PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 24 May 2018

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
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Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
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Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn[2]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent[3]	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio[4]	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma[1]	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John[5]	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David[6]	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison[7]	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard[8]	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[9]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma[10]	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Elected 31 October 2015
[2] Resigned 3 September 2015
[3] Resigned 3 September 2015
[4] ALP until 7 March 2017
[5] Nats until 28 August 2017
[6] Elected 14 March 2015
[7] Died 23 August 2017
[8] Elected 31 October 2015
[9] Resigned 2 February 2015
[10] Elected 18 November 2017

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 Noonan and Ms Thomson. (*Council*): Mr O'Sullivan, Mr Purcell and Ms Symes.

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

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

Electoral Matters Committee — (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence. (*Council*): Ms Bath, Ms Patten and 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*): Dr Carling-Jenkins and 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 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 Gepp 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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Thursday, 24 May 2018

The SPEAKER (Hon. Colin Brooks) took the chair at 9.33 a.m. and read the prayer.

NOTICES OF MOTION

Removal

The SPEAKER (09:33) — Notice of motion 11 will be removed from the notice paper unless members wishing their notice to remain advise the Acting Clerk in writing before 2.00 p.m. today.

DOCUMENTS

Tabled by Acting Clerk:

Gambling Regulation Act 2003 — Amendment of Public Lottery Licence under s 5.3.19

Statutory Rules under the following Acts:

Bail Act 1977 — SR 52

Children, Youth and Families Act 2005 — SR 53

Corporations (Ancillary Provisions) Act 2001 — SR 56

Heritage Act 2017 — SR 54

Supreme Court Act 1986 — SRs 56, 57, 58

Transport (Compliance and Miscellaneous) Act 1983 — SR 55

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 55, 56, 57, 58.

BUSINESS OF THE HOUSE

Adjournment

Ms ALLAN (Minister for Public Transport) (09:34) — I move:

That the house, at its rising, adjourns until Tuesday, 5 June 2018.

Motion agreed to.

MEMBERS STATEMENTS

Elishacare

Mr HODGETT (Croydon) (09:34) — I draw the attention of the Minister for Emergency Services to the plight of Elishacare in Croydon and the use of the former Croydon Metropolitan Fire Brigade (MFB) station in Croydon Road, Croydon. Elishacare is a not-for-profit community organisation and social enterprise aimed at rehabilitating drug or alcohol-affected persons, often with complex needs including poor mental health.

Elishacare restore hope and health through employment in their social enterprise, housing and support. The strength of their program rests with peer support provided by participants who have become free from addiction through their involvement with Elishacare.

Elishacare is the brainchild of former pastor Geoff Marsh. I often see Geoff in Main Street, Croydon, sitting having a coffee with people, and I stop and have a chat to ask how he is going. He is a remarkable man who does some wonderful work in and around Croydon.

Elishacare is currently based at the former disused MFB site in Croydon. I understand that they pay a peppercorn rent and that having a home base gives them the certainty to be able to continue their terrific work in Croydon. Late last year the site was considered for potential sale, and I intervened and advocated to the minister to allow Elishacare to remain at the site. The minister looked into the matters I had raised and the auction board came down, with the site no longer listed for auction.

I have now been alerted to the fact that Emergency Management Victoria is again considering the future of this site. I again raise this with the minister, asking that he provide some clarity about what is intended for this site. If Elishacare can continue to call it their home base, that would be the ideal outcome. If not, I ask the minister to assist with finding another suitable nearby location for Elishacare to continue their wonderful work. I will discuss this further with the minister at his earliest convenience.

Aboriginal child removal

Ms HUTCHINS (Minister for Aboriginal Affairs) (09:36) — I would like to begin by acknowledging the traditional owners of the land on which we meet. I would also like to pay my respects to elders past and present and to the elders of the community who are here with us today.

This Saturday, National Sorry Day, marks 21 years since the *Bringing Them Home* report was tabled in the commonwealth Parliament. On this day we remember and pay tribute to the strength and struggles of the many thousands of Aboriginal Victorians affected by government policies of the forced removal of children. We acknowledge the hardships they endured and

remember and lament all the children who will never come home.

I recently had the honour of meeting with Uncle Brian Morley, a member of the stolen generations, who is here today. Uncle Brian told me, and I use his words:

> I can only imagine the bewilderment I must have felt at what was going on, out of my control. Not content with removing us, they then split us up, thus continuing the great British strategy of divide and conquer that was used so effectively against the Indigenous peoples of this land. I suspect this was the start of the feelings of aloneness I have felt ever since. I was 60 not long ago, and I still feel that way at a core level. It will never subside, of that I can be certain. Always feeling alone.

As a state we say sorry for the pain endured by Aboriginal Victorian children, their families and their communities. We will continue to support services that reconnect families but acknowledge that these services alone cannot fully redress their suffering.

Trinity Lutheran College Mildura

Mr CRISP (Mildura) (09:37) — More than 20 years on, the Trinity Lutheran College Mildura Deutschfest continues to be a crowd favourite with the Mildura community, and it was my pleasure to attend again this year on 12 May. The event is a major fundraiser for the school, and in return attendees have a chance to indulge in kranskies, sauerkraut, German beer and Dutch pancakes while enjoying traditional dancing and a range of other entertainment. Congratulations to Trinity Lutheran College for another wonderful Deutschfest.

Mildura Field Days

Mr CRISP — This year's Mildura Field Days were held again last week and once again were a huge success. Each year the event draws more and more exhibitors, and likewise the crowd grows. The farming community tends to dominate on Friday, while families came along in droves on Saturday. Events such as this are a vital part of our community, and I congratulate the organisers for a successful event. Also joining me at the Mildura Field Days was Senator Bridget McKenzie, who took the opportunity to meet and discuss local issues and see in one place what Sunraysia is all about, as it was all on display.

John Burfitt

Mr CRISP — Mildura's serial fundraiser and supporter of families of children battling life-threatening illnesses celebrated his 65th birthday recently. I was honoured to attend the birthday celebrations for John Burfitt and reiterate the thanks of the community for a lifetime of service.

Robinvale District Health Services

Mr CRISP — It was my pleasure to join the board and senior staff of the Robinvale District Health Services at their inaugural board retreat. Over dinner we discussed a wide range of issues from GP shortages to specialist services and palliative care.

Steve McGhie

Ms HENNESSY (Minister for Health) (09:39) — I rise to record my appreciation of and extend my congratulations to Steve McGhie, secretary of the Victorian branch of Ambulance Employees Australia. Steve will retire very shortly, after an incredibly impressive career serving Victoria as a paramedic for 15 years and over two decades as an official of the ambulance employees union as assistant secretary and then secretary. Steve has been an incredibly passionate advocate for his profession and particularly for patients. He has championed issues such as work value, occupational violence and improvements to the mental health of paramedics.

Steve has been an absolute delight to work with in the ambulance services portfolio. He has been a formidable representative on behalf of his members and his persistent and tenacious advocacy has secured incredibly important improvements on behalf of his membership. Some of those things include the very successful Code Red campaign that highlighted the parlous state of ambulance services in Victoria under the previous government and played a very significant role in securing improvements and reform in ambulance services. Steve secured recognition and remuneration of work value changes for paramedics. He has secured important investment and awareness in the mental health of paramedics, and has done enormous amounts of work to mainstream mental health as a core occupational health and safety issue. Finally, he has achieved the important recognition of paramedics through national registration. Steve is a lovely bloke and I wish him all the best.

Ferntree Gully News

Mr WAKELING (Ferntree Gully) (09:40) — I had the pleasure to attend the recent volunteers thankyou night for the *Ferntree Gully News*. I wish to place on record my congratulations to Anne Boyd and the team at the Mountain District Learning Centre, as well as all the volunteers who have put together this fantastic local community newspaper. Well done to all involved.

Upper Ferntree Gully Football Netball Club

Mr WAKELING — I was pleased to join the Leader of the Opposition and John Schurink, the Liberal candidate for Monbulk, for the announcement of a $500 000 upgrade to Kings Park, the home of the Upper Ferntree Gully Football Netball Club. The announcement was warmly received, including by the junior members of the club who will undoubtedly make great use of this facility.

Fairhills High School presentation ball

Mr WAKELING — Congratulations to all who attended Fairhills High School presentation ball. It was a great evening and I congratulate all the students who were involved for a fantastic night.

Cape Otway Lightstation

Mr WAKELING — I also wish to place on record my condemnation of this government for the shameful way they have botched the handling of the Cape Otway Lightstation tendering process. The government wrote to the current contractor to indicate that the expression of interest process which was underway would be scrapped and that the current operator would lose their business. Then Parks Victoria came out yesterday saying that that in fact is not the case. The minister needs to stop hiding and explain to Victorians what is going on and why this important business is going to lose their contract.

Point Lonsdale Tennis Club

Ms NEVILLE (Minister for Police) (09:42) — On Monday, 14 May, I was pleased to open the court resurface and lighting upgrade project of the Point Lonsdale Tennis Club. The Point Lonsdale Tennis Club is a great club that boasts 600 members and is considered to be in the top 10 clubs across the state. Since its formation in 1931, the club has gone from strength to strength. In 2005 the club installed artificial grass courts and lights, which I was also pleased to open and to fund. This current upgrade of $190 000 was totally funded by the club through its hardworking, committed members. I take this opportunity to congratulate all those members, led by president Ian Britton and his committee, including club coach Denis Day and club stalwart Cynthia Moore, who remarkably has been a committee member for 60 years.

Leopold community hall

Ms NEVILLE — On another matter, on Monday, 21 May, I had the pleasure of visiting the Leopold community hall to announce a community support fund grant of $75 400 to construct a storage room, to free up greatly needed floor space for users. The Leopold hall was built in 1893 and ever since has played an important and integral role in community life. In 2007 I was pleased that we were able to get a state grant of $102 000, which allowed for significant upgrades. Today the hall is utilised by hundreds of locals each week from young to old. I was very pleased to have got this latest funding, and I want to thank president Kevin Smith, vice-president Graeme Peacock and secretary Gordon Dendle.

Forest Hill electorate housing

Mr ANGUS (Forest Hill) (09:43) — This morning I want to raise with the Minister for Housing, Disability and Ageing a matter requiring attention. The minister needs to resolve the matter that I first wrote to him about on 20 October 2017 and a further two times subsequently. The issue is that there are several department-owned properties in a street in the suburb of Blackburn South in the Forest Hill electorate where over the last couple of years there have been regular problems and disturbances from the occupants of those properties and some of their visitors.

The minister replied to me late last year and advised, and I quote:

> … that the concerns raised have been investigated by departmental staff and action has been taken …

However, local residents have contacted me several times to advise that there continues to be inappropriate and antisocial behaviour occurring at the properties in question. They have also advised me that one of the neighbouring department-owned properties appears to be vacant most of the time, with occasional visits over weekends.

I am also advised that the current residents and their visitors often behave in an antisocial way and are causing angst and distress for local residents on an ongoing basis. The antisocial behaviour of the tenants and their visitors include hooning in cars, motorbikes and monkey bikes; drug taking; having assorted rubbish strewn around the property; and general inappropriate behaviour. Police are regularly called out to the various properties and have attended there multiple times in the last year. I have been advised by one of the local residents that police have raided one of the properties several times.

I ask the minister to urgently resolve this issue by having these matters properly investigated with a view to restoring the amenity of the neighbourhood for the

nearby residents. I look forward to hearing from him in regard to this matter.

Rotary Club of Keilor East

Mr CARROLL (Minister for Industry and Employment) (09:45) — On Monday, 21 May, I had the pleasure of attending the Rotary Club of Keilor East's annual vocational awards night, the Pride of Workmanship awards. Every year I am invited by my local rotary club to attend this special night to present the awards in honour of local people, irrespective of age, gender or vocation, who show a distinct quality in their approach, attitude and dedication to their vocation.

This year there were three recipients of Pride of Workmanship awards, including Emily Klimes, property manager, Pennisi Real Estate, recognised for her — and I quote — 'intelligence, charm, hard work and diligence', and for finding solutions to the odd difficult tenancy issue; Tania Mullen, a veterinarian at Essendon Veterinary Clinic, recognised for her care, attention and comprehensive professional service at the local pet care veterinary clinic, aided by wonderful staff, including her sister, Libby; and Brian Stanley, pharmacist at Lincolnville Pharmacy in East Keilor, for his excellent customer service and who, in the words of John Walsh, his nominator, 'goes out of his way to satisfy his customers and ensures they understand their prescribed medications'. I very much enjoyed the night and hearing about the awardees' backgrounds.

The night also had a real Rotary feel about it, with its theme of 'making a difference' and the presence of representatives from the Rotary Club of Brimbank Central, including president John Youings and his wife, Marjorie; John and Barbara Rafter; Michael Donnelly; Lilian Shaker; Terry Badenhope; and, last but not least, Sam Pennisi from the Rotary Club of Essendon North.

Well done to all involved on this wonderful night, in particular president Ginny Billson, past president Joe Albioli, vocational services director Bob McMartin, secretary Chris Rundell, photographer Yvonne Osborn, raffle organiser Annie Webb and all Rotarians who belong to the Keilor East rotary club and who make it such a wonderful club and wonderful local institution in our local community.

Merrimu disability housing forum

Mr NARDELLA (Melton) (09:46) — On Monday I attended a disability housing forum organised by Merrimu and its CEO, Ms Frances O'Reilly. Many carers attended to listen to Mr Ross Coverdale of Araluen disability services in Eltham and Ms Ann-Maree Davis from Amicus in Bendigo.

The forum was extremely interesting. Mr Coverdale talked about striving for a better life for people rather than just for a house to live in, with all the pitfalls and issues that this sometimes brings. He talked about how some people manage to get a room at a community resource unit but then have a terrible life because the people they are with are not compatible. He also discussed the national disability insurance scheme, housing options and funding, like specialist disability housing, and how to negotiate this. Supported independent living was also discussed and how the funding will sit with the person. Ann-Maree talked about the projects Amicus have been involved in and how they are also changing lives for the better. For all carers, parents and families, housing and accommodation are critical, as Mr Coverdale said, 'to have the best chance to get a good life'. The film *Best Boy* from the 1970s talked about the trauma of older parents looking after their son. I recommend that film to members.

Ramadan iftar dinner

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (09:47) — Last weekend I was invited by the Thomastown mosque, along with federal member for Scullin Andrew Giles, mayor of Whittlesea City Council Cr Chris Pavlidis and Cr Tom Joseph, to the fourth annual community leaders' iftar dinner to celebrate the Muslim holy month of Ramadan.

Ramadan is a very special time for our community. It is a great time for us to come together and practise values of compassion, empathy and togetherness. Core to Ramadan tradition is of course fasting. This act has many symbolic meanings that translate to how we should live life. The pangs of hunger and thirst remind us of our own good fortune and that we must do what we can to help those in need. Ramadan also has a strong tradition of self-reflection. Through it all of us, regardless of faith, can choose to do more to help those more vulnerable and in need of a helping hand. Through the night it was warming to see the community reflect on what we love and what we can improve on. It was a truly magnificent traditional display and exemplified the strength of the northern suburbs' cultural diversity. I would like to take this opportunity to thank the Thomastown mosque for their invitation and hospitality. It was a rewarding experience for me and others.

Nonne, Images through Generations

Ms D'AMBROSIO — I also take the opportunity to thank Co.As.It for inviting me to launch the *Nonne, Images through Generations* exhibition two weeks ago. The exhibition highlighted the role of the 'nonna' or Italian grandmother in Italian-Australian migration history. It is one of five similar exhibitions across the community in Victoria — including Chinese, Greek, Jewish and Islamic versions — that really bring to light the importance of grandmothers in all of our lives.

Gippsland South electorate fire brigades

Mr D. O'BRIEN (Gippsland South) (09:49) — In this volunteers week it is a pleasure to rise and thank, and to support, our wonderful volunteers throughout the community. Whether it is the State Emergency Service, the Country Fire Authority, the coast guard or local sporting clubs and community groups, our volunteers make an enormous contribution to our communities, particularly in country Victoria.

That is why I am so pleased to have announced that The Nationals will commit $2.1 million to build a new Mirboo North fire station to better support the volunteers that keep the Mirboo North community safe. We also need new stations at Foster and Yarram, and I continue to lobby the government to deliver these. I have written to two different ministers and raised these stations in Parliament and in local media, yet we still have no action from the Labor government on these important projects. Our volunteers should not have to put up with outdated, unsafe facilities. It is time Labor stepped up for Mirboo North, Yarram and Foster.

Fish Creek Tea Cosy Festival

Mr D. O'BRIEN — There were also volunteers aplenty behind the Fish Creek Tea Cosy Festival, which I had the pleasure of opening on Saturday. This is a fantastic, whimsical event that has attracted support and entries from across the country. Indeed there were visitors in Fish Creek at the weekend who had literally driven from Queensland and central New South Wales to attend the festival. Sadly, my own entry in the men's section did not rate a mention by the judges, but I am proud to support this great little community event. The festival had a full program of events all week and continues this weekend, so I encourage people to get on down to Fish Creek and enjoy the fun as well as all the wonderful food, wine and natural beauty that South Gippsland has to offer.

Princes Highway east

Mr D. O'BRIEN — Finally, I again urge the government to fund the $33 million needed for the final two stages of the Princes Highway duplication between Traralgon and Sale. It is a disgrace that this project will grind to a halt due to Labor's failure to fund it. It is a decision made all the more ridiculous by the fact that the commonwealth, through Darren Chester, has committed its 80 per cent share of $132 million.

St Luke's Primary School

Ms HALFPENNY (Thomastown) (09:51) — On 15 May I attended St Luke's Primary School to visit the grade sixers. I was a little apprehensive when I was advised that I would be interviewed by all of the grade 6 students. Fortunately they were very gentle with me. I was very impressed by the thoughtful and insightful questions they asked, and I was also very impressed with the knowledge of the students, which is no doubt a credit to their teachers and families. The students were very engaged and very aware of the community in which they live. At the end of the interview we had a general discussion on issues of the neighbourhood. I now have a list of issues that I have to address. I am working through them all, and I will be getting back to the students in the next couple of weeks. I thank St Luke's Primary School, principal Franca, all the teachers and staff and of course especially the students for the warm welcome I get when I go there.

Voula Vlahopoulos

Ms HALFPENNY — I would also like to say that it was very sad to hear the news that Voula Vlahopoulos, the wife of Peter Vlahopoulos, a long-time and very loyal Labor Party branch member, had passed away last weekend. My condolences and sympathy go out to Peter and his family on this very sad occasion. Voula, you will be a great loss.

University of the Third Age Hawthorn

Mr PESUTTO (Hawthorn) (09:52) — On 16 May I had the pleasure of attending the annual general meeting of the Hawthorn University of the Third Age (U3A) in my electorate, where I was present at the election of the new committee for 2018. I would like to place on record my thanks to the new committee for this year for their hard work: President Peter Hardham, with a committee supported by Linda Baynham, Meg Adams, Norm Fary, Bruce Lancashire, Irving Miller, Stefanie Sowerby, David Bennett, Sue Waller, Frank Egan, Ruth Muir, Nathan Feld and Ian McKenzie. In particular I would like to acknowledge on behalf of the

entire Hawthorn electorate the great work of Meg Adams, who has been president for a number of years and has taken Hawthorn U3A from strength to strength. She is a former Boroondara Citizen of the Year and an absolute stand-out in our local community.

I also want to recognise the great work of the U3A itself. It was established in 1984 and is one of the more longstanding U3As in our community. U3As are so vital. They provide adult recreational activities for retired and semiretired people. In terms that I would like, there are no entry qualifications or examinations, so I am seriously thinking about Hawthorn U3A for myself. I want to place on record my appreciation of all the work of the great volunteers at Hawthorn U3A, who do a great job for our local community.

Anzac Day

Ms SULEYMAN (St Albans) (09:53) — Recently I had the honour of travelling to Gallipoli to commemorate Anzac Day at Anzac Cove and Lone Pine and attending a number of ceremonies, along with Australian, Turkish, New Zealander, British and French visitors. Gallipoli has a special place in our hearts and in the history of our two nations. Our delegation was particularly moved by the way that Turkey had cared for our fallen troops and how those Gallipoli campaign battle sites have been preserved. It was moving to witness so many nations coming together to pay their respects at a place where such tragedy and heartache occurred more than 100 years ago. On Anzac Day I laid a wreath and placed some poppies on behalf of my local Sunshine RSL at Anzac Cove and Lone Pine.

Turkey displayed the very best aspects of the relationship between Turkey and Australia in the manner in which all of the ceremonies were conducted and organised with full respect and care. I would sincerely like to thank the Turkish government and especially the Governor of Çanakkale, Orhan Tavli, for their enormous support of our delegation. Their hospitality was exceptional, and we extend our gratitude for our moving visit to Turkey. Finally, I would also like to thank Baris Atayman, the secretary of the Australian Turkish Advocacy Alliance, for organising and facilitating this wonderful, moving Anzac delegation.

Cystic Fibrosis Geelong

Mr KATOS (South Barwon) (09:55) — I was pleased to be able to attend and support the cystic fibrosis fundraising gala dinner event last Saturday evening in Geelong. Held at The Pier Geelong, with several hundred people in attendance, this event was an absolute success, raising much-needed funds for cystic fibrosis research. With table lotto, silent auctions, live auctions and wine walls, there was plenty happening to ensure that every cent was donated to a worthy cause. I would like to congratulate the entire team, support crew and dedicated volunteers of Cystic Fibrosis Geelong, especially Leann Tremul, for her work and leadership and for highlighting to me the important motto, 'Make CF stand not for cystic fibrosis, but for "cure found"'.

Our Women Our Children

Mr KATOS — On Friday evening I was pleased to support Our Women Our Children volunteers and the Barwon Health Foundation by attending the fundraiser dubbed 'My Big Fat Greek Wedding'. Held at the Greek restaurant Mavs in Geelong, there was plenty of fun at the event with mock groom Darryn Lyons and mock bride Elissa Friday ensuring that vital funds were raised for the hospital. I would like to congratulate Monique Holmes-Richardson, president of Our Women Our Children Geelong, and MC and committee member Angelo Kakouros on a successful night and of course the staff and owners of Mavs Geelong.

Torquay Cup

Mr KATOS — Last Friday afternoon, 18 May, I was pleased to attend the annual Torquay Cup at the Geelong Racecourse with many Surf Coast and Geelong locals. Held as a race meet fundraiser for local organisations, and joining with many, the day, as always, kicked off with great excitement and the knowledge that this year the Spring Creek Community House was the chosen charity. They are, at the moment, raising money to improve their IT rooms. Congratulations to Warwick Brown and all the team at the *Surf Coast Times* for putting on a great event.

Josh Davis

Ms WARD (Eltham) (09:56) — I thank my local community for opening up their hearts and wallets to support a local young man, Josh Davis. Twenty-five-year-old Josh, who loved playing rugby in Eltham, was involved in an accident on the river, leaving him paralysed. As I have seen so many times before in my community, people have rallied around Josh and his family to offer love, support and kindness to help them transition to the demands of daily life. An amazing fundraiser was held recently at the Eltham Community and Reception Centre in support of Josh, raising over $60 000.

Not only did immediate family and friends work around the clock to create a fantastic event but Eltham

Rugby Club, including club president Tim Adams, also put in long hours to prepare for this event. Eltham Rotary, the Eltham Men's Shed and Diamond Creek Men's Shed also put in many volunteer hours to help with car parking, the silent auction and the raffle, among other activities. Across the state, people also stepped up, donating an amazing array of items for the silent auction. I was unsuccessful with some bids but thankfully successful with others, including a beautiful platter made by a local potter Mary-Lou Pittard and artwork by Ona Henderson. The night was a sellout, with fantastic entertainment including by MC Marty Fields. A big thankyou to everyone who has supported Josh and who raised this extraordinary amount of money.

Lions Club of Eltham

Ms WARD — Recently I visited the Eltham Lions Club, and I thank them and president Peter Talbot for their hospitality. I thank them for their wonderful community work and support in many local areas, including Community and Volunteers of Eltham and Eltham High School (EHS). This includes their centennial project, the aim of which is to leave a lasting legacy in local communities. The Lions Club of Eltham has been involved with EHS for the past five years, helping to provide breakfast or lunch for students in need. Eltham Lions intends to continue funding this project into the future, with the suggested title of the Eltham High School Wellbeing Fund, which encapsulates the aim of this project.

One of their newest projects is teaming up to have a working bee to paint meeting rooms for Hearts in Mind, a support group for mothers with children with disabilities. I wish to congratulate everyone involved with Eltham Lions Club. They make an important contribution to our community.

Stock theft

Mr TILLEY (Benambra) (09:58) — Farmers across the state are in crisis. They are battling a rising tide of stock theft — and mostly on their own. These people who produce our meat and our wool have seen their industry buoyed by overseas interest that has turned into a double-edged sword. Their stock is now worth big money: upwards of $1000 for cattle, and lambs are worth a small fortune. On the other hand they are also a lucrative cash cow for those who might steal them. The default position of this government is to refer these matters to our agricultural liaison officers, but they are finding it increasingly difficult to deal with the additional workload as well as the increasing complexity and sophistication of rural crime. This city-centric government does not understand that farmers have to juggle the competing demands of stock theft with other crime. Neither is less important, but one is easier to prosecute. Recently a court heard the case of an alleged stock theft. The farmer claims to have lost up to $300 000 in value of head of cattle, but the case rested only on a handful that could be traced to his property by DNA. The limitations of the courts and this government to understand farming and the limited resources available to police to prove their case saw it watered down to a minor misdemeanour.

I am not sure who was innocent or guilty, but the case highlighted the system's failings. There are 64 agricultural liaison officers, but such is the frailty of their network that at a recent meeting some of these were introduced for the first time and swapped phone numbers to keep in contact. The level of crime is astounding — some estimates are millions of dollars a year.

Emergency services

Mr EDBROOKE (Frankston) (10:00) — Our police, paramedics, firefighters and other emergency services workers put their lives on the line every day to keep us safe, and it is unacceptable that they should be attacked or assaulted just for doing their job. Unfortunately I can tell you that it has been seen as an acceptable workplace hazard when it just is not. I am proud that the Victorian Premier met with representatives from the Police Association Victoria and Ambulance Employees Australia. The Labor government has agreed to introduce reforms to the Parliament in the coming weeks, meaning that these offences will be treated in the same category as rape and murder. If you injure an emergency services worker, then jail means jail. There are no excuses. Like most emergency services workers and like other members in this place I experience the threats and assaults, and I want this bill passed as soon as possible.

McClelland College

Mr EDBROOKE — It was very exciting to help the McClelland College community turn the first sod on their $5.8 million Andrews Labor government-funded stage 1 works, which include the construction of a new competition-grade gym and the refurbishment of existing amenities; refurbishing the science wing, the trades block and the science, technology, engineering, arts and mathematics room; and also refurbishing the staffroom. Many thanks to the school principal, Amadeo Ferra, for his vision and commitment to the project and to K2LD Architects for their fantastic work.

Frankston High School

Mr EDBROOKE — I was honoured to be a guest at the 2018 Frankston High School debutante ball. Every year I sit with the principal, John Albiston, and the school staff, bursting with pride at our students, who work so hard to make the night a success. The impromptu dance-offs were always a personal highlight of mine.

National Volunteer Week

Mr EDBROOKE — Of course this week is National Volunteer Week, and I would like to put on record my appreciation of all the volunteer groups that make our community great, including, but not exclusively, the Country Fire Authority, the Victoria State Emergency Service —

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

National Volunteer Week

Mr RIORDAN (Polwarth) (10:01) — This week is National Volunteer Week. The Polwarth electorate, like so many areas of Australia, relies on the hard work and commitment of its local volunteer groups, from the Country Fire Authority, the Victoria State Emergency Service, surf lifesavers and volunteer paramedics who keep us safe; to the mums, dads and stalwarts at our various sporting clubs who turn up week in and week out to keep the community going; to external groups who come to our communities at a time of crisis like the Red Cross, chaplaincy groups and of course the large band of BlazeAid volunteers who can all pack up their lives and move to a community that is struggling and give hours, days and weeks of their lives to help others whom they have never met before. Thank you. As a member of Parliament, I know only too well that a community like mine in Polwarth would just never function without the resources and the energy of all the volunteers.

Total Livestock Genetics

Mr RIORDAN — It is not often that businesses in my electorate are talked about in China, but I expect it will be a growing phenomenon. I was pleased to hear that a real industry leader, Total Livestock Genetics, recently won the Business Excellence Award for Agriculture, Food and Beverage in Shanghai, China, at the 2018 AustCham Westpac Australia-China Business Awards on 17 May. The award recognised the business's strong commitment to and leadership in Australia-China business. Total Livestock Genetics, established in 1989 from humble beginnings, is today one of the largest livestock embryo and semen collection centres in Australia, and it further adds to a growing and diverse industry and workforce in regional Australia and in Polwarth in particular.

National Volunteer Week

Mr HOWARD (Buninyong) (10:03) — To mark National Volunteer Week I would like to take this opportunity to recognise the important work of volunteers across the communities within the Ballarat region. It is a highlight of my role to interact on an almost daily basis with volunteers contributing in so many ways to the wellbeing of others.

When thinking about volunteers, many people think first of the important contribution made by our Country Fire Authority (CFA) volunteers, and with 31 CFA brigades across my electorate that represents more than 1000 volunteers alone. But adding to that are thousands more in Ballarat, Ballan, Buninyong and the surrounding towns: volunteers in the Victoria State Emergency Service, at sporting clubs, at men's sheds and at op shops; volunteers who visit hospitals or older residents in their homes, bringing meals on wheels and supporting people with special needs at community houses and at women's refuges; volunteers at schools supporting school reading and breakfast clubs; L2P drivers; mentors; Landcare volunteers; volunteers organising community events or undertaking fundraising; RSLs; the Red Cross; and Lions and Rotary clubs. The list goes on.

I was pleased to visit the Ballarat Fish Hatchery last week, where volunteers at the Ballarat Fish Acclimatisation Society have been rearing trout to stock Lake Wendouree and so many other lakes, dams and waterways for nearly 150 years now. Volunteers give up their time, their energy and their hard work to serve our community, and for the most part I believe they enjoy their volunteering and the social opportunities it brings.

Country Fire Authority Edithvale brigade

Mr RICHARDSON (Mordialloc) (10:04) — I would like to pay tribute to the Edithvale Country Fire Authority (CFA) station and their wonderful volunteers as part of National Volunteer Week. They do an extraordinary job in our local community. The new CFA building, which will be open soon, is a fantastic addition to support them in the critical work they do.

LOCAL GOVERNMENT BILL 2018

Statement of compatibility

Ms KAIROUZ (Minister for Local Government) 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 Local Government Bill 2018.

In my opinion, the Local Government Bill 2018, 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 the Local Government Bill 2018 ('the Bill') is to create, empower and regulate local government within the State. Local government is an essential component of the Victorian constitutional system and the right to participate in public life contained in section 18 of the *Charter of Human Rights and Responsibilities Act 2006* ('the Charter').

Section 74A(1) of the *Constitution Act 1975* provides that local government is a distinct and essential tier of government consisting of democratically elected councils having the functions and powers Parliament considers necessary to ensure the peace, order and good governance of each municipal district. This is a broad mandate that promotes the right to participate in public life.

Section 18 of the Charter establishes a right for an individual to participate in the conduct of public affairs, directly or through freely chosen representatives, to vote and be elected at municipal elections, and to have access to public office without discrimination. The Bill creates the framework that helps underpin this right in relation to municipal elections for public office and the public affairs of councils.

The Bill will replace the *Local Government Act 1989* with a modern, principles based legislative framework for the establishment and administration of a system of local government in Victoria.

The proposed reforms seek to address deficiencies in the current Act which has been extensively revised and altered over the past 25 years. This has led to parts of the Act becoming ambiguous and inconsistent, unnecessarily prescriptive and in some cases redundant. The new framework will address this by providing a more contemporary, accessible and plain English Act.

Additionally, the Bill seeks to revitalise local democracy through facilitating greater participation by candidates, voters and citizens in council activities and promoting a greater understanding and value for the role of councils as democratically elected bodies. This is intended to strengthen the right to participate in public life.

A key feature of the Bill is to more clearly define the outcomes required of councils through a new governance framework while simultaneously giving councils more autonomy in achieving these outcomes. This will be balanced by reinforcing council integrity and requiring councils to give effect to the principles based governance framework.

As a result, councils are given broad powers that could potentially engage or limit Charter rights in their specific exercise. For example, Part 3 of the Bill empowers councils to make local laws in relation to any matter for which the council has a function or power and Part 5 of the Bill empowers councils to levy rates and charges on rateable land.

While the Bill enables councils to exercise these defined powers, the Bill itself does not establish the local laws or levy rates. When exercising these powers, however, councils are required to consider the human rights set out in the Charter in accordance with their obligations under that Act. The Bill clarifies this in relation to local laws by providing that a local law must not be inconsistent with the Charter. In addition, the Bill provides the Minister and the Chief Municipal Inspector with appropriate oversight mechanisms to ensure that councils and councillors do not breach their obligations in relation to the Charter or other legislative requirements.

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill

Right to participate in public life — section 18

The Bill promotes the section 18 right to participate in public life (as described above) by establishing councils and providing for the holding of municipal elections. The Bill creates, defines and promotes the essential components of the right to participate in public life as they relate to local government, both in regard to participation in public affairs in municipalities and in relation to voting and being elected at municipal elections.

The Bill provides the legislative framework for establishing and constituting councils, conducting democratic elections for representative councillors and requiring councils to provide key strategic information to their communities and consult with them on decisions. The Bill therefore strongly promotes the right to participate in public life under section 18 of the Charter.

Clause 12 of the Bill promotes the right to participate in public life by providing that a council consists of its councillors who are democratically elected in accordance with the Bill.

Part 2 of the Bill engages and to some extent might limit the right to participate in public life by providing for the qualification to be councillors, as well as the disqualification of councillors, and the removal of Mayors and Deputy Mayors in defined circumstances. These limitations are reasonable and justified under section 7(2) of the Charter in order to ensure the suitability of candidates, elected representatives and of mayors.

Clause 32 of the Bill limits the right to participate in public life by providing that only persons who are 18 years of age, eligible citizens and who have a sufficient connection to the council to be on the voters' roll are qualified to be a councillor. These limitations are reasonable and justified under section 7(2) of the Charter to ensure that as holders of public office, councillors have a sufficient level of maturity and connection to their municipality.

Additionally, clauses 32 and 33 may limit the right because they provide grounds for which an individual will not be qualified to be a councillor and will cease to hold office. However, these grounds are reasonably limited and relate primarily to the commission of offences under the Bill (such as failing to disclose a material conflict of interest) or are of such a serious nature (such as being disqualified from managing a corporation) that they are necessary to ensure the integrity and good governance of the sector.

Clause 19 of the Bill impacts on the right to participate in public life by providing the mayor with the power to direct a councillor to leave a meeting in accordance with the meeting rules. This restriction is reasonable and necessary to prevent councillors from disrupting council meetings and can be balanced against the rights of other councillors and the community to participate in public life by providing for the orderly conduct of meetings.

Clause 23 of the Bill may limit the right to participate in public life by providing that a council may declare the office of Mayor or Deputy Mayor serving a two-year term to be vacant, such as where the council deems the Mayor or Deputy Mayor incapable of performing their role as Mayor or Deputy Mayor. This possible restriction is reasonable and necessary to ensure that the person selected by councillors to be the Mayor or Deputy Mayor of a council for at least two years is able to take a leadership role on behalf of the councillors. It is limited in its impact to only those instances where three quarters of the councillors have voted to remove the Mayor or Deputy Mayor from office and does not affect their right continue in office as a councillor on the council.

Clause 33 of the Bill promotes the right by extending the period during which a councillor can be absent from meetings of the council to a period of 6 months if the absence is a result of the councillor becoming a parent. Clause 41 also promotes the right by requiring councils to make available to councillors the resources and facilities reasonably necessary to enable them to effectively perform their role and functions having regard to the support a councillor may need because they have a disability or are exercising a caring responsibility.

Clauses 54 and 56 of the Bill promote the right to participate in public life by requiring councils to have a community engagement policy and a public transparency policy and to implement community engagement and public transparency principles, which will require councils to engage with their communities and to be open and accountable to them.

Clause 63 of the Bill promotes the right to participate in public life by promoting community engagement and access to council meetings. Clause 63 of the Bill also impacts on this right by providing for the closing of council meetings to hear confidential matters, for security reasons or where necessary to enable the meeting to proceed in an orderly manner. This might interfere with the right to participate in public life but is likely reasonable and justified under section 7(2) of the Charter. For example, in order to protect another person's right to privacy and reputation in relation to the disclosure of personal information and to protect the interests of council in relation to other defined confidential matters (such as commercial in confidence tenders for contracts). Meetings are to be open to the public unless the above specified circumstances apply. The ability of councils to close meetings is limited to defined circumstances where it is reasonably necessary for public interest purposes.

Part 7 also limits the right to participate in public life by providing for the suspension of councillors from office under certain circumstances, such as where a councillor conduct panel has found that they have committed misconduct or serious misconduct under clause 201 of the Bill. However, the limits on this right are likely to be reasonable and justified under section 7(2) of the Charter to ensure that councillors, as democratic representatives and decision makers, are capable of performing their duties with integrity and doing so in a manner which is respectful to others. Part 7, Divisions 5, 6 and 7 have procedural protections for the councillor conduct framework, including a structured, tiered system of independent arbitration, panel hearings and Victorian Civil and Administrative Tribunal (VCAT) hearings, with each successive body hearing more serious matters and with greater disciplinary powers.

Part 7, Division 2 might also impact on this right by providing that councillors must remove themselves from decision making where they have a conflict of interest. The limitation on this right can be balanced against ensuring the important public purpose that council decisions are made fairly and impartially and that public office is not misused.

Part 8 of the Bill promotes the right to participate in public life by ensuring that councils provide good governance, act lawfully and are accountable for their exercise of State power. In order to achieve this, Part 8, Divisions 6 and 7 of the Bill contain oversight measures which might limit the right to participate in public life by providing that the Minister may recommend that the Governor in Council suspend a councillor or suspend all of the councillors of a council in specified circumstances. However, it is noted that the powers contained in Part 8 of the Bill are narrowly tailored to ensure that any exercise of the powers is subject to sound procedural protections and only utilised in the most serious of cases.

For example, the powers for the Minister to recommend the suspension of a councillor or of an entire council can only be exercised where there has been an identified, serious failure of good governance. Any limitations on a councillor's rights in such circumstances can be balanced against the strong public interest in ensuring the appropriate exercise of statutory powers by councils and the appropriate undertaking of public functions by councillors. Given the problems in the past with governance failures at councils and the associated costs to their communities, it is essential that the State Government have oversight to ensure that councils provide good government, act legally and comply with the requirements of their empowering legislation.

Part 8 of the Bill promotes the right to participate in public life by providing for a Minister to appoint or recommend the appointment of persons to public roles including, as a Commissioner on a Commission of Inquiry, as an Administrator for a suspended council, municipal monitor and Chief Municipal Inspector. These are important public roles related to ensuring the integrity and good governance of the sector.

Clauses 235 and 261 may limit the right by providing circumstances where the office of Commissioner on a Commission of Inquiry or as an Administrator for a suspended council will be vacated. Any limitation is reasonable and necessary in order to ensure that Commissioners and Administrators are appropriate persons to discharge the important public roles for which they have been appointed and include serious occurrences such as convictions for indictable offences or bankruptcy.

Part 9 of the Bill promotes the right to participate in public life by ensuring the free and fair conduct of council elections.

This Part contains comprehensive provisions which deal with the right to vote in elections, the process of and right to nominate as a candidate, the conduct of elections and counting of votes and a process for disputing election results.

Part 9, Division 1 promotes the right to participate in public life by providing for the eligibility of persons to vote in council elections. However, the Division may also restrict the right by limiting the eligibility of individuals to vote in elections by providing the criteria for who is eligible to be enrolled to vote in a particular municipality. Any impact on a person's eligibility to participate in an election can be balanced against the important public purpose of ensuring that persons who vote in council elections have a sufficient connection to the municipality and are of a sufficient level of maturity.

Clauses 339 and 340 of the Bill promote the right to participate in public life by providing for the review of council elections where the results are disputed. This promotes the right to participate in public life by ensuring that there is a forum for determining the accuracy of declared election results.

Right to freedom of expression — section 15

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether — orally or in writing; or in print; or by way of art; or in another medium chosen by him or her.

Part 3, Divisions 1, 2 and 3 promote the right to freedom of expression by providing open forums for councillors to discuss matters affecting their municipalities, requiring councils to consult with their communities on matters and providing individuals with the opportunity to make submissions on matters which affect them. This ensures that the voices and opinions of the community members and participants in the local government system are heard.

Division 2 might also contain some restrictions on the right to freedom of expression but these restrictions are imposed primarily to promote other rights, such as the section 18 right to participate in public life and the section 13 right to privacy and reputation.

Clause 19 of the Bill may limit the right by providing that the Mayor of a council may order a councillor to leave a council meeting in accordance with meeting procedures. This limitation is reasonable and necessary to prevent councillors from severely disrupting council meetings and therefore not unduly limit the rights of other councillors to participate in orderly council meetings.

Clause 63 of the Bill promotes the right to freedom of expression by requiring councils to conduct open meetings. However, the clause may also impact the right, particularly of members of the public, by providing for closed meetings of the council. However, special responsibilities are attached to this right (see section 15(3)) and the right may be subject to lawful restrictions to respect the rights and reputation of other persons (including the earlier mentioned provisions regarding the need to protect people's privacy rights in relation to closed meetings).

Part 3, Division 1 promotes the right to freedom of expression by requiring councils to consult with their communities in line with community engagement principles and to develop community engagement and public transparency policies.

Clause 163 of the Bill may impact the right to freedom of expression by penalising the unauthorised disclosure of confidential information by councillors, members of committees and members of council staff. The provision is, however, necessary in order to protect the right to privacy and reputation of individuals where the council has their private information and to otherwise protect information which is confidential, such as business information or legal advice. Any limitation of the right is reasonable and proportionate because it is necessarily limited to only preventing the unauthorised disclosure of information which is of a type which should remain confidential.

Clauses 217, 232 and 233 of the Bill may impact the right to freedom of expression by providing that the Chief Municipal Inspector may require a person to appear before them for examination under oath or affirmation and penalising them for failing to comply or making false or misleading statements. Any limitation on the right is reasonable and proportionate as the power is necessary to enable the Chief Municipal Inspector to thoroughly investigate alleged breaches of the Act and there are protections in the provision allowing persons to not comply with a request if they have a reasonable excuse, such as that the request would require them to incriminate themselves.

Clauses 240 and 241 of the Bill may impact the right to freedom of expression by providing that Commissions of Inquiry may serve written notice on a person to appear and give evidence to it. Any limitation on the right is reasonable and proportionate in order to allow Commissions to conduct thorough investigations into matters of serious concern at councils. The provision has procedural protections, including that written notice must be served and that persons do not need to appear before the Commission if they have a reasonable excuse, such as that the request would require them to incriminate themselves or that they are unable to attend on a particular date.

Clauses 249 and 250 provide additional protections to persons who appear before a Commission of Inquiry including that witnesses and legal practitioners who represent witnesses have the same protections as witnesses and legal practitioners who appear before the Supreme Court and that otherwise incriminating evidence voluntarily provided to a Commission may only be used in limited circumstances.

Clause 246 provides that a Commission of Inquiry may make an order that prohibits persons publishing information identifying persons testifying to the Commission or that is before the Commission. Any limitation is necessary to protect individual rights to privacy and reputation and to protect the confidentiality of information provided to the Commission on a confidential basis. The provision is reasonable and proportionate as it provides limited grounds on which an order may be made and requires that notice of the order be provided.

Clause 252 of the Bill may impact the right to freedom of expression by providing that members of the staff of a Commission of Inquiry cannot disclose information acquired during the course of an inquiry. Any limitation is necessary to protect individual rights to privacy and reputation and to protect the confidentiality of information provided to the Commission on a confidential basis. The provision is reasonable and proportionate as it provides circumstances where the information can be disclosed by the staff member, such as where the information is already in the public domain

and clause 253 provides a mechanism for Commissions to otherwise disclose the information.

Clause 254 of the Bill may impact the right to freedom of expression by providing that persons cannot make false or misleading statements or produce false or misleading documents to a Commission of Inquiry. Any limitation on the right is reasonable and proportionate as the power is necessary to ensure the accuracy of the information provided to Commissions and is solely limited to instances where persons are knowingly providing false information.

Part 9 of the Bill impacts on the right to freedom of expression by prohibiting the distribution of certain information related to council elections. Part 9, Division 9 of the Bill contains offence provisions which include restrictions on publishing misleading information, a requirement to have electoral materials authorised by a named person and a requirement to make and lodge electoral campaign donation returns. These impacts are reasonable and necessary to promote the right to participate in public life by preventing the distribution of false or misleading information that could unduly influence elections, to ensure that voters have relevant information to inform their decisions and to maintain the transparency and integrity of council decision making.

Right to a fair hearing — section 24

Section 24 of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. 'Civil proceeding' has been defined broadly by the Victorian courts.

Clause 63 of the Bill might also impact on the right to a public hearing by allowing for closed council meetings in limited circumstances. As discussed above, this must be balanced against the right to privacy and reputation.

Clauses 118 and 126 of the Bill promote the right to a fair hearing by providing ratepayers the right to appeal rates, service charges and special purpose charges levied by councils, to VCAT.

Part 7, Divisions 5, 6 and 7 of the Bill likely engage the right to a fair hearing by providing for a councillor conduct framework that incorporates escalated forums and procedures for more serious allegations. Under Division 5 all councils are required to have a councillor code of conduct which provides for an internal resolution procedure for addressing alleged breaches of the code which includes procedural protections, such as the appointment of an independent arbiter. Where a councillor is alleged to have committed misconduct or serious misconduct, the Bill provides for the matter to be heard by an independent councillor conduct panel and provides procedural protections, such as the application of the rules of natural justice and a right of appeal to VCAT. Where a councillor is alleged to have committed gross misconduct, the Bill provides for the matter to be heard by VCAT and that applications can only be made by the Chief Municipal Inspector which provide additional procedural protections.

Part 8, Division 5 likely engages the right to a fair hearing by providing powers to Commissions of Inquiry to conduct inquiries into matters relating to the affairs of a council, including the power to conduct hearings and to issue reports and recommendations to the Minister. These reports can contain adverse findings against individuals.

Part 8, Division 5 has been carefully considered to ensure that Commissions have sufficient flexibility in their operation to conduct appropriate investigations into matters of governance concern at councils but are still required to engage in fair processes. The Division provides for Commissions of Inquiry to make decisions in relation to the operation of any hearings they conduct, including whether a witness can be represented and whether proceedings are to be held publicly and mandates that they provide natural justice. Clauses 238 and 251 contain overarching procedural protections which require that the Commission must be satisfied that a person who is subject to an adverse finding has been informed of the finding and been provided with an opportunity to respond. The Commission is then required to consider any response and include the response in its final report.

Clauses 258 and 260 of the Bill likely engage the right to a fair hearing by imposing procedural requirements in relation to the Ministers' powers to recommend to the Governor in Council that a councillor or all of the councillors of a council be suspended. The clauses include procedural safeguards such as requiring a recommendation from an integrity body, providing an opportunity to respond to the recommendation, allowing for either house of Parliament to disallow the suspension and limiting suspension to 12 months.

Clause 258 provides that the Minister can only recommend that a councillor be suspended on the advice of a municipal monitor, commission of inquiry or other integrity body and must be satisfied that the councillor is presenting a serious risk to health and safety or that a governance failure is continuing. The Minister must also be satisfied that the councillor has been afforded an opportunity to respond to any findings which underpin the decision to make a recommendation. Any Order made by the Governor in Council on the basis of a recommendation by the Minister is also subject to disallowance by Parliament and will therefore be subject to a further high level of scrutiny. These are important safeguards.

Clause 260 provides that the Minister can only recommend that all of the councillors of a council be suspended if satisfied that there has been a failure to provide good governance or a repeated and substantial failure to comply with a governance order and, in the case of a failure to provide good governance, the Minister has considered what steps the council has taken to address and remedy the difficulties underlying the failure. This ensures that the council has an opportunity to remedy identified failures and provide good governance before the power is exercised. Any Order suspending all of the councillors of a council is also subject to disallowance by Parliament and will therefore be subject to an additional level of scrutiny. These are further safeguards.

Clauses 339 and 340 of the Bill promote the right to fair hearing by providing a right to apply to VCAT for a review of an election if the validity of that election is disputed. This is an important safeguard in the event there is a concern about the validity of an election and additionally promotes the section 18 right to participate in public life.

Right to privacy and reputation — section 13

Section 13 of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

Clause 63 of the Bill promotes the right to privacy and reputation by allowing councils to maintain the confidentiality of confidential personal information by closing council meetings and Part 7, Division 1 of the Bill promotes the right to privacy by prohibiting councillors and council staff from disclosing confidential information and providing for penalties for where the information is inappropriately disclosed. These provisions ensure that councils are able to consider confidential personal information in a way which does not breach the confidentiality of that information and that where confidentiality is breached that the breach is appropriately addressed.

Clauses 155 and 156 of the Bill affect the right to privacy in relation to the home by providing that the council, owner or persons authorised by the owner or council may enter land to carry out required work. This could include a person's home. This provision is not arbitrary or unlawful as the power can only be exercised in limited circumstances where a person has failed to undertake the required work and where it will ensure that works are undertaken in accordance with relevant Acts, regulations or local laws.

Clause 160 of the Bill may impact on the right to privacy by providing that purchasers of land must provide notice of the acquisition of the land. This is not arbitrary or unlawful as it is necessary to assist councils to maintain accurate voter rolls and rating systems.

Part 7, Divisions 2 and 3 and Part 9, Divisions 9 and 10, impact on the right to privacy and reputation by requiring councillors, candidates and council staff to produce certain information, such as the amount and source of campaign donations received, and other personal information, to the Chief Municipal Inspector, disclose conflicts of interest in council meetings, and regularly submit interest returns to the council's Chief Executive Officer. This could require the divulging of information that would otherwise be private in nature. Any impacts on the right to privacy and reputation are not arbitrary or unlawful and can be balanced against the need to ensure the transparent and accountable operation of councils, the integrity of council decision making and to prevent the misuse of public position. Further, a safeguard is that the Bill requires that information disclosed in interest returns to the CEO are only made public in summary form, ensuring councillors' personal details about their interests remain private.

Part 8, Division 5 likely engages the right to privacy and reputation by providing for Commissions of Inquiry to conduct inquiries into matters relating to the affairs of a council, including the power to conduct hearings, and to issue reports and recommendations to the Minister. When conducting inquiries, Commissions can require persons to provide them with information and are not bound by the ordinary rules of evidence. In addition, the Commission can require information to be provided to it and Commission reports may contain adverse findings against individuals.

Part 8, Division 5 has procedural protections to ensure that any impacts on privacy are lawful and not arbitrary. The Division provides for Commissions of Inquiry to make decisions in relation to the operation of hearings, including deciding whether proceedings are to be held publicly and whether to exclude certain persons from those hearings. In addition, clause 251 requires that the Commission must be satisfied that a person who is subject to an adverse finding has been informed of the finding and been provided with an opportunity to respond. The Commission is then required to consider any response before making its final report and include the response in its final report. Clauses 244, 246 and 252 of the Bill provide protections for the confidentiality of information obtained by the Commission or members of the Commission staff and prohibit inappropriate disclosure of that information.

Part 8, Division 5 has procedural protections to ensure that that any impacts on reputation are lawful. The Division provides for Commissions of Inquiry to make decisions in relation to the operation of hearings including whether a witness can be represented and whether proceedings are to be held publicly while still mandating that they provide natural justice in all instances. Clauses 238 and 251 contain overarching procedural protections which require that the Commission must be satisfied that a person who is subject to an adverse finding has been informed of the finding and been provided with an opportunity to respond. The Commission is then required to consider any response and to include the response in its final report.

Similarly, Part 8, Division 4, likely engages the right to privacy by providing the Chief Municipal Inspector with powers to require persons to provide reasonable assistance to the Inspector in their investigations, including providing the Inspector with information. Any limitation is lawful and not arbitrary as the power is necessary to ensure that the Inspector can conduct thorough investigations of alleged breaches of the Act and there are procedural protections in relation to the power, including that a person does not have to comply if they have a reasonable excuse not to, such as that the request would require them to incriminate themselves.

Clause 326 of the Bill promotes the right to privacy by mandating the secrecy of votes cast in council elections and providing for sanctions for persons who breach this secrecy.

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.

Part 5, Division 4 of the Bill affects the right to property by providing that a council may require an occupier of property to pay it rent to recover unpaid rates, service charges or special purpose charges. Part 6, Division 6 of the Bill similarly affects the right to property by providing that a council can recover unpaid money from an owner of land where that money is owed in relation to the land or building. These provisions affect the right to property by providing that a council may require payment from an individual due to their ownership or occupation of land and are lawful because, in the case of unpaid money, the money must be owed in relation to that land and, in the case of receiving rent, clear processes, such as notice requirements, are outlined in the Bill and must be followed. These provisions help ensure that councils are able to collect unpaid monies, particularly rates, which are essential for them to be able to undertake their responsibilities under the Bill.

Part 5, Division 4 of the Bill also affects the right to property by providing that a council may sell property to recover unpaid rates, service charges or special purpose charges where the amount is overdue by more than 3 years and no current arrangement exists for the repayment of the amount to the council or an agreement to repay the amount is not being

complied with. This provision is lawful because it can only be exercised in accordance with the processes clearly outlined in the Bill, including notice requirements and a requirement to have a court order requiring payment of the outstanding amount. Additionally, rates, special charges and special purpose charges are levied on land and should therefore be able to be collected by sale of that land in a manner similar to a mortgage or other charge on the land.

Part 5, Division 4 of the Bill engages but does not limit the right to property by providing that a person acquiring rateable land must pay any outstanding rates, service charges or special purposes charges. This is in accordance with the law because the amount owed must appear on the Land Information Certificate for the land issued by the council thereby providing notice of the amount owed to prospective purchasers. Additionally, rates, special charges and special purpose charges are levied on land and should therefore run with the land in a manner similar to mortgage or other charges of land.

Part 6, Division 4 of the Bill engages but does not limit the right to property by providing that councils may compulsorily acquire land. The power to compulsorily acquire land is lawful as it must be exercised in accordance with the *Land Acquisition and Compensation Act 1986*. This is a necessary power to ensure that councils are able to acquire land for the performance of governmental functions.

As this acquisition of land must be in accordance with the *Land Acquisition and Compensation Act 1986*, the acquisition gives rise to a right to compensation on just terms, and the lawfulness of an acquisition may be tested through judicial review. Further, the Land Acquisition Act sets out clear requirements for notification, procedures for acquisition and determination of compensation. Any such deprivation will be in accordance with law.

Part 6, Division 5 of the Bill also affects the right to property by providing that the council or the owner of land may enter land to carry out required work. This provision is not unlawful as the power can only be exercised where the person has failed to carry out work required by an Act, regulation or local law.

Part 7, Division 7 of the Bill and clause 350 impact the right to property by providing for the non-payment of councillor allowances and the return of council equipment by councillors in circumstances where councillors have been suspended or are otherwise removed from office following a hearing or investigation or are liable to pay the council a surcharge. This is necessary where a councillor is no longer performing the work for which they were given the allowance and for which the equipment was provided or because they are otherwise liable to make payments to the Council.

Part 8, Division 5 likely engages the right to property by providing for Commissions of Inquiry to be able to require persons to provide documents to them. This may impact on the proprietary rights of the owners of these documents. However, to the extent that it may affect the right, it will be in accordance with law and contains procedural protections, including that the documents do not have to be provided to the Commission if there is a reasonable excuse not to, including that the documents are incriminating, and the owner of the documents may make an application to have them returned by the Commission when they cease to be reasonably necessary for the purposes of its inquiry.

Similarly, Part 8, Division 4, likely engages the right by providing the Chief Municipal Inspector with powers to require persons to provide documents to them. This may impact on the proprietary rights of the owners of these documents. However, to the extent that it may affect the right, it will be in accordance with law and contains procedural protections, including that the documents do not have to be provided to the Inspector if there is a reasonable excuse not to, including that the documents are incriminating.

Presumption of innocence — section 25(1)

Clause 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.

Clauses 217, 232 and 233 of the Bill provide that the Chief Municipal Inspector may require a person to appear before them for examination under oath or affirmation and providing for a penalty if they refuse to comply or if they make false or misleading statements. Clauses 232 and 233 provide that persons do not have to comply with a request if they have a reasonable excuse for not doing so. In doing so it leaves the onus on a person not complying with the request of the Inspectorate to raise the excuse with the Inspectorate, but only creates an evidentiary burden on the person.

Clauses 240 and 241 of the Bill also provide that Commissions of Inquiry may serve written notice on a person to appear and give evidence to it and provide for penalties for failing to do so. The provision provides that persons do not need to appear before the Commission if they have a reasonable excuse which similarly creates an evidentiary burden on the person. These provisions allow the Chief Municipal Inspector or a Commission to conduct inquiries in a timely manner and only apply where a person has not complied with a request or notice. There is little risk of these provisions allowing an innocent person to be convicted as the reasonableness of non-compliance and the exception are easily raised and, if raised, the legal onus would be on a prosecutor to establish that it was not reasonable.

Clause 78 of the Bill provides that a person cannot be convicted of an offence against a local law or prejudicially affected if the council did not comply with certain notice provisions in relation to the local law. This is to ensure that local laws are generally enforceable unless notice has not been reasonably provided. This provision creates an evidentiary burden on the person charged or affected by the local law.

Clause 160 of the Bill provides that a person who acquires land in a municipal district must provide notice to the council and that it is an offence not to do so without a reasonable excuse. This provision allows councils to ensure that they have accurate information on their voter's rolls and likewise creates an evidentiary burden on the person in relation to the reasonable excuse.

Clauses 163 provides that councillors, members of delegated committees and council staff must not intentionally or recklessly disclose confidential information and provides that the clause does not apply if the council has determined that the information should be public. To the extent this provision creates a burden, it creates an evidentiary burden in relation to the council determination.

Clause 167 provides for certain circumstances in which a conflict of interest will not be taken to arise in relation to a councillor or member of a council committee voting on a matter. This may create a burden on the person relying on the exemption and, to the extent that it does, it creates an evidentiary burden.

Clause 175 provides that councillors must not accept gifts unless they know the name and address of the person making the gift and, if they do not know the name and address of the person, provides that the councillor is not in breach if they dispose of the gift to the Council within 30 days. This may create a burden to raise this and, to the extent it does, it creates an evidentiary burden.

Clause 327 of the Bill provides that a person who fails to post a ballot-paper in accordance with an agreement is guilty of an offence. This does not apply if the ballot-paper was received by the election manager in time to be counted in the election. This may create a burden to raise this, but to the extent that it does, it creates an evidentiary burden.

Clauses in Part 9, Division 9, including clauses 295, 316, 319, 320, 328, 329, 330 and 333 provide circumstances in which electoral offences do not apply. To the extent they create burdens, they create evidentiary burdens in relation to these exceptions.

The Bill contains summary offences (including some abovementioned provisions) to which section 72 of the *Criminal Procedure Act 2009* will apply. This provision places an evidential burden on the accused in relation to any exception, exemption, proviso, excuse or qualification in those offences.

Evidentiary burdens do not limit the right to presumption of innocence.

Right to recognition and equality before the law — section 8

Section 8 of the Charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Clause 33 of the Bill promotes the right to equality by extending the period during which a councillor can be absent from meetings of the council to a period of 6 months if the absence is a result of a councillor becoming a parent, and clause 41 requires councils to make available to councillors the resources and facilities reasonably necessary to enable them to effectively perform their role and functions having regard to the support a councillor may need because of a disability or if a councillor is a carer.

Part 7, Division 7 of the Bill promotes the right to equality by providing that sexual harassment can constitute serious misconduct and, in some instances, gross misconduct where it renders a councillor not fit and proper to hold public office. By clearly providing that sexual harassment is unacceptable under the councillor conduct framework, this will provide equal and effective protection against discrimination on the basis of sex which results in inappropriate behaviour.

Part 9 of the Bill promotes the right to equality before the law by providing for the free and impartial democratic election of councillors with an equal right provided to all entitled individuals to participate in these processes.

Part 2, Division 5 and Part 9, Division 1 of the Bill may impact the right to equality before the law by providing an age requirement for the entitlement to vote in a council election or to be a councillor. Any limit is reasonable and justified under section 7(2) as being necessary to ensure that voters are of an age where they have a sufficient understanding of public affairs and personal autonomy to be able to freely participate in the electoral process and to act as elected representatives.

Right to 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 leave it and has the freedom to choose where to live.

Part 7, Division 7 of the Bill limits the right to freedom of movement by providing for councillor conduct panels to be able to direct councillors to attend a hearing and providing penalties for non-attendance. These limitations on the right are reasonable and proportionate to ensure that councillors are able to be held to appropriate standards of behaviour and to ensure a fair process for hearing matters involving allegations of misconduct and are circumscribed because they only apply to councillors who are a party to a councillor conduct panel hearing.

Clauses 217, 232 and 233 of the Bill limit the right to freedom of movement by providing that the Chief Municipal Inspector may require a person to appear before them for examination under oath or affirmation and providing for a penalty if they refuse to comply. This limit on the right is reasonable and proportionate as the power is necessary to ensure that the Chief Municipal Inspector is able to conduct thorough investigations of alleged breaches of the Act and there are procedural protections in the provision allowing for persons to not comply with a request if they have a reasonable excuse for not doing so.

Clauses 240 and 241 of the Bill limit the right to freedom of movement by providing that a Commission of Inquiry may serve written notice on people to appear and give evidence to it. This limitation on the right is reasonable and proportionate in order to allow Commissions to conduct thorough investigations of matters of serious concern at councils. The provision has procedural protections, including that written notice must be served and that persons do not need to appear before the Commission if they have a reasonable excuse.

Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018

Part 2, Division 9 of the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018 (Integrity Bill) inserts new provisions into the *Local Government Act 1989*. These provisions have been included as sections 218–230 of the Bill. The compatibility of these provisions with the Charter is addressed in the Statement of Compatibility for the Integrity Bill.

The Hon. Marlene Kairouz, MP
Minister for Local Government

Second reading

Ms KAIROUZ (Minister for Local Government) (10:06) — I move:

That this bill be now read a second time.

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

Introduction

It gives me enormous pleasure to rise to speak in support of this historic Bill — a Bill which will create a new operating environment for the Councils of the 21st century.

When the existing principal legislation for Councils received Royal Assent in 1989, the Berlin Wall remained implacably in place, the internet and skype were future fantasies and Victoria had 210 relatively small Councils operating much in the way they had for generations. That world is as unrecognisable to Victoria's 79 modern Councils as it is to most Members of this House.

To argue that the reform of the Local Government Act 1989 is overdue is to understate the case. This Act has been subject to approximately 100 amending Acts and hundreds of individual amendments. Like a jerry-built home, subject to endless makeshift renovations, its original elegant design has given way. With it, clarity of Councils' mission in our modern world has been shrouded in confusion, mired in prescriptive detail and hobbled by outdated process.

Councils, ratepayer groups and local government peak organisations have been asking for this Act to be remade for many years. The reason for the delay relates to the scale of the challenge. It is a significant task to remake the legislative framework of a level of government for the next generation.

This government has taken on that task — the task to determine how Councils are constituted and elected; their powers and functions; their integrity framework; and the strategic and business planning approaches that will deliver value for Victorian rate payers. This Bill empowers Councils to operate to full capacity within a logical legislative framework which states with simple transparency what citizens and ratepayers can expect from their Councils.

I am proud to be the Local Government Minister to finally deliver a contemporary Act which respects the critical role of Councils as modern professional outfits, with stewardship of $90 billion of community infrastructure and delivery of over $7 billion of critical public services each year.

Local Responsiveness

The rationale for the very existence of local level governance is that different communities have distinct needs to which their local representatives can respond. The *Local Government Act 1989* now contains a level of prescription which severely constrains the capacity of Councils to respond to local needs. Much of this focuses on arcane detail about Council processes, simultaneously paralysing enterprise while blurring accountability and transparency. The 2018 Local Government Bill removes much of the prescription which smothers Council innovation and, in so doing, restores responsiveness, community connectedness and aspiration to excellence in delivery.

Increasing Accountability

This Bill is the final step in a sequenced reform program to lift Council capability and performance in Victoria. The conditions for Council governance in Victoria have been carefully prepared to enable a principles-based Act to come into force and operate effectively.

The Government's reforms over this term and as part of this Bill have significantly increased accountability in terms of what Councils must do. This has made viable an enabling Bill which provides for greater dynamism and autonomy as to how they do it. Institutional accountability is balanced with operational agility and efficiency in the Local Government Bill 2018.

The new constraints and accountabilities imposed by the Government, include:

Giving rate payers a fair go by capping annual rate rises in line with inflation;

Giving citizens meaningful performance information about their local Council-through the implementation of comparable public reporting of Council performance against a uniform set of legislated performance measures captured in the Know Your Council website; and

Giving Victorians confidence in Councillor integrity — through the significant strengthening of the Councillor conduct framework, achieved through the *Local Government (Improved Governance) Act 2015*.

In addition, the Bill, introduces higher standards for Councils in a number of other respects.

It demands that Councils meaningfully engage the local community in shaping the priorities of their four-year Council plan and budget.

It lifts the standards of integration of strategic planning and financial management so that the central Council plan is underpinned by a financial plan.

The requirement for greater financial rigour under this Bill takes a number of forms:

For the first time in any state in Australia, Councils will have four-year Budgets, much like those of the state government.

Councils will also be required to adopt 10-year Financial Plans and 10-year Asset Management Plans — these will replace the four-year Strategic Resource Plans Councils currently apply to financial and asset planning.

These 10-year plans provide a longer horizon for asset planning and reinforce financial discipline and transparent financial reporting.

In another first for Victoria, this Bill establishes a uniform method for determining valuations for rating purposes — strengthening our capacity to compare performance relative to rating effort.

We are also bolstering the powers and independence of Council audit and risk committees to monitor financial discipline and policy compliance.

But the innovation in this Bill extends well beyond financial management. The Local Government Bill introduces a raft of broader accountability requirements.

These include:

A new requirement for all Council administrations to have an independent complaints mechanism to make them accountable for the services they provide to the community and the actions they take on their behalf.

The Bill also includes a new requirement for each mayor to report publicly on progress against the Council plan every year — signalling the elected Council's accountability for Council performance and delivery.

The Bill establishes a Ministerial power to issue a governance direction to compel improved governance at a Council where an independent integrity body identifies governance failures.

The Minister may appoint a Municipal Monitor enabling the Government to monitor compliance, establishing a trigger for further intervention if required.

We have also established through this draft legislation, a new power to suspend individual Councillors who compromise a Council's capacity to deliver good governance should an integrity body recommend such a suspension.

Finally, this legislation introduces a capacity for an elected Council to vote out a mayor mid-term in circumstances in which the mayor has been elected for two years but has lost the confidence of their fellow Councillors.

Together these measures restore democratic accountability and provide an unequivocal signal that standards must be upheld.

At the same time, this Bill reinforces the integrity of local democracy, by imposing a uniform election method under the statutory election service provider (the Victorian Electoral Commission) rather than leaving the method to the discretion of elected Councillors. This reform removes the responsibility for determining how the election is conducted from those with a direct interest in the election outcome (sitting Councillor candidates) and means that the Victorian Electoral Commission can conduct a simple, unambiguous voter information campaign for Council general elections, telling all Victorians clearly how to register a valid vote.

The Bill will build consistency and lift equity in Council representative structures, with measures to remove inequity in electoral quotas. This will mean that, in future, all elected Councillors will come to office having attained an equivalent quota to that of their fellow members of Council.

These measures are designed to reinforce electoral integrity and give voters greater confidence that Council elections are conducted fairly on a level playing field.

Enterprise and Innovation

Having put in place the firm handrails for financial rigour, governance and integrity, it becomes possible to free up Councils in an operational sense to be more enterprising and innovative. The Bill does that in a range of ways.

First, by removing decades old procurement thresholds and instead demanding Councils create their own distinct, collaborative procurement policies focused on achieving economies of scale and value for money through joined up solutions to local service and infrastructure challenges.

21st century procurement approaches are complemented by a new power for Councils to establish beneficial enterprises to meet their community's aspirations

Such enterprises may be developed in partnership with other Councils or other private, public or community agencies that can assist them deliver for their communities.

This strong partnership focus in the Bill is reinforced through opportunities to hold joint meetings between Councils and a requirement to factor in state and regional plans when formulating major strategic Council plans.

The draft legislation demands greater responsiveness to the needs of the local community — through development by each Council of an engagement policy that activates public participation principles.

We are also mandating the development of a community vision for each municipal district which distils the community's aspirations into its Council plan and budget.

Overall, this Bill strikes a strategic and careful balance between enforcement of higher standards while giving Council's greater autonomy to innovate and deliver for the Victorian community.

Ensuring Councils are Safe Workplaces

This Bill reinforces safety of Councillors and Council staff, introducing legal protections which allow for Councillors who are found to have engaged in sexual harassment to be fairly and expeditiously excluded from the workplace.

Following passage of this Bill, sexual harassment will fall within the definitions of serious misconduct and, in the most egregious circumstances, gross misconduct under the Councillor conduct and integrity framework of the Local Government Act.

In instances of gross misconduct, VCAT may order the disqualification of the offending Councillor. In extreme cases this may include disqualification for a period of up to eight years.

These measures have been designed to ensure that this particularly pernicious and harmful form of behaviour which, if proven, demonstrates a lack of character to be a Councillor, is subject to judicial sanction so that it may be eradicated from Councils.

A Bill for all Councils

There is significant diversity in Victoria's Councils — in their size, their resources, their capability and their desire to innovate.

This is a Bill which works for Councils of all sizes in all corners of the state. It creates scope for innovation in policy and entrepreneurship in strategic business planning for larger, more sophisticated Councils. At the same time, the careful

staging of the Bill provides for development of detailed guidance and model policies to assist Councils with fewer resources. The Bill allows for the Minister to prepare good practice guidelines. Compliance with these can be used as evidence that a Council has complied with the corresponding requirement under the Act or Regulations.

These provisions ensure that Councils with limited staffing resources can confidently comply with core governance principles in the Bill.

Consultation and support

This Bill has been subject to one of the most exhaustive engagement processes I have seen in my time in Government.

It began in 2015 with the release of a Discussion Paper. Members of the community, Councils and stakeholders responded to the Discussion Paper with their ideas for a strong, clear, contemporary Local Government Act. These were elicited through an extensive process of public meetings, submissions, commissioned technical papers and focused discussions to inform a Directions Paper.

This Directions Paper, which we called *Act for the Future*, contained 157 reform directions and was released for public comment. The release of the Directions Paper in June 2016 sparked a further submission process attracting a further 333 public submissions.

Technical working groups of senior Council staff and elected Councillors worked with my department to refine provisions during the drafting of the Bill, to ensure they are workable and properly staged.

Only when this work was completed did the government release an Exposure Draft Bill, inviting further comments over the four months that followed its release on 12 December 2017.

The Government received 190 submissions including suggestions to further strengthen the Bill. These proposals led to further refinement which has informed the Bill I have brought to this place.

In asking that you support this critical set of reforms, I am also asking that you respect the work of the hundreds of Victorians who took the time to help us get this Bill right.

The process I have described gives me confidence that this Bill sets out what we sought to achieve in our new Local Government Bill. That is a legislative framework that is widely supported by Councils and the wider community and that — in a contemporary, easy-to-read form — spells out the role and function of Councils in the modern Victorian state.

This is a Bill that revitalises local democracy, making Councils accountable to their local community in shaping their core plans and budgets. Critically, it's a Bill that reinforces financial discipline and public performance requirements, while providing greater scope for aspirational Councils to innovate, collaborate and implement efficient, modern business practices.

Conclusion — Crowning the Local Government Reform Agenda

Shortly after assuming her responsibility as Minister for Local Government, my colleague, Minister Hutchins presented a Ministerial Statement in this place, setting out her vision and action plan for Council reform over this term of Government.

It was a pretty ambitious statement, containing 17 priority actions, a number of them in areas where state-Council activity had not previously ventured. That ambitious program of work has now largely been achieved.

The first strategic area for action in that Ministerial Statement was the commitment to develop a new Local Government Act for Victoria. This Bill delivers on that commitment and consolidates the major reforms in local government introduced over this term of Government.

I commend the Bill to the house.

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

Debate adjourned until Thursday, 7 June.

FLORA AND FAUNA GUARANTEE AMENDMENT BILL 2018

Statement of compatibility

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (**Charter**), I make this Statement of Compatibility with respect to the Flora and Fauna Guarantee Amendment Bill 2018.

In my opinion, the *Flora and Fauna Guarantee Amendment Bill 2018*, 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 *Flora and Fauna Guarantee Act 1988* (**Principal Act**) to promote Victoria's biodiversity, enhance accountability and transparency, and deliver effective protection for native species and important habitats.

Most relevantly for the purposes of assessing compatibility with the Charter, the Bill provides for the application of critical habitat determinations and habitat conservation orders over any land in Victoria, the use of a register to record instruments issued under the Principal Act, and improvements to the compliance and enforcement of the Principal Act. This includes the expansion of inspection, seizure and evidence gathering powers of authorised officers, the introduction of infringeable offences, and increased penalties for breaches.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are:

The right to freedom of movement in section 12 of the Charter;

The right to privacy and reputation in section 13 of the Charter;

The right to public life in section 18 of the Charter;

Cultural rights in section 19 of the Charter;

Property rights in section 20 of the Charter; and

The right to be presumed innocent in section 25(1) of the Charter.

For the reasons outlined below, in my opinion, the Bill is compatible with each of these rights.

Freedom of movement

Section 12 of the Charter provides for the right of every person within Victoria to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live.

Critical habitats and habitat conservation orders

Clause 15 of the Bill substitutes section 20 of the Principal Act, which allows the Secretary to make critical habitat determinations. Limits on when an area may be declared to be critical habitat are in set out in new section 20(2).

Under new section 26, inserted by clause 20 of the Bill, the Minister may make a habitat conservation order for the purposes of conserving, protecting or managing any critical habitat (being an area determined under substituted section 20), or any area of Victoria that the Secretary proposes to determine as critical habitat but in respect of which a critical habitat determination has not been made. The Minister must not make such an order unless the Minister considers it is necessary to halt, prevent or repair damage that has occurred, is occurring, or is likely to occur to the critical habitat or proposed critical habitat, or to manage that critical habitat or proposed critical habitat to ensure its conservation or protection.

A habitat conservation order may (among other things) restrict or prohibit activities and the use or development of property within the critical habitat or proposed critical habitat. An order may also require that a person proposing to undertake an activity, land use or development obtain a permit from the Minister. Additionally, an order may also restrict or prohibit activities and the use or development of property within an area that is outside the critical habitat or proposed critical habitat if the activity, land use or development is likely to adversely affect the relevant habitat.

To the extent that a habitat conservation order may limit the freedom of movement of a person by imposing conditions that restrict or prohibit movement or actions within a relevant area, any such limitation is reasonable and justified within the meaning of section 7(2) of the Charter. This power is an appropriate management tool to ensure the protection of habitats which may be essential to the survival of threatened species. A habitat conservation order must not be made unless the Minister considers that the order is necessary to halt, prevent or repair damage that has occurred, is occurring, or is likely to occur to the critical habitat, or to manage the critical habitat to ensure its conservation or protection. New section 29 contains a process for providing notice of the making of such an order to relevant landholders, including the opportunity to provide submissions.

The Bill also provides a process by which a permit can be obtained for a particular use or activity in an area subject to a habitat conservation order. Additionally, under new section 36, a person can apply to the Victorian Civil and Administrative Tribunal for a review of a requirement or prohibition contained in a habitat conservation order that affects that person's interests, a decision of the Minister under a habitat conservation order that affects the person's interests or a decision of the Minister to suspend a licence, permit or authority of that person. Further, a person can apply to the Tribunal, under new section 37, for a declaration concerning the validity of such a requirement, prohibition or decision.

In my opinion, the inclusion of the above measures in the Bill means that any limit on the right to freedom of movement that occurs due to the imposition of a habitat conservation order will be a proportionate measure. I also consider that no less restrictive means are available that would sufficiently serve the protective purpose of the orders.

Accordingly, I consider that the Bill is compatible with the right to freedom of movement under section 12 of the Charter.

Privacy

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and not to have their reputation unlawfully attacked. An interference with privacy will not be unlawful where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be arbitrary provided they are reasonable in the particular circumstances, and just and proportionate to the legitimate aim sought.

Habitat conservation orders

Section 13(a) protects the right not to have one's home unlawfully or arbitrarily interfered with. It is possible that the creation of a habitat conservation order and associated restriction and conditions may interfere with a person's home, where that home is located on land that was subject to such an order.

As discussed above, the habitat conservation orders serve an important purpose, and the restrictions imposed by such orders are proportionate to that objective. Additionally, review can be sort of the orders. For these reasons, any interference with privacy caused by the creation and/or operation of a habitat conservation order would not be arbitrary. Neither will such an order be unlawful, given that the provisions are clear and proportionate.

Entry without warrant by authorised officers

Clause 29 of the Bill amends authorised officers' existing inspection and evidence gathering powers in section 57. Entry without consent or a warrant is only permitted for land, non-residential buildings and vehicles, and the powers of authorised officers are appropriately restricted to only permit seizure of any thing (including documents) where it is necessary to prevent its use in the contravention of the Principal Act and related instruments or to prevent its concealment, loss or destruction. Further, entry without consent or warrant may only occur at a reasonable time and by reasonable means. Given these protections, and the fact that there is no power to enter residential buildings, I consider that the power of entry without warrant in section 57, as amended by clause 29, does not limit the right to privacy.

Entry with warrant by authorised officers

Consistent with the current position under the Principal Act, a warrant must be obtained to enter a building that is occupied as a residence. Only things named or described in the warrant, or things that the authorised officer believes on reasonable grounds are connected to the offence specified in the warrant or another offence against the Principal Act or regulations, may be seized. The Bill provides that an authorised officer may only apply for a search warrant if the authorised officer believes on reasonable grounds that there is, or may be within the next 72 hours, on or in the building a particular thing that may be evidence of the commission of an offence against the Principal Act or the regulations.

In addition, the Bill inserts new provisions to ensure that a search warrant for residential premises is executed under appropriate circumstances. For example, new section 57C requires announcement prior to entry, unless the authorised officer or person assisting the officer believes on reasonable grounds that immediate entry to the building is required to ensure either the safety of any person, or that the effective execution of the search warrant is not frustrated.

The entry with warrant power accordingly also does not arbitrarily or unlawfully interfere with the right to privacy.

Inspection and evidence gathering powers

As well as powers of entry, authorised officers also have the power to seize any thing (including a document) found at the land, building or vehicle; examine or take copies of or take extracts from documents that are seized or produced to the officer; require samples to be given or take samples of any thing.

To the extent that any of these items contain personal information, these powers may result in an interference to privacy. However, these powers relate to regulating the Principal Act and protecting flora and fauna. Consequently, it is unlikely that an item seized would contain personal information of a kind that a person expects to remain private. Additionally, the powers can only be exercised where an authorised officer has lawfully exercised a power of entry which, as discussed above, are themselves compatible with the right to privacy. Accordingly, these powers do not limit the right to privacy.

Publication of enforceable undertakings and agreements with landowners

Clause 20 will insert new section 42 into the Principal Act, which provides that the Secretary must ensure that a register of critical habitat determinations and habitat conservation orders is kept and maintained, which must include 'agreements with landowners'.

Clause 37 inserts new Division 3A into Part 6 of the Principal Act, creating a framework for enforceable undertakings. New section 62E provides that the Secretary may publicise the failure of a person to comply with a court order made under new section 62D in relation to an enforceable undertaking. New section 62I provides that the Secretary must maintain a register of enforceable undertakings which must be published on the Internet.

The publication of certain information on a register, and the publicising of a person's failure to comply with a court order, engages but does not limit the right to privacy and reputation under the Charter.

Enforceable undertakings are voluntary. A person who enters into an undertaking with the Secretary would be aware of the framework in new Division 3A, including the enforcement and publication provisions, and so would know that details of the undertaking will be publicly available and that failure to comply with a court order may be publicised. Publication of a failure to comply with a court order may only occur after a person has failed to comply with the enforceable undertaking, a subsequent order of the Magistrates' Court, and written notice from the Secretary under section 62E (within 14 days of being given the notice). A landowner who entered into agreement would also be aware that the agreement would be published. Public availability promotes transparency and accountability in relation to enforceable undertakings more broadly. Additionally, there is unlikely to be an expectation of privacy regarding the kind of information published by virtue of the operation of these provisions.

In my opinion, the publication of possibly personal information by way of the operation of the enforceable undertaking regime and the creation of a register of critical habitat determinations and conservation orders do not limit the right to privacy and reputation as they are neither unlawful nor arbitrary.

Accordingly, the Bill is compatible with the right to privacy under section 13 of the Charter.

Right to public life

Section 18(1) of the Charter provides that every person in Victoria has the right to participate in the conduct of public affairs.

Clause 9 amends section 8 of the Act which establishes the Scientific Advisory Committee. New subsection 8(3B) provides that a majority of members of the Committee must be scientists who are not employed under Part 3 of the *Public Administration Act 2004*. The amendment to section 8 may operate to restrict some public servants from being members of the Committee, and thus restrict the ability of such public servants to participate in public life through participating on the Committee. However, the restriction serves an important purpose of ensuring the objectivity of the Committee members. Additionally, at least 4 of the 9 scientists appointed to the Committee can be public servants, so the restriction will not operate to prevent all public servants from possible appointment to the Committee.

Accordingly, any limitation on the right to public life under section 18 of the Charter is reasonable and justifiable.

Cultural rights

Section 19 of the Charter provides for the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The Bill maintains and makes amendments to offences in the Principal Act which prohibit the taking of listed flora and fish without approval, which on their face may be seen to restrict the rights of Aboriginal persons to access flora and fauna which have a connection to traditional laws and customs.

However, the Bill maintains the existing exemption at section 6A of the Principal Act that provides that where a traditional owner group entity has an agreement under Part 6 of the *Traditional Owner Settlement Act 2010*, any provision in the Principal Act that provides for an offence for carrying out an agreed activity (other than section 32) does not apply to a member of the traditional owner group who is bound by the agreement, and who is carrying out an agreed activity, to which that offence would apply, on land to which the agreement applies.

As outlined in relation to the freedom of movement above, the Bill provides for the application of critical habitat determinations and habitat conservation orders over any land in Victoria, which may restrict or prohibit activities and the use of property within an area. The offence of failing to comply with a habitat conservation order (section 32), is not exempted by section 6A and continues to apply to traditional owners carrying out agreed activities on land to which an agreement applies under Part 6 of the *Traditional Owner Settlement Act 2010*.

On their face, these powers may be seen to restrict the rights of Aboriginal persons to access natural resources which have a connection to traditional laws and customs.

However, the Bill will provide at new section 28 that, prior to making a habitat conservation order in relation to critical habitat that is within the area of land subject to an agreement under Part 6 of the Traditional Owner Settlement Act, the Minister must not make that order unless the Secretary has taken all reasonable steps to reach agreement with the relevant traditional owner group entity on alternative measures for the conservation, protection or management of the critical habitat.

Furthermore, clause 6 of the Bill provides for new decision making principles including the requirement that a decision, policy, program or process undertaken under the Principal Act gives proper consideration to the rights and interests of traditional owners by acknowledging the cultural and spiritual connections to land, biodiversity and resources through a relationship with country; by supporting participation in decision-making; and by facilitating access to biodiversity and providing opportunities for economic advancement.

Consequently, in applying critical habitat determinations and habitat conservation orders over land that may potentially restrict the cultural rights of Aboriginal persons the decision-maker will be required to give consideration to those rights and interests.

In my opinion the Act's offences and application of critical habitat determinations and habitat conservation orders do not unjustifiably limit the rights of Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Accordingly, the Bill is compatible with cultural rights under section 19 of the Charter.

Property rights

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Expansion of inspection and evidence gathering powers of authorised officers

Clause 29 of the Bill amends authorised officers' existing inspection and evidence gathering powers under section 57 of the Principal Act.

These amendments empower an authorised officer to seize any thing found at the land, non-residential buildings or vehicles for the purpose of preventing its use in the contravention of the Principal Act, regulations and specified instruments, or preventing the concealment, loss or destruction of the thing. An authorised officer may also take samples of any thing found at the land, building or vehicle in respect of which the authorised officer suspects that there has been a contravention of the Principal Act or specified instrument.

An authorised officer may only exercise these powers when doing so is necessary to investigate compliance with the Principal Act or relevant instruments. Further, under new section 57E, the authorised officer must provide a written receipt for the item seized and must take reasonable steps to return the item if the reason for its seizure no longer exists. As described above in relation to the right to privacy, the Bill strengthens the framework for obtaining and executing a search warrant for residential premises to ensure they are limited to appropriate circumstances. In my view, the powers of authorised officers are appropriately circumscribed to only permit seizure of items necessary to investigate compliance with the Principal Act, ensuring that the important conservation objectives of the Principal Act are protected.

New section 57I also provides for the disposal or destruction of seized flora or fauna by order of a court, if the court is satisfied that the person was not authorised to possess the flora or fauna, or of any other thing if the owner of the thing cannot be found.

Habitat conservation orders

As outlined in relation to the freedom of movement above, habitat conservation orders may prohibit or restrict land use and development within a critical habitat, proposed critical habitat, or outside the relevant habitat if the land use or development is likely to adversely affect the habitat.

To the extent that a habitat conservation order may apply to private property to limit a person's property rights, any such limitation is reasonable and justified as this power is an appropriate management tool to ensure the protection of habitats essential to the survival of threatened species. Additionally, the Bill provides at new section 39 for compensation to be paid for financial loss suffered as a natural, direct and reasonable consequence of the making of the order where the order affects an existing use right under the *Planning and Environment Act 1987* or an authority granted under another Act.

These provisions do not infringe the right to property because any deprivation of property that may occur as result of making a habitat conservation order is clearly provided for by law and will occur for a legitimate purpose, being to achieve important conservation objectives.

Accordingly, the Bill is compatible with the right to property under section 20 of the Charter.

Right to be presumed innocent

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. This right is relevant where a provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Evidentiary provisions relating to retention notices

New section 57H, inserted by clause 30 of the Bill, sets out evidentiary presumptions in relation to retention notices that apply in any proceedings under the Principal Act. An authorised officer may, in circumstances specified in new section 57G, issue a retention notice requiring a person to keep a thing, and not dispose of or sell it. New section 57H provides that if a thing specified in such a notice is no longer in the specified person's possession, that is evidence that the person has not complied with the notice. The section further provides that if a thing is specified in a notice as being in the possession of a particular person that is evidence that the thing was in the possession of that person.

In my view, new section 57H will not lessen the burden of proof placed on the prosecution. The burden of proof remains on the prosecution to prove that the item subject to the retention order is no longer in a person's possession, and that the retention order has not been complied with.

Accordingly, in my view, new section 57H does not limit the right to be presumed innocent under section 25(1) of the Charter.

Offences regarding restricted and protected flora

The Bill will include several new offences in the Act which contain exceptions. However, since the exceptions to the offences must be disproved by the prosecution in order for the relevant offence to be proved, the offences do not place an evidential onus on a defendant to raise one of the exceptions.

Clause 25 substitutes section 52 of the Principal Act and inserts new section 52A. Clause 22 substitutes section 47 of the Principal Act and inserts three new offences. These offences do not shift the burden of proof since the prosecution is required to prove all elements of the relevant offences, which includes proving that the exceptions in these offences do not apply.

Accordingly, the Bill is compatible with the right to be presumed innocent under section 25 of the Charter.

Hon. Lily D'Ambrosio, MP
Minister for Energy, Environment and Climate Change

Second reading

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (10:08) — I move:

That this bill be now read a second time.

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

This Bill strengthens and modernises the *Flora and Fauna Guarantee Act 1988*, delivering on the Government's election commitment to review the Act. The Bill amends the Act to ensure that it is stronger and can more effectively protect Victoria's biodiversity in the face of existing and emerging threats such as climate change.

Victoria's natural environment is home to a special and unique blend of plants and animals. Many species and ecological communities only occur in this State. However, despite the best efforts of individuals, the community, non-government organisations and governments, Victorian native species continue to face significant pressures that threaten their survival.

The Andrews Labor Government's environment election policy *Our Environment, Our Future*, committed to review key biodiversity policies and controls, including the *Flora and Fauna Guarantee Act 1988* and the Native Vegetation Permitted Clearing Regulations, and to renew Victoria's biodiversity strategy. Together these initiatives set a new direction for the protection and management of Victoria's biodiversity.

In 1988, when the Flora and Fauna Guarantee Act was first enacted, it was considered to be a 'landmark piece of conservation legislation — for a flora and fauna guarantee'. The Act was prepared in recognition by government that Victoria's native species were in trouble and declining. The Act introduced 'modern, efficient and effective management systems for the protection of the State's native species, basic legal powers and a framework for public participation' and at the time it was transformative.

In the 30 years it has been in operation, however, the Act has not been comprehensively reviewed, and it no longer provides an efficient and effective framework for protecting Victorian flora and fauna. The regulatory framework established by the Act is not transparent or risk-based. It does not effectively embed consideration of biodiversity across government, and does not account for the significant improvements in knowledge about biodiversity management and protection.

This lack of modern legislative protection for our flora and fauna is having an impact on biodiversity in our State. The vulnerability of our flora and fauna is only likely to increase as climate change affects our environment. It is time for us to strengthen the legislation we use to protect Victoria's flora and fauna. The changes proposed in this Bill respect the purpose of the original championing Act, but introduce contemporary practices in biodiversity management, regulation and government accountability.

This Bill sets the direction for biodiversity conservation in Victoria by modernising the objectives of the Act to recognise the impacts of climate change on biodiversity and emphasize prevention and restoration. The Bill reaffirms our commitment to the guarantee that Victoria's flora and fauna survive, flourish and retain their evolutionary potential.

The Bill allows Victoria to adopt the national Common Assessment Method for the assessment and listing of threatened species based on international standards.

The Bill provides for a modern risk-based regulatory framework by improving the safety net for critical habitats, which are important for listed species and ecological communities and the processes that support them. The Act's powers to make conservation orders to protect critical habitat if necessary, are retained and improved.

The Bill also increases the accountability of government in managing impacts on Victoria's flora and fauna. The existing obligation on public authorities to have regard to the objectives of the Act in delivering their functions has been strengthened. Ministerial Guidelines and Directions will provide clarification and support to relevant government sectors. Agencies will be supported to fulfil their duty through mechanisms such as Public Authority Management Agreements which will provide certainty and access to new permit exemptions.

The Bill proposes to further modernise the Act with the inclusion of a graduated enforcement framework, including improved powers for authorised officers and enforceable undertakings, supported by stronger penalties.

The Government released the *Review of the Flora and Fauna Guarantee Act — Consultation Paper* for eight weeks from 30 January to 28 March 2017. The public consultation period attracted significant community interest. Two hundred and ten written submissions were received from a broad range of stakeholders, including industry, local government, environment groups, public authorities and individuals. This feedback informed the development of the proposed reforms.

The resulting Bill will give Victoria a modern overarching framework for biodiversity protection and management in Victoria as well as strong and effective protection for Victoria's native species and important habitats, complementing other measures such as the state system of national parks and conservation reserves.

WHAT CHANGES WILL THE BILL MAKE?

Part 1 — Preliminary

I now turn to the specific amendments which the Bill will make to the existing Parts of the Flora and Fauna Guarantee Act 1988.

Section 4 — Objectives of the Act

Currently the Act contains a set of conservation management objectives. The scope of the objectives is broad: they relate to all indigenous flora and fauna in Victoria and not merely threatened species, as well as communities of flora and fauna, potentially threatening processes, and genetic diversity.

Currently the objectives include terms that are not easily measurable. This makes an assessment or evaluation of the effectiveness of the Act difficult. The objectives do not reflect or provide sufficient emphasis on contemporary conservation challenges and approaches.

The objectives have been amended so that there is now an emphasis on prevention and restoration. The primary objective [section 4(a)] guaranteeing the survival of all Victoria's flora and fauna has been retained, although terms within the objectives have been replaced to make them more measurable for monitoring and reporting (assessment or evaluation) of the Act.

Key new objectives are to:

prevent indigenous taxa and communities of flora and fauna from becoming threatened and to recover threatened taxa and communities so their conservation status improves;

identify and mitigate the impacts of potentially threatening processes to address the important underlying causes of biodiversity decline; and

identify and conserve areas of the State in respect of which critical habitat determinations are made.

New Section 4A — Principles of the Act

The proposed amendments also introduce a set of principles to guide the administration of the Act and direct decision makers to consider certain matters in exercising functions under the Act. They require that decision makers give proper consideration to the rights and interests of Traditional Owners, the potential impacts of climate change, public participation, supporting collaboration between government, the community and partner agencies, the precautionary principle and the best available information in the management of Victoria's biodiversity.

New Section 4B — Duty of Public authorities to give proper consideration to the objectives and instruments made under the Act.

The Act currently contains an obligation or 'duty' on public authorities to be administered so as to have regard to the flora and fauna conservation and management objectives (section 4(2)). A public authority is defined broadly as a body established for a public purpose by or under any Act. While broad, this definition is somewhat ambiguous. The Bill clarifies that it applies to all levels of government, including an administrative office, government department, municipal council, public entity and state owned enterprises.

The proposed Bill will provide greater clarity as to what the duty requires, with a new provision that specifies the relevant considerations, consistent with the existing objectives as well as any instruments made under the Act such as the Biodiversity Strategy, critical habitat determinations, action statements and management plans.

The Bill will replace 'have regard' with 'give proper consideration to', which is reflected in other similar modern 'duties', such as the *Charter of Human Rights and Responsibilities Act 2006*. The Bill aims to clarify the obligations of a public authority under the duty by pointing to the relevant considerations in the Act as well as providing a number of tools to provide guidance and options to support public authorities to acquit their duty. These include:

Ministerial guidelines which clarify the duty, make it relevant to particular sectors and define what is reasonably expected;

public authority management agreements, which clarify the duty for a particular authority, provide legal certainty that the biodiversity obligations are understood and being managed, and which may streamline permit requirements;

powers for the Minister to require information from a public authority if there are concerns regarding the authority's ability to fulfil their duty.

The overarching principle is that the duty strengthens government leadership and accountability by encouraging consideration of biodiversity across government and by clarifying the existing requirement for public authorities to have regard to the objectives of the Act.

Part 2 — Administration

Minor amendments have been proposed in the Part 2 of the Act, which relates to Administration. They include updating terminology introduced in the objectives and including references under the functions of the Secretary to the newly created principles.

The membership of the Scientific Advisory Committee has increased from five members to a minimum of seven and a maximum of nine members. References to the Conservation Advisory Committee have been removed. This committee has not been established for over 20 years.

Part 3 — Listing

The Bill proposes to amend the Act to give effect to the Intergovernmental Memorandum of Understanding agreement on a national common assessment method for listing of threatened species. This Bill does not change the Act's current approach to listing threatened communities.

Under the Common Assessment Method, Victoria will manage a single list of threatened species in threat categories consistent with the Commonwealth Government and other States and Territories. Eligibility will be assessed initially on the basis of extinction risk in Australia. However, eligibility can be assessed on the basis of risk of extinction in Victoria in suitable circumstances.

Improved criteria

It will be a function of the Minister to ensure that the threatened list is comprehensive and reviewed on a regular basis.

Provided that the Scientific Advisory Committee has had input into the process, assessments conducted by other jurisdictions, in accordance with the common assessment method, can bypass the need for a preliminary recommendation and Scientific Advisory Committee can proceed to make a final recommendation.

The Scientific Advisory Committee will also be able to:

reject a nomination on the basis that reassessment will not result in a change in listing; and

make a final recommendation to the Minister about a minor amendment without making a preliminary recommendation.

The Minister will also be able to make minor amendments to the list without needing to make a recommendation to the Governor in Council.

Improved publishing requirements and list maintenance

The advertising requirement for Scientific Advisory Committee's preliminary and final recommendations and the Minister's decisions under section 16 will be changed from newspaper to online.

In order to maintain and ensure government accountability, a new provision has been created to ensure the Minister must, after any change to the threatened or processes list, ensure an up to date consolidated version of the list is published on the Department's website as soon as practicable and that the lists are reviewed at intervals of no longer than 5 years.

Part 4 — Management processes

Consistent with the State's Biodiversity Plan, *Protecting Victoria's Environment — Biodiversity 2037*, the Bill allows for more strategic biodiversity planning and investment that better addresses the impacts of climate change on biodiversity. The Bill provides that the existing Biodiversity Plan will be taken to be the first Biodiversity Strategy.

The Bill requires the preparation of a Biodiversity Strategy which establishes proposals for achieving the objectives of the Act, targets to measure achievement of the objectives and a framework for monitoring and evaluating implementation.

The Bill maintains the Act's requirement to prepare information about every listed species, community or threat, in the form of action statements.

The Bill also retains the existing power for the Secretary to determine that an area is critical habitat. Greater participation will be provided to landowners affected by determinations, underpinned by proportionate regulatory protection for these areas. Critical habitat determinations may:

contain habitat that makes a significant contribution to the conservation in the State of any species or ecological communities listed as threatened under the Act, or is in the process of being listed as threatened under the Act (a preliminary recommendation must be made by the Scientific Advisory Committee before it is eligible); or

support ecological processes or ecological integrity that makes a significant contribution to the conservation in the State of any species or ecological communities listed as threatened under the Act.

The Bill gives a greater role to the Scientific Advisory Committee in critical habitat determinations. The Scientific Advisory Committee may make a recommendation to the Secretary to make a critical habitat determination. In preparing a critical habitat determination, the Secretary must consult the Scientific Advisory Committee. The Secretary must give reasons to the Scientific Advisory Committee for a decision to propose — or not propose — to make a critical habitat determination following a recommendation.

Once a critical habitat determination has been made, the Secretary must take all reasonable steps to enter into agreements with affected landowners or public authorities.

The ability to prepare more detailed management plans for species, communities or potentially threatening processes that require particular attention will be maintained. A management plan must set out:

the way in which the objectives are to be implemented or promoted for the benefit of that species or community or the management of that threatening process; and

how the effectiveness of management activities will be assessed, and

the date by which the management plan is recommended for review by the Secretary.

The circumstances in which a management plan must be prepared will be set out in Ministerial guidelines. Notice and consultation provisions will continue to apply to the making of management plans.

Part 5 — Conservation and control measures

Under the current Act, critical habitat can be protected by the making of an Interim Conservation Order. The Bill proposes that an interim conservation order may have effect beyond the existing two-year limit, consistent with similar powers in New South Wales and Western Australia. The proposed new name for the order — 'habitat conservation order' — reflects this move to longer term management.

The Minister must consider whether to make a habitat conservation order within 2 years of the making of a critical habitat determination in relation to critically endangered flora or fauna, or communities of flora or fauna. The Minister must not make the order unless it is necessary to:

halt, prevent or repair damage to the critical habitat or proposed critical habitat; or

manage the critical habitat or proposed critical habitat to ensure its conservation or protection.

The Minister may suspend a licence, permit or other authority issued under any other Act that permits the holder of the licence, permit or authority to act in contravention of a habitat conservation order.

The order may provide for

the conservation, protection or management of flora, fauna, land or water within an area of critical habitat or proposed critical habitat;

the prohibition of any activity, land use or development; or

a requirement for any person proposing to undertake any activity, land use or development within the critical habitat to obtain a permit from the Minister.

Compensation will be available to a person who has an existing right under the *Planning and Environment Act 1987* or an authority under another Act, and who is affected by a habitat conservation order, or a person with a licence, permit or other authority which has been suspended by the Minister. A person who has been affected by an order may also appeal to the Victorian Civil and Administrative Tribunal for review.

Consultation and notice provisions will continue to apply to the making of orders.

Listed species and members of ecological communities will continue to be protected under the Act and harm prohibited without approval. Strict liability offences have been created to enable enforcement using infringement notices in future.

The regulation of common, non-listed flora will be focussed on higher risk activities such as commercial harvesting, and the overlap with vegetation clearing controls will be removed.

The list of protected flora for which authorities must seek a permit to take during their operations will be reviewed. There will be the introduction of a new "restriction on use" category, which identifies flora that are not currently threatened (and therefore, not listed as threatened), but may be at risk if commercial or personal use is not sustainably managed.

This focuses the permit regime on higher risk activities such as commercial harvesting and threatened species.

A new exemption is proposed for public authorities acting in accordance with a public authority management agreement under the Act. This can bring a public authority's biodiversity obligations under the Act (including its duty) into one instrument, removing the need for individual approvals and significantly reducing regulatory burden, provided equivalent or improved ecological outcomes are achieved.

The Bill maintains the Act's exemption for taking protected flora from private land, for non-commercial purposes, and will define private land to exclude land owned by or vested in a public authority (consistent with the existing protected flora order of the Governor-in-Council).

Part 6 — General

The current Act has been challenging to enforce. It lacks a range of enforcement tools that enable a tiered response based on the severity of the offence. The enforcement provisions, powers of authorised officers and penalties are out of date and do not match related legislation in Victoria and interstate.

The Bill strengthens penalties so the Act provides an effective deterrent to breaches and is brought in line with other legislation in Victoria and interstate. The penalty for a number of offences will increase from a maximum of 50 penalty units to 240 penalty units, in line with related legislation such as the *Wildlife Act 1975*. Higher penalties will apply for body corporates.

The Bill strengthens the powers of authorised officers and introduces an enforceable undertaking regime.

These amendments aim to bring the Act in line with other legislation in Victoria and with best practice enforcement frameworks. They will provide an effective deterrent to breaches of the Act.

Conclusion

In summary, this Bill marks a step change in the protection and management of Victoria's biodiversity. It streamlines conservation management processes, will increase support for on-ground conservation activities and gives greater protection to critical habitat. It establishes a modern framework for biodiversity protection and management in Victoria and strong and effective protection for Victoria's native species and important habitats, now and into the future.

I commend the Bill to the house.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until Thursday, 7 June.

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

Second reading

Debate resumed from 23 May; motion of Mr PAKULA (Attorney-General).

Mr EDBROOKE (Frankston) (10:09) — I rise to speak on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. As previous speakers have said, this is a bill that provides a mechanism for Victoria to become part of the national redress scheme, which is designed of course to support and compensate those who were subject to sexual abuse as children. Many survivors and their families have been waiting a hell of a long time for this to happen. In my electorate of Frankston two of my constituents, Brian and Valda, have kept in very close contact with my office in regard to this issue. They are survivors who through ups and downs have been there time and time again to answer my questions and have pushed this issue to make sure that justice is done.

The Family and Community Development Committee, which I now chair, originally inquired into this issue and produced the *Betrayal of Trust* report. I would just like to acknowledge the members who were on that committee at the time. The member who was chair at the time was Georgie Crozier, a member for Southern Metropolitan Region in the other place, and other members included the members for Broadmeadows and Ferntree Gully.

Following that report a number of things were taken very, very seriously, and acted on very, very quickly. Yesterday we heard from the member for Thomastown, who was also a member of the committee and involved in that report. She spoke about how the government confirmed prior to the election that it would commit to all of the findings and the recommendations in the *Betrayal of Trust* report, which is just so important going forward.

It was back on 12 November 2012 that then Prime Minister, Julia Gillard, announced that she would be recommending to the Governor-General the creation of a royal commission. That recommendation was celebrated by many, many people. The commission was established in January 2013. I will quickly refer to some statistics about that inquiry. It ran over five years and held 444 days of public hearings. It delivered its staggering 17-volume final report on 15 December 2017. It heard evidence in respect of more than 3400 institutions, including educational institutions, religious groups, sporting groups, state institutions and youth organisations, and heard from almost 8000 witnesses in private sessions. It heard that abusers had been shuffled around and moved from place to place to prevent crimes being reported. It revealed that adults failed to try to stop further acts of child abuse and shamefully turned a blind eye. It found that 63.6 per cent of survivors were male and that most survivors, 93.8 per cent of them, were abused by a male. Victims were, on average, just 10 years old when they were abused. We know that the suicide rates in this group are just astronomical.

The royal commission released its *Redress and Civil Litigation Report* in November 2015. It found that our current civil litigation systems and past and current redress processes have not provided justice for many survivors, if any. Importantly, and significant obviously for today, it recommended a single national redress scheme for survivors of institutional child sexual abuse, designed to be a simple, accessible way for survivors to access compensation.

I would like to acknowledge all of the witnesses I have spoken of and all of the people who were strong enough to come forward, but I also recognise the people who are still suffering in silence and who need to come forward. This certainly does open the door for those people to have the confidence that they will be listened to and will actually be believed, whereas formerly they were not, to our nation's shame.

One of the major things found during the Victorian inquiry was that it is not so much about compensation as it is about compassion, justice and also people's concern for the future and making sure that this does not happen to anyone else — their children, their grandchildren or people in their neighbourhoods. That I think is quite humbling. Most of these people were quite modest too, from my reading. Most of the people who came to speak at the Victorian inquiry hearings felt that they had just not been listened to initially, that a blind eye was being turned and that it was very institutionalised. But they were very concerned about the future and that this should never happen to anybody else.

The Labor government was elected in 2014 and quickly adopted these recommendations, as I said a couple of minutes ago. The bill before us today is one of the final parts of this suite of recommendations that were made by the inquiry to be implemented by government. It connects to some of the categories of the *Betrayal of Trust* report as well.

Something that has been very strongly put forward by people that I have spoken to in regard to this issue is the issue of property trusts of churches and so on and the inability to sue a church because of the way it structures its finances. I must say personally it is quite a relief to have legislation drafted that requires an entity to nominate a person or a legal entity that can be sued. I recently had someone visit my office who was quite angry about this part of the legislation. We had a 40-minute conversation that had some peaks and troughs, I guess you would say, and I think as that person left my office they understood that this is not about religion. This is not about religion at all. This is about ensuring that the right thing is done and justice is done for people who have been wronged. What this bill actually does is pave the way for people not to have such legalistic barriers, I guess you would call them, preventing them from being able to sue organisations that harmed them. While originally there was talk about property trusts and how you dismantle them, I think the Department of Justice and Regulation has found an innovative way to ensure that these companies nominate a legal entity and therefore can be sued and made responsible for the harm that was caused.

Most importantly, I think as part of this redress program survivors will be eligible for access to counselling and psychosocial services, which is a huge gain. As part of the scheme the royal commission has recommended that applications will need to be verified of course. I note that this will generally be by way of a statutory declaration and will generally not require any other supporting documentation, which is an issue that has been brought up many, many times in the past. How do you ask someone to prove that they were sexually assaulted? It is a huge question. It is a huge onus on people who are going through massive turmoil. Often these issues raise their heads later on in life — for men, we do know that — and they are expected to find evidence of something that happened 40 years ago when they were actually 10 or under in an institution that did not keep records at the time. So it is good that this will be by way of a statutory declaration. I think it is just so important that these people have access to counselling without having to provide evidence that just is not there. It is a critical part of this legislation.

The average payout for survivors is expected to be around $76 000, which is actually $11 000 more than the average recommended by the royal commission. I note that section 49 of the bill states clearly that a redress payment is a payment of compensation under the scheme and nothing prevents a liability insurance contract from treating a redress payment as a payment of compensation or damages. Just as importantly, these payments will not be subject to income tax, nor will they be treated as income for the purpose of assessing social security entitlements or other benefits. Survivors will have access to independent legal advice before accepting any offer, and that is obviously so important.

This scheme will finally provide recognition, apologies, justice and compassion to so many people who as mere children were abused in institutional care under someone else's duty of care. They were ignored and not believed for many years, and when they did try to speak up and tell what they had endured, the crisis they had been through and the consequences of that abuse for them — in some cases for decades — they just were not listened to. In some cases they were called liars. This bill goes a long way to addressing those issues. I commend this bill to the house.

Ms THOMSON (Footscray) (10:19) — I too rise to support the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. In doing so I want to acknowledge, as others have, the work that was done leading up to the *Betrayal of Trust* report that was delivered in this Parliament. I sat here and listened to the contributions of those members who actually participated in that inquiry. We heard heart-wrenching stories from those who sat through hours and hours of submissions, listening to the people who spoke, some for the very first time, about the horrors that they had experienced at the hands of the people that they should have been able to trust. I think it affected all of us sitting in the chamber at the time. All of us believe the recommendations that came from that report and the subsequent Royal Commission into Institutional Responses to Child Sexual Abuse that was instigated by Julia Gillard was in fact necessary and important, and that we should adhere to those recommendations and implement them.

So before us now we have a bill that talks about the need for redress. The truth is that it was not bad enough to have the crime of child abuse committed, but the cover-up of it made it even worse. So what we had were not only victims of crimes, but that that was compounded by the fact that they were never seen as victims. They were never allowed to be victims. They never got the support that they needed to be able to recover as victims. That is the tragedy of all of this, and that is why institutions now have to face up to their responsibility to redress what they did not deal with at the time. We think of the thousands of people who suffered at the hands of those that they trusted across the board, and how it could have been a different story if it had been dealt with at the time. It is so important

that we pass this legislation, together with the other states, to enable this redress scheme to be put in place.

I have within my electorate many members of the Jewish community. Although I am not part of that community, I am well aware that Adass Israel Jewish girls school had a principal, Malka Leifer, who is still avoiding prosecution at the moment but who, hopefully, will be back in Australia to face the courts on 74 child sexual abuse charges. This is the point that I am trying to make. We cannot cover this up. We need to expose it and to deal with it. We need to deal with the perpetrators. We need to support the victims, and we need to do that openly. We need to confront this issue, and we cannot confront it until we deal with those who have already been the victims.

Recommendation 28.1 of the *Betrayal of Trust* report proposed the establishment of an alternative mechanism to civil litigation to provide redress for survivors of institutional child abuse. This was backed up by the royal commission, which also called for a redress scheme for survivors of institutional child sexual abuse, and it was a key recommendation of the royal commission that this be implemented. So we see before us in the Parliament today the outcome of both the *Betrayal of Trust* report and the royal commission. On 9 March 2018 the Premier announced the Victorian government's intention to opt into the scheme, alongside the Premier of New South Wales. Subsequently Queensland, the ACT and the Northern Territory have also announced they will opt into the scheme, and I hope that other states will follow.

I think all of us are a little ashamed of the fact that we have allowed this matter to drag on for so long and not deal with it. It is important that as a government we deal with it too. From the Victorian government's position, we will ensure that all institutions controlled by the Victorian government will be covered by this scheme. But the call does go out to the churches, the private institutions and organisations to join the scheme as well, because they can join this scheme and they can face up to the fact that they have allowed this to go on for far too long. They have covered it up for far too long, and they have made the victims suffer for far too long.

We know that the redress scheme allows for a payment of up to $150 000 to a victim, but it also talks about counselling and the support that is needed by victims. We need to be cognisant of the fact that no amount of money is ever going to give them back what they lost as a result of that abuse, but we can go a long way towards showing them the respect and the support that was not shown to them at the time of the abuse. I think it is beholden on not just governments to do it but most certainly on every single institution where there was one victim, let alone hundreds and in some cases thousands of victims, to take the responsibility to now face up to the fact that they did not deal with this issue when they should have dealt with it — at the time the abuse occurred. Priests were moved around to other schools or parishes where they could continue their practices. In the Scouts, as we have heard, in Jewish religious institutions — in all of our institutions — there are victims of child sexual abuse which would never, ever had occurred if only the institutions had dealt with it earlier.

How evil are these perpetrators, who are in positions of so much trust. If you are a Catholic family who follows that faith and believes in your priest, to then not be able to trust them is just absolutely outrageous, but to have them abuse the most important base of family life — your children — is beyond that. I have no words. For that to occur in a scouting group, a Jewish group, a Muslim group or any organisation is just outrageous. We do know that the perpetrators played on the fact that they were trusted; they played on the fact that if the child said anything to the parents, they would not be believed; they played on the fact that they could do it to any number of children and that they would go unpunished while those children would continue to pay the price for years and decades.

To those who had the courage to appear before the parliamentary Family and Community Development Committee, to contribute to the *Betrayal of Trust* report, for those who had the courage to go to the royal commission and air their stories, we owe them this — we owe them a lot more than this. For me anything that we can do to support these victims and anything we can do as a Parliament to make sure that it never happens again — unfortunately it probably will — and that the most vulnerable in our community are the most protected, we should undertake to do.

I am pleased that this government signed up to the redress scheme as soon as was possible, and I applaud our Labor government and the Premier for ensuring that we put into place the support mechanisms and the legislation to protect child victims of sexual abuse and to recognise the pain, suffering and anguish that was caused to a number of our young people who are still suffering the consequences now. I commend the bill to the house.

Mr RICHARDSON (Mordialloc) (10:29) — I rise to speak on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth

Powers) Bill 2018. Like members before me, as a member of Parliament I find it harrowing to go through some of the accounts and evidence that have been given and the recommendations for reforms that need to be undertaken to ensure that what should be one basic pillar of every society — the protection of others and particularly the protection of children — is maintained in our system.

This bill follows a long line of reforms which really stem from the *Betrayal of Trust* report, which was tabled in November 2013, but were then underpinned by the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse. As a former staff member for a former Attorney-General, Mark Dreyfus, I remember the initial stages of the work to construct the parameters for that vital royal commission. I remember a substantial event in the hall of Parliament House in Canberra where we acknowledged that royal commission coming online. So many survivors and their families attended — people from across the country who had participated in it and had an interest in seeing this royal commission get underway.

Some of the stats and the findings were truly astonishing. It is worth taking into account the more than 8000 personal stories of survivors that were told in private sessions. We owe a great debt of gratitude to each and every one of those people who had the courage to share their harrowing stories to try to assist in the royal commission's work to underpin those future recommendations, to underpin systemic and vital change, because as a system, whether it was the institutions themselves or the law and legislation that operated at the time, we failed those people — we failed to protect them. Their evidence has contributed to hopefully ensuring that we can mitigate these heinous acts and prevent them from happening on such a wide scale in the future. As we do with all of these reforms, recommendations and pieces of legislation, we pay tribute to them and thank them for their courage in stepping forward.

There were also 1000 written accounts by survivors, 57 public hearings and 35 policy round tables, 59 research papers and 45 case study reports — a substantial amount of work that was years in the making. Just like the *Betrayal of Trust* report work that was done by members who still serve in this Parliament, who faced those hearings and the evidence that was submitted, there has been a lot of work to get to this point.

This bill covers three broader areas that we have focused on regarding criminal law reform, the creation of child safe organisations and civil law reforms. The previous government started the work in the criminal law reform area particularly around grooming offences, failure-to-disclose offences and the failure-to-protect offence, so those powers are now in operation. Then also there have been recent reforms in creating child safe organisations, and the Victorian government has done work in that space to improve those standards and to make sure that child safety is at the forefront. The protection of children should be a basic, fundamental premise of any society or any community, and that should be at the forefront for organisations. It is a bit hard to comprehend that that needs to be put forward as a practice or that it should be a best practice standard. It is harrowing that that is even a thing. That should always be the focus; it should always be the protection of children, in any organisation, but those standards make it ironclad, and organisations will really be measured on how they are implementing them and how they are supporting children in a range of areas.

Then we come to some of the civil law reforms that have been implemented recently. The Wrongs Amendment (Organisational Child Abuse) Act 2017 came into effect on 1 July 2017. That act creates a duty of care that will allow an organisation to be held liable for negligence for organisational child abuse, unless the organisation can prove it has taken reasonable precautions. Again this really drills down and focuses on making sure organisations are doing everything in their power to protect children and to ensure that they are accountable — accountable where there are wrongs committed — and that we are doing all that we can from a legislative perspective to protect children. There is also a very important recent reform which was passed earlier in this Parliament, the Limitation of Actions Amendment (Child Abuse) Act 2015. That ensures organisations are not getting away from being held to account simply through limitations on the timing of offences, and that whether they are retrospective or prospective, people will be held to account. We know that sometimes for survivors to come forward and detail some of the wrongs that have been committed can take many years, given the trauma they have suffered. So removing that limitation is very important, and that was an earlier piece of work that went to the heart of delivering on those recommendations and reforming our whole system.

The redress scheme basically allows the Department of Human Services at the commonwealth level to provide assistance. Obviously through our constitutional system that requires a Victorian act to be passed, but I note that

the Victorian Premier and the New South Wales Premier did not hesitate in signing up to that redress scheme, committing Victoria straightaway to ensuring that there was no doubt, that there was no added anguish for survivors and that they knew their state would be signing up. We need to get this happening. We need to give people certainty. The redress scheme itself is only a small part, but it goes to acknowledging the wrongs. The member for Footscray summed it up when she said people for decades were questioned, challenged, had to try to prove themselves and were not believed. We must always believe the survivors and look at how we can support them, rather than have them go through years of anguish and trying to prove the wrongs that have been committed and the systemic issues. Years were lost during which further actions could have been prevented from taking place.

This redress, this financial support, will not heal those wounds. It will not. But it is an apology to those survivors and an acknowledgement that we understand the trauma they have gone through, and this goes in some small part to trying to assist them with the life that they will now carry on and hopefully will go towards some sort of support if there is any further assistance or support that they need, which is so very critical. There is still a lot of work to be done in this space. The recommendation is that auditing will go on in the years to come of how we are tracking with the recommendations that have been implemented through legislative reform and then how we as a system, as institutions and as government, ensure that very fundamental thing of protecting children.

I think for the people in this place with kids, with nieces, nephews, brothers and sisters, it makes you shudder to the core to think of the grief, the guilt of the parents and the children who suffered and what they go through each and every day. We can never understand that burden they live with, but we can show empathy and understanding, and hopefully some of this work, the redress scheme powers and the work that has been done by the royal commission will go some way towards helping those families. There is as well the toll of those people who have been lost along the journey through mental ill health and the suffering that has gone on. We acknowledge those that have not been able to access this scheme.

I have got a constituent who is quite ill. She has got a number of health complications, and she said to me, 'Tim, just make sure this happens. Get it done, with no hesitation, no delay. We've been waiting for years. Now is the time to act and now is the time to get this done'. To those constituents, I hope that we get this done as soon as possible, pass this through the upper house as quickly as can be and that the federal Department of Human Services gets on with implementing this assistance and supporting these families who have gone through so much turmoil and so much suffering. I commend the bill to the house.

Mr EREN (Minister for Tourism and Major Events) (10:39) — I too would like to make a contribution on this bill, the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. Unfortunately we have these bills come through this place from time to time that we wish did not have to come through. Of course child abuse is one of those things that should not exist in our society, but the fact is it is not a perfect world and there are some bad people out there. We need to have these bills before us to make sure that we protect those people that need protection the most.

For parents and for children who have been victims of abuse over time, this is an appalling thing that has happened to them and indeed to their whole family. Victoria is a great place to live, work and raise a family; of course we have had many accolades in relation to the titles we hold, including the sporting capital of Australia and the major events capital of Australia; our population is growing more rapidly than anywhere else; and of course you want to have a lifestyle that is a good lifestyle. But the matters that pertain to this bill highlight some of the cancers in our society that are unfortunately out there. As a government we must do all that we can to ensure that our children, who are the most precious of all, are protected.

Those who have been the victims of such hideous crimes need to have recourse and need to have closure, and the bill before us today assists in that with the commonwealth powers. We are well and truly on the way, with many states already having signed up to the scheme, and we are proud, obviously, to sign up to this agreement.

The bill before the Parliament, on the National Redress Scheme for Institutional Child Sexual Abuse, will enable some Victorians to participate in the national redress scheme. We need to make that available, and of course we would like to see a lot more people sign up to this redress scheme. If it is genuinely going to be for the purpose of helping those victims in some way, shape or form, then we need all those organisations to sign up so that we can get to the bottom of it, and hopefully one day, in a perfect world, we will not have any child sexual abuse occur in our state or indeed our nation.

These bills that come before the house from time to time are obviously necessary, and you wish that we did not have to have these sorts of bills, but we do need these bills to protect our communities and ensure they have recourse to justice at the end of the day, for them to seek some justice through this process. Governments cannot erase the harm caused by institutional child sexual abuse, but it is our hope that signing up to a national redress scheme will give survivors the recognition that they obviously deserve.

The legislation will enable redress to be provided to survivors of institutional child sexual abuse that occurred in state-based government and non-government institutions. The commonwealth does not have the power to legislate for a scheme that applies to the states and state-based institutions. A state referral of powers is needed for a national scheme to apply to Victoria and Victorian institutions. This referral bill will enable Victoria to participate in the national redress scheme. It refers powers to the commonwealth to the extent necessary for Victorian state-based and non-government institutions to participate in the scheme.

As I understand it New South Wales introduced referral of powers legislation to its Parliament on 1 May. That bill refers powers to the commonwealth to pass the national redress scheme bill, and that was introduced to the commonwealth Parliament on 10 May. The Victorian bill also refers powers to enable amendments to the national bill with the agreement of all participating jurisdictions and in accordance with the provisions of the intergovernmental agreement on the National Redress Scheme for Institutional Child Sexual Abuse, which Victoria has signed.

All institutions controlled by the Victorian government will be covered by the scheme, and the referral bill paves the way for churches, charities and other non-government organisations operating in Victoria to participate in the scheme. Our government, the Andrews Labor government, has urged non-government institutions to promptly opt in to the scheme, and I think that is the appropriate thing to do in the interests of survivors who have waited far too long for justice to occur. Even if no institutions opt in by the commencement date of 1 July, the scheme will begin on that day in relation to state institutions, which is totally appropriate.

The scheme will run for 10 years and eligible survivors will be eligible for monetary payments up to $150 000, access to counselling and psychosocial services and a direct personal response, such as an apology from the responsible institution or institutions.

I think it is important that we put on the *Hansard* record that applications for redress by survivors will be assessed by independent decision-makers on a case-by-case basis and guided by an assessment framework. Survivors will be able to access independent legal advice, which will be funded under the scheme, before accepting any offer of redress and signing a deed of release.

The commonwealth Department of Social Services will be the operator of the scheme. The scheme is due to commence on 1 July 2018, subject to the passage of this legislation. I assume that it will pass speedily, not only through this place but in the other place as well, so that survivors can get on with their lives and seek some redress.

The Andrews Labor government has also led the way in helping survivors of institutional child sexual abuse by creating new laws to quash an unfair legal loophole that prevented survivors from suing some organisations for their abuse. We abolished the time limits for civil claims so that lawsuits can be lodged regardless of how long ago the abuse occurred. We also introduced an Australian-first duty of care for organisations exercising care supervision for authority over children.

Of course there will be other speakers after me and there have been speakers before me, but I think everybody collectively in this house is appalled by the actions that have occurred to these victims. We hope that one day we will have a society where these hideous crimes do not occur and where our children are safe, but until then we need legislation such as this. This bill will go a long way to redressing some of those injustices that have occurred to children over time. Hopefully they will have some closure as a result of this bill and any future bills that seek further refinements to the redress scheme that will benefit people who have been victims of these hideous crimes. I commend the bill to the house.

Mr CARBINES (Ivanhoe) (10:47) — I am pleased to follow the member for Lara and Minister for Tourism and Major Events in speaking on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. In particular, as has been noted by several members, the commonwealth does not have the power to legislate for a scheme that applies to the states and state-based institutions, so a state referral of powers is needed for the national

scheme to apply to Victorians and Victorian institutions.

I will just go to some of the key aspects of the bill that have been outlined by several members. In March this year the government committed to join the national redress scheme. It is a very significant moment, not only for the victims but also for holding many of our institutions accountable for past practices and the responsibilities they have to participate in and also to meet their obligations to the community.

Other states that have opted in to the scheme also need to refer their powers to the commonwealth, and that is particularly what we are seeking to do in relation to this bill. We know that the bill includes a reference to refer powers to the commonwealth Parliament to enable it to enact legislation to establish the national redress scheme. Also, the commonwealth legislation will establish the national redress scheme that is attached to the bill. We know also that the New South Wales government introduced legislation to refer powers to the commonwealth so that New South Wales government and non-government institutions can participate in that redress scheme.

Some of the other aspects that are important to pick up on are why the scheme only covers historical abuse and not the abuse which will happen after 1 July 2018. The Royal Commission into Institutional Responses to Sexual Child Abuse found that attempting to prescribe a detailed redress scheme to apply to future abuse potentially stretches decades into the future and was not warranted or appropriate. It also found that addressing the impact of future abuse could be done through civil litigation reforms.

We should note as well that the Victorian government has already responded to a number of the royal commission civil litigation recommendations. These include addressing some of the common guiding principles for child sexual abuse claims made against Victorian government agencies to make litigation a less traumatic experience for victims and ensuring a compassionate and consistent approach. These are some of the key issues that we have been trying to deal with to lessen the burden on victims and the processes through which they need to engage to seek justice and redress. That is one of the key aspects out of the royal commission and the actions of the Victorian Parliament in the way we are seeking to deal with several of these matters.

Can I also just pick up on other aspects and initiatives that the government has taken to help survivors of institutional child sexual abuse. In particular we have seen new laws to quash an unfair legal loophole that prevented survivors from suing some organisations for their abuse. Our Parliament has also abolished time limits for civil claims so that lawsuits can be lodged regardless of how long ago the abuse occurred. We also introduced an Australian-first duty of care for organisations exercising care, supervision or authority over children. This goes back to the trust that has been placed on significant institutions and organisations over many decades and how we can now ensure that there is not only accountability placed on those institutions and organisations but also care and support in our legal frameworks to emotionally and financially support those victims of abuse.

In November 2016 the commonwealth government announced it would establish the national redress scheme for victims of institutional child sexual abuse. In March this year the Premier announced that the government would opt in to the scheme alongside the New South Wales Premier. That was a very significant moment. As anyone who has been engaged and involved in negotiations among jurisdictions would understand, what is also critical and important is the leadership that needs to be shown from the bigger states like Victoria and New South Wales. It sets the tone and promotes accountability for many of the other states in the way in which our federal system is required to operate. It was particularly significant for Victoria and New South Wales to join as one and opt in to the scheme. It certainly puts pressure on and sets the tone of the expectations we have of other states. What we have subsequently seen is Queensland, the ACT and the Northern Territory have also announced that they are locked into the scheme. We await further details from the other jurisdictions.

A couple of the other key aspects that I did want to pick up on include the *Betrayal of Trust* report that resulted from the bipartisan parliamentary inquiry set up by the previous government back in April 2012. I was a member of that previous Parliament. Some very significant work was also done with regard to adoption by a member of the former government and now a member for Eastern Metropolitan Region in the other place, Ms Wooldridge. Her work was very significant. I pick up again the work of the Betrayal of Trust parliamentary committee which resulted in some very significant, long-term changes to institutional arrangements being introduced into legislation. These have been very significant and this Parliament now has the opportunity to pick up on some of that work.

The leadership and work of my colleagues the members for Thomastown and Broadmeadows and our parliamentary colleagues across this chamber and in the Legislative Council have been significant. I also refer to the commitments made in October 2014 to implement the recommendations of the *Betrayal of Trust* report, recommendation 28.1 in particular, which states:

> That the Victorian government review the functions of the Victims of Crime Assistance Tribunal … to consider its capacity to administer a specific scheme for victims of criminal child abuse …

Victoria's participation in that national redress scheme will acquit the recommendations of the Betrayal of Trust inquiry. That work was not only significant in bringing about this leadership and changes to the legislation that we are talking about today, but I think we also need to thank and acknowledge the victims and their families who were again asked to speak publicly. A lot of those hearings were also held in camera. These people were asked to provide their stories again not because they were in a court or because they were seeking redress but because we as legislators needed to hear those stories in order to act on their concerns. We thank them for what was a painful but also very necessary part of the process that we all needed to understand in order to legislate in an appropriate way to support them. I am sure it does not get any easier for those victims to have to confront their past. For them to detail and explain it so articulately and with such passion was absolutely critical to the work of that Betrayal of Trust committee and also the effect on members in understanding and having empathy with the challenges and the difficulties that people have faced.

This bill comes about as a result of the recommendations of the royal commission in its *Redress and Civil Litigation Report* released in 2015, which recommended a single national redress scheme. The data from the royal commission showed that sexual abuse of children occurred in over 4000 institutions across the country, indicating the importance and breadth of a national scheme. By opting into the national redress scheme Victoria obviously meets those recommendations from the commission that we need one single national scheme.

Our role is not just about making it easier for our federal system to operate. We still have to be accountable and make sure that our citizens feel that that redress scheme meets their needs, that we are not just drawing up a redress scheme that provides the commonwealth with the capacity and power to administer the scheme. I certainly will give a commitment, as I am sure our Parliament does, that as Victorian legislators we will hold the scheme and the operators of that scheme to account to make sure that it meets the needs, the goals, the commitments and the expectations of victims and their families.

That is no different to a range of other national schemes, whether it be the national disability insurance scheme or other national schemes. We need to make sure that we are meeting the needs of our citizens in Victoria. This is the right approach. This is a bipartisan piece of work. It has got all the hallmarks of what has been explained to us by victims about their needs and desires. We are working together to see that done. Over the years what we need to be ensuring is that we are assessing that work, that we are getting feedback from victims and their families and that we are clear in understanding that the scheme meets their needs and continues to provide the ongoing support for victims that has been so sadly lacking in the past. I commend the bill to the house.

Ms THOMAS (Macedon) (10:57) — I am pleased to rise today to speak on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I commence by commending former Prime Minister Julia Gillard for establishing the royal commission. We have all been appalled by the litany of accounts of neglect, humiliation, deprivation and emotional, physical and sexual abuse that so many people experienced while they were children in institutional care. In Victoria this Parliament's inquiry, which was announced in April 2012, and its subsequent *Betrayal of Trust* report similarly heard terrible stories of abuse and neglect, and in part it was this Parliament's work that led to the establishment of the national royal commission.

I think it is now acknowledged by all that these inquiries have been essential and have exposed systemic failures in religious institutions across many faiths and in other community organisations that work closely with children, including the YMCA and the scouting movement. It is worth reflecting that at the time of the establishment of the royal commission there was much conservative opposition to those inquiries, and from the Murdoch press in particular. Indeed Paul Kelly, a well-known commentator from the *Australian*, had this to say back in 2012:

> The dismal, populous and doomed quality of Australian governance has been on display this week with Julia Gillard announcing an in-principle royal commission into child sexual abuse, a panicked Tony Abbott falling into line and an ignorant media offering cheer upon cheer.

Andrew Bolt, another well-known commentator, called it 'The great anti-Catholic witch-hunt', whereas Gerard Henderson likened it to a Catholic inquisition.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Mr T. Smith — On a point of order, Speaker, I seek your guidance with regard to the Minister for Education yesterday misleading this house. Yesterday he said that 'the accessible building program application, submitted by Cobden Technical School on behalf of Joe, was not rejected', yet a letter received by the member for Polwarth from the school council president, Jody Watson, says that Mr Peter Clements from the minister's department said, 'You will not receive any funding this financial year'. I simply seek your guidance, Speaker, about what the minister said yesterday, which was clearly inaccurate and misled this house.

Ms Allan — On the point of order, Speaker, in his point of order the member for Kew referred to his claim of misleading the house. The member for Kew knows full well that this is not the way in which you raise these matters. They need to be raised by way of substantive motion. And can I suggest that we would be delighted to have a debate about our investment in education as opposed to the approach that those opposite take in cutting funding.

Mr Clark — On the point of order, Speaker, the Leader of the House is not correct in what she has submitted about the procedures of this house. It is fully in order for you to advise the Minister for Education that if he has misled the house it is open to him and indeed it is his duty to make a personal explanation to the house about his inaccuracy. Certainly if he has deliberately misled the house it is open to a member to submit to you that the matter should be referred to the Privileges Committee. That remains an opportunity, but even if his misleading is inadvertent, he has misled the house and the community, and he should be making a personal explanation to the house and you should advise him accordingly.

Honourable members interjecting.

The SPEAKER — Order! It is not the Chair's role to order members to make personal explanations. Members are accountable to the house for the comments they make. Are there any questions?

Supervised injecting facility

Mr GUY (Leader of the Opposition) (11:03) — My question is to the Premier. Premier, the government is allowing users to inject ice and methamphetamines at North Richmond Community Health Centre, the same centre where Minister Mikakos recently confirmed that young children's playgroups will continue to operate — astoundingly — from the same building. Richmond West Primary School is just 10 metres away. Now we find that there will also be children in the same building for dietary consultation, children there for occupational therapy and children there for speech pathology. Kings Cross has no children's services anywhere near that injecting facility. Premier, with parents now raising concerns, how could you intentionally allow a facility like this in a precinct full of young children with no additional security?

Mr ANDREWS (Premier) (11:04) — I thank the Leader of the Opposition for his question. I am not sure whether the Leader of the Opposition is familiar with the North Richmond Community Health Centre. It is a significant building, built by a Labor government I might add. It is a significant building. It is a building that is —

Honourable members interjecting.

Mr ANDREWS — No, it was not built by those opposite. It was built by a Labor government and funded by a Labor government. The member for Hastings can talk about it all he likes but it is a matter of fact —

Honourable members interjecting.

Mr ANDREWS — The facility is quite large — it is in fact one of the largest community health service buildings in the state. Both the community health service and the school are fully supportive of a trial to deal with the fact — I would need to double-check this because it is not a static number, it tragically has changed over time — of the announcement there had been some 38 deaths in and around the North Richmond area. Whilst the Leader of the Opposition is perfectly entitled to ask questions about this or any other matters, what he is not entitled to do is to verbal that school community, because what they have said is very clear. I will quote Jim Castles, the school council president:

> In interests of creating a safe place for our children, I support this evidence-based —

Honourable members interjecting.

Mr Guy — On a point of order, on relevance, Speaker, my question was about security. My question was about security at the school and at the facility. My question was about security, and I have asked the Premier about security. I ask that you bring him back to the substantive part of that question.

The SPEAKER — Order! The preamble to the question mentioned the concerns of the school community — parents of the school community. I rule that the Premier is being responsive to the question asked.

Mr ANDREWS — Jennifer Deeble, the acting principal of Richmond West Primary School, says:

> We remain confident that the new facility will have a positive impact on our school …

And she goes on. So the school council, the school leadership, the school community, the community health service, Victoria Police, drug and alcohol experts and fair-minded Victorians, I think, know and understand that we have got to at least trial this because the alternative is to see people continue to die in gutters, in laneways and on the school grounds.

It is worth trying something that has been successful in other parts of Australia and other parts of the world, and that is what we are doing. I reject the assertion that there will not be appropriate security arrangements. I can inform the Leader of the Opposition that very recently — in fact it is an ongoing process — the school community and the community health service are in consultation with Victoria Police.

Mr Guy — Consultation!

Mr ANDREWS — Yes, that is where you listen and then you get on and do things, a concept that you would know very little about. If the choice is between this sort of cheap politics and saving lives, getting the needles out of the school ground and making sure that no-one else dies in that schoolyard, then that is a very easy choice to make.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Hawthorn and the Minister for Planning.

Supplementary question

Mr GUY (Leader of the Opposition) (11:08) — Noting that the endorsements the Premier has read to the Parliament all relate to a heroin injecting facility, not one in relation to ice or methamphetamines — ice — and noting that at the Public Accounts and Estimates Committee (PAEC) your Minister for Education admitted that no extra security had been provided for Richmond West Primary School to protect them from ice users at the neighbouring injecting facility, and with the Minister for Housing, Disability and Ageing telling 3AW on 11 April that security at the facility itself was going to be, and I quote:

> Well, if you've got large Samoan security, they know what they're doing —

Premier, exactly why are there are no added security measures at Richmond West Primary School? And does the minister's ludicrous and racist response represent your government's idea of proper security to protect young children and their families?

Mr Foley — On a point of order, Speaker, I take personal offence at the comments that the Leader of the Opposition has made, and I ask him to withdraw.

The SPEAKER — The minister for housing has asked for comments to be withdrawn. I ask the Leader of the Opposition to withdraw the comments.

Mr GUY — I withdraw.

Mr M. O'Brien — On a point of order, Speaker, have we now got to a stage where a member of this chamber can make comments in a public forum such as a radio program, have those words quoted in this chamber, take offence at their own words and require them to be withdrawn? Because if that is the case, this chamber is a farce and it is pointless.

Mr Foley — On the point of order, Speaker, I think the member for Malvern knows full well that it was not the comments that the Leader of the Opposition quoted from a 3AW interview; it was the editorial he attached to them that I took offence to. I thank the Leader of the Opposition for withdrawing his offensive remarks.

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

Mr ANDREWS (Premier) (11:12) — I thank the Leader of the Opposition for his supplementary question. I reject the assertion that there have not been steps taken to make sure security and safety is at the heart of this supervised injecting room trial. I will certainly need to check a number of the other assertions made by the Leader of the Opposition. I do not think that that is what the Deputy Premier and Minister for Education said at PAEC last week at all. I do not think that is right at all. It always pays to check all those things that are put forward by the Leader of the Opposition, but one thing that will not need checking is

from Jennifer Deeble, the acting principal of Richmond West Primary School:

> We have a great relationship with the operators of the local health service who are keeping us up-to-date with the work being done to establish the facility.

Ministers statements: infrastructure projects

Mr ANDREWS (Premier) (11:13) — I am delighted to update the house on work being conducted under the government's road and rail agenda, our infrastructure agenda on the Metro Tunnel — not being talked about, actually being delivered. This morning the Minister for Industry and Employment, the Minister for Public Transport and I met with a number of engineering cadets and apprentices to celebrate some significant milestones on that project, one talked about by some but being delivered by this government. We have ticked over 5 million hours of work on that project — a fantastic outcome. Almost 2000 jobs have been created because of that project, and of course we know that in order to continue to build that project and have it delivered fully — a turn-up-and-go public transport system, five new underground stations, 9 kilometres of new track, taking the busiest line out of the city loop and creating capacity therefore within the city loop and creating 7000 jobs — we will need to invest in TAFE. And guess what? We are, in record terms.

What is more, we will need to make sure that every taxpayer dollar that is invested in this project leverages up skills attainment and employment opportunities. That is what our skills guarantee and industry participation policy are all about: more apprentices; more trainees; more cadets; a partnership that we also mark today, a partnership between the project proponent and Holmesglen TAFE — a fantastic outcome; jobs and skills; more trains; more opportunities; and a better future. That is more jobs. There is an alternative, of course: you can cut jobs each day, every day, when you are in government or you can create new jobs for the future and build the infrastructure that we need. That is Labor's record. That is Labor's plan. That is Labor's action.

Education funding

Mr T. SMITH (Kew) (11:15) — My question is to the Minister for Education. Yesterday in question time you asserted that I lied about the status of works at Middle Indigo Primary School and Cobden Technical School, yet the principal of Cobden Technical School yesterday told the local paper that only after the matter was raised in Parliament will the works now proceed. At Middle Indigo Primary, the school maintain they have not heard anything from the government despite your assurances to the Parliament that 'works are underway as we speak'.

Honourable members interjecting.

The SPEAKER — Order! The level of shouting in the chamber is excessive. Members will be removed from the chamber without warning.

Mr T. SMITH — Minister, how can Victorian parents trust anything you say in this Parliament given you have so blatantly lied about the status of school upgrades at both Cobden and Middle Indigo?

The SPEAKER — Order! I am going to ask the member for Kew to rephrase his question without the use of the word that he knows is unparliamentary.

Mr T. SMITH — How can Victorian parents trust anything you say in this Parliament given you have so blatantly misled this house about the status of school upgrades at both Cobden and Middle Indigo?

Mr MERLINO (Minister for Education) (11:17) — I thank the member for Kew for his question and his new-found interest in education. It was not there for four years, was it?

Mr R. Smith — On a point of order, Speaker, it is not hard to have an interest in this topic when the minister constantly lies in this house every time he is asked a question. Every answer is a lie —

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

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte is warned. I have warned members about the use of that word in the chamber. The member for Mordialloc is warned for shouting across the chamber.

Mr MERLINO — Any day of the week we will debate those opposite —

Honourable members interjecting.

Mr MERLINO — On any part of the state — Leader of The Nationals — about investment in education and about how we value education. In terms of Cobden Technical School, Cobden has submitted an application under the accessible building program to provide access for a student with mobility issues. The application and proposed scopes of work are being finalised by the Victorian School Building Authority (VSBA) and the school. The VSBA will provide advice

to the school shortly about the expected start and finish time for the project. In terms of Middle Indigo the department's north-eastern regional office will work with the school to resolve this issue. In terms of Caulfield South Primary School and the VSBA —

Honourable members interjecting.

The SPEAKER — I have warned members about shouting across the chamber. Members persist in shouting. Members will be removed from the chamber for shouting.

Mr Walsh — On a point of order, Speaker, on relevance, the shadow Minister for Education asked a specific question about misleading the house. If you go to *Hansard*, page 23, at 11.33 a.m. yesterday, the minister said in relation to the toilet at Middle Indigo:

It is underway as we speak.

Honourable members interjecting.

The SPEAKER (11:19) — Order! The member for Frankston will leave the chamber for the period of 1 hour.

Honourable member for Frankston withdrew from chamber.

Mr Walsh — As the shadow minister said, the school has not heard from the department about the works, let alone those works being underway. So I would ask you to get the minister to address the question that was asked, about how anyone can trust anything he says in this house when he constantly misleads the house.

The SPEAKER — Order! I understand the Leader of The Nationals's point of order, but the minister is being relevant and responsive to the question.

Mr MERLINO — As I say, again, on Middle Indigo, the school has been working with the department's north-eastern regional office to resolve this issue. There is work between the regional office and the school to resolve it. On Caulfield South Primary School, this was another issue raised with me. The VSBA —

Mr R. Smith — On a point of order, Speaker, the minister continues to mislead the house. He can say what he wants; the school has not heard from the department or from the minister. We have got the school telling us that they have not heard from the government in any way, yet the minister gets up and continues to perpetuate this mistruth.

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

Honourable members interjecting.

The SPEAKER (11:21) — Order! The member for Warrandyte will leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr MERLINO — Another question was raised about Caulfield South Primary School. The VSBA spoke to the principal of Caulfield South Primary School yesterday afternoon. The school had not previously raised concerns about the toilets with the department.

Mr Guy — On a point of order, Speaker, on relevance, I know the minister had trouble answering this question yesterday in question time, but in fact this question was around Middle Indigo and Cobden Technical School. It was not actually in relation to Caulfield, and while the minister might want to try and correct his misleading of the Parliament on Caulfield yesterday, that is not what this question was about, so I ask you to bring him back to answering about Cobden and Middle Indigo.

Mr MERLINO — On the point of order, Speaker, the question related to those specific schools. It also related to education funding and the question of trust and question time. I am being relevant to the question.

The SPEAKER — Order! I uphold the point of order. I ask the minister to come back to answering the question that was asked.

Mr MERLINO — Any day of the week our record in education and in just the last budget of a few weeks ago — $1.25 billion, the same as those opposite did in four years. There are 70 new schools in our construction pipeline. Not one school opened in 2016 because of —

Mr T. Smith — On a point of order, Speaker, it was a very specific question, and I would ask you to ask the minister to come back to answering my question. He is not being relevant to the question. He has not mentioned Cobden in any way, shape or form properly, because the works were not approved. That is the key point. We have the letter from the school council president to prove it.

The SPEAKER — Order! I understand the point of order.

Mr Andrews — On the point of order, Speaker, I am pretty sure that the member for Kew is not listening very well because the Deputy Premier and Minister for Education — and what a fine Minister for Education he is — went directly to the school. He mentioned directly the school that the member for Kew is pretending to be interested in.

The SPEAKER — Order! I took it that the minister mentioned the two schools that were mentioned in the question earlier in his answer. He is now responding to the last part of the question.

Mr MERLINO — The application for Cobden Technical School is being assessed as we speak. We will support Joe and his family and deliver the accessible changes that the school and the student require.

Mr T. Smith — On a point of order, Speaker, yesterday the minister said that the application was not rejected, but we have a letter from the school council president, who said, quoting a departmental officer, 'You will not receive any funding this financial year'. The minister is misleading the house again.

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

Mr MERLINO — So our record is there for all to see and for all communities to see. It is a massive investment in school buildings and upgrades right across the state — 70 new schools, 1300 upgrades and over 40 specialist schools either new or upgraded. This is a record unparalleled, and I will put our record on this side of the house against those opposite any day of the week.

Supplementary question

Mr T. SMITH (Kew) (11:25) — Minister, for over a year Elsternwick Primary School has sought around $25 000 from you to put air conditioning in the grades 5 and 6 classrooms, given the rooms' age and heat in summer. The school and parents have now raised half of these funds themselves. Instead of supporting this school you are currently advertising for two social media advisers, each to be paid up to $92 000 a year. Minister, given this school is now seeking just $12 500, how can you justify prioritising spin doctors over the welfare of these students, or do you intend to lie about this school as well?

The SPEAKER — I caution members asking questions not to use the word that is well known to be unparliamentary, or they will not have their question answered. The question will not count. I ask the member to repeat his question without the use of the unparliamentary term.

Mr T. SMITH — Minister, given this school is now seeking just $12 500, how can you justify prioritising spin doctors over the welfare of these students, or do you intend to mislead the house about this school as well?

Mr MERLINO (Minister for Education) (11:26) — I mean, seriously! This is a shadow minister that calls capital works a distraction. You can see it in what they do when they actually have the privilege of representing and being a government on this side of the house —

Mr Clark — On a point of order, Speaker, it was a very specific question about a school and its need for air conditioning. The minister is not entitled to proceed to debate the matter. I ask you to bring him back to answering and explaining to that school community what the government's position is.

The SPEAKER — Order! The last part of the question invited a broad response, but I do ask the minister to come to answering the specific nature of the question.

Mr MERLINO — So in relation to this school I will ensure the Victorian School Building Authority engages with the school in terms of its needs. But let us have some comparison: the City of Bayside — $19.7 million under them when they were last in government; $56 million under the Andrews Labor government. So I will ensure that we engage with that specific school, but we will take no lectures from those opposite when it comes to investing in our schools and supporting students, parents and teachers.

Ministers statements: education funding

Mr MERLINO (Minister for Education) (11:28) — There has been a lot of talk about staffing across the Department of Education and Training and what they actually do. So for the record, our government has invested in more than 3000 additional teachers, learning specialists, teacher aides and integration aides. We have moved more than 10 000 teachers and support staff from uncertain contracts to permanent employment. We employ 600 student support service (SSS) officers and Victorian public service (VPS) staff — which have increased by 11 per cent since 2014 — including psychologists, speech pathologists and social workers. New VPS staff also include behavioural experts, many of whom are psychologists and social workers, who help schools deal with the most challenging and complex behaviour of students. This is as front line as

you can get. There are regional staff, including health and wellbeing support for our schools, parents and students — gutted by those opposite and increased by 30 per cent under us. This is a reflection of our priorities and how we value and invest in education.

Yesterday the cat was let out of the bag, and these critical staff will be in the firing line. One thing is certain: the only thing the Leader of the Opposition will not cut is his ties to organised crime.

Mr Clark — On a point of order, Speaker, the minister might be trying to talk about anything but his portfolio, but in fact sessional orders require him to be advising this house about matters relating to his portfolio. He is failing to do so. I ask you to direct him to comply with sessional orders.

The SPEAKER — The minister has strayed from making a ministers statement. The minister to come back to making a statement.

Mr MERLINO — We have provided additional staff at the Victorian School Building Authority to roll out our $3.8 billion school infrastructure investment, including project managers, architects and specialists in asbestos removal. In this budget we are increasing SSS workers again, particularly speech pathologists, who will deliver additional services to 3000 students across the state. We invest in our staff in our schools. We will not cut them, and we will not be a protector of organised crime.

Education funding

Mr T. SMITH (Kew) (11:31) — My question is to the Minister for Education.

Honourable members interjecting.

The SPEAKER — Order! The member for Kew is entitled to ask a question without interjections across the chamber.

Mr T. SMITH — At South Yarra Primary School most of the school's 420 children have to enter the school by crossing Punt Road. It is dangerous, and the crossing supervisor recently left after being struck by a car. The school and parents have repeatedly appealed to your government for additional road signage, for red-light cameras to improve safety for school students crossing Punt Road and for safer school access points. But despite two years of pleading for these vital safety works you have given them nothing. Minister, is it going to take a tragedy or a fatality for you to put the safety of the students of South Yarra Primary School ahead of your employing hundreds more departmental bureaucrats and spin doctors?

Mr MERLINO (Minister for Education) (11:32) — I thank the member for Kew for his question. The answer is no. He has also got the incorrect minister. I will engage with the Minister for Roads and Road Safety in regard to —

Honourable members interjecting.

Mr MERLINO — You asked about road signs, so how about you put a bit of rigour into your question? So the answer is no. I will raise it with the Minister for Roads and Road Safety and get back to the school.

Supplementary question

Mr T. SMITH (Kew) (11:33) — South Yarra Primary School's open space is so small that its 420 children are forced to play in neighbouring Fawkner Park. Parents and teachers are worried about the security of the students in such a public space, particularly given past experiences of people photographing children and engaging in antisocial behaviour. Minister, last year you hired a further five senior executives in your department, including a communications director, whose job was advertised for a massive $330 000 a year. Why is having more bureaucrats and spin doctors a higher priority for you than South Yarra Primary School's need for added student security during recess times?

Mr MERLINO (Minister for Education) (11:33) — The school has always had challenges around space because it is an inner-city school. I am not sure if the member for Kew is suggesting that we compulsorily acquire all of the houses around the school. In regard to support for the school, on this side of the house we have provided $1.2 million for a three-storey relocatable. These are highly valued amongst our inner-city schools. Nothing delivered by the —

Mr T. Smith — On a point of order, Speaker, I have allowed the minister some time to provide context, but —

Ms Ryall interjected.

The SPEAKER — The member for Ringwood!

Mr T. Smith — I have allowed the minister some time to provide context, but he has not answered the question.

Honourable members interjecting.

The SPEAKER — Order! I am not entirely sure who that was, but I think it was the Attorney-General. I would thank him not to interject across the table.

Mr T. Smith — The question was about security at South Yarra Primary School, and the minister's answer bore no resemblance to the question that I asked. I ask you to bring him back to answering the question — on relevance, Speaker.

The SPEAKER — Order! I was listening to hear whether the minister's mention of the relocatables in some way related to the question that was asked. I ask the minister to continue answering the question.

Mr MERLINO — The question was about both space and security. I have addressed the issue of space. In regard to security, as we talked about at the Public Accounts and Estimates Committee hearing last week, all of our 1500 government schools are required to have emergency management plans to deal with the specific security issues with each and every school. South Yarra is no different.

Ministers statements: organised crime

Ms NEVILLE (Minister for Police) (11:35) — I rise to update the house on the work that Victoria Police and the government are doing to tackle the growing threat of organised crime. As we made clear in our recent *Community Safety Statement*, the threat of organised crime is real and the use of technology to further the interests of organised crime is increasing this threat. We know that the use of the darknet, for example, provides more opportunity for organised crime to money launder, to trade illegal firearms and to traffic drugs. That is why we are investing in Victoria Police to make sure that they are in the best position to tackle this. There is $24 million for digital specialists and surveillance to crack down on serious and organised crimes. There are new laws, the firearm prohibition orders — laws that those opposite tried to weaken — and more laws that are coming to disrupt organised crime.

We know that when tackling threats like organised crime, you need to back in your police, and that is exactly what we are doing, with record numbers of police and specialist forensic and digital analysts that they need to support them, people that were actually defunded and cut under the previous government. You can undermine this work, this great work of Victoria Police; you can easily do that. You can do it by giving organised crime a leg up, and you can do it when you cut police capacity. You do it when you do not back in your police, and you do it when you give special status to organised crime figures. You do it when you dine with them, you do it when you give them access and you do it when you take their money.

On the one hand you have the government and Victoria Police doing everything they can to make it hard for organised crime figures to thrive, and on the other hand you have the opposition having secret dinners with alleged organised crime figures and threatening to cut Victoria Police.

Mr Clark — On a point of order, Speaker, the minister is now departing from making a ministers statement and is proceeding to debate matters. I ask you to instruct her to comply with sessional orders.

The SPEAKER — The minister had departed from making a statement. I ask her to come back to making a ministers statement.

Ms NEVILLE — You do not give Victoria Police what they need when you cut their funding like you did under the previous government. What we know is that the only thing the Leader of the Opposition can be trusted to do is cut police numbers, not cut organised crime.

Crown Casino

Ms SANDELL (Melbourne) (11:38) — My question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. It was revealed today that Crown Casino provides small plastic picks with the Crown logo on them to customers to enable them to play the pokies on autoplay. Crown gives the picks out so that these people can jam them into poker machine buttons so the machine plays continuously without the need for human input. This means that the losses accumulated to the person playing the machine — or to put it another way, the profits that Crown gets from the machine — are considerably more than if the machine was played as designed. My question is: Minister, does this behaviour from Crown Casino comply with the law?

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (11:39) — I thank the member for Melbourne for her question. Breaching gaming machine regulations is unacceptable, and once again I emphasise that Mr Wilkie's allegations regarding Crown are matters that we continue to treat very seriously. Following Mr Wilkie's initial allegations in the federal Parliament last year, I met with the commission and asked them to undertake a full and thorough investigation relating to the allegations that were made by Mr Wilkie. This resulted in the

commission issuing Crown with a letter of censure and a fine of $300 000. This is the largest fine ever issued by the commission, and this is reflective of the seriousness of this matter and how they consider it. I can confirm, however, that the commission is continuing to investigate the allegations that were made by Mr Wilkie, and the commission have the expertise to do so.

Supplementary question

Ms SANDELL (Melbourne) (11:40) — I thank the minister for her answer. The minister admitted last week in Public Accounts and Estimates Committee hearings that Crown is still under investigation, and today she admits this behaviour from Crown is unacceptable. Given what we know about the harm caused by poker machines, why has this government granted Crown Casino more and more exemptions from the laws that apply to other pokie venues, and why on earth is Crown Casino still even allowed to operate poker machines in this state?

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (11:40) — I thank the member for Melbourne for her question, once again. In relation to Crown Casino, as the member knows, there is the Casino Control Act 1991, and Crown Casino is completely governed under this act. In relation to any new machines being issued to Crown Casino, that is a matter for the Victorian Commission for Gambling and Liquor Regulation (VCGLR). It is not a matter for the government to issue any new gaming machines. The VCGLR issues all gaming machines and investigates all matters relating to Crown Casino.

Mr Hibbins — On a point of order, Speaker, the minister is not being responsive to the question. The question was not about new gaming machines. It was about the exemptions that are provided to Crown Casino, where their gaming machines do not operate under the same regulations as other pokie operators.

The SPEAKER — Order! The question was a very broad one. I rule that the minister's answer was responsive.

Ministers statements: infrastructure projects

Mr CARROLL (Minister for Industry and Employment) (11:42) — I rise to update the house on the number of jobs created, thanks to our investment in the Melbourne Metro Tunnel project. The member for Kew would appreciate that apprentices are the backbone of our economy. They are also the backbone of our training system. They are the future of our workforce, and that is why in 2016 we introduced the Major Projects Skills Guarantee to mandate that 10 per cent of work on our major projects goes to apprentices, trainees and engineering cadets. I was very pleased to be with the Premier today and the Minister for Public Transport to meet some of these engineering cadets and some of these young people, who are not only getting an opportunity to shine and to shape our city but working on a project that is truly 21st century, that is a game changer for this state.

We are very proud of the work that is going on under our Major Projects Skills Guarantee. When you think about the Metro Tunnel, there are 7000 jobs, with almost 2000 already underway; 800 apprentices, with 80 apprenticeships underway right now; 88 per cent local content —

Mr Andrews — A trainee over there.

Mr CARROLL — We have got a trainee over there. The fifth Beatle over there did not get an invite to the wedding on the weekend. I thought he would be sitting behind John Major, but I did not see him there. Everyone wants to talk about industry 4.0. We are getting on with the job.

When you think about jobs, we are doing everything we can. But what I really enjoyed today was when I opened up the *Age*. Now, LinkedIn is a very important resource. Barrie Macmillan is still on LinkedIn, but I do not know why he is still on LinkedIn. The Leader of the Opposition loves him; he is his favourite bagman.

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, I think most of the house is struggling to follow the train of thought that the minister is pursuing, but whatever it may be it seems to have very little to do with his portfolio and seems to be way out of compliance with sessional orders. I ask you to bring him back to complying.

The SPEAKER — Order! The minister needs to make a ministers statement.

Mr CARROLL — We are trying to follow their train of thought — questions today on Brighton, Caulfield and Prahran. They know something that we do not. I would like to find out what it is.

Mr Clark — On a point of order, Speaker, the minister has, as with previous ministers this week, been defying your rulings, and I do ask you to caution him and other ministers to ensure they comply with sessional orders.

The SPEAKER — Order! I do ask ministers and all members of this house to comply with sessional orders when they are asking and answering questions and making statements.

Healesville freeway reserve

Mr ANGUS (Forest Hill) (11:45) — My question is to the Premier. On 24 February 2014 you visited the Forest Hill electorate and stood on a stump in the Healesville freeway reserve and promised not to sell any land within that reserve. On that day you issued a press release stating that, and I quote:

> Victorian Labor will preserve the Healesville freeway reserve between Boronia Road and Springvale Road as public open space.

Your government has now told local residents that you are in fact selling parts of this reserve. Premier, why did you make false promises to the residents of Forest Hill, telling them before the election that Labor would not sell the land within the reserve and then after the election proceeding to do just that?

Mr ANDREWS (Premier) (11:46) — I do thank the member for Forest Hill for his question, and I congratulate him on what may well be his first question, I think. I am very pleased with that. Can I say, I will have to check though.

Honourable members interjecting.

Mr ANDREWS — Well, I did not want to have to spell it out. It might be his first question, but it would not be the first time that he has been a bit loose with the facts.

Mr Angus — On a point of order, Speaker, if the Premier would like to see his own press release or a photo of him standing on the stump, I am very happy to provide that to the house.

The SPEAKER — There is no point of order.

Mr ANDREWS — Whilst I am indebted to the member for Forest Hill for his forensic understanding of these matters, as he would have us believe, I remember well the event; I remember well the commitment. I will not need to check what the commitment was.

Honourable members interjecting.

Mr ANDREWS — I was attempting to be polite.

Honourable members interjecting.

The SPEAKER — Order! I realise it is the last question of the last day of the sitting week, but people will still be removed from the chamber if they keep shouting across the chamber.

Mr ANDREWS — As I was saying, Speaker, I will not need to check the nature of the commitment; that is very clear for everyone. What I will need to check is the assertion that the member for Forest Hill has made in relation to decisions that he alleges have already been made and representations, correspondence and what residents have or have not been told. I will need to check that, because whilst this may be literally his first question, it would not be the first time those opposite have been loose with the truth.

Supplementary question

Mr ANGUS (Forest Hill) (11:48) — Premier, given you have previously told untruths to my community about not selling parcels of land within the Healesville freeway reserve, will you now tell them truthfully how much of the land within the Healesville freeway reserve is up for sale, under your government, for new residential developments?

Mr ANDREWS (Premier) (11:49) — I thank the member for Forest Hill for his question. I would say that perhaps not reworking the supplementary in light of the answer to the substantive question is not a very smart way to go. If he had listened to the answer that I provided to the substantive question, he would have heard that I will need to check each of the assertions.

Ms Victoria — On a point of order, Speaker, the Premier might treat this with some lightheartedness, but this also affects people of the Bayswater district, and they would all like an answer to the question.

The SPEAKER — Order! The Premier is answering the question.

Mr ANDREWS — I thank the member for Bayswater for assisting me there.

I am very clear on the fact that communities have expectations. We have made commitments. What I am unclear on is the accuracy of the statements that have been put to me by the member for Forest Hill. I will check those matters that he has raised, and if I can add to my answer, I will only be too happy to do it. That is the appropriate way to go. I will not be taking on face value anything put to me by anyone on that side of the house.

Mr Clark — On a point of order, Speaker, the Premier has taken a long time to inform the house that he is unable to respond to the questions that have been

asked by the member for Forest Hill. I ask you to ask him to follow through on his undertaking to check and to provide a written response to the house to the questions asked by the member for Forest Hill.

Mr Angus — On the point of order, Speaker, in amongst the documents that have already been tabled is a letter from VicRoads in relation to this matter, so the Premier might want to start looking in that direction.

The SPEAKER — I thank the member for Forest Hill. The Premier has answered the question.

Honourable members interjecting.

The SPEAKER (11:51) — The member for Bass, the member for Hawthorn and the Minister for Industry and Employment will leave the chamber for the period of 1 hour.

Honourable members for Bass and Hawthorn and Minister for Industry and Employment withdrew from chamber.

Ministers statements: road infrastructure projects

Mr DONNELLAN (Minister for Roads and Road Safety) (11:51) — It is a pleasure to update the house on the pathways that the Victorian government is creating for young people to be trained on all our major projects. As we know, last week I was out at Victoria University Polytechnic with the Premier to announce a new partnership between CPB, John Holland and Victoria University to provide training at Victoria University's TAFE for civil construction.

We know there is going to be a lot of people trained for the work that we are creating for young people. If you look at the West Gate tunnel project, you have got 6000 people expected to be working there; 500 of them will be young apprentices. That is very much why we need the partnership that is being created between John Holland, CPB and the Sunshine facility. But we also know another 400 jobs will be created in Benalla at the precast concrete facility there. I know the member for Euroa would be very excited about that. I hope she gets on board and does not join with the Greens this week in suggesting they will revoke the planning scheme amendment for the project, because those 400 jobs would go. We know that there are also about 4200 jobs on our outer suburban arterial upgrades.

What are the alternatives? You could chop, chop, chop, I guess, like the champion woodchopping O'Toole family, who chop wood blocks like they are sponges; we lost 450. Or you could grow the economy at 0.8 per cent — you could put it to sleep, a bit like what you do with lobsters when you export them overseas and put them on ice. Or you could actually just sit still. But we know there is one job they will protect — that is, the job for Barrie the bagman to ensure that he can keep collecting the money for the Leader of the Opposition down at the Lobster Cave.

Mr Clark — On a point of order, Speaker, the minister is continuing to defy the repeated instructions you have given to ministers to comply with sessional orders. He is also proceeding to breach sessional orders in relation to imputations. I ask you to caution him that he needs to comply with sessional orders.

The SPEAKER — The minister has concluded his statement.

CONSTITUENCY QUESTIONS

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) (11:55) — (14 439) My constituency question is to the Minister for Education. The government has handed down its fourth budget, and over those four years it has claimed to have been making Victoria the Education State. This certainly is not the case in the electorate of Ferntree Gully. Many residents in my electorate have raised concerns about the fact that schools in my electorate have been ignored. Specifically I have received concerns from residents whose children attend Fairhills High School in Ferntree Gully. They are concerned about the fact that over four years this government has not seen fit to provide one cent of funding. My constituency question to the Minister for Education is: can he please provide an explanation to my concerned residents as to why he has chosen to ignore them, having provided no funding for capital works for this important high school over the four years of this government?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) (11:56) — (14 440) My constituency question is for the Minister for Roads and Road Safety. It concerns the intersection of Pound and Shrives roads in Hampton Park, and I ask: when can residents expect to use the new and upgraded intersection? This intersection is notoriously dangerous, and an upgrade has been needed for years. So you can imagine how pleased I was when construction on the project kicked off last year, as it is a big project. There was a very long and hard-fought campaign by the local community to ensure action was taken on this project, and I am very glad to say that it was only Labor that was

willing to act and get it done. Many constituents have contacted me, letting me know how eager they are to see the new roundabout operational, and I look forward to passing on the good news.

Gippsland East electorate

Mr T. BULL (Gippsland East) (11:57) — (14 441) My constituency question is to the Minister for Education, and the information I seek is: when will the minister take up the Bairnsdale Secondary College school council's and my longstanding invitation to see firsthand the deplorable state of the library and classrooms at Bairnsdale Secondary College?

The Liberal-Nationals funded and built stage 1 when in government and committed to stage 2 in the pre-election period, but this has disappointingly been totally ignored by the minister, who will not even visit, despite having said he would three years ago. Today's students are being educated in a half-finished facility with a library that leaks whenever it rains and where classroom walls are covered in mould.

The minister has twice agreed to my invitation to visit, saying he would 'when his diary permitted', but it just does not happen. He does not follow through. The first of those responses was in 2015, when he said he would visit when 'his schedule permits', and the second time was in May 2016, when he said he would visit in the 'near future', but it has not happened. He needs to stop making these lame excuses. The information I seek is: when will he visit?

Macedon electorate

Ms THOMAS (Macedon) (11:58) — (14 442) My question is for the Minister for Roads and Road Safety. Minister, will you ask VicRoads to investigate residents' concerns about the speed limit on Melbourne-Lancefield Road at the Lomandra estate? Residents have raised with me their concerns that the 100-kilometre-per-hour speed limit is impacting their safety when they are either exiting or accessing the estate. With so many great projects currently underway, including our government's $20 million safety upgrade of the Melbourne-Lancefield Road and the most recent budget's commitment to build a roundabout at the Barry Street intersection, it would be good to consider what further improvements we can make to ensure that our roads are safe for Romsey residents.

Hastings electorate

Mr BURGESS (Hastings) (11:59) — (14 443) My question is to the Minister for Public Transport. I am seeking information on behalf of the Western Port community regarding a direct bus service between communities on opposite sides of the Mornington Peninsula. I am frequently approached by constituents with regard to the difficulties involved in accessing family, friends and the many services that are located on the other side of the Mornington Peninsula.

Residents who do not drive have particular difficulty and are challenged when trying to reach Mornington or any other locality on the Port Phillip side. The only available public transport requires travel up through Frankston before then travelling back down the peninsula, and residents are frustrated that the average trip by public transport to Hastings takes 1 hour and 50 minutes, when potentially by car it takes less than 30 minutes.

The Western Port area is also home to a large over-60s population with a greater need for access to health services, which are primarily in the Mornington and Rosebud areas. My community is asking this government to provide a bus service to enable Western Port residents to reach the people, places and services located on the Port Phillip side of Mornington Peninsula.

Yan Yean electorate

Ms GREEN (Yan Yean) (12:00) — (14 444) My constituency question is to the Minister for Sport, and it pertains to an application that has been submitted under the country football and netball program on behalf of the City of Whittlesea for improved changing facilities at the A. F. Walker Recreation Reserve. I ask: when will he be making a decision as to the status of this application?

Melton electorate

Mr NARDELLA (Melton) (12:00) — (14 445) My constituency question is to the Minister for Roads and Road Safety. I ask: when will the traffic light synchronisation be reinstituted on the Bacchus Marsh-Gisborne Road and Western Highway interchange at Bacchus Marsh? Noel Stanley, a constituent from Bacchus Marsh, has contacted me. There are roadworks at this interchange and an upgrade, but VicRoads has stopped the synchronisation and coordination of the traffic lights, causing massive traffic congestion from the middle of the township to the Grey Street roundabout. There is peak-time traffic all day during the day, and Noel has been told by VicRoads that it will be August before this will be fixed. This is far too long, and residents need the synchronisation as quickly as possible.

Williamstown electorate

Mr NOONAN (Williamstown) (12:01) — (14 446) My question is to the Minister for Roads and Road Safety, and it relates to the West Gate tunnel project. At the conclusion of the environment effects statement process for this project there was a recommendation to the minister to undertake a corridor study with a particular focus on Millers Road in Altona North. The focus of this corridor study would be to consider ways to reduce the potential impacts of trucks over the short and long term, and I am pleased the minister has committed to undertake this work. So my question to the minister is: what progress has been made to advance the corridor study and what will be the scope of the work?

Sandringham electorate

Mr THOMPSON (Sandringham) (12:02) — (14 447) My constituency question is directed to the Minister for Roads and Road Safety. On a number of occasions in this place I have had occasion to place on record the concerns of motorists across metropolitan Melbourne as they have had to deal with faulty red-light cameras and in particular the concerns of a Vietnamese bus driver who was confronted by the loss of his licence when he had a family to feed, a mortgage to pay and a job to sustain.

Recently I have had representations from other constituents and in particular from a driver with a good driving record, in terms of not causing accidents, who feels that something has gone wrong with the road system. This is a view that is shared by many of her colleagues, who are maxing out their demerit points. My question to the minister, on behalf of a constituent, is: does government policy support the point system in its current form, which is leading, I surmise, to many more people losing their drivers licence and impacting upon their abilities to meet other commitments?

Essendon electorate

Mr PEARSON (Essendon) (12:03) — (14 448) I direct my constituency question to the Minister for Education, and I ask: what is the latest information about the Flemington education plan that was recently announced in the 2018–19 Victorian state budget?

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

Second reading

Debate resumed.

Ms THOMAS (Macedon) (12:03) — As I was saying before the break, a lot of conservative commentators were very quick to condemn the Royal Commission into Institutional Responses to Child Sexual Abuse, and I think that given what has subsequently been uncovered both as a result of the royal commission and this Parliament's own inquiry they should consider their words. As a person who grew up in the Catholic faith and who has many friends and family who are still practising Catholics, I did want to make the following observation. You do not advance the interests of the church in Australia by seeking to minimise, by seeking to deny or indeed by seeking to find some apology for the actions that have taken place in the Catholic Church. If you want to advance the interests of Catholicism in Australia, then you need to take the opportunity that the findings of the royal commission have provided to look deeply into the operation of the church and clean it up.

For too long, and it has been well spoken of already, we have known that appalling acts of depravity and abuse of children have taken place. I do say that sincerely, and in doing so I want to reflect a little on a conversation I had some time ago with some really terrific friends of mine who were either day students or boarders at St Patrick's College in Ballarat. I know that the member for Wendouree and the member for Buninyong have spoken in this house about the particular impact that child sex abuse in Ballarat has had on that town. This is a regional city that has been deeply traumatised by what happened in that city. When I spoke to my friends, while none of them themselves were abused they certainly knew young men who had been abused, and they were carrying survivor guilt. I said to them, as the only person who had not been to that school at the table that night, 'This is not a burden you need to carry. You were children. It was not your role to speak out. There were adults, and they were the ones who needed to speak out'.

The work that has been done — the royal commission and the report of this inquiry — is very, very important work, and it has exposed some atrocities in our nation that we need to address. I am very pleased to see that as a result of the work of the royal commission and the *Betrayal of Trust* report governments are taking up the

challenge. The Andrews Labor government is continuing to take action in response to the royal commission, and we have proudly signed up to the national redress scheme, which was a key recommendation of the royal commission.

The bill before the Parliament will enable Victoria to participate in the national redress scheme. Ensuring that Victoria participates in the scheme will provide critical support to those who have suffered past wrongs, including abuse, community silence and institutional corruption, which meant survivors were not listened to, they were not believed and they were not acknowledged. Governments cannot erase the harm that was caused, but it is our hope that signing up to a national scheme will give survivors the recognition they deserve.

The legislation will enable redress to be provided to survivors of institutional child sexual abuse that occurred in state-based government and non-government institutions (NGOs). It also paves the way for churches, charities and other NGOs operating in Victoria to participate in the scheme. I would like to take this opportunity to encourage all of those non-government agencies and the churches to participate in the scheme. As I said, the best way in which they can rebuild faith, confidence, trust and their own reputations is to embrace the findings of the royal commission, acknowledge the wrongdoings of the past, move forward and participate in the redress scheme. We hope these laws will pass quickly, in the interests of survivors who have already waited for too long.

As the commonwealth does not have the power to legislate for a scheme that applies to the state, a state referral of powers is needed for the national scheme to apply. This referral bill enables Victoria to participate in the scheme, and it refers powers to the commonwealth to the extent necessary for Victorian state-based and non-government institutions to participate in the scheme. New South Wales also introduced referral of powers legislation to its Parliament on 1 May.

The national redress scheme was a recommendation of the royal commission, and our own *Betrayal of Trust* report proposed the establishment of an alternative mechanism to civil litigation to provide redress to survivors of institutional child abuse. As I said, the redress scheme was also recommended by the Family and Community Development Committee. This applies to government and also to all institutions that are controlled by the Victorian government, but as I said it paves the way for churches, charities and other non-government organisations to participate.

The redress scheme will run for 10 years. Eligible survivors will be eligible for a monetary payment of up to $150 000, access to counselling and psychological services and a direct personal response, such as an apology, from the responsible institution or institutions. Applications for redress by survivors will be assessed by independent decision-makers, and survivors will be able to access independent legal advice, which will be funded under the scheme, before accepting any offer of redress and signing a deed of release. The commonwealth Department of Social Services will be the operator of the scheme.

The Andrews Labor government has led the way in reforming our laws to help survivors of institutional child sexual abuse. We have created new laws to quash the unfair legal loophole known as the Ellis defence, which was preventing survivors from suing some organisations for their abuse. Again I say: 'Stop with the legal games, face up to what has been done in your name, move forward and focus on the victims'. That is what we need to see now not just from the churches but from all of those organisations that have been neglectful in the past. We have also abolished time limits for claims so that lawsuits can be lodged regardless of how long ago the abuse occurred. I commend this bill to the house.

Mr STAIKOS (Bentleigh) (12:11) — It is indeed a great honour to rise to contribute to the debate on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. This is a bill which is truly the finest example of bipartisanship in this Parliament, because if there is one thing we can all agree on, it is that the sexual abuse of children, indeed the rape of children by people they trusted, is the most heinous crime. That is something that everybody in this Parliament agrees on. Certainly this government has been very strong in ensuring, just like the previous government, that the recommendations of the *Betrayal of Trust* report were fully implemented and that we now support the implementation of the recommendations of the royal commission. I will come to both of those inquiries in a moment.

I will be referring a lot to the Catholic Church in this contribution because, as the *Betrayal of Trust* report noted, most of the evidence from witnesses was indeed around abuse by the Catholic Church. I declare now that I am a friend of the Catholic Church. I attended three Catholic schools and as a member of a very Catholic electorate, I am very active in the Holy Trinity

parish. I have met many lay Catholics and many good members of the clergy who have been outraged by things that have happened in their church and in their schools. I have met many who have been passionate advocates for victims of such abuse. Many of them have for years been beside themselves at the inadequate response of the church in dealing with these awful, awful instances of abuse, something that has been endemic in the church.

The Catholic Church, like other organisations, has had its own system of redress, but as the *Betrayal of Trust* report noted, these systems have been inadequate. I am going to quote from the *Betrayal of Trust* report:

> In the mid-1990s, the Catholic Church created two systems for responding to allegations of criminal child abuse: the Melbourne Response (applicable only to the Catholic Archdiocese of Melbourne) and Towards Healing, both of which are still currently operating.

In its review of the existing internal systems and processes adopted by these religious organisations, the committee identified the following features: they are not truly independent of the organisations; they contain no existing recognition of or support for secondary victims of criminal child abuse; their approach to financial compensation often does not provide a clear explanation for the basis on which an organisation makes a financial payment, how the amount awarded is determined and obligations regarding confidentiality; they rarely encourage participants in the process to seek independent legal advice before reaching an agreement that might affect their subsequent legal rights; they tend to provide generic apologies that do not focus on the specific circumstances of the individual and the role played by both the perpetrator and the organisation in regard to the damage suffered by the victim; only some provide counselling support, and some of those that do tend to provide inadequate counselling for a number of reasons, including limited sessions offered, counselling services not tailored to individual needs or counselling services operated internally by the organisation responsible for the abuse; and some demonstrated a reluctance to implement effective disciplinary processes for offenders in their organisation, such as suspending them from their duties, removing their title or their membership with the organisation. I referred to that section because nothing speaks louder than that as the reason why we desperately need this new system in place.

The bill before the Parliament will enable Victoria to participate in the national redress scheme, and this is how it will work. The scheme will run for 10 years. Eligible survivors will be eligible for a monetary payment of up to $150 000, access to counselling and psychological services and a direct personal response, such as an apology from the responsible institution or institutions. Applications for redress by survivors will be assessed by independent decision-makers on a case-by-case basis, guided by an assessment framework. Survivors will be able to access independent legal advice, which will be funded under the scheme, before accepting any offer of redress and signing a deed of release. The commonwealth Department of Social Services will be the operator of the scheme. The scheme is due to commence on 1 July 2018, subject to the passage of the legislation. We wish it a speedy passage. We also encourage non-government institutions to opt in to it as well.

I finish my remarks by congratulating the committee, including Georgie Crozier in the other place, the member for Broadmeadows, the member for Thomastown, the member for Ferntree Gully and former MPs Andrea Coote and David O'Brien.

I also wish to acknowledge Julia Gillard for announcing the royal commission when she was Prime Minister. In doing so I want to address the role that the media played. As the member for Macedon noted, when the former Prime Minister announced the royal commission there were sections of the right-wing media who were very critical of it. That aside, the media was integral in shining a light on something that was covered up for so, so long. I particularly acknowledge journalist Joanne McCarthy, who in 2013 won the Gold Walkley. She wrote more than 350 articles about the sexual abuse of children by clergy in Newcastle and the Hunter Valley. She interviewed more than 200 victims. She uncovered 12 suicides among former students of priest John Denham, and all the while she was treated as being mad and obsessive and was vilified at the pulpit. She was one of the reasons that the then Prime Minister announced the royal commission.

It was no surprise that Prime Minister Gillard's final act, in her final moments on her final evening as Prime Minister, was to write this letter to Joanne:

> I am sending you this letter in the very final moments of my last evening as Prime Minister. I do so with enormous pride.
>
> Joanne, you are a truly remarkable person.
>
> Thanks in very large measure to your persistence and courage, the NSW Special Commission of Inquiry and the federal royal commission will bring truth and healing to the victims of horrendous abuse and betrayal.
>
> Please know that in your remarkable struggle to tell the story about this shameful chapter in our nation's history, you are

> not alone. Thousands of Australians share your passion for justice — I'm one of them.
>
> So thank you for your humbling and inspiring letter — your integrity shines through in every sentence.
>
> As I leave office, many piles of correspondence and briefings will go back to the department for filing, but your letter will stay with me always.
>
> With admiration and best wishes

And it is signed by Julia Gillard. What a legacy to leave the people of Australia, that the most shameful chapter in this country's history could perhaps be righted by making sure that a light was shone on those terrible things that happened to vulnerable little children. Far from the criticisms that we heard at the time from some sections of the right-wing media, this was Julia Gillard's greatest moment as Prime Minister. We are here today because of her. I think that she will forever be remembered as the Prime Minister who really made a big effort to heal these wounds of the past. With those few words, I commend the bill to the house and I wish it speedy passage.

Mr NOONAN (Williamstown) (12:20) — It is also my privilege in many respects to speak in support of this bill and to follow the member for Bentleigh, who spoke so eloquently about Julia Gillard's contribution and also the significance of the Royal Commission into Institutional Responses to Child Sexual Abuse. You do not have to read too far into the final report to see the headline 'A National Tragedy', which we would normally associate with things such as natural disasters, where many people have lost their lives. I think that headline speaks to the significant, systemic and terrible crimes that were committed over many years. As the commission rightly said, the sexual abuse of children is a terrible crime. It is one of the greatest personal violations, and in this case it has been perpetrated against the most vulnerable people in our community.

What I understand from the royal commission's work is extraordinary. When you read the findings arising from the volumes of work that they have actually done, you understand how significant this issue has been in our country: tens of thousands of children who have been sexually abused across many, many Australian institutions. In fact this type of abuse has occurred in almost every type of institution where children might reside, whether that be educational or in a recreational, sporting, religious or cultural setting. As the commission pointed out, in some cases there have been multiple abusers within those institutions. It was not just a couple of bad or rotten apples, as they are referred to, but multiple abusers, and of course there have been systemic cover-ups. What we also understand from the commission's work is that more than 4000 individual institutions were reported to the commission as places where abuse occurred. Disappointingly, in fact very sadly, from a Victorian point of view, we also understand that many state instrumentalities also failed. There is a fairly harsh critique, as one example, of police officers who often refused to believe children and often refused to investigate complaints.

There is also significant commentary in relation to the criminal justice system which created barriers to successful prosecutions of alleged perpetrators. I think, as other speakers have said, most tellingly that one of the things that really guts us, particularly those who have been brought up in religious faith, is just how many children have been sexually abused in religious institutions in Australia and the profound impact on those victims. When we think about those victims the numbers are just extraordinary. The commission listened to the personal stories of over 8000 survivors and read 1000 written accounts: stories of great personal trauma, stories of great personal tragedy, stories involving multiple members of the one family or the one community.

Through all of that, what we end up with from the commission's work is a set of very clear recommendations. One of those which relates specifically to this bill is in relation to redress, and I will read it into *Hansard*. Under the heading 'Justice for victims' the recommendation is:

> … A process for redress must provide equal access and equal treatment for survivors — regardless of the location, operator, type, continued assistance or assets of the institution in which they were abused — if it is to be regarded by survivors as being capable of delivering justice.

That is essentially the key headline recommendation from the royal commission's work in relation to redress. When we are talking about redress for survivors, it is multifaceted. It should include elements of direct personal response, counselling and psychological care and monetary payments as well. When it comes to monetary payments, which is what we are talking about here, it is important to understand that the purpose of that monetary payment from the commission's point of view is to provide a tangible recognition of the seriousness of the hurt and injury suffered by a survivor.

This takes us to this particular bill and the important work that our government, the Andrews Labor government, is doing, and other speakers have mentioned the bipartisan nature in which this

Parliament has operated to take action in response to the commonwealth royal commission. As I outlined, the Victorian government are very proudly a signatory to the national redress scheme which was a key recommendation of the royal commission. The purpose is to provide support to those who have suffered past wrongs including abuse, community silence and institutional corruption. We all understand in this place that we cannot take away the hurt and the trauma that was caused by institutions in relation to that abuse, but what we can do is give some recognition and support that these people obviously deserve.

The legislation will enable redress to be provided to survivors of abuse which occurred in state-based government and non-government institutions. It also paves the way for others — churches, charities and other non-government organisations operating in Victoria — to participate in the scheme. As the member for Bentleigh and the member for Macedon indicated in their contributions today, we would certainly encourage those institutions, be they churches, charities or non-government institutions, to sign up to the scheme. I think many people have had a crisis of faith about this particular issue; in fact I have had my own crisis of faith in relation to some of the atrocious revelations that have emerged in my lifetime in relation to the actions of individuals in the church and the trust that of course has been betrayed. I cannot believe that I need to stand here in this Victorian Parliament today and also offer my encouragement, whether it be to churches, charities or other non-government institutions, to participate in this scheme. I suspect very strongly that the longer it may take for some to agree to participate, the harder it will become for victims.

Others have talked about what the scheme is about. For the record it is worth noting that the national redress scheme will be run for 10 years. It will provide an opportunity for eligible survivors to access a monetary payment of up to $150 000. Those claims will be assessed by independent decision-makers on a case-by-case basis. Importantly, survivors will be able to access independent legal advice which will be funded under the scheme, and the scheme will in fact be operated by the commonwealth Department of Social Services. A critical day will be 1 July. It will be a day that those who have been waiting for this moment for a long time can take some comfort from, because 1 July is the date that the scheme will in fact commence.

With the very short time that I have got left, I did want to place on record how proud I am about the Andrews Labor government's commitment to leading the way in reforming our own laws. Others have talked about this, but we have created new laws to quash unfair legal loopholes that prevented survivors from suing some organisations for abuse. We have also abolished time limits for civil claims so that lawsuits can be lodged regardless of how long ago the abuse occurred.

I think this bill represents an important step forward for Victorian survivors of institutional child sexual abuse. I think this is very much, in every way, about child sexual abuse victims receiving recognition, support and, most importantly, the respect that they deserve. I commend the bill to the house.

Ms GRALEY (Narre Warren South) (12:30) — It is a pleasure, but with a very heavy heart, that I rise this afternoon to speak on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I have always believed that in a family setting or in any alternative family setting, such as a state institution, or indeed in the broader community — in clubs, businesses and certainly in churches — children, each and every child, should be at the centre of our thinking and our purpose, and at the forefront of our decision-making, especially in places like this. And why? There are many reasons. When you look into the eyes of a child, you see that tenderness that actually makes you want to make sure the decisions and the things you say are actually correct. Also, and I quote, 'It is easier to build strong children than to repair broken men' — and of course women too.

I want to put on the record again my thanks to the MPs who participated in the Betrayal of Trust inquiry. It was excellent work and it was very demanding work, and I thank you very much for your stoic efforts. I would especially like to thank the people who came forward to tell their stories. The *Betrayal of Trust* report makes for a harrowing read, and what distinguishes this report from other investigations in the past — often undertaken by the Church, with their opinions and their reputations at the forefront of their inquiry — is that this report puts the stories of the abused children and adults at the forefront. And in this report we hear their stories being believed. Of course we have heard them, we do believe them and now we are taking action.

As other speakers have said, the *Betrayal of Trust* report made a long list of recommendations — very worthy recommendations — and they have all been accepted by the government. I noticed that the member for Broadmeadows, the deputy chair of the inquiry that happened in this Parliament, in his contribution yesterday said:

> Admissions secured during the Betrayal of Trust inquiry led to the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse.

And I commend the then Prime Minister, Julia Gillard, for establishing that royal commission. He went on to say:

> Incontrovertible evidence secured during these inquiries surely ends the era of blind faith and cover-ups once and for all.

Let us hope that certainly is the case.

We have already had numerous bills before this house to deal with some of the recommendations in the report, and I was very pleased to see the Andrews Labor government lead the way in reforming our laws to help survivors of institutional child sexual abuse. I was especially impressed with the new laws to quash an unfair legal loophole that was preventing survivors — just to try and make their life even more difficult — from suing some organisations for their abuse. We have also abolished time limits to civil claims so that lawsuits can be lodged regardless of how long ago the abuse occurred. I think that is certainly the correct thing to do, because I know so many people have put this issue aside — for many different reasons — but are now coming forward, and they certainly deserve to have their stories heard and their claims made. Not having a time limit on that is, I think, a very compassionate way of dealing with these matters.

It does mean that, finally, the very, very wealthy institutions, our churches, cannot hide behind their holy status, which — I must admit I do concur with the member for Williamstown — has been severely tarnished by these revelations. Tarnished it has been. I know it has rocked the faith of many people. I know it has turned thousands away from churches and undermined their faith. I think many people in this place have had that experience.

We can only hope that people now feel confident enough and supported enough to make the correct claims, as they now can with the new legislation. I would like to say that politicians cannot erase with legislation the anguish that people feel and the pain and suffering that people have experienced — the lives lost, the lives wasted, the damage done. Sexual assault is not a sin; it is a crime. I hope that with this legislation, the victims do experience some sense of justice and know that we are on their side. This national redress scheme was so swiftly agreed to by the Premier and the Attorney-General, and I thank them. Well done. Frankly, we do not want any more waiting, we do not want any more wondering and we do not want any further trauma. We just want to allow people to get on with the business of dealing with attaining some redress.

The scheme will run for 10 years. Eligible survivors will be eligible for a monetary payment of up to $150 000. Importantly — and I know this is so important for so many survivors — they will have access to counselling and psychosocial services and a direct personal response such as an apology, finally, from somebody in authority, somebody that represents the church hierarchies, I hope, because they have done a very poor job, I must say, a terrible job, of not being on the side of the victims. They are very much into the reputational damage control of their own institutions rather than reaching out to those poor children and those poor adults.

Applications for redress by survivors will be assessed by independent decision-makers on a case-by-case basis, guided by an assessment framework, and survivors will be able to access independent legal advice. I think that is so important because so many people have been put off being involved in such legal action because frankly they cannot afford it. We have got to make sure that nothing stands in the way of them getting this redress. The scheme is due to commence on 1 July 2018, subject to the passage of this legislation, so I really hope that this legislation can pass through both houses swiftly and that we get this scheme out in a few weeks and people that want to participate in it can be quickly accommodated.

When I was a little girl, I used to go to Sunday school, and my favourite song to sing was the simple little hymn, *Jesus Loves the Little Children*. I used to sing it with such joy, such heart, such love and such respect. I look back on those times with a certain naivety. It said, 'Jesus came to save the children of the world'. My sweet attachment to that little song has been questioned in recent times. I used to sing it to my own beautiful babies. It has been abused by persons pretending to do the work of God and the work of Jesus. So I really do hope that this compensation, this redress scheme and all the other things that have come before this Parliament will provide some comfort, some redress and some hope for those people that have experienced this terrible abuse. I think that forgiveness and trust might be a step too far to ask for. I suspect I cannot quite get to that space, so I cannot imagine what it is like if you have been a victim of this terrible abuse. But I do commend this bill to the house. I do hope it has a swift passage and I do hope that as lawmakers we always put the children at the forefront of our decision-making.

Mr NARDELLA (Melton) (12:40) — I rise to support the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018, which is a bill that refers the state's powers to the commonwealth so that the scheme can come into place and be available for victims of abuse — essentially by institutions but mainly by churches. I have been listening to the contributions by honourable members throughout this debate, but there have been a number of contributions and a number of inquiries in this particular area over long periods of time. Honourable members would get sick of me thanking and applauding the Honourable Ken Smith for his role on the crime prevention committee when we did our work from 1993 to 1995.

We have the last inquiry — the honourable member for Broadmeadows was on that — chaired by Ms Crozier in the other house, but also the work that former Premier Baillieu put in place and supported, and the royal commission that was put in place by the Right Honourable Julia Gillard, which was absolutely groundbreaking in terms of the exposure of these institutions and these criminals to the light.

I concur with the honourable member for Narre Warren South that it is not a sin to abuse children, to allow abuse or to make sure that those perpetrators of that abuse continue to perpetrate — it is a crime, and it is a crime that is quite heinous because it is a crime that affects those people, their families and others for their lifetime. A number of those criminals are in jail as we speak, and hopefully they will die in jail. They will certainly never go to heaven. They will burn in the fires of hell for the crimes that they committed. There is no justification for people to have allowed this to occur. There is no justification for people to have aided and abetted these crimes throughout the generations that this has happened here in Victoria but also in other jurisdictions and other states and so they will — both the perpetrators and the people that allowed these crimes to continue, regardless of the position that they are in, regardless of the high standing that they are in and regardless of what they have achieved in their professional life — go to hell, because it has affected those kids for the rest of their lives.

We have just had the case in South Australia, where the bishop has not stepped down as bishop but has stood aside. What does that mean? He has allowed, he has been a co-conspirator of and he has been a co-perpetrator of all of the instances where he authorised and kept those priests under him. He was the authority. He had the authority from the Holy See in Rome to make sure that his flock, that his people, were looked after, but instead he allowed these crimes to continue. So we really have to continue to be vigilant in this area. We have to try and look after the victims, because the victims covered by this legislation are the central part of this whole episode and the reason why we as legislators on all sides of the house need to put this scheme in place.

We have just finished question time. What a debacle. But pieces of legislation like this are some of the most critical pieces of legislation that we as legislators will ever put in place. Bills like this were initiated by people like Ann Barker, a former member for Oakleigh, as the honourable member for Oakleigh made clear in his address, and legislators in Ireland put in place similar legislation to stop these abuses. It is worldwide. Changes have occurred in America, where these things have occurred as well. We have a responsibility as legislators to protect people and, through this particular piece of legislation, to try and redress the harm caused by giving some monetary benefit so people can then try and move on with their lives through the payment system. I do congratulate members on all sides of the house that have spoken and supported the passage of this legislation, which has been discussed and in development for a long time — certainly throughout my time here since 1993.

There is a provision in the legislation where we refer our powers to the commonwealth, which I have a concern about. I understand in a sense the reasoning for it. If people have been sentenced to prison terms of over five years, then only under exceptional circumstances will they get compensation or recompense under this legislation. Other honourable members have talked about this. I think there has to be a process put in place to try and look after people. These victims have been brutalised in their lives. Victims have had to cope with that trauma for all of their lives. It is easy to make the claim that they should not have become criminals or that their lives should have been different, but in some instances their abuse has caused the offending that they are either in jail for or have been in jail for. I absolutely urge the commonwealth in the development of the exemptions for that particular provision to put in place a process that looks compassionately at compensation for these people so they can hopefully move on with their lives and be recognised for the hurt and the criminal acts perpetrated against them. In that way Australian society and certainly the Victorian community through that recognition would be saying to these people, 'Yes, we understand and we realise, and we will provide a mechanism and a way for you to get on with your life'.

This is a very important piece of legislation. I congratulate all honourable members who have spoken to it, especially those who spoke from the heart, because a lot of honourable members have talked to, sat down with and had meetings with people that have been affected. I remember being in a bookshop where a woman came up to me after one of the hearings of the Drugs and Crime Prevention Committee and said to me, 'It's the first time in my life, and I am 53, that I have ever talked about this to anyone'. Honourable members have heard those stories, and I applaud this Parliament and the federal Parliament for taking this step to redress them.

Ms WARD (Eltham) (12:50) — It is often hard to follow the member for Melton when he puts his heart and soul into one of his speeches. I know exactly how important this issue has been for him and I commend him for all of the work that he has done on this and so many other important issues that have presented themselves to this place. I also rise in support of this bill, the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018, and the powers that we will confer to the commonwealth. It is absolutely horrible to imagine the life path of a child who loses their trust, who loses their faith, who feels unsafe, who feels unloved and, as the member for Melton said, bottles that up and keeps that hurt within them for decade upon decade upon decade. It is difficult to think that a child can be born into a family who has put their trust in an institution like the church and, unknown to that family, have that trust and faith so brutally bastardised and be so deeply, deeply hurt. It is also difficult to think about those children who have gone into the state's care, who have already had such a difficult start to their own lives, who have had families who have not been able to look after them for whatever reason and who have had whatever unimaginable experiences themselves before they come into the state's hands. To think that the state was not there with open arms to comfort, to offer security and to offer love, but instead enabled institutions to treat children so terribly, terribly badly, to cause so much hurt, is just shocking. It is good that the commonwealth and the states have worked together towards exposing this and having these stories told.

There is also the bravery of those people who have come forward and told their stories — stories that, as the member for Melton said, often had never been told before. I see that the member for Broadmeadows is in this chamber, and I commend him for the huge body of work that he and the parliamentary committee undertook. I cannot imagine the bravery, the fear — that horrible feeling in the pit of one's stomach — of those people as they sat before the committee to tell their story, to tell of the secret that they have hidden for so long. There was also the shame that they have carried with them, which was not their shame but rather the shame of the perpetrator. They have held that burden for so long, and to be in such a public forum to share that with strangers is to be commended. Their bravery is to be absolutely commended, because their ability to do so is beyond imagination.

My heart goes out to those who still cannot tell their stories, who still cannot be heard, who still cannot share their experiences, because it is so raw after decades. It can be so raw and so filled with hurt, and that shocking cloak of shame that people carry is not their shame; it is not their shame to carry at all. It is the shame of institutions that allowed this to happen and that were complicit in this abuse happening. That is the shame, and the fact that there are still people who do not accept that shame and who do not own that shame is not only troubling, it is nothing short of disgusting.

I share with the member for Melton his thoughts about the bishop in Adelaide who needs to be sacked, not step down.

Ms Kairouz — Jailed.

Ms WARD — He needs to be jailed, not step down. This is not something to step down from. This is something to be ashamed of, to be sacked over and to be jailed, absolutely, member for Kororoit.

I am very pleased that we are committing ourselves to support a national redress scheme, because it is absolutely needed. The amount of trauma that is carried by people in these circumstances runs very, very deep. It would be far more educated and skilled people than you or me, Acting Speaker, who need to help these people rebuild themselves. When you have had this part of your life taken from you, when you have had that degree of trust and faith removed from you, there is so much work that needs to be done to build you up again, to help you to be the person that you could have been had this shocking experience not occurred. It is not just the trust and love that has been taken from these people, it is also the life that they could have had, because they are not the people that they were before this happened. They are not those people. They have been damaged, they have been hurt, they have been bruised. We need skilled professionals to help these people understand what has happened to them and to help them to repair themselves. It is only professional people who can do that.

All the love in the world cannot make you whole again. All the love in the world cannot repair the damage. You

need professional people to help you through that, and professional people cost money. It is the obligation of the state and of the nation to help to pay for that. That is the least we can do to help repair the damage that has happened under the watch of this state, under the watch of the commonwealth, under the watch of our churches and under the watch of other institutions.

People have stood by and let this happen, and it is absolutely the role of the taxpayer to step up and say, 'We can help. We want to help you to fix your life. We want to make things better. We don't want you waking up in the middle of the night sobbing. We don't want you to be too afraid to walk down a certain street, to hear a certain song, to smell a certain scent' — all the things that you have no control over occurring in your life, that are incidentals, but that can trigger so much harm and hurt within someone because those memories just come flooding back. They are out there, they are on your face and they are in the way you respond to people. You need professional help to work through the challenges that you are going to continually face throughout your life because of the intervention of another person who — and the member for Melton is right — sinned, but also, as the member for Narre Warren South said, performed crimes. They were criminal acts, repeatedly enacted. It is absolutely right that the states step in and say, 'How can we help? How can we help you be the person that you could have been, because that person has been taken from you', and that is just wrong; it is absolutely wrong.

I commend the government for the work it has done and for the committee work that was done in trying to not only expose but also to have stories told, and to honour the stories, to show respect for those stories and to show respect for the traumatic experiences that people have gone through, because these people have not been respected for so long in their lives. For so long they have been made to feel worthless, not valued, not understood and unloved. To be unloved is a terrible thing. To feel unloved, to feel unwanted, to feel not understood is shocking. I cannot imagine the pain of someone who has carried that with them for decades and decades. It is that hurt, that baggage of broken relationships that you have not been able to sustain because you cannot trust anyone, that inability to forge close relationships with your children because you are so traumatised in yourself — or your inability to even have children because of your trauma. Your inability to cope in certain situations because of the trauma that you have experienced is just terrible. We absolutely do need to put money on the table to help people. Sorry is not always enough; it is not. When you have got to help people to rebuild their lives, to rebuild the people that they could have been, it does cost money and it is only right that this is what we do.

I also encourage institutions — churches, charities, non-government institutions — to also do what we have done: to step up and pay the rent they owe, because they do owe rent. They owe it hand over fist. They owe these people. They owe them their lives back, and it is up to these institutions to make sure that happens. I commend the bill to the house.

Debate adjourned on motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Debate adjourned until later this day.

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

ELECTORAL LEGISLATION AMENDMENT BILL 2018

Second reading

Debate resumed from 10 May; motion of Mr PAKULA (Attorney-General).

Mr R. SMITH (Warrandyte) (14:03) — I rise to speak on the Electoral Legislation Amendment Bill 2018. This bill has been discussed for some time outside of this chamber, and I appreciate the discussions that I have had with the government over the last six months in order to have the bill that has come to the house. I am hoping for some further changes between houses, but I guess that is subject to further discussions with the government. The bill basically covers off on three distinct areas. The first is electoral reform, how elections will be run — certainly at the next state election in November. There is a part about the significant donation reform that we will see if this bill is to pass the Parliament and of course a part that formalises staffing arrangements for non-government parties going forward.

The first issue I would like to canvass is electoral reform. As I said, we are facing an election. It is six months to the day in fact until Victorians will get to go to the polls and decide if they have been well served by this government and ask themselves the question, 'Am I better off today than I was four years ago?'. With congestion getting worse, with the cost of living going through the roof and with crime spiralling out of control, I think that most Victorians taking an objective view would say that things are not as good as they were four years ago. Understanding how much this government has deceived them over time, how much this government has failed to deliver in so many areas

and how many promises this government has broken over the last four years, I have no doubt that the people of Victoria will make the right decision on 24 November this year. But the manner in which they make that decision will be changed somewhat through this bill. Certainly we will have a formalised pre-polling time. I know that members here were involved in the by-elections that we had down in Polwarth and South-West Coast, and in the three-week pre-polling period it was very difficult to attract volunteers to help out. I am keen to see that we are going to formalise the pre-polling period at 12 days, as the legislation puts forward.

We will also be simplifying some of the requirements for postal vote witnesses, and of significance is the decision by the government, as portrayed in the bill, to dispense with the signage that we see at polling booths throughout Victoria when we do come to election day. That signage may have some value, although I would wonder, and I think all members would wonder, how many votes it actually changes. With the argy-bargy that we get between party volunteers in getting the booth wrap up, the late nights or early mornings, depending on the case — whether we have done it before midnight or after — and in some cases security has been needed to ensure that the wrap we put on those booths is left alone, I think many members may find that that is a positive step forward, notwithstanding that there have also been a number of issues, particularly at schools where so many of the polling booths are held. They are often left with somewhat of a mess to clean up — just something small like cable ties around fences or in many cases the broader advertising material that is left when the political parties leave and when Victorians have cast their ballot. I am supportive of those particular sets of provisions which allow for just one small sign of 60 centimetres by 90 centimetres to be held for each candidate at all the official entrances. As I said, I am sure that is something that our volunteers may well be quite pleased about.

Part 2 of the bill also extends the distance from the polling booth entry where a volunteer may not engage a voter from 3 metres to 6. It is pleasing, however, that there will be an opportunity for the Victorian Electoral Commission (VEC) representative to change that if the weather is inclement or as was the case with my pre-polling booth back in 2014, where 6 metres probably would have put us onto Doncaster Road. Being able to move a little bit further in at the VEC officer's discretion certainly is something that we are very pleased about.

Part 3, 4 and 5 of the bill talk about donation reform, but I do just want to make some final comments about election polling booth behaviour. It would be remiss of me not to talk about some of the behaviour at polling booths back in 2014 when we saw a number of instances of bullying by the Labor Party representatives and by union representatives, where candidates were bullied to the point where in one case in Narre Warren North police had to be called because the ongoing bullying, harassment and body-shaming by those people there to support the Labor Party got to such an extent that police had to be called and people moved on.

My friend the former member for Carrum and indeed the current Liberal candidate for Carrum was subjected to extreme bullying by people from the United Firefighters Union and those who support the Labor Party. My friend Lorraine Wreford from Mordialloc was also subjected to similar bullying, and having stood at the booths during pre-polling it was extraordinary to listen to some of the bullying and harassment that was going on. Those in this house who have benefited from that bullying should certainly hang their heads in shame and perhaps not be so mouthy in this chamber when they know that that bullying has helped put them into this place. May I also say that in Eltham Steven Briffa, the candidate there, had his badged car rammed by paramedics. Consider the ridiculousness of that situation: when he confronted the ambulance drivers a union official said that he would pay for the damage — just quite extraordinary that those extremes could happen.

We had the Victorian Trades Hall Council loudly and prominently — and proudly in fact — talking about the fake uniforms that they made for, in many cases, Labor MP electorate staff to wear, pretending that they were firefighters. This is not a secret; this is something that Trades Hall is actually very proud of. These people actually stood up and the Labor Party stood up approaching that election with an intent to deceive. You do not dress people up in fake firefighting uniforms when you are trying to tell the truth. You are actually there to deceive, and that is what the left does. They trade in deceit, and they did so in the lead-up to the 2014 election. They have done so throughout this entire term. They started as they meant to go on.

When we talk about the sky rail fiasco, when we talk about the 'no new taxes' promise coming before the sudden introduction of 12 new taxes, when we talk about budget overruns and when we talk about shovel-ready projects that three and a half years into a term we have not seen hide nor hair of, that shows us that when the Labor Party marketed their deceit in the 2014 election they intended to continue to go that way all the way. Those people, as I said, who benefited from that deceit and benefited from that bullying and

harassment stand condemned for their tacit approval and acceptance of that behaviour. Certainly it is something that they learnt from their leader, the Premier, all the way down.

If we want to talk about deceit, let me continue to talk about deceit and intention to defraud the Victorian taxpayer and the now infamous red shirts rorting scandal. The member for Kew was very eloquent yesterday during his matter of public importance, where he raised several important matters in this chamber that were of material importance to the Victorian people when it came on the back of a Labor Speaker and a Labor Deputy Speaker who have been removed from their positions because of their rorting, on the back of the Deputy President in the other house, who has been stood down from his position because he is under investigation by IBAC.

These issues just pile one on top of another and show the Victorian people that this government and the Labor Party broadly do not care about their custodianship of public funds but indeed would prefer to take all they can with both hands. In the words of Labor luminary former Senator Graham Richardson, I guess it is a true case of 'whatever it takes'. It does not matter if it means fraud; it does not matter if it means deceit. These people will stop at nothing to carry themselves over the election line, and here they are in government as a result. I am sure, as I said before, that on 24 November this year the Victorian people will certainly tell the Labor Party exactly what they think of them.

The red shirts rorting scandal is where the Ombudsman has shown that just under $388 000 was rorted by the Labor Party to ensure their candidates got across the line. When the Ombudsman said that she would investigate this matter, under direction from the Legislative Council, the Premier said that he would completely cooperate with the Ombudsman's investigation and then subsequently proceeded, through his Attorney-General, to try to frustrate the investigation at every single turn. Not once, through the Supreme Court, not twice, through the Court of Appeal, but three times, through the High Court following the first two attempts, did the Attorney-General try to frustrate the Ombudsman's investigation. He spent more taxpayers money — over $1 million, probably more. We do not even know how much it actually was, and we certainly do not know if the $387 842 that the Ombudsman tagged as being rorted by the Labor Party is all. We have no idea.

I think we really need to name and shame those people who were highlighted by the Ombudsman as being rorters: Jenny Mikakos still sits in the upper house as a minister; Marsha Thomson, the member for Footscray — and I am not using titles here, Acting Speaker, because I am quoting from the Ombudsman's document — and Nazih Elasmar, Gavin Jennings, Adem Somyurek, Anthony Carbines, Lily D'Ambrosio, Martin Pakula, Cesar Melhem, John Eren and Shaun Leane. Each of these people still sits in one of the two chambers of this Parliament, having rorted this money. As the Ombudsman said, the arrangement by the Labor Party to employ electorate officers as field organisers was 'an artifice to secure partial payment for the campaign out of parliamentary funds'. The prominent three words following the comma on that line are: 'and was wrong'. So do not let any of those opposite pretend that what they did was okay.

If I hear the words 'good faith' one more time, seriously, I — like others in Victoria — really do not know what I will do, because we have a group of people, not least the first law officer of this state, who the Victorian people expect to be able to navigate the complex legislation in the acts that sit on this table where I am standing but seemingly cannot understand basic guidelines that every other member of this chamber who is not a member of the Labor Party can understand. So you can understand all these acts, you can understand complex legislation, apparently, and you can put new laws into the Parliament for debate, but you cannot understand basic guidelines. It beggars belief. To hear the Treasurer on radio just a few weeks ago saying, 'I didn't partake — I was too busy — but if I had been asked, I would have done it because, effectively, I don't have a clue what the guidelines actually mean'. He takes —

Ms Halfpenny — On a point of order, Acting Speaker, I think the member has been talking for 12 minutes or so. I understand lead speakers on bills have leeway, but I still have no idea what the electoral bill is about.

Mr R. Smith interjected.

Ms Halfpenny — I know from my own reading but not from the speech given by the lead speaker.

Mr R. SMITH — On the point of order, Acting Speaker, it is an absurd point of order and one you should rule out. The bill is essentially about elections, and I am able to contrast between the election that will be conducted on 24 November this year, when Victorians make up their mind about this rorting Labor Party, and the previous 2014 election when the Labor Party actually engaged in, as I said before, rorts. As lead speaker, I am entitled to make contrasts. I am

entitled to talk about how elections were run and how elections are going to be run in the future.

The ACTING SPEAKER (**Mr McGuire**) — The custom is to allow the lead speaker leeway.

Mr Richardson interjected.

Mr R. SMITH — Thank you very much, Acting Speaker. I am happy to talk about bunting, but I am more happy to talk about the rorting of the Labor Party. I am more than happy to talk about the fact that the member for Mordialloc has continued to interject over the last three and a half years, and I am sure that if the good people of Mordialloc had known what sort of representative he was going to be in here, maybe they would have thought twice. The member for Mordialloc was actually the recipient of funds funnelled to him by way of campaign staff to the tune of $5354. The member for Mordialloc sits over there, let the record show, with a grin on his face — proud, may I say, that he rorted those funds and he got a seat from it. Since the member for Mordialloc is so happy to call himself into prominence in this debate, let me also talk about the member for Sunbury and the member for Macedon, who were able to secure funding through the former member for Yuroke, Elizabeth Beattie, to the tune of $24 773.

May I also talk about a now minister, no less — the Minister for Energy, Environment and Climate Change — who, the Ombudsman found, funnelled funds to the member for Yan Yean to the tune of $5364. The member for Lara, who is the Minister for Sport and Minister for Veterans, employed the whistleblower himself, Jake Finnegan, to work in the Bellarine electorate to the tune of $2358, and the then sitting member, now Minister for Police, seems to think that is okay. Where is the member for Carrum? When Labor members were out bullying my friend Donna Bauer at polling places and the Premier was making unsavoury comments about her and her illness, the Labor candidate for Carrum at the time was partaking in the $20 539 that was funnelled to her.

The member for Bentleigh is not here. The now member for Bentleigh had $44 732 funnelled to him. I could go on. Gee, the Deputy Premier must have been worried. Retiring upper house member Johan Scheffer funnelled over $21 000 to the member for Monbulk, now the Deputy Premier. We have seen the Deputy Premier throw away every value he ever held in this place. Getting that role as Deputy Premier was worth more to him than anything he had valued in the past. The now Minister for Roads and Road Safety partook in funds that were funnelled to him. Well, I guess if you live in Fitzroy North and your seat is over in Narre Warren North, you have not got time to get over there and campaign yourself, so you probably do need to find some money to get others to campaign for you. The now member for Frankston also got money — $19 931. The now member for Eltham partook of funds from former upper house member Brian Tee. It goes on. The now Minister for Housing, Disability and Ageing got some money too. He must have been in a right state about going up against our candidate Shannon Eeles, who, might I say, got 10 per cent more of the primary vote than the now minister did. He needed the money as well.

These people opposite have to, one day, be held to account for this. We will hold them to account every single day that we possibly can, and the Victorian people will do likewise. I go back to the comment I made earlier about the Treasurer saying on radio that he would have done it himself had he been asked, but he was too busy and did not know about it. Clearly these other people were not busy enough during that period. The Treasurer was too busy, but yes, definitely he would have done it, which is absolutely crazy when you think of it that way. The fact that this government tried to stop the Ombudsman from doing the investigation that she was going to do is absolutely absurd. Before coming to office the government said it wanted to rebuild the community's confidence in the accountability and openness of government. Well, as I said previously on the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018 when it came into this house, I will give those opposite a tip: this is not the way to do it.

When you rort and steal money and when you pretend to be something that you are not by way of fake uniforms, that is not the way to give the community confidence about the way politicians conduct themselves. Those opposite tar every single politician in this country with the same brush when they drag us down to the bottom level. The Premier, when opposition leader, dragged his party and this Parliament into the gutter and then wallowed in that gutter during the campaign, and he continues to act in a way that is certainly far from being statesmanlike but is quite the opposite of that. His conduct filters down through the rest of his team here. While we support many proposals in this bill, I certainly feel that the next election on 24 November will be one fought on vision, ideas and ideals. If Victorians want to make this election about values, I know I will be proud of where I stand and where my colleagues on my side of the house stand. If you want to make it about values, we will beat you guys every single time — that is for sure.

Politicians use the word 'reform' in many ways. The word 'reform' is often used in a way that does not actually mean reform. Sometimes the word 'reform' is used to just talk about a new policy initiative or a new policy direction. I will give the government this: this particular bill is true reform. It will change significantly the way that parties conduct themselves with regard to donations. It will mean some significant changes in the way the parties internally deal with those changes and indeed during elections as well. The donations issue is a complex and vexed one, because we do have many people in this state and indeed across the entire country who do have concerns about corporations, businesses or even individuals that donate money to any party in this place — all parties have received and will receive such donations for some time until this bill goes through. The public are certainly within their rights to question whether that buys a policy direction or determines the way whichever party concerned is going to go. On the other hand we have heard some commentary about the public also not liking public funds to be used for campaigns, and that is what makes it such a difficult question and makes it so difficult to have an effective framework where everyone is pleased. The fact of the matter is that Victorians will have different views about the right way for campaigns to be funded and indeed the right way for parties to be funded in their administration.

I do not mean to be glib with this statement, but at the end of the day democracy costs money. It costs money to run a party organisation and it costs money to present your message to the Victorian people, and that money has to come from somewhere. It can come from membership fees, but postage and advertising are getting more expensive. There is a range of ways in which we talk to the people of Victoria with whatever message we have, be it from the Labor side, the Liberal side or The Nationals side. Whichever side you are on it is important to let people know what your values are, what your policy directions are and where your funding is going to go, and unfortunately, as I said, that does cost money. Whether it is through public money or private donations, those activities need to be funded in some way. The government has proposed to make significant reform with this bill — it will make big changes. Certainly we are happy to not oppose this bill in any way at all, but there are obviously some significant reporting responsibilities that this bill puts on us. It is fair to say that with increased use of public money comes increased responsibility to report the use of that money and to demonstrate that that public money is being used in the way that the bill proposes it be used. While the way reporting will be done is perhaps convoluted, I am not sure I could reasonably or intelligently suggest other ways whereby the reporting could be done, so I very much accept what the government has put up.

As I said, there may be further work involved in this bill. I hope the government is open-minded enough to take on some very sensible suggestions. I say again that this does involve some significant changes internally for every party that is represented in this place, but the government has through this bill promised more transparency and a better and more robust framework for political donations. Does it hit the mark? As I said, we are prepared to not oppose this particular bill at this stage, and time will tell if it actually delivers what it purports to.

Ms SPENCE (Yuroke) (14:25) — I am very pleased to speak on the Electoral Legislation Amendment Bill 2018, and I am pleased to do so not just because it is one of the most significant reforms of the Electoral Act 2002 or because it gives Victoria a robust political donations and disclosure scheme but also because it gives effect to many of the recommendations made by the Electoral Matters Committee in its report entitled *Inquiry into the Conduct of the 2014 Victorian State Election*. As deputy chair of the Electoral Matters Committee, I am very pleased that this bill addresses a number of concerns that the committee raised, and it will make Victoria's electoral system clearer, more efficient and more accessible.

I will just clarify some comments that the member for Warrandyte made in his contribution, and I would encourage the member to actually read that inquiry report. He made some fairly inflammatory comments about actions that he alleges occurred in regard to the former member for Carrum. As part of the inquiry into that election, the members of the committee were quite concerned when they had these allegations put to them. The allegations were that complaints had been made about behaviour which were then reported to the official at the polling place, and the polling official apparently had to call the police. We checked with the polling place official. No report was made; no police were called. So I would just like to clarify that and encourage the member to actually read the report and the evidence that goes with it.

No doubt much will be said in the discussion today about the political donations and disclosure scheme in the bill. The political donations and reporting scheme measures are based on the belief that the integrity of the electoral system can be preserved if the voting public is made more aware of the sources of private donations. To that end there is a requirement for real-time

reporting of individual political donations equal to or above $1000. A disclosure return must be provided to the Victorian Electoral Commission (VEC) within 21 days of making or receiving a political donation, and the VEC will publish the return within seven days of receiving it.

A level playing field in the electoral process is also created by capping political donations during each period at $4000, or $100 for anonymous donations, and this addresses the growing concerns about foreign influences on elections. The bill also increases the public funding entitlement to $6 for each first preference vote for eligible candidates in the Legislative Assembly and $3 for each first preference vote for eligible candidates in the Legislative Council.

That is a very brief overview of the political donations and funding provisions in the bill, because I would like to focus on the electoral reforms that arose out of the Electoral Matters Committee report — not only the current report on the 2014 election but I understand that this bill also addresses some of the concerns raised in the previous inquiry into the 2010 election.

There are a number of electoral reforms that make the system clearer and more efficient. They include streamlining early voting procedures and processing along with providing that the early voting period for a by-election is 12 days, which is consistent with the practice for general elections. The Electoral Matters Committee made a recommendation of no more than two weeks, so this is consistent with that recommendation. It arose out of concerns that in the six by-elections that occurred between 2012 and October 2015, four had a four-week early voting period. The evidence presented to the committee suggested that this was unreasonably excessive and placed an unnecessary strain on political parties, independent candidates and volunteers.

The bill also provides that early voting is to commence on the Monday following the final nomination day. This adopts a recommendation of the committee that addresses the issue in the current act whereby it requires that voting commence at 4.00 p.m. on the day that nominations close. That only left the VEC 4 hours to conduct a ballot draw and to print and distribute the ballot papers, and this unrealistic time frame meant that in some cases the voting centre officials had to hand-draw ballot papers in that period before they had received them and that voters were restricted to only being able to vote below the line because the group tickets had not been finalised at that time.

The bill facilitates the faster processing and counting of early in-person and postal votes, and I am really pleased that this is included in the bill. This was one matter that was very strongly supported by the committee. There was widespread concern that the early votes are not being counted at all on the night, and given the increasing proportion of people that are voting early, this would have led to longer and longer delays in getting results. The committee received submissions in regard to this matter, including submissions from the Liberal Party, the Labor Party and the National Party. They all supported this early counting of the votes. I cannot tell you what the Greens position on this is because they did not participate in the inquiry or provide a submission.

There is an expectation in the public that an election result should be available on election night. The bill amends the Electoral Act to require in-person votes that are cast in a voter's home district or region to be kept separate from the votes that are cast outside, because this was one of the complicating factors with not being able to get them counted — that is, they are all put in the same box and the time taken to sort them is another reason why things get delayed. So the bill will allow the VEC to begin processing but not counting the early in-person votes 2 hours before the close of voting and postal votes from 10 hours before the close of voting. This is subject to safeguards that prevent the early disclosure of voting trends. The bill also removes the requirement for a person to provide reasons for voting early, consistent with reforms in other jurisdictions.

There are also a number of changes to the postal voting process, including providing for online postal vote applications, simplifying the witnessing requirements for postal voting applications, bringing forward the deadline for receipt of applications so that people actually get their ballot papers before election day, allowing postal votes received after election day to be counted based on the date that they were witnessed and received by the VEC, and reducing the current nine-day window for the receipt of postal votes to five days, making this consistent with other states.

There are also additional electoral reforms, including imposing strict time limits for applications to validly register a political party. Essentially the time frame that this bill provides is longer than what was recommended by the committee, but the committee's focus was that there be a set period. So that is great.

The bill simplifies the authorisation requirements for how-to-vote cards, just requiring authorisation on each side. This is particularly an issue in joint voting centres, of which there were about 97 in the 2014 election.

What happens is that if you have got voting messages from two candidates, each one of those messages has to be authorised in addition to the upper house as well, so you have a number of authorisations on the one document. You would know, Acting Speaker, that we had a polling place that was shared by three candidates at Westmeadows. There was yourself, me and the member for Sunbury, so in that case we had the voting messages of three people on the card, with the upper house on the reverse, and in that case all three plus the upper house needed to be authorised. The bill simplifies that completely unnecessary and cumbersome authorisation process, reducing that to just authorising on each side.

The bill also gives the Speaker of the Legislative Assembly the discretion not to issue by-election writs if a vacancy occurs on a day after 30 June in the year of a general election.

There are a number of other amendments, but all of these reforms will no doubt improve and simplify the electoral processes. The one that I am also particularly happy about, which the member for Warrandyte touched on — and we tried to encourage him to talk about it more — is the end of the bunting wars. I think most people who have participated in an election would be well and truly aware of the bunting wars, where volunteers get up at all hours of the night or even the night before. These have been increasing recently, and essentially after they have gone up they stay up for a day, they get taken down and then they go in a bin. It is a complete waste of a resource. I am certainly quite happy to see them go. The member for Warrandyte also went through the requirements of that. There will be an allowable 60 centimetre by 90 centimetre corflute at entrances — that is terrific.

There are a whole range of great reforms in this bill. I am very pleased to support it, I am very pleased that the government has acquitted its response to the inquiry and I commend the bill to the house.

Mr WALSH (Murray Plains) (14:35) — I rise to make a contribution on the Electoral Legislation Amendment Bill 2018. I suppose I cannot help but respond to the member for Yuroke and her contribution near the end there when she was talking about the end of the bunting wars and signage at booths. My understanding is that the Labor Party put the white flag up the pole and that the reason that they have actually changed this is because they have lost the battle to the Greens in the inner city. The Greens actually outdo them with the bunting, outpoll them and outdo them at the booths.

Honourable members interjecting.

Mr WALSH — We put it all out at our booths, and we are not going to be allowed to now. You cannot even have a double-sided A-frame now; you can only have one sign. That is how ridiculous this has got. You cannot even have an A-frame to have your sign up at a polling booth. I think that is crazy.

In this house we have seen over the last three years the whole debate around the red shirts campaign during 2014, when the Labor Party used electorate allowances to rort the system of nearly $400 000. We will never know how much it actually was because the division between the upper house and the lower house means we do not know all the facts from the lower house, and not everyone responded to the Ombudsman, so they covered it up.

We had the red shirts rorting debacle in 2014, a government that has spent probably in excess of $1 million fighting the Ombudsman about the investigation of that and the whole cover-up around that particular program. In some ways the legislation we have got before the house is the response, where the government of the day is now going to legislate to use the public purse to effectively do what it did with the rorting red shirts program in the past, where the taxpayer of Victoria will pay for all these things in the future. It will be legitimised by this piece of legislation. I must admit I am fairly cynical about the whole process as to how the government has gone about this. I think they are structuring it in the best interests of the Labor Party, compared to the other political parties here in Victoria.

I will go into some of the details of the bill and some of the issues, but the way it has been structured, from my understanding of it, with related third parties and whether other bodies can put information out there to raise issues, is that so as long as they are not trying to deliberately change people's vote, they can effectively campaign. Looking at the way this legislation is structured with those particular issues, this is how the Labor Party can have its cake and eat it too. They can actually have a process where the taxpayer is going to fund the political parties here in Victoria with the administrative payments that are going to come through. They can fund campaigns with the dollar per vote that is going to come through. The Labor Party can also have the unions there, who pay their affiliation fees, which can be used for the functioning of the party. It can have those union bodies involved if those bodies run information campaigns and are not seen by the Victorian Electoral Commission (VEC) to be deliberately trying to change someone's vote.

Effectively they would be campaigning for the Labor Party as well.

I think with this bill if you were the Labor Party, in some ways you would be patting yourself on the back for effectively getting the taxpayer to pay for things. They are going to have the best of both worlds by having the unions there to do the work as well and having affiliated bodies like GetUp! and those things. So this legislation is about having the best of both worlds in some ways from the Labor Party point of view. I think the people of Victoria will be very cynical about this legislation, and I actually do not blame them for being cynical about it.

On the detail of the bill, I think there are some good changes, but there are some changes that will disadvantage country Victorian voters particularly. With the change to the enrolment requirements, I think the change in relation to identification — that it be a drivers licence or a passport rather than having someone that knows you witness it — is a commonsense change. I think having early voting not starting until the Monday after nominations close on the Friday is another sensible change. It seemed to me to be illogical that nominations closed at lunchtime and people were voting at 4 o'clock that same day. I think those changes are very good.

The changes around the fact that you no longer have to lie at the early poll is a good thing. In the 2014 election I remember talking about this to the VEC person running the Echuca pre-poll, and his comment was, 'The town is going to be empty on election day, because everyone that comes in here to vote pre-poll is saying they're going to Fiji on holiday'. So it stops people telling lies. It just makes sense to have those particular changes. I think the changes to be able to start the count of votes and the sorting of votes are sensible changes.

I think the change to postal vote applications, where you can actually apply for a postal vote online, is a sensible change. I must admit I have grave concerns about the acceptance of postal votes by the close of business on the Friday after the election. If you look at the service guarantee that Australia Post gives now around postage, unless people vote almost a week before the election there is a real risk that some of those votes will not get counted. That is because it can take 7 to 9 days for mail to travel only 100 kilometres, because now it goes via Melbourne or via wherever to a central sorting point. I am concerned that if some people do not know to get it into the mail early, they may not have their vote counted over that particular time. The changes around the simplification of the how-to-vote cards are also good changes.

As I said in my introduction, there are changes to polling booths, where now you are only allowed to have one 600 millimetre by 900 millimetre sign, which is essentially the standard corflute that people use. I asked this question of the Special Minister of State when we had a briefing on this. That is one corflute. So most people have at least an A-frame with a corflute on either side, but that will actually become illegal, and if you have an A-frame with a corflute on both sides, it will be seized by the VEC. I think we have just gone too far. That is just nonsensical, but that is the rule on that particular issue. The change to the by-election rules, where if a by-election is needed after 30 June in an election year, the Speaker can use their discretion and not enforce a by-election I think is a sensible change. There are some commonsense things in the bill.

When it comes to donations, I think everyone would be supportive of the ban on foreign donations. This is where we get into issues around the caps on donations and the structure of our parties and the structure of the registered entities of parties. As I said in my introduction, I think the Labor Party have set this up to suit themselves. They are the government of the day. It is their legislation. You would expect nothing different. But I believe we are going to find that unions will still be able to do what unions do. They will pay their affiliation fees and help run the party. They will be able to run major campaigns on behalf of the Labor Party provided they do not fall under that definition where they are deliberately asking someone to change their vote. I have some real concerns about democracy in Victoria in this case if they are the rules, where awareness campaigns can be run and can be seen as being legitimately within the rules. Those on this side of politics will not have those resources. The caps on donations will stop quite a few people who are time-poor but who actually support the conservative side of politics.

A change that I think is good for both sides of politics concerns the resources of opposition. We both take turns in opposition. Having some prescribed legislation about the resources of opposition will take away a lot of the argy-bargy when there is a change of government. I think that is a good thing. Both sides of politics have lived through times of transition from government to opposition. The government of the day is obviously on a high because they have been elected, and potentially they want to deny resources to the opposition. Democracy is best served in Victoria when there are sufficient resources for the opposition to do a good job. Whether this is the right number of resources

is up for debate, but at least it is defined. When the Andrews government moves into opposition on 25 November this year, they will know the resources that they will have in opposition. That will be one less job that we will have to do on transition to government — sorting out what resources should be given to the opposition, because it will be prescribed in this legislation. I think that is a good thing. As the shadow minister for scrutiny of government said, there are changes that need to be happen between the houses, and we expect those to happen.

Mr CARBINES (Ivanhoe) (14:45) — I am pleased to make a contribution with regard to the Electoral Legislation Amendment Bill 2018. In particular I want to pick up on a couple of aspects that have been commented on by members as well as a few specific instances that the bill seeks to address. These are based on what has been our experience as a registered political party, and I think they need to be taken account of. A couple of those relate to the introduction of restricted time limits for political parties to satisfy registration requirements, as recommended by the Electoral Matters Committee. This will mean that the Victorian Electoral Commission (VEC) is able to assess applications in a timely manner, and prevents applications being made close to a general election when the VEC is under the most pressure.

In particular the bill will enable registered party logos to be printed on ballot papers next to the name of the party's candidate, consistent with the commonwealth of New Zealand's approach. What we have seen, particularly from candidates seeking election, is that they try to confuse voters — for example, by claiming to hold Labor values or part of the Labor Party. It is incumbent on the political organisation to make sure that it protects its intellectual property, its logos and its interests, but it is also critically important. In parts of my electorate I have seen people at a voting centre who are seeking to vote for the Australian Labor Party. They become confused because they have to deal with people who misrepresent themselves as somehow being from the Labor Party and who try to trade off the Labor Party in the way they are canvassing for votes.

The legislation gives some greater responsibilities and powers to the VEC to help protect the enfranchisement of voters and to also make sure that parties are also protected. While to some extent we can protect and advance the interests of our intellectual property, our logos and our name, it is also incumbent on the VEC to make sure that others who seek to stand for election are not able to somehow confuse and misrepresent themselves by trying to claim they represent registered political parties. I think that is something that needs to be picked up in detail.

I note also that proof of some of this work will also be in its enforcement. We have seen variable quality in the way the VEC at times meets some of its obligations on polling day. We need to see some very clear understanding and engagement from the VEC as to how many community volunteers end up getting resourced for casual work. They need to be supported in being able to enforce this bill when it — hopefully — becomes law and to make sure that on polling day and on pre-polling occasions there is a capacity for the VEC to give clear and immediate effect to the law. These cannot be things that are followed up at a later time; people are participating in the democratic process and voting almost immediately, and you need to be able to deal with issues as they arise across hundreds of polling booths on the day.

I think the changes around early voting are commonsense changes. We should not be trying to put constraints around people wanting to participate in the democratic process and wanting to get out and vote in the period that voting is available. We should be encouraging as many people to exercise that right as possible, and we should be making it as easy as possible for people to do so within the law. The fact is that some of the largest polling booths when it comes to vote counting are the pre-poll booths. That is a critical aspect, and I do not think that is a bad thing. What that is saying is that there are people who will be engaged in the political process in their own time within the capacities of their work and other commitments. If they want to get in there and vote early, then they should be able to do that, and we should be making that process as reliable and straightforward as possible.

There has also been some work done on e-voting that has not been picked up in the bill, which I have to say I am pleased about. I notice that computers will be used to mark off rolls at a couple of the booths in the Ivanhoe electorate. Over decades we have seen some ridiculous queues form when people are trying to get their names marked off the roll and get things moving. I can understand that we want to trial different processes for people to have their name taken off the roll. There are some electronic processes in place, but I resent that pilot projects have been put in places where informal voting is very high. I think it is totally inappropriate to choose places where informal voting rates are significant in order to trial electronic roll marking. You are trying to make sure you maximise the formal vote in every location. There are examples that I thought were very unfortunate in which people either were not prepared to wait because the process was too long or too slow, and

that is not the experience people need to have when they come to vote. In places where informal voting is high the focus and process of the VEC should be to make sure as many people vote and have that vote count. When you want to try new processes perhaps the places to do that are locations where the formal rate of voting is extremely high and there is probably a greater desire or interest for people to trial different types of systems and there is less risk of disenfranchising people. I certainly saw that, which I thought was unfortunate, over some of the previous elections.

Some of the changes that also provide a greater capacity for election results to be tallied and counts to be done I think are really important. I certainly find it hard to fathom the length of time it has taken in the past for declarations of results and for some results to be tallied and made available. I hope that some of the changes outlined in the legislation provide a greater capacity and accountability for the VEC to address some of those matters.

I would also say that while there has always been the capacity post-election for the Electoral Matters Committee to review and have a look at responses to the way in which elections have been conducted, I think we need to maintain a vigilance around accountability on those works. All of us here are engaged in these processes and have a lot of experience in the way in which they operate, and I think it is incumbent on us to make sure that we are supporting our people in the VEC, not only the full-time employees but those casual employees who contribute over many decades in their community at different elections. We also need to make sure that they are resourced to be able to do this work, that they are trained and have it explained to them in detail so they can carry out that work effectively. Also I think it is incumbent on us to make sure that we are enfranchising as many people as possible to make the task of casting their vote and having their say as simple and straightforward as possible.

Some of the changes around postal voting and postal voting applications are critical and the desire should be to rule in and be able to account for as many people's efforts to vote as possible. I certainly also think that we need to make sure there is not misrepresentation by people who have registered as candidates to somehow seek to pass themselves off or miscommunicate to people their intention when they are canvassing for votes. I think that is something the VEC needs to take into greater consideration, particularly around written material and the authorisation of material near polling booths. These are some of the key aspects that I think need to be dealt with. I am pleased that there are some efforts to deal with those matters in the bill, and I look forward to hearing of the concerns and also aspirations that other members have and to see this bill provide greater opportunities for the VEC and voters to do their job.

Mr HIBBINS (Prahran) (14:55) — I rise to speak on behalf of the Greens on the Electoral Legislation Amendment Bill 2018. This bill has been a long time coming, and I am going to particularly focus on the donations reform part of this bill. It has not been canvassed that much by previous speakers, but I am sure I will be able to make up for that in my contribution, because donations reform comes after a long time over which the Greens have been calling for reform, particularly in Victoria, where we have some of the weakest laws in the country. In fact one could almost say we have no laws, given that we have simply been relying on the weak federal donations laws.

This reform is really important because it goes to the heart of the integrity of our political system, the integrity of our democracy and the core principle that we should be here acting in the public interest and for the public good and should not be seen to have conflicts of interest where there are favours or special deals for vested interests or for those who fund our political campaigns — that is, where there is a blatant conflict of interest between politicians or a political party and the donations they receive, which are often from highly regulated industries. I am referring specifically to property developers, to the gambling industry and to energy companies, where often with just the stroke of a pen the government can make a decision that affects their profits.

This goes to access, influence and whether you can separate donations from lobbying; where lobbyists, an individual, an industry or an organisation on one hand puts their case to a government or opposition member of Parliament — who should be making decisions based on merit, the public interest or their values — and on the other hand there is also a donation involved funding their political campaigns and helping them get elected. This goes to access to power and then influence over what decisions are made, particularly where there is a clear conflict of interest. You have just got to look at Labor's Progressive Business, where the day after the budget the Treasurer was out there fundraising off the back of the budget, or in the last term of government when you had the unseemly spectacle of that government holding a fundraiser attended by the same companies that were benefiting from their infrastructure projects. It is unacceptable, it is unseemly and it is right that we have donations law reform now to change that.

Specifically around donations, this bill puts a cap on donations of $4000 over four years where currently there is no cap. It lowers the disclosure threshold to $1000. That is down around $14 000 from the current figure, and it reduces those reporting times down to around 28 days. It is not exactly real-time disclosure — I think in Queensland it is seven days — but it certainly is an improvement on what we have had previously, where the public did not even know until, often, a year and a half after an election who had donated to political parties. There are reforms that increase public funding provided to political parties and place administrative requirements on those parties to administer this scheme. There are changes in terms of associated entities and third parties, and there are also a number of changes to the Electoral Act 2002.

This is something the Greens have been pushing for years and it is an absolutely essential reform to clean up politics and help restore trust. When we look at who has donated to political parties, these are people from highly regulated industries that are seeking to influence government where governments are making decisions that affect their profits. You just have to look at Crown Casino and the Australian Hotels Association, which are lobbyists on behalf of the gambling, alcohol and the tobacco industry. You have got Transurban and Tabcorp. It is made all the more unseemly by some of these sweetheart deals that successive governments have done for these companies where there is a clear conflict of interest.

You have just got to look at Crown Casino, seemingly a favoured client of the state. We have had their extraordinary licence extension to 2050, which includes the provision that the state has to pay up if measures are enacted to address problem gambling that could affect their profits. It is extraordinary. In this term, we have seen them be exempted from the planning scheme on what is, I think, the tallest building in Australia, slashing the public benefit contribution. We have got today's news, where they are clearly breaching what should be appropriate action around pokies, but we know that they have got exemptions from the law that other pokies operators do not have.

Look at what is happening with Transurban now. Essentially they have been put in charge of planning, designing, building and operating transport infrastructure in this state. With the West Gate tunnel, what started out as $500 million of off-ramps to the port from the West Gate Bridge has turned — morphed — into this $6.7 billion project, with off-ramps now going straight into the CBD. It is funnelling thousands of cars into the CBD, paid for by toll extensions on CityLink, an incredible sweetheart deal. It is hard to see how anyone looking at this objectively could not see anything but a cash cow for Transurban.

We have got some great deals done for property developers. The one I am probably most familiar with is what has happened in South Yarra at 661 Chapel Street, where we had a tower. The Leader of the Opposition, when he was the Minister for Planning, stepped in and changed local planning laws to allow a building that was more than double in height what the planning laws allowed. This was after, mind you, he told councillors face to face that he did not do planning scheme amendments on individual sites — that was in regard to Orrong Towers. This was on behalf of a property developer who was a donor to the Liberal Party, a clear conflict of interest.

Ms Asher — On a point of order, Acting Speaker, whilst I understand that the member for Prahran has some latitude in this, in my opinion he is moving to impugn the motives of the Leader of the Opposition when he was Minister for Planning. It is only available to the member for Prahran to do that by way of substantive motion. I would ask that you please direct him to get on with his comments about the bill before the house and cease reflecting on the Leader of the Opposition.

Mr HIBBINS — On the point of order, Acting Speaker, I clearly in my remarks referred to the conflict of interest in making those decisions and the donation received. I do not think calling out a conflict of interest is in any way doing what the member is suggesting.

The ACTING SPEAKER (**Mr Dimopoulos**) — Order! Because I have only just assumed the chair, I am going to take some advice from the Clerk. I advise the member for Prahran to be cautious not to impugn members and to get back to the contribution.

Mr HIBBINS — Just to conclude these remarks, what we found out was that this developer eventually — immediately — sold that land for a massive profit of $36 million. I mean, this is just one of those examples where there is a clear conflict of interest with governments making decisions and people donating to political parties. It shows why this reform is absolutely necessary.

Now, as I said, the Greens have a long history of calling for this reform, probably from when we first entered this place over 10 years ago. In 2008 we succeeded in getting an inquiry into Victoria's donation laws established, and in setting up that inquiry the same points that were made then are still relevant today: the fact that we rely on weak federal laws, the fact that it

takes a year and a half after an election to find out who donated to political parties, unless of course they choose to disclose earlier like ourselves, and the fact that there are very few restrictions on who can actually donate to political parties. I think in Victoria only Tabcorp and Tatts have caps of around $50 000, but there is nothing in other highly regulated industries. These problems have not changed in 10 years.

In 2014, in the next Parliament, we moved motions calling on parties to refrain from accepting political donations from property developers and highly regulated organisations and for legislation to be introduced. This was a motion that, again, both the Labor and Liberal parties spoke out against. In the current term of Parliament, the member for Melbourne introduced a private members bill to ban political donations from property developers, which importantly would have covered local government as well. The newly elected Lord Mayor of Melbourne, as a member of the Property Council of Australia, declared that she would not accept donations from property developers at the start of her campaign. It was a good declaration, but it should not be up to candidates to decide that. It should be against the law. Unfortunately that bill, again, was voted down on the first reading in this place by both the government and the opposition. On top of that, I have asked the Premier four times during question time in this term to reform political donations laws. It is worth going over those answers to show just how far the government seems to have moved on this issue. In first —

Honourable members interjecting.

Mr HIBBINS — Well, I would make the point — I agree with you. I would make the point, and I am glad the member has raised this — that it is the political pressure that the Greens have brought to bear that has played a very significant role in bringing about this reform.

In June 2015 the Premier was not interested. They had already made some integrity announcements, and he was not interested in any further reform. In August 2015 a Fairfax investigation found a link between a number of Australian politicians from local and federal governments and alleged Australian Calabrian mafia figures. It found — I am quoting from an article by reporters Stephen Bennetts and Anna Sergi:

> Australia's flawed political donations system, which can mask the real source of money pouring into politics, is vulnerable to influence by this highly determined criminal organisation.

At the time, even the federal Labor leader was prepared to say we needed to reform donations laws, but again the Premier was not interested and in one of his usual responses called us 'commentators' and said they were 'delivering' — not on donations reform, just 'delivering'.

We then heard that they were interested in pursuing this at the national level, through the Council of Australian Governments (COAG). Again I asked the Premier, was he going to ask this at COAG? No, he was not going to raise this at COAG. We found out later that it was actually stymied at COAG because of the Victorian government. And again, another article came out, saying:

> A push for a national overhaul of political donation laws appears to have stalled, with the Andrews government showing no interest in campaign funding reform or even greater transparency.

It went on to say that Labor in Victoria had repeatedly sought to block reform.

In 2016 the Ombudsman, in a report regarding a complaint regarding a councillor — who was absolved of that complaint, I understand — remarked in the foreword:

> Victoria, along with the Commonwealth, is amongst the least regulated jurisdictions in the western world in terms of political finance law.

She went on to recommend in the report that the government should consider:

> a. whether there should be restrictions on donations to candidates and political parties by property developers
>
> b. whether details of all donations to a candidate or political party should be required to be published on a publicly available register within 30 days of the relevant election.

Again, this was raised with the Premier, but he saw no need. In fact he said:

> All of us will have lots of different views. I believe that the current arrangements are adequate. That is not to say that they could not be improved at some point in the future.

We then had late last year the allegation regarding the Leader of the Opposition. It was revealed that the Leader of the Opposition had had dinner with the alleged head of Melbourne's Mafia. While I think a lot has been made of the dinner and the 'lobster with the mobster' saying, what really goes to the heart of why this was a problem is that it was essentially alleged that this was part of a plot to funnel money into the Liberal Party, potentially from the proceeds of crime. It was actually raised. A reminder of the recording which was found just happened to come out in the paper again today. Mr Macmillan says on the recording:

> You can't associate Matthew with money and I would have to be the intermediary. But I'm talking about a swag of money that they're prepared to give for them —

the Leader of the Opposition's campaign.

> We're probably talking hundreds [of thousands of dollars in donations] …

The article stated:

> … caught him plotting to split the promised donations into smaller amounts to avoid disclosing the source of the funds to authorities.

Clearly we have had over years reasons to see why the current disclosure and donations system is incredibly broken. It undermined the integrity of our political system, and there was the need for change, but this government and governments preceding it had resisted calls for change until two months out from the Northcote by-election, when they announced that they were going to strengthen donations laws to be the toughest in the country.

I am sure Labor members would like to believe that the Premier and the cabinet just woke up one day and decided suddenly that after all this, after all that has happened over the years — despite the scandals, the resistance, the recommendations and the work by committees and academics — donations reform was a good idea. I have got a different view. I would put it that the political pressure that the Greens brought to bear on this issue over years — over a decade — has brought this result. Make no mistake: this is a Greens achievement.

Honourable members interjecting.

Mr HIBBINS — I think the message is loud and clear: Greens in Parliament fighting for change, sometimes for years, get results. This gets results, even more so when you have a political contest that pits the Greens against the Labor and Liberal parties. There is absolutely no doubt.

Mr Pearson interjected.

Mr HIBBINS — Perhaps we can check the record to see what the member for Essendon has ever said about donations law reform. What has the member for Essendon ever said about this? Absolutely nothing. I know it is a difficult day. It is a difficult day for the member for Essendon when he knows that something that the Greens have been fighting for for years finally the government has actually seen the light of day to adopt what is a great Greens policy — donations law reform. In fact if we check the record, no doubt the member for Essendon was heckling when I questioned the Premier on donations reform all those times. It is a tough day for him, I am sure.

I will go on to other measures in this bill, firstly around how donations reform will be administered.

Honourable members interjecting.

Mr HIBBINS — I tell you what: you bring in more bills like donations law reform and other Greens achievements, and I will keep speaking for them, because finally we have a bill before this place that is actually worth speaking on for 20 minutes. I know the member for Essendon did about 5 minutes on changing a font in a bill once. I probably do not have that sort of expertise. I tell you what: we have got a few to go after their promises in the Northcote by-election. We have still got renters reform to go. We have still got banning the plastic bag. They did everything, so we are still waiting. There could be hope.

Just touching on the other parts of this bill, obviously there is the increased public funding to go along with donations law reform. I think it is at $6 per lower house vote and $3 per upper house vote as well as some administration funding for parties — $40 000 per annum. Certainly with these figures I cannot imagine political parties would be crying poor, but I would hope that the taxpayer, in return for the increased funding, can now get a political system and a democracy with far more integrity than we previously had.

I will touch on one of the final changes, and that is to the elections, around bunting. I certainly know the local Prahran RSL is going to be very happy that their RSL is no longer going to be covered in bunting during election time.

Ms D'Ambrosio interjected.

Mr HIBBINS — I would love to think that this was because of their care about the environment. The Minister for Energy, Environment and Climate Change is at the table and is, I am sure, a strong advocate for getting rid of bunting, but really this is because the Labor Party cannot control Bill Shorten's mates — it cannot control former ministers from tearing down other parties' bunting. It is very unfortunate, and unfortunately it is now time that the bunting wars are over. We started winning the bunting laws, and now they are suing for peace. We are the party of peace, so we will go in for this one.

We are really pleased to finally see donations law reform in this state. This has been a long time coming. It is a credit to my colleagues who have fought for this since well before I came here. It is a change that is

absolutely needed, and more than ever given the ongoing series of scandals that have overshadowed this Parliament and the previous Parliament. Now more than ever we need to clean up politics in this state. We need to clean up this Parliament. It is absolutely needed. That is what the Greens are fighting for, and that is what the Greens are achieving in this bill.

Mr PEARSON (Essendon) (15:15) — I am delighted to join the debate on the Electoral Legislation Amendment Bill 2018. It has only taken until his final year in the 58th Parliament for the member for Prahran to speak for his full allotted time, so today is an interesting day of note. I listened at length to the member for Prahran's contribution, and there are a couple of observations I would make. The member for Prahran did not mention, nor did he disclose to this place, the $1.68 million donation that Graeme Wood from Wotif made to the Greens political party. He did not mention that.

Another point I would make after listening carefully to the member's contribution is that he seemed to argue that organisations or companies donate and it is as a consequence of that donation that a government acts, and he gave a number of examples to that effect. I am very pleased to say that I voted for the voluntary assisted dying legislation when it came before this place because I believed in it. I absolutely believed in it. I listened very carefully at that time to the views of the members of the other place. I seem to recall — and the member for Prahran, I am sure, will correct me if I am wrong — at that time the Greens political party said, 'There is no conscious vote for our members. This is party policy. We are voting for it as a bloc'.

I raise this in the context of the estate of Aina Ranke, who has passed away. She was a voluntary euthanasia activist and donated $18 760 to the Greens. My question I suppose to the member for Prahran is: is the member for Prahran seriously suggesting that because the Greens political party received $18 760 from the estate of Aina Ranke they all voted en bloc for voluntary euthanasia? I do not think that would be a fair assumption, but if you follow the member's logic, that is exactly what he is saying. And it is false; it is just false. We are not going to be lectured to by the Greens, frankly, on anything, because when it comes to serious reform in the state, it is always a Labor Party that has been there. We have been here defending the interests of working people since 1891. They have done nothing, the Greens. They have delivered absolutely nothing.

I listen attentively to the member for Yuroke — and I note that the member for Brighton is in the chamber so I can only assume she will be following me. I recall some of the work that the Electoral Matters Committee did at the time, and I remember having conversations about some of the investigations — without breaching any confidentiality of the committee, I wish to hasten to add. It is great to see the work of a committee that took this matter very seriously, that diligently applied itself and that made a series of recommendations, and this bill before the house acquits many of those.

I am really pleased that we have got a bill like this before the house, because I think it reflects the changing nature of democracy. If you go back to the 1970s or 1980s, there were no trading hours on a Saturday afternoon. People ostensibly worked 9 to 5. There was no gig economy, there was no late-night economy and people worked within those defined hours. It was logical of course that people would turn out to vote on a Saturday. Interestingly, apparently the Americans vote on a Tuesday because of the distance between the polling stations and farms. People would often harvest their produce on a Sunday and had to travel on the Monday in order to reach the polling station by the Tuesday. I find that quite fascinating. The reality is that now we are seeing much more early voting occurring.

An honourable member interjected.

Mr PEARSON — What did the Romans do? I should find out more about the voting practices of the early Roman Republic. I think the answer to the question is that the Praetorian Guard had far more power in these matters under the Roman Empire than in the Republic. I think we could certainly say that. The reality is that early voting is becoming more and more of a reality because people work on Saturdays and there are more social engagements. We are a lot busier now in the 21st century than we were 30 years ago. Recognising the fact that this is a reality, I suspect it will be a growing trend. Making sure we tidy up the legislation so that people do not have to give an excuse is really important.

Similarly, there is a recognition that counting those early votes on election day and election night is really important. We could have a set of circumstances where there was quite a tight contest in a particular campaign, and if 25, 30 or 40 per cent of the vote was already registered before polling day, there could potentially be a set of circumstances where for a delayed period of time we would not know the outcome of an election, which I think is important as well.

The move to applying for a postal vote online is a really welcome initiative. Those of us who have been involved in political campaigns know that postal votes

are sometimes a very challenging, difficult or intricate exercise to go through. It can be quite cumbersome in its own way, so enabling that level of online voting is important.

The restricting of electoral bunting is indeed welcome, as many have said. I seem to recall spending many wee hours of a morning at — I can particularly recall this — the Frankston East by-election in 1999 in my 1976 Corona Mark II guarding the bunting on a primary school in the Pines, from memory. They were quite a few hours of my life I never got back. But nonetheless the result that night certainly made up for it.

I know there have also been conversations at different times about whether or not we should actually hand out how-to-vote cards at polling stations. In some European countries they just do not do that. There is just a how-to-vote card inside the booth, and people vote accordingly. I am pleased we are not moving away from this tradition, because one of the real challenges of being a member of this place presents — and I have only been here for a very short period of time — is that you can get caught in your own world and your own bubble and you can start to get removed from your branches and your network of activists.

I think that engaging branch members, regardless of whether you are Labor, Liberal, Nationals or Greens, on the campaign, giving them hope, inspiring confidence, giving them the sense that you have a vision for what you want to do, encouraging them and going on the journey with them, is a really important exercise in democracy. It means that there are always those conversations, as we all know, about staffing the booths; making sure you have the volunteers out; making sure you are covering people for breaks; making sure that if it is a hot day they have got sunscreen, they have got shade and they have a water, and if it is a cold day there are ponchos or umbrellas; and someone is going around delivering food. That is a very important exercise in our political parties and in our political system. I think that you really want to try to keep the strong links between members and their support base. So I am really pleased that we are not touching that.

I think that ensuring there are 120 days before polling day to register a political party is really important. If I go back 20 or 25 years, it was always about getting a story in the *Herald Sun* or about trying to get on the Channel 9 news. Probably at that stage between 85 and 90 per cent of voters would vote for one of the major parties, and you would have probably 10 per cent that would vote for the Democrats back then or for the Greens or an Independent. I think we are now in a world where the audience is fracturing and people are going off in their own bubbles; they are disengaging from the political process. If you get on a train to come into Parliament, people are not reading the papers anymore; they are on their phones. You are seeing that reflected in voting behaviour. I think we will see an increasing decline in terms of the support for the major parties. That is probably a reality.

What we have to make sure, though, is that you do not start having these micro parties springing up a very short period of time before polling day in order just to either game the system — and that is particularly important now when you are looking at the public funding of elections — or to pervert in some way the electoral system. Having that 120-day time distance is an important exercise, because it does give people an opportunity to get their ducks in a row. We are just trying to ensure that if people do want to participate in the democratic process, they do so seriously. If you are basically doing it for a lark, doing it on a whim and want to run as an Independent, that is fine; you can knock yourself out. But if it is about trying to say that you want to make a serious contribution to policy and you want to set up a party, then you need to do it properly and you need to do it seriously.

This is a very good bill that is before the house. It is about making sure that we improve and continue to broaden and strengthen our democracy in the state of Victoria. I commend the bill to the house.

Ms ASHER (Brighton) (15:25) — I wish to make a couple of comments in relation to the Electoral Legislation Amendment Bill 2018. While much of this bill is focused on donations, that is not going to be the focus of my observations, because I am the chair of the Electoral Matters Committee and I want to spend some time examining the recommendations of that committee and the government's, in large form, implementation of those recommendations. I would make the preliminary point that when the public fully realises the extent of public funding that will underpin the replacement of the donations that the parties previously raised, I suspect the public will not be jumping up and down with excitement over this particular bill that is before the house. But I will leave it to others to comment on the donations perspective. A number of comments have already been made on staffing for non-government parties, which has been a contentious issue for a very, very long time.

I wish to focus my observations on the one-third of the bill that looks at the conduct of elections, as I said, because I am the chair of the Electoral Matters Committee. I acknowledge the presence not only of the

deputy chair of that committee, the member for Yuroke, who has already spoken, but also the member for Nepean.

Just as an aside, this is a committee where the government does not have a majority. I have to say that the committee spent a lot of time deliberating in, I think, a most mature and intelligent manner. We spent a lot of time talking to witnesses and a lot of time putting forward a number of recommendations. I am very pleased to see that the government acknowledged throughout the second-reading speech the number of suggestions that it has picked up, either in whole or in part, from the Electoral Matters Committee. A lot of us give lip-service to the way the committee system works in this Parliament, but I think the electoral reforms that we are looking at today are a very good example of good committee work from all of the members of the committee — Liberals, Nationals, now Reason party and of course Labor. I am pleased to see that sensible deliberations can result in change.

The committee made 23 recommendations in its report and 10 of them were to the government. I want to go through those recommendations. In recommendation 2 the committee recommends an amendment to the Electoral Act 2002 to specify that the maximum allowable period for early voting at a by-election be two weeks. The government has adopted that in clause 23.

I refer honourable members to page 35 of the Electoral Matters Committee report, where in relation to the by-elections in Melbourne in 2012, Lyndhurst in 2013, Polwarth in 2015 and South-West Coast in 2015, those early voting periods were four weeks, and the committee felt that that was way too much. That is a very, very long by-election period, and this bill regularises a general election with by-election early voting.

Recommendation 3 is a very, very important recommendation from the committee. It recommends that all early votes cast in an elector's home district be counted on election night. Indeed a lot of the language of the government in the explanatory memorandum to the bill reflects the language of the Electoral Matters Committee — that is, that the public has an expectation that results will be available on election night. Given the number of people who are pre-poll voting, this will enable a better chance of an election being called on the night. We can all think back to 2010 to the electorate of Bentleigh where those votes were not counted properly and the state hung around in limbo for some time.

Recommendation 4 is a recommendation that early voting should commence on the Monday after the final nomination day, and that has been picked up in clause 23. Again, I think the member for Yuroke instanced the handwriting of ballot papers in the big rush to get out there and vote. I remember that I used to print off a how-to-vote card and stand out there myself when the ballots opened on the Friday to try to get those two people, or whatever it was, who were going to go overseas. So this is a sensible recommendation from the committee, and I am pleased that it has been adopted.

Recommendation 7 is to have a postal vote applied for by electronic means. Indeed that has also been picked up by the government in this bill at clause 24.

In recommendation 8 the committee recommends that a witness would be a witness without actually adding a title or a capacity. Again the government at clause 25 of the bill has agreed with the committee and picked up that recommendation.

Recommendation 9 allows for a change to allow election officials:

> to inspect the witness date for returned postal vote declarations postmarked the Sunday or Monday immediately after election day, to determine if the vote is to be accepted.

The government has in part accepted this particular recommendation. There is a bit of variation, and that is set out in clause 28 of the bill. I have to say that with Australia Post's deteriorating services we all have our doubts about the capacity of the postal system to operate for much longer. Indeed most electoral commissioners that the Electoral Matters Committee spoke to think that the postal voting system will hold out for one more election only.

Recommendation 10 makes some recommendations on the registering of political parties, and again the government has effected that recommendation in clause 11 of the bill.

In recommendation 18 the committee recommended that how-to-vote cards at joint voting centres need only carry a single authorisation. Indeed this came to the committee from the Liberal Party, and the Liberal Party and the Labor Party have engaged to varying extents with the committee because they see the opportunity of trying to get a sensible outcome through the committee system and then through to the government. The government has adopted a slightly broader approach and has simplified the process for the registration of all how-to-vote cards, and again that is picked up in clause 17. For those of us who have been members of political parties, in my case since 1976, the reason of

course that we have registration of these how-to-vote cards is as a consequence of a Nunawading by-election where one Peter Batchelor, the then state secretary of the ALP, decided he would distribute some fraudulent how-to-vote cards. So this whole registration system arose out of pretty disgraceful conduct in that Nunawading by-election.

Recommendation 19 moves on to something that is not picked up in the bill but has been picked up by the government previously. The committee recommended that the public sector code of conduct be amended to prohibit public sector workers using government property such as ambulances, fire trucks and uniforms for political purposes and in election campaigns and that penalties be developed for a breach of this type. The government referred this matter to the public sector commissioner, and the public sector commissioner has in fact amended the public sector code of conduct to prohibit the sort of conduct we saw, for example, with fire trucks being driven around as part of election campaigns. However, the proof of this will be in the reporting mechanisms and penalties which will be applied should this type of behaviour happen at the next election.

Recommendation 23 related to independent candidates and their funding disclosures, which I think it is probably fair to say that the government has picked up in its donation reform package.

However, there are a number of amendments here that did not emanate from the Electoral Matters Committee, such as the restrictions on bunting. That was not something that was recommended by the committee. I am wondering what the Labor Party will do next — perhaps ban the sausage sizzle on election days? Obviously donations were not discussed — although a previous Electoral Matters Committee inquiry had looked at the issue of donations — so there are a number of items or clauses in this bill that have not come from the Electoral Matters Committee.

I did want to take the time to go through the fact that the government uses the word ‘acquit’. The government says it has acquitted the Electoral Matters Committee’s recommendations. It has adopted them either in whole or in part and given credit to the Electoral Matters Committee in the second-reading speech. I am delighted to see an example of a government adopting a committee’s recommendations.

Mr HOWARD (Buninyong) (15:35) — I am pleased to also add my comments in regard to the Electoral Legislation Amendment Bill 2018 before the house, which, as we have heard, has followed a fairly healthy bipartisan approach through its conception, coming through the Electoral Matters Committee. It is certainly appropriate that we have heard from both the chair and the deputy chair of the current Electoral Matters Committee, which made a number of recommendations that have been supported in this bill. Of course there are a broad range of changes in the bill that go beyond the issues that the Electoral Matters Committee raised. They are in relation to political donations and reforms to ensure that there is greater transparency and that there are clearer restrictions in regard to donations — the banning of foreign donations, for example.

I will not really be focusing on that aspect of the bill, however. I have been in involved in campaigning for many years now. The 1980s or some time would have been the first election campaign that I was involved in. I remember that my first work experience was as a teacher at Kaniva. As a Labor supporter back then, I think there were three of us who would hand out how-to-vote cards in Kaniva for the Labor Party, so it was a fairly lonely experience back then, as I remember. Coming to Ballarat was clearly a more warming experience for all Labor supporters and Labor Party members.

What the bill aims to do is make some sensible changes, as we have heard, recommended by the Electoral Matters Committee in regard to the extension of early voting procedures. We have certainly seen in recent elections that early voting has extended in terms of the number of people who wish to take advantage of early voting, and it seems to have been a very sensible process to provide that opportunity for people who cannot be present on election days. What we have done on this occasion is recognise that a lot of people have been coming to pre-polling to vote ahead of the election day. They have sometimes been required to explain why they could not be there on election day, but we know sometimes people have not answered those questions honestly.

I found myself in the last election thinking, ‘Well, it would be very convenient for me as the candidate to vote ahead of election day so I could focus all of my attention on the actual campaigning issues on election day and just speaking to voters’. Of course as a candidate entering a polling booth on election day, election officials become a little bit concerned because they think that maybe you are entering the polling booth to campaign, which of course is entirely inappropriate when you are in fact just coming to vote on election day. So for candidates it has been an awkward issue too. When I did attempt to pre-poll in the last election I was advised that I could not because

the electoral commissioner present knew that I would be present on election day — or it was certainly expected that I would be — and when he asked the question I said, 'I would be around on election day', so I could not vote. This simply changes the issue so that people can vote freely ahead of election day at the pre-polling booths without having to make an explanation. That seems to make some sense.

The legislation before us also does some sensible things in allowing for the counting of the pre-polling votes and allowing for the counting of the postal votes so that they will not actually be counted ahead of election day but can be compiled on election day itself so the envelopes can be checked and then the counting of the votes can take place on election day and be processed in a much quicker and more appropriate manner so that we are more likely to get the announcement of the results of an election on election night rather than having to wait until those pre-poll votes or postal votes are counted. So that is a very sensible change.

We also know in regard to the whole processing of election results that it is appropriate to take into account people's desire to have that count of the election on election night and to get a response. Also, we recognise that people use the internet these days, so being able to apply for postal voting online is another appropriate change we have made in this legislation to speed up the process, so you will not have to send away for your postal vote, get it back through the post and then send off your vote. We know the postal system has been getting slower and slower in recent times, so allowing people to apply for their postal vote online will see them receive their vote more quickly.

When they are filling in the postal vote, as we have heard, we do not need the person who has to witness their signature to note their title, which again becomes confusing. The witness simply has to be a person who is 18 years or over and not the election candidate, and they have to sign the form. That makes the process, again, more convenient, more appropriate. Recognising those issues of the postal system, we have clarified the time when it might be deemed that postal votes have been posted appropriately. So voters will get the full time — until 6.00 p.m. on the Friday following the election. If those postal votes have been received by the Electoral Commissioner effectively within a week of the election, they will be considered as appropriately received. There is also a category whereby if we can see that the envelope has in fact been posted before election day, the voter will still be permitted to be acknowledged and added to the count. These are sensible changes to the legislation.

We are simplifying postal voting cards to have the authorisations shown clearly once on each side of the postal voting card. We have heard also how we are changing the issues of signage on election day. Those of us who have been closely involved in elections for a number of years know that our younger members have perhaps enjoyed the opportunity of being out early, at 1 o'clock, 2 o'clock, 3 o'clock in the morning, trying to get around the polling booths to see if they can, in our case, outdo the Liberals to get their bunting in a better position than the Liberals. The Liberals likewise have a lot of young bucks — mostly young bucks, some young women too, I guess — who get out and try and outdo our side on that. Sometimes, because they are young individuals, they can get a bit stroppy if somebody else is trying to replace their bunting or get in their way. It just makes a lot of sense to reduce that issue, to reduce that signage — that clutter around elections on election day. We have in fact extended the distance, so signage has to be at least 6 metres from the entrance to a polling place now; there will be just one sign from each political party or candidate at each entrance; and the signs have to be 600 millimetres by 900 millimetres — standard corflute size. That will be the limit of the signage. That is a sensible thing too.

I note that the member for Essendon spoke about the ability to hand out how-to-vote postal cards, and clearly that is an issue that is considered from time to time. Is it still appropriate? Sometimes those who come to vote feel a bit affronted by the number of people who are putting how-to-vote cards in front of them, but I think on balance it is still a healthy sign that we have not gone completely to postal elections, as they do for local government nowadays. The experience of an election is of a very human day, when party supporters from whichever party are out there supporting their party enthusiastically. There are those sausage sizzles, and of course they should be continued to be allowed. It is a good day of human interaction, when people actually are physically involved in the voting process.

I think these are great changes being made. I am pleased that there seems to be bipartisan support, or tripartisan support, for this legislation. I certainly commend all of those issues in the bill to the house. They are commonsense approaches. They do tidy up some of the issues that have been of concern for some time.

Ms STALEY (Ripon) (15:45) — I rise to speak on the Electoral Legislation Amendment Bill 2018. I plan to make a short — I hope — contribution, focusing on campaign finance caps and campaign disclosure. The main elements of this bill that I will be talking about are the introduction of $4000 per term limits on donations;

bans on foreign donations; caps on small donations that are not counted, so that we can still run raffles; and the fact that the bill allows union affiliation fees and captures third party campaigners in the scheme and limits their political expenditure.

I am going to start, and probably this will set the scene for what I will say later, by quoting article 19 of the *Universal Declaration of Human Rights*, and that says that:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

My key objection to these sections of the bill is that I believe they are an unacceptable restriction on freedom of speech and they suppress democratic political participation. Unlike public funding, which already exists, Victoria has no campaign limits at the moment. There are no limits on what individuals, corporations and trade unions can donate to political parties, so this is a wholly new feature of Victorian electoral law.

I want to set the scene a bit by having a look at what a couple of courts have said about these sorts of proposals. I am going to start with the US Supreme Court. In 1976, in a landmark decision, *Buckley v. Valeo*, the court affirmed a First Amendment interest in spending money to facilitate campaigns, writing:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.
>
> …
>
> Given the important role of contributions in financing political campaigns, contribution restrictions could have a severe impact on political dialogue if the limitations prevented candidates and political committees from amassing the resources necessary for effective advocacy.

Then in 2010, in a case that many in this place probably have heard of, *Citizens United v. Federal Election Commission*, the court held that the free speech clause in the US constitution prohibits the government from restricting independent expenditures for communications by non-profit corporations, for-profit corporations, labour unions and other associations. It held that because spending money is essential to disseminating speech, as established in *Buckley v. Valeo*, limiting a corporation's ability to spend money is unconstitutional because it limits the ability of its members to associate effectively and to speak on political issues.

The final US case I wanted to refer to is *McCutcheon v. Federal Election Commission*, a 2014 judgement, in which Justice Thomas said:

> … limiting the amount of money a person may give to a candidate does impose a direct restraint on his political communication …

I now turn to the High Court of Australia. The most recent commentary or judgement by the High Court on such a matter is *Unions NSW & Ors v. State of New South Wales*. A number of things happened in that case, which I will come to, but the court held that if you aggregate the electoral communication expenditures of political parties and affiliated organisations and then limit them, it impermissibly burdens the freedom of political communication. The High Court granted both the declarations that Unions NSW were seeking, unanimously holding that those sections that knocked out union and company donations were invalid on the grounds that they impermissibly burdened the implied freedom of communication on governmental and political matters, contrary to the Australian constitution.

Because of Unions NSW I believe this bill is open to constitutional challenge, and it is not to do with the provisions that allow unions to continue to donate, which are in this bill because of that judgement. I would go further and agree with Unions NSW assistant secretary Mark Morey, who said:

> The court has spoken very loudly to confirm people have the right to come together, to put their money together, to participate in the political process.

I believe this legislation before the house severely restricts that right. It is a fundamental restriction on our human right to freedom of speech, and it is not one that I am at all keen on.

I would also note that some of the commentary about this by others in this place has very much focused on the limits to overseas donations. This bill does not just limit overseas donations; it limits the ability of individuals, corporations, trade unions and others to donate for political purposes. The trade union exemption, which comes out of *Unions NSW & Ors v. State of New South Wales*, does create an uneven playing field. It does mean that the Labor Party will always have an advantage in the funding stakes because of this bill. We should not shy away from the fact that this is a bill that advantages the Labor Party in terms of its financial outlook.

Finally, I would like to rebut a little of what the Greens representative said, because I thought his speech was characterised by an incredible level of hypocrisy. He stood up and said, firstly, that this was a Greens bill — I do not believe they have been involved in any of the

negotiations to do with this bill; and secondly, that donations are only made because people want some sort of benefit. Why did the Electrical Trades Union donate $300 000 to the Greens? Why did the Construction, Forestry, Mining and Energy Union donate $25 000 to the Greens? Why did Duncan Turpie, who is associated with gaming interests, donate $500 000 to the Greens? Why did Graeme Wood give the Greens what was the largest political donation in Australian history — $1.68 million — if not to buy influence, according to the Greens?

I would hold that people give money to political parties because they believe in what they stand for. People donate to political parties because they want to see that side or that party in government. They want to see them succeed because they share their world view. It is not about quid pro quo; it is about saying, 'We like the values that your party stands up for. We share those values and we want to support you'. I would argue that being able to do that financially is a core aspect of our freedom of speech and freedom of expression, and this bill limits and in fact to a very large extent actually removes that.

In the short time I have remaining I would like to briefly touch on the disclosure regime. I have no problem with real-time disclosure. I think the limits set in this bill are problematic, not least because they conflict with the federal limits even in terms of how much can be tax-deductible, and I think that could cause confusion. But I have no problem with the principle that people should know who is donating to political parties in significant amounts. I think that is a transparency and accountability provision which is supportable. I also think that with technology the way we have it now we can do it close to real time. The federal provisions allow people to effectively not disclose donations for 18 months; that is far too long, so I support the provisions in the bill that shorten the time line and bring in that regime. However, I end by saying that this bill is an attack on freedom of speech and is a very dangerous path to go down.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (15:55) — I will take just a few minutes to add my support to what is a very important bill — the Electoral Legislation Amendment Bill 2018. I do so because it is important to acknowledge that a government's role always has to include a view and a mind to ensuring that we optimise all opportunities for people of voting age and entitlement to access the democratic process in the easiest way possible, while at the same time maintaining the integrity of our voting systems. Of course in Victoria, as in the rest of the country, we have been truly blessed for many, many decades in having an independent electoral commission to oversight our democratic institutional voting arrangements and processes, and that has served us exceptionally well. It is really a hallmark and a strength of our democracy. Importantly for our government the bill goes to the very heart of some of those critical issues that maintain integrity around our voting processes at the same time as encouraging and making it easier for people to participate in this democratic institution that we call voting.

The bill goes to questions of modernising our electoral system. It goes to the heart of better engagement — facilitating greater engagement in the democratic process of elections — and it also quite rightly strengthens measures to support the integrity of voting and of course issues to do with political donations, which is an issue that from time to time causes a lot of consternation across the community and causes a lot of debate about whether there is undue influence potentially that can be exerted, brought to bear on or assumed to lie behind some political donations.

It is absolutely important for us to say at the outset that political donations can be an important part of supporting the political institutions that take part in our democratic processes. This is something that is not done away with by this bill. This is something that we should not lose sight of. There is still freedom for people to be able to lend support in a variety of ways other than by purely voting for their preferred candidate or political party. Importantly, as community expectations grow, in terms of our societal institutions being robust and seeking always for ways to strengthen the robustness of our institutions and ensuring that ultimately it is the vote and the voters who determine political outcomes in terms of who actually forms government and how decisions are made — ensuring that there is integrity in the way a policy is developed and then implemented, whose fairness is part of the political process in itself — it is absolutely vital that people's confidence in our system remains strong. If there are ways for us to strengthen that confidence, then that is something we should always be exploring, as governments do. That is not of course a matter of political parties and what they bring to their efforts in wanting to exercise a function of government, but it really does go to the heart of the broader community being confident in our institutions.

So I am pleased to reflect on just some of those key elements of the bill in terms of making it easier for people to engage. A person enrolling on the electoral register must verify their identity. Here of course the bill again makes it easier for people to be engaged in

the process. There will be removal of the requirement that a claim for enrolment be witnessed by an elector. That is very important. We know that the electoral commission in Victoria, as with the federal electoral commission, has very sound processes in place to ensure that there is good, strong oversight of the integrity of our voting rolls. So making it easy for people to be able to change their details on the voting roll is part of having a modernised approach.

There are several other things that go to issues of assisting the way in which our elections are conducted. Simplifying how-to-vote cards is one that provides greater flexibility in the registration of how-to-vote cards. That makes it easier for a lot of people to want to participate in being a candidate or to be involved in supporting a political party.

We also have stricter requirements in terms of the use of political signage. I think it is fair to say that all political parties have outdone themselves over the years when it comes to contaminating a lot of public space with the overuse — and we are all guilty of this — of political advertising through bunting and political signage. We need to bring some respectability back to all of that. We know that in most cases people turn up to a voting booth and have already made up their mind.

Ms Ward interjected.

Ms D'AMBROSIO — That is right, they just want a sausage. They want to be able to donate to their local school community through a sausage sizzle. Importantly, this is about giving greater respect to people who come to vote, understanding that we do not actually have to be in their face and have messages plastered all over the place for them to be able to make an informed decision. Being there, greeting them with a pamphlet, if that is what it is or if a candidate wants to be there with a small sign to just give that gentle last-minute reminder of who they are and that they would like their support, that is more than enough for people to confront when they come to vote.

There is also a major environmental benefit from this. There are many people who do come to vote these days who comment on that — what are we doing with all this plastic, the metres and metres of plastic, typically bunting, that is strewn right across schools and wrapped around schools? That is something that we would do very well to remove and certainly curtail. I do not plan to say much more than that, Acting Speaker. I thank you very much for the opportunity, and I wish this bill a very speedy passage.

Ms GRALEY (Narre Warren South) (16:02) — It is a pleasure to rise this afternoon and speak on the Electoral Legislation Amendment Bill 2018. I have got to say that elections that are well run and peacefully executed are truly a hallmark of a successful democratic state. At the outset I would really like to thank the members of the Electoral Matters Committee for their hard work and, as we have heard from the chair and deputy chair of that committee, for the collegiality of the committee's work and the series of recommendations that have been adopted by a government that did not have a majority on that committee. I also note that the Greens were not on that committee and were busy doing other things, I suspect. To claim that this legislation is a reflection or result of such hard work from their quarter is indeed a little bit of an overstatement.

As politicians I think you have to like elections. I have always done so. I like seeing the voting process take place and as a candidate meeting all the voters out on the hustings, though I would have to say — indeed confess — that, given that I have chosen not to stand at the next election, I am not going to miss it that much. There is a sense of relief that I do not have to go through the election campaign process again. I have done six — two at local government and four at state level — and got a pretty good strike rate of five out of six, so I am happy to depart the house with that record.

I will say, though, that having been involved in so many elections and worked on other people's campaigns as well, I have always felt that there has been a need for electoral reform. That has been a very strong belief of mine, and I am really pleased that this piece of legislation is one of the most significant reforms of the Electoral Act 2002 since the act came into effect. It will make the electoral system much clearer, more accessible, more transparent and more efficient, and all those words are synonymous with a healthy working democracy.

I will refer to some of the parts of the bill, but only a few of them because I will not have enough time to do justice to what is a very complex and comprehensive bill. One of the things my kids loved about election day was getting up and putting up the bunting. We made sure we got up early and we had it everywhere, but I have got to say, with the Minister for Energy, Environment and Climate Change in the house, as they have got older they have been increasingly asking what happens to this bunting. Indeed the bunting wars have been referred to in this place, and I think it is a great relief that those bunting wars will be over and all that plastic going to landfill will no longer take place.

I have also been concerned over consecutive elections at the number of people partaking in early voting. It has just become routine that people go and vote early, and it was just an absolute nonsense that people had to provide an excuse for that. There are lots of reasons why people want to vote early and most of them are very good reasons. We have a very changed economy from when this Electoral Act came into effect, and the electoral pre-poll system needs to come up to pace without people having to tell a fib or two.

I also think that most people expect that an election result, in this technologically advanced world, can be achieved on the night of the election. One of the things that we prize in a democracy is that it is a stable system. The transition from one government to another, or the continuation of governments, is very, very important not only for a stable democracy, but also a very good working economy and indeed a peaceful society. I definitely do support the change so that those pre-poll votes, those early votes, can be opened and then counted on the night, and that we do not have people wondering whether they have got a job to go to on Friday, or maybe have a new job to go to on Friday or whenever the declaration of the poll is. That is a very good move and an absolutely correct move.

I think you have to have a pretty healthy ego to put your hand up to be involved in politics. We have all got a bit of a streak of narcissism in us —

Ms Green — Some more than others.

Ms GRALEY — That is true. But I have to say walking into those polling booths and seeing your face everywhere — there are so many A-frames, so many big signs, there is so much there — even I, who have a healthy ego, find it a little bit overwhelming and little bit embarrassing. I know that some of those opposite were suggesting that one corflute was not enough and they wanted at least a double-sided one. Well, I am on the side of one corflute as being perfectly sufficient.

Mr Foley — One too many.

Ms GRALEY — On some occasions with some of the candidates' faces that I have seen on those corflutes it is definitely one too many, as the minister at the table suggests.

I want to finish my contribution by referring to the fact that we have before us a bill that introduces a new political donations disclosure and reporting scheme and increases public funding available to political parties. Unlike some of the contributions I have heard, I have always been in favour of public funding of political parties for elections — I am looking for a level playing field — because I think that is when we do get a fair contest. This bill seeks to reduce outside, undue and unfair influence from private donations into the political process.

One of the parts of our role as an MP is fundraising. I have to say I do not think there would be many people in this house who are unhappy about the fact that they are not going to have to spend a lot of their time fundraising. I personally do not like asking people for money and I guard my independence and my autonomy religiously. So I think this is a very good step forward. We all have to do some fundraising sometimes. Some people do it better than others and some people do it with a catch attached to it, and that is what we do not want to happen any further in the future.

As the Premier said:

> These will be the strictest donation laws in the country, because Victorians deserve to know who donates, how much, and when.

It will give us confidence in the government going forward. I have to say, representing an electorate where people come from countries where corruption is often rife, what we have in this country is a very good system, but I think there is an nervousness out there in the community around foreign donations. There is no doubt that people are talking about that; people are very uneasy about it. I think that to give everyone, including newly arrived migrants as well as people that have been here all their lives, confidence in the electoral system and confidence in government going forward is a step completely in the right direction.

As I said at the outset, I am a big fan of elections. My great-grandfather banged his gold pan at the Eureka Stockade to warn that the constabulary were coming. He strongly believed in not being able to be taxed without representation. I think he would be very pleased today that his great-granddaughter is standing here in this chamber and advocating for a more transparent, more efficient and more accessible electoral system because that is exactly what those miners were fighting for in 1854. We need it now more than ever in a world where there is so much untruth out there in the political stratosphere. We need to have confidence in our democratic system and confidence in our electoral system. I commend this bill to the house.

Ms COUZENS (Geelong) (16:12) — I am pleased to rise to speak on the Electoral Legislation Amendment Bill 2018. As we have heard, the bill amends the Electoral Act 2002 to make Victoria's electoral system clearer and more efficient, enhances the integrity of the Victorian electoral system by introducing a political

donations disclosure and reporting scheme and increases the amount of public funding available to political parties and candidates to limit the influence of private donations in the political process.

The bill also addresses a number of recommendations from the Electoral Matters Committee reports from 2014 and 2010. It implements political donations reforms consistent with the position in other Australian jurisdictions, and introduces changes to foreign donations and penalties foreshadowed by the commonwealth Joint Standing Committee on Electoral Matters.

Some key matters in the reforms include streamlining early voting procedures and processing; facilitating better postal voting applications, processing and counting, including by allowing for online postal vote applications; introducing strict deadlines to meet the requirements for registration as a political party; providing the Speaker with discretion to issue writs for by-elections close to a general election; introducing a state-based regime for capping, disclosing and reporting on political donations and offences and penalties for not following the requirements in the act; prohibitions on foreign donations and anonymous donations over $1000; and changes to public funding made available for elections, reflecting the caps on political donations from private sources. As we have heard in this place today from a number of members, the idea of fundraising can be a bit daunting. It is generally not one of our favourite activities, so speaking for myself I am pretty happy about that change.

Regarding the early voting arrangements, I do not think the Victorian Electoral Commission (VEC) generally asks voters why they are voting early these days; I think it has just come to accept that people are choosing to vote early. People vote early for lots of different reasons. I vote early because I am busy on election day, as are a lot of the volunteers working on my campaign across Victoria and many of the campaigns for the Australian Labor Party. In order to prevent someone forgetting to vote while they are busy working for their candidates, it is a good idea to vote early. People vote early for lots of reasons. Some of those are sporting reasons or because they are going to work, and some people just prefer not to go down to their local school or institution to cast their vote on election day; they prefer to do it prior to election day.

What we have seen in probably the last 10 years, I believe, is a greater number of people, record numbers of people, actually going to vote early rather than on election day. Given that, I do not see why there would be any reason not to make this change and allow people to vote prior to election day if they choose to. Providing for early voting on the Friday was always difficult; it only allowed a few hours for the VEC and political parties to get themselves organised, so beginning early voting on the Monday after the final nomination day rather than at 4.00 p.m. on the final nomination day is a really good change. I think also for our volunteers, regardless of what political party they are involved in, being able to start afresh at early polling on a Monday is a good strategy for us and a real advantage, so getting rid of providing a reason for why you are voting early is something I support.

There is also the canvassing of political signage at voting centres. We are used to lugging around big rolls of plastic wrap and bunting, as members would be very familiar with —

Mr Richardson — Chop it all up.

Ms COUZENS — Chopping it all up, wrapping it up and sticking it in boxes for our polling booth captains to pick up. Then there is the challenge of getting down there early to wrap up the building and ensure that you are there before anyone else. I have to say that over the years it has been quite a bit of fun at times. There are a lot of stories from way, way back when plastic bunting was first used. Some of our life members, for example, have some wonderful stories that they can tell us about that. But one of the things I have found, particularly over the last couple of elections, is concern amongst the community about excessive use of plastics and paper. They are concerned about the environment and what happens to that plastic wrap once it is pulled down and we throw it in the boot of our car and it sits there for six months before we remove it. Some people have used it to stop their weeds from coming up, which is pretty innovative.

Mr Nardella — It keeps the weeds out.

Ms COUZENS — It does keep the weeds out. But I think generally speaking there is a view within the community that this is no longer acceptable, just like having balloons at political events. People are now saying, ‘Well, we don’t accept that in today’s environment and we prefer that you don’t use them’. Plastic bunting is exactly the same. So I am quite happy to use a corflute, which can be reused time and time again while you are a member of Parliament —

Mr Foley — Four years on.

Ms COUZENS — You might look a bit younger, but you can probably get away with that for at least three or four elections, I think. For people like me, and I am sure other members would agree, it makes life

somewhat easier and it is a much better thing for the environment to not have the plastic wrap, although it does take away the fun of unrolling it down the hall and cutting it up.

With political signage, we are looking at the display of one sign 600 millimetres by 900 millimetres or less at each designated entrance to the grounds of a voting centre. I think that is the size of a corflute, which suits me.

Political donations reporting is another change that will be welcomed by many of us. As I said, fundraising can be a very difficult task. You have to raise enough money to run your campaign. But I think there can be an issue around where your donations come from. I would suggest that most people in this place are quite clear about where their donations come from. There might be the odd one or two, whether it is the gangsters or the mobsters that are around, but for me this makes it much clearer. I think people in my electorate would welcome the fact that this is now going to change, that we will be required to disclose any donations over $1000 and that there will be a cap of $4000. I think that is really important for communities like mine that want to see their local members of Parliament doing the right thing. As I said, we always have, but I think it makes people have more confidence in their local members. I think this is a great bill. I thank the committee for the work they have put into this, and I commend the bill to the house.

Mr FOLEY (Minister for Housing, Disability and Ageing) (16:22) — It gives me great pleasure to rise to make a contribution on the Electoral Legislation Amendment Bill 2018, a bill which seeks to amend the Electoral Act 2002. It does this with two purposes in mind: to make Victoria's electoral system clearer and more efficient whilst also enhancing the integrity of the Victorian electoral system by introducing a political donations disclosure and reporting scheme which in so doing increases public funding available to political parties and candidates whilst limiting the influence of private donations in the political process. This is a very worthwhile piece of legislation. I commend the Electoral Matters Committee, a bipartisan committee, for its report on the inquiry into the conduct of the 2014 state election, which was the genesis of this important piece of work.

What this bill does is not just protect and enhance our democratic system of parliamentary representative democracy but make sure that the jewel of that system, our electoral system, operates in a transparent and modernised way that stays true to the fundamental principles of the Westminster scheme. This is a 21st century response to the continued process of electoral reform and modernisation of this act that has taken place over the life of this Parliament since colonial times.

Of course our system is now based on one vote, one value. The participatory processes that have seen the franchise extend to all eligible Victorian citizens is a fundamental pillar of why our democracy is robust and widely supported, despite some of the stresses and strains that it faces — not unusual to the wider democratic world — and why in this state and nation we have some of the highest participatory voting levels. That is based on the notion that our system has a requirement for all eligible enrolled voters to actually exercise their democratic ballot, and making sure that that happens is an issue that should not be taken for granted. This bill takes further steps in making sure that those Victorians who might be on the margins and disenfranchised from that process have a further opportunity to engage in the democratic process, which is similar to what has happened federally. Making sure that our system, as far as possible, aligns with the federal electoral system is a very good goal that this bill further delivers on.

This bill also ensures that that underrated but extremely important Victorian institution, the Victorian Electoral Commission, can increasingly operate in the new 21st century way that allows them the opportunity to be the guardians and stewards of our democratic participatory system. We are well past the days of gerrymandered boundaries and property franchises in the other place, although some of us might still have a hankering for doing away with, as a former Prime Minister might well once have called it, the unrepresentative swill in the red chamber, but we of course in the 21st century do not take that view as that chamber has been well and thoroughly democratised by legislative reforms of previous Labor governments in this place, particularly in the 1980s.

Having said all that, this bill continues the rich tradition of this Parliament, ensuring that in an arm's-length, transparent way our electoral system is guarded by the Victorian Electoral Commission. Only with the faith of the people of the state can its elected representatives operate. As is written in the tiles in the front vestibule of Parliament House, the counsel of this place comes from the fact that the people of Victoria have confidence in our electoral system. This bill gives the Victorian people the confidence and certainty that the system adequately represents the will of the people and thoroughly ensures that the system is not able to be manipulated by those who would seek to do so. We need look no further than the United States at the

moment to see where there are many accusations around 21st century technology, and new arrangements of the democratic representative system in this place might well be able to be manipulated.

It should not be taken for granted that foreign influence is something that can just wash over our democratic system. As recently as this week in the federal House of Representatives we have had a member of the government from Western Australia call out under the protection of parliamentary privilege some very serious allegations around foreign national interference in our democratic system. I make no comment on those allegations or indeed the people nominated in them, but what that does is highlight the notion that, in a globally confident, outwardly facing nation such as ours, our economic system is such that if Victoria were a nation-state, we would be the 28th or 29th largest economy and system in the world.

Mr Pesutto interjected.

Mr FOLEY — There is a goal. In that system there is a lot to be gained by influencing democratic governments by those people who do not necessarily share those democratic values. In this context this bill, particularly when it comes to outlawing foreign donations, sets the gold standard on which other jurisdictions around the country should rightly now start to be measured. Ensuring that not just foreign donations are ruled out but alerting our democratic system and those stewards and guardians of it at the electoral commission to these kinds of threats and possibilities of manipulation is something that should be taken very seriously, regardless of what side of the chamber one sits on in this place.

Ultimately we are all subject to the determination of the people in our communities. They all need confidence that the process is beyond reproach, that the process is not able to be manipulated for the interests of others who are unknown and who are positioned in such a way to pursue interests that are not the interests of the people of Victoria and of the people of this nation. What this bill does is give us — as legislators but more importantly the Victorian Electoral Commission as the transparent, arm's-length, independent stewards of our electoral system — a new and powerful tool to keep the rich tradition of Victoria's democratic processes alive to the ever-changing trends that our community would expect of us.

This bill makes a range of other reforms, as we have heard from other speakers, that will ensure donations are capped at a reasonable amount — $4000 over the course of the political cycle and $1000 per annum — and that can also only be a good thing in terms of the process of our democratic system. Ensuring, as a consequence, that the system of public funding for elections flows as a quid pro quo for that is equally important. The fact that this legislation also brings into place a series of other measures around modernising the operation of both early voting and election day arrangements is a further reason why I wish this bill every success and a speedy passage through this house.

Mr RICHARDSON (Mordialloc) (16:32) — I rise to make a contribution on the Electoral Legislation Amendment Bill 2018 and follow some of the reflections on the wide-reaching nature of this bill and some of the changes that have been made, which are quite significant both from a political donations perspective and in relation to the electoral outcomes on election day and in the lead-up to the election. There are some important changes, administrative in nature, but important changes.

As the youngest member of the government, I have had about a decade now where I have experienced elections, state, federal and council. I feel for retiring members who have had to confront things like bunting, the numerous corflutes, the early hours and the all-nighters that they have had to pull just to get their face or their message out there — the hunting of prime real estate space on a school fence. I have been there, done that over the many years. It is quite an important change, I think, because throughout the election and in the lead-up it does get quite intense. For people trying to exercise their democratic right to vote, to go through, free from any sort of pressure, that sort of gauntlet of trying to get into an entrance where all of these volunteers are standing can be quite overwhelming. So taking away those visuals and the bunting is quite good.

I must admit, as well, that my household is very pleased that bunting is no longer on the menu. My poor wife, Lauren, has had to help me out, putting it up on the clothesline in ream after ream and taping the sides to then zip-tie it to the fence. I think if I had asked her to go around again this year we might just be having a by-election in Mordialloc. She might have said, 'That's it, Richo. You're done. You're cooked. We're not doing this anymore.' So it has probably saved me at home with little Paisley. We do not have to do the bunting anymore. I think that for the environmental outcomes as well, I always look at it and go, 'For one day, we're putting all this stuff up, and it all comes down again'. And sometimes you get a rightfully cranky call from a school where it is still up on the fence, or from some of the school communities.

But the democracy sausage continues. The sausage sizzles are not being banned. I looked through this bill. There is none of that. There are still fundraisers at all of our local schools. They make quite a bit of coin on the day. That has not been banned, and any members and candidates going forward to this election had better be putting their money into their local schools on election day. It is very good fundraising for them.

Mr Pesutto interjected.

Mr RICHARDSON — The member for Hawthorn is chirping up there. He loves a bit of bunting, the member for Hawthorn. If there is a bloke who likes to see his own face on material, it is the member for Hawthorn; that is for sure. But he will be restricted now to just one corflute, just the one from now on. The Mordialloc electorate is very relieved. I think it might actually benefit me, this campaign — seeing less of my head around the place. Just the one corflute alone might actually benefit me a bit. I think the Mordialloc crew are saying, 'Thank goodness we will just have one we have to look at'.

But I think these are commonsense changes, as are those around early voting. The declaration of the result came some three weeks after the end of polling day. I think it was declared on 18 December. The election was on 29 November, so then the counts and the voting were done. I was with the member for Carrum regularly and with her crew as well. We did not know when the results were going to be declared or what the numbers were. I think the member for Frankston's counting, as well, went for a long time to get certainty in the outcome — 12 days, I think it was. We fronted up to Carrum Downs at the voting centre to have the count. I think recently the Queensland jurisdiction had it all pretty much counted straight up on the night and had the outcome, so at least they had certainty. You might not know the result on the night, but at least a lot of the counting and a lot of the work will have been done.

There are changes to early voting requirements as well. Working people, whether in shiftwork or working at different times, or the fact that a lot of people are busy with sporting events or work on the Saturday — I think 70 per cent of people go through before 1.00 p.m. Making sure that people have access to early voting — it could be up to 35 per cent or 40 per cent of the total vote pool is done through early voting — just makes sense to allow people to get through and get it out of the way in their own time, and to participate in democracy rather than in the long lines and queues that we see.

Then also the online postal vote application is sensible, rather than the very bureaucratic checking of dates and signatures. I do not know what title people put down — titles, citizen or whatever it was. That just makes it more efficient for people as well. Instead of there being barriers and challenges to voting, it is easier for people. So these are very worthwhile reforms in terms of the electoral outcomes, and I would like to put on notice the work of the Electoral Matters Committee. I have a bit of familiarity with some of the work they do, particularly when they travel internationally. We crossed over with the Independent Broad-based Anti-corruption Commission Committee, and saw that some of the work that they did was extensive, including the briefings that they went through to really get the best outcomes. I think they have done an incredible job, and I acknowledge the member for Brighton, the member for Yuroke and all of the members who contributed to that.

The other really important thing is the political donations. The member for Brighton touched on a really important point. Something that will be a matter of debate, I think, over the coming weeks will be the notion of public funds and the per vote allocation to political parties. I think the public will instinctively question that initially, but the balance, and the opportunity cost, is between knowing exactly what is going to political parties, knowing exactly where those outcomes are going — and that is the public fund — to then strengthen the democratic outcomes, because at the moment for up to $13 200 there is not a requirement to disclose. You would not know who has donated to candidates. You would not know those outcomes. I think that is a really appropriate measure, the limit at $4000 and the requirement to give that information in 21 days — in real time, not well after an election on 30 June, say 2019. That would be an unacceptable outcome. The election is won and done, the government is in and implementing policies, and yet you might find that there was an inappropriate association or there was something that needed further scrutiny. Well, real-time donation disclosure is appropriate.

But that will be a balance that plays out locally. That is the real opportunity cost. Do we continue to have a system where you do not know who is donating and you do not know the interests — putting a significant amount of donations at lower thresholds or splitting that up between different entities or different individuals depending on their interests? Or do we have a system where you know the amount that is going to a political party, you know the amount that the candidate will be receiving and that hopefully leads to a better outcome and better democracy across the board?

What is really concerning is that the Lowy Institute found recently that one in two people, and particularly

young people, do not have faith in our democratic system. That is a systemic challenge in Australia across the board. How do we lift the standards? I think having the Independent Broad-based Anti-corruption Commission is a really important step, and that will be strengthened when we have a federal variety of an IBAC. That is well and truly overdue to give that trust and confidence to the public.

But we are kidding ourselves if we think that the public is going to have trust and confidence in us when you think that you can get $13 000 at a threshold, or whoever could donate that. We have heard of recent examples that played out in the media today again — that old chestnut of the lobstergate coming up again. That is one example of a broader range of challenges and issues. The question you would ask people is: 'If it is not democracy, then what are the alternatives?'. It is a very troubling, confronting conversation if people do not have faith in the system of democracy in Australia. These are the measures that lift that standard and can give the public more confidence in our democratic institutions and hold members of Parliament and political parties to account. At least then if people are donating, that is known and disclosed and then people can make an informed decision on whether that is the right outcome or in the best interests of their state.

So this is a pretty significant reform, from the important donation reforms all the way through to the administrative changes, which will be welcomed, I am sure, by all members of Parliament leading up to the election. I think it is welcome reform and some really important work, and I commend the Special Minister of State, his team and his office, who have done an incredible amount of work, working with the crossbench as well. I commend the bill to the house and wish it a speedy passage.

Ms KILKENNY (Carrum) (16:42) — I am very pleased to rise today to speak on the Electoral Legislation Amendment Bill 2018. As we have heard, this is a bill to amend the Electoral Act 2002. The legislation we are debating today will be one of the most significant pieces of reform to the Electoral Act that we have seen certainly since it has been enacted. I think this is obviously very important. Public confidence in our electoral system is absolutely crucial. It is up there with the rule of law.

I think many of us understand that voting is really one of the most important democratic rights that we are privileged to enjoy here in Victoria and in Australia. I remember standing at a pre-poll voting location in 2014. I had several women from Asia who were voting. They were actually voting for the first time, and they conveyed to me just what a significant and important moment that was for them — to be able to cast their vote freely, not feeling intimidated, not only because of where they came from but also because of being women in those countries as well. For those two it was an incredibly powerful and significant moment to be able to cast their vote. I think sometimes it is important for many of us to reflect upon that privilege that we enjoy.

Obviously if we are going to reflect on that, then it is important also to recognise and acknowledge that we need to maintain and enhance public confidence in our electoral system and preserve the integrity of that system. That is what the bill before us is doing. Its very clear objective is to make Victoria's electoral systems and processes more accessible and more effective. Indeed these are things we should always be striving for.

As I have said, there is a mountain of work that has gone into these reforms. I would also like to thank all of those who have been involved in this very lengthy process — the significant amount of consultation that has gone on to get the bill to this position and to have it introduced and before the house as it is today.

The bill before us will improve the operation of our electoral processes and enhance the integrity of our electoral system by, significantly, prohibiting donations from certain sources — namely, foreign donations — and introducing a political donations disclosure and reporting scheme. As it currently stands, Victoria does not have its own reporting and disclosure scheme. We rely on the commonwealth scheme, and as we have seen, this has had its own deficiencies and things that we need to address — and this bill will address these. This bill is all about improving the transparency and accountability of private donations and reducing the perceived influence in the political process. Again this is based firmly on the belief that the voting public need to know and they need to have access to that information about where these political donations are coming from and what the source of these political donations is.

The bill is also going to provide a level playing field in the sense that it will put a cap on the amount of political donations. As I have mentioned, it will also address concerns with political donations coming in from foreign sources by putting a ban on those foreign donations. We have heard also that this bill will address and respond to the recommendations made by the Electoral Matters Committee (EMC) in its report on the inquiry into the conduct of the 2014 Victorian state election. The EMC in its report did identify and suggest a number of improvements in relation to participation in and the conduct of Victorian elections, and this bill is

picking up those recommendations and will acquit the government of the recommendations in that report.

We know that the bill will substantially overhaul early voting. The bill will now provide for early voting to commence on the Monday after nominations have closed. Obviously this is a very practical step. It is a very sensible reform. It means that the Victorian Electoral Commission (VEC) will have proper time to receive nominations from candidates and distribute the ballot papers before voting commences.

Early voting will now be available to everyone under this bill. People will not have to make a declaration that they will not be available on election day in order to cast their vote at an early polling booth. If voters want to vote early, they will be able to do so. We heard the member for Mordialloc say there will be no ban on sausage sizzles at schools, but I suspect that the numbers on election day will still be down. We have seen an increase in the number of voters turning up to early voting centres. On that point, there is also important reform which will see early votes be counted straightaway on election day. In my case counting went on for 12 days. A lot of that was because of the delay with the early vote count. I think it is fair to say that the public expect to see an election result at the earliest opportunity, so enabling the early votes to be counted on election day will be a significant step in the right direction.

We have also heard there will be an overhaul of postal voting. Online postal vote applications will be permitted and witness requirements for postal vote applications will be simplified. Authorisations on how-to-vote cards will also be simplified. In a really huge and bold move the prohibition on political signage will be extended. I have to say that I am really pleased to see that all the bunting that ends up in landfill will now be a thing of the past, as will all that jostling for position and people staying out overnight to guard their corflutes and bunting on the sides of schools be relegated to history and to the stories that we will be telling years down the track. I certainly remember the day after election day in 2014, having to travel from school to school to school to pick up all that old bunting, all the old corflutes and all the old signage that had been left there from the day before. I am really pleased we are not going to be having to do that. We have heard that candidates will be permitted one corflute. To everyone I say: make sure it is a good one.

Very significantly, this bill will introduce a political donations disclosure and reporting scheme. This will apply to all persons and all entities that make or receive political donations. Significantly, these reforms will actually be some of the strictest and most transparent political donations laws in Australia. As I mentioned before, currently in Victoria there is no scheme for regulating political donations. We have relied on the commonwealth scheme, which has led to some issues with transparency and delays in the public disclosure of donations. These reforms will change all of that. In terms of the proposed changes to political donations, these will apply to registered political parties, candidates, groups of candidates, elected members, associated entities and third-party campaigners. It will cover gifts of money, property and services in kind made without consideration. Significantly there will be a ban on foreign donations, regardless of the amount. It will also be illegal to accept any anonymous donation. There will be a cap of $4000 for each four-year election period from the same source. This means it will be much more difficult for those with big pockets or brown paper bags to try to exert greater influence. There will be real-time reporting of political donations at or above $1000, and a disclosure return must be provided to the VEC within 21 days of making or receiving a political donation.

There will be additional public funding as well, and we have already heard many members speak to this. There will be $6 for each first preference vote for eligible candidates in this house and $3 for each first preference vote for eligible candidates in the other place. As we have heard, significant consultation has taken place in drafting this bill. Extensive briefings have been held. We are proposing to bring in significant reforms that will improve our electoral processes. This is a good thing for Victoria and a good thing for the public. I commend the bill to the house.

Ms HALFPENNY (Thomastown) (16:52) — I rise to speak on the Electoral Legislation Amendment Bill 2018. It was interesting to hear the member for Carrum and others talking about bunting and the fight to keep one's bunting up, because I am afraid I do not experience that issue in Thomastown. We do not use much bunting — just a little bit around the entrances to the schools.

Ms Thomas interjected.

Ms HALFPENNY — They show up with Trinity Grammar School umbrellas. Anyway, getting on to the bill. This bill covers a lot of things in terms of elections. You would have to say it is a very substantial bill, a bill that modernises certain parts of the Electoral Act 2002 and how we conduct elections, that tidies up some areas where there is a gap or something lacking, and that makes very substantial changes to things such as political donations.

First of all, I will just go to some of the tidying up and modernising functions of the bill and then spend most of the time I have left talking about the larger issue of political donations. For example, this legislation makes a change so that when you enrol to vote you will prove your identity by showing your passport, licence or some other sort of photo identification. In the past you were added to the roll by a third person acting as a witness and confirming your identity. In line with normal customs and practices in pretty well every other situation of needing to show your identity or proving who you are, I think it is much better to use things like your licence or your passport.

There are the smaller things, such as the tidying up of loopholes and problems. In relation to early voting, with the legislation at the moment you have to give a reason why you are voting early. If there is an early polling station, why can't you vote early? Even in the Thomastown electorate the number of people who have been lining up to cast an early vote has been overwhelming, whether it is because they have many things on at the weekend or for whatever reason. I think it is much better to make it normal so you do not have to give an excuse or a reason why you are voting early. You just go in and it is accepted that you can vote early, and you go about things in that way.

There is another tidying up of an issue, which is that the legislation is now being changed to say that when nominations close it is the following Monday when early polling stations can open. This gives an opportunity for candidates to print and prepare how-to-vote cards. This has not been possible sometimes because there was such a short period of time between the closing of nominations and the opening of early polling booths.

Getting onto the more substantial part of the legislation, which is political donations, as previous speakers have said, this is about putting much greater controls and transparency around political donations. This legislation will provide some of the strictest and strongest laws around private political donations. Where private donations are still allowed they will be very transparent, in that there will be real-time reporting. There will also be much greater compliance, and penalties if individuals or organisations breach the electoral legislation. Compliance officers will be able to investigate and determine where breaches have occurred.

Again in terms of political donations I think it will be great to stop these. Some people of course may argue that if you do not have private donations, the public is then paying for political parties to advertise and to conduct election campaigns, but I think overall people understand that it is much more democratic to have a system whereby funding is equal, so all parties have the ability to run their election campaigns and have even amounts of money to explain their policies, their views and their ideas and so there is proper information in the public realm for voters to make an informed decision. In having the ability to make an informed decision they then can determine who the government should be into the future.

As I understand it, and I assume there is an ability to look at this later, funding will be based on an amount of money per first preference. I think it is $6 for the Legislative Assembly and $3 for the Legislative Council. This will be the way that political parties will be able to fund their campaigns and what they do during election periods to make sure that people know what the differences are between the political parties.

We will be running in November on our record of the last four years, on all the great stuff that has been done by the Andrews Labor government around infrastructure renewal and getting rid of level crossings and on all the great work around schools and hospitals. These are the things voters will look at, so it will be great when we come to our election campaign that I will be able to tell people about all the great things we have been doing.

This legislation, as I understand it, has broad support. It is fair legislation that provides a mechanism for voters to make informed decisions and to get full information to decide which way they want to vote at elections.

The SPEAKER — The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

SERIOUS OFFENDERS BILL 2018

Second reading

Debate resumed from 23 May; motion of Ms NEVILLE (Minister for Police).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

STATE TAXATION ACTS AMENDMENT BILL 2018

Second reading

Debate resumed from 22 May; motion of Mr PALLAS (Treasurer).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

Second reading

Debate resumed from earlier this day; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

Real Estate Institute of Victoria authority documents

Ms VICTORIA (Bayswater) (17:01) — (14 449) My adjournment is to the Minister for Consumer Affairs, Gaming and Liquor Regulation, and I ask her to immediately intervene in the incredibly damaging scenario that has come to light around estate agent engagement authorities and the fees payable for services rendered. In November 2017 the minister's senior adviser was fully briefed about the potential ramifications of the use of a short version of the exclusive sales authority form issued by the Real Estate Institute of Victoria (REIV) and approved by the director of Consumer Affairs Victoria (CAV) in April 2010 under the former Labor government. At that meeting her then advisor assured all parties present that a legislative fix would be introduced into the Parliament prior to Christmas 2017.

It is now six months later, and she has not introduced those legislative amendments. The potential consequences of this inaction are almost immeasurable. Potentially, refunds for hundreds of thousands of commissions could be sought, totalling many hundreds of millions of dollars. A recent Supreme Court appeal found that the rebate statement used by an agent in a transaction did not comply with section 49A of the Estate Agents Act 1980. It found that the amount of commission in question was not disputed, rather that there was a technical breach of the law. When the initial case was lost in September 2017, the REIV rightfully alerted Consumer Affairs Victoria. As a result, the standard authority forms were immediately changed.

However, this does not help those agents who have had statements of claim lodged against them since the original case's appeal was lost. The floodgates have been opened. There are now several cases that I am aware of that could cost some agents — many of them small businesses — their livelihoods. One is facing a claim of $235 000 plus over $60 000 in legal and other costs. This is a horrendous situation for any hardworking, honest businessperson to be put in.

Given that the former executive director of CAV approved the shortened standard form — her own correspondence clearly shows this and uses the word 'approved' — and the courts have now found the forms to be non-compliant, it could leave the door open for CAV to be joined to any new cases. This leaves the department extremely exposed, with the potential cost to Victorian taxpayers immense. It is essential that the ambit claims of ambulance-chasing opportunists are halted before businesses and lives are ruined or even lost here in Victoria. Imagine if agencies closed in large numbers. Not only would tens of thousands of jobs be at risk, but surviving agents may see the opportunity to increase their fees with less competition around. That would make buying a home or property far more expensive for the average person — a very scary prospect given the cost-of-living pressures Victorians are already facing.

This is not a new issue, and it should have been dealt with as soon as the anomaly came to light. I ask that the minister immediately act to right a wrong, seemingly sanctioned by her department.

Kambrya College

Ms GRALEY (Narre Warren South) (17:04) — (14 450) My adjournment matter is for the Minister for Education and concerns Kambrya College. The action I seek is that the minister visit the school to join me in opening its new state-of-the-art facilities and see how staff and students are benefiting from their new learning spaces. Kambrya College is the revolution school. It is an extraordinary school that continually goes above and beyond for its students. It has experienced significant growth recently and is in desperate need of new facilities to meet the needs of the school community and the local community too. They were thrilled to hear that the Andrews Labor government provided the school $3 million in the 2016–17 state budget to build a new multipurpose facility. The new two-storey facility has replaced existing portable classrooms, which I can assure you were well past their use-by date, and now incorporates new classrooms and a multipurpose room, both of which will be available for use by the community. This has been a big win for Kambrya College — a thoroughly deserved win — its students and our local community, who really deserve to have access to the very best schools with the very best facilities. Construction on the new facility is almost complete, and I know Kambrya College would love to have the minister down to see the new facilities. I hope that the minister can come down to Narre Warren South, or more like Berwick, to see how our efforts to build the Education State are helping to foster world-class learning and teaching.

Caulfield South Primary School

Mr SOUTHWICK (Caulfield) (17:06) — (14 451) The matter I wish to raise is for the Minister for Education. The action that I seek is for the minister to urgently ensure funding of the Caulfield South Primary School toilets, a matter which we now consider an emergency for those 500 children that are currently educated at the school and a matter that has certainly been raised by me and by the school principal. It was also mentioned on radio this afternoon, and I understand the department also commented on it to say that they would look into this. This is a real issue. It is certainly an issue where we have a basic necessity, toilets, in disrepair, causing health issues for some four children who have had problems since using those bathrooms. Shortly after I visited last week the toilets were out of order for the rest of the afternoon because there were blockages within the toilets.

This is a real problem and a matter that needs urgent attention. It is a real shame that we have to raise these kinds of matters in the Parliament of Victoria to get these kinds of things done. You would think that basic necessities like bathroom facilities would be a matter of priority. I do raise the point that across the road in the seat of Bentleigh some $20 million has been spent on upgrading school facilities in that electorate. As Bentleigh is a marginal seat at the moment that is under threat of being lost in November, one would certainly have to question the attention given to it in this budget alone, where it had $20 million, whereas in the electorate of Caulfield we had $150 000 for the whole electorate. That was for St Kilda Primary School, and there was nothing for Caulfield South Primary School.

Fifty thousand dollars is all they need to fix these toilets. It should be done now. It should be done as a matter of priority. It should not be another 'looking into something', not another review. Get the maintenance people down, fix these toilets and ensure that the children are given the basic service of health and wellbeing in their school to get on with the important element of education. I ask the minister to act on this important matter right now and report back to the school community as to when the matter will be resolved.

Head Start apprenticeships and traineeships program

Ms SPENCE (Yuroke) (17:09) — (14 452) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to provide me with an update on when more information will be available regarding which schools will participate in the Head Start apprenticeships and traineeships program. Thousands of Yuroke residents have built careers through apprenticeships and traineeships, and I am delighted that we are supporting the next generation of skilled tradespeople. This initiative presents a fantastic opportunity for students in my community to develop real-world qualifications that will allow them to get ahead and finish school qualified and ready to work. I know that Yuroke residents will welcome the opportunity to hear more about the Head Start program, in particular members of the Yuroke Youth Advisory Council, which I chair. This year advisory council members have chosen to focus on youth employment, and through their work we have heard from young people about the strong local demand for improved access to career pathways. I look forward to hearing from the minister and sharing

his response with my community, including members of my youth advisory council.

Elwood Canal

Ms ASHER (Brighton) (17:10) — (14 453) The issue I have is for the Minister for Water, and the action I am seeking of her is to immediately institute mitigation works to stop flooding in the Elwood Canal area. I have raised this issue with her previously on a number of occasions. Residents in my electorate are inconvenienced by flooding, and even if flooding is forecast and does not eventuate there is still a lot of work sandbagging and preparing. It is a major, major issue for these Elwood residents. Solving the issue needs cooperation between Port Phillip council, Bayside council, possibly Glen Eira council as well and Melbourne Water.

I have a document called the *Elster Creek Catchment Action Plan*, dated October 2017, in confidence. I refer to this plan. At page 3 of this document it indicates that in March 2018 Melbourne Water would have taken action to evaluate a previous flood mitigation strategy. I would obviously be interested to see if that has been completed or not. But the residents need slightly more than a review of the 2011 flood mitigation strategy and consideration of whether there are other opportunities not previously identified that might be appropriate for mitigating this flooding. The residents need slightly more than that.

I also refer the Minister for Water to page 6 of the document, and because Melbourne Water's logo is on this document I assume that this is endorsed. At point 18 it says that the authors of this document want to, and I quote:

> Develop a specific education program for councillors, MPs, senior council executives and stakeholder advocacy groups …

to acquaint us with this situation. Can I advise the minister that I do not need a publicly funded education program. My constituents do not need a publicly funded education program. What they need is action to stop flooding. That has been their request now for many, many years. I just emphasise that I would like the minister to act immediately to institute some flood mitigation works and to institute that action now.

Tullamarine Freeway–Bulla Road, Essendon North

Mr PEARSON (Essendon) (17:12) — (14 454) I direct my adjournment to the Minister for Roads and Road Safety, and the action I seek is for a meeting to occur between his office, VicRoads and the City of Moonee Valley. There have been recent changes to the intersection between Bulla Road and the Tullamarine Freeway. Constituents have contacted me to express some of their concerns about being able to access the Tullamarine Freeway quickly and easily, and I have also received correspondence from council. I would welcome the opportunity to have a meeting occur between council, VicRoads and the minister's office to discuss this issue in more detail.

Hume Freeway–McKoy Street, West Wodonga

Mr TILLEY (Benambra) (17:12) — (14 455) I wish to raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek is for the minister to act decisively and put a halt to works on a vital intersection on the Hume Freeway near Wodonga until such time as VicRoads can explain how this dog's breakfast of a design will make a known black spot any safer.

I do acknowledge that the minister has just paid me a visit in our new digs in the last 20 minutes, and we had a conversation. However, the minister needs to answer why these works on the Hume Freeway are being undertaken by the developer of a nearby half-built service station. If it is a service station with no direct access to the freeway, why is the developer paying for the roadworks? If it is a freeway service centre, then the roadworks are in their court, but all the planning applications are then in question. There are serious questions about the consultation processes. Businesses in the nearby industrial estate received a leaflet last Tuesday saying that work was starting in five days. Minister, was there a public notice issued under section 52 of the Planning and Environment Act 1987?

This is an intersection with a history of accidents. VicRoads was so concerned that it imposed an 80-kilometre-per-hour zone between 7.00 a.m. and 7.00 p.m. three years ago. This is an intersection that sees parents ferrying kids to and from school; people going to work; up to 200 truck movements a day, many of them B-doubles; and, according to road freight experts, various combinations of the heavy vehicle freight task into the future. About 35 000 vehicles pass through the intersection every day and 3000 trucks every night. This cheap and nasty solution calls for motorists to go past the intersection and use U-turn bays in both directions. We have mums and dads with kids on board, and any combination or future combination of heavy vehicles will then need to get across two lanes of freeway traffic in less than 80 metres to turn left into McKoy Street. Did I mention that the entry back onto the freeway is a blind corner?

Minister, you already know this, and I have written to you three times since last November on this issue alone. There has been some silence there, and I continue to wait. I asked you again as a matter of urgency last Friday, and it was only today that we had that first conversation. Minister, you are right: you might not want to tell me what is going on, but you might want to explain to the people in my community who now fear for their lives as a result of this work. You might also like to talk to the civil engineers, who say that this is no safer, and establish the extent of any consultation. Talk to VicRoads — your department — about whether the 80-kilometre speed limit that people have been screaming about for so long on this section of the freeway will now be an all day, every day restriction.

A shocking precedent has been set with this work and the poor decisions of the planning authorities, VicRoads and VCAT. The true loser in this sorry tale is my community. Minister, you need to answer these questions, and someone needs to take responsibility for an intersection design that may cost someone's life.

Small business programs

Mr McGUIRE (Broadmeadows) (17:16) — (14 456) My adjournment request is to the Minister for Small Business. The action I seek is an update on how this year's Victorian state budget benefits small businesses and particularly those from culturally and linguistically diverse (CALD) backgrounds, and obviously there are many in the electorate of Broadmeadows. The Andrews Labor government has been reducing the regulatory burden and providing support for small businesses in Victoria since 2014. This can be witnessed in the increase in the threshold for payroll tax and the suite of supportive programs that Business Victoria provides. This year's state budget again provides key support for small businesses in Victoria, specifically those in regional and rural Victoria and culturally and linguistically diverse communities, as well as for women in business along with those businesses in trade and ecommerce.

Businesses in my electorate have benefited from programs such as the Small Business Festival Victoria and the Small Business Mentoring Service. I am pleased to hear that small business programs funded in this year's budget will continue this work and that the focus is on CALD communities. The Andrews Labor government has always backed multicultural communities. We know how hard people who have come to Australia work to make their living to have greater success for their families. Particularly in my area this is of critical note, and the minister understands this. He has been a great supporter in the past. This is another way that we can build on providing increased commercial activity, more businesses and, most crucially, more jobs.

Phillip Island traffic management

Mr PAYNTER (Bass) (17:17) — (14 457) My adjournment matter is for the Minister for Roads and Road Safety —

Mr Nardella interjected.

Mr PAYNTER — Well, you shouldn't be, you rorter. You should be embarrassed to even speak in this chamber and interrupt a member of Parliament. You shouldn't be here.

The SPEAKER — Order! Through the Chair.

Mr PAYNTER — The action I seek is for the minister to gather advice from VicRoads as to its vision for the gateway to Phillip Island, in particular the length of Phillip Island Road between the bridge and Boys Home Road through Newhaven. The public and particularly the residents and traders along this stretch of road have waited for over four years for a clear direction from VicRoads. Unfortunately for all the landowners the indecision by VicRoads has made it difficult for both the residents and the commercial landowners to make decisions for the short, medium and long-term use of their landholdings. What is even more concerning is that VicRoads has not implemented any road acquisitions into section 32 statements, and to this day the land is being sold for commercial and residential interests without any disclosure of potential work that is going to greatly affect the value and future use of this land.

In particular I ask the minister to seek advice from VicRoads as to the planning scheme amendments and to update me on the future use of this land, and I ask him to request VicRoads to finalise their version of the plan, including the specific land area required for compulsory acquisition. Finally, when is the project to be finalised and approved?

Mr Nardella interjected.

Mr PAYNTER — Don, you are a disgrace. You are an absolute disgrace. You have brought the Victorian public —

Mr Nardella interjected.

The SPEAKER (17:19) — Order! I am going to ask both the member for Bass and the member for Melton to leave the chamber for the period of half an hour.

Mr PAYNTER — You should be embarrassed to sit here, Don.

The SPEAKER — Order! I have asked the member for Bass to leave the chamber. He is treading on thin ice.

Honourable members for Bass and Melton withdrew from chamber.

Seymour rail line

Ms GREEN (Yan Yean) (17:20) — (14 458) Due to the lateness of the hour and the tensions between those members that just left the chamber, I think I will make a very short contribution. That does not mean it is not important; it is very important. I wish to raise an adjournment matter for the Minister for Public Transport, and the action I seek from her is a plan to improve services on the Seymour line. Until recently I was a regular user of this line, and when this line functioned well, door to door, from Doreen to Parliament, I was able to get here in under an hour.

Ms Allan — Under an hour!

Ms GREEN — Yes. I want to thank the users of this line, which is struggling with increased patronage, who have made me and my upper house colleague Jaclyn Symes aware of their concerns. I am really hopeful that I will be able to help them resolve some of their concerns and that the minister will be able to have a plan to resolve this. I will shortly be meeting with Nicole and Sally, who are regular users of the line, to discuss their concerns and how I can be of assistance. I urge the minister to act.

Responses

Ms ALLAN (Minister for Public Transport) (17:21) — I am delighted to respond to the matter raised by the member for Yan Yean. She was succinct but was, as always, a passionate advocate for the community of the Yan Yean and the broader district. Her tireless efforts continue, particularly when it comes to improving rail services for communities along the Seymour line. At this point I also note the strong advocacy work that is being undertaken by Jaclyn Symes, a member for Northern Victoria Region in the other place, who has been working with the member for Yan Yean.

We understand that there are a range of longstanding impediments to improving passenger services on the north-eastern Shepparton line, and we are absolutely determined to work hard to see improvements to those services. Part of that was, firstly, fighting for and, secondly, succeeding in getting funding for the regional rail revival package from the federal government, which meant having to go back in on that issue with the federal government and get the additional $135 million for the north-east line to bring the track up to a class 2 standard. It is a great shame that we have not had any support from some of those who represent that part of the community, but we have gone into bat for them and we have been successful.

The member for Yan Yean wants to see additional improvements to services, and it was great to see that additional services on the Seymour line were funded as part of the recent state budget. Of course to deliver those additional services you need rolling stock, and it demonstrates why we invested in getting new rolling stock in previous budgets — to enable us to run more services. But we also acknowledge that there are some real challenges on the Seymour line as a result of population growth and subsequent passenger growth. That is why there have also been improvements to stations at Donnybrook, Wallan and Kilmore East, and we are putting in car parks in a range of areas as well.

But there is more to do. That is why V/Line has a team examining in detail the issues on the Seymour line, and I believe the member for Yan Yean and Jaclyn Symes met with V/Line yesterday to further discuss those issues. The member for Yan Yean is encouraging us to work very hard to get an early resolution to some of the issues with how we can improve reliability on the north-east line, so I have asked V/Line to continue to work with those members and also with passengers. It is really important that we have the voice of passengers and the experience of passengers as we look at what else we can do. In addition to adding services, putting on new rolling stock and making track improvements, it is about also making sure that we talk to passengers about these matters. Once again I thank the member for Yan Yean for her terrific work in representing her community and pushing the ministers very hard at every opportunity to get improvements in her area.

The remaining nine adjournment matters raised a range of matters for a range of ministers, and they will be referred to them for their action and response.

The SPEAKER — The house is now adjourned.

House adjourned 5.25 p.m. until Tuesday, 5 June.