melton came out and announced that he would be paying back only a portion of the money that he rorted from this Parliament. They are doing their absolute best to avoid scrutiny on this issue, and that is a disgrace in itself because this issue has brought great shame and left a stain on this Parliament, no more so than the fact that both the member for Tarneit and the member for Melton were supposed to be in positions of authority. They were supposed to be the people that we looked up to. As I said, this has reflected very poorly on all of us, and that is why it makes me so angry. It is left a stain on this whole Parliament, and it further reduces people's view of politicians generally but also in this state — even those of us who do the right thing.

I found amusing the announcement of the changes that the Premier wants to introduce, one of which is making a rule that the second residence allowance is only for country members. Well, der! It should be blatantly obvious to anyone except those who are trying to rort the system that that is what the second residence allowance is for. It is for country members like me and like many of my colleagues on both sides of the house, as we spend — in my case — about 20 weeks a year here in Parliament, away from our families. We obviously need somewhere to stay when we are here. In my case the second residence allowance does not even cover the cost of the one-bedroom unit that I rent, but I am not complaining about that. It is very obviously something that we need to have accounted for.

But it is just extraordinary that any suburban member of this place would think, 'Hey, I could get access to that by moving somewhere else'. We have to rewrite the rules because they are not clear enough, but the average man in the street is shaking his head saying, 'Why would anyone have thought that if you were a suburban member of Parliament you were entitled to the second residence allowance?'. The notion of actually thinking, 'Hey, if I move notionally 80 kilometres away — I say "notionally", because we now know that the member for Melton did not live at the caravan park in Ocean Grove anyway — then I will be able to claim that allowance' is just outrageous.

The member for Malvern talked about the view of people in his electorate. I can only say it is the same in my electorate: people are just angry about this. They

stop me in the street and say, 'What are you doing about it?'. I find it extraordinary. The member for Malvern read out the comments made by the member for Buninyong, who yesterday referred to this rorting as 'misdemeanours'. It is just astounding for him to suggest that the member for Tarneit, with nearly \$40 000, and the member for Melton, with over \$170 000, committed 'misdemeanours'. It is just extraordinary.

People in my electorate say to me, 'Why do these two not go to jail?'. It is very difficult to explain to people that technically it was not against the rules. And people say, 'What do you mean "technically"? If I did that in my job, I would get charged. I would lose my job and I'd go to jail'. As I said, it is extremely difficult to explain to people that the rules technically allowed them to do it. It is just extraordinary that those members of Parliament have gone out of their way to game the system for their own personal benefit. For the member for Buninyong to have said yesterday that these are misdemeanours beggars belief, and further he went on to say that the members for Melton and Tarneit should be 'treated respectfully' when they have absolutely disrespected this Parliament and every other member in it. It is just outrageous.

The Premier continues to hide from this issue. The Premier continues to duck and weave. He refuses to refer the behaviour of those members to a select committee as proposed by the Leader of the Opposition. He has refused to even send it to the Privileges Committee at this stage. I think the Premier is just hoping that this issue will go away. Well, I can tell you, the anger in the community about this is not going to go away. People are still angry and frustrated about it. They are still talking to me about it, and it is certainly something that, as I said, has greatly diminished the people in this place. Through no fault of our own, we are being taken down by the bad behaviour of the members for Tarneit and Melton.

**Mr Dimopoulos** interjected.

**Mr D. O'BRIEN** — I am hearing a lot of words from the member for Oakleigh. I can only assume that he is trying to stand up for the members for Tarneit and Melton.

**Mr M. O'Brien** — Defending the rorters.

**Mr D. O'BRIEN** — He is defending the rorters, by the sound of things. I can just hear the noise in the background. If the member for Oakleigh does not believe that these are issues that people are talking about, then he is living in a mushroom world of some

sort. The people in my electorate are coming and talking to me about it. They are angry about it.

**Mr Dimopoulos** — Too little, too late.

**Mr D. O'BRIEN** — This is the Labor Party: 'Look over there. Don't talk about the issues we don't want to talk about. Let's go back to 2014 and 2010. We don't want to talk about the rorting member for Melton and the rorting member for Tarneit'. The member for Oakleigh should know better than to try to defend those people in this place. That is just outrageous.

We have here an appropriation bill that highlights how the money for the Parliament should be spent. How it should be spent is on the proper operation of this Parliament. It should be spent on us doing our job representing the people of our electorate, writing and passing legislation that is for the betterment of the state. It should not be about dodgy MPs ripping off the system for their own personal benefit and then waltzing back in here and continuing to act as though nothing has changed. I give the member for Tarneit some credit in that he has at least apologised and paid the money back, but the member for Melton still stands condemned for failing to act on his appalling behaviour. We on this side will continue to agitate for him to face the consequences through a select committee and for the member for Melton to be forced to pay this money back in its entirety.

I will stop there and make comments on the budget papers later. But on the Appropriation (Parliament 2017–2018) Bill, as I said, I look forward to the Parliament and its officers, including our Presiding Officers acting honourably and spending money wisely, rather than rorting the system as has been undertaken by the previous Speaker and Deputy Speaker.

**Mr PEARSON** (Essendon) — I am delighted to make a contribution on the Appropriation (Parliament 2017–2018) Bill 2017. It is fair to say that often this bill does not get the level of attention that the appropriation bill would normally attract for the broader state government of Victoria, but I enjoy speaking on this bill because it covers such a wide range of topics in relation to the discharge of democracy in this place. Winston Churchill said, 'Democracy is the worst form of government, except for all the others', which I always find to be quite an irritating quote.

When you look at the 2017–18 estimates for this place, it is projected we are going to spend \$146 million. When you look at the Australian Bureau of Statistics data for Victoria's population, the September 2016 figures reveal that at that point in time it was 6 100 900 people. So if

you look at a straight per capita calculation, the price of democracy in this state is \$23.98 for the next financial year. I think that is outstanding value. In fact — and I am delighted that my dear friend the Minister for Health is at the table — I thought to myself, 'What could you buy for \$23.98?'. I am pleased to advise that you can go to the Village Green Feast Mother's Day Breakfast from 8.00 a.m. until 10.30 a.m. on Sunday for \$23.98. So really the people of Victoria have this wonderful institution for \$23.98 all year round, or they could spend 2½ hours on a Sunday morning at the Village Green. If I wish to spend time at the Village Green — I was more of a Burvale person than the Minister for Health — I do not think I would like to spend 2½ hours there late on a Sunday morning!

A bill like this is important too because we can talk a bit about all the various functions that the Parliament performs. From my perspective, I have the great honour of not only being the member for Essendon but also the chair of the Public Accounts and Estimates Committee. Over the course of the last financial year Phil Mithen, who is a former Clerk of the Legislative Assembly, up until I think about 1998, served in an acting capacity as our executive officer. He has subsequently been replaced by Caroline Williams. The committee is well serviced by Kathleen Hurley, who is the senior research officer; Bill Stent and Alejandro Navarrete, who are research officers; Leah Brohm; and of course Melanie Hondros and Amber Candy. The amount of work that the Public Accounts and Estimates Committee does on a regular basis is quite significant. We are extremely well serviced by these individuals who make sure that the members are well supported, make sure that we can run our hearings properly and make sure our reports are produced. We are very fortunate in that respect.

Indeed it is also important to thank the staff in this place for their assistance, both the clerks and the other support staff, as well as the attendants. In my role as a local member, my office staff, Jenni, Frank, Rachael and Claudia, do a fantastic job supporting me.

It is interesting to look at Parliament's department estimates. I looked at the figures for the Legislative Council and compared that with the Legislative Assembly on a per capita basis. The Legislative Council is projected to spend \$3.688 million next financial year and the Assembly is projected to spend \$4.801 million. If you look at that as a per capita figure — bear in mind there are 40 members in the other place and 88 here — the projected cost for the next financial year for the average member of the other place is \$92 200, whereas in the Assembly it is \$54 556.82. Obviously a factor of that would be labour, because the other place often sits late into the night or into the wee hours of the morning,

so that is a factor. You would normally expect, if the other place is doing its role as a genuine house of review, a greater level of resourcing is required on a per capita basis.

But it does beg the question: is that worth an extra \$38 000 per member per annum? I am not sure if it is. Certainly a portion of that \$38 000 is fair and reasonable. Clearly if attendants are working in the other place until 4 in the morning, it is fair and reasonable that they are paid appropriate penalty rates which, I am sure, Acting Speaker, you are in furious agreement with, as am I. If you are looking at a piece of legislation that needs to be properly scrutinised and reviewed, which takes time, then of course you would expect a proportion of that \$38 000 difference to be considered a worthwhile expense. But when we are looking at taxpayers funds it is important to think about whether that \$38 000 difference is appropriate. Is that a really good use of taxpayers funds or is there waste in that? I just pose that as a question.

This bill looks at a range of other roles that are discharged. I note that the appropriation bill before the house funds the operation of the Victorian Auditor-General's Office, and we are looking at a modest increase in terms of that budget from \$16.184 million last financial year to \$16.589 million this year. As many would be aware, we have a new Auditor-General, who recently started in this financial year. When you look at the office of the Auditor-General, it plays such an important role not only in terms of the way in which this place functions but also in holding the executive to account in terms of the expenditure of public moneys.

It was interesting that when the former Kennett government looked at making sweeping changes to that office — which I know the member for Box Hill would remember very well because he was a member of this place at that time — it was an extremely contentious issue. I remember doing some research at the time for John Brumby. It is interesting that an Auditor-General was appointed to the state of Victoria before responsible government was established. We separated on 1 July 1851, and before responsible government was formed the Auditor-General had been appointed to ensure that public moneys were appropriately expended. I think that the audit office can play a really important role.

From where I sit, and just looking at what I think the potentials could be for this office, if we are in a lower for longer economic environment, we can only expect to get an 8 per cent or 10 per cent return on the moneys that we have invested. We are not going to have higher wage growth. We are going to have tighter wage growth. We

are going to have tighter returns. We are operating in a low-inflation environment. I know that this financial year the state budget is projected to grow to \$63 billion, and that is partly due to a range of factors, not least of which are the changes to the GST, but we are operating in a lower-for-longer environment.

At the same time, we have got an ageing population, and as the baby boomers start to retire and as they start to become more aligned with and dependent upon public services, that will put further pressure on our budget. I remember speaking with a senior executive at Medibank Private a number of years ago, and she advised me that 1 per cent of policyholders at Medibank Private constitute between 45 and 55 per cent of the annual expenses of that business. Partly that was due to the frequent flyers in that health practice — people who have made poor lifestyle choices, who are constantly ill from the age of 40 and who have really poor health outcomes — but part of it was also due to people who were in the final stages of life. They might have fallen over, hurt themselves and then had to be hospitalised with high-care nursing and all of that, and then they pass away.

Now, I know that this is a bit of a circuitous route, Acting Speaker, and I appreciate the indulgence you have provided me so far, but what that means in a low-return, low-rate environment is that we are going to have some high costs that are going to be coming down the pipeline — not so much over the forward estimates, but if we look to the future over the next 10 to 20 years.

I think that the audit office plays a really important role in terms of how we can be more efficient and effective in the way in which we spend public moneys. If you are looking at \$63 billion in expenditure, I think the audit office can play a really important role in saying, 'Of that money that we spend in health, is that the best that we can do? Can we do better? Can we find savings?'

I think the budget for the Department of Health and Human Services is around \$25 billion for the 2017–18 financial year. If you are looking at just a 1 per cent improvement of that \$25 billion, it is an extraordinary amount of money, particularly if it can be done not so much on the capital side but in relation to the current expenditure. So when we appropriate the Auditor-General's office we do so to make sure there is a fair approach in the way in which money is being expended — that there is robust pressure being put back on the executive to make sure that they do not spend money wildly or freely, and that there is some level of accountability.

There is also this great prospect and opportunity in ensuring that we can be more efficient and effective

because, at the end of the day, it is not our money, it is the people's money. The reality is that we are going to be somewhat constrained in terms of the revenue opportunities that will be available to us because of the environment we are living in, but we know that our costs are going to be increasing. So I think that the offer and the potential that exists within the Auditor-General's office is quite profound.

We are also very fortunate in this place to have the parliamentary library. At various times when I have asked questions such as what the pension rate for retired coalminers was in the Coal Mines (Pensions) Act 1958, they were forthcoming in providing that information, which I think deserves a particular shout-out given you have got somewhat esoteric and cryptic requests coming from members. We are very well serviced by that great institution, and I know the staff; I have been there, and they have done a fantastic job over many years in supporting us members in terms of making sure that our contributions can be more interesting — potentially — though others can judge that.

So the appropriation bill is a very, very important piece of legislation for the Parliament. Again for \$23.98 I would like to think — others may think differently — that the people of Victoria get good value from that. This is a great institution, the Parliament of Victoria, and I think that for those of us who have the distinct honour and privilege of serving here it reminds us that we have got such a great obligation to our communities in terms of returning the trust that they have placed in us, but we have got an obligation to this institution because this institution has served this community well for well over 150 years and we must always try to make sure that the integrity of this institution is upheld. I commend the bill to the house.

**Mr CLARK** (Box Hill) — The Appropriation (Parliament 2017–2018) Bill 2017 is this year, as always, a bill to provide the resources for the Parliament to carry out its functions. It provides the resources for the staff who support this Parliament in so many different capacities to continue to perform the outstanding work they perform in the exemplary way that they do in assisting members of Parliament to carry out our functions.

This bill often provides an occasion on which members across the chamber are able to reflect on the operation of Parliament and to make observations on the operation of Parliament in a generally bipartisan way. Unfortunately that is not the case this year because there are matters concerning the conduct of this Parliament and its implications for the cost to taxpayers of this Parliament that are certainly not bipartisan, where one half of this

house is vigorously trying to suppress the very integrity of this house that the member for Essendon referred to in concluding his remarks. The elephant in the room is the rorting that has been going on of taxpayer funds by Labor members of this Parliament, the member for Tarneit, the member for Melton and many other members besides in relation to the red shirts rort and the costs that have flowed to the taxpayer from that.

In relation to the conduct of the members for Tarneit and Melton the appropriate and proper way forward is exactly what has been done in the past and exactly what was done with the former member for Frankston in the previous Parliament: to refer the allegations to a committee of this Parliament to investigate and report, and, on the basis of the findings and recommendations of that committee, for this house to deal appropriately with that conduct. That is what happened in the previous Parliament at the instigation of the then government when allegations were made. They were followed through, there was a report to the Privileges Committee and that was dealt with, and sanctions were debated and applied by this house. That is exactly what should be happening in relation to the members for Melton and Tarneit. Certainly on this side of the house we believe the reference should be to a select committee established for that purpose, given that they were the former Speaker and Deputy Speaker of this house. But, be it a dedicated select committee or be it the Privileges Committee, that is the proper process that should be followed and that those on the government side of the house should be supporting.

It is worth also reminding the house that in the case of the former member for Frankston the Privileges Committee recommended — and this house accepted the recommendation — that in addition to repayment a penalty of 25 per cent should be imposed on the member in line with what had even at that stage become the established practice. So for the Premier to come out and announce, as though it is something new, that at some stage he is going to introduce legislation for a 25 per cent penalty is not something new, radical and different but is simply confirming the practice and precedent that was set in the previous Parliament. And it just reinforces the question as to why the Premier has not said anything about a 25 per cent penalty in relation to the members for Tarneit and Melton or indeed why he is continuing to not insist on full accountability and repayment and indeed further sanctions in relation to both of those members.

We have had the Premier being asked about a deal done with the member for Melton and denying any knowledge of it, but he told the house yesterday in question time, 'The money should be paid back and it is going to be', which seems to confirm that he is perfectly

happy with the member for Melton only repaying the amount that he has rorted in relation to the Ocean Grove property, without any penalty and without any interest.

We had some extraordinary statements by the member for Buninyong yesterday on this subject, which the member for Malvern quoted in full earlier, and again I quote in relation to the members for Melton and Tarneit:

... they deserve to be treated like respected members in this chamber, recognising that they have held high office. And even though they might be criticised for misdemeanours, there is an appropriate process to go through to investigate those.

Later on he said they are:

... members of this chamber of long standing, who deserve to be treated respectfully ...

Then further on he said:

We should allow them to follow through appropriately the processes that they need to follow.

So we have got this bizarre contradiction on the part of the member for Buninyong, saying on the one hand we need to recognise that these are only misdemeanours and that, whatever these members have done, they still need to be treated as respected members of this chamber because of the high office that they have held. I would not have thought holding a high office was an ameliorating or mitigating factor; I would have thought it would be an aggravating factor in terms of the sanctions that ought to be applied to them, as indeed is the fact that they have been longstanding members of this house and this Parliament and should have known far better than to do what they did. They could not claim ignorance or action in good faith that a new member might be able to claim.

The member for Buninyong came out and made those statements yesterday. What we have to wonder is whether he has unintentionally let the cat out of the bag and has been saying publicly in this chamber what other members on the other side of the house have been saying to each other in their caucus gatherings, or over a cup of coffee in the lounge room, or saying to themselves in their heart of hearts that these guys really have not done all that much after all, it is all a bit of exaggeration and they might have committed a misdemeanour, but we should get over that and get on with life.

If that is the attitude that is echoing around the caucus and the member for Buninyong has put that on the record from what is being said privately, then that reflects, firstly, the condoning of a culture of rorting that is endemic within the Labor Party and, secondly, the sort of soft-on-crime attitude that has also permeated the

Labor Party — an attitude that seems to care more about the offender than about the victims, because we did not have the member for Buninyong highlighting the cost and the affront that has been inflicted on taxpayers or appealing for recognition of the injustice that has been done to them and for redress accordingly. We had appeals to go soft on the perpetrators because they have been through challenging life situations and we need to recognise that in whatever misdemeanours they have committed.

Unfortunately on both accounts, the condoning of rorting and the soft-on-crime approach is an attitude that is completely wrong and completely out of line with what decent and ordinary Victorians would think about this. They believe, rightly, that members of this house who consciously and deliberately go out and do the wrong thing and who consciously and deliberately engage in scams to enrich themselves at the taxpayers expense should feel the full wrath of the law, that they should certainly be subject to due process and that if that due process confirms what seems to be plainly the case, very strong sanctions should be applied accordingly.

In that context I want to touch on the statements that were made to this house and the Legislative Council by the Speaker of this house yesterday and the President of the Legislative Council on 2 May. Both made statements in relation to the role of the Audit Committee of the Parliament. While those statements were in many respects similar, there were some significant differences. However, both the similarities and differences point to the same conclusion, because what both the Speaker and the President were saying to their respective chambers is that in effect the Audit Committee got drawn into this process through the public references that were made to it, that it has been expected to perform a role which was not, strictly speaking, the role for which it was established and that it is being pushed to fulfil functions and has had expectations placed on it that should not have been placed on it.

The takeout from both the Speaker and the President is that there are other proper processes that should be followed. The Speaker remarked, and I quote:

There are other committees which are set up with powers and reporting frameworks to investigate certain matters.

The President was more explicit. He said, and I quote:

There are committees, such as privileges committees, which are set up with powers and reporting frameworks to investigate certain matters.

Although the Speaker was a lot more circumspect than the President, he was making exactly the same point. There are committees such as privileges committee that

are set up with powers and reporting frameworks to deal with matters such as this. So we now have our Presiding Officers in both chambers giving a clear message to this Parliament that there are other proper mechanisms for dealing with this sort of rorting. That is exactly what we on this side of the house have been saying all along.

The Audit Committee performed a valuable role in gathering evidence and material and came forward with a report to both houses. It did that in the circumstances in which this matter evolved. But the proper and appropriate way that this matter should have been dealt with is through a committee of this house being established, either a select committee or a privileges committee, to investigate these matters, and time and again that is what this government has refused to do, which is carrying through to the estimates of this Parliament.

The other thing that is adding to the costs of this Parliament, and in magnitude this is probably even greater than the rorting by the members for Melton and Tarneit, is the consequences of the red shirts' rorting, where we have seen the Premier and his government fighting tooth and nail every step of the way through the legal system to do everything that they can to prevent the Ombudsman of this state investigating the red shirts' rorting of parliamentary staff allowances, which was undertaken by Labor members of Parliament prior to the last election.

It was not just the trial division of the Supreme Court and it was not just the Court of Appeal; it was off to the High Court, seeking special leave to appeal, with legal expenses at every step of the way for the Department of Premier and Cabinet and no doubt legal expenses for the Attorney-General's areas as well as the cost of the solicitor-general and of course the costs to this Parliament of seeking to uphold what the High Court, the Court of Appeal and the Supreme Court trial division have all said was a completely appropriate and legitimate reference from the Legislative Council to the Ombudsman.

That is a cost that has flowed through to this Parliament. I would be very confident that the total cost to the taxpayer of the Premier's efforts to cover up the red shirts' rorting have exceeded the total cost to the taxpayer of the rorting by the members for Tarneit and Melton, and that is imposing an even greater impact on the parliamentary appropriation. That, of course, is on top of the value and amount of money that was rorted by Labor members of Parliament before the last election.

So 'rorts' is the theme that is hanging over this bill and this Parliament. This rorting needs to be resolved. There needs to be a select committee or a privileges committee to deal with the conduct of the members for Melton and Tarneit. The Ombudsman needs to complete her investigation and report on that rorting and then action needs to be taken to hold those responsible to account in accordance with the evidence and report of the Ombudsman. Unless and until this rorting is dealt with, we cannot re-establish the integrity of this Parliament. We need to make sure that is done.

**Debate adjourned on motion of Ms HENNESSY (Minister for Health).**

**Debate adjourned until later this day.**

**FREEDOM OF INFORMATION  
AMENDMENT (OFFICE OF THE  
VICTORIAN INFORMATION  
COMMISSIONER) BILL 2016**

*Council's amendments*

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

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

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

*Second reading*

**Debate resumed from 22 March; motion of Mr NOONAN (Minister for Resources).**

**Mr SOUTHWICK** (Caulfield) — I rise to speak on the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017. I state at the outset that the opposition will not be opposing this bill. This bill will establish the statutory office of the Latrobe Valley Mine Rehabilitation Commissioner to monitor and audit mine rehabilitation and consult with local communities. This has come about as a result of the 2015–16 Hazelwood mine fire inquiry; it was recommendation 14 of that inquiry.

What I will be doing today is outlining some of the reasons for the development of the commissioner role and also just questioning some of the processes that are

involved here. As I stated at the outset, although we will not be opposing the bill we will certainly be watching very carefully to ensure that the intent of this particular role is carried through, largely from a safety mechanism perspective. The opposition are absolutely 100 per cent supportive of these types of roles that ensure we have absolute safety when it comes to our mining and resources sector. We should look at anything we can that improves safety. That is why we are not opposing the bill.

The role of this commissioner as set out in this bill will be to provide independent advice directly to the government on mine rehabilitation and to help develop the Latrobe Valley regional rehabilitation strategy. The commissioner is required to work closely with the community, with stakeholders and with the Latrobe Valley mine operators, and to oversee individual rehabilitation planning at each of the coalmines. It is important to point out that the commissioner will be appointed to look specifically at Latrobe Valley mines and operations, including that of the recently shut-down Hazelwood power station and mine, thanks to the current government, and I will be making some further comments about that shortly.

The main provisions in this bill firstly deal with clause 5. A new section, 84AD, in the principal act provides that:

There is to be a Latrobe Valley Mine Rehabilitation Commissioner.

That is initially to set up the role of the commissioner.

The new section 84AF in the principal act provides that:

- (1) Subject to subsection (2), the Governor in Council, on the recommendation of the Minister, by instrument, may appoint a person as Commissioner.
- (2) A person is eligible for appointment as Commissioner if the person has expertise relating to the rehabilitation of mines.

We see it as a very important part of the bill to ensure that there is someone who has expertise in dealing with the mining industry and has an understanding of the importance of the rehabilitation process.

New section 84AH outlines the terms and conditions of the commissioner's appointment. This includes but is not limited to:

- (a) holds office for the period, not exceeding 5 years, specified in the instrument of appointment; and
- (b) is appointed on a full-time or part-time basis, as specified in the instrument of appointment ...

That clause also deals with the eligibility for that appointment. We do not have a problem with that per se,

but again it will be interesting to see what this commissioner role ends up being and the importance in terms of the time allocated for such a role.

New section 84AL outlines the functions and powers of the commissioner. This is included but is not limited to:

- (a) to develop and maintain a framework for the monitoring and evaluation of rehabilitation planning activities;
- (b) to carry out strategic audits of public sector bodies and Latrobe Valley licensees in relation to rehabilitation planning activities;
- ...
- (c) to monitor and evaluate rehabilitation planning activities in accordance with the framework;
- (d) to review any research plan in relation to the rehabilitation of coal mine land prepared by a Latrobe Valley licensee and make recommendations, if any, following a review to the relevant Latrobe Valley licensee;
- (e) to coordinate rehabilitation planning activities ...

It also provides information on education for the Victorian community about coalmine land rehabilitation and the rehabilitation strategy, carrying out investigations on the referral of the minister and providing advice and recommendations to the minister on matters related to the exercise of the commissioner's powers and functions.

Section 84AL outlines a very broad function. There are lots of responsibilities that are outlined in this. Certainly, the important elements are some of the audits looking at the licensee roles, looking at some of the planning activities as part of the rehabilitation and engaging with stakeholders. It is all very important.

On the role of education about the land to the Victorian community, again we would just question what the priorities and focus may be. As I outlined from the beginning, this importantly should be about mine safety. We hope that the commissioner's role would be focused around that and not running around the state running education programs. So we just have a question in terms of the focus. It is really important here to have somebody that has real expertise in delivering safety first and foremost, and certainly there are other options to run some more general educational programs in relation to rehabilitation.

The new section 84AR gives the commissioner or the authorised officer the power to enter and inspect without consent and to take samples, measurements or make audio-visual recordings on coalmine land or in any land

adjacent to a coalmine for the purposes of carrying out referral investigation. The power is subject to a number of limitations. Refusal by a corporation will result in 300 penalty units.

This particular section is very interesting, certainly in terms of inspection, which is obviously very important. But doing that without consent is something we question in this particular element of the bill. I know the Minerals Council of Australia and a number of other industry groups question the heavy-handedness of this bill, of this clause. We believe that it is important, and it would be fair to say that the operators all agree that this role is an important one for mine safety. We would be the first to want to cooperate and work with the commissioner in terms of advancing that, but to actually allow powers to enter a workplace without consent is questionable.

If you look at other operations in a more general sense in the state, a landlord that owns property still requires some form of notice before they enter the premises. To effectively give no notice and just turn up and say 'I am entering the premises again' seems a bit heavy-handed.

The new section 84AZM provides that by 30 June 2020 the minister:

must prepare a strategy for the rehabilitation of coal mine land ...

The strategy is to set out:

- (a) the safety, stability and sustainability of coal mine land and any adjacent land;
- (b) the planning for the Latrobe Valley region in relation to the rehabilitation of coal mine land and any adjacent land, and the relationship between each mine void;
- (c) the development of a plan for the monitoring and evaluation of coal mine land after rehabilitation of that land is complete.

The strategy must be reviewed every three years.

So obviously it is important to have a plan, to have a strategy and to have that strategy reviewed, and certainly that would initially be a key element of the commissioner.

Again, we see this as a role that is safety first. A key element of the strategy should be working with mine operators to ensure that all of the safety mechanisms and procedures are focused as part of the rehabilitation.

We would certainly ask, or suggest, that if there is a broader plan to actually use the office for a shutdown or a closure of the industry to effectively transition completely out of coal, then that would be something

that we would see as outside of the remit of this commissioner. It should be very, very much dealing with the business and the business operations, not effectively planning that we not only shut down Hazelwood, as the government has done with the Hazelwood plant and the Hazelwood mine, but shut down the remaining facilities. If the commissioner is going to be used as, effectively, the government's linchpin to shut down further operations, then we would see that as very problematic and something that we would not be supporting.

I will just go into some background here because I think that is very important on this particular role. Certainly, as we mentioned, the actual recommendation came out of the Hazelwood mine fire, which began on 9 February 2014 and burnt for 45 days. It was very complex. It was a fire which had emergency and serious public health consequences, and certainly it would be fair to say that it was something that this state had not seen before in terms of its complexity and difficulty. I would like to take the opportunity to acknowledge all those emergency services workers and all of the community who took part in that very, very difficult period. It was a very complex set of issues. As much as we all may claim to have answers for these sorts of things, nobody can really predict the sorts of situations that may arise. I think it would be fair to say that regardless of who is in power you would do your absolute best to ensure that you got on top of a very difficult situation.

What we did in government was that we developed the Hazelwood mine fire inquiry in 2014 and investigated the circumstances and the government response to that particular mine fire to learn from what happened and to ultimately ensure that we can put in place a series of processes and systems to mitigate future issues. The report contained 18 recommendations, 12 of which were directed to government to intervene and implement. The Victorian coalition government supported the 12 recommendations that applied to it, 11 of them in full and recommendation 5 in principle.

At the end of our term, in 2015 under a new government, a further inquiry was held, again looking at some of those systems and processes and looking at issues particularly around the rehabilitation of the Latrobe Valley coalmines. That, as I said, resulted in this particular recommendation, recommendation 14. I am particularly pointing out that some technical issues of mine rehabilitation were raised, and the regional and mine-specific levels were looked at as part of those recommendations. As I stated, recommendation 14 of the *Hazelwood Mine Fire Inquiry Report 2015/2016*,

*Volume IV — Mine Rehabilitation* refers to the Latrobe Valley rehabilitation commissioner.

As I alluded to before, we think that is very important. We think that, certainly, having done the work of these inquiries, both the inquiry that we had and the inquiry that the government has had, we are certainly not going to knock what the government did, and I do not think we should be playing politics in terms of the veracity of inquiries. Whatever we can do to ultimately learn from them and implement and improve systems is what we should be doing. That is what we should all be striving towards. Basically, that is why we think having a commissioner role like this is important, certainly and ultimately, in terms of shoring up safety.

Some of the other general points in terms of the commissioner are that, as I stated, they are appointed by the Governor in Council. They must have expertise in rehabilitation work and must monitor and audit the Latrobe Valley licensees. They will promote information sharing and also commit to this work plan. In terms of the office itself, we are not told specifically what the known cost would be, although we can see that in the 2017 budget the government has allocated \$13.8 million over four years for the regional rehabilitation strategy. We can assume that the funding would come out of that particular amount of money. Again, it would be interesting for us to know exactly what the cost will be of establishing this role. As I alluded to earlier, we are not sure whether it is a part-time or full-time role according to the current government or what other staff this commissioner's office would have.

Some of the other points to raise are that this government has been very deliberate in terms of its focus around coal, particularly around its attack on coal in the more general sense. We saw what happened with Hazelwood and the closure of Hazelwood, and we saw that that was very much a targeted attack on a coalmine that still had potentially 10 or 15 years to run. What happened there was a very interesting set of circumstances. Firstly, there was a tripling of a coal tax, which impacted directly on that industry. The mine operator, Engie, made very clear that a \$250 million-odd coal tax which was going to affect them directly would make it very hard for them to continue operations. So that was one thing.

There was also a very strong signalling of the state-based renewable energy target on top of federal targets. The government has certainly been very deliberate in its attack, saying that operations like Hazelwood are not welcome in Victoria, and there has

been a deliberate strategy to shut these facilities down and to move out of coal completely.

It came as no surprise that Engie made the announcement that they did to close down the power station, knowing what the government has done. What is surprising though is the government's response once Engie made their decision to close. We had a private company that said, 'We're not going to continue to operate in Victoria and we are going to transition out, but we are going to do it within five months'. For the government to pretty much stay silent for five months and do nothing to keep the Hazelwood mine operating is an absolute disgrace. It is complete negligence, because we have seen other instances where they have responded. Even in Heyfield the government was quite happy to intervene and run a private business when there was no timber on the basis of saving some jobs. But when Hazelwood was closing, which not only affected the jobs directly in the valley but affected every single Victorian in terms of their power prices and energy security, this government turned its back and said, 'Do you know what? If you want to be out within five months, you can go within five months'.

No matter who they are or what they think about the coal industry and its future, I have found no-one who has said to me that closing a business as significant as this within five months is a good thing. Not one person has said that. Even AGL, which have a plan to transition out of coal, have very clearly said you cannot make an announcement and shut down coal within five months. You cannot take 22 per cent out of the market within five months. What happens is that we all pay in terms of the consequences of jacked-up energy prices and the instability of power generation and the grid. The Australian Energy Market Operator has warned of 72 days of power insecurity over the next two years, and there are recent threats of industrial action at Loy Yang at the AGL power plant by the Electrical Trades Union. All of this stuff would not be as important as it is right now if you were not taking out a major supplier of power to the grid. For the government to turn its back and allow that to happen is negligence. It is absolute negligence for them to go ahead and do what they have done.

One can only surmise that the fact that this government did nothing when it came to closing down Hazelwood is that they have an intended policy which says, 'Let's get rid of Hazelwood and let's get rid of the rest of them — Yallourn, Loy Yang A and Loy Yang B — and let's transition completely out of coal'. That is something we can only assume on the basis of the actions of this government. But what is even more surprising is that on 18 November 2015 the government announced that they

would do a coal review to give certainty to the community and to industry. They said they will:

... carry out an independent review ...

Victoria has the second-largest brown coal deposit in the world; however, major energy companies including AGL, GDF Suez and Origin Energy have already announced publicly that they will not be investing in new coal-fired power stations.

Already in this press release they were saying that other people are getting out so maybe they should have a look at it. They went on to say:

The Labor government is committed to planning for this transition to give the community and industry certainty going forward.

Certainty, one can only assume, in terms of closing the remaining power stations.

The review of coal development programs and new coal policy will help achieve this, as will the government's *Renewable Energy Roadmap*.

We can see very clearly in this press release by the then Minister for Industry and Minister for Energy and Resources, the member for Mill Park — and we have since had a portfolio change where the member for Mill Park is now the Minister for Energy, Environment and Climate Change, and the member for Williamstown is the Minister for Industry and Employment and the Minister for Resources, which splits up the roles and responsibilities quite conveniently — that the review of the coal policy was announced to give certainty, one would suggest, about closing the remaining power stations. Here is the kicker:

The coal policy will be released in 2016 in order to incorporate findings from this review, the government's climate change review and the Hazelwood mine fire inquiry recommendations.

That is what the government said. They were going to do a coal review, and this was before Hazelwood closed. They were going to look at the future of coal and they were going to ensure that the review was released as part of the Hazelwood mine fire inquiry recommendations and the climate change policies. But what have we got? We have got nothing. We have got no coal review; it is a year late. We are still waiting for the coal review. We do have the new commissioner that is being established, but we do not have a policy in terms of the future of coal. It is pretty difficult for the shadow cabinet to determine what the ulterior motive is of this. The former Minister for Energy and Resources, now the Minister for Energy, Environment and Climate Change, issued this press release that seemed to be saying, 'Close down the

remaining power stations', and the current Minister for Resources is probably trying to have a bet each way in terms of what happens with coal in the future.

We have a government that has put out a press release and talked about certainty, but in practice, as far as energy policy is concerned, it has done the complete opposite. Victoria has never been in a more uncertain time when it comes to energy than it is right now.

Victoria has been the jewel in the crown for energy supply, but is now in a situation where we are importing energy from other states. During the peak periods of summer we will be reliant on New South Wales and Tasmania exporting power to Victoria. We have seen what has happened in South Australia and we are heading down the same path as South Australia to outdo them on a renewable energy plan.

We have a government that have abdicated responsibility when it comes to power security and affordability. We have a coal industry with 500-plus years worth of coal in the Latrobe Valley. We have got an area which I am sure the member for Morwell will talk about that has been built around the energy industry, has been supported by the energy industry, and families have resided there because of the energy industry. They all do not know what their futures will be. It is the most uncertain time ever in Victoria right now because we have a government with no plan when it comes to energy, no plan when it comes to resources and no plan when it comes to mining.

The resources minister who is responsible for this bill has established an office called Minerals Development Victoria. The whole idea around this office was that it would streamline projects to ensure we get resources projects going here in Victoria. This office has done nothing but add another layer of bureaucracy. Gavin Lind, the executive director of Minerals Council of Australia — Victorian Division, has said:

Much-needed new jobs and investment in regional Victoria are being delayed — or missed — by antiquated approvals processes and uncertainty together with the Victorian government's permanent ban on all onshore unconventional gas exploration —

in Victoria.

Despite Victoria's minerals prospectivity, the state's international attractiveness as a destination for minerals investment continues to fail. And existing projects, including in East Gippsland, are languishing due to slow decision-making and poor coordination between agencies.

Here we have a situation where the government's intended consequences, we are told, of establishing Minerals Development Victoria were to streamline

projects, but instead they have added to the bureaucracy and delayed projects. Delayed projects, in some instances, by years. And we are seeing investment of people walking away from this in all areas, even in earth extraction. When it comes to housing affordability, a key issue for all Victorians, we are having some of the extractive rock industries waiting for five or six years for permits to be able to run their businesses and to provide the much-needed resources for the housing industry, causing up to a 25 per cent increase in costs thanks to delays, thanks to mismanagement by this government.

So if this commissioner, and that role, is about safety, then we are all for it. If it is about ensuring the industry is to keep going, we are all for it. If it is about leading up to what the Hazelwood mine fire inquiry is, we are all for it. However, if this commissioner's role is about shutting down coal in Victoria, further jacking up energy prices, further adding to energy security issues in this state, further adding the pressure of blackouts for all Victorians — Victorians needing to decide whether they heat their homes or turn on the lights because they cannot do both — if that is what this is all about then that is not what we are for. If it is about adding further layers of bureaucracy that cause more costs to businesses that then have to be passed on to all Victorians through higher bills, we are not for that either.

This is obviously a very important piece of legislation. It is important, as I say, in terms of safety, but it is also important in terms of signalling. We will be watching very carefully, we will be asking for this government to actually do something, to release their coal policy, to tell us once and for all if we are for coal under Labor in the next few years. Or are we out of coal over the next few years?

And if we are out, what are we going to be using to heat our homes and cool our homes and keep the lights on? Is it just going to be up to wind and solar? Or are we going to still be in base load into the future? These are questions that need to be answered. The coal policy is 12 months late, and I would put to you that there is a deliberate reason why it has been late — this government has no idea when it comes to a plan for the future of energy in this state.

**The ACTING SPEAKER (Ms Blandthorn)** — The member for Essendon.

**Mr PEARSON** (Essendon) — Congratulations, it is lovely to see you in the chair tonight. I think it is a first occasion, so it is wonderful. It is a great honour to be here on my feet when you are in the chair. I am delighted to make a contribution in relation to the

Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017. I did listen with interest to the member for Caulfield's contribution.

I suppose at the outset, with a piece of legislation like this, there are two fundamental questions that need to be answered. Do you believe in climate change? Yes or no? And do you believe there is a role for the state where there is market failure? I think all of us on this side of the house recognise the fact that climate change is a reality. Whether you like it or not, it is just a reality. It is the new norm. We have got two choices. We can turn around and say no, let us just keep barrelling on down the fossil fuel highway and not think about transitioning to a cleaner future, or we can look at making those changes that are required.

I note that the member for Caulfield asked the question: are we going to get out of coal in the next few years or not? I am surprised the question would come from a shadow minister, given the fact that I think the energy capacity of the state of Victoria is around 10 000 megawatt hours, required on a regular basis. The overwhelming majority of that is from coal-fired power stations, baseload power.

Even if we decided tomorrow that we wanted to get out of coal, you just cannot do that. You just physically cannot do that. Moreover, there is not the alternative fuel supply to fill that gap. But it is fair and reasonable to think about how you transition this economy from being heavily reliant on baseload coal-fired power stations to becoming not totally unreliable, because I do not think that is likely to happen in the next 10 years, but less reliant. And less is good, because less reliance on coal-fired power stations means less greenhouse gas emissions.

I think that when you look at a bill like this it is about the state recognising that we have got a role to play in supporting these communities through a difficult transition. In many ways the challenge before us is not dissimilar — albeit I suggest it is probably a greater challenge — to that which we faced with heavy manufacturing in Australia in the 1970s and 1980s. The reality is that we had to change our economy then. We had to reduce the tariff walls, we had to have a floating Australian dollar, we had to be more engaged with Asia. And we did all those things because we recognised that that was what we needed to do in order to become a more prosperous and more resilient economy. And we made those changes.

But at the same time back then, as is the case now, there was a need for the state to recognise that you cannot just have laissez-faire capitalism writ large, running through communities without the steady hand of the state to provide assistance where required. And that is where this bill comes into play.

The reality is that the Hazelwood mine fire had a devastating impact on those communities. What is also the case is that one of the challenges is the size of the pit and its location. I grew up out in the clay belt in the 1970s and in the clay belt you had a whole heap of quarries. They were small-scale quarries, and invariably when the resource ran out or the technology to extract the resource ended, those quarries were turned into lakes and might have had housing estates around them or, as was often the case in the 1970s, they were turned over to landfill. You could do that because, basically, the pit was not particularly deep and it was close to an urban area where there was a population. The reality is that in later times the reason they were turned over to housing estates was because the value of the land was significant and there was an economic driver to make that a reality.

What we have got here at Hazelwood is a really deep pit. We have got a really deep pit, a big pit in an economically depressed area where there is not a lot of industry around. You cannot just turn around and say, 'Look, Engie has pulled out and Hazelwood has shut down. There's the pit. Let's just hand it over to the private sector and let them take care of it'. That is not really an option under this set of circumstances.

So what we have to do with a bill like this is recognise that it is the role of the state to work with these communities through this transition and to start saying, 'Okay, if we've got a large pit, what can we do with it? What is the best use for that resource?'. If we represent 25 per cent of the Australian economy, which the state government of Victoria does, how can we use our purchasing power to most ably assist those communities? How do we do that? That is the sort of work that needs to be done now.

As I said, if you had a small, shallow pit in the outer north or the outer west or the outer east of Melbourne, we would not be here. There would be no need to legislate. There would be no need to intervene, because the market would take care of itself. People would be lining up and saying, 'You beauty! I'll take that off your hands. That's fantastic. I'll pay the state'. There would be a nice housing estate, and away we go. But we are not in that situation, and that is why we have to look at regulating where we have to. Where there is market failure we intervene in the market, because you cannot

have these communities left isolated and alone without the support and assistance of the state. Those on this side of the house fundamentally believe that it is our role to intervene.

**Mr Walsh** interjected.

**Mr PEARSON** — Where there is market failure, Leader of the National Party, yes, we intervene. That is what you do.

**Mr Walsh** interjected.

**Mr PEARSON** — There you go. The Leader of the National Party exposes his ignorance in one fell swoop. He says, 'Why don't you build a coal-fired power station?'. You cannot get lending finance. You cannot finance it, unless the Leader of the National Party is saying, 'Let's recreate the State Electricity Commission of Victoria'. I am not sure if that is what he is saying. The banks will not lend. They will not lend billions of dollars to build a baseload coal-fired power station because it would be a stranded asset.

**Mr Northe** interjected.

**Mr PEARSON** — I would suggest that maybe the member for Morwell might want to go to Sydney or Perth or Adelaide, or he might want to go to America. He might want to say, 'I would like to build a baseload coal-fired power station, Mr or Ms Banker. Can you lend me \$3 billion?'. I think the answer would be an emphatic no, because the payback period would be too short. The reality is that these would be stranded assets.

I make no bones of the fact that as a state government we will work with these communities, and we will intervene where there is market failure. That is the right, proper and responsible thing to do, and that is why we have a bill like this before the house. It is about making those sorts of investments.

It is also about saying: what is the future for the Latrobe Valley? What will the Latrobe Valley look like in 2050? I would say that it is a reasonable supposition that Loy Yang A and Loy Yang B will continue to operate in 2050. That would be my guess. Unless the capital cost of refurbishing those assets is too great I would suggest that they will still be operating, even if they are at times operating more in terms of the summer peak and then being mothballed.

But the question is: what do we want to see happen in these communities? What sort of industry do we want to see in these communities? How can we encourage these communities to thrive, prosper and grow? That is not

old-fashioned socialism; that is simply common sense. We could do what the National Party wants us to do, which is to do nothing — that is the implied suggestion from the Leader of the National Party — and these communities would be isolated. They would be left to fend for themselves, like they were in the 1990s under the Kennett government, when you had high rates of incarceration, high rates of mental health issues, high rates of substance abuse, high rates of unemployment and low rates of economic activity, and people lived impoverished lives as a consequence of the state imposing a market failure and then not doing anything to support those communities.

A bill like this is important because it starts to set the scene to help transition the Latrobe Valley into a brighter and newer future. It is absolutely the role and responsibility of the state to intervene where there is a failure like this, and a bill like this is important to make sure we can transition the economy to a stronger and firmer footing. I commend the bill to the house.

**Mr NORTHE** (Morwell) — I rise this afternoon to speak on the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017. The bill does a number of things, including establishing the office of the Latrobe Valley mine rehabilitation commissioner. They will have various responsibilities including investigating, monitoring and reporting to the minister and indeed to the community on the activities and strategies to be implemented around the relevant rehabilitation of coalmine land in the Latrobe Valley region specifically. The commissioner also has some other powers around investigations and audits, coordinating some of the rehabilitation planning activities and providing advice, reports and recommendations to not only the minister but the community more generally.

One of the key aims of the bill is to make sure that the minister prepares a regional rehabilitation strategy by 30 June 2020. It is important to note that the mines within the Latrobe Valley at the moment are already undergoing rehabilitation. I think sometimes that is forgotten by certain groups and organisations who think that these large coalmines have not had any rehabilitation during the course of their mining activities. That is far from the case. One of the questions I have in relation to the development of a regional rehabilitation strategy is: does this alter, amend or make redundant the current rehabilitation plans that the mines have in place?

I want to take up some of the comments made by the member for Essendon. In his contribution he talked about the government having to intervene in market

failure and in this case the state government stepping in to oversee or have responsibility around mine rehabilitation. It is interesting that the member for Essendon would say that, and would this government be prepared, if there was a market failure around energy security in Victoria, to intervene then? How would it do that given the member for Caulfield quite rightly pointed out that the Australian Energy Market Operator has indicated that on the worst possible days Victoria will have to import electricity from New South Wales?

The member for Essendon also asked: who is going to invest in coal projects? Banks do not do that anymore. The member for Essendon is well versed in what is happening in other parts of the world, so why are they building coal-fired power plants in Germany, China and other jurisdictions? I am sure they are getting finance to do that. If you talk to anybody associated with any coal-related projects in Australia, among the major impediments are the policies put in place by governments of the day. Indeed the former federal Labor government and the current state Labor government have put policy and budget settings in place that deter investment in coal-related projects.

In the Latrobe Valley we have three major coalmines, including Yallourn. If one has done a tour of the Yallourn mine, they would have seen that quite a deal of rehabilitation has already taken place particularly in the south-western area of the mine. Obviously that mine provides coal for the Yallourn power station. Hazelwood has been talked about. Again there has been a lot of contention over a period of time about that mine, and obviously the mine fire of 2014 was a terrible time for many people in our community. It probably instigated the bill that we are talking about today.

We have the Loy Yang mine, which provides coal for the Loy Yang A and Loy Yang B power stations. What the member for Essendon did say that is correct is that these are massive coal pits. They have been mined extensively for years. They are large, they are steep and they are very complex, and it is important that the rehabilitation of these mines that takes place in the future is done in a manner that meets community expectations.

In my view we should be incorporating world's best practice in undertaking that rehabilitation into the future. I must say at the same time there are certainly many environmental groups, commentators and experts who think this is an easy solution. It is not. These mines are very, very complex. It is not just the terrain; it is the coal resource itself and the make-up of that coal. The member for Mildura can give an explanation of the content of coal. These mines also have very complex

water aquifers to deal with. They are not simple; they are complex. To simply think that you can throw a bit of overburden over the top of them and they will be fine or fill them up with water without any other infrastructure in place is completely and utterly wrong.

As the member for Caulfield said in his contribution, we have some concerns on this side of the house that the government wants to appoint a commissioner as soon as possible because they want to get on with the job of rehabilitating the mine as quickly as they can. We simply do not understand what the government's position is on coal or its coal policy. We might remember — I certainly do — a media release coming out of the government in November 2015. Remember Rhys Edwards? 'We've commissioned Rhys Edwards from Tasmania to do some work to tell us how our coal policy might work. We want that information from Mr Edwards'. Well, the government will not release any of the detail or the report from Mr Edwards, which I understand was handed to various ministers in April of last year. It is just unbelievable that we do not have this information.

I have sent formal letters to the Minister for Resources. I have put constituency questions in the Parliament. I have put questions on notice. The minister has come back to me in writing to say that the government will release its coal policy in December 2016. Here we are in May, and Hazelwood power station is closed and the government has not released its coal policy. This is an absolute disgrace at a time when our community is keen to understand whether this government supports coal, and not necessarily just coal in energy production but for other purposes. There are a number of companies and interested parties who are prepared to invest in coal-related projects, but how the hell can they do that when we do not even know what the position of this government is with respect to coal?

One has to wonder what the future direction of this government is when it comes to coal for energy production. We all know about Hazelwood: we know the government's policy was to close Hazelwood, and we know they set a renewable energy target and the only way they could meet that was to close Hazelwood. We know that in last year's budget they imposed another \$252 million on generators in the Latrobe Valley and then tried to package that up and say, 'Here we go; we're heroes. We've announced a \$266 million support package'. It is just an absolute disgrace. To allow Hazelwood power station to close in less than six months is nothing more than an absolute disgrace, and it comes at a time of rising unemployment in my community. It is going to be a difficult ride ahead. If

anyone thinks that having Hazelwood close — with hundreds of jobs lost, security of supply threatened for Victoria and the cost of energy prices going through the roof — is a great income, then they have got rocks in their heads. It is as simple as that.

**Mr D. O'Brien** interjected.

**Mr NORTHE** — Yes. I also take up some comments from the minister in his media release of 22 March, which talks about the new commissioner's role of overseeing the mine rehabilitation. Within that he talked about the fact that, 'we'll always stand by the region's workers, businesses and communities'. Well, I am sorry, Minister, but that is far too late. Your government did nothing to ensure that Hazelwood would at least go through a gradual closure, which you promised to do and which never happened.

The minister also talked about the worker transfer scheme. I have to refer to this. Last week it was reported in our local media that the first instance of the worker transfer scheme had occurred with AGL. That is absolute rubbish. It is a fallacy; it is not true. They are trying to claim that the worker transfer scheme is up and running. It has not happened; it is not the case at all. Our community needs an explanation of that as well. In terms of the bill itself, we are not opposing it.

**Ms WILLIAMS** (Dandenong) — Before I start, I note that when the member for Caulfield was up I thought I heard him say that there was no place for politics in this debate, and in fact I thought he was pleading with us all to keep politics out of it. Then as quickly as that idea came into his head, he proceeded to blast us with an almost pure political diatribe about the decision of Engie to close Hazelwood. It is an interesting approach but not inconsistent with the approach of those opposite on most things.

As we have heard, over February and March 2014 the Hazelwood coalmine caught fire and burned for 45 days. We know that smoke and ash covered the town of Morwell and surrounding areas, causing serious health impacts for residents of the valley, which contributed to an increase in the number of deaths during the period of that fire. The fire also came at a great economic cost to the community, with businesses experiencing a downturn because of medical costs, veterinary costs, time taken off work, relocation costs and, in some cases, a devaluation of their properties.

It has to be said that when those opposite were hiding in the aftermath of the mine fire, when the member for Morwell was nowhere to be seen, those on this side of the house — both in opposition and now in

government — were present and were active, and this bill is yet another demonstration of that.

In March 2014 the former government announced an independent inquiry into that fire, and so it should have. The focus of this inquiry was an investigation into the causes of the fire; the responses to the fire; and fire-prevention measures undertaken by the owner, operator and licensee of the mine and of regulatory agencies. It also looked at the health and wellbeing impacts and the response to this health emergency. The report of this inquiry was tabled a couple of months before the November 2014 election. In the first budget of the Andrews Labor government we committed \$30 million to implementing the 12 recommendations and 40 affirmations from that report.

However, that inquiry — the 2014 inquiry — left many questions unanswered, and so we reopened it to investigate the ongoing impact of the fire on the region's health and safety, and in doing that we listened to the community, who were telling us that that was what was needed. We reopened it so we could consider whether the Hazelwood mine fire led to increased deaths, so we could see how to improve the health of the Latrobe Valley community and so we could investigate rehabilitation options for the Latrobe Valley coalmines. The reopened inquiry delivered four reports. The government committed to implementing all of the recommendations and affirmations of those reports and allocated a further \$51.2 million in the 2016–17 budget.

The Hazelwood mine fire inquiry implementation plan delivers on every single one of the inquiry's recommendations, and the work plan is extensive. But I will be focusing on a couple of the commitments that are dealt with in the bill before us today. They are the establishment of the role of the Latrobe Valley mine regional rehabilitation commissioner to monitor and evaluate the rehabilitation process and the development of a regional strategy for rehabilitation planning and modernising the regulation of the coalmines.

Volume IV of the Hazelwood mine fire inquiry report found that a new independent authority was needed to coordinate all rehabilitation matters in the valley and to ensure collaboration between the mine operators, the community and the government. On the back of this, the implementation plan committed to establishing the role of the commissioner, as well as developing a regional rehabilitation strategy for the valley in partnership with the mine operators and the community.

In its final report, the board of inquiry found that there was a clear lack of collaboration and coordination on

mine rehabilitation issues, and specifically they found that none of the existing regulatory agencies or authorities satisfied the criteria needed for a successful coordinating body in the area of mine rehabilitation, principally because they lacked independence or had insufficient expertise and inadequate resourcing.

As such, it recommended that the statutory appointment of a Latrobe Valley mine rehabilitation commissioner be independent and able to lead and coordinate planning and improvements to mine rehabilitation in the valley. The commissioner will provide independent advice on all rehabilitation matters in the valley. They will be based in the region and will provide advice to government on the development of the Latrobe Valley rehabilitation strategy — a strategy to which we have already committed \$12.6 million.

As I said, the government is also committed to developing a regional rehabilitation strategy in consultation with the valley community and the mine operators. The bill before us delivers on that commitment by requiring the minister to prepare a strategy that provides for a few things, such as a safe, stable and sustainable landform for the Latrobe Valley coalmine voids to provide assurance to the community; a plan for the Latrobe Valley region for the rehabilitation of coalmine land and for the relationship between each mine and void; and the development of a plan to monitor and evaluate coalmine land after rehabilitation is complete. Work on this has already begun.

The Hazelwood mine fire inquiry found that mine rehabilitation, in particular progressive rehabilitation, is the best way of preventing coalmines from catching fire. What this really means is making sure that mines continue to be properly managed and that progressive rehabilitation occurs so that fires do not occur, and what was experienced by the community of Morwell and the surrounding areas is never again replicated. The role of commissioner outlined in the bill before us today will be very important in ensuring that this happens.

I am very conscious that there are other speakers who wish to contribute to this debate today. This bill is sensible, and it is consistent with this government's previous action on this issue which was in support of those in the valley. It ensures the safety of the community down there and ensures that these events never take place again. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I am pleased to rise to speak on the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017. This is an

important issue, and it is a vexed issue. I grew up in the Latrobe Valley, and ever since I was a child we have been talking about what will happen to the mines when they are worked out or when they are finished. Sadly we are now facing the mines finishing not because they have been worked out but because Hazelwood and the Morwell mine in particular is being closed. That is a matter of great distress to the Latrobe Valley, most particularly for the township of Morwell but also right throughout the valley and throughout Gippsland. There are people who work at Hazelwood who live in my electorate of Gippsland South. From Wellington shire about 1200 people travel to the Latrobe Valley for work each day and about 300 people from South Gippsland shire. Many of them are in the coal industry, and some of them work at Hazelwood.

As previous speakers on this side have mentioned, we will not be opposing this bill. It is a difficult question, and the role does require a certain level of expertise. I must say though that I am uncomfortable with yet another commission or statutory authority being appointed. There have been so many new authorities or commissioners appointed by this government that one wonders what the departments are actually doing these days. But I do understand that in this particular case there is a certain level of expertise required of a commissioner, as is referred to in the legislation, so hopefully we will find someone who takes a sensible approach to the rehabilitation of the Latrobe Valley mines.

It is important that this bill passes. One of the questions that my colleague the member for Morwell wanted to follow up on — and perhaps later speakers may be able to give us an answer to this — is when in fact a commissioner will be appointed. Obviously it is important to get this happening soon. With the Hazelwood power station and mine now closed, it would be useful if the government could explain exactly when that is likely to occur, not that we can likely have much faith in anything that we are told about this because, as the member for Morwell and, I believe, the member for Caulfield have pointed out, the government said over two years ago that we would have a coal policy. In December 2015 they said we would have a coal policy, and yet here we are in May 2017 and there is still no coal policy.

We can only imagine what is going on internally in the government on this issue, because we know that the Labor Party hates coal. We know that it was once the great party that actually supported workers in the Latrobe Valley. Labor held the seat of Morwell for 36 years before it was wrested from its hands. It was a

bastion of the Labor Party because the Labor Party and the unions in the valley supported coal.

**Ms Thomas** — We will be back in 2018.

**Mr D. O'BRIEN** — Good luck with that one. I am happy to have a bet with you on that one. Once upon a time the Labor Party actually supported coal and was behind it, but unfortunately in the last 10 or 15 years the Labor Party has become too concerned about the influence of the Greens. When it comes to Hazelwood I am absolutely certain about that. We are hearing about the Premier, about Harriet Shing, a member for Eastern Victoria Region in the Council, and about various other ministers wandering down to the valley and announcing little things that they think are somehow going to assuage the loss of 750 direct jobs at Hazelwood. But I bet at various branch meetings and public gatherings in the inner city suburbs of Melbourne that when Labor members get asked about Hazelwood they will be saying, 'Didn't you know? We closed it'. They will be saying that to the people in the suburbs, and in the inner suburbs in particular where they are under threat from the Greens. They will be saying, 'Yes, look what we've done. We've closed Hazelwood'.

They will be preaching one story to those people in inner Melbourne, and they will be preaching a different one in the Latrobe Valley, because we know — and those on the other side can protest all they like — that this was their policy. In 2010 the Labor Party actually wanted to close the Hazelwood power station, and yet, as the member for Morwell has pointed out on a hundred occasions, the policy of the Labor Party was to close Hazelwood gradually. What do we get once they get into power? Bang, it is closed — boom, closed in five months. It was an announcement that gave the valley absolutely no opportunity to adjust to what is an economically catastrophic event. We have seen the Labor Party's form on this. Not only was it Labor Party policy but the Labor Party actively went about ensuring that it closed without having to pass legislation or make a formal decision. They just did it by stealth, as was pointed out by the member for Morwell.

There is the imposition of a 40 per cent renewables target. We support renewables on this side, but a 40 per cent renewables target when we already have a federal scheme is only designed to drive out coal-fired baseload power stations. That was the first bit, but the most egregious bit was that all of those on that side of the house supported the budget last year that tripled the brown coal royalty — \$252 million. That is not only another broken promise on taxes, but also a \$250 million impost on the generators in the Latrobe Valley.

Then there are the people at Hazelwood. Everyone on the other side likes to lay blame for Hazelwood closing. They say, 'It's Engie's decision, it's the decision of a multinational based in France'. The people that actually ran it said, 'That is a \$20 million annual hit to the Hazelwood business'. I know that the socialist troglodytes on that side all say, 'Yes, tax the bosses, they can afford it, they are rich', but it does not work that way. If you continue to tax companies like Engie with \$20 million, you are going to see the outcome which we have seen — that they have in fact been forced to close.

We were astounded on this side to see the Premier go to Hazelwood and the valley and say, 'I'm sorry, I'm going to do everything I can for you'. As the member for Morwell may have alluded to, we have a bit of a theory. I think what actually happened is Labor Party members knew this was coming. They knew that Hazelwood was going to go and thought, 'We want to hasten that along because we want to be able to say in Brunswick, Northcote, Richmond and Melbourne that we actually closed Hazelwood'. Members from the other side are nodding, so they know I am right. They thought, 'Hazelwood's going to close, so how can we pay for a structural adjustment package?' They decided to triple the coal royalty. They thought they could whack \$252 million on the generators in the valley and that would pay for the \$266 million that they will now give back to the valley as some sort of generous gesture. Over 1000 jobs or 750 direct jobs at Hazelwood are going out of the valley because of the policies of this government.

That is exactly what has happened. The government will rue the day, because that has left a giant hole in our power supplies. It is not immediate, but the energy situation changes very quickly. Those of us who have been around a bit longer will remember it has only been about 10 years ago since the then Treasurer, John Brumby, was talking about new power stations and talking about investing in coal, because we were facing brownouts and blackouts. Okay, there is excessive supply in the system at the moment, but that can change very quickly.

The government stands condemned for its failure to deliver a coal policy, for its failure to actually say anything about what it plans to do. It stands condemned for its coal tax, and someone will jump up from the other side and say, 'All we're doing is making our royalty rate consistent with New South Wales and Queensland'. What a load of baloney that is. Queensland and New South Wales coal is predominantly exported, so it absolutely should be taxed at a higher rate. But we do not export brown coal, so any increase in the coal royalty is a tax on Victorians. It is not a tax on foreign

coal companies, it is a tax on Victorians, and the Labor Party does not seem to understand that, so let us just get rid of that for a moment.

We are now faced with reduced baseload power, so much so that when a long-running and difficult dispute at AGL Loy Yang came to a head and neither party could agree after two years, there was the threat that Loy Yang would be shut. If Loy Yang mine were shut, that would take out about half of what is left, and of course the government had to act. It had to step in, because this government's policies on closing Hazelwood have led to a reduction in our available supply. It will be Victorians who will pay the price, and it will be Victoria's future that will be most at risk because we will not have the reliable baseload power that we need. With respect to this legislation, as I said, we need to make decisions. I hope the government will not be doing things like filling the Morwell mine with water and rendering it absolutely unusable in future, because we should not turn our back on 500 years of coal supply.

**Mr HOWARD** (Buninyong) — I am pleased to add my comments to the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017. As other speakers have outlined, the background to this bill really goes back to February 2014 when we know that the Hazelwood coalmine caught fire. We know that the fire lasted for two months, creating significant concerns for the health of the people in the Latrobe Valley and highlighting the fact that when that mine fell into disuse not enough work had been done to ensure that processes were in place to stop the chance of a fire, so when it did happen and took grip there was no capacity to water the mine at the site and put the fire out at an early stage. Once fire takes hold on a resource like coal, then it is going to burn for some time. It created significant concerns.

We know as a follow-up to that there was the Hazelwood mine fire inquiry in 2016. One of the things that the inquiry pointed out was that the regulatory system to follow up on the rehabilitation of the coalmines in this area was insufficient. We recognise that these mines are very complex. We know they are very deep and we obviously know their susceptibility to fire, but a whole range of issues need to be addressed. As these mines stop being mined, there needs to be a proper process of rehabilitation put in place.

This legislation took the advice of the inquiry when it recommended that by June this year the government should establish an independent Latrobe Valley mine rehabilitation commissioner as a statutory appointment

and that that commissioner should have a range of powers to be able to work with the community, to be able to do assessments of both Hazelwood mine and other mines that are not continuing to be in use and to ensure that there are proper processes undertaken for rehabilitation and for the wellbeing of the people of Gippsland into the future.

The bill before us outlines the role of the commissioner, that he or she will be looking at the rehabilitation of the coalmine land, supporting the participation of the community in that process and local stakeholders in the development of a clear strategy to promote the effective implementation of that rehabilitation. The commissioner will have powers to carry out investigations and audits, coordinate rehabilitation planning activities and provide advice, reports and recommendations both to the minister and to the Victorian community. It also recognises that the minister has a role to play to prepare a regional rehabilitation strategy by June 2020.

We recognise, as other speakers have said, that Engie determined the Hazelwood coal-fired power station — which everyone recognises was the dirtiest power station across this country — was the most inefficient coal power station in the country. Engie recognised as part of its international strategy, which was that it wanted to move out of coal-fired power stations, that if it were to even try to continue to use the Hazelwood power station, the cost of upgrading so that it was efficient and cleaner was going to be cost prohibitive.

Members on the other side of the house seem to forget the issue, that the wellbeing of the people in Gippsland, the wellbeing of our entire country and the globe is dependent upon addressing these issues of the CO<sub>2</sub> output and the other outputs that were coming from Hazelwood power station. It was sensible that that action be taken. More particularly, now that that action has been taken, we want to see the coalmines that are no longer in use appropriately rehabilitated.

A range of issues will be raised by the community and other experts in regard to the best way to undertake that rehabilitation. It is important that all of that information is taken into account by the new commissioner, who will be appointed, and that the process of rehabilitation is followed through appropriately.

We see across the country how important it is that appropriate rehabilitation is undertaken when a mine or a section of a mine is no longer in use so that we do not just leave a huge hole in the ground. Members who have been to the Latrobe Valley know that there are huge holes in the ground there. Certainly the challenge before

the community, before the commissioner and before the minister in establishing the best process to rehabilitate these mines will be complex. I trust that we will see, through the appointment of this commissioner, a sound process take place that will be good for the future of the people in the Gippsland area, one that will take into account their aspirations and concerns and use expert advice to make sure that these mines are rehabilitated in a way that provides safety and security for the members of the community and possibly create some great community assets too.

I wish this bill well in its passage and trust that once the commissioner is appointed they will be able to quickly get on with working with the community and with experts to see that these disused coalmines are treated appropriately into the future.

**Mr HIBBINS** (Pahran) — I rise to speak on behalf of the Greens on the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Bill 2017. This bill creates a Latrobe Valley mine rehabilitation commissioner. It outlines that commissioner's functions, which are to plan for the rehabilitation of coalmine land and to implement a regional rehabilitation strategy in consultation with the community. The bill requires the commissioner to also prepare and publish a Latrobe Valley regional rehabilitation strategy.

The Greens support this bill. We welcome the fact that we have got the Hazelwood mine fire inquiry right. The original inquiry, held under the previous government, failed to consider rehabilitation planning, and that was a significant concern to the community. We see now through the subsequent inquiry that that is the case, and this bill is the outcome of that.

What is missing now is a statewide transition plan away from coal. We saw the uncertainty that the closure of Hazelwood brought to the community and the effect of the failure to have a proper, long-term transition plan for the workers and for those communities in place. We saw why a long-term, statewide strategy to phase out coal is so important for those communities — to end that uncertainty and not leave workers and communities in the lurch.

The Greens have a 90 per cent renewables by 2030 plan and a plan to phase out coal-fired power stations. Our renewable energy plan includes a mix of large-scale solar, household solar, wind, battery and existing hydro sources. We believe that mix of energy sources and technology will bring us safe, secure, reliable and affordable energy by 2030. We need a number of

mechanisms to get there, including using reverse auctions, breaking down those barriers in the energy market that prevent households and businesses from installing solar and prevent both household batteries and large-scale battery installations, updating our energy grid so it can handle the new energy that is being brought on board and getting those pollution standards in place for coal-fired power stations — very similar to what President Obama proposed in the United States. Those pollution standards will take the most polluting coal-fired power stations off the grid first, finishing with the ones that are least polluting.

This is a jobs-rich plan. We know there are so many jobs in renewable energy and in energy efficiency. These jobs need to be unlocked. We know there is billions of dollars of investment coming from energy as our coal-fired stations come to the end of their lives and close. We know there is going to be billions of dollars of investment. It is really important that that investment goes towards renewable energy and to jobs in those sectors.

It is also important to make sure that those workers in those communities affected by the closure of coal-fired stations are not left in the lurch. A number of coal-fired power stations have closed in Australia over the last several years, and one of the issues that those workers in those communities have faced is the short time between the announcement of the closure of that coal-fired power station, the actual closure itself and the loss of those jobs. Sometimes it is just a matter of months.

Obviously there is the issue of simply leaving it up to the market. What we have found here is that the failure to have a long-term transition policy for workers in place means that the government is still scrambling and still putting together the sorts of things it needs to do for workers. It is still finalising programs. What you need to do is to start the pipeline of investment in those communities before the coal-fired power stations close — before the announcement of the closure — and actually have set in stone those emissions intensity targets so communities know when those coal-fired power stations are going to close. That way we can give certainty to those communities and those workforces and get the best value for money in terms of transitioning them as well as seeking investments that can go into those communities.

It is unfortunate that the opposition have taken the approach they have to renewable energy. You are lucky to hear the word ‘climate’ or the phrase ‘climate change’ coming from the opposition. In response to the closure of Hazelwood we have seen them want to scrap the Victorian renewable energy target. In fact they have

gone even further and announced a ‘cash for coal’ policy, which means essentially going to the owners of those coal-fired power stations with a blank cheque and saying, ‘What do you need to keep these ageing coal-fired power stations open?’. That is an incredibly reckless policy.

This is coming from the same party that privatised those power stations, taking them out of public control. They are now going to them, opening the public wallet and saying, ‘What do you need to stay open?’. This is when those private owners are making financial decisions to get out of coal because we all know coal is a bad bet financially. We know the markets are moving away from coal; we know companies are not investing in new coal-fired power stations. So it is an incredibly reckless policy for the opposition to be opening its chequebook and going to them saying, ‘What do you need?’.

As I said in my response to the budget yesterday, I thought former Prime Minister Tony Abbott’s ‘pay the polluters’ climate policy was reckless. He scrapped the price on carbon and then said to the polluters, ‘We’ll pay you for the emissions that you’re going to reduce’. I think there was some contention about whether those reductions were going to happen anyway. Certainly that is not a value for money proposition, but this policy is even worse. This is actually paying the polluters to keep polluting. What a reckless climate policy that is. And all the while people are staying in those jobs when jobs are available in the renewable energy industry.

It is very unfortunate that the coalition have gone down that path, but, as I said earlier, what is missing now is a plan from this government to phase out coal-fired power stations and put in place that long-term investment for the transition of workers in those affected communities. I will be supporting this bill.

**Debate adjourned on motion of Mr DIMOPOULOS (Oakleigh).**

**Debate adjourned until later this day.**

## **ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015**

*Introduction and first reading*

**Received from Council.**

**The SPEAKER** — Order! I understand the member for Prahran will take charge of this bill.

**Mr HIBBINS (Prahran)** — I move:

That this bill now be read a first time.

**House divided on motion:**

*Ayes, 39*

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

*Noes, 45*

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Richardson, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennesy, Ms	Thomas, Ms
Howard, Mr	Thomson, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr
Knight, Ms	

**Motion defeated.**

**FREEDOM OF INFORMATION  
AMENDMENT (OFFICE OF THE  
VICTORIAN INFORMATION  
COMMISSIONER) BILL 2016**

*Council's amendments*

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

1. Clause 2, lines 19 to 31, omit all words and expressions on those lines.

2. Clause 2, line 32, omit "Division 2" and insert "Division 1".
3. Clause 2, page 4, line 5, omit "subsection (2), (3), (4) or (5)" and insert "subsection (2)".
4. Clause 2, page 4, line 6, omit "July" and insert "September".
5. Clause 42, line 12, omit '29A;'; and insert '29A;'.
  6. Clause 42, after line 12 insert—
    - '(ea) a decision of an agency or a Minister refusing to grant access to a document or refusing to amend a document, or a decision of a principal officer refusing to specify a document in a statement, that is taken to have been made under section 53;';.
7. Clause 45, after line 23 insert—
  - '(2) In section 53(1) of the Principal Act, for the words and expressions commencing "the principal officer" and ending at the end of the subsection **substitute** "for the purposes of making an application to the Tribunal under section 50(1)(ea), the agency or Minister is taken to have made a decision refusing to grant access to the document in accordance with the request or, in the case of a request under section 39, refusing to amend the document in accordance with the request, on the last day of the relevant period.".
  - (3) After section 53(1) of the Principal Act **insert**—
    - '(2) Subject to this section, where—
      - (a) a notice has been served on the principal officer under section 12(1); and
      - (b) the time period provided in section 12(2) has elapsed; and
      - (c) notice of the principal officer's decision has not been received by the applicant—
 for the purposes of making an application to the Tribunal under section 50(1)(ea), the principal officer is taken to have made a decision refusing to specify the document in a statement on the last day of that period.".
  - (4) In section 53(5) of the Principal Act, for " , other than a decision to grant, without deferment, access to the document in accordance with the request, is given," **substitute** "is given, subject to subsection (5A)."
  - (5) After section 53(5) of the Principal Act **insert**—
    - '(5A) Subsection (5) does not apply to—
      - (a) a decision of the agency or Minister to grant access to the document without deferment; or
      - (b) in the case of a request under section 39, a decision of the agency or Minister to

amend the document in accordance with the request; or

- (c) in the case of a notice under section 12(1), a decision of the principal officer to specify the document in a statement.”.

(6) Section 53(8) of the Principal Act is **repealed**.”.

8. Clause 64, line 23, omit “Services” and insert “Complaints”.
9. Clause 96, line 14, omit “section 8D(1)(e)” and insert “section 8D(1)(d)”.
10. Clause 97, line 19, omit “or (h)” and insert “and (i)”.
11. Clause 98, line 24, omit “or (h)” and insert “and (i)”.
12. Clause 133, omit this clause.
13. Clause 134, omit this clause.
14. Clause 137, line 3, omit “July” and insert “September”.

**Mr PAKULA** (Attorney-General) — I move:

That the amendments be agreed to.

The bill creates a new Office of the Victorian Information Commissioner, which merges the offices of the freedom of information and privacy and data protection commissioners. It also acquits the government’s election commitment to improve the FOI system by, for example, reducing FOI processing times. There were amendments moved and carried in the other place, and as amended by the Council the bill still achieves its original intent, with changes, firstly, to preserve the Victorian Civil and Administrative Tribunal’s ability to review deemed refusals of FOI applications — that is, applications that are deemed to be refused because they have not been made within the required statutory time frame — and secondly, to correct minor and technical issues, such as removing commencement provisions relating to the Health Complaints Act 2016 and the Judicial Commission of Victoria Act 2016 that are no longer required because those acts are operational. There are also amendments to correct typographical errors.

**Mr CLARK** (Box Hill) — I move:

That all the words after ‘amendments’ be omitted with the view of inserting in their place the words ‘be deferred indefinitely’.

The reason for moving this amendment is that this bill contains provisions which are highly reprehensible and to which this side of the house takes strong objection. We accordingly move this amendment with the intention

that, in accordance with standing orders, if the amendment is agreed to, the bill will lapse.

In our view it is an absolute disgrace that the government, in conjunction with the Greens party, is through this bill sacking independent statutory office-holders without any compensation midway through their terms. It is something that the government and the Greens party should be absolutely ashamed of — something in other contexts they have had a lot to say about, but here, without any justification, without any cause and without any explanation, they are legislating to dismiss the privacy and data protection commissioner from office and indeed the FOI commissioner simply by a clause buried in the middle of a bill.

These offices are expected to exercise an independent function on behalf of the community. That was the basis on which they were established, in one instance by the Cain government and in another instance where the commissioner for privacy and data protection had its genesis in another Labor government and was constituted in its current form by a coalition government. But the express intention all along was that these be statutory office-holders who are expected to exercise an important independent function, including holding the government of the day to account, whatever its political complexion might be. But now the government, by this bill, is simply dismissing them from office midway through their statutory terms — with no compensation, no transitional arrangements and no provision that when the offices are being reconstituted incumbents will be moved into those new offices. No, these people are simply being thrown out on their ear without any justification.

The government has offered no attempt to explain itself, to defend itself or to say why it wants to sack the privacy and data protection commissioner or indeed the FOI commissioner. One might draw various conclusions as to why they might in fact be doing what in other contexts they have taken great exception to — to do something which in the past they have condemned others for allegedly doing but which they are now trying to do without any justification whatsoever. It is quite clear that the privacy and data protection commissioner in particular has been willing to exercise his statutory functions without fear or favour, and that may well be why the government wants to get rid of him. He has certainly identified the fact publicly that he believes that one of the reasons the government wants to get rid of him is that he has sought to properly run his office and deal with issues of performance and conduct within his office in a way that has antagonised the Community and

Public Sector Union (CPSU). The CPSU has gone to the Special Minister of State and said that they want to see him gone, and then the Special Minister of State has done the bidding of the CPSU and is seeking to dismiss him from office for that reason.

One might also conclude that the government dislikes someone who has sufficient independence of mind to be applying appropriately the statutory provisions relating to data protection in the context of the Premier's demand of his cabinet colleagues that they hand over their mobile phones. That is something which I know caught a lot of cabinet ministers by surprise, and a number of them have been willing to speak on a no-names basis to the media to express their intense displeasure with the Premier doing that. I do not know whether the Attorney-General is going to contribute further to this debate, or whether any of his colleagues will do so, but I would be very interested to know where they stood on that particular issue.

But it was not just members of the cabinet whose data and privacy was being put at risk.

**Mr Pakula** interjected.

**Mr CLARK** — The Attorney-General interjects that he has already spoken on the bill, and I gather he indicates that with some degree of relief. Be that as it may, it was not just cabinet ministers who were aghast at what the Premier had done, but what the Premier was doing had potential implications for the data and privacy of public servants and many others. It raised a lot of issues about a potential breach of the Privacy and Data Protection Act 2014 by the Premier.

The privacy and data protection commissioner was willing to do his duty to uphold the law and to ask a number of questions seeking further information about what was going on in relation to the Premier's actions and whether or not the law had been complied with. Not only did the government respond to his request — his request in accordance with the act for information to be provided to him so that he could further consider it in accordance with his duty to determine whether or not the act had been breached — not only did they treat their legal obligations to respond to his request with complete contempt, they have pressed on with their move to dismiss him from office. As I said at the outset, this is disgraceful and it is not something that this Parliament should go along with.

I should indicate that the individual concerned, David Watts, has been a public servant serving governments of both persuasions with great diligence and ability over a number of years. Under the former Labor government

he was the commissioner for law enforcement data security. He undertook that role very effectively and diligently under the terms of the previous government, and came forward with reports that have led to substantial improvements in the law and in data protection, so these are the roles he performed under the previous Labor government.

Under the former government he proceeded to take on roles relating to privacy and then to data protection more generally, and again he performed in those important offices and that important combined office to implement very substantial reforms and improvements to the regime of data protection as well as enhancements to the operation of privacy legislation in this state. It was a role with two important responsibilities that it was critical to bring together in this age where the actual delivery of privacy requires effective data protection but, at the same time, requires someone exercising roles in relation to privacy and data protection that recognise and are accommodating of the important imperatives within government for effective information sharing in a context of proper privacy and data protection. So again he served under the previous government with great impartiality and great effectiveness.

He has continued to perform that role as a capable and impartial senior public servant under this government, but what recognition and appreciation does he get from the current government for his troubles? He is going to be peremptorily sacked without any justification, without any compensation and without any transition to another role. So much for all the humbug we get from Labor members of Parliament from time to time about their respect for institutions, their respect for independence and their respect for statutory office-holders. What confidence can any statutory office-holder in this state have in their ability to perform their role without fear or favour when the current government is prepared to come to this Parliament and propose legislation, buried deep in a bill that is ostensibly there for the purpose of making a range of statutory improvements, to dismiss them from office?

I have to say that as well as the disgraceful conduct of the Labor Party in this regard, it is hard to fathom the conduct of the Greens party, who again have in many contexts put themselves forward as the upholders of standards, the upholders of integrity and the upholders of impartial statutory office-holders, yet on this occasion they do not seem to have any regard for those matters.

I understand, and I do not want to verbal him because I have not had an opportunity to check his exact words in *Hansard*, that Mr Barber in the other place gave a reason

for not striking out the clauses in this bill that would sack those statutory officers, to say, 'Well, they could only be removed by Parliament. They are being removed by Parliament and therefore that is okay'.

If that is a fair representation of Mr Barber's rationale, it would seem to be a rationale that could equally be extended to sack any other statutory office-holder or to sack any member of the judiciary. I would have thought it should be patently clear to all concerned that there is a difference between sacking a statutory office-holder without any explanation, by a clause buried deep in a bill that makes a number of structural reforms to legislation, compared with reserving to Parliament the ultimate responsibility of dismissing for cause a judge or an independent statutory office-holder who was showing themselves guilty of misconduct or indeed of incompetence, and in those very exceptional circumstances Parliament votes to remove them.

To conflate those two seems astounding. If Mr Barber has used that as his rationale, I am very disappointed because I would have thought that he in particular would be more vigorous and would live up to what I have to say has been his record in the past and on other occasions in upholding proper standards.

You used to be able to have a rule of thumb on the differences between the Greens party and the Labor Party, that the Greens might be loony in most of their policies but they had a degree of principle, whereas the Labor Party might be unprincipled but they had perhaps a degree more common sense. Unfortunately these days it seems that both the Greens party and the Labor Party have both loony policies and lack of principle, and so the watermelon alliance is to be combining to throw these statutory office-holders out of office. I certainly hope those of their supporters and those of their party members who have been champions of due process, of integrity and of independent statutory officers in the past will hold their current elected representatives to account and condemn them for what they are doing.

For those reasons the opposition believes in the circumstances that it is a choice between having this bill passed with some amendments, which we would be agreeable to, but having to pay the price of seeing these independent statutory office-holders dismissed from office in a way that would be completely unacceptable.

For that reason I am moving, on behalf of the opposition, that the motion be amended so that consideration of the amendments moved by the Legislative Council be deferred indefinitely. As I indicated at the outset, if this house agrees to that

motion, the consequence would be that the bill would lapse. I certainly think the best course of action is for this bill to lapse so those reprehensible provisions can be removed from it. Those provisions that are acceptable could then go forward, but we should not be tolerating this conduct of dismissing independent statutory officers in the way that the government is.

**Mr M. O'BRIEN** (Malvern) — I rise to support the member for Box Hill's amendment before the house. Sacking an independent statutory office-bearer is something that should only be done under the most extreme circumstances, generally where there has been proven misconduct or misbehaviour of some description. The fact that the Labor Party and the Greens simply find it convenient to abolish a commission position and terminate a holder of office in the middle of their term without any explanation or appropriate compensation is a disgrace. This is about asserting control over what is an independent statutory office.

The members opposite are quite happy to come in here day after day and protect the rorting member for Melton and the rorting member for Tarneit and vote to avoid debate on establishing an inquiry into their conduct that could see them expelled from this place. They are very happy to protect rorting members of the Labor Party, but here they come in and vote to get rid of an independent statutory office-holder. And the Greens are just as bad. For the Greens to vote for this bill in the other place and here simply shows that all the moral high ground they like to claim is nothing but a dungheap, because when it suits them they are quite happy to turn around and sack an independent statutory office-holder for no particularly good reason other than the fact that — it is a little insight into the way life would be under the Greens as well — if you do not toe the particular Greens line on something, that is it; you are out.

I have never met — at least I do not believe I have met — David Watts, the current holder of this office, but he has worked for governments of all political persuasions. He has been a professional, dedicated public servant to this state over many, many years. He certainly does not deserve to be treated the way he is being treated by the Labor Party and by the Greens, and I will be interested to see if any member opposite or indeed the Greens representative would like to actually explain why this man deserves to be treated in this way. Why is he being sacked halfway through his term? No misbehaviour, no incompetence of office and no illegal conduct — he has not rorted anything as far as we know, unlike your mates the members for Tarneit and Melton — yet he is being sacked. This is a disgraceful

episode from the government, aided and abetted by the Greens.

This bill was already in the Parliament before the commissioner for privacy and data protection, in discharge of his statutory functions, started undertaking an inquiry into the actions of the Premier of this state, a Premier who believes that the law clearly does not apply to him. There are privacy and data protection laws that apply to every citizen of this state including members of the cabinet, including senior public servants — senior public servants are entitled to have their legal rights under statute upheld and protected. So when you get a little tin-pot-dictator-like performance by the Premier wanting to take everyone's mobile phone in his sweep of paranoia about leaks within his own government, well, I am sorry, Premier, but the law applies to you.

This is why we need independent statutory office-holders — to uphold the law, to make sure the public servants who are otherwise being bullied by an out-of-control Premier in the grip of paranoia cannot ride roughshod over the law and that the protections which this Parliament has previously passed and enacted into law, that are available for all Victorian citizens, are provided to all Victorian citizens. But no. Because this office-holder, David Watts, is discharging his duty under law he is to be sacked. He is to be sacked by the Labor government. He is to be sacked by the Greens. He is to be sacked by the Sex Party. This is really a disgraceful coalition of people and political interests who could not give a damn about the independence of statutory office-holders and could not give a damn about the laws of the state applying fairly and equally to everyone. This is simply an excuse to get rid of somebody the Labor government believes has become a bit inconvenient.

Maybe he has been doing his job a bit too well. Maybe he is not in the Labor Party or he is in the wrong faction of the Labor Party. Why else would you be getting rid of an independent statutory office-holder, and doing so in such a disgraceful way? To say, in the middle of somebody's term, 'That is it. We are cutting your term short. We are abolishing your office, but you do not get any sort of decency in terms of compensation or ex gratia payment or anything else'. No, this is a parliamentary execution. That is what this is. This is taking somebody out the back, putting up the screen and taking the gun out. This is not the way this Parliament should be operating. If you do not like somebody, well, you wait till their term expires.

But no, time and time again we have seen this Labor government not prepared to wait and do that. We saw the Minister for Water come in and decide to throw the

table over and sack every single member of every water board in Victoria, so that she could appoint a whole bunch of Labor mates. A whole bunch of Labor mates were appointed to water boards across the length and breadth of Victoria. This is a government and this is a Labor Party which have got no respect for statutory positions like that.

I do support the member for Box Hill's amendment. This is a disgraceful bill. Until it has those offensive provisions which sack peremptorily a statutory office-holder, this bill should no longer be debated by this house. It should be rejected. If the government wants to ever start to lecture us about standards in public life, let us just remember this contrast: while today they are voting to sack an independent statutory office-holder, they are also voting to keep in this Parliament the rorting member for Melton and the rorting member for Tarneit, and shame on them for doing it.

**Mr PESUTTO** (Hawthorn) — Who is next? We are not talking about some junior public servant. We are talking about somebody who is charged with important responsibilities around data and around information — an independent officer. Who is next? We have had the Country Fire Authority (CFA) board and senior members of the CFA iced because they got in the way of this sordid government's agenda to cave in completely to Peter Marshall and the United Firefighters Union. We have had water board members sacked because they are not flavour of the month for this government. What about the Ombudsman? The Ombudsman had better watch out. The Ombudsman is investigating this lot over here. What happens if she produces a report that is adverse to their political interests? What is going to happen to her? Will they sack her too?

We are supposed to be a state with a reputation for probity, for ethics. I have gone around ever since I have been a member of this house and said, 'You know something about Victoria? We have got a good reputation. On issues of sovereign probity and integrity we do not compromise. Nor do we compromise our constitutional and conventional practices around good governance'. Well, what is happening here? They are going to sack the fellow because they do not like him.

As the member for Box Hill and the member for Malvern have pointed out better than I can, here we are: we have got the member for Tarneit and the member for Melton — the rorting members — being sheltered in this place, and no-one, not the Attorney-General, not the Minister for Roads and Road Safety, not the Premier, none of them have the gall to insist that they even

explain this situation to this Parliament. They come into this house every day and demean it, turning us into a laughing-stock.

Has the member for Melton and has the member for Tarneit ever thought it appropriate to stand up in this house and explain what they have done? They were sacked — sorry, they had to resign — in the most disgraceful circumstances I think any Westminster system has seen for hundreds of years. And any explanation? I defy anybody to tell me if it is otherwise — has there ever been a case in any of the jurisdictions around the world that have a Westminster-style government where their Speaker and Deputy Speaker have had to stand down in such disgraceful circumstances? If you can, maybe I will stand corrected, but I do not think you can.

They come in here every day, and we had the laughable situation today where the member for Melton asked a question. As if that was not bad enough, he asked a question about an electorate he has gone out of his way to avoid living in — and you allowed it, Speaker. That was a farce, and it is all over the news tonight. We are a joke. We are a joke in this house while the member for Melton and the member for Tarneit remain in here and do not offer an explanation. Speaker, can I ask you: could you have a word to them and ask them if they could come into this house and give a personal explanation for what they have done to bring us into such disrepute? Let no-one pretend it is otherwise. We need to stop the rot.

It has been just two years but already public servants know what happens under the law of this Premier. If you do not toe the line, you get iced. And it does not happen just to independent public servants; it happens to ministers, it seems, who stand their ground — they get iced. It is incumbent on every government to remember that they are not just custodians of the Treasury; they are the embodiment as the government — and they should be — of all the good things that enrich Victoria and account for its reputation not just around Australia but around the world. When you have governments, like this government, attempting to remove from office somebody who is an uncomfortable voice, then I am not sure you have government anymore. If public servants in Victoria cannot give frank and fearless advice and cannot enjoy in a genuine way the independence of their office — as Mr Watts is supposed to enjoy — then what sort of government do we have in this state?

I think it is a matter of lasting discredit to the Greens that they are complicit in this, because if anything, I would have thought that for all of their rhetoric they would

have stood up to defend the member for Box Hill's motion. But no, they are joining with the government in this unseemly effort to remove an independent officer from his role.

We should be very careful about the damage this is going to cause and the signal it is going to send, because people who occupy such important independent positions — whether it is the Ombudsman, whether it is the IBAC Commissioner or whether it is other office-holders in similar positions as part of Victoria's integrity and probity regime — if they feel that they cannot act in a way that might entail from time to time adverse commentary, adverse findings or adverse reports, then they will have to fear that this government will seek retribution and take action. If it is not done directly — it is almost like a direct mob hit — they will squeeze it on the resources front; they will starve it of resources, amend it out of existence. But it will not go unnoticed. This is a lasting stain on this government, and I do not know how many more stains it can sustain, because there are enough to leave this government totally discredited two years into its four-year term.

I can only express my dismay and my strong support for the motion put by the member for Box Hill. It is an appropriate motion. Here we are, confronted with a bill to do this and, as the member for Box Hill has pointed out, we have not discussed and not been allowed to inquire into the actions of the member for Tarneit and the member for Melton — the rotting members there — because we have not been able to get our select committee together to look at this. It is so important that we do so because there is no matter that is more pressing and is doing more damage and violence to the reputation of this Parliament than the daily presence of those two members who continue to sit in this house and continue to bring it into disrepute. I strongly support the motion of the member for Box Hill.

**Mr WALSH** (Murray Plains) — I join this debate and fully endorse what has been said by the previous members. I support the member for Box Hill and his amendment. In the last two years I think hundreds of years of tradition and the proud history of this place have been absolutely trashed by the current government. We have the very unfortunate situation where they think they can run Victoria like they are shop stewards of a union, and as long as they have the numbers they will ram whatever they want through. They will sack whoever they want to sack. They will do just whatever they like.

Speaker, can I say to you and to the people of Victoria that that is not the tradition of the Westminster system. I

think we have something that is very, very precious in Victoria with the Westminster system that we have inherited from England. It is something that has stood the test of time. When you look around the world and you see the absolute disasters we have in some countries at the moment, where it is the rule of law by gun, by the bomb or by anarchy, it is something that this state is heading towards under the current government.

**Mr Pakula** interjected.

**Mr WALSH** — It is interesting that the Attorney-General, who is at the table — the top lawmaker in this state — has introduced this legislation and supports it. It will result in an independent officer of the state being sacked. The top lawmaker of this state, who is supposed to uphold the law and set the standards is the one who is leading the rat pack that is taking us down this drain, as did your predecessor, Speaker, and his Deputy Speaker. As the member for Hawthorn said, I do not know anywhere in the world where the Speaker and the Deputy Speaker have concurrently had to resign in absolute disgrace. The two people who were elected by this Parliament after the last election to uphold the standards of the Parliament and to set the example for all of us were the two who rorted the system as fast as they could. It is an absolute disgrace what those two people did, as is what we are seeing with this bill. This just carries on from when the Labor Party left office in 2010.

I can remember that we had a Premier who wanted to build a pipeline from northern Victoria to southern Victoria to take water out of the drought-affected north to supposedly prop up Melbourne with water. A group called Plug the Pipe were opposed to that. There were a lot of protests. Melbourne Water and the police were spying on those protesters. There was a false bomb scare that caused a lot of angst and pain to those people's lives, and all because the mob over there think that when they are in government they can just do anything, that they can ride roughshod over anyone in this state. That is not the way the Westminster system works in the rest of the world. It is a disgrace that we find ourselves in this place again debating a bill like this just because those on the other side of this chamber think they can do anything they like.

We have independent officers in this state and in the Westminster system to make sure that governments of the day do the right thing. It is not about everyone having to do what the government says; it is about actually upholding the probity of the state.

**Mr Pakula** interjected.

**Mr WALSH** — The Attorney-General, the top law officer of this state, thinks it is a huge joke. Can I remind the Attorney-General that it is not a huge joke; it is something that is very, very serious.

**Mr Pakula** — On a point of order, Speaker, the Leader of The Nationals has asserted that I think it is a huge joke. For the sake of clarity, my point is that I think it is a huge joke to be lectured on probity by the Leader of The Nationals.

**The SPEAKER** — Order! There is no point of order. The Leader of The Nationals, to continue.

**Mr WALSH** — Thank you very much, Speaker. The Attorney-General does treat it as a joke, and I think that is very, very unfortunate. As one of the previous speakers said, from day one this government thought they could ride roughshod over everyone. You have 19 water authorities here in Victoria, and they have had their boards appointed by rotation. Half the board goes off every two years, and that has been the tradition for years. Whether it is a conservative government or a Labor government, that has been the tradition.

What did we have? As one of the previous members said, the Minister for Water, who was elected and appointed to that position, did not like the people that were there because perhaps they were actually doing the right thing by the water authorities and by the water customers and not doing the bidding of the government of the day as they might have seen fit. As I think the member for Hawthorn said, tip the table up, throw them all out, get rid of them all, put your Labor hacks in, put your little lackeys in there that will do what you particularly want on that particular case.

One of the water authorities has been saying that when it came to negotiating their enterprise bargaining agreement (EBA) they actually had to wait until the Australian Workers Union (AWU) came down to tell them what they should do. Instead of an independent board being able to run that water authority in the best interests of the state and for the customers of that particular water authority, they had to put on hold their EBA until the AWU came down. They received a phone call from the office of the Minister for Industrial Relations saying, 'You will not do anything on this until the AWU comes down and talks to you and tells you what you will do about particular pay rises, about changes to rosters and about negotiating how you might get some productivity in that water business in the future'.

They are the sorts of things that are happening in this state, and that is what happens when you sack independent officers and when you do not allow

independent authorities to actually do what is in the best interests of the state and what is in the best interests of Victorians.

The thing that we should all remember is that we are elected by the people to govern for the people. If you go out into the foyer of the Parliament, you can read what is written on the tiles out there. I think doing so is a salutary lesson for all of us as to why we are here: ‘Where no counsel is, the people fall; but in the multitude of counsellors there is safety’. Chaos is what we have got on the other side. We are slipping into anarchy because this government thinks they can ride roughshod over everyone. It is a disgrace, and it is a disgrace that the Attorney-General would sit here and defend that.

**Mr KATOS** (South Barwon) — I am pleased to rise and support the amendments of the member for Box Hill to the motion agreeing to the Legislative Council amendments with regard to the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016.

This bill is indicative of the Andrews government, a hallmark of the Andrews government. If you get in their way, you will be punished; you will be removed. It was the same Premier who in the lead-up to the last election promised a new level of transparency with regard to probity and transparency and openness of government. Yet, as the member for Hawthorn rightly pointed out, where in the Westminster system have we ever seen a situation where a privacy commissioner and an FOI commissioner have been sacked?

FOI was something that John Cain brought in. The Labor Party brought in freedom of information, yet this government is happy to sack the privacy commissioner and the FOI commissioner mid-term, both of whom were appointed by statute. The privacy commissioner was probably asking a few too many questions, perhaps probing a bit too much and, as the Premier does, he just wants to get rid of them.

The Premier will bully people out of existence. That is how this Premier and this government — a gangster government in this sense — operate. You only have to look at the Country Fire Authority (CFA) board — bullied out of existence. It is quite incredible when you have that.

I turn to all of the water boards around this state. The water boards had been appointed and they had gotten their terms. The Minister for Water, at the stroke of a pen, sacked every water board all around the state. The normal process is that as the terms expire, whether it is

water boards or health boards, those members are replaced by the government of the day, and we accept that. But to sack them midterm for no reason other than that the government wants to put its Labor mates in immediately, in one hit, just beggars belief. We have got a government that is more interested in protecting the rorters in this Parliament. Yet we have a privacy commissioner and an FOI commissioner who were appointed to statutory bodies, who are simply doing their job. They are there to uphold the Freedom of Information Act 1982 and the Privacy and Data Protection Act 2014. That is what they are there for, and they should be able to do that without fear or favour and without the jackboots of the Andrews government coming down on their heads.

**Mr Walsh** — Say that again: the jackboots.

**Mr KATOS** — The member for Murray Plains liked that one. But that is what we have here. If you get in this government’s way, you will be trampled on. These are independent statutory officers, for goodness sake. We are not talking about political appointments. These are statutory officers who should serve their full terms. They are being sacked midterm, with no explanation whatsoever and no compensation. The government is happy to do that, and yet it is happy to protect the member for Tarneit and that rorting member for Melton. Taxpayers have been rorted of \$174 000 on the part of the member for Melton and approximately \$40 000 on the part of the member for Tarneit. They have rorted the taxpayer, but the government is more than happy to protect them. I find it absolutely disgraceful.

As far as the Greens go, there are times I just cannot work out how they think and what they are doing.

**Mr Pakula** — That is the way they like it.

**Mr KATOS** — That is one thing on which I will agree with the Attorney-General. It is like tossing a coin. The Greens would have to be the strongest advocates for freedom of information and for the privacy commissioner. They would be the strongest advocates in this Parliament for those very officers that they are now seeking to dismiss midterm. The member for Prahran is here. Perhaps he could elucidate on why they have gone down this path. It just makes no sense whatsoever. There are no allegations against the privacy commissioner. There are no allegations against the FOI commissioner. It is not as if it has been alleged that they have done something; there is no impropriety alleged. They are simply being dismissed because they dare do their job, and the Premier does not like it. I just find it completely amazing.

The Greens in particular, I cannot believe that they would support the Andrews government in this endeavour — it is just amazing. Look at the number of motions in the upper house, the number of document requests and FOI requests. The Greens are always doing that, and it is their right to do that. I have got no issue with the Greens seeking freedom of information documents. But these very officers of this statutory authority are now being dismissed for no reason. Is there a reason other than they dare challenge, dare probe, dare to ask questions of the Andrews government?

As I said earlier, the CFA board is the best example of the approach, ‘You get in our way, you don’t do everything that we want, every single thing that we say, and you will be dismissed’. Lucinda Nolan was dismissed. It was absolutely disgraceful the way that the CFA board and Lucinda Nolan were treated — and why were they treated like that? Because they dared defy the Andrews government and stand up for CFA volunteers. The former minister was even sacked for daring to defy the Premier; even she was sacked from her job. Obviously a minister who will do exactly what he is told at the bidding of the Premier, and also Peter Marshall, was put in her place.

**The SPEAKER** — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue his speech when the matter is next before the Chair.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The SPEAKER** — Order! The question is:

That the house now adjourns.

### Berwick Secondary College

**Mr BATTIN** (Gembrook) — (12 635) My adjournment matter is for the Minister for Education. It is a sad day when I have to be up here talking about this topic again. It is one that I have raised in Parliament on many occasions when we have been dealing with the issue of young people, their mental health and youth suicide. The action I ask for from the minister is funding for a mental health and wellbeing centre for Berwick Secondary College. This would not just be directly for the college. Whilst it is only a capital investment in the local area of about \$1 million, it is actually something that would be for the whole community, especially for young students who have left school. There would be an opportunity to work within the charity sector as well, with St John of God also being very involved in working with young people at Berwick Secondary College.

If we could get capital investment for a site at the college in Berwick I know that the community would support it, not just in my electorate but in surrounding electorates, whose constituents have students attending that school and have seen the tragic consequences of young people with mental health issues in the local area. We do not have to go back very far to when we had what was called a cluster at the time. Fortunately we were in a situation where we had a lot of support and advice from people in the community. It was one of those situations where a lot of people came out and offered advice and support to families, teachers and the school itself. One of the parts of the program this school would have an opportunity to implement, if it had the capital investment in a health and wellbeing centre, concerns the topics of family violence and how to deal with financial stress in the home, as well as mental health and other health issues in the local area.

I almost beg the minister to come on board with this one; we have been speaking about it for a while. The planning for this proposal originally came after the death of a young person in our area in around 2014 after we had a cluster in that period of time. That was when the current principal, Kerri Bolch, came forward with an opportunity to build this centre. She is very passionate about what she wants to see achieved at her school, and she knows it will not just service her school; she knows it will service other people in the area. I call on the minister to provide that funding as soon as he can.

### Victoria University Sunbury site

**Mr J. BULL** (Sunbury) — (12 636) The matter I raise in this adjournment debate is for the attention of the Minister for Creative Industries. The action I seek is for the minister to visit my electorate and tour the Jacksons Hill site in Sunbury, currently owned by Victoria University. During this visit I would be thrilled to introduce the minister to members of the Sunbury Art Society who operate out of the Boilerhouse Theatre Company at the Jacksons Hill site. I would love the opportunity to discuss future opportunities and the challenges that currently face the art society.

On Friday night I had the great pleasure of joining Hume City Council mayor Cr Drew Jessop and Cr Leigh Johnson to officially open the 32nd Sunbury Art Show. The show featured artists of all mediums including a range of painters, sculptors and mixed media champions. I spoke to those who attended on the night about the Andrews Labor government’s proud record of funding for creative industries, and I want to commend the minister for his excellent work in this space, with announcements like \$28 million for the National Gallery of Victoria, \$40 million for the Arts Centre Melbourne

and \$5 million for the Australian Centre for the Moving Image. Of course \$10.7 million will go to supporting Australia's largest and longest running film festival, the Melbourne International Film Festival. All of these announcements were certainly warmly welcomed by the Sunbury Art Society.

These investments will continue to build on the objectives of Victoria's first creative industries strategy, the *Creative State*, which since it was launched has seen significant activity in art, film, culture, music and talent initiatives. It was very clear to me that there was great passion in the room, lots of energy around local art and lots of discussion around the future provision of facilities.

As honourable members know, the Jacksons Hill site is of great interest to the Sunbury community. The Minister for Planning last year directed the Victorian Planning Authority to complete a master plan for the Jacksons Hill site, something that the former government unfortunately failed to do. The plan is one that will finally provide some leadership and direction on this issue, an issue that has gone on for far too long. I welcome the chance to talk to the minister about the opportunities the site may present in the creative industry space, and once again I ask the minister to join me at his earliest convenience.

### **Hattah-Robinvale Road and Robinvale-Sea Lake Road, Mildura**

**Mr CRISP** (Mildura) — (12 637) I raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek is for the widening of Hattah-Robinvale Road and Robinvale-Sea Lake Road in my electorate to occur. These are category C roads, and the reasons these roads get used have changed very rapidly in recent years. There have been substantial plantings of almonds and olives alongside them; however, the processing plants that value-add to these exports are in fact some distance away. It takes 9000 to 10 000 truck movements to shift the almonds, there is citrus that comes from down the road and there are wine grapes, olives, table grapes, carrots and grain in the area.

All of these are valuable products, and they come along roads that as a category C roads were probably not designed to carry much more than a 10-tonne grain truck a long time ago, so we have issues of safety. Parts of these roads are used for a school bus route. With this much truck traffic there are issues with stones and, as always, when trucks pass by, people notice that the edges of the roads are chipped away and that there are gutters in the shoulders. So what is really needed is for the shoulders to be widened — for 1 or 1.2 metres of

bitumen to be added along the edges — and for the centre-line to be relocated to give us roads that are fit for the traffic they carry.

As road damage occurs continually, this is very much a case of the sooner the better for this work to be done. It is not going to get any cheaper to do, and in fact the roads are continually getting damaged. The community and I have been advocating for a widening of the bitumen to provide more room for vehicles to pass one another and to preserve the shoulders for some time to come. The time has now come to do this. There is going to be future growth in this area. The market for almonds continues to be sound, as is the market for a number of other horticultural products, in particular table grapes and olives. There will be more plantings, there will be more workers needed to service all of those orchards and processing plants, and there will be more exports. Robinvale-Sea Lake Road in particular is used to take our valuable table grapes in containers to the port of Melbourne.

What the minister can do is come up with a program to see the shoulders widened and the bitumen sealed to give us roads fit to carry the exports that create jobs in my electorate.

### **VicRoads deceased animals policy**

**Ms GREEN** (Yan Yean) — (12 638) I wish to raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek is for him to discuss with VicRoads their method of dealing with registered and tagged companion animals that are found deceased along VicRoads roadsides. I am a pet owner, and all of us as responsible pet owners do try to keep our animals on our properties, but sometimes they can get out and tragedy can occur for the owner of that pet and their family. I have been contacted by some very distressed constituents, and it has been a subject on social media. They are very concerned that unlike many and most municipal authorities who, when they find a microchipped animal that has been killed or injured, go to the effort of contacting the owner to put the family's minds and hearts at rest so that they can appropriately deal with the loss of their animal, VicRoads does not. This is particularly important where families are involved, so I ask that the minister talk to VicRoads about taking a similar approach to other municipal authorities, because this is causing deep distress, and it could be better dealt with by VicRoads, I believe.

### **Main Street, Lilydale, level crossing**

**Mrs FYFFE** (Evelyn) — (12 639) My request for action is to the Minister for Public Transport, who is also

the Minister for Major Projects. The action I seek is that the minister directs the Level Crossing Removal Authority to have consultation with Nexans Olex and any other impacted business on the future removal of the rail crossing on Main Street, Lilydale. I have been told by Nexans Olex that there is currently a danger to employees and the public when they turn onto Main Street. According to Nexans management, there are an average of 390 employee and 69 other vehicle movements every day that need access to and from Main Street.

Currently there is a problem for cars and trucks in accessing Main Street due to congestion, and the opportunity to turn west into Main Street is only available when either the pedestrian crossing or the rail crossing stops the flow of traffic. The company says this is very difficult and will be made a lot harder if there is nothing to stop the traffic to create a break when the rail crossing is removed.

But this is not only about Nexans Olex employees. Considerations need to be made regarding those who use the Lilydale station car park and the bus stop. There are roughly 660 car parks for the station, which is usually full. It is the last stop on the line and a lot of people who live in the Yarra Valley have no choice but to use their car to get to the train station. I ask the minister to direct the rail crossing removal authority to consult Nexans Olex, the community who use the car park and the bus companies that service the area to find the best solution so they can all get safe access to Main Street with as little disruption to the traffic as possible.

### Residential tenancies

**Ms SPENCE** (Yuroke) — (12 640) My adjournment matter is for the Minister for Consumer Affairs, Gaming and Liquor Regulation, and the action I seek is an update on what the government is doing to ensure that vulnerable tenants in the property market are protected and able to enforce their rights. As someone who rented for many years, I know how stressful it can be to have something go wrong, especially when you do not know what your rights are. That is why it is so important to make sure tenants have strong rights and are able to enforce them. This is especially vital for people in our community who are vulnerable and disadvantaged. It is all too common for people to contact my office seeking assistance with their rental property issues, and I know that they would welcome an update from the minister on this important matter.

### Melton electorate roads

**Mr NARDELLA** (Melton) — (12 641) Thank you, Deputy Speaker, and this is my first opportunity to formally congratulate you on attaining your position.

**Mr R. Smith** — Deputy Speaker, I seek to move by leave:

That, due to the disrepute that this member has brought on the house, until he repays the money that he owes Victoria, he no longer be heard.

**Leave refused.**

**Mr NARDELLA** — My adjournment matter is for the Minister for Roads and Road Safety — —

**Mr R. Smith** — On a point of order, Deputy Speaker, pay the money back, member for Melton.

**The DEPUTY SPEAKER** — Order! There is no point of order. The member for Warrandyte knows better than to call a point of order like that.

**Mr NARDELLA** — The action that I seek is that he visit the Melton electorate to have a look at a couple of road projects within the district. The growth that is occurring means that the road network needs to be upgraded on a continual basis to deal with both safety and congestion. Recently, Melton mayor Sophie Ramsey wrote to the minister seeking to upgrade the High Street and Coburns Road intersection. In the early part of this century the Bracks Labor government paid for and installed a roundabout at this intersection, and for the traffic volumes at the time it made it much safer. With the growth and volumes that are now being experienced, this needs to be changed to a fully controlled traffic-light intersection.

The other road that is of great concern to me and the residents along Melton Highway is the Keilor-Melton Road, especially at the Kororoit Creek dip. This road, developed over many decades, is still a single lane and is having difficulty coping with the amount of traffic using it. The minister will be able to see for himself the issues surrounding this section of the road. We have discussed this, and I know that the minister — —

**Ms Staley** — On a point of order, Deputy Speaker, the forms of the house require that people who seek to read their contributions hand in their notes, so I ask that the member either stops reading or gives his document to you.

**The DEPUTY SPEAKER** — Order! Is the member for Melton reading from his notes?

**Mr NARDELLA** — All notes.

**The DEPUTY SPEAKER** — Order! He is referring to notes.

**Mr NARDELLA** — We could also have a look at the Western Highway through Rockbank, which needs to be upgraded, and the commonwealth government is responsible for that, so I urge — —

**Mr R. Smith** — On a point of order, Deputy Speaker, the roting member for Melton was clearly reading. and I ask him to submit his speech.

**The DEPUTY SPEAKER** — Order! The member for Melton has advised me he is referring to notes. There is no point of order. The member for Melton has concluded his contribution.

### Montmorency railway station

**Ms WARD** (Eltham) — (12 642) My adjournment matter is for the Minister for Public Transport, and the action I seek is for the minister to undertake community consultation regarding the \$500 000 allocated in the state budget for Montmorency railway station. I thank the minister for her understanding of the needs of Montmorency commuters with the improvements she has already helped fund at the station, including a new shelter installed over the platform and a new platform entrance and Myki reader at the eastern end of the station.

The \$500 000 budget investment will be fantastic for station users and it is critical that it responds to community need. Montmorency has a beautiful village feel, which is extremely important to local residents. In addition accessibility to the station can be a challenge for commuters, which needs to be addressed. I ask for the minister's commitment to undertake consultation with my community about the best way to improve infrastructure at the train station to best support commuter and community needs and safety at Montmorency.

### Local government elections

**Mr KATOS** (South Barwon) — (12 643) My adjournment matter this evening is to the Minister for Local Government, and the action I seek is for the Minister for Local Government to have a full and independent review of the process around the postal vote system of the Victorian Electoral Commission (VEC) at the 2016 council elections. I have had many people from my electorate contact me with regard to the fact that they had submitted their postal vote but the VEC has fined them. The VEC has not only fined them, but they are

also concerned that their vote obviously did not count in the democratic process. A lot of people have had this problem in the Surf Coast shire but also in other shires, including the Yarra Ranges, Hume, Wyndham and the Mornington Peninsula. Mr Stephen Handley has contacted me from Torquay.

**An honourable member** interjected.

**Mr KATOS** — Are you serious? Mr Handley has put in a request to the VEC to formally withdraw these penalties. I will quote from the document and that is why I was holding this document in my hand, as I wish to quote from it. Forty-odd people have signed this as well, but for privacy reasons I will not mention their names in the house. It says:

We the undersigned formally challenge the failure to vote notice received for the 22 October 2016 Surf Coast shire election.

As per the responses you have already received, each signatory on this letter formally declares a postal vote was delivered to Australia Post prior to the designated cut-off time and requests that you withdraw the imposed penalties and formally confirm this action in writing.

Given the significant public commentary about (correctly submitted) votes going uncounted, and the VEC's own statement that one in four Victorians failed to vote, it is our assertion that a failure on the part of Australia Post and/or the VEC has resulted in the democratic process and our voting rights compromised. As such we will be requesting the state government investigate this matter further.

That is what I am doing this evening. I am asking the Minister for Local Government to have a full and independent review of what went wrong, because it clearly was not just several residents. It was hundreds of residents in the Surf Coast shire and in those other municipalities that I mentioned earlier. I ask the minister to investigate this and get to the bottom of what went wrong with the VEC's processes.

### Day of STEM

**Mr McGUIRE** (Broadmeadows) — (12 644) My adjournment request is to the Minister for Small Business, Innovation and Trade. The action I seek is for the minister to provide support from his department to coordinate a meeting with departmental representatives and community leaders of Broadmeadows to improve access to science, technology, engineering and mathematics — STEM — in the areas where they are needed most, the postcodes of hope. The aim is to establish a strategy to leverage the Day of STEM cyber challenge and other opportunities to help create new life opportunities, jobs and industries. The Day of STEM is designed to raise the national IQ for STEM careers by inspiring the next generation of students through a

self-guided, interactive, virtual career platform that showcases leading industry mentors.

I particularly want to examine the offer of LifeJourney International, a company designing programs in the United States, Singapore and Australia. The company aims to provide STEM education and career connections to Australian students, with a particular focus on young women and other underrepresented groups in the STEM fields.

The minister is driving innovation, and this proposal fits within the global learning village strategy I established with the City of Hume in 1999 to invest in the attributes that largely determine where we all end up in life: attitude, education and opportunity. This strategy proved critical in attracting Silicon Valley to Broadmeadows through a collaboration with information and communications technology leaders Microsoft, Intel and Cisco Systems, establishing an ideasLAB in Broadmeadows second only to London. Unfortunately the former one-term coalition government cut funding and the ideasLAB closed.

I am looking for new collaborations to bring the critical ICT opportunities and STEM courses and connections for the jobs of the future, critical in Broadmeadows as it evolves through deindustrialisation to create new industries, businesses and opportunities. This is particularly important now. We have a new opportunity with the Ford Motor Company. Even though it has completed its manufacturing in this community, it has reinvested in its innovation, because this is the best innovation that it has globally to design new cars. It is not in Detroit, it is not in the other two international hubs; it is in Broadmeadows. It has reinvested hundreds of millions of dollars; it has been designated as the Asia-Pacific leader. This is what we need to do to have these big-picture strategies, and then we need to be able to show everyday people how they fit into the big picture. What are the new opportunities in life? What are the new jobs? And how do we create that?

I want to congratulate the Andrews government on backing big-picture initiatives and the minister for his contribution and seeking to do this in a collaborative way, which is what we have done with the City of Hume over a long period of time to deliver better opportunities for the next generation, because they will underwrite prosperity, as they used to. We need to make sure that these communities do not become rust belts but become brain belts. That is the strategy that we are hoping to drive through the Andrews Labor government.

## Responses

**Mr FOLEY** (Minister for Creative Industries) — I thank the honourable member for Sunbury for his kind invitation, one of which I will certainly be taking up. It was very kind of him to point to many of the big items in the recent budget in regard to funding in the arts, cultural and creative sectors. But what the member for Sunbury was really talking about was that lifeblood of creativity and community capital that goes with the cultural sector. In our communities — such as Sunbury and communities across every part of Victoria, across every member's electorate — we see that Victoria is the creative state. The facility the member talked about up on the hill at Sunbury is one such facility at the heart of creative suburbs, which is part of the creative industries strategy that the honourable member referred to. I will be taking the honourable member up on his kind offer and look forward to joining him in Sunbury as soon as possible.

**Mr PAKULA** (Attorney-General) — The member for Gembrook raised a matter for the Minister for Education regarding funding for a mental health and wellbeing centre at Berwick Secondary College. I will pass that on.

The member for Mildura raised a matter for the Minister for Roads and Road Safety regarding the widening of the Hattah-Robinvale and Robinvale-Sea Lake roads. I will pass that on.

The member for Yan Yean also raised a matter for the Minister for Roads and Road Safety dealing with companion animals that are found deceased on the roadside. I will pass that on.

The member for Evelyn raised a matter for the Minister for Public Transport regarding the Level Crossing Removal Authority and Main Street, Lilydale. I will pass that on.

The member for Yuroke raised a matter for the Minister for Consumer Affairs, Gaming and Liquor Regulation seeking an update regarding vulnerable tenants and the property market. I will pass that on.

The member for Melton I believe raised a matter for the Minister for Roads and Road Safety. I have to say to the member for Melton that unfortunately I was unable to hear what the matter related to but I assume that Hansard picked it up, in which case it will be passed on.

The member for Eltham raised a matter for the Minister for Public Transport seeking community consultation regarding Montmorency station. I will pass that on.

The member for South Barwon raised a matter for the Minister for Local Government seeking a review of the postal vote process for the 2016 council elections. I will pass that on.

The member for Broadmeadows raised a matter for the Minister for Small Business, Innovation and Trade seeking a departmental meeting with community leaders in Broadmeadows regarding science, technology, engineering and mathematics. I will pass that on.

**The DEPUTY SPEAKER** — Order! The house stands adjourned until tomorrow.

**House adjourned 7.25 p.m.**

