

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 29 March 2018

(Extract from book 4)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

Premier	The Hon. D. M. Andrews, MP
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
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Industry and Employment	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D' Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for 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	Naphthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio ⁴	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John 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	Prahan	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, Ms Springle and Mr Wells.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, 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 Elasmarr 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, 29 March 2018

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

Ms Staley — On a point of order, Speaker, I refer to *Rulings from the Chair*, page 57, with regard to mobile telephones in the chamber. Yesterday during what was a historic event where we had visitors to the chamber and where the upmost respect was shown, two phones on the government benches rang, those of the member for Clarinda and the member for Broadmeadows. I have raised the issue with regard to the member for Clarinda before. He is a veteran of some 22 years in this chamber. We can only conclude from this serial offending that either, one, he is completely disrespectful or, two, he is a very slow learner. It shows total disregard for this ruling and previous rulings from the Chair. I have asked you to counsel him before; I am not sure whether that has happened or whether he is just a complete recalcitrant. However, I do ask you, Speaker, to address this issue with government members who have a pattern of phones ringing during the course of business.

Honourable members interjecting.

The SPEAKER — Order! I ask the chamber for silence. The member for Eildon has raised an important matter in relation to the way in which this chamber conducts itself. The member is correct. *Rulings from the Chair* does set out that mobile phones and pagers should be turned off while members are in the chamber. I take this opportunity to remind all members to switch off phones and pagers when they are in the chamber.

NOTICES OF MOTION

Removal

The SPEAKER (09:35) — Notice of motion 10 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Whiteheads Creek

To the Legislative Assembly of Victoria:

The petition of residents of the Euroa electorate draws to the attention of the house the risk posed to residents of Seymour from the build-up of sediment, trees and debris in Whiteheads Creek.

The petitioners therefore request that the Legislative Assembly of Victoria urges the Andrews Labor government to instruct the Goulburn Broken Catchment Management Authority to clean out the creek as a matter of urgency.

By Ms RYAN (Euroa) (1297 signatures).

Omeo mountain bike trail

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house and requests that the Legislative Assembly of Victoria ensures the Andrews government commits to funding for the proposed Omeo mountain bike trail in the May 2018 budget.

By Mr T. BULL (Gippsland East) (385 signatures).

Korumburra Secondary College

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the need for additional funding to complete a rebuild of Korumburra Secondary College.

The former Liberal-National government provided \$5.6 million for the first stage of works at the school, which is now complete. Stage 2 will allow the school to be fully rebuilt to deliver our students and teachers the facilities they need for a modern education.

The petitioners therefore request that the Legislative Assembly urge the Labor government to fund the completion of the Korumburra Secondary College rebuild project as a matter of priority.

By Mr D. O'BRIEN (Gippsland South) (548 signatures).

West Gippsland Hospital

To the Legislative Assembly of Victoria:

The petition of residents of Baw Baw shire and West Gippsland region calls on the house to acknowledge the planning for the new West Gippsland Hospital and to now fund the project in the May 2018 state budget.

This is a matter of urgency. Our 110-year-old hospital is past its use-by date and population in the region is soaring. The need is here. The planning is complete. The land is ready for our new hospital to be developed.

The opposition has already committed, let's not make this a political issue.

The petitioners therefore request that the Legislative Assembly of Victoria ensure West Gippsland receives the funds for a new hospital this community deserves.

By Mr BLACKWOOD (Narracan) (9820 signatures).

Beveridge Primary School

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the rapid increase in families moving to Beveridge and district, and the need for a new primary school.

In particular we note:

1. Beveridge Primary School has seen considerable growth since 2007. By 2018, school enrolments have grown by around 750 per cent.
2. The previous Liberal government, with Matthew Guy as planning minister, included Beveridge within the urban growth boundary. The Liberals cut education funding, cancelled the Beveridge PS upgrade and removed its rural school funding. The Liberals failed to build any new schools in the growth corridor.
3. We thank the Andrews Labor government for funding land for a new Beveridge PS in the 2017–18 state budget.
4. We the petitioners now seek funding to build a new Beveridge PS on this land, to be funded in the May 2018 state budget.

By Ms GREEN (Yan Yean) (163 signatures).

Yan Yean Road duplication

To the Legislative Assembly of Victoria:

The petition of residents of Plenty and surrounding localities draws the attention of the house to our concerns that the planned VicRoads upgrade of Yan Yean Road will be not be safe and accessible for the Plenty community, that it will not adequately reduce traffic congestion — and that it will cause unnecessary damage to our environment. We are concerned that:

The intersection of Yan Yean Road with Browns Lane and Faneco Road should be signalised, to allow right turns from and into the upgraded road by local traffic and emergency vehicles — and to provide an alternative to unsafe and disruptive rat-running through minor back streets.

The planned upgrade at the intersection with Diamond Creek Road will not sufficiently improve traffic flow at this vital bottleneck — aggravating rat-running problems as drivers continue to seek alternative routes through minor residential streets to avoid congestion in Yan Yean Road.

The planned upgraded road will have long distances of median strips without breaks — 1150 metres between River Avenue and the Nillumbik council depot, for example. Provisions for U-turns and emergency vehicle movements should be made where safe and appropriate.

All bus stops should be indented to improve safety; and should be close to places where pedestrians can cross the road safely. The 3860 metres of upgraded road should provide more than seven places at which pedestrians can

cross without having to climb over the crash barriers in the median strip.

The destruction of 3054 trees is excessive; many could be saved by using retaining walls and other measures. The planting of trees to offset losses should be done in Plenty rather than in other parts of our shire. Adequate provision should be made for the survival of fauna adversely affected by removal of vegetation and the seven planned detention basins should not be built until their environmental impacts have been properly considered.

The petitioners therefore request that the Legislative Assembly of Victoria urges the Minister for Roads and Road Safety to properly investigate our concerns and act to ensure that the upgrade of Yan Yean Road does sufficiently alleviate traffic congestion — and that it does not unnecessarily damage our environment or increase dangers and inconvenience to our community.

By Ms GREEN (Yan Yean) (320 signatures).

Mickleham Road duplication

To the Legislative Assembly of Victoria:

The petition of certain citizens of Greenvale draws to the attention of the house issues relating to the need to duplicate Mickleham Road from Somerton Road to Craigieburn Road. The current road does not meet the needs of the volume of traffic utilising it and is a safety concern.

The petitioners therefore request that the Legislative Assembly of Victoria begin the process of putting into place the planning for and construction of the road.

By Ms SPENCE (Yuroke) (109 signatures).

Tabled.

Ordered that petition presented by honourable member for Gippsland East be considered next day on motion of Mr T. BULL (Gippsland East).

Mr BLACKWOOD (Narracan) (09:37) — I move:

That the petition tabled in my name containing 9820 signatures, many of them collected by Rob Sinnott, Kerry Elliott and Joan Kinder, who are in the gallery today, be made an order of the day on the next day of sitting.

Motion agreed to.

The SPEAKER — Order! I take the opportunity to remind members that they are not to speak to petitions when they are tabled.

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

Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr D. O'BRIEN (Gippsland South).

Ordered that petitions presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

Ordered that petition presented by honourable member for Yuroke be considered next day on motion of Ms GREEN (Yan Yean).

DOCUMENTS

Tabled by Acting Clerk:

Auditor-General:

Fraud and Corruption Control — Ordered to be published

Protecting Victoria's Coastal Assets — Ordered to be published

Safety and Cost Effectiveness of Private Prisons — Ordered to be published

Crimes Act 1958 — Instrument of Authorisation under s 464Z

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Return March 2017 and Summary of Variations Notified between 19 February and 26 March 2018 — Ordered to be published

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria Report 2016–17

Statutory Rules under the *Supreme Court Act 1986* — SRs 32, 33

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 31, 32, 33.

RULINGS BY THE CHAIR

Questions without notice

The SPEAKER (09:40) — Yesterday the member for Box Hill raised a point of order in question time in relation to the responsiveness of an answer given by the Premier, to the second question. I have reviewed the transcript and find that the Premier's answer was responsive.

There was a further point of order taken to the supplementary question yesterday to the Minister for Sport. First of all, I want to restate that the employment of electorate officers is a matter of parliamentary administration, not part of the minister's current ministerial responsibilities. The substantive question was allowed because it related to previous answers to questions. As indicated yesterday, previous rulings have allowed ministers to refuse to answer a question. Such rulings have been made before and after the adoption of sessional order 9, which allows the Speaker to determine whether an answer was responsive.

After reviewing *Hansard* I am not sure whether the supplementary question was related to a previous answer given in this place. While it is unclear, it also appears that the minister was referring back to and relying on his previous answer to the substantive question, rather than directly refusing to provide an answer to the supplementary. Therefore under sessional order 9(2) I will seek a written response from the minister to the supplementary question insofar as it relates to previous answers he has provided to the house.

Ms Asher — On a point of order, Speaker, on that general matter. I realise that you made reference to the fact that the guidelines have been interpreted in this way post the introduction of these sessional orders, but can I raise an issue in relation to those guidelines, which follows on from your ruling. I wish to put to you that I think the guidelines are redundant — in part, not in total. If one looks at page 144 of the Speakers rulings, the guidelines do, at point (5), allow a minister the discretion as to whether or not the question is answered, and in fact you made that point. However, this guideline was introduced by a previous Speaker under a different set of sessional orders. If one looks at the Speakers that are the source for this guideline — I think it was Speaker Smith, from recollection, but I could be wrong — they are Speakers well into the past: Edmunds, the most recent is Andrianopoulos, Coghill and Delzoppo are the Speakers for the reference point.

I put it to you, Speaker, that you may wish to consider, given the sessional orders — and I will not go through them, but you are familiar with them and you have just exercised your right in relation to them — are now in direct contradiction with this particular guideline, guideline (5), that it may be an opportunity for these guidelines to be looked at in the light of the current sessional orders.

The SPEAKER — I thank the member for Brighton for that point of order and the constructive way in which she has raised it. There is an element of truth to the fact that the previous rulings provided in the current version of *Rulings from the Chair* do present some challenges when interpreting the sessional orders, and it is my practice, when considering responsiveness, to refer to the earlier clause in the sessional orders, which refers to how the answer should be provided, in that it is direct, factual, succinct and relevant.

There is probably the opportunity for this house to have a look at either the sessional orders or how this matter is resolved. I draw the member's attention to the fact that I noticed she was referring to an older version of the *Rulings from the Chair* — the orange book. There is a more recent ruling which the member may not be aware

of, which was made in 2015 — so under the current sessional orders — when the Speaker ruled:

Under sessional order 9(2) the Speaker is empowered to determine the responsiveness of an answer, but not whether the question has actually been answered. The sessional order does not prevent a minister from directly refusing to provide an answer. A direct refusal to provide an answer can be seen as being responsive.

In my ruling yesterday I was relying on both previous rulings prior to these sessional orders and also that ruling. But having said that, I have now reviewed the transcript of *Hansard* and provided the ruling that I have just provided to the house.

BUSINESS OF THE HOUSE

Adjournment

Ms ALLAN (Minister for Public Transport) (09:44) — I look forward to this motion being enthusiastically supported. I move:

That the house, at its rising, adjourns until Tuesday, 1 May 2018.

Mr CLARK (Box Hill) (09:44) — The opposition opposes this motion. We have unfinished business before this house. We need to deal with the consequences of the report by the Ombudsman into the misuse of electorate office allowances by various members on the other side of the chamber. We have seen during this sitting week that the other place has moved to deal with those consequences in relation to its own members. We may well debate what the most appropriate way of doing that is, but at least the other place has moved to follow up and take responsibility for upholding the standards of that house, as indeed Westminster parliaments have done over many centuries. It reinforces the fact that this house would be derelict in its duty if we did not do likewise and establish a process whereby those members of this house who have been named in the Ombudsman's report — about whom there is now very serious and compelling evidence that they have misused their electorate office allowances — can be held to account and this matter can be looked into and investigated, not only with respect to the conduct of those individual members but more broadly in terms of the entire artifice, the scheme, how it was put into place and how so extensive an abuse of members' allowances was able to occur.

As is often the case in these matters, there is not only the issue of the initial transgression but there is also now the issue of the attempts that appear to have been made to cover up what occurred and issues as to the

veracity of a number of claims about what occurred that have been made in this house by the Premier and by ministers, who also need to be held to account.

It is completely inappropriate that the government should be seeking to adjourn the sitting of this house for more than a month before we are able to resume and deal with these matters. Of course if the government were to agree this afternoon to the establishment of the select committee that has been proposed by the Leader of the Opposition, then we could proceed broadly in line with what the minister is proposing. Absent that, we should be coming back far sooner than a month's time to deal with this matter. The opposition opposes the motion on those principal grounds.

I might also add that the government's intention, as it has announced, is that when the Parliament resumes it will sit for only one day to receive the budget and then will adjourn until the following week. As we have pointed out on many previous occasions, this is also a disgraceful way of proceeding, in that the Parliament should sit for three days during budget week. The government should not try to shut down debate and scrutiny. It should not try to deprive the opposition, the minor parties and the crossbenchers of the opportunity to have their say on the budget during the sitting week. That is also a travesty that has been perpetrated by the current government.

Primarily, as I have said, this house needs to be dealing with the issue of the accountability of its members to the house and to the public for their conduct in their use of the allowances which were extended to them for the purpose of parliamentary business. It is clear that the Ombudsman's report has found that those allowances were used in a blatant breach of the guidelines, the standards, the rules and the legislation for campaigning purposes and that was compounded by the fact that many members of this Parliament pre-signed partially completed time sheets in relation to the employment of their electorate officers. They appear to have signed documents that were false at the time that they were signed. They appear to have discarded their responsibilities as the members of Parliament who engaged these staff members in relation to supervising the work that they did and they appear to have issued what would seem to be false documents, which in turn raises issues about their compliance with the guidelines, and I should say, as a separate matter, issues about compliance with criminal law. The criminal law is a matter for police and other authorities, compliance with the standards of this house by members is a matter for this house, and we will oppose this motion until it is dealt with.

Ms HENNESSY (Minister for Health) (09:49) — I rise to speak very briefly in support of the motion. It is very clear that the will of this chamber has been tested on the issues that the member for Box Hill has just canvassed in his contribution. I appreciate his right to oppose this motion, but it is very clear that he has canvassed these matters again and again through various procedural responses in the course of the sitting of the house this week. It is my view that the will of the chamber is very clear and that this chamber ought to support the motion put by the manager of government business.

Mr M. O'BRIEN (Malvern) (09:50) — I rise to support the member for Box Hill's contribution on this matter. I think, as he outlined, that there are two very important reasons why the house should not be adjourning at 5.00 p.m. today and why we should be continuing to deal with the very important matters that go to the integrity of this house. We cannot continue to expect public confidence or public trust in us as politicians when we have rorters amongst us. It has been the finding of the Ombudsman's report that public moneys were taken wrongly, that lines were crossed and that members of the Labor Party, members of Parliament sitting here, members in the ministry, signed off time sheets for electorate officers for doing political campaigning work as Labor Party red shirts. It is not enough for the Labor Party to simply try and declare, 'This is all gone, it's finished, it's ended, move on'. I am sorry, accountability does not work that way. We have not moved on, because this has not been dealt with.

The Leader of the Opposition has moved a motion to establish a select committee to deal with these matters. We know that the Ombudsman's report is not complete. We know that because the Ombudsman said that herself in the report. She said, 'I did not have access to all the information I needed'.

Ms McLeish — Why was that?

Mr M. O'BRIEN — The reason that was the case, member for Eildon, is that the members of the Labor Party in this house refused to cooperate, refused to be interviewed and stayed silent. It reminds me of the old adage that it is better to stay silent and have people think you are a fool than to open your mouth and remove all doubt. Although, in the Labor Party's case, it relates to crooks. It is better to stay silent and have people think you are a bunch of crooks than to open your mouth and remove all doubt. That is what it comes down to.

So we need to continue to deal with these issues. The select committee needs to be established. The member for Carrum can talk about how she was a receiver of stolen property and how her campaign was a recipient of stolen funds, and the member for Eltham can say the same thing, and they can both explain to this select committee why they did what they did. Of course we do not know the full story. The amount of money that the Ombudsman has estimated is not the full extent; it is simply the tip of the rorting iceberg. That is all that we have uncovered, and we need to get to the bottom of it. That is why I wholeheartedly support the member for Box Hill's amendment to this motion.

I should also say, as shadow Treasurer, there is another reason why I support the member for Box Hill's motion, and that is the absolute cowardice we see from the government, and in particular the Treasurer, in changing decades and decades of practice of this house by not allowing the Parliament to debate the budget during budget week. What a cowardly act to shut down this Parliament and only open it enough for the budget to be handed down. Then the Treasurer and the Premier want to scuttle away like rats, avoiding the scrutiny of this house, avoiding the opportunity for members of this house to ask questions and avoiding the accountability that they owe to this house as senior members of it. It is disgraceful that they are using their numbers to try and ensure that there can only be one day of Parliament for the budget, and then we do not return to actually debate the budget for weeks. That is appalling.

It says something about those intellectual pygmies that they are not prepared to actually stand up and debate their own budget. If they had confidence in their budget, don't you think they would be proud to come in here and talk about it and answer questions about it? The fact is that moral and intellectual pygmies are all we get on the other side. Whether it is hiding from scrutiny over rorts or whether it is hiding from scrutiny over the budget, this is a government that is spending its days dodging, ducking and weaving, trying to avoid scrutiny. As the Leader of the Opposition said, you can keep running but ultimately you cannot hide.

Mr PEARSON (Essendon) (09:55) — I rise to support the Leader of the House's motion. I, like many others on this side of the house, have got important work to do in my electorate. I find I am thoroughly looking forward to being out in the state district of Essendon over the course of the next four weeks, working to meet with my constituents, talking about public housing redevelopments, talking about the removal of the Buckley Street level crossing, visiting my schools and making a contribution. Because I want to stand up for my community, I want to spend the next four weeks

working in my electorate on behalf of my constituents. I commend the Leader of the House's motion.

Mr RIORDAN (Polwarth) (09:55) — I rise to support the fact that we do not want to adjourn this house until these very, very grave and serious matters have been dealt with. It is in fact an incredibly sad day for the Victorian Parliament to think that there are more cheaters on the government's side than you will find on the savanna in Africa. It is a disgrace, and it is not something that this Parliament can be proud of.

We have seen this week the contrast in the way the community and the public view cheating or underhanded tactics to get what you want — to get the desired outcome. We have seen on media outlet after media outlet the public, private, pub and water-cooler commentary right around this country on people who scheme, connive and manipulate outcomes through foul means. There is no doubt. We have had the Ombudsman's review, which has gone to great lengths to highlight the deficiencies, both moral and governance-wise, of the Labor Party and the government of today in its getting around using taxpayer funds for their own benefit.

There can be no doubt that this Parliament cannot get on with its day-to-day business with the stench and the corruption that is clearly afoot in the way that this government has behaved in the lead-up to the last election. It is funny that senior government member after senior government member has come out and said, 'Oh, there is nothing to see here. It is standard practice. We all do it. We have done it all the time'. And yet a guy that worked for 8 hours in one of their offices was the one that dumped on them. One guy, who has never been elected to Parliament and never been accountable to the community, knew after 8 hours that what the government was doing was wrong, immoral and not in order for a government and a party that expects to have the public's confidence.

There is no way that this Parliament and this government can go forward with real legislation, demanding that laws be changed and the community be held accountable for its actions and its behaviours when, in its own way, this government is prepared to turn a blind eye. We saw how quickly the public and the media ripped down Cricket Australia. The chairman, the coaches, the captains and the leadership of Cricket Australia have been held to account. They have been told by the community that you cannot go out and plan, scheme and try to manipulate an outcome through foul means. They are being held accountable. They are standing up. We are seeing heads roll there.

What do we see in this government? We see rot after rot, whether it is camping out in caravan parks and charging the taxpayer, ferrying dogs around or, now, ministers and senior member after senior member being prepared to take taxpayers funds when they knew and have clearly known from day dot that it was not moral and it was not accountable. It was not allowed for, not only in the intent but also in the wording of what those resources were to be used for. Of course that is just in the \$300 000, nearly \$400 000, worth of rotting that the Ombudsman was able to find out about from those prepared to face the music. What we also know is that the government spent \$1 million of taxpayers money.

This is a government that has spent \$1.3 billion to not build roads. This is a government that just finds taxpayers money to spend willy-nilly as they see fit. This is almost like Saddam Hussein or some sort of weird, third-rate despot who just comes along and says, 'That's taxpayers money, that's the money of the state and we will use it as we see fit, when we see fit and for our own benefit'. This type of behaviour cannot be maintained. The community has no confidence when we are unprepared to review behaviour, to stand up to our peers and to be reviewed independently, and for someone to be accountable and to pay back.

What would be the fine if you did not pay a speeding fine? You would get penalty interest and you would get points taken off you. This government has gone along and said, 'Yes, we did make a mistake. We used \$400 000 but we will just pay it back'. That does not work in the real world, and that does not work out in the community. That is not going to work for the Australian cricketers. They are going to be punished and penalised for their bad behaviour. I support the fact that we do not want to adjourn until this government stands up and is held to account for what it has done.

House divided on motion:

Ayes, 42

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

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

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

Noes, 35

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

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

Motion agreed to.

Ms Staley — On a point of order, Speaker, an issue has just come to my attention, as I have seen *Hansard* from yesterday. I spoke in yesterday's grievance debate, and during my contribution I made some comments about some new MPs who are here and who were beneficiaries of the red shirts rorts and about the member for Eltham. The member for Eltham was the Acting Speaker at the time, and I now see in *Hansard* I finished my contribution, and she then said:

I hope everybody has enjoyed the show that they have just put on for those students in the gallery.

I have got to say that is both biased and partisan. It also reflects very poorly on the Chair, I have got to say, for a Chair to do that. I also think that it trivialises a really important issue that I was making in the grievance debate around the rorting of electoral allowances. I do not think it is the Speaker's role to participate in the debate. Speaker, you know yourself, if you want to participate, you do not sit in that chair. I ask you to rule on the appropriateness and to counsel the member.

The SPEAKER — I thank the member for raising the point of order. Obviously by its very nature I was not in the house. I will review *Hansard* and report back to the member.

MEMBERS STATEMENTS

Box Hill planning master plan

Mr CLARK (Box Hill) (10:08) — Residents of Box Hill and nearby suburbs are becoming increasingly

concerned at the headlong proliferation of high-rise towers around central Box Hill without a proper master plan for how a future Box Hill should look and with the government failing to provide the infrastructure or services needed to support the additional population. The government talks a lot about the importance of getting planning right when it comes to central Melbourne, yet it continues to allow its CBD restrictions to push ever-increasing development into Box Hill despite Box Hill's current planning scheme being hopelessly inadequate to cope.

The government's planning panel has criticised and dismissed Whitehorse City Council's proposed changes but has offered no alternatives. The Whitehorse Ratepayers and Residents Association has taken up a petition addressed directly to the Minister for Planning, calling on him to place a moratorium on further high-rise tower approvals to allow time for a thorough and comprehensive development plan for the area to be established and to protect against inappropriate development and ensure the needs of the community will be properly met.

This petition has been signed by more than 3600 residents of Box Hill and surrounding suburbs. The huge number of signatures that dedicated association volunteers have been able to raise in just a few short weeks shows the depth and strength of feeling on this issue within the local community. A similar petition has also been tabled in the Legislative Council. Regrettably the Minister for Planning refused to meet with association representatives to receive the petition and to listen to and respond to their concerns.

Accordingly, the association has asked me to call on the minister to receive this petition and to deliver it to him. The minister needs not only to receive this petition; he needs to listen and he needs to act. He needs to work with Whitehorse council to draw up, consult on and implement a master plan that will set rules and limits for future development, create open spaces, gardens and pedestrian walkways, and provide for accessible and well-designed transport interchanges and adequate car parking.

Altona fire

Ms HENNESSY (Altona) (10:09) — I rise to express my support for and sympathies to Altona residents who have had extensive damage occur to their properties due to a fire that ripped through a unit block in McBain Street at 10.30 last Saturday night. My thoughts go out to all of those affected because of the terrible impact this event has had on them and their families. I want to sincerely thank our firefighters, who

responded to the call in 4 minutes and tackled the blaze to bring it under control, ensuring neighbouring properties were not affected and no-one was injured in the blaze. Brigades that attended the blaze included Laverton, Altona, Richmond, Newport, Sunshine, Bundoora, South Melbourne and North Laverton. I understand the fire is being treated as suspicious and that an investigation is currently underway in order to determine the cause. It is moments like this that remind us yet again of how valuable our hardworking firefighters are.

Metropolitan Fire Brigade Laverton station

Ms HENNESSY — On that note, I would also like to welcome the opening of the new Laverton fire station. Earlier this month I had the great privilege of opening the new fire station alongside station officer Tom Welland. This new \$5 million state-of-the-art station located in Epsom Street replaces the old station on Railway Avenue, which served the community beautifully for over 40 years. This brand-new station will support our valued firefighters to keep our community safe. It is vital that our fire services keep pace with the population growth, and the new Laverton fire station gives one of Melbourne's fastest growing areas the protection that it needs. A huge thank you to Tom Welland and his team for taking time out of their day to show me around and talk about their aspirations for our local community. It is a wonderful facility. It will continue the Laverton brigade's proud 40-year history of keeping our community safe, and I am very grateful for their work.

Echuca Magistrates Court

Mr WALSH (Murray Plains) (10:11) — I take this opportunity today to again raise the issue of privacy and safety at the Echuca Magistrates Court and the absolute importance of funding for this upgraded project being allocated in this year's state budget. On 29 April 2016 the Attorney-General and a member for Northern Victoria Region in the Council, Jaclyn Symes, visited the Echuca court and announced plans for a major redevelopment; \$1.1 million to improve community safety and deliver on key recommendations from the Royal Commission into Family Violence was announced. It is completely unsatisfactory that almost two years have now passed and the issues with the Echuca courthouse have not been resolved.

There is a lack of sufficient space in the current courthouse. Victims of family violence have to wait in the foyer or mingle outside the courthouse in close proximity to the perpetrators. The garage to drop off and collect prisoners is not big enough, so when there is

a police vehicle in there the door cannot be shut. There is only one entrance and exit to the courthouse for perpetrators and victims, and that is also shared with all the clients that go into the Campaspe shire offices. There are no safe interview rooms as well. I again stress the urgent need for a safe and modern facility for both the clients and the staff of the Echuca courthouse. It is not good enough that this project has not proceeded. One of the key recommendations of the Royal Commission into Family Violence is to actually have safe courthouses. Echuca courthouse is not safe. There is not enough money there to do it, and there needs to be more money in the budget.

Mums Supporting Families in Need

Ms KILKENNY (Carrum) (10:12) — Congratulations and thanks to Sinead Ni Chonail and Caitlin O'Connell for organising the Seaford charity walk on Sunday, 18 March, to support local charity Mums Supporting Families in Need. Sinead and Caitlin are local women and first-time mums who love living in Seaford and really want to support the local community, and they did just that. About 40 local community members and lots of bubs and dogs braved the weather and walked the Kananook Creek and Seaford beach track. It is a great thing to see such strength, commitment and care in our local community.

Pink Stumps Day

Ms KILKENNY — Congratulations to Sandra Shaw and all the committee members and volunteers of the Carrum Downs Cricket Club who organised a very successful and really entertaining Pink Stumps ladies day to raise funds for the McGrath Foundation for breast cancer nurses. This was their fourth year running the event, and this year the club passed the \$10 000 mark in funding. What an extraordinary achievement for such an important and valuable cause. I am so proud of the work the Carrum Downs Cricket Club has done in helping to raise awareness and support breast cancer patients and their families.

Skye Primary School

Ms KILKENNY — I would like to thank all the parents and families from Skye Primary School who took the time to speak with me about the school crossing on Ballarto Road when I was recently at the school. I saw firsthand the speed at which cars travel through the crossing, the difficulties families face in getting out of the car park and the kiss-and-go area in the morning and in the afternoon and the concerns with the footpath and lack of any real delineation separating kids from the busy road. This is an important safety

issue, and I am working on it. It will not be, and should never be, used as an election commitment. Children's safety is one of those things that you just get on and fix, politics aside.

Boronia and The Basin Community Fete

Ms VICTORIA (Bayswater) (10:14) — No amount of rain was going to dampen the spirit of those of us who love a good fete. Last weekend the Boronia and The Basin Community Fete was held at St Joseph's Primary School and, as always, it was sensational. Well done to everyone who helped put this great day on.

Yvonne Cowling

Ms VICTORIA — Many tears were shed last week as Boronia West Primary School said their official goodbye to their school patron, the beautiful Yvonne Cowling, better known as the Possum Lady. Yvonne has been more than just a patron, mentor and educator. She has been a true friend to this beautiful school and its parents and students. In true Yvonne style, she has already formed an association with a school and hospital in her new location, and they will greatly benefit from her dedication as a selfless volunteer. Yvonne, you are already being missed, and we cannot wait to welcome you back for special occasions.

American Portraits

Ms VICTORIA — *American Portraits* is a stunning new exhibition at Heide in Bulleen. It is a comprehensive snapshot of the heady days of the 1960s so brilliantly captured by one of my favourite photographers. For most of those who remember the 1960s this will transport you back in time. For those who don't, Diane Arbus has faithfully and sensitively preserved a time in history that saw much change. This is a must-see exhibition.

Graeme Murphy

Ms VICTORIA — Having been a lover of the ballet since being taken to my first *Swan Lake* at age five, I have had the pleasure of experiencing many of Graeme Murphy's choreographic creations. For the 50th anniversary of Graeme's association with the Australian Ballet the company has staged the most stunning tribute to one of the world's visionary choreographers. Congratulations to all the dancers, designers, orchestra members and everyone else who made *Murphy* the most wonderful night of ballet and a fitting celebration of such a diverse and stunning body of work.

West Heidelberg public housing estates

Mr CARBINES (Ivanhoe) (10:15) — The Andrews Labor government's plan to deliver more social housing and revitalise inner-city communities by redeveloping run-down public housing estates has reached a new milestone. I am pleased to announce today that following successful planning scheme amendments the new public housing properties for tenants in the Bell Bardia and Tarakan estates in West Heidelberg are now a step closer.

The public housing renewal program aims to replace old public housing with new properties that are comfortable, modern and more secure, giving tenants the homes they deserve, just as we have done and delivered at the Kokoda and Altona Street estates and the Perth Street estate. The new housing will be accessible for people with disability and mobility issues, feature new green spaces and meet the growing demand for one and two-bedroom dwellings, with flexibility to convert to bigger dwellings to accommodate large families. All new homes will be 7-star energy rated, making them cooler in summer and warmer in winter, and conform to the Better Apartments Design Standards.

The Labor government has guaranteed that all residents can return to the estates after construction is complete. This will be enshrined in updated tenancy agreements with the director of housing, which are legally enforceable documents. Tenants' rent will be calculated in the same way and they will remain public housing residents with secure tenancies.

Sixty units at the Tarakan estate built in the 1950s are now empty. We need to get those demolished for this new public housing for local residents. We desperately need this project to get going, and I am looking forward to, with the support of Banyule City Council, getting this done. I will work with all MPs to make sure that we continue to advocate and deliver new modern public housing for everyone in West Heidelberg, and I commend these planning scheme amendments.

School cleaning contracts

Mr BURGESS (Hastings) (10:17) — There may never be two greater examples of the arrogance and ignorance of this Andrews Labor government, led by a common rorter kept in his position by pathetic excuses for MPs who will do anything, lawful or unlawful, to keep their snouts in the public trough. Not content with describing to Neil Mitchell their blatant theft of public funds as being worth the illegality of their actions to Victorians because they 'got such a great government',

the Minister for Small Business said yesterday in another place that it was a good thing that this government was destroying more than 800 school cleaning small businesses, and the loss of all those jobs in those businesses and their employees, because a small number had underpaid their workers. His incredible arrogance and ignorance completely blinded him to his own staggering hypocrisy that while he and his Labor colleagues rorted \$388 000 and spent more than \$1.5 million trying to cover it up, not one of them is going to even lose their job.

Western Port Festival

Mr BURGESS — I was very proud to be invited to judge the 2018 Western Port Festival High Street parade in Hastings on 24 February. It was great to see so many people and small and large local businesses participating in the parade, as well as a huge community turnout lining the streets to support their local parade and festival. Congratulations to the organising committee.

Australian Volunteer Coast Guard, Western Port

Mr BURGESS — Sincere thanks to the Western Port flotilla of the Australian Volunteer Coast Guard for the opportunity to witness the commissioning of a second coast guard vessel, CG204, at the Western Port marina in Hastings on 3 March. The boat was custom-built for us here in Victoria and will proudly bear the name *Sealite Rescue* in honour of a truly inspirational local Somerville business that took on the world and won.

Moorabbin Reserve

Mr STAIKOS (Bentleigh) (10:18) — One of the suburbs that I have the absolute honour of representing in this Parliament is Moorabbin, and there was a lot happening over there last week. It was an absolute pleasure to join the Minister for Sport at Moorabbin Reserve for the opening of the Saints' new home. A year after the last time the Saints moved back to Moorabbin they won the premiership. Can history repeat? We shall see. The reserve is an amazing place that tells the rich history of the St Kilda Football Club in Moorabbin. The second phase of this development will be complete in November when the Southern Football Netball League and the South Metro Junior Football League move in, which will make this the most integrated community footy facility in Victoria, and we are proud of it.

Moorabbin Little Athletics Club

Mr STAIKOS — I also had the pleasure of being with the Moorabbin Little Athletics Club at Bricker Reserve for the first time since the completion of their new athletics track, a project delivered by Kingston council in partnership with the Andrews Labor government. I particularly pay tribute to Andrew 'Robbo' Robinson and Helen Green, past president and secretary of the club, who first alerted me back in 2014 to the strong need for a polyurethane track to replace the old and tired bitumen which I used to run on as a kid.

Moorabbin Primary School

Mr STAIKOS — It was a pleasure to support Moorabbin Primary School's fete last Saturday. Even though it poured with rain for most of the day there was a great spirit and atmosphere in the air. Congratulations to principal Noxia Angelides and parents Sonya and Michelle for all of their hard work.

Yarram Centenary of Flight air show

Mr D. O'BRIEN (Gippsland South) (10:20) — Congratulations to the Yarram Aero Club and all the organisers of the Yarram Centenary of Flight air show held two weekends ago. This magnificent spectacle commemorated 100 years since the first military air mission over Australian soil, which took off from Yarram in 1918. The mission was conducted by Captain Frank McNamara, VC, who was looking for a German raiding ship, SMS *Wolf*, out in Bass Strait.

The air show was a fantastic drawcard for Yarram district, with thousands of visitors heading there from across the country to see static historical displays, vintage aircraft and a thrilling performance from the stunt pilots of Paul Bennet Airshows. Well done to the hardworking band of volunteers who put the show together to commemorate our military aviation history and attract tourists and attention to our wonderful part of the state.

Gippsland South electorate schools

Mr D. O'BRIEN — Still on Yarram, it was great to visit the beautiful new Yarram Primary School recently and also attend the opening of the new STEAM or science, technology, engineering, arts and maths building at Korumburra Secondary College. This stage 1 rebuild of the school, funded by the former coalition government, is a fantastic new addition to the learning environment for our local children. I am proud of community support for the school. We have just tabled 548 signatures in petitions supporting the

funding of stage 2 to finish the project. I call on the Minister for Education to fund this important project in the upcoming budget. The school has been waiting too long and needs to be finished.

Sheridan Bond

Mr D. O'BRIEN — Congratulations to Sheridan Bond, the new Nationals candidate for Morwell. Sheridan is a born and bred local with deep family, social and business links throughout the Latrobe Valley. Sheridan understands the importance of real job creation in the valley and will fight hard to stand up for this region that needs our support after the Andrews Labor government hastened the closure of the Hazelwood power station, costing over 1000 jobs in an already high unemployment region.

1st Eltham Scout Group

Ms WARD (Eltham) (10:21) — I thank 1st Eltham Scouts for including me in their recent family BBQ at Alistair Knox Park in Eltham. I loved seeing how many families are supporting their children and building stronger community bonds as they watched Kiara Tooley, Anna Marshall and Levi Leech being invested in the Scout movement. I thank Miranda Rowley for presenting me with my own scarf. A big shout-out to group leader Belinda Dowel for all of the work she does in helping to create a vibrant and inclusive Scout group at 1st Eltham. I have mentioned 1st Eltham Scouts in this place a number of times before. They do so many great things, not just for our own local community but also for so many others.

Stillbirth Foundation Australia

Ms WARD — I congratulate the Heppleston family for their tireless work in raising awareness and fundraising for Stillbirth Foundation Australia. The stillbirth foundation is the only Australian charity dedicated to research, trying to find out why six babies are stillborn in Australia every day — more than 2000 a year.

In August 2008 Sally and Simon Heppleston's baby, Hope, was stillborn at full term. They both took up running and riding to help them through the tragedy. They have competed in the London marathon and the Sydney City2Surf among others, with the Berlin marathon in September 2018 up next. They hope to raise \$10 000 for Stillbirth Foundation Australia, marking Hope's 10th anniversary.

In response, Luella Morrow and Ruby McGowan from Montmorency South Primary School had an idea to

hold a bake sale, which raised over \$1000. Thank you, kind folk of Monty who donated baked goods and money; the chocolate brownies deserve a special mention. These kind-hearted and passionate girls show us in this place what leadership is about — making things happen, being inclusive, caring about others and bringing people together. We really have amazing and awesome kids in our community.

Eltham Football Club

Ms WARD — This Friday kicks off the 2018 Northern Football Netball League season, with the mighty Eltham Panthers taking on Diamo — I know the member for Yan Yean will be barracking for her club. However, I am certain the terrific line-up Eltham has this year will see them clear winners. It was a terrific night at the club last night — a huge amount of enthusiasm and passion for their team, club and community. Red and black are colours very dear to my heart, and I am absolutely thrilled to be the Panthers' number one ticket-holder this year. Go Panthers!

Hazelwood power station

Mr NORTHE (Morwell) (10:23) — As the one-year anniversary of the closure of Hazelwood power station nears, a reminder that its hasty closure is still extremely bitter for many workers, contractors, families and local businesses. More media reports today reference the impacts on Victoria and Victorian families through spiralling energy costs and future threats to energy supply. To think that Victoria now has a reliance on other states to supply energy is really an incredulous situation. The outcome of Hazelwood closing so hastily has been higher energy prices, security of supply threatened and a significant loss of jobs in the Latrobe Valley. Anyone who thinks this is a good outcome has rocks in their head.

Morwell electorate sporting clubs

Mr NORTHE — Changing tack, I wish to congratulate the Morwell Cricket Club and the Ex-Students Cricket Club for winning their A, B and C grade grand finals recently. For Morwell Cricket Club in the Central Gippsland Cricket Association, Jordan Campbell was awarded man of the match in A grade, while James Rhodes and Paul Seymour were the respective winners in B grade and C grade.

In the Traralgon & District Cricket Association A grade competition, Ex-Students batsman Jordy Gilmore made a wonderful century and took out man of the match honours, while Lachie Spiteri in B grade and Shane Kosterman in C grade were star performers.

Andrew Brady

Mr NORTHE — A massive well done to Morwell Gun Club member Andrew Brady who finished second in the recent 2018 International Clay Target Shooting Federation championship in Wagga Wagga. Andrew lined up against 800 competitors from all over the world and despite tying for first place he was subsequently defeated in a shoot-off. An incredible effort, Andrew, and well done!

Hands On Learning

Mr EDBROOKE (Frankston) (10:24) — It was fantastic to help launch the Hands On Learning exhibition this week in the Victorian Parliament and see Hands On Learning receive well-deserved funding of \$190 000 from the Andrews Labor government. Hands On Learning is an innovative education program that schools use to cater to the different ways young people learn, giving participants the hope and aspiration to stay at school and realise their potential. Congratulations to the Frankston High School students in Parliament yesterday and the Monterey Secondary College and McClelland College students who took part in this successful program.

Frankston development

Mr EDBROOKE — Frankston has been called a paradise, the best beach in Victoria and the gateway to the Mornington Peninsula, but this is the first time Frankston has been called a boom town. It has taken three years of 24/7 hard yakka by the Andrews government from a standing start, but we have done it. Highview Homes chief, Rex Shepard, said state and local government investment, including the redevelopment of Wells Street and the train station, had prompted him to build. He said:

If the government is prepared to put in and put their money where their mouth is, I am prepared to go with them.

We have always known that Frankston is the place to be, and now everyone knows it.

Frankston electorate crime statistics

Mr EDBROOKE — Senior police on the Mornington Peninsula are pleased with the drop in crime across almost all categories in the last 12 months. Mornington Peninsula local area commander, Janene Denton, said it was:

... good news that crime is trending in the right direction.

She also said:

We live in a very safe area. There is good community spirit on the peninsula and no reason for people to feel unsafe.

I visited the Frankston police station to discuss the latest Crime Statistics Agency data with our local Victoria Police inspectors. The latest data for the year ending December 2017 indicates a 16 per cent decrease in the offence rate across Frankston. We have resourced police with what they required to get the job done, and I thank them for their relentless work. It was great to catch up with some of our police custody officers too.

Electorate office budgets

Mr KATOS (South Barwon) (10:26) — Gayle Tierney, the rorting member for Western Victoria Region, is up to her eyeballs in the rorts for votes scandal that has engulfed the Andrews government. Ms Tierney shamefully features in the Ombudsman's report handed down last week, and it is clear that she used her taxpayer-funded office budget to the tune of \$20 559 to employ Labor red shirt Marcus Feaver to campaign for the failed 2014 Labor candidate for South Barwon, Andy Richards.

In what can only be described as a completely unbelievable statutory declaration to the Ombudsman, Ms Tierney said that she employed Mr Feaver to assist in drafting letters and speeches and conducting research and to represent her at community meetings, yet Ms Tierney did not provide Mr Feaver with Department of Parliamentary Services access to the IT system or an email address. By Mr Feaver's own admission he would log in as another staff member when using IT. This actually constitutes a breach of item 6.1 of the Parliament's ICT systems policy, and it needs to be investigated. If someone is actually being hired for these purposes, then the first thing they would need to be provided with is their own IT access. Mr Feaver was not provided with this IT access because his real job was to campaign for the Labor Party in the lead-up to the 2014 state election in the South Barwon district.

Ms Tierney is also at it again. Mr Feaver, according to the Parliament's intranet, Billy, is now employed by Ms Tierney. He is actively campaigning with the present Labor candidate for South Barwon, Darren Cheeseman. Given that Ms Tierney has been caught out rorting the taxpayer once, how can anyone believe that she is not doing it all over again?

Santo Spinello

Ms GREEN (Yan Yean) (10:27) — I rise with great sadness to speak of my first electorate officer, Santo Spinello, who very sadly passed away on Saturday,

17 March. He is survived by his wife, Sophie; his daughters, Justine and Mel; his son-in-law, Michael; and his grandson, Brandon. He was only 73. Santo was short of stature and big of heart. It is not a surprise that the man with the big heart was a Lions supporter; he was indeed a lionheart. The Labor movement will sorely miss him. He was deeply passionate in everything he did. From premiers to prime ministers, they all knew Santo. He had such an enormous friendship network. He was a life member of the Australian Services Union; he was a life member of the Diamond Valley Football League Umpires Association.

We will always miss his friendly greeting of *buongiorno* or *buon pomeriggio*. He loved to bet on the *quadrilla*. There is such a number of people who just cannot believe we have lost this beautiful man. Elaine McAlpine said:

His cheery greeting whenever I saw him was always, 'Hello, love, how are you?'

Anthony Mancuso said:

I'm so sorry to hear we lost a great comrade and amazing person.

Cr Emilia Sterjova said:

I still cannot believe it. I already miss him.

Robyn Glascott said:

Sorry to hear about Santo's passing. He was a very loyal man.

Haining Farm

Ms McLEISH (Eildon) (10:29) — On Thursday last week I attended a public meeting arranged by the Yarra Waterways Group. Around 220 people from Don Valley and surrounding communities attended this meeting to discuss the fire risk in the Yarra Valley should Haining Farm be planted out and the Yellingbo conservation area plan be implemented in full. I have a strong message for the Minister for Energy, Environment and Climate Change: the locals are very concerned that Don Valley and surrounds will be subject to an increased fire risk should the planting of 315 000 trees go ahead. Already there are limited escape routes in the event of fire. Already our parks and Crown land are not managed and well maintained.

Locals remain outraged by the Engage Victoria survey relied on to determine the eventual plans for the land, which saw respondents from across Victoria and Australia be directed to vote on a particular outcome. The wider view was in contrast to that of those living locally. Overwhelmingly attendees want the northern

area of the extended Yellingbo conservation area to be removed from the state emblems park.

Sir Harry Lawson

Ms McLEISH — Sir Harry Lawson became Premier of Victoria 100 years ago last week, a position he held for six years, making him the longest serving Premier at the time. I was pleased to join 170 others, mostly descendants, to celebrate this milestone and honour his memory in Castlemaine recently, the area where he lived and represented. Confident in his beliefs and with a deep understanding of the morality of life, Sir Harry made his mark on the Parliament and Victoria. The Shrine of Remembrance was established as a symbol of courage. He also understood the tourism benefits of the Great Ocean Road and oversaw its construction. On the flip side was the 'police mutiny', a strike he had to deal with.

Big Sam's twilight market

Ms SULEYMAN (St Albans) (10:30) — St Albans was alive with its very own first twilight market at Big Sam's in St Albans. Close to 3000 people have enjoyed the fantastic food and family fun activities. I would like to thank Nick Lo Presti from the iconic Big Sam's market and the St Albans Business Group Association for organising a fabulous event, putting St Albans front and centre as a multicultural food and shopping hub of the west.

Prime Minister of Malta visit

Ms SULEYMAN — On behalf of my electorate of St Albans, I would like to welcome the Prime Minister of Malta, who is visiting Melbourne and will be meeting with the Premier today. Victoria is home to the largest Maltese population in Australia. I know that many Maltese community members and community organisations are very excited and looking forward to meeting the Prime Minister. The Maltese community in my electorate of St Albans play a very integral role and have really been such a fantastic community in building St Albans to what it is today. Again, welcome to Prime Minister Joseph Muscat, who is here today in Melbourne.

Neighbourhood houses

Ms STALEY (Ripon) (10:32) — This week I will be delivering some further neighbourhood house postcards to Minister Mikakos in the other place. Of course this is the last opportunity, the last sitting day before the budget, for us to get the message through to the minister and to the government that you really do

need to keep your promise and fund neighbourhood houses properly.

Last week I had a meeting in my office with the four coordinators who cover the 12 neighbourhood houses in Ripon, where they told me about the challenges they have in driving very, very long distances when those distances are included in the hours they are funded for. This means that they just do not have enough funded hours to get to do the work that they need to do to support the neighbourhood houses, which are making such a difference across my communities. So I really do call on the government to listen to their campaign. I have delivered hundreds of postcards to the minister, and there will be more coming today.

Great Western Rodeo

Ms STALEY — This coming Easter will be jam-packed with events in the Stawell area of my electorate. On Friday we have the Great Western Rodeo. That is just a hilariously great day. I really recommend it to everyone.

Brian Mott

Ms SPENCE (Yuroke) (10:33) — Today I would like to congratulate Craigieburn Basketball Association member Brian Mott, who was recently honoured by Basketball Victoria for 50 years of service to the sport. Brian started playing basketball in Bendigo as a child and since then has been involved with basketball at North Fawkner, Coburg and Craigieburn. Brian is someone who has lived and breathed basketball for almost his entire life as a player, coach, team manager, referee and mentor. He started coaching at 15, before becoming a referee, and had a playing career of around 50 years before knee injuries changed his focus to administration roles.

Brian joined the Craigieburn Basketball Association in the late 1970s and has been a member ever since. He was a foundation member of the association, and unsurprisingly he is recognised as a life member. As a player, coach and administrator he was instrumental in the formation of junior and senior representative squads. His life member citation says:

In the early years Brian was classified as one of the top junior basketball coaches in Victoria and very handy guard in our senior squads. Brian has not only coached our junior squads, but has also been in charge of both our men's and women's representative squads at various times. Brian has been an inspiration to many of Craigieburn's coaches for many years and will be for many more.

I am sure that Brian has inspired not only the coaches but also the players, refs, team managers and

administrators. He is a great asset to the Craigieburn Basketball Association and to basketball in this state. Well done, Brian, and congratulations on this terrific honour.

Western Victoria fires

Ms BRITNELL (South-West Coast) (10:35) — Last week my region was ravaged by fires. The fires came in the dark of night, when horrific howling winds were at their peak, gusting over 100 kilometres an hour. The smell of smoke made me look outside, and all I could see was a red fire glow on the horizon and the winds bringing it our way. I want to give my personal thanks to the emergency services who have worked tirelessly to make sure the community was safe. Properties and possessions have been lost, but no lives were lost. However, many have lost their livelihoods and need our support. I am incredibly proud of the way my community has responded. From the first thing people were there to help. There were offers of food to help the volunteers who spent 13 and 14 hours on the backup tankers to keep the community safe. Over 1000 volunteers dropped everything to form a defence against the fire front.

But many in my community are upset. Mobile phone coverage let us down badly, making it impossible to get information. They are also upset with bureaucratic processes, which at times seemed to overtake common sense and created issues when it came to the emergency response. For example, when the fuel ran out at the Hawkesdale fire shed, volunteers had to go through a Melbourne-centred bureaucratic process to get a delivery. The result was that tankers were being driven 31 kilometres down the road to the nearest petrol station, being filled up and returning to the fire front a quarter of a tank lighter instead of being brought back full. I understand that there have to be rules and regulations, but common sense, local knowledge and experience cannot be ignored, particularly in times of emergency. It disgusts me that this very week the Andrews Labor government are pushing a bill through the upper house which destroys Country Fire Authority volunteerism when the south-west fires have not even cooled.

Ascot Vale public housing estate

Mr PEARSON (Essendon) (10:36) — Recently I was pleased to attend an information session on the redevelopment of stage 1 of the Ascot Vale public housing estate. This development will see the removal of decrepit walk-up flats and their replacement with modern, new accommodation, not just for public housing tenants but also for social housing tenants and private tenants. This is an incredibly important initiative

because it will give public housing tenants modern, decent accommodation for the 21st century.

But what are the Greens offering public housing tenants? Nothing but rescission motions from the other place. They say they care about asylum seekers, the marginalised and the poor, but all they offer are weasel words and hollow promises. If they have their way, these communities will be impoverished for generations to come. Yesterday in this place the member for Melbourne got up and indicated that all that needs to occur is for these walk-up flats to be modernised. How ridiculous! It is the equivalent of saying, 'Just modernise an FX Holden to make it fit for 21st century roads'. It is rubbish.

A man in my electorate was on the third floor of a walk-up flat. He moved in when he was able-bodied, but he is now in a wheelchair. The only way he could get down those steps was when his family came to see him and carried him down the steps. The rest of the time he was stuck in his flat. Because of this program, this guy has now been moved to South Melbourne, where he has a ground floor flat close to the market. It is where he grew up. That is what this program delivers. It delivers decency for public housing tenants. Those opposite — that teal coalition — are only interested in condemning public housing tenants to poverty and misery.

PRODUCTION OF DOCUMENTS

Ms ALLAN (Minister for Public Transport)
(10:38) — I move:

That under standing order 171, this house requires the Premier to produce to the house, by 5.00 p.m. on Wednesday, 9 May 2018, the following:

- (1) documents considered by or relating to the investigation into advice provided to the office of the Minister for Planning by the Department of Planning and Community Development in relation to land development at Phillip Island conducted under the Ombudsman Act 1973;
- (2) documents relating to the Bass Coast planning scheme amendment C125 not otherwise included in paragraph (1), including the cover note to the brief reference CMIN028572 endorsed by the responsible minister; and
- (3) documents relating to the conduct and resolution of the proceedings in the Supreme Court of Victoria, *Carley Elizabeth Nicholls v. The Minister for Planning and the State of Victoria* (Supreme Court proceedings S CI 2012 250), including but not limited to advice of the Victorian Government Solicitor's Office, relevant documents submitted to the Litigation and Parliamentary Business Committee, and any deeds of settlement.

I do not intend to talk at great length on this motion. I think it is fairly self-explanatory and fairly straightforward. I would expect, particularly given a lot of the commentary I have heard in this place over the course of this week, that it would receive support from all members of the chamber.

Let us reflect on where this motion has its origins. This motion has its origins back in 2011 when the then Minister for Planning, now the Leader of the Opposition, did the following, and I wish to quote from the Victorian Ombudsman's report entitled *Investigation into Advice Provided to the Office of the Minister for Planning by the Department of Planning and Community Development in Relation to Land Development at Phillip Island: March 2014*. Paragraph 26 of this report indicates that:

On 8 September 2011, the day the contract was due to be finalised —

the contract being that relating to the land at Ventnor —

the minister signed documentation to approve amendment C125 ... which:

rezoned the property to residential zone 1

included the property within settlement boundary for Ventnor

made a number of other changes to the planning overlays applying to the property.

We know what happened in the lead-up to these actions by the former Minister for Planning, the now Leader of the Opposition. The reason we know this of course is there was much media reporting of these matters and, as I have just indicated to you, Acting Speaker, and to the house, there was also an Ombudsman's investigation into the cloud that was enveloping what became quite a scandal for the then Minister for Planning, the now Leader of the Opposition, and the government of the day.

We know from an *Age* article on 26 June 2013 that the Leader of the Opposition sat around a kitchen table at Silverleaves with Carley Nicholls and Jim Hopkins on 11 May 2011 and, according to the media reporting, made arrangements with that couple to rezone the land. It was also reported that the Speaker of the day and former member for Bass, Mr Ken Smith, was part of those discussions. Those discussions were contrary to — and again this was found in the Ombudsman's report — departmental advice; indeed not just advice but briefing material against this and also advising that any issues should be taken up with the Bass Coast Shire Council so that a comprehensive approach to any future development could be prepared.

We also know that according to the Ombudsman's report an adviser to then Minister for Planning, a Mr Marc Boxer, emailed the planning department on 3 June 2011 telling them to change their advice as the minister — and this is referred to in the Ombudsman's report —

... is supportive of a rezoning of this land in accordance with the request from [the property owners'] planning consultant.

The decision was made by the Minister for Planning on 8 September 2011, and no doubt this is something that would have made those people very happy. Indeed we know it would have made them very happy because then they became very sad, but I will get to that in a moment. That outcome made them very happy, but it also made a number of people desperately unhappy. We know that there was an outrage and an outpouring of public criticism and condemnation about this. We know that there was an intervention from the Premier of the day, Ted Baillieu. There was even international attention brought to this matter by Miley Cyrus, who tweeted on this matter. This outpouring of outrage at these decisions culminated with a backflip by the former Minister for Planning, the now Leader of the Opposition, on 22 September 2011.

What we know from media reporting and the Ombudsman's report is that Carley Nicholls, the purchaser of the land, then took the planning minister to court for missing out on what would have been a very lucrative outcome for those individuals and claimed, again through media reports, that she was left owing more than \$3 million on a property that could not be developed and was of little value as farmland in her opinion. We then had speculation that the then Minister for Planning, the now Leader of the Opposition, used public funds to protect himself from public scrutiny over the rezoning of the land at Ventnor.

The Ombudsman undertook an extensive investigation into this matter and released his report — I think the Ombudsman of the day was a he — in 2014. According to this report the Ombudsman found that the second briefing provided by the department — the briefing dated 25 July 2011 — recommended that the minister intervene to approve amendment C125 using section 20(4) of the Planning and Environment Act 1987. This was contrary to recommendations set out in an earlier briefing — being the first briefing, dated 16 May 2011 — legal advice it had obtained from a departmental lawyer, the requirements of the Planning and Environment Act based on the above legal advice, and the government's submission to the subsequent Supreme Court proceedings.

There was also of course, which should not be forgotten in this, a very clear view that had been expressed by the local community and the local council. That view was not just expressed informally, it had its formal voice through panel hearings for planning scheme amendments C46 and C88, during which opposition to the inclusion of the property in the Ventnor town boundary was expressed by council and various community members and groups. Recommendations were made by not one but two independent planning panels, being the recommendations made by the planning panels for amendments C46 and C88 to the Bass Coast planning scheme, that the property not be included in the Ventnor town boundary.

As I have indicated to you, Acting Speaker, we know this information because it is on the public record, contained in both the Ombudsman's report and through media inquiries. However, we also know that there are many more questions that remain unanswered, and there is great suspicion, particularly because when he was the Minister for Planning the now Leader of the Opposition withheld — refused to provide — documentation to the Ombudsman's office to assist in that investigation. Again I refer to the Ombudsman's investigation report where there is extensive commentary on how those materials were not provided. So it does pose a number of unanswered questions about why the Leader of the Opposition rezoned the land. It does call into question connections with Liberal Party relationships, donors and particularly —

Mr Katos — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms ALLAN — As I was saying before the member for South Barwon received his instructions to call a quorum, there are many unanswered questions about this matter. There is also suspicion and rightly so, given the Leader of the Opposition, when he was the planning minister, refused to hand over a number of documents to the Ombudsman to assist with that investigation.

There are questions about why the Leader of the Opposition rezoned this land. Was it because of those Liberal Party connections, friendships and donation relationships? We know too that is a question that hangs over the rezonings that went on down at Fishermans Bend. What was said at the Nicholls house with former Speaker Ken Smith, the member for Bass? What promises were made around the kitchen table, and particularly why did the then Minister for Planning, the now Leader of the Opposition, go against the wishes of the local community, the local council and

the two independent planning panels that were held into this matter? What advice was kept secret from the Ombudsman and what was in that advice?

Also, the potentially millions of dollars of taxpayers money spent to protect himself, other ministers, a former Premier, a federal minister of course — the federal member for this area who is a federal minister is referred to in this issue — and other senior Liberal party members. Were taxpayers funds spent to stop these people from having to front up to a hearing in the Supreme Court? If this was a proper planning decision, why did the Leader of the Opposition's mind, when he was the planning minister, change so quickly from a decision that was made on 8 September to a backflip on 22 September?

There are so many more questions but I think I have made it very clear that there is a lot more that needs to be known about this matter, which is why we are moving this motion in this way. I referred at the outset that it is my expectation that there will be widespread support for this motion in the house because much has been said this week about cooperating with the Ombudsman's inquiries and providing information to those inquiries. Indeed, the Leader of the Opposition said just last week in the *Age*:

They can hide from the Ombudsman, but they can't run from the Parliament ...

If I remember correctly that was something that the member for Malvern said in this place just a few moments ago in one of his earlier contributions. Also, to refer to another thing that the Leader of the Opposition has said recently that:

Parliament deserves to know and Victorian people deserve to know how their money was spent ...

I am merely asking those opposite to be consistent with those public statements, and consistent with those positions in supporting this motion that is before the house today. Therefore I look forward to that strong support from this chamber for this motion.

Mr CLARK (Box Hill) (10:51) — This is yet another bizarre and desperate act by a government trying to do anything to distract attention from the rorts that have been made manifest so publicly in recent times, and their determined refusal to do the right thing and hold their own members to account for their conduct and to put the affairs of this house in order through the establishment of a select committee.

It is bizarre that the government is seeking to bring on a motion that purports to deal with matters that took place years ago, yet is refusing to make time available to deal

with a motion to establish a select committee into a report that was handed down by the Ombudsman in just the last few days. I think members of this house and the community are entitled to draw their own conclusions from that. If the matters that the Leader of the House is referring to had merit for an urgent investigation, as she seeks to make out, this motion would have been brought to the house a long time ago indeed. The fact that notice of this motion was given only in the last few days, after the Ombudsman's report had become public, and the government is proceeding with it forthwith having been in office for well beyond three years, is an ample demonstration that this is nothing but a desperate attempt to distract attention from the scandal that is hanging over their heads. It is saying, 'Hey, look over here. Look at this, do not look at what is right in front of you, at the mess that needs immediate attention. Let's go and distract attention by talking about something else instead'.

I think it is a mark of the government's desperation that they are resorting to a motion like this, and well might they be desperate, because the scandal that was outlined and reported on in detail by the Ombudsman is probably the single most extensive abuse of parliamentary entitlements and abuse of the position of members of Parliament that has ever occurred in Victorian parliamentary history. It is entirely on one side of the house. It has been perpetrated entirely by members of the Labor Party, including by a number of ministers, like the Attorney-General and the Minister for Police who have just walked into the house. Yet instead of them accounting for their behaviour — their use or misuse of the parliamentary allowances that have been extended to them — their conduct as ministers has been to seek to use further public resources to try to stymie this investigation, taking it all the way to the High Court, with the Attorney-General subjected to the ignominy of having the case thrown out on its ear by the High Court on the basis that there was no arguable case whatsoever to be presented. As far as I can tell, it is the first time that has ever happened to the first law officer of the state. The High Court summarily rejected an application made by the first law officer for leave to appeal, basically saying his grounds were complete rubbish and not worthy of attention of the High Court. That is the measure of the desperation of the government in trying to gag and prevent the Ombudsman investigating and reporting to the house, through its attempts at obstruction.

This motion is also an attempt to distract attention from the failure of members of this house to cooperate with the investigations of the Ombudsman under a pretext of exclusive cognisance of this house, which is a bizarre argument. At the time, it was one that we told the house

was a bizarre and untenable argument, and it is one which the Ombudsman herself concluded was an untenable argument for reasons very similar to those that were expressed by this side of the house. Yet of course having asserted all along that the Ombudsman should not investigate because investigation of these sorts of matters were within the exclusive cognisance of this house, when the time comes for them to stand up to their own assertions of exclusive cognisance, when the time comes for them to do what they said they had the sole right to do, which was to hold members of this house to account, they refused to do so.

Our position all along has been that this house does have cognisance — it absolutely has cognisance in terms of longstanding traditions of Westminster parliaments — but that does nothing to diminish the roles and responsibilities of the Ombudsman, which were specifically conferred upon the Ombudsman by statute. That is exactly the conclusion that the Ombudsman has reached. However, the Ombudsman made the judgement call that she would not test that further with litigation, given the time that had been taken up in the previous attempts by the government to stymie this matter. But that has left us in the situation that the Ombudsman was very much hampered in what she was able to do in terms of investigating the behaviour of members of this house. That just reinforces the fact that this house should be spending the time this morning to establish a select committee into the Ombudsman's report and into the accountability of multiple members of this house, instead of the government trying to distract attention from that issue by bringing on this motion and devoting the time of the house to it.

There is a further bizarre aspect of this motion which relates back to issues that we canvassed in this house several years ago, back in May 2016, and that is that yet again the government is in the position of seeking to tear up longstanding traditions about cabinet-in-confidence documentation. Yet again, as it did in 2016, it is putting up a motion calling on itself to hand over cabinet-in-confidence documents of a previous government. As I said during the course of the debate in 2016, a government that wants to tear up conventions of cabinet in confidence when it does not have the numbers in the other house of Parliament is like a turkey longing for Christmas. It is just asking for trouble. It is asking to leave itself exposed by having the other place call on it to hand over whatever documents the other place thinks fit in terms of documents that are held in confidence, and after question time I will return to elaborating on that point.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office budgets

Mr GUY (Leader of the Opposition) (11:01) — My question is to the Premier. The Ombudsman has said on page 10 of her report that:

This pay arrangement — referred to as the '60:40 split' — was conceived by Mr Lenders in consultation with the ALP campaign committee.

Premier, were you a member of the ALP campaign committee?

Honourable members interjecting.

The SPEAKER — Order! The member for Bass! No leniency: I do remind members that political party matters are not considered government business. I ask the Premier to answer the question insofar as it relates to the Ombudsman's report.

Mr ANDREWS (Premier) (11:02) — It is somewhat difficult to confine the answer just to government business, but as the Leader of the Opposition well knows, the Leader of the Parliamentary Labor Party —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Kew.

Mr ANDREWS — is a member of the campaign committee. Back to following your directions, Speaker, can I just remind the Leader of the Opposition that the Ombudsman has handed down a comprehensive report and the report finds that all of those involved in these arrangements acted in good faith and not unreasonably.

Supplementary question

Mr GUY (Leader of the Opposition) (11:03) — Premier, on 3 September 2015, I asked you in question time:

... does he categorically deny that he or his office had any knowledge of the organisation of the systematic roting of casual employment from Labor MPs' electorate offices paid for by the taxpayer, which has resulted in Labor MPs employing staff who never worked in those offices but rather as campaigners for Labor's Community Action Network?

You replied that this question was replete with inaccuracies. Premier, do you still stand by your answer?

Mr ANDREWS (Premier) (11:03) — The Leader of the Opposition is consistently inaccurate. I stand by the answer I gave, and I again remind the Leader of the Opposition that the Ombudsman has made findings and handed down a report, and in that report makes it very clear that each and every person involved in these arrangements acted in good faith and not unreasonably.

Honourable members interjecting.

The SPEAKER (11:04) — The member for Kew will leave the chamber for the period of 1 hour.

Honourable member for Kew withdrew from chamber.

Mr GUY — On a point of order, the Premier is in fact verballing the Ombudsman. The Ombudsman never said that exclusive cognisance, hiding behind that as an excuse, was done in good faith. She never said that multiple time sheets in advance was done in good faith, and she never said employing people to work outside your electorate was an act of good faith. I ask you to bring the Premier back to answering the question.

The SPEAKER — Order! I understand the point of order but the Premier —

Honourable members interjecting.

The SPEAKER — I ask the Deputy Leader of the Opposition to show some respect for the house and not shout across the table. The Premier has concluded his answer. I do not uphold the point of order.

Ministers statements: family violence

Mr ANDREWS (Premier) (11:05) — I rise on the second anniversary of the Royal Commission into Family Violence to mark two years since Justice Neave handed down her findings. I am proud to announce that we are doing more than ever before to keep women and children safe right across our community.

The Minister for the Prevention of Family Violence and the Special Minister of State and I this morning made important announcements about the establishment of a standalone prevention agency to keep women and children safe. It will have its own act of Parliament. It will have the independence and the mandate that will run beyond any one government and beyond the mood of any one time. It will be there for the long term to prevent family violence before it in fact occurs.

That is very important. It is the most effective way, on any measure, that we can be a better community and

protect the most vulnerable in our community. That of course requires behavioural change and attitudinal change because, as has been noted so many times, bad and often tragic outcomes for Victorian women start with and are delivered because of bad attitudes towards women. That is where the bad outcomes come from. They come from appalling attitudes, a lack of respect and a lack of equality. There is a lack of equality in attitude, and therefore in action.

Beyond the prevention agency and the behaviour change campaign that we announced today, I can also report that the \$1.9 billion that this government is investing in the prevention of family violence and support for victims and survivors of family violence is having a very real impact, whether it be in emergency accommodation, extra police resources or a falling incidence rate, as shown by the most recent crime statistics. On this anniversary, we know there is so much more to do, and we are committed to doing it.

Electorate office budgets

Mr GUY (Leader of the Opposition) (11:07) — My question is to the Premier. On 2 September 2015, I asked you directly:

Has the Premier or anyone in his government used electorate office staff to work as full-time or part-time campaigners for the Labor Party ...

To that very straightforward question you replied:

It is a question filled with factual inaccuracies.

Yet the Ombudsman's findings now show this question was, in fact, wholly accurate. Premier, isn't it a fact that at the time you answered my question, you were fully aware that this arrangement had taken place at the last election and thus your answer to this house was deliberately dishonest?

Mr ANDREWS (Premier) (11:08) — The answer is no.

Honourable members interjecting.

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

Supplementary question

Mr GUY (Leader of the Opposition) (11:08) — In response to the same question, you also said:

There are rules and the rules have been followed at all times.

Yet, the Ombudsman has clearly stated that the arrangement to employ field organisers as electorate

officers was an artifice to secure partial payment for the campaign out of parliamentary funds and was wrong. Given you knew John Lenders had been told by the Department of Parliamentary Services that the extension of the pool to part pay for red shirts was not permitted, Premier, isn't it a fact that your claim that the rules have been followed at all times also deliberately dishonest?

Mr ANDREWS (Premier) (11:09) — The answer to the question is no.

Honourable members interjecting.

The SPEAKER — Order! The level of noise in the chamber is unacceptable. Members will be removed without warning if they continue to shout at that level.

Ministers statements: new schools

Mr MERLINO (Minister for Education) (11:09) — I rise to update the house on a significant land package announcement for new schools in Melbourne's fastest growing suburbs. Earlier this month I was joined by the Premier and Daniel Mulino in the other place at John Henry Primary School in Pakenham. That is a school that I opened in 2017. In 2017 it opened with 465 enrolments. It has now over 650 kids. We announced almost \$237 million to purchase land for 14 new school sites, including land next to John Henry Primary for a much-needed new secondary school. The funding will buy land for schools across Melbourne's booming suburbs, including land in the growth areas of Clyde North, Cranbourne West, Pakenham, Mickleham, Deanside, Rockbank, Cobblebank, Wollert and Wyndham Vale. A site will be acquired in Seddon for a new Seddon campus as part of the Footscray learning precinct, close to the heart of the member for Williamstown's and the member for Footscray's electorates.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn and the member for Warrandyte!

Mr MERLINO — All the members on this side of the house understand the importance of these new schools. The Andrews government has opened 21 new schools and now has a further 43 in the pipeline. We are making up for lost time. In the final budget of those opposite they did not allocate a single dollar towards land for new schools despite massive —

Honourable members interjecting.

The SPEAKER (11:11) — Order! The member for Williamstown and the member for Warrandyte will leave the chamber for the period of 1 hour. I will not have members shouting across the chamber so that a minister cannot be heard giving a ministers statement.

Honourable members for Williamstown and Warrandyte withdrew from chamber.

Mr MERLINO — They knew that schools were bursting at the seams with enrolment growth. When we came to government there was no land left for new schools. In fact, those opposite sold off almost four times as much education land as they purchased. Only the Andrews government builds new schools in Victoria.

Electorate office budgets

Mr GUY (Leader of the Opposition) (11:11) — My question is to the Premier. An email dated 2 October 2014 sent to every MP from the Parliament's Presiding Officers states:

In the run-up to the November state election members are reminded of their obligation to use electorate office budgets and resources only as appropriate to discharge their electorate and parliamentary duties and not for party political or electioneering purposes.

Premier, why didn't you and all of your MPs comply with this clear direction?

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast has been repeatedly warned. The member for Ferntree Gully is warned.

Mr ANDREWS (Premier) (11:12) — The Leader of the Opposition asks a question in relation to guidelines. His question today refers to the Ombudsman's report, and I would just take him back —

Honourable members interjecting.

Mr ANDREWS — Well, emails from Presiding Officers, guidelines and the report of the Ombudsman — all of these matters are widely and comprehensively canvassed by the Ombudsman —

Mr GUY — On a point of order, Speaker, on relevance, I did not refer to any guidelines from the Parliament and I did not refer to the Ombudsman's report at all. I referred to an email sent by the Presiding Officers to all members of Parliament, of which the Premier, the then opposition leader, was one. I ask you to bring him back to answering that question.

The SPEAKER — The Premier to answer the question that was asked.

Mr ANDREWS — In refuting the claim that anyone acted inappropriately, I am simply citing the Ombudsman, who essentially answered this question when she found that all of those involved in these arrangements acted in good faith and not unreasonably.

Mr Clark — On a point of order, Speaker, this was a question about compliance with instructions that were given in an email from the Presiding Officers referring to obligations of members in relation to the spending of their electorate office entitlements. The Premier has not addressed the question of whether or not he and his colleagues complied with that direction. To refer to the Ombudsman's report is not an answer to that question. I ask you to direct him to provide a written response.

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

Supplementary question

Mr GUY (Leader of the Opposition) (11:14) — On page 142 of her report, the Ombudsman states:

... evidence indicates that Mr Lenders (in consultation with the ALP campaign committee) implemented a strategy to persuade other ALP members of Parliament to engage field organisers as casual electorate officers.

Premier, Mr Lenders was twice told by the Department of Parliamentary Services that this scheme was outside the rules. The email to all MPs, including you, from the Presiding Officers also would confirm this. Why did you and your party ignore the warnings from Peter Lochert and the Presiding Officers that your scheme was outside of the rules?

Mr ANDREWS (Premier) (11:15) — The Leader of the Opposition asks me about all other MPs. I would refer him to the fact that the Ombudsman finds that all other MPs acted in good faith and not unreasonably.

Honourable members interjecting.

The SPEAKER — Order! Members have a very simple choice as to whether they wish to stay for the rest of question time or leave now.

Ministers statements: Fishermans Bend

Ms ALLAN (Minister for Public Transport) (11:15) — I rise today to update the house on the substantial work that the Andrews Labor government is doing to appropriately plan for the future growth of Fishermans Bend and also, as we are doing this

appropriate work, to fix the catastrophic mess that has been left by the former Minister for Planning and now Leader of the Opposition, because we know that unlike the dodgy deals done by the Leader of the Opposition we need to do the proper planning —

Honourable members interjecting.

The SPEAKER — Order! The member for Rowville!

Mr Clark — On a point of order, Speaker, the minister is both making imputations in breach of standing order 118 and failing to make a ministers statement and proceeding to debate issues. I ask you to instruct her to comply with sessional and standing orders.

The SPEAKER — Order! The minister had just departed from making a ministers statement, and I ask the minister to come back to making a ministers statement.

Ms ALLAN — We do need to do the proper planning at Fishermans Bend because of that mess we were left with. We are seeing strong growth rates here in Melbourne and Victoria, the jobs engine room of the country, as we know. It has never been more important to do this appropriate planning and, as we do the planning, to make sure we have got the infrastructure needed, particularly the public transport infrastructure that is going to be needed for many years to come.

As we know, we have got a strong track record in delivering in public transport, and that is why we need to develop a framework for Fishermans Bend. I would like to acknowledge the great work we are doing together with the Minister for Planning, the member for Richmond. We are delivering a road map, Speaker, a road map for developing this critical urban renewal area to 2050. As we have heard from the Deputy Premier, this is a road map that includes supporting our schools, supporting open space, supporting jobs and a road map that includes public transport for trams but also, looking way into the future, for a future Metro rail network.

We are certainly not doing this plan on the back of an envelope at 5 minutes to midnight. We all remember the chaos of 2014. Was it Montague station? 'No, it's Casino station', 'No, it's Fishermans Bend station'. We all remember that chaos, which is why we are doing the proper planning work now.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn has already been warned. The member for Eltham is now warned.

Member for Lara

Mr GUY (Leader of the Opposition) (11:18) — Speaker, my question is to the Minister for Sport. Minister, did you sign casual employment forms for staff who did not work in your electorate office but instead were campaign staff working in the Bellarine electorate?

Mr EREN (Minister for Sport) (11:18) — I thank the Leader of the Opposition for his question. There has been a comprehensive report from the Ombudsman in relation to what the Leader of the Opposition is referring to.

Honourable members interjecting.

The SPEAKER — Member for Ringwood!

Mr Clark — On a point of order, Speaker, this was a very specific question about whether or not the Minister for Sport signed certain forms. It is not relevant for him to start citing the Ombudsman's report or what the Ombudsman may have said about it. He needs to answer the question directly from his own knowledge and answer the question as it was asked, and I ask you to direct him to do so.

The SPEAKER — Does the member for Ringwood want to speak on this point of order?

Ms Ryall — On another point of order.

The SPEAKER — I will deal with this point of order first. The minister has only been answering —

Honourable members interjecting.

The SPEAKER (11:19) — The member for Eildon and the member for Sunbury will leave the chamber for the period of 1 hour.

Honourable members for Eildon and Sunbury withdrew from chamber.

The SPEAKER — The minister has been answering the question for less than a minute, so I will ask the minister to come back to answering the question.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Sport to continue.

Honourable members interjecting.

The SPEAKER — Sorry, Minister for Sport. I will ask the Leader of the Opposition to assist with the smooth running of the house.

Mr EREN — I think I have done my 500 steps by now, Speaker.

Just in relation to the question that was asked by the Leader of the Opposition, and he is alluding to the report in relation to a comprehensive investigation that has happened.

Mr GUY — On a point of order, Speaker, on relevance. I did not refer or allude to any reports. I simply asked the Minister for Sport a very straightforward question: did you sign casual employment forms for staff who did not work in your electorate office but instead were campaign staff working in the Bellarine electorate — very, very simple.

The SPEAKER — Order! I still note that the minister has been answering the question for less than a minute. I do ask the minister to come back to answering the question.

Mr EREN — Speaker, what the Leader of the Opposition is asking has been canvassed by the Ombudsman, and what I would do is direct the Leader of the Opposition to that report. I would direct the Leader of the Opposition to that comprehensive report. Obviously he has not read it, but what I would say is there is one part where the Ombudsman clearly says the MPs involved in the pooled staffing arrangements acted in good faith.

Honourable members interjecting.

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

Mr Paynter — On a point of order, Speaker, the minister might try to trivialise the matter, but the Ombudsman found that he did to the order of \$2358, so the answer is simply yes.

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

Mr Paynter interjected.

The SPEAKER — Order! The member for Bass will come to order. The minister has concluded his answer.

Supplementary question

Mr GUY (Leader of the Opposition) (11:23) — The Ombudsman was only able to access details of one field organiser employed out of your office, Minister, Jake Finnigan. Was Mr Finnigan the only person you employed for this purpose or was there another?

The SPEAKER — Order! I will call the minister, but I remind the house that the employment of electorate officers is a matter of parliamentary administration. I am happy to ask the minister to answer the question insofar as it relates to his previous answers in this house or the Ombudsman's report but not in relation to general matters of parliamentary administration.

Mr EREN (Minister for Sport) (11:24) — I can again refer the Leader of the Opposition back to the report. The Ombudsman's report makes it very clear —

Mr Clark — On a point of order, Speaker, the point of this question was whether there was a second field officer beyond what was referred to in the Ombudsman's report. It is completely irrelevant for the minister to say, 'Look at the Ombudsman's report', when this question relates to something beyond it. The question relates to the veracity of what the minister has previously told this house, and I ask you to bring him back to answering the question.

The SPEAKER — Order! I do not uphold the point of order, but I renew my earlier advice that the matter of employment of electorate officers is a matter of parliamentary administration. The minister may answer this question in relation to his previous answers and indeed the Ombudsman's report. The minister has concluded his answer.

Mr Clark — On a point of order, Speaker, I submit that the minister's non-answer has not been responsive to the question. The minister has failed to be responsive to the question. I ask you to instruct him to provide a written response.

The SPEAKER — I will review *Hansard* and provide an answer to the house.

Ms Ryall — On a point of order, Speaker, the member for Clarinda was in the upper gallery at the beginning of question time. He returned to the chamber not so long ago and extended his middle finger to the members on this side of the house. I would ask, in reference to *Rulings from the Chair* and standing orders, that you perhaps review the footage for the very inappropriate and disgraceful behaviour and action of the member for Clarinda and report back to the

chamber with a response and perhaps sanctions that might apply to him for doing that.

Ms Britnell — On the point of order, Speaker, I bring to your attention the ruling on page 56 of *Rulings from the Chair* that gestures are disorderly. I would also add that I am grossly offended by what happened —

Honourable members interjecting.

Ms Britnell — No, I am. I am disgusted at what is happening in this chamber — not only at the dishonesty that is trying to be covered up, but at gestures like that not only to the whole of my team but to the women that you purportedly say you will not offend. Well, as a woman, I am offended.

Honourable members interjecting.

The SPEAKER — Order! The member is entitled to be heard in silence. Has the member got anything further to say, or has she concluded her point of order?

Ms Britnell — I have not concluded. I am incredibly offended, because I think that is just simply unbecoming behaviour of a member of the Crown. I was shocked and offended, and I do not think we can sit here and continue to abide this sort of behaviour in the chamber. I know the taxpaying community also do not agree with what is going on on the other side of this chamber.

Mrs Fyffe — On the point of order, Speaker, I clearly saw the gesture made by the member for Clarinda. It was a very offensive, deliberate gesture. Initially I thought it was directed at you, and then I realised that he was actually —

Honourable members interjecting.

Mrs Fyffe — I think the response by the member for Clarinda is showing that he agrees he did make that offensive gesture to this side of the house. It is degrading. It is disappointing for someone who has been in this house for so long to so deliberately make a gesture which I believe is giving the finger to people on this side of the house. Disgraceful.

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook! The Premier will assist in the running of the house.

Honourable members interjecting.

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

The member for Ringwood has raised an important point of order. I obviously did not see the incident she is referring to. I will, as she has asked, review the footage and report back to the house.

Ministers statements: Fishermans Bend

Mr CARROLL (Minister for Industry and Employment) (11:28) — I rise to update the house on the Andrews government’s plans to make Fishermans Bend a world-class manufacturing and engineering precinct that all Victorians can be proud of.

Honourable members interjecting.

The SPEAKER (11:29) — Order! The member for Caulfield and the member for Ivanhoe will leave the chamber the period of 1 hour.

Honourable members for Caulfield and Ivanhoe withdrew from chamber.

Mr CARROLL — Thanks to the efforts of the Andrews Labor government, and not Mr Make Me Your Best Offer over there, Fishermans Bend will eventually house 80 000 residents and create 60 000 new jobs for Victorians.

For generations Fishermans Bend has been the home of manufacturing, and on this side of the house we aim to keep it that way. We have got Boeing down there, the world’s largest aerospace company; the Defence Science and Technology Group, the second-largest research and development organisation outside the CSIRO; and the Holden design studios. And more recently with the Treasurer I had the pleasure to announce Melbourne University’s \$1 billion investment in Fishermans Bend, with real qualifications, no adjunct professorships, real engineering graduates and IT students — an \$8 billion boost to the local economy and 15 000 new jobs. They are jobs for the 21st century in autonomous vehicles, aerospace and renewable energy.

On the back of the investments that the Deputy Premier is making in science, technology, engineering and mathematics (STEM), with the more and more factories I see as the Minister for Industry and Employment, and with the member for Dandenong recently at Bombardier, we are seeing more and more females come through from STEM to engineering, and they are leading and leading and leading. They are very much reflecting what the community is about.

I want to pay special tribute to the Minister for Planning and the member for Albert Park, who are doing so well to transform Fishermans Bend into 21st-century jobs and industry for the future. We are going to make sure

it is more than just a postcode — Australia’s largest urban renewal project, a manufacturing centre of excellence and jobs of the future. I am very proud as the Minister for Industry and Employment to make sure that Fishermans Bend lives up to expectations, not just big towers but actual jobs of the future and industry of the future — we are going to deliver that precinct.

Member for Lara

Mr GUY (Leader of the Opposition) (11:31) — My question is to the Minister for Sport. Page 62 of the Ombudsman’s report states that one additional field organiser may have been employed in the minister’s office as an additional electorate officer from April to October 2014. Mr Jake Finnigan told investigators that, after he resigned as the field organiser assigned to the Bellarine district, Ben McMullin replaced him in that role. The Department of Parliamentary Services declined to provide information about whether Mr McMullin had been employed as an electoral officer in the member for Lara’s office, citing the claim of exclusive cognisance. Minister, did Ben McMullin replace Jake Finnigan in this role in your office, and if so, why did you fail to disclose his employment and associated costs to the Ombudsman?

The SPEAKER — Order! I renew my earlier advice to the house, which I am sure members are acquainted with.

Mr EREN (Minister for Sport) (11:32) — I thank the Leader of the Opposition for his question. He is referring to the Ombudsman’s report, and the Ombudsman’s report makes it very clear that the MPs involved in the staff pooling arrangement acted in good faith.

Supplementary question

Mr GUY (Leader of the Opposition) (11:32) — The Ombudsman clearly states in her report that she was not provided with any details about the employment of field organiser Ben McMullin as a replacement for field organiser Jake Finnigan in the office of the member for Lara due to the claim of exclusive cognisance, which means her assessment of the \$388 000 figure is inaccurate and not complete. Minister, your government has constantly stated that there was no limitation on documents provided to the Ombudsman. Minister, who is lying to Victorians: the Ombudsman or you?

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General is warned. The member for Bass and the member for Hawthorn will cease shouting.

Mr EREN (Minister for Sport) (11:33) — Again I reiterate the earlier answer in relation to the comprehensive report of the Ombudsman where she says that all MPs involved in the staff pooling arrangement have acted in good faith.

Mr Clark — On a point of order, Speaker, the substantive and supplementary questions are very serious questions that go to the credibility of a minister of this chamber, that go to his veracity — whether or not he has honestly answered questions that have been asked of him in this house. In response to neither of those questions did we get any form of response of any substantive kind from the minister. The minister failed to answer these very specific questions that will enable this house and the community to judge whether or not he has told the truth to this house. I renew my request to you that you instruct the minister to provide written honest responses to the questions that have been asked of him.

The SPEAKER — I am happy to review the matter and report to the house.

Ministers statements: Fishermans Bend

Mr DONNELLAN (Minister for Roads and Road Safety) (11:34) — I rise to update the house on the work the Labor government is doing to balance the needs of the freight industry and the thousands of Victorians who will call Fishermans Bend their home.

There is no better friend to the freight industry than this government. Planning is very much critical to the ongoing competitiveness and sustainability of the industry. The freight network must be fit for purpose. Freight volumes are very much going to increase — from 360 million tonnes to 900 million tonnes by 2051. We want to make sure that we get the planning right at Fishermans Bend. We have got to protect the existing freight routes — namely, Lorimer Street — to ensure that heavy vehicles have a route as an alternative to the Bolte Bridge. We are going to promote active transport. We want 80 per cent of trips to Fishermans Bend being undertaken in a sustainable way.

But let us be very clear: we would not have to do this work if development and planning down there had been done by anything but the proposition of donations. Rorting the planning process has been a skill down there for many years. Now let us be very clear: this Fishermans Bend was planned by a man with

Napoleonic delusions who thought that somehow or other he could just strike a pen and build a new city. Let us be very clear: this goose forgot schools, he forgot parks, he forgot public transport —

Honourable members interjecting.

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

Mr Clark — On a point of order, Speaker, the minister is now departing from making a ministers statement and is debating the issue. I ask you to bring him back to compliance with sessional orders and to observing the usual standards of this house.

The SPEAKER — The minister had departed from making a ministers statement and I ask him to come back to appropriately addressing the house.

Mr DONNELLAN — Planning needs to be undertaken very much properly, in an open and transparent way. It does not need to be undertaken on a high chair beside Uncle Tony and Uncle Frank, where, like the member for Hastings, they line him up beside Tony and Frank at the Lobster Cave and say, ‘Come in here, there’s a seat beside the Leader of the Opposition’.

CONSTITUENCY QUESTIONS

South Barwon electorate

Mr KATOS (South Barwon) (11:37) — (14 211) My constituency question is to the Minister for Roads and Road Safety. Can the minister explain why the proposed easement for the Barwon Heads Road duplication goes through the living room of Mrs Tracey McInnes’s home at 655 Barwon Heads Road, Charlemont? The proposed road easement on its eastern side goes through the living room of the McInnes family despite there being ample room to move the easement further west. It is certainly clear that the minister’s incompetents and VicRoads’ incompetents are planning the proposed duplication of Barwon Heads Road from their desktops in Kew. VicRoads already, absurdly, wants to rip out two brand-new signalised intersections on Barwon Heads Road in Armstrong Creek, which they have already approved at a cost to the developer of \$6 million, and replace them with roundabouts at an additional cost of \$5 million. Why, Minister, do you want to destroy the McInnes’s family home when there are clearly other, more sensible options?

Essendon electorate

Mr PEARSON (Essendon) (11:38) — (14 212) I direct my constituency question to the Minister for Sport and I ask: what is the latest information about the funding application from Aberfeldie St John’s Uniting Cricket Club for cricket equipment, including senior female equipment?

Mildura electorate

Mr CRISP (Mildura) (11:39) — (14 213) My constituency question is to the Minister for Mental Health. I seek information on behalf of my constituents from the Minister for Mental Health on the arrangements that are being made to support the transition of mental health services from TriStar to a consortium comprised of Sunraysia Community Health Services and the Mildura Base Hospital. As mentioned previously in this place by the minister, there has been a change in service provider by the Murray Primary Health Network which will see a shift in service provision. There is concern about a break in service which will leave the most vulnerable in our community at risk.

Dandenong electorate

Ms WILLIAMS (Dandenong) (11:39) — (14 214) My constituency question is to the Minister for Roads and Road Safety. I ask the minister: how will the recently announced stage 2 widening of the Monash Freeway improve the regular commute that many Dandenong residents make when travelling to and from the city? Traffic congestion is a growing concern for residents in the south-east, so the Monash widening will provide major relief for the many Dandenong residents who sit in gridlock every day on their commute to and from the city. The recent announcement that the Andrews Labor government will fast-track work on stage 2 of this much-needed and long overdue upgrade was met with much excitement in my electorate. Dandenong’s residents are keen to hear more about the benefits that this next stage will deliver for them.

Sandringham electorate

Mr THOMPSON (Sandringham) (11:40) — (14 215) My constituency question is directed to the Minister for Roads and Road Safety. I ask the minister whether he supports the narrowing of Beach Road in Mentone, which will abridge the distance between cyclists and motorists, potentially reduce foreshore access and, at peak traffic times on hot days, turn Beach Road into a single lane travelling north, again abridging the distance between heavy traffic and cyclists.

Yan Yean electorate

Ms GREEN (Yan Yean) (11:40) — (14 216) My question is to the Minister for Public Transport. Nillumbik Shire Council has been awarded \$1.2 million by the state government through the Growing Suburbs Fund to facilitate the building of a pedestrian connection across the Hurstbridge rail line in Diamond Creek. I ask the Minister for Public Transport to request officers of transport agencies to work collaboratively with the Nillumbik shire officers to deliver this project expeditiously for the residents of Diamond Creek.

Northcote electorate

Ms THORPE (Northcote) (11:41) — (14 217) My constituency question is for the Minister for Families and Children regarding child-care shortages. In my electorate of Northcote many families have approached me regarding the shortage of child-care places in the local area. One such family is the Lee-Sullivan family. They have had their child, Rafael, on the waiting list for the community child-care centres and every private centre in the locality since he was a few months old. They requested child-care from 14 months old so that Raf’s mum could return to work. Not only were they not offered a place at that time, they found he was still over 100th on the list at all the community centres. My question for the minister is: in this budget will you invest in establishing more community child-care centres in areas where there are shortfalls so women can return to work?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) (11:42) — (14 218) My constituency question is for the Minister for Education, and I ask: when will the plans be finalised for the Narre Warren South performing arts centre? We are all looking forward to the development of the new performing arts centre as there are so many talented students who will start on the new stage and many community members who will make very good use of these facilities. We all cannot wait to see the final plans.

Bass electorate

Mr PAYNTER (Bass) (11:43) — (14 219) My question is for the Minister for Regional Development. The draft business case for the Cowes to Stony Point vehicle ferry was released for comment on 16 February 2018. I am aware of an on-ground petition of 2500 registered individuals opposing the preferred site between Cowes Yacht Club and Mussel Rocks and an online petition registering 2800 objections to the Cowes

Yacht Club and Mussel Rocks location. It is fair to say that there is a groundswell against the ferry at the preferred location. To ensure the community will support the proposal, will the minister expand the business case site locations to include Cowes Jetty and other locations?

Thomastown electorate

Ms HALFPENNY (Thomastown) (11:43) — (14 220) My constituency question is to the Minister for Roads and Road Safety. I ask the minister: when will traffic lights be installed at the intersection of Craigieburn Road East and Edgars Road? The brand-new secondary school that the Andrews Labor government has built is going to be opening very soon, which will of course create some more traffic in that area, so it will be really good to know when the lights will be installed.

Mr Watt — On a point of order, Acting Speaker, the member for Yan Yean's request was certainly not a constituency question. In her request she said, 'I request that the minister'. That is clearly an action and not a constituency question. I ask you to rule her question out of order.

The ACTING SPEAKER (Ms Spence) — I will refer that matter to the Speaker. That concludes constituency questions.

PRODUCTION OF DOCUMENTS

Debate resumed.

Mr CLARK (Box Hill) (11:44) — Before returning to the issue of the bizarre attempt by the government to tear up the conventions of cabinet in confidence, let me re-emphasise some of the points I was making before question time about the reasons why the government is so desperate to distract attention from the red shirts rorts affair. We saw during question time that the veracity of both the Premier and the Minister for Sport are now clearly in question. We saw during question time the Premier admit that he was a member of the campaign committee of the Labor Party, when we know from the Ombudsman's report itself that the whole red shirts scheme was decided upon by the campaign committee of the Labor Party. It was brought to it by John Lenders and he and the campaign committee put the whole program together, so we know the Premier was a member of that committee. We know the committee decided on it, yet have had the Premier in this house repeatedly deny any prior knowledge of what was going on.

So this is not just a question of abuse of parliamentary allowances, which of course is grave enough in itself, but we now have very live questions before us as to whether the Premier of this state has deliberately misled this house in relation to his stated knowledge about that scheme. It is therefore no wonder that the government is desperate to point to anything other than the red shirts rorts and its consequences as something to try to distract attention.

Similarly of course we have had the Minister for Sport time and time again refuse to give straight answers to this house about his involvement, even to simple questions about whether he signed various time sheets and as to whether he had an additional electorate officer involved in this scheme, questions to which he should have been able to give a very straight yes or no answer. Again the veracity of what this minister has said to the house previously, his state of knowledge at the time that he gave previous answers to the house and his state of knowledge at the time he gave answers to the house this week, are all in question. And again, if it is established, as the evidence currently points to, that both the Premier and Minister for Sport, or either of them, have misled this house deliberately —

Mr Nardella — On a point of order, Acting Speaker, the motion before the house is not about the Premier and question time. It is very specific in terms of standing order 171 and the referral of this house, so I ask you to bring the honourable member back to the motion before the house.

Mr CLARK — On the point of order, Acting Speaker, it is in order for me to characterise the nature of the motion before the house and the fact that it is not one that should be given any credibility, because the evidence shows that the government is seeking to bring on this motion in order to distract attention from other matters. That was the point that I was making, and that is why my remarks are relevant and in order.

The ACTING SPEAKER (Ms Spence) — I will not uphold the point of order; however, I would ask the member to make clear that his remarks do relate to the motion.

Mr CLARK — Let me make the point very succinctly. The fact that the credibility and the futures of the Premier and the Minister for Sport are now in jeopardy is the reason that the government is trying to bring this motion before this house today.

In relation to the point I was making prior to question time, this is bizarre in that the government of the day is trying to tear up the longstanding convention of cabinet

confidentiality and is calling for the Premier to produce to this house cabinet documents that were provided to the Litigation and Parliamentary Business Committee of the cabinet. That is a very brave step indeed for any government to be taking, as well as a very foolhardy step.

Cabinet confidentiality exists for good reason, and it has existed for centuries. Those reasons are to enable free and frank discussion amongst members of the cabinet of issues of the day and to allow public servants to provide free and frank advice to the cabinet so the cabinet makes properly informed decisions. I would have thought that is something beyond partisan opportunism. I would have thought it is something that, despite their desperation, members on the other side of the house would have realised, because if they persist in asserting that the Assembly should exercise its right to demand the production of cabinet-in-confidence documents, then of course they have no grounds to resist any demand that the other place may make for the production of cabinet-in-confidence documents, and this state might as well abandon that entire convention and that entire practice. We might as well have all cabinet documents simply posted on the internet, have a live broadcast of cabinet proceedings and have the cabinet minutes published as soon as they have been concluded. If that is what the government wants to argue, which is a dramatic change to how responsible governments have operated in Westminster jurisdictions for hundreds of years, let them come forward and make the case for that.

Let me make the point also that more sensible members of the Labor Party recognise the importance of the cabinet-in-confidence convention. As I pointed out to the government and to the house when a previous similar motion was debated on 24 May 2016, we had the federal shadow Attorney-General, Mark Dreyfus, complain bitterly about a decision of the then federal coalition government to make available to a royal commission certain cabinet documents relating to the home insulation scheme — the so-called pink bats affair. In that instance the government simply made the documents available on a confidential basis to the royal commission and left open the ability of the Labor Party to assert cabinet-in-confidence protection for those documents. Yet the federal shadow Attorney-General took objection and asserted the importance of the cabinet-in-confidence convention. He said, and I quote from an ABC website article of 17 March 2014:

The damage is now done because it means that every future cabinet meeting will not be secure.

He went on to say:

In every future cabinet meeting, ministers will be looking over their shoulders, will be thinking 'perhaps what I say here will become public'.

That is what the commonwealth Labor shadow Attorney-General, Mr Dreyfus, said.

We have also had George Williams, the Anthony Mason professor of law at the University of New South Wales, raise similar concerns. I should point out that Professor Williams is someone who is held in very high regard by former Attorney-General Rob Hulls and by many others on the Labor side of politics. He is certainly not someone on the coalition's side of politics. He wrote an article that appeared in the *Sydney Morning Herald* of 24 February 2014 entitled 'Killing cabinet confidentiality destroys democracy'. He said, and I quote:

The convention of cabinet secrecy is a central pillar of the Westminster system of government applied in Australia. It is essential that cabinet, the key decision-making forum of government, be a place in which ministers can freely air their differences and debate the full range of policies, laws and actions. This could not occur in the media spotlight. Indeed, without the opportunity for confidential deliberation, it is hard to see how our system of government could function.

The importance of this principle has meant that courts have denied access to documents concerning cabinet deliberations. The High Court has found that access should only be granted in 'exceptional circumstances'.

I cite that to make the point that this is an issue of broader application. Government members may want to say, 'Well, this is being invoked because we on this side of the house have concerns about the contents of those particular documents', but I make the point that this is a far more general issue and a very serious break with longstanding conventions of responsible government and of cabinet confidentiality and solidarity. In imperilling those conventions they put at risk the stability and the generally effective functioning of our Westminster system of government overall.

To put some specific examples behind that, if the government is now saying that it is all right to require the production of cabinet documents of the former coalition government — be it the ones sought on this occasion or the ones they have sought under the previous motion — then what is to stop the other place or indeed an incoming coalition government from requiring all sorts of cabinet-in-confidence documents of the current government or of a former Labor government to be produced to this house. I am sure we on this side of the house will be very keen to see cabinet documents relating to how the desalination plant project was put together and how ultranet was put together. We would be very keen to see all the cabinet

deliberation documents in relation to the Country Fire Authority (CFA) deal — what the Premier said and what was minuted about why it was that he was twisting his colleagues' arms to give in to Peter Marshall and hand him the extensive powers of control over the CFA and the Metropolitan Fire Brigade (MFB) that are currently being proposed. We would be very keen to see the cabinet minutes of the deliberations when the then Minister for Emergency Services took a stand in relation to CFA matters and said, 'No, this is going far too far. This is completely unacceptable. This will put CFA volunteers at risk and will destroy the whole effective operation of the CFA'. We would love to see those deliberations.

We would love to see the cabinet submissions made by the member for Brunswick when she was minister as to why she was urging her cabinet colleagues to see sense. We would love to see the cabinet documents relating to what she told cabinet about the attempt that had been made to coerce her to intervene in MFB disciplinary proceedings against a fire officer charged with using his office computer for pornography and why the then chief of staff for the Minister for Industrial Relations, who is sitting at the table, was urging her to intervene and give the ministerial directive to the MFB to drop those proceedings. They are all documents that this side of the house would love to see.

But we have been prepared to put the principle of cabinet confidentiality ahead of short-term interests, however pressing those interests may be. That has been a practice that has been followed scrupulously in the other place. The other house has adopted rules of procedure in relation to claims of cabinet confidentiality that when a motion is passed by that house calling for certain documents to be provided to it, and the government asserts that those documents are cabinet in confidence, there is a procedure to assess that claim and for the Council not to insist on its demand that cabinet documents be provided. In the past the government has quibbled with the details of that procedure. We have indicated that we are more than happy to look at ways to strengthen that procedure if the government wishes to, but the principle that we have observed on our side of the house in both chambers has been very clear — that we respect the principle of cabinet in confidence and have not sought to override it in the upper house.

It has been the Labor Party, with its previous motion back in 2016 and now with this motion today, that is seeking to tear up that convention. As I have said, it does so at its peril, because while it thinks it is achieving some short-term distraction and therefore some short-term political benefit, it is doing so at very long-term damage both to the conventions and to the

effective operation of government in this house, and also potentially long-term damage to its own interests, because if this motion is passed, and if the Premier complies with this motion and breaches cabinet-in-confidence conventions and produces those documents to the house, then how is the Leader of the Government in the other place, Mr Jennings, going to resist calls by the Legislative Council for him to produce any documents the Legislative Council might think relevant for it to carry on its duty and its business of scrutinising the executive government of the day?

It is clear that either house of Parliament has the power to require the production of cabinet documents, but it is also clear that it is a very longstanding practice that the house should not exercise that power where it becomes apparent that a call for documents would transgress the convention, and then the house concerned does not insist on it. That is what the government wants to tear up by this motion. As I said at the outset, it is bizarre and desperate for it to seek to do so. It is desperate in seeking to distract attention from other pressing matters that this house should be dealing with in terms of the Ombudsman's report and the roting of allowances by Labor members of Parliament. It is bizarre and highly damaging that the government should be seeking to tear up decades and centuries of conventions about cabinet confidentiality. For those reasons, we on this side of the house oppose this motion.

Mr MERLINO (Minister for Education) (12:00) — Two words have led us to this motion today —

Mr Watt — Red shirts.

Mr MERLINO — No, not those two words, but 'how much'.

Honourable members interjecting.

The ACTING SPEAKER (Ms Spence) — Order! The Member for Burwood!

Mr MERLINO — What is good for the goose is good for the gander. The hypocrisy of those opposite is on show in this debate. How much was spent covering up the Leader of the Opposition's botched rezoning of farmland in Ventnor, Phillip Island? How much did the Leader of the Opposition pay out of court to Ms Carley Nicholls? How much did the Leader of the Opposition pay to avoid an embarrassing court case? How much did the Leader of the Opposition want to hide away from the Victorian people? How much should the Liberal Party pay back? And of course these questions should have been answered in 2014 when the Ombudsman investigated the matter, but the then planning minister refused to come clean. He refused to

provide crucial documents that were requested of him. He refused to tell us how much.

These are serious matters that once again go to the judgement of the Leader of the Opposition. So today this motion —

Mr Wakeling interjected.

The ACTING SPEAKER (Ms Spence) — Order! The member for Ferntree Gully! Members in this place have been constantly warned about the use of props.

Mr MERLINO — So today this motion will hold the Leader of the Opposition to the same standard that he preaches. It says a lot about the character of the Leader of the Opposition that he can be very loud and very demanding when it suits him, but silent when it comes to the amount of taxpayers money that he used during his scandalous time as planning minister.

The Leader of the Opposition has form. He has been caught out over and over again covering up his dodgy deals. Because of the nefarious nature of his dinner with alleged mobsters, we may never know —

Mr Pesutto — On a point of order, Acting Speaker, under standing order 118 the member is making adverse imputations against another member of the house. I ask you to require him to withdraw. It is also not relevant to the motion.

The ACTING SPEAKER (Ms Spence) — I will not ask the Deputy Premier to withdraw because the comment you say was offensive was not directed at you, but I ask the Deputy Premier not to impugn members. I do not uphold the second part of the point of order, on relevance.

Mr MERLINO — All right. I will not talk about dinner with the mafia. I will not talk about Fishermans Bend and lining the pockets of Liberal Party donors. I will not talk about that.

Let us go to the matter of Ms Carley Nicholls and the massive payout. On 11 May 2011 the former Minister for Planning hopped in his car and took a drive down to Phillip Island. It was on that day that he sat around the kitchen table of Ms Carley Nicholls and Mr Jim Hopkins and did a deal to rezone farming land in Ventnor. Let us not forget that a former Speaker, Mr Ken Smith, was also in attendance. They did a deal that would have resulted in millions of dollars going to Liberal Party friends. In fact, as the *Age* revealed in 2011, Jim Hopkins was a Liberal Party member at the time. This was a deal that would have resulted in millions of dollars being made, and of course the

department advised against it. In fact the department was so explicit as to advise that any issues raised, and I quote:

... should be taken up with the Bass Coast Shire Council so that a comprehensive approach to any future development can be prepared.

But the former planning minister had already done the deal, and on 3 June 2011 his adviser, Mr Marc Boxer, directed the department to change their advice because, and I quote:

The minister is supportive of a rezoning of this land in accordance with the request from [the property owners'] planning consultant.

I bet he was — always more interested in lining the pockets of his mates and the Liberal Party than doing proper planning work.

The story goes on. On 8 September 2011 the Leader of the Opposition made his Liberal landowner mates very happy and rezoned the land. But in the face of public criticism, a tweet from Miley Cyrus and extraordinary intervention by federal Liberal members and former Premier Ted Baillieu, the now Leader of the Opposition was forced on 22 September 2011 to backflip and reverse his decision to rezone the farmland — it took two weeks for this dodgy, grubby deal to unravel. With this backflip the now Leader of the Opposition's deal for Ms Carley Nicholls was worthless. So Ms Nicholls took the then planning minister to court for her missing out on her lucrative deal of up to \$15 million and, according to Ms Nicholls, being left out of pocket by more than \$3 million on a property that was no longer rezoned and had little value as farmland. What did the then planning minister do? He did what he always does: another dodgy deal. He secretly settled out of court. He used taxpayers funds to cover up his dodgy deal done over the kitchen table with Liberal Party mates.

And it gets worse. When the Ombudsman asked for documents outlining how much was paid in settlement, the Leader of the Opposition refused. Let me read out once again, for the benefit of this house, the Leader of the Opposition's own words over recent days. I quote:

They can hide from the Ombudsman but they can't run from the Parliament ...

He said this just a few days ago. He said this as well:

Parliament deserves to know and Victorian people deserve to know how their money was spent ...

The Leader of the Opposition is not prepared to meet that test for himself.

Victorians absolutely deserve to know. They deserve to know exactly how much money was spent covering up the Leader of the Opposition's dodgy planning deal. As the Leader of the Opposition refuses to provide these crucial documents — he has refused to provide them publicly and he refused in 2014 to provide them to the Ombudsman — the house should see that they are released. The Leader of the Opposition clearly has something to hide, and it is only fair that he be held to the same standards that he demands of others.

No-one on this side of the house is taking anything for granted between now and November. We can look back on a record of achievement — of getting things done, of new schools, of level crossings gone, new roads, more police on the beat, thousands of workers and apprentices on the job and so much more. We will look back and be proud that we have gotten on with the job, that we have got things done and that we have created jobs right across Victoria. But those opposite will be looking to November and asking, 'Will the man who eats lobsters with mobsters gain the trust of the Victorian people?'. Will the man who after deal after deal lined the pockets of Liberal donors gain the trust of the Victorian people? Will this Leader of the Opposition who refuses to come clean on how many millions of dollars were paid after his botched rezoning of farmland at Ventnor gain the trust of the Victorian people? These are questions that I would not want to be answering.

I support this important motion from the manager of government business. It is time that all the details of the Leader of the Opposition's cover-up were released. He refused to give these documents to the Ombudsman in 2014. This chamber should demand that the Leader of the Opposition provide those documents — or in fact that the Premier releases those documents — so every Victorian can see exactly how much of taxpayers money was spent by this dodgy Leader of the Opposition.

Ms STALEY (Ripon) (12:06) — I rise to oppose this motion moved by the Leader of the House. I do so on two grounds. The first is that this house should not exercise its power to compel cabinet-in-confidence documents to be produced, because to do so would be to stand against centuries of tradition that we do not release cabinet-in-confidence documents in this way. It is all very well for a government that seems to be very, very flexible on what it regards as rules and guidelines to say, 'The letter of the law says that these documents, if this motion passes, can be and will be produced'. However, practice dictates that that is not the case. The practice of this house and houses that we have inherited our traditions from dictates that that is not the case.

There is another reason that I oppose this motion, and that is that in moving it the manager of government business has contradicted herself from only two days ago. When she was speaking about the government business program in this house on Tuesday she did not talk about this motion at all — she talked about the legislation, she talked about the ceremony and events we had yesterday with the Aboriginal elders and she talked about the Snowy Hydro. However, what she then said was:

There is a lot of activity to get through over the course of the week. I look forward to the house getting through this substantial amount of work with good grace and good humour.

Not that I would say that the member for Bendigo East really knows anything about good grace or good humour, but it is clear that she recognised that she had put together a government business program that she felt would fill the week. She was already saying as early as Tuesday — she was threatening — that we would not get to consideration in detail on the Guardianship and Administration Bill 2018 because the opposition had, quite rightly, used some of the parliamentary mechanisms to try and hold this government to account that morning.

What do we see now that we have got to Thursday? Once again the government, rather than debating its own legislation that it has brought here, chooses to put on a stunt motion. It is not often that I agree with the Deputy Premier, but I have got to agree with him on this count. He got up and his first line was, 'This motion is about two words'. Yes, it is, and those two words are red shirts. There is no question that the reason we have this motion here before us today is this government is in desperate, desperate damage control against the recent release of the Ombudsman's report. Had the government had any other reason — this motion has sat on the notice paper for a long time, but we see it being debated this week — why do we see it this week? Because they are trying to create equivalence between their rorting that the Ombudsman's report has found and what happened here. But of course there is no equivalence. Not least of which, could I say, is that the current Leader of the Opposition cooperated with the Ombudsman in relation to this matter. He was interviewed by the Ombudsman.

Nobody in this chamber from the Labor side of Parliament put themselves in front of the Ombudsman to be interviewed for their rorts because they asserted exclusive cognisance. That exclusive cognisance was referred to by the member for Macedon when speaking on that motion. I remember it well. She read the motion into *Hansard* twice because she did not know

what exclusive cognisance was. I am sure she knows what it is now, because it has allowed every single Labor member of this chamber not to be held to account for their rorting through the red shirts rorts. That is why we are here today. We are absolutely here today because those opposite, having rorted their way to government, have been found out, have had the Ombudsman report in absolute detail that \$400 000 of taxpayers money was incorrectly used to fund electorate staff to campaign outside the offices of the members paying the funds.

Now, there were two things wrong here. The first was that it was used to campaign. It is very clear from our guidelines and instructions from the Presiding Officer — and every single member in this house knows — that you cannot use your electorate office budget to campaign. Even without the artifice of the scheme that the Ombudsman found, every single Labor MP in this place should have known, must have known and did know that they could not use their office budget to campaign. The next thing of course is that they then used it to campaign in somebody else's seat. In my case, the case of Ripon, the former member for Ripon used it to campaign in the seat of Wendouree, using the now candidate for —

Mr Nardella — On a point of order, Acting Speaker, I am having great difficulties in relating what has happened in Ripon to the motion before the Chair. I do ask you to bring the honourable member back to the motion before the Chair.

Ms STALEY — On the point of order, Acting Speaker, you will note that when the Deputy Premier was speaking the same point of order was made against his references as not being on topic. You said that he was able to discuss all sorts of things that are not mentioned in this motion. Your words were that you did not uphold the point of order on relevance to the motion, so I would ask that you apply the same standards to me as you applied to the Deputy Premier.

The ACTING SPEAKER (Ms Spence) — Responding to the point of order, initially the member for Box Hill made some remarks during his contribution on the Ombudsman's report, and the member for Melton raised a point of order at that time. The member for Box Hill went on to say that he was making introductory remarks to put into context why the motion was being dealt with. I do think that the member for Ripon has gone beyond the introductory remarks to create context, and I would ask that the member return to the motion.

Ms STALEY — Thank you for your counsel, Acting Speaker. What the motion does say is that documents should be produced. I want to return to the failure to produce documents to the Ombudsman in another situation, because this motion does talk about producing documents and previous speakers have absolutely spoken about producing documents to the Ombudsman. In fact the Deputy Premier spent quite a bit of his contribution doing that.

Now, it is very clear that we have another inquiry here where people have refused to produce documents to the Ombudsman, and Labor fought that all the way to the High Court using taxpayers money to stop the Ombudsman being able to deal with anyone in this chamber. They continue to hide behind exclusive cognisance because they cannot in any way justify their rorts. They cannot in any way justify the position they now find themselves in, and that is why we have this motion. The Deputy Premier was right —

Mr Nardella — On a point of order, Acting Speaker, I ask you to again bring the honourable member for Ripon back to the motion before the Chair.

The ACTING SPEAKER (Ms Spence) — In responding to the point of order, the member for Ripon did make the connection between the production of documents required under this motion and the comments she was making. However, she did then drift away from speaking to the motion. I would ask her to come back to the motion.

Ms STALEY — Thank you again, Acting Speaker. I return to the Deputy Premier's opening words. He said that this motion is about two words. Those of us on this side of the chamber did, perhaps in a disorderly manner, interject that those two words were 'red shirts', and he took up that interjection. *Hansard* will show that the Deputy Premier took up our interjection. It is clear that this is what this motion is about. We are here today in a desperate, time-wasting attempt by those opposite, because they cannot face their own absolute dishonesty in this place. Could I say, for the member for Melton to continue trying to shut me down given his rorting, given the role of his staff in my campaign and given the role of his staff in Ripon, I would not be going there, member for Melton.

Ms THOMAS (Macedon) (12:20) — I rise in support of the motion, and I make the point that this motion before the house today is only necessary because of the trickery, the deceit and the hypocrisy of the Leader of the Opposition and those on the other side. What we know about the Leader of the Opposition in this place is that he was the Minister for Planning

who oversaw some of the greatest planning scandals of our time — planning scandals, I might say, that have cost the Victorian taxpayer dearly. Millions and millions of dollars were lost because of the decisions made by the now Leader of the Opposition. What that man did in rezoning Fishermans Bend in one fell swoop was to do us, the taxpayers of Victoria, out of millions and millions of dollars.

Of course this motion goes directly to the scandal that is the Ventnor rezoning. What the Leader of the Opposition did was rezone land for his mates in order for them to make a profit and in order for them to turn farmland into residential land and make millions of dollars. That is smelly enough, but it gets worse. It gets so much worse that it is as bad as a lobster that has been out in the sun for a week or so. That is the stench around the Ventnor planning scandal. So this motion is indeed very, very necessary.

We know a bit about what happened down in Ventnor, and I want to take you through some of what we know. We know that the Leader of the Opposition did government business around a kitchen bench in Silverleaves with Ms Carley Nicholls and Mr Jim Hopkins on 11 May 2011. He did a deal to rezone land for those people so that they could make a substantial amount of money. This is despite the department briefing against the rezoning. And do you know what? He had to work very hard. We could see that the Leader of the Opposition and his office went on to bully the public service in order to get them to change their advice. It is an absolute scandal when you look at what the then Ombudsman found when he looked at the briefing notes provided to the Leader of the Opposition in order for him to make that decision about Ventnor.

Do you know what happened then? On the back of widespread community outrage at this blatant misuse of his position as planning minister, he moved to reverse this decision. He said that the decision had been made in error. We know that Ms Carley Nicholls purchased this land in the first instance, understanding that she had done a deal with the Liberal Party with the then planning minister, with the then Speaker of the house, Ken Smith. Having done this dirty deal, she purchased the property.

Then of course the then minister reversed the decision and she was left in debt. She thought she was going to be making upwards of \$40 million, and in fact she found herself in debt. She then took the minister to court over this and he paid hush money. That is what happened. Hush money was paid by the then minister —

Mr Dimopoulos — He didn't pay it; we had to pay it.

Ms THOMAS — Correct. Thank you very much, member for Oakleigh. Hush money was paid, and that money was our money, the Victorian taxpayers money. So this is a very, very important —

Mr Watt — On a point of order, Acting Speaker, the member for Macedon is clearly in breach of standing order 118, which says you cannot make imputations against another member of this house. She is clearly making imputations. I think that you, as Acting Speaker, should not have needed me to stand up to point this out. As the Acting Speaker, you should probably pull her into line in the first place. I would ask you to —

The ACTING SPEAKER (Ms Ward) — Order! You have been in this place long enough to know not to cast aspersions on the Acting Speaker. I ask that you use a respectful tone when you are speaking to any individual who sits in this seat regardless of party affiliation. If you are addressing the Speaker, Acting Speaker or Deputy Speaker, please do so in a polite, measured tone.

Mr Watt — Thank you very much. I appreciate your guidance, Acting Speaker. But I would ask you, as the Acting Speaker, to act impartially and ask the member to stop breaching standing order 118, which clearly says that she cannot impugn another member.

The ACTING SPEAKER (Ms Ward) — I would ask you again to not reflect on the Chair and to act in a professional manner. I call on the member for Macedon to stick to the motion.

Ms THOMAS — Thank you very much, Acting Speaker. In conclusion, I want to say that there are a number of unanswered questions when it comes to the Ventnor planning scandal that the people of Victoria deserve to know the answers to. Let me ask some of those questions. Why did the Leader of the Opposition rezone the land? Was it for Liberal Party mates or was it for donations, like at Fishermans Bend? What was said at Ms Nicholls's house with former Speaker Ken Smith, and what exactly did he promise them? Why did he go against the wishes of the local council and the local community? What advice did he keep secret from the Ombudsman and what was in that advice? Why did he potentially spend millions of taxpayers money to avoid having to front up to the Supreme Court? If the Leader of the Opposition made a proper planning decision, why did he change his mind so quickly? Did he pay hush money out of the public

purse to square away friends and foes in the Liberal Party, and did the Leader of the Opposition receive legal advice telling him he needed to pay to settle the claim? Finally, who else on the other side of the house is involved in this scandalous cover-up? That is why I support this motion.

Mr Nardella — This will be good.

Mr WATT (Burwood) (12:26) — I am sure it will be, member for Melton. I rise to speak against the motion put forward by the Minister for Public Transport that, under standing order 171, this house requires the Premier to produce to the house, by 5.00 pm on Wednesday, 9 May 2018, a bunch of documents. I take up the point that others have made, and in this debate I do plan on making commentary on some of the points that other members have made.

Firstly, I would like to take up a point from the member for Box Hill, who talked about cabinet in confidence and talked about the fact that this motion in its effect would tear up a longstanding convention on cabinet-in-confidence documents. I do not know whether members on the other side understand the consequences of what they are asking for. I do not think that those members understand that when they do this, it will open the floodgates and anything that is asked for could not be reasonably refused. The cabinet-in-confidence convention has been important, and the member for Box Hill talked about it being important because it does allow an open conversation in cabinet. It allows people to make commentary in cabinet without fear or favour, knowing that they can make those comments on what is being presented and what they have debated in cabinet. I am not sure that we want to alter that. I am not sure that we want to tear up that convention.

I take up the point that the member for Ripon talked about, about the Leader of the Opposition cooperating with the Ombudsman. In contrast, members opposite certainly did not cooperate with the Ombudsman. In contrast, members opposite in their dealings with the Ombudsman actually refused and claimed exclusive cognisance. Of the 16 members of the Labor Party in the other place who were involved in the red shirts rorts, we know that 14 of them were actually caught up. It is incongruous to think that with 43 members of the Labor Party in this place before the last election only nine of them were involved in this scam. What we know is that of the 43 members in this chamber, most likely somewhere around 40 of the 43 would have been involved in this rorting. So for members opposite to talk about the Leader of the Opposition in his dealings with

the Ombudsman, it is unbelievable that they would not look at the members beside them.

Some members in this chamber were not here at that time. The member for Bentleigh was not actually in this chamber previously. The member for Mordialloc was not in this chamber, even though he was a staff member for a member in this chamber and there are questions around his behaviour and how he acted in his —

Mr Richardson — On a point of order, Acting Speaker, seconding the point of order put forward by the member for Burwood about imputations on members, if he has got an allegation he wants to make, if he wants to make reflections on members, he should be counselled. I ask him to withdraw that imputation on me as the member for Mordialloc. I am greatly offended by that comment, and he should withdraw.

The ACTING SPEAKER (Ms Ward) — Imputations cannot be withdrawn. However, I would direct the member for Burwood, who I see is still on his feet, that he needs to tread very carefully and he needs to make sure that he actually sticks to the debate at hand. I understand that there were some wideranging wanderings that occurred with previous speakers. I also note, as the member for Box Hill noted in the introduction to his speech, that the member for Box Hill referred to a few other issues. You, however, have not taken that path. I direct you to go back to the motion before us and to speak to it.

Mr WATT — Thank you very much. I am simply making comment on contributions from other members and contrasting them. There was no imputation. I simply said that there were questions with the member for Mordialloc. I do not make any commentary about those questions. I simply say there are questions about the conduct of the member for Mordialloc, and it is up to him to defend his actions and it is up to others. Just like the member for Melton —

The ACTING SPEAKER (Ms Ward) — Order! There is a point of order.

Mr WATT — It is clear —

The ACTING SPEAKER (Ms Ward) — Member for Burwood, when I am speaking you need to stop speaking. You well know the practices of this house and how to behave. Please follow them.

Mr Nardella — On a point of order, Speaker, the honourable member for Burwood is straying from the question before the house. I ask you to bring him back to the question before the house directly.

Mr Clark — On the point of order, Speaker, as I understand it the member for Burwood is making the case that there are other, more pressing matters that need to be attended to and that this motion seeks to distract from them. He has illustrated that by reference to the member for Mordialloc. He could well illustrate it by reference to the member for Melton. In making those sorts of remarks he is in order.

The ACTING SPEAKER (Ms Ward) — Order! Thank you, member for Box Hill. Thank you, member for Melton; I understand you have already spoken on this and I am sorry but you do not have a right of reply. I also have to apologise to you as I was speaking to the Clerk and I did not hear everything that the member for Burwood said. As I have said, member for Burwood, I do ask you to please stick to the motion. You may proceed.

Mr WATT — Thank you, Acting Speaker. It is my intention to speak to the motion, and I have been speaking to the motion, but I am happy to take your guidance. As the member for Box Hill has said and as others have said, this motion — and I take up the contribution from the Minister for Education when he talked about this motion — is about two words. With some assistance he mentioned the words ‘red shirts’. Because the Minister for Education has actually taken up that interjection and decided to go down that path, I thought I would investigate that particular comment that the Minister for Education had made and follow that path a little bit because the red shirts rorts, along with the rorting of the member for Melton, does actually need to be investigated —

The ACTING SPEAKER (Ms Ward) — Order!

Mr WATT — and it is very important that we deal with —

The ACTING SPEAKER (Ms Ward) — Order! I will again remind the member for Burwood that when an Acting Speaker, the Speaker or the Deputy Speaker is speaking he needs to desist. It is unfortunate that I have had to remind him of this three times through his addressing of this motion.

Mr Nardella — On a point of order, Speaker, I ask you to bring the honourable member of Burwood back to the motion. Red shirts have nothing to do with the motion before the Chair.

Mr Watt — On that point of order, Speaker, at the end of the day I, as the member who is speaking, am simply commenting on contributions from other members. That is what debate is in this place. After other members get up and make commentary members

on this side get up and make commentary on their contributions. That is what debate is, so when the member for Melton gets up and makes a contribution and wants to defend his rorting, then I am able to get up and actually say, ‘No, the member for Melton rorted more than \$100 000 from taxpayers’. That is what debate is, so I would say to you that your job is to interpret the standing orders, and the other thing that —

The ACTING SPEAKER (Ms Ward) — Order! I will rule on the point of order. I will ask you to stick to the debate, and I would again counsel you to be very careful with the language that you use.

Mr Watt — Just simply —

The ACTING SPEAKER (Ms Ward) — You cannot have a new point of order.

Mr WATT — I simply make this point. I actually have a point of order.

The ACTING SPEAKER (Ms Ward) — The member for Melton on a point of order.

Mr Nardella — On a point of order, Speaker, I ask the member for Burwood to withdraw.

Mr WATT — I withdraw. I am happy to withdraw.

The ACTING SPEAKER (Ms Ward) — Order! Excuse me, member for Burwood, I would actually like to act as an Acting Speaker and conduct this debate. Please do not —

Honourable members interjecting.

The ACTING SPEAKER (Ms Ward) — I will direct your comments to the Speaker, and I will ask the Speaker to counsel you because your —

Mr Watt interjected.

The ACTING SPEAKER (Ms Ward) — Member for Burwood, your inability to respect this post is not right.

Mr Watt interjected.

The ACTING SPEAKER (Ms Ward) — This is not a debate.

Mr WATT — On a point of order, Speaker, I would just ask that you as the Acting Speaker read the standing orders and the sessional orders. Frivolous points of order should not be taken up and the member for Melton, through this entire debate, has been very frivolous with his points of order.

The ACTING SPEAKER (Ms Ward) — Order! I thank you, member for Burwood. As you would know, you are not to direct the Chair and, as you would also know, every member has the right to stand up and have their voice heard on a point of order and to be respected, which is exactly what I did. I would ask the same of you.

Mr Nardella — On a point of order, Speaker, I ask the honourable member for Burwood to withdraw.

The ACTING SPEAKER (Ms Ward) — He did withdraw.

Mr Nardella — I apologise.

House divided on motion:

Ayes, 45

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

Noes, 35

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

Motion agreed to.

CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017

Council's amendments

Message from Council relating to amendments further considered.

Debate resumed from 28 March; motion of Mr FOLEY (Minister for Mental Health):

That the amendments be agreed to.

Council's amendments:

1. Clause 1, page 2, after line 22, after paragraph (b) insert—

“(c) to amend the **Family Violence Protection Act 2008** to provide for information sharing in relation to Hub services and to make certain other amendments to regulation-making powers; and”.
2. Clause 1, page 2, after line 23, omit “(c)” and insert “(d)”.
3. Page 92, after line 31, insert the following Part headings and New Clauses—

‘Part 4—Amendments of Family Violence Protection Act 2008 relating to Support and Safety Hubs

AA New Part 5B inserted

After Part 5A of the **Family Violence Protection Act 2008** insert—

‘Part 5B—Information sharing relating to Support and Safety Hubs

Division 1—Preliminary

144SB Definition

In this Part—

authorised Hub entity means the following—

- (a) a person or body declared under section 144SC to be an authorised Hub entity;
- (b) the Department of Health and Human Services;
- (c) Family Safety Victoria;

and includes an officer, employee or contracted service provider of such an entity;

child means—

- (a) a person who is under the age of 18 years; and
- (b) an unborn child that is the subject of a report made under section 29 or a referral made under section 32, of the **Children Youth and Families Act 2005**;

confidential information means the following—

- (a) health information;
- (b) personal information, including sensitive information;
- (c) unique identifiers;
- (d) identifiers;

consent means express or implied consent;

Family Safety Victoria means the Administrative Office established under the *Public Administration Act 2004* known as Family Safety Victoria;

health information has the meaning set out in section 3(1) of the **Health Records Act 2001**;

Hub service means the following—

- (a) a service that is provided by the State of Victoria in relation to, or for the purposes of, a body known as a Support and Safety Hub or an equivalent body; or
- (b) a service that is provided by a person or body under a contract or agreement (however described) entered into between the person or body and the State of Victoria and that is described in the contract or agreement as one of the following—
 - (i) a Support and Safety Hub service or an equivalent service;
 - (ii) a service provided in relation to, or for the purposes of, a Support and Safety Hub or an equivalent body;

identifier has the meaning set out in section 3(1) of the **Health Records Act 2001**;

person of concern has the meaning given in Part 5A;

personal information has the meaning set out in section 3 of the **Privacy and Data Protection Act 2014**;

primary person has the meaning given in Part 5A;

secrecy provision means a provision of an Act that restricts or prohibits the disclosure of information (whether that restriction or prohibition is absolute or subject to qualifications or exceptions);

sensitive information has the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**;

unique identifier has the meaning set out in Schedule 1 to the **Privacy and Data Protection Act 2014**.

144SC Meaning of authorised Hub entity

- (1) The Minister may declare, in writing, a person or body or a class of person or body to be an **authorised Hub entity** for the purposes of this Act.
- (2) The Minister must not declare that a person or body, or a class of person or body is an **authorised Hub entity** for the purposes of this Act unless the Minister is satisfied that the person or body—
 - (a) provides Hub services; or
 - (b) analyses, develops, monitors or oversees Hub services, or matters or things relating to Hub services.
- (3) A declaration under subsection (1) is not a legislative instrument within the meaning of the **Subordinate Legislation Act 1994**.

Division 2—Object of Part

144SD Object of Part

The object of this Part is to provide for the lawful collection, use and disclosure of confidential information by specified persons and bodies for the purposes of facilitating the provision of Hub services, in a way that gives precedence to safety and wellbeing over privacy.

Division 3—Information sharing

144SE Authorised Hub entity may collect, use and disclose confidential information for a purpose connected with provision of Hub services

- (1) An authorised Hub entity may do one or more of the following for a purpose relating to the provision, analysis, development, monitoring or oversight of one or more Hub services—
 - (a) collect confidential information;
 - (b) use confidential information;
 - (c) disclose confidential information to another authorised Hub entity.
- (2) Subsection (1) has effect despite anything to the contrary in—
 - (a) section 36(5) or 193 of the **Children Youth and Families Act 2005**;
 - (b) a prescribed secrecy provision.
- (3) An authorised Hub entity may collect, use and disclose confidential information under subsection (1) without the consent of the person to whom the information relates.

144SF Part does not affect handling of information permitted by other Acts

This Part does not affect the collection, use or disclosure of confidential information by an authorised Hub entity that would otherwise be

permitted by or under the **Privacy and Data Protection Act 2014**, the **Health Records Act 2001** or this Act or any other Act.

144SG Access to confidential information under privacy laws restricted where risks to safety

- (1) An authorised Hub entity may refuse to give an individual access to that individual's confidential information under a relevant privacy law if the authorised Hub entity believes on reasonable grounds that—
 - (a) giving the individual access to the information would increase a risk to the safety of a child or a group of children; or
 - (b) the information is the confidential information of a person of concern or a person who is alleged to pose a risk of committing family violence, and giving the individual access to the information would increase the risk to a primary person's safety from family violence.
- (2) In this section—

relevant privacy law means—

 - (a) the **Health Records Act 2001**; or
 - (b) the **Privacy and Data Protection Act 2014**; or
 - (c) the Privacy Act 1988 of the Commonwealth; or
 - (d) the Privacy Act 1988 of the Commonwealth applied as a law of Victoria by another Act.”

Part 5—Consequential amendments relating to Support and Safety Hubs

Division 1—Amendment of Health Records Act 2001

BB Information sharing under the Family Violence Protection Act 2008

- (1) After section 14B(2) of the **Health Records Act 2001** insert—

“(2A) Nothing in HPP 1.3, 1.4 or 1.5 applies to the collection of health information by an authorised Hub entity for the purposes of Part 5B of the **Family Violence Protection Act 2008**.”.
- (2) In section 14B(4) of the **Health Records Act 2001** insert—

“*authorised Hub entity* has the meaning given in the Family Violence Protection Act 2008;”.

Division 2—Amendment of Privacy and Data Protection Act 2014

CC Information sharing under the Family Violence Protection Act 2008

- (1) After section 15A(1) of the **Privacy and Data Protection Act 2014** insert—

“(1A) Nothing in IPP 1.3, 1.4 or 1.5, or any applicable code of practice modifying the application of IPP 1.3, 1.4 or 1.5 or prescribing how IPP 1.3, 1.4 or 1.5 is to be applied or complied with, applies to the collection of personal information by an authorised Hub entity for the purposes of Part 5B of the **Family Violence Protection Act 2008**.”.
- (2) In section 15A(7) of the **Privacy and Data Protection Act 2014** insert—

“*authorised Hub entity* has the meaning given in the **Family Violence Protection Act 2008**;”.

Division 3—Amendment of Freedom of Information Act 1982

DD Definitions

Insert the following definitions in section 5(1) of the **Freedom of Information Act 1982**—

“*authorised Hub entity* has the meaning given in the **Family Violence Protection Act 2008**;”.

EE Document affecting personal privacy

- (1) In section 33(2AB) of the **Freedom of Information Act 1982**, after “information sharing entity” (wherever occurring) **insert** “or an authorised Hub entity”.
- (2) In section 33(2AC) of the **Freedom of Information Act 1982**, after “information sharing entity” (where first and third occurring) **insert** “, an authorised Hub entity”.

Part 6—Amendments of the Family Violence Protection Act 2008 relating to regulations

FF Meaning of excluded information

In section 144C of the **Family Violence Protection Act 2008** after “*excluded information* if” **insert** “it is of a kind prescribed or”.

GG Information sharing regulation making power

- (1) In section 210A(2) of the **Family Violence Protection Act 2008**, for paragraphs (e) and (f) **substitute**—

“(e) prohibiting or regulating the type of information that may be used, disclosed or handled by an information sharing entity or a specified category of information sharing entity; and

- (f) prohibiting or regulating the type of information that may be requested or collected by an information sharing entity or a specified category of information sharing entity; and
- (fa) prescribing the purposes for which an information sharing entity or a specified category of information sharing entity may use or disclose confidential information; and
- (fb) enabling an information sharing entity that is a public sector body Head within the meaning of the **Public Administration Act 2004**—
- (i) to delegate its powers, duties and functions under Part 5A or the regulations; and
- (ii) to sub-delegate any powers, duties and functions under Part 5A or the regulations that have been delegated to the information sharing entity; and
- (fc) prescribing the persons and bodies to which powers, duties and functions may be delegated or sub-delegated by an information sharing entity that is a public sector body Head within the meaning of the **Public Administration Act 2004**; and”.
- (2) In section 210A(2)(g) of the **Family Violence Protection Act 2008** after “employed” insert “or engaged”.
- (3) In section 210A(2)(g) of the **Family Violence Protection Act 2008** after “information sharing entity” (where first occurring) insert “or specified category of information sharing entity”.
- (4) In section 210A(2)(k) of the **Family Violence Protection Act 2008** after “information sharing entity” (where first occurring) insert “or specified category of information sharing entity”.
- (5) In section 210A(2) of the **Family Violence Protection Act 2008** for paragraph (h) substitute—
- “(h) prohibiting or regulating the disclosure of confidential information between information sharing entities or categories of information sharing entities; and
- (ha) confer a discretionary authority on a specified person or body or a specified class of persons or bodies; and
- (hb) prescribing information to be excluded information; and”.
- (6) In section 210A(5) of the **Family Violence Protection Act 2008** after “(b)” insert “, (c)”.
- (7) In section 211 of the **Family Violence Protection Act 2008**, for subsection (3) substitute—
- “(3) The regulations—
- (a) may be of general or limited application; and
- (b) may differ according to differences in time, place or circumstances; and
- (c) may confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and
- (d) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person.”.

Mr WATT (Burwood) (12:44) — I appreciate the opportunity to speak on the Council’s amendments to the Children Legislation Amendment (Information Sharing) Bill 2017. I must say that my concerns on this bill have not changed since the actual bill came through this house. If you look at the list of amendments that have been made by the Council, it only strengthens the discussion that we had in this house some time ago.

My commentary at the time the bill originally went through this house was that this bill was not a bill about family violence. I know many others tried to talk about the fact that the bill before us, being the Children Legislation Amendment (Information Sharing) Bill 2017, was actually about family violence, but that has been proven not to be the case when you consider that the amendments before us are all about amendments to the Family Violence Protection Act 2008. If the bill in and of itself was actually about family violence, then why are we back here with a completely new part which is all about amendments to the Family Violence Protection Act? The bill is not about family violence. The bill is about an intrusion into the lives of individuals.

As the member for Bayswater pointed out yesterday, this bill actually is about privacy. This is why Liberty Victoria was particularly concerned about it. This is why a number of groups are particularly concerned about this bill. The Australian Family Association is extremely concerned about this bill. This is why in my contribution to debate on this bill originally I pointed out that there were a number of organisations that were extremely concerned about the bill, these organisations being Domestic Violence Victoria, Victoria Legal Aid, the Domestic Violence Resource Centre Victoria, the

Women's Legal Service Victoria, No to Violence, the Federation of Community and Legal Centres Victoria, Berry Street and Safe Steps. They all participated in a joint submission to this bill.

One of the concerns they had was about the intention and the purpose of the bill. The issue for me with this bill is the fact that the definition of wellbeing is actually not there. This is why we in the other place put forward a set of amendments. The most substantive one of those would have sent this bill off to a committee to flesh out some of these issues. There are a myriad of issues that were identified not only by me and members on this side, but I must say there are also a myriad of issues that were raised by the member for Northcote. I do not think we can let the Greens off the hook when it comes to this particular bill, because the member for Northcote made a very strong statement on this bill in her contribution when it came through this house in the first place.

It appears to me that the Greens have done a complete backflip, and it also appears that the Greens have left the member for Northcote hanging. She put herself out there by saying that she had serious concerns and these would be addressed in the upper house by other members of the Greens, and it appears to me that the solution that would have solved all of this would have been to send it off to a committee — a brief committee, as we do not want to hold up good pieces of legislation that will improve the lives of Victorians. We do not want to do that, but a brief committee could have fleshed out some of these issues that have been raised by groups such as Domestic Violence Victoria, Victoria Legal Aid, the Domestic Violence Resource Centre Victoria, the Women's Legal Service Victoria, No to Violence, the Federation of Community Legal Centres Victoria, Berry Street and Safe Steps. These groups raised some very serious concerns, along with Liberty Victoria and the Australian Family Association.

The fact is these issues have not been dealt with — issues around privacy, issues around confidentiality — and the member for Bayswater mentioned yesterday in her contribution that we are not even just talking about the confidential information about children here. We are talking about this because a psychologist is specifically mentioned in the bill as one of those entities that would have to share information, and that information does not have to be just information about a child; the information could be about somebody else, and it does not even have to be the parent of a child. It could be the next-door neighbour of a child. It could be any person whose information may assist in the making of a decision for the wellbeing of a child.

The bar is so low, and I have had concerns about this and I know many others have had concerns. I know the Greens initially had serious concerns, and those concerns have not been adequately addressed. They were not adequately addressed in this house. I do not believe they were adequately addressed in the other place, which is why we in our response initially said we should send it off to a committee to investigate these things. I believe there are some significant problems. I would like to have had those fleshed out. Many of the concerns that have been sent to me about this particular bill could probably have been fleshed out, and we would have found out that some of the concerns may not have been such a large issue, but the fact that we have not been able to flesh those out means that I still have concerns about the privacy of individuals — not only the privacy of children but the privacy of all Victorians.

I have concerns about the fact that we are putting every child in Victoria on a register and that the register will be able to be accessed by a number of people, which is projected to be into the thousands of people. The silly thing about this particular bill is that the bill allows for a principal of a school to get access to the register, but for the principal to get access to the register he or she would have to be approved by the secretary of the department. But if the principal does not get access because for some reason the principal is not deemed to be a person who is necessary or suitable to have access to the register, that principal could then simply just give access to the register to somebody else from the school. A person may be deemed as unsuitable to have access to this register of information about every child in Victoria, but that unsuitable person could then give access to another person. I am not sure how we can stand here and say it is okay that a person who is not suitable, not fit and proper and does not get access can just give other people access.

The teacher or other person at the school is not held to the same standard as a medical professional. The standards that a psychologist is held to in the sharing of information outside of the scope of this bill are much higher than we would expect from, say, the teacher or the receptionist at a school, who may actually have access to this information because the principal has given them access even though the principal may not be deemed suitable to have the access.

There are real issues contained in this bill, and it is a disappointment that the government has not seen fit to listen to these real concerns, and it appears to me that something has happened from when the bill left this place to when the bill arrived in the other place such that the Greens have done a complete backflip on this bill. The Greens have to answer for their change. They

have to answer for why it is that the bill left this place with serious concerns but by the time it got to the other place it should be passed in full without any further investigation or without any opposition amendments, and some of those amendments that we wanted to put in place were very simple amendments.

One of the other things that I discovered through this bill is that the bill actually — and I have had this confirmed by the clerks — refers to a repealed section in another bill. The fact that the government did not even see fit to correct that clear error, which is a reference to a section in another bill that does not exist anymore, shows how poorly the bill has been put together and how poorly it has been thought out, because if the government had done its job properly, it would have addressed some of the concerns that have been raised and made sure that it did not reference parts of bills that had already been repealed. The bill has some significant issues, and I am very disappointed the government did not allow further consultation.

Motion agreed to.

GUARDIANSHIP AND ADMINISTRATION BILL 2018

Second reading

**Debate resumed from 7 March; motion of
Mr PAKULA (Attorney-General).**

The ACTING SPEAKER (Ms Ward) — I call on the member for Hawthorn, noting that unfortunately I will have to interrupt him at 1 o'clock.

Mr PESUTTO (Hawthorn) (12:55) — I understand and thank you for forewarning me of that fact, Acting Speaker.

I am very pleased this afternoon to be able to rise and speak on the Guardianship and Administration Bill 2018. It is a very significant bill, and it will essentially rewrite and replace the existing Guardianship and Administration Act 1986, an act which was a piece of legislation that brought in very significant changes to the way we assist and support people who are experiencing mental and physical impairments and disabilities.

We agree on this side of the house that it is timely that this bill come before the house and that it further the work that has been undertaken across a range of areas. I in particular note similar work that has been done with respect to the Powers of Attorney Act 2014, the Mental Health Act 2014 and the Medical Treatment Planning and Decisions Act 2016, which have essentially given

effect to a principle which has been emerging over recent years that we should not look at decision-making capacity as binary or as absolute. There are gradations of impairment and disability, and there is no reason why any one of us should feel that if we experience even the slightest level of impairment or the most acute level of impairment that somehow that necessarily means we are deprived of any decision-making capacity.

That is an important principle which not only underlies this act but also the other acts I have mentioned and just generally the direction of public policy in this area, which is to give effect as far as possible to the wishes and capacity of those who come before, whether it is VCAT or other health services and support services, but also enable without imposing cumbersome or unwieldy processes on those who might be in a position to assist those who need supervision and support in making important decisions, whether those decisions are financial or personal in nature.

As the government notes in its supporting materials — in the second-reading speech, for example — it comes off the back of a range of work, including some of the legislation that I have mentioned and work by the Victorian Law Reform Commission, which reported in 2012 on this issue and continues that trend I mentioned. The bill itself largely gives effect to the existing framework but importantly adds in some very significant changes which give effect to the principle of decision-making capacity and recognising as far as possible those who are in a position to make decisions on their own behalf.

The bill, as I will say in a few moments, introduces the concept of supporting guardians and supporting administrators, which is similar to what has been done in the areas of power of attorney, for example, where we have supportive attorneys who are there not to assume complete control of the person's affairs but to assist them in managing their own life, which in turn is so important to their own sense of dignity, self-worth and esteem. The introduction of the concept of supportive decision-makers to help them will go far, in our view, to assist those who might otherwise fall on either side of the current system, which does not really allow for the graduation of support that might be available. That is very important.

The bill clarifies and makes changes to the role of the public advocate, and I will say a bit about that shortly.

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

Mr PESUTTO (Hawthorn) (14:02) — It is a pleasure to get up today and resume my speech on the

Guardianship and Administration Bill 2018. As I was saying before lunch, this bill is an important piece of legislation which carries on some work in relation to recognising that impairment and disability is not an absolute concept. It is not one that we should look at in a binary sense. We are certainly not opposing the bill; it is consistent with changes that even the previous coalition government made. In my remarks today I want to focus on just a couple of things, some key sections and a couple of matters that I draw to the government's attention which I think will need close monitoring as the system is bedded down.

Going to some key concepts to begin with, the first one I wish to note is how decision-making capacity will be defined in the new act. That is contained in clause 5 of the bill, which defines decision-making capacity as a person having capacity to make a decision in relation to a matter if the person is able:

- (a) to understand the information relevant to the decision and the effect of the decision ...
- (b) to retain that information to the extent necessary to make the decision; and
- (c) to use or weigh that information as part of the process of making the decision; and
- (d) to communicate the decision and the person's views and needs as to the decision in some way, including by speech, gesture or other means.

That is appropriate because the types of impairment and disability are many and varied. There is no absolute definition or way that we should measure that. People with the same impairments may have different ways of communicating, so that definition of decision-making capacity is important to recognise the individual differences that we each have.

It is important to note that the bill does operate on the premise that a person is presumed to have decision-making capacity unless there is evidence to the contrary, and we certainly support that principle. It is appropriate and consistent with the object of the act. This object is primarily contained in clause 7 of the bill, which requires that regard be had to the United Nations Convention on the Rights of Persons with Disabilities and the need to ensure that VCAT sets safeguards and appropriate limitations on the powers of guardians and administrators when making orders and is required to regularly review such orders, because, as we know, the magnitude and scale of impairments and disabilities can change over time. The bill also requires that guidance be given to guardians and administrators when making decisions for represented persons as the case requires.

They are really important parts of this bill that I just wanted to note.

I did want to touch on, as I foreshadowed a few moments ago, just a couple of concerns. They are certainly not grounds for opposition, but I do encourage the government to look closely at the way these operate. The first matter that I want to touch upon is the powers, which are new to the public advocate, to delegate by instrument 'to a public advocate employee, any one or more of the following' functions contained in clause 19(1) of the bill:

- (a) a power, duty or function of the Public Advocate under this Act or any other Act, other than this power of delegation;
- (b) any or all of the Public Advocate's powers or duties in the Public Advocate's capacity as guardian;
- (c) despite section 25 of the **Powers of Attorney Act 2014**, any or all of the Public Advocate's powers or duties in the Public Advocate's capacity as an attorney under enduring power of attorney within the meaning of that Act.

The public advocate is a very responsible officer, of course, and an independent officer with very serious and profound responsibilities in relation to those who need representation. I do not imagine that the public advocate would ever delegate this to somebody who was less than qualified, but the bill does not appear to anticipate concerns around the experience or expertise of a person to whom the public advocate might delegate very important functions under this bill. I hope and trust that this would never arise but our job sometimes is to search quite hard for even the most remote contingencies to ensure that legislation that passes through this Parliament does not produce injustice or, as far as we can comprehend, outcomes that we could have done something to avoid. I would suggest that this is something the government needs to monitor very closely, even trusting that the public advocate will exercise this power of delegation judiciously and responsibly. I have no doubt about that. But despite best efforts sometimes issues can arise, so I urge the government to look closely at how that operates over time.

The other matter I want to touch on is in relation to supportive guardians and supportive administrators. Again we recognise and support the concept of supportive guardians and administrators, consistent as it is with similar roles under other regimes, including the Powers of Attorney Act 2014. I guess though in relation to this act the introduction of supportive guardians and administrators is much broader, Acting Speaker Richardson, as you will know from your legal

background. Guardianship which refers to the personal matters of a person can be extremely broad and the powers in relation to financial matters that an administration order entails can equally be very broad, and it will be really important to ensure that there is adequate guidance to support guardians and administrators.

I know there are references in parts of the bill to that, but in a practical sense that support needs to be available. It is quite foreseeable that supportive guardians and administrators could find themselves sometimes caught between on the one hand what might be an obvious need to support somebody whose decision-making capacity in certain circumstances might be more acute if those circumstances suggest that, but equally not trying to, if you like, innocently usurp the role of the person.

Whilst a guardian or administrator in the sense that we have now has very broad powers, it will be actually more difficult for supportive guardians and administrators in practice to navigate that, because they are not trying to displace the person's decision-making capacity; that is why they are not a full guardian or a full administrator. Equally they are not there to let the person suffer because the level of impairment or disability is depriving the person who is there to be supported with the ability to make the right decision or to make it in the right circumstances.

So that practical support will be extremely important as this regime is rolled out over time. There is time for the government to do that. The default commencement date of the bill is 1 June next year, so there is plenty of time to do that. I imagine that agencies such as the public advocate and even VCAT and others will be able to draw on the lessons learned from the Powers of Attorney Act and the Mental Health Act 2014 in particular, where this has now been in place for some three to four years.

The rest of the bill is largely uncontroversial. I note in relation to special medical procedures that the powers of VCAT are retained. The Law Institute of Victoria raised a couple of concerns, particularly a concern that the powers in relation to special medical procedures should be contained in the Medical Treatment Planning and Decisions Act 2016. I did give consideration to the law institute's concerns, and I thank the institute for getting in touch with me. With VCAT's role being maintained as being central to the permission that is required before any special medical procedure can proceed, I am reasonably comfortable that there are not the risks that the law institute has raised. Again, I think it is something that we can monitor as we go along. But

I do wish to place on record my thanks to the institute for getting in touch with me on that particular issue.

On that basis, we do not oppose this bill. We think it will do a great deal to give those who are suffering varying levels of impairment or disability the dignity, esteem and self-belief they deserve, and our system should do everything to support that. I conclude my remarks.

Mr PEARSON (Essendon) (14:13) — I am just going to make a few brief comments in relation to the Guardianship and Administration Bill 2018. I think this bill is fairly uncontroversial. It seeks to modernise the arrangements and put further checks and balances in place, which I think is important, because we know that in the current environment where you have issues like elder abuse there is a greater understanding and appreciation that this is a reality and there is a need to make sure that the regulatory framework addresses that.

In my personal case, and why I was keen to speak on this bill, is that I was 21 years of age when my mother had a significant cerebral haemorrhage. It happened at a time after my parents had sold our family home but before settlement had taken place. In my case becoming a power of attorney was not really on my mind while I was spending a lot of time in intensive care. But it was pointed out to me that the sale of the property could not proceed unless I had a power of attorney over my mother. I remember at the time that it was a fairly straightforward process, and I kept that power of attorney until my mum got out of rehabilitation.

But it did strike me at the time that these arrangements could be open to abuse. Certainly in my family I am incredibly fortunate with the sort of person and character that my father is. He is a really decent and honourable person, and he loves my mum dearly. He acted with integrity and in good faith every step of the way. But it did strike me when I was thinking about this bill that if he had been a different person, or if I had been a different person, we could have sought to defraud my mother or we could have sought to impair her financially through these powers.

So it is really important that we have a proper regulatory framework in place and that the rights of people who are incapacitated or who are mentally impaired have their rights and their property rights protected, because when you are looking at a situation like this, it can often happen at a very stressful time in your life and people respond and react to stress differently. So even if you have a person who is a good person and is motivated by good intentions, there will be times when, under stress and pressure, they will

make a bad call or potentially behave improperly. So there is a need to ensure that we have the right checks and balances in place to protect individuals.

A bill like this for 2018 I think reflects what we know and it reflects some of the challenges and issues facing society. It is important that the bill updates and modernises what is an important piece of legislation and replaces the Guardianship and Administration Act 1986. With those brief words I commend the bill to the house.

Mr T. BULL (Gippsland East) (14:17) — It is a pleasure to rise and make a contribution to the Guardianship and Administration Bill 2018. As has been commented on previously by members in the chamber, this puts in place a new regulatory regime around guardianship and administration. I again state that we have a not-opposed position. The bill better recognises the rights of people with a decision-making impairment and the responsibilities of those who interact with those people. I think in that case we are predominantly talking about carers and guardians, and this may include of course health and accommodation providers, but it also can go to those who have decision-making capacities like courts and tribunals.

Many families worry about what the future holds for their loved ones with special needs. Speaking from personal experience, it is something that plays on your mind fairly constantly, particularly as the years tick by and you get a little bit older. Therefore, importantly, we do need a very, very strong system that engenders a level of confidence — a system that people can have faith in to protect their loved ones when they are gone. They see that, probably amongst a lot of other things, as an absolute imperative. Many people with disability have siblings. They have loved ones. In some cases they have spouses. They can have close friends who can also play an important role in that space. These people can be relied on to provide support in times of need. There are many others who simply do not have those networks, whether they be in the family or outside the family.

We have seen a great deal of change in the area of disability over recent times. We now quite rightly live in a world where people's abilities are recognised rather than the focus being on their disabilities. We are far more progressive in promoting community connectivity, inclusion in society and community interaction for our people with special needs. It is a far cry from a period in the past where we often saw those with severe and profound disabilities being put in a scenario where society believed that they were best managed behind walls. This bill makes further progress

in these areas around recognising the rights and autonomy of people with disability.

Of course this is an area that is not straightforward; it is an area that is not clear-cut. Governments in all jurisdictions, not only across Australia but around the world, are continually making decisions and are continually having ongoing discussions about what the right balance is around recognising people with disabilities and their ability to make their own decisions. On the other hand, when it is needed, we also need to make sure that there are processes in place to assist those who need to be afforded a level of protection when it is required. It is likely to be an area that requires constant and ongoing review. Of course almost all situations have a different raft of circumstances attached to them. When we are dealing with the area of special needs, no two situations are the same, or very rarely is that the case.

As was pointed out in the second-reading speech, there are some advocates and organisations that emphasise that a person's will and preferences should be given priority in all but very, very limited circumstances. There are also others who are concerned that the barriers for protective action by VCAT or a guardian or administrator should not be made so high that they are an impediment to providing that support when it is indeed required. I certainly acknowledge that the bill we have before the house today attempts to strike that balance — it comes back to the concept of decision-making capacity — but I also stress that it is an area where there is no clear line in the sand.

The bill also includes provisions to assist with the assessment of a person's decision-making capacity in that a person is presumed to have decision-making capacity unless there is evidence to the contrary. I think this is a good starting point. But we get into what the evidence to the contrary is, and that is again where we start wading into the grey areas of when people have the capacity to make their own decisions in these areas or whether they do need a level of support. Whilst I understand that that is a clear-cut description, it also incorporates an element of the grey area, which I think needs to be there because, as I said before, no two cases are the same.

The definition is intended to prevent unnecessary appointments of guardians and administrators. Of course that is admirable. We do not need unnecessary appointments of guardians and administrators, but we also do need the flexibility to provide those appointments when it is required. The bill also recognises the reality that a person can experience partial or fluctuating capacity — and how true is that —

and allows for the appointment of a guardian or administrator should VCAT determine it is required.

We have a number of people in society with special needs. I have seen it in the special school where I was a school council member and in some of the networks and support groups we have in our community. Just like all of us, we have our good days and our bad days. The capacity of people with special needs to function better on a particular day or in a particular week or hour often varies greatly depending on the disability that that person has incurred. This bill does recognise that we need to get into that level of specifics when we are talking about the decision-making capacities and capabilities of people with disability. I think that is very important.

It was also pleasing to note that the second-reading speech confirms that the public advocate will continue as an independent statutory office that promotes the rights and interests of people with disability and that VCAT will continue to have the power to appoint the public advocate as a person's guardian where there is no-one else available or suitable for appointment. I am assuming that this reference to the Office of the Public Advocate also does ensure the continuation of the community visitors program, as there were some concerns raised with me earlier this year, as the shadow minister for disability, as we transition to the national disability insurance scheme, by those involved in the community visitors program and the Office of the Public Advocate that their funding would be continued. The reference to that ongoing level of support in this bill will, I think, be well received by the Office of the Public Advocate and those involved in the community visitors program, because hopefully it will answer their question that continuing funding will be provided in this year's budget.

The bill includes a dispute resolution process for guardians and administrators, while recognising that the decisions of the guardian prevail over those of the administrator. Of course this is standard practice and this is the right practice to prevail. While we never wish to see instances arise where we have a level of conflict when we are discussing and making decisions around what are the best interests of a person with a disability or a special need, they invariably occur. Unfortunately we live in a society where some of our most vulnerable are often taken advantage of, no matter what sector we are looking at. We have all heard the disappointing stories that arise from time to time, whether they be about our aged or our people with disability.

The provisions in this bill to penalise a guardian or administrator who dishonestly uses their appointment to

gain either a financial advantage or cause a loss of some description to the person who they are advocating for or representing is a clause that we never want to see used, but it is pleasing that it is in the bill because it needs to be there.

I will wind up as the clock is ticking away. We are presently going through a period of reform in the disability sector, with the introduction of the national disability insurance scheme (NDIS). It is an absolutely massive reform for the sector. It may have some impact as it rolls out in relation to elements of this bill. For whichever government is in power in any jurisdiction in Australia as the NDIS rolls out I just put on the record that one thing we do need to or will have responsibility for is to continually cross-examine how its rollout may impact on guardianship and administration rights within the various states and continually have that checked to make sure no-one is disadvantaged.

Mr McGuire (Broadmeadows) (14:27) — The purpose of this bill is to replace the more than 30-year-old Guardianship and Administration Act 1986 underpinned by outdated policy with a legislative framework that is based on a more contemporary understanding of decision-making capacity and disability. This is an important piece of legislation in moving from what used to be seen as 'protecting' people with disability in a paternalistic sense to recognising their individual rights and then helping their participation in community life. They are the key themes that underwrite this bill.

Central to this strategy has been the approach developed under the United Nations Convention on the Rights of Persons with Disabilities, which Australia ratified in 2008. The following year the Victorian Law Reform Commission (VLRC) was referred broad terms of reference to review Victoria's guardianship and administration laws, along with other Victorian laws that provide for 'substitute decision-making'. By that it means the making of decisions on behalf of someone else. The purpose of the review was to ensure that guardianship and administration law was responsive to the needs of people with impaired decision-making capacity and promoted and protected the rights of people with impaired decision-making capacity. They are the critical balances that are trying to be achieved by this piece of legislation.

Just to continue with how the bill has evolved, the VLRC's guardianship report was tabled in Parliament in April 2012 and recommended a range of reforms to respond to changes to the social environment in which the laws operate and the range of people who use these laws. That is the basic chronology of events, the

changing attitudes and the reforms that have been put in place.

I now want to go to a couple of the general principles and decision-making principles that underscore the bill. The bill reflects a more contemporary understanding of decision-making capacity and disability, and enables VCAT to set limits on appointments and to provide guidance to guardians and administrators so that the will and preferences of the represented person direct the making of decisions as far as possible. This is about empowerment, but doing it in a way that can be reflective of changed circumstances. I think what is also in this bill is the proposition of scrutiny, accountability and compliance. There are some penalties for non-compliance as well, which again are basically there to act as safeguards for vulnerable people.

To go to some of the detail in the bill, what it is trying to do is to look at a new definition for 'decision-making capacity'. Under the current Guardianship and Administration Act it does not define decision-making capacity, which is a key concept in the operation of these laws. The bill introduces a new definition and provides guidance on how it should be assessed. Just by way of example, the bill recognises that a person may have decision-making capacity for some matters and not for others, so I think that is an emotionally intelligent response to trying to address specific circumstances. It should not be assumed that a person does not have decision-making capacity simply because of their appearance or because they make decisions that others think are unwise. A person has decision-making capacity if they can make decisions with practicable and appropriate support, which could include different tailored information or using technology that alleviates the effects of a particular disability. That again is trying to put the right tools and skills around people so that they are still empowered to give their view and not have one imposed on them unnecessarily.

The assessment of a person's decision-making capacity should factor in the time and the environment in which the assessment takes place. That again is looking at phase of life, ability, competence and also what is happening in the environment around the person. The definition of decision-making capacity is consistent with the definition used in the Powers of Attorney Act 2014 and the Medical Treatment Planning Decisions Act 2016. That means there is continuity in how these issues are addressed.

While historically the Guardianship and Administration Act was a response to the deinstitutionalisation of people with an intellectual disability, it is now used by people with varying

impaired decision-making capacity due to a range of disabilities. It is anticipated that the major user groups of guardianship laws over the next 20 to 30 years will be people with an age-related disability, such as an acquired brain injury or a mental illness. Ageing is the main factor affecting the incidence of disability in the community, with dementia being the leading cause of disability in people aged over 65. Access Economics has projected that the number of Victorians with dementia is likely to increase from the present figure of about 65 000 to more than 140 000 in 2040 and more than 246 000 by 2050. This goes to the imperative of having these changes in the ageing of the population, the influence of issues or illnesses such as dementia and how we have a more contemporary response to actually dealing with the best interest of individuals who are particularly vulnerable.

Importantly, the guardianship report recognises that a person with an age-related disability such as dementia is likely to experience gradual loss of decision-making capacity over time. This is an issue that is difficult at an emotional level to deal with, particularly for the loved ones seeing a parent or their grandparents slowly losing their cognition and their ability to make decisions. So this becomes a very difficult personal and family issue to grapple with for numbers of different people in the community. The decision-making capacity of a person with an acquired brain injury might return over time, so that is taken into account, while the capacity of another person with a mental illness is likely to fluctuate. This is a nuanced approach to try to address these issues as best we can in an evidence-based way and to adapt and adopt to time, place and circumstance.

The other thing that the bill does is provide scrutiny, accountability and compliance, and I think that is an important proposition as well, to make sure that people are not taken advantage of, as best you can cover that under the law, and that there are penalties to address that set of circumstances as well. The bill acknowledges and responds to these factors identified in the *Guardianship* report by providing mechanisms for supported decision-making, requiring VCAT to make guardianship and administration orders that are tailored to a person's individual circumstances and are regularly reviewed, and requiring a guardian or administrator to give effect to a person's will and preferences as far as possible but allowing will and preferences to be overridden to avoid serious harm.

I think this is a difficult, challenging area in which to get the balance right. I would like to commend the Attorney-General for being able to work through the difficulties and the challenges that are presented, and I commend this bill to the house.

Mr THOMPSON (Sandringham) (14:36) — I am pleased to make a contribution to the Guardianship and Administration Bill 2018. At the outset of my contribution I would like to pay tribute to the legal profession in Melbourne and those legal practitioners who have acted with the highest level of skill, care, attention and responsibility to facilitate arrangements where there are appropriate guardians and administrations in place. There is a Melbourne practitioner by the name of Mr Robert Wright, who has acted for a range of organisations. He has served the Law Institute of Victoria and has expertise in relation to incorporated associations. He has also served on the environment section of the Law Institute of Victoria. He has brought to bear an outstanding intellect on a range of legal matters in the best interests of not only his clients but legal practice in Victoria. With his regard for the rights of people in different contexts and where there may be a need for guardianship and administration orders to be put in place, he is the type of person who can deliver outstanding outcomes in a multitude of circumstances.

When someone has an intellectual disability or an acquired brain injury or a psychiatric disability there are many issues that arise, and I stand in awe of the courage and the sense of responsibility that supporters of people in those circumstances take on, the sense of responsibility to try and deliver good outcomes. I have seen the reverse. Only in recent times I became aware of a position where a trustee company had a range of responsibilities but failed to execute them in the best interests of the estate in the minds of numbers of people who knew a person who had died intestate. The suggestion is that goods were sold below value and that where there could have been a greater return to the estate to be directed to the next beneficiary not enough was done to achieve a worthy outcome. Trustee companies need to put their best foot forward to ensure that arrangements are entered into reliably and responsibly and that there are appropriate inventories of assets put in place to ensure that responsibilities are discharged wisely and well.

I am mindful of the circumstances on one occasion of a lawyer who was given the opportunity to serve as a guardian and administrator of an estate but declined to. The person felt that the best interests of a friend of his would be best advanced if he had no direct or indirect pecuniary responsibility or direct overview of the administration of the affairs of this person, noting that many judgements need to be made in relation to financial matters. For example, there are the responsibilities in the bill outlined under the definitions. A guardian has responsibility in relation to financial matters, which means:

- (a) making money available to the person for the person's personal expenditure ...
- (b) paying expenses for the person and any dependants of the person ...
- (c) paying ... debts of the person ...
- (d) receiving and recovering money payable to the person;
- (e) carrying on any trade or business of the person;
- (f) performing any contracts entered into by the person;
- (g) discharging any mortgage over the person's property;
- (h) paying rates, taxes and insurance premiums or other outgoings for the person's property;
- (i) insuring the person or the person's property;
- (j) otherwise preserving or improving the person's property;
- (k) making investments for the person;
- (l) continuing investments of the person ...
- (m) undertaking any real estate transaction for the person;
- (n) dealing with land for the person;
- (o) undertaking a beneficial transaction for the person involving the use of the person's property ...
- (p) withdrawing money from or depositing money into an account of the person with a financial institution.

These are paragraphs (a) to (p) part quoted from the definitions clause of the bill.

One matter that I will go straight to is 'undertaking any real estate transaction for the person'. Thirty years ago I had a concerned IT-employed person who was working around the world at the time but had given responsibility to his accountant to administer his affairs, only to find that the accountant had entered into a financial transaction where a property was acquired but independent advice subsequently showed it had been bought at an inflated price. It was subsequently established that the accountant had his own financial interest in the property as well. So what was a great friendship between a global-travelling IT expert and his accountant/financial administrator dissolved because it was felt that the best interests of the parties were not respected and there was a financial opportunity. With that range of transactions there is a multitude of individual matters to be attended to where there can be a conflict of interest and where a person may take it upon themselves to not only act in the interest of the person on whose behalf they are acting as guardian or administrator but there are chances for them to act in their own interest.

Going back to the example of the lawyer who declined to act as a guardian or administrator for a best friend who had psychiatric disabilities and challenges, there was a position taken that the best interests of this person could be advanced if his best friend in this case acted as an independent person with oversight of guardianship steps, administration steps, where there was complete impartiality. I think there needs to be an important range of checks and balances. Often times too with people in later life they can take a different view of the contributions of children to their welfare and wellbeing, and deathbed wills can be made which reallocate resources at the last minute, and this might be done unfairly on certain criteria. The cases that are litigated often involve disputes between family members as to the capacity and competency of a testator in the context of making a will. There are similar levels of trust and individual responsibility at stake.

There are also issues in relation to the importance of people being supported at different stages of their life journey to ensure that the corpus of any asset under administration is maintained. There is another example that has been drawn to my attention where it was alleged that a trustee administering an estate where a person had a life interest had not managed the corpus in a responsible manner. With the effluxion of time a sizeable asset base consisting of both real estate and income had diminished to the point where there was not a recurrent income being supplied to the beneficiary and it was proposed that another asset be realised to meet the living needs of the particular individual. So there is a very high responsibility to ensure that assets are wisely managed, resources are wisely managed and the myriad areas of expenditure that I have outlined in the definition that relate to financial matters are attended to in a very diligent, honourable and reliable way to ensure that the best interests of the person on whose behalf matters are being guarded or administered are being considered in the best possible way.

In concluding, I do pay tribute again to Robert Wright for his principled actions on behalf of many people in Victoria through his work as a long-serving solicitor in the state of Victoria. In my view he has exercised the highest level of principle in these matters on behalf of clients for whom he has been instructed to act. Not everyone in Melbourne has served with the same degree of rectitude and principle as Robert. Many legal practitioners and, I might say, with the member for Forest Hill, accountants as well have done great work.

Mr CLARK (Box Hill) (14:46) — I would like to make a few observations in relation to this bill. It is of course a bill that deals with the very important subject

of providing for guardianship and administration in relation to those persons with difficulties with decision-making capacity. It is a bill on which a lot of work was done under the previous government. I was pleased to be able to bring a guardianship and administration bill to the Parliament in 2014 that provided for substantial reform to the law in that area. It was a bill that paralleled previous reforms that had been put through in the previous Parliament in relation to powers of attorney. It sought to clarify the distinction between powers of attorney, being instruments where the person concerned was taking the initiative and making the appointment, and guardianship and administration orders, which were those that were being made by VCAT in relation to or on behalf of the person concerned.

A considerable amount of time has elapsed since 2014. Obviously the elapse of time is a concern, given that there was a fully drafted bill brought to the previous Parliament. Obviously from my point of view and the point of view of those on this side of the house we were satisfied that bill was in a form ready to go ahead and become law, and it would have been re-introduced and presumably have become law had the Napthine government been re-elected in 2014. However, the issue disappeared between then and now, when this new bill has returned to the house. I do not intend to canvass the detail of the bill, but there have been quite a wide range of changes made to it in comparison to the 2014 bill, and those can be assessed on their merits during the course of this debate.

I want, in particular, to touch on the very difficult area that was referred to, amongst others, by the member for Gippsland East. He rightly referred to a grey area in relation to decision-making capacity — that is, the grey area between those who actually do have capacity and those where it is clear that they have significant lacks in decision-making capacity and there is little doubt that they need a guardian or administrator to cover those lacks. The grey area is in respect of people who are capable of looking after some aspects of their own affairs, at least to a certain extent, but where there is a doubt over their full capacity or where it is clear that they do have issues in relation to their capacity but what is unclear is how significant those issues are.

There are perhaps two aspects of that in relation to this bill. The first is the regime that provides for the creation of supportive guardianship orders and supportive administration orders. Those will apply where someone is appointed to be there to assist the person in respect of whom the order is made, but not to pre-empt their decisions. That follows very powerful evidence that was given to the Law Reform Committee in the

Parliament before the last. I was a member of that committee and remember very vividly the evidence given very powerfully by one mother who spoke of the fact that her daughter was in many respects able to live an independent life despite some cognitive disabilities, but where she struck difficulty was with technical and bureaucratic stuff. She might have been perfectly capable of travelling by train from A to B, but she was not capable of filling out the application form to get a season pass. She might have been potentially capable of taking a plane trip from Melbourne to Brisbane to visit a relative, but she did not have the capacity to book a ticket online or buy one over the counter.

This mother made the very strong point that under the law, as it has stood up to date, VCAT has taken a very restrictive attitude as to when it is appropriate to appoint a guardian, on the laudable but potentially misapplied objective of maximising people's decision-making autonomy. The problem, as this mother pointed out, was that by refusing to appoint a guardian for a person such as her daughter her capacity to live an independent life was in fact impeded, because she could not do what she needed to do to travel by train or by plane or execute a wide range of other transactions, such as to deal with certain aspects of banking even though she might have been able to manage purchases with a debit card. Therefore that gap needed to be filled for the purpose of helping people such as her daughter to live a more independent life. That is the objective of the supportive guardianship order and supportive administration order regime. I make no comment on the detail of how it is embodied in this bill, but it is certainly a very laudable objective.

The other aspect of grey area that needs to be addressed is in relation to people who might not recognise the deficiencies and problems with their own decision-making capacity, who might assert a capacity to live entirely independently and who might reject any notion of a supportive guardian or indeed anybody else in the system, but where to most observers they are really struggling in their ability to live an independent life. I think there are some issues, conceptual and practical, on how we have responded as a community to that. There is a provision in this bill, as there has been in other legislation, that provides that a person is not to be taken to lack decision-making capacity simply because others think their decision might be unwise. At one level that is a reasonable warning, but the fact is that if someone has a pattern of making decisions that most observers would consider unwise and harmful, that may well be very strong evidence that the person concerned has a lack of or a deficiency in decision-making capacity which merits a need for some assistance for them whether they recognise that need or not.

It is all very well to talk in abstract about the dignity of risk, but when somebody is at risk of being ripped off and tricked out of their iPhone and other valuables on the basis of some fraudulent transaction, they are also at risk of making decisions which could end up seeing them homeless, being assaulted and living in squalor and misery. For example, they might not even have the capacity to understand when food reaches its use-by date and may dine on food that has gone bad because they simply do not have the ability to manage those aspects of their day-to-day affairs.

When you have got people who are constantly being exposed to serious risk because of those problems with their decision-making capacity, with their ability to understand the world, to read social cues, when they are constantly in disputes with service providers because they do not know how to engage with others, but in other respects they might be capable of more or less managing independently, this is a very difficult category of situation to handle. I do feel that some of the language around dignity, risk and not interfering with people's decision-making capacity has perhaps gone too far and we risk seeing people being allowed to continue to make decisions which will prove very harmful to them indeed.

I am certainly very supportive of the move to deinstitutionalisation, to giving people the greatest capacity for independent living that is possible. I have seen, as I am sure others have seen, how people have been able to flourish under the sort of reforms that Denis Napthine introduced in the 1990s when he was the Minister for Youth and Community Services to get people with cognitive impairments out of congregate care and living in freestanding homes like anybody else but with a degree of support, and how people could then flourish in those circumstances.

All of that is very laudable, and all we are able to do to support people to live valuable and productive lives to the full extent of their capacity is very welcome, but we do have to recognise this very serious risk. It particularly applies to people on the autism spectrum and it is becoming an increasingly prominent concern — that often they do not recognise the deficiencies in their own decision-making capacity and abilities to live their own life. If we do not have a legal regime that can deal with those borderline cases where these people are constantly bumping up against authorities and bumping into difficulties because of their cognitive impairments, then we risk failing them in helping to protect and support them.

Mr ANGUS (Forest Hill) (14:56) — I am pleased to rise this afternoon to make a brief contribution in

relation to the Guardianship and Administration Bill 2018. We can see from clause 1 of the bill that the purposes are:

- (a) to re-enact with amendments the law relating to guardianship and administration; and
- (b) to repeal the **Guardianship and Administration Act 1986**; and
- (c) to make consequential amendments to various other Acts.

At the heart of this particular bill, in my view, is the whole issue of trust. The issue in relation to a guardianship and administration role is one of trust, and it is a very, very important role for people to undertake in the broader community. I can remember back when I was in public practice as a chartered accountant and from time to time we had dealings with people that were subject to orders or had had a guardian or administrator appointed in their life for various reasons.

One particularly relevant story that comes to my mind is there was a chap we acted for who had, through no fault of his own, been run into by a drunk driver many, many years ago. He had been very significantly injured, with physical injuries and an acquired brain injury, although he was still pretty highly functioning. He was in a position where he had a guardian appointed. We acted for his business and his wife and others. The thing that struck me out of that whole circumstance was the very poor way he was treated by his trustee or his guardian at that particular time. He often was found wanting. He had needs that were unmet because the guardian had decided that they would be in the best position to choose what this particular person needed or wanted. As a result of that, he lived a life that was not fully satisfactory in terms of his material needs being met.

It was a stark insight for me to see that in a real-life case. There was plenty of money in the trust because the Transport Accident Commission had taken action against the offending driver all those years before. There was a very big pot of money there and he was well able to live on the earnings of that. But the guardian was, to put it bluntly, fairly tight-fisted, and that meant that this fellow was subject to his whim and was living a life that was not ideal from a financial perspective. That was an interesting insight for me to see that, because it showed me the level of power and responsibility that the guardian had in that circumstance, and indeed in any other circumstance, and what an important role it is. It is one that must be properly legislated and administered to ensure that there is no abuse of the particular person that is subject to that situation.

As I said, this reminds me of trust. I suppose one of the things we have got here in Victoria at the moment is a real deficiency in the area of trust. I particularly want to bring that into context with one of the recent headlines, from the *Herald Sun* of Thursday, 22 March 2018. That article talks about Labor's 21 roting MPs. It is headed 'Pack of cheats — ALP MPs say Premier knew about fears over funding'. It goes through and mentions 21 MPs, and I will just read those names: John Lenders; the member for Mill Park; the member for Keysborough; the member for Lara; Gayle Tierney, Gavin Jennings and Jenny Mikakos in the Council; Brian Tee; the member for Footscray; Nazih Elasmr in the Council; Candy Broad; Shaun Leane in the Council; Lee Tarlamis; Matthew Viney; Adem Somyurek in the Council; the member for Ivanhoe; Liz Beattie; Marg Lewis; John Pandazopolous; Joe Helper and Johan Scheffer.

Ms Neville — On a point of order, Acting Speaker, I think the member has strayed a fair way from the bill. I ask you to bring him back to the bill.

Mr ANGUS — On the point of order, Acting Speaker, the point I am making is that at the heart of this very bill is the issue of trust. I am just providing a current example of that being missing in our community. That is the point I am going to come back to and bring home.

The ACTING SPEAKER (Mr Richardson) — I think the member has had a bit of latitude. That is a wide definition of trust given the confines of this bill. I would ask that the member come back to speaking on the bill.

Mr ANGUS — Thank you, Acting Speaker. I think trust is at the very heart of this. I will not refer anymore to that particular article, but I might refer to some other material in a moment.

Trust and honesty in financial matters is an absolutely essential part of our community. What we have seen, as I just said, in recent events in the state of Victoria is a gross deficiency in that area. It has been identified in recent times, particularly in the Ombudsman's report from March 2018, but it goes back some years before that. That is the issue, because in any matter where you are using other people's money, whether it is as an elected representative, a guardian, a trustee or an administrator, you have got responsibilities to act with honesty and integrity. That is something we have seen missing at the leadership levels here in the Parliament of Victoria. When people in the community look and see the way that members of Parliament on the government side have behaved, it undermines the trust

that should be there for the people of Victoria in relation to honesty and integrity of public office and dealing with taxpayers hard-earned money in relation to the way that is acquitted. So I think there is an integral relationship there. I really would like to refer back just one last —

Mr J. Bull — On a point of order, Speaker, I believe that on the previous point of order that you ruled on you asked the member to come back to the bill. I ask you to again ask the member to come back to the bill.

The ACTING SPEAKER (Mr Richardson) — Order! Given the clauses that the member read out, I think he might be straying a bit from the bill. I ask him to come back to the bill before the house.

Mr ANGUS — As I said, trust and honesty are at the heart of this bill. You can look through various aspects of other reports from this house, which I will not go back to, but certainly in relation to this bill you can see just how important that is. Because if we turn to clause 3, under the definitions of ‘financial matter’ on page 3 of the particular bill, we can see how broad-ranging that definition of financial matter is. The bill says:

- (a) making money available to the person for the person’s personal expenditure —

that ties back to that example I gave before, where there was a stingy trustee or guardian who did not allow our client to have enough money to live properly in his daily life, which was most regrettable. It goes on:

- (b) paying expenses for the person and any dependants of the person relating to the maintenance and accommodation of the person and any dependants, including purchasing an interest in, or making a contribution to, a property to accommodate the person or any dependants of the person or otherwise making payments in relation to such property ...

Property matters are very important as well, and obviously in relation to those matters, there are often very large sums of money at stake, which may be involved in trusts, as indeed they were in the case that I cited before. It goes on to include:

- (c) paying any debts of the person, including any fees and expenses to which an administrator is legally entitled;
- (d) receiving and recovering money payable to the person;
- (e) carrying on any trade or business of the person;
- (f) performing any contracts entered into by the person;
- (g) discharging any mortgage over the person’s property;

- (h) paying rates, taxes and insurance premiums or other outgoings for the person’s property ...

And on it goes, in relation to the person’s property:

- (k) making investments for the person;
- ...
- (m) undertaking any real estate transaction for the person;
- (n) dealing with land for the person;
- ...
- (p) withdrawing money from or depositing money into an account of the person with a financial institution.

We can see that with the revelation of recent events that have taken place — or been revealed as having taken place some years ago now — here in the state of Victoria through the Ombudsman’s report. I refer people to, in particular, pages 12, 63 and 76. It might be illuminating for the taxpayers of Victoria to see what the people who were entrusted with the responsibility of dealing with somebody else’s money did with it. I think that is an excellent case study that does tie perfectly into this particular bill, dealing with guardianship and administration, because that is where a third party is entrusted with someone else’s asset, as indeed was the case here, cited by the Ombudsman in her report. To see the way that has been mismanaged or, arguably, stolen is a really big deal and something that all Victorian taxpayers should be aware of.

Mr CRISP (Mildura) (15:06) — I rise to make a contribution on the Guardianship and Administration Bill 2018. The purpose of the bill is to re-enact the law relating to guardianship and administration and to repeal the Guardianship and Administration Act 1986 and make other consequential amendments to various acts. Just the number of pages in this bill tells us the importance of this particular issue and how complex it is when someone has lost, or has had taken away from them, their right to self-determination.

It comes from work done over previous governments. In 2014 there was a reform to guardianship, and this has been part of an ongoing process as we become better skilled at dealing with and better understand people’s ability to make decisions about their own lives. There was a time when it was very black and white. However, I think we now know that these issues, as far as people’s ability to make decisions on their own behalf, are a very grey area. Whenever we try to deal with the grey in legislation, we are going to end up with a large volume of words to try and set those checks and balances in the right place.

There are a number of clauses, I think, that are key to the very complex parts of this bill. Clause 5 defines 'decision-making capacity' to mean the ability to understand, retain and use information relevant to a decision and its effect on making that decision, and the ability to communicate the decision and the person's relevant views and needs. A person is presumed to have decision-making capacity unless there is evidence to the contrary.

This is where we delve into the grey in so many areas. As some of the previous speakers have talked about, some people can deal with certain aspects of their lives. They can, in many cases, look after their basic needs. However, when things become a little more complex in their lives, things become a little bit more difficult and therefore they are at risk of making bad decisions for themselves or for others, or becoming victims of exploitation. That is where we do need to look deeply at just where these balances are. The area that concerns most people is that someone who has limited abilities and may be able to retain their own lives with basic needs are targets for fraudsters. These fraudsters are very good at taking money off the unwary, and they even get the best of us from time to time. In this cruel world that we live in, there are those who target people who perhaps have limited means to work out some of those complex decisions and issues.

That very much takes us to how we create that balance. What is someone's ability, and where are the lines drawn? That almost requires someone who knows the person, but at times that is not an available option for people. Clause 19 enables the public advocate to delegate its functions to employees without prior approval from VCAT. This is where I have had some experience in the past. For various reasons I have served on health governance boards, and health is an area where guardianship does come into play. It is a very difficult area because you may have someone who is under guardianship and you have got to assess whether they can make a decision about the health treatment they are about to receive. This is made more complex if it is determined that they are unable to do that and there is no guardian who lives in the proximity or who happens to know the case — that is, they are under the delegated authority that exists in clause 19. Then you have got to get in touch with that person and get their approval for treatment.

This also leads to, in some very difficult cases, very tough decisions having to be made about whether to treat someone or not. You are obliged in your understanding of the person to know whether having the treatment would be their will or whether they would understand the consequences of being treated or not.

This too becomes an issue when people move into the latter stages of their lives and are in nursing homes. My experience is that mostly there is family who take responsibility, but not everybody is so lucky to have family to take that responsibility as their abilities decline in their older age.

This has been experienced particularly in isolated areas and in very isolated areas where we do have people who for various reasons do not have family and who may not have even been assessed to have a publicly appointed guardian or advocate. I have come across a number of these examples in some remote areas that were in fact opal mining areas where we had responsibility for some health services. There were people who were in these areas for various reasons, mostly because they did not want to be found by the world. But when they were not able to make a decision for themselves, it became a very complex issue.

Others have spoken about the role of autism, particularly as we are far more aware of it now than ever before, and autistic people often being highly functional in some areas and not very functional in others. Their ability to make those decisions becomes one that is quite complex. They are often unable to recognise their own deficiencies, and in most cases that does not have serious consequences. However, it does have consequences when they are out of their depths and do not know it. It takes a great deal of skill to recognise that and to be able to tease out whether they have or have not got a guardian to assist in those areas. We have heard from others about the role of money and trusts and the importance in all of that. Money is essential for life and essential for care but can be the root of all evil. That is one of the other difficulties that we do need to balance.

Regarding all of this I think a local guardian is by far the best option because they are somebody who has some connection with the person in some way, shape or form. However, when they are not and they are publicly appointed, or when it has been to VCAT to be sorted out, it can be very impersonal and very, very complex. In many cases the outcome is found to be not satisfactory.

In working through all of this, I think it is fair to say that governments in all jurisdictions should continually make decisions and have ongoing discussions about achieving the balance that recognises the rights of people with a disability to make their own decisions. Then on the other hand this is needed to ensure there is a process for assistance and protection when it is needed. This is likely to be an area that will require constant review, as of course almost all situations are

different and have different circumstances. That is something I think we are all very much aware of.

Others are concerned that the barriers to protective action by VCAT, a guardian or an administrator should not be so high as to render that process unavailable. I know it is complex and difficult to go to VCAT, and we do need at times to ensure there is scrutiny, but we do not want to scare off people who may take on that role as a local guardian. Again, there is that great balance that we are trying to achieve here. I acknowledge that the bill attempts to strike that balance between decision-making capacity and protection. The bill also contains provisions to assist with the assessment of a person's decision-making capacity in that the person is presumed to have decision-making capacity unless there is evidence to the contrary. Again, it is a difficult balance. The evidence to the contrary has generally been that someone made a mistake, was ripped off or got into strife. That too is a word of warning that life is a very difficult learning experience. For those who are unable to fully look after themselves, that decision can be a very expensive one for their wellbeing.

Debate adjourned on motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Debate adjourned until later this day.

ENGINEERS REGISTRATION BILL 2018

Second reading

Debate resumed from 7 March; motion of Mr PALLAS (Treasurer).

Mr M. O'BRIEN (Malvern) (15:17) — I am pleased to rise to speak on the Engineers Registration Bill 2018. In examining this bill on behalf of the Liberal and National parties my starting point is to ask: where is the demonstrated need? We are going from a system which has worked well. When you look at the record of engineering in this country, you would have to say that Australia has been blessed to have extremely professional, competent, innovative and smart engineers. If you look at the great pieces of public and private architecture and infrastructure in this country, you would have to say that we do extremely well with our engineers, so where is the demonstrated need for a bill such as this? Where is the demonstrated need to move to a system of highly regulated engineers through requiring engineers to be registered?

Not every engineer would have to be registered, but any engineer who wishes to provide a professional engineering service, as defined in this act, would be

required to apply for registration and upon registration pay a fee, and they would have to undertake a substantial amount of continuing professional development in order to maintain their registration, again at a fee. The question is: where is the demonstrated need?

In Queensland there has been a registered engineers scheme in place for some time, but there is no evidence — no evidence that has been presented to me — that proves that Queensland has a higher standard in relation to engineering services than does any other state. Before you go down the path of imposing a huge regulatory burden, a huge amount of red tape and a huge cost on individual engineers, on industry and on those who use engineering services, the onus should be on the government to make the case as to why such a large change is necessary.

I also ask: why has the government adopted a highly prescriptive model which is what, in my old consumer affairs day, we would have referred to as positive licensing? That is, you cannot do this work unless you have been positively assessed to be able to do it by a particular government body. Normally when licensing is introduced into an industry it is negative licensing, where people who may be unfit or improper for or for other purposes unsuitable to do that job are prohibited from being in that industry. The negative licensing scheme is one which is far less costly and far less intrusive, so again I ask the question of the government: why is the government adopting through this bill a positive licensing scheme at higher cost and higher imposition, rather than a negative licensing scheme, if there are in fact some bad apples in engineering that need to be weeded out?

I ask another question of the government: where is the cost-benefit analysis on this bill? I hear silence, and that is the same silence I got when I asked the government to provide us with the cost-benefit analysis for this bill. We know the government has got one. They did one as part of the legislative impact assessment, but they are refusing to release it to the Parliament and they are refusing to release it to the public. Why would the government keep secret a cost-benefit analysis on this piece of regulation if the regulation is as good and would have such a positive impact as the government says? We need to see that cost-benefit analysis. The public needs to see the cost-benefit analysis and engineers deserve to see that cost-benefit analysis. This is a piece of legislation which will affect the lives of thousands and thousands of professionals in this state. At the very least they deserve to see the cost-benefit analysis on which the government has based its

decision to move ahead. I will come back to that issue of the cost-benefit analysis further in my contribution.

I note that there was talk about a national registration system. This was considered through the Council of Australian Governments in the early 2010s, and ultimately that failed. Why did it fail? Why has there been no decision across governments to move down this path? It is because there clearly was not support for it on the basis that it just did not stack up. We now see that the Queensland government has gone off on its own and that Victoria is now seeking to go down the same path, a path that will impose disadvantages on engineers in Victoria compared to those operating in every other state, bar Queensland.

If there is a need for registration, you would think it would be best done at a national level. We should be encouraging mutual recognition, we should be encouraging our professionals to take their skills across the country, because we benefit from that too. Victorian engineers no doubt are the best, but that is not to say that we would not welcome qualified engineers from other states. Why would we put barriers in the way of attracting to Victoria highly qualified engineers from other states, which is what we are doing by putting in place these additional regulatory hurdles?

That leads me to the question, if this bill is to pass, of what impact it will have on Victoria. We hear from the government about the amount of infrastructure projects it says are happening in Victoria. We hear about claims that we need to get people in from other states because we have got some jobs going and there is so much happening in Victoria. Why are we now imposing additional costs and burdens on our existing Victorian engineers through this scheme, and why would we make it more difficult for engineers from other states to come here and work here? That is the effect of this bill.

I also have questions about consultation on this bill or the lack thereof. I acknowledge that the two professional organisations that seek to represent engineers, particularly Engineers Australia (EA) and Professionals Australia (PA) — that is, the old Association of Professional Engineers, Scientists and Managers Australia — are very supportive of this. I have consulted with them and they have confirmed to me that they do support this bill, and I understand why they do, but it is fair to say that the consultation the government conducted was limited. It was limited in its scope, it was limited in its duration and it was certainly limited in terms of it not having reached out to all affected stakeholders.

It is not just the professional engineering bodies who will be affected by this bill. It is also individual engineers who may not be members of EA or PA. It is also businesses that use engineering services. I will come later in my contribution to some of the feedback that I have had from industry associations, some of which are vehemently opposed to this bill, and I will put on the record in the house why that is the case. There are a number of unanswered questions at the very outset about why the government has gone down this path. Given the government has so far failed to answer those questions, we have grave doubts about the utility of this legislation.

Let me turn to the actual model that is proposed in the bill. The first thing that jumps out is the complete mishmash of responsibility this legislation provides. It involves Consumer Affairs Victoria (CAV), where CAV is supposed to be the body which will be undertaking investigations and prosecuting at VCAT. VCAT is involved as the body that will hear appeals in relation to registration decisions but also in relation to prosecutions for breaches and the crimes that are created by this bill. The Victorian Building Authority has got roles under this bill, as does the Business Licensing Authority.

So you have got four or five different regulatory bodies all with slightly different but then also overlapping roles to play. If a camel is a horse designed by a committee, this Engineers Registration Bill is a camel. It is not world's best practice; it is far from it. As a former practising lawyer, it is hard for me to get to grips to understand how these different regulators operate together under this system. I can only imagine the poor engineer sitting in their office and trying to read this legislation and work out how their responsibilities and professional careers will be affected by it and how the system is actually supposed to work in practice.

The second point I would make about this bill is that it provides for what the government calls a co-regulatory model. This is where I think we understand why Engineers Australia and Professionals Australia are so keen on this, because my understanding is that membership, as in a lot of membership-based organisations, including trade unions and political parties, has not been on the up. It has been quite the opposite; it has been on the decline. This bill would set up potentially Engineers Australia and Professionals Australia as having an exalted position. They could be approved by the Business Licensing Authority to effectively undertake the assessments of applications for registered engineers. That puts them, private

organisations, at a level where they are effectively determining the fate of individual engineers in this state.

You would think that should be a primary responsibility of government, a primary responsibility of the state, rather than contracting it out to professional bodies or unions. Yet that is the model that the government establishes here. Again, I can understand, if you are Engineers Australia or Professionals Australia, that you would see that as being something that would encourage people to join your body. Well, I have a view that professional bodies should attract membership based on the services they provide to members, not because the state has set them up in an elevated position and those bodies hold their careers in the palms of their hands, which is what this structure in this bill seeks to do.

Of course under this bill there would also be a requirement for a minimum of 150 hours of continuing professional development (CPD) for registered engineers over three years. Who provides those CPD programs? Well — surprise, surprise — it will be Engineers Australia and Professionals Australia. It is terrific for them. They can get more members. They can charge people for doing their CPD. It will keep the cash register ticking over at EA and PA without a doubt, but is that a good enough reason to impose a regulatory structure such as the one proposed by the government?

One of the gravest concerns that I have with this bill — and this is as a result of the discussions I have had with affected stakeholders — is that when you are creating criminal offences, when you are creating the potential for liabilities that could ruin a person's life, if you are a professional engineer and you break a law because you have been found to have offered a professional engineering service as defined without being a registered engineer in that particular category of engineering as defined, you can be found guilty of a criminal offence. Imagine what that does not just to your professional life but also to your personal life. The maximum penalties for breaching these laws are fines of almost \$80 000 for a single offence, so we are talking about the sorts of criminal laws that can actually destroy people's lives if they fall on the wrong side of them.

The bill will also impose much higher levels of, I suppose you could call it, obligations on professionals. The way in which the legislation defines what is expected of registered engineers has led to some very great concerns. My view is that if you want to create a criminal liability, you need to have bright lines. People deserve to know which side of the line they are going to fall on. You should not be having grey areas where if

somebody, even if they are acting in good faith, falls on the wrong side of that line, their life can be ruined. They could lose their career. They could lose their home. That is not the way we should be treating professional engineers, yet that is the system that is set up by this bill.

So where is the lack of bright lines? The first is in relation to the categories of engineering for which people are required to be registered. In clause 4 of the bill it says:

What are areas of engineering?

- (1) In this Act, *area of engineering* means any of the following—
- (a) structural engineering;
 - (b) civil engineering;
 - (c) mechanical engineering;
 - (d) electrical engineering;
 - (e) fire safety engineering;
 - (f) any other prescribed area of engineering.

What is mechanical engineering? I am a lawyer, so do not ask me, but engineers tell me they could not define what mechanical engineering is with any level of precision or any level of certainty. If a professional engineer looks at this bill and says, 'I don't know whether what I do falls within this or not', how on earth can our professionals be expected to comply with any safety standards given the massive penalties that will be imposed on them if they get it wrong, even in good faith? We have heard a lot about people getting things wrong in good faith this week, but we are talking about criminal offences here that could ruin a person's career or have them lose their house.

When we look at the other lack of bright lines, 'professional engineering service' is defined. Again, if you are offering a professional engineering service, you must be registered under this bill. According to the definition in clause 3:

professional engineering service means an engineering service that requires, or is based on, the application of engineering principles and data—

- (a) to a design relating to engineering; or
- (b) to a construction, production, operation or maintenance activity relating to engineering—

other than an engineering service that is provided only in accordance with a prescriptive standard ...

Again, engineers have told me they have no confidence that they know what a professional engineering service is within that definition. If that is to be the litmus test for whether somebody has committed a criminal offence or not, it cannot be as woolly as that if we expect people to be treated fairly.

The definition of ‘unsatisfactory professional conduct’ is a critical issue because that definition is again one which can determine whether an engineer will be personally liable for actions; it can determine whether they have broken the law. Clause 3 says:

Unsatisfactory professional conduct, for a registered engineer, includes the following—

- (a) conduct that is of a lesser standard than that which might reasonably be expected of the registered engineer by the public by the engineer’s professional peers ...

Let me just stop at that point. ‘Conduct that is of a lesser standard than that which might reasonably be expected of the registered engineer by the public or by the engineer’s professional peers’ — why would the government think that the public’s view of what a professional engineer’s professional conduct is should be determinative of whether or not they have broken the law? In other fields of endeavour you would not ask the public to judge the professional conduct of a neurosurgeon. Neurosurgeons determine the professional conduct or otherwise of their peers because these are specialised areas that require people with specialised knowledge to determine whether a professional has acted properly or improperly. Yet in this definition the government says, ‘Well, what does the public think about it?’. It is not an opinion poll. We are talking about the creation of a criminal offence that can see registered engineers thrown out of the profession. The idea that you would say that professional engineers need to meet a standard of conduct that is what would be expected by the public or by their peers is a nonsense.

I have had so much feedback already from engineers about that definition. It is something which causes grave concern. People are genuinely worried about it because engineering is a profession. Why are we now expecting engineers to be held to a standard not just of what their peers say is appropriate but what the public might reasonably expect? As somebody who knows nothing about engineering given that is not my professional background, frankly my thoughts about whether an engineer’s conduct is professional or not should not count. If we want to treat engineers as professionals, how do we treat lawyers? How do we treat doctors? We do not ask Joe Public, ‘Did the lawyer get it right?’ or ‘Did the brain surgeon get it

right?’. We ask professionals to judge that. This is another example where this government has just got this very, very wrong.

The offences created by this bill cause a lot of concerns. Offences created under clause 67 state:

- (1) A person must not provide professional engineering services in a particular area of engineering ...

Let me just stop there again. ‘Particular area of engineering’ is, as I have already described, the subject of very broad definitions that lead to no certainty as to whether people will fall inside or outside those definitions, but they cannot provide engineering services in a particular area of engineering unless the person is:

- (a) registered as a practising engineer in that area; or
- (b) providing the professional engineering services under the direct supervision of a person who is registered as a practising engineer in that area.

So what is direct supervision? That is a really good question. The bill seeks to define it in subclause (2) of clause 67, which states:

- (2) For the purposes of subsection (1), *direct supervision* means that a person —
 - (a) directs another person in the carrying out of professional engineering services; and
 - (b) oversees and evaluates the carrying out of the services by the other person.

So they have to direct, oversee and evaluate the carrying out of the services for somebody to not have to register as an engineer. Again, those definitions are very, very broad. What do we mean by ‘oversee’? What do we mean by ‘evaluate’? Can engineers practising in country Victoria who are not registered engineers be under the direct supervision of somebody in Melbourne? What if you have got cross-border companies — engineering businesses where maybe the business owner is in Albury but there is an office in Wodonga? The person in Albury who is a New South Wales citizen would not necessarily be registered under the Victorian scheme, because why would they have to be? But they cannot therefore supervise the person in Wodonga. We are supposed to be moving toward a system of mutual recognition where professionals across the country can actually work in each other’s jurisdictions. This is the engineering regulatory equivalent of Donald Trump building a wall: it is like trying to keep engineers out of Victoria. That is the last thing we need.

So we have grave concerns about this. When we reached out to industry we had some very strong feedback, and I would like to place on the record the submission we received from the Victorian Automobile Chamber of Commerce (VACC). It is a very well-regarded organisation in this state, celebrating its 100th birthday this year. I note that the VACC has referred to this bill, and I am quoting:

It is a 'Clayton's' bill, having no benefit for any VACC members and should be exposed for the farce that it is.

It should be exposed for the farce that it is. The VACC continues:

It should also be noted that no industry consultation has taken place, nor any regulatory or business impact statement been conducted.

Well, if it has been done, we have not seen it. We asked the government for it and they would not show it. Notwithstanding the feedback we have received from Engineers Australia and Professionals Australia which was very much in support of this bill, they do not speak for all engineers and they do not even speak for all of their members. I would make the point that I have received a copy of feedback that was provided by Victorian regional engineers to this bill.

My understanding is that these people were and possibly still are members of Engineers Australia. However, the fact that its submission is very much opposed to the bill and raises legitimate, I think, concerns with it indicates that there was a lot of pressure put on people to withdraw that submission. EA seems to be unfortunately seeking to stand over some of its own members who have got legitimate concerns and questions that have not been answered. So why is the government proceeding with the bill on the basis of assurances that the majority of engineers support it when there seems to be quite a lot of evidence that that is not necessarily the case? I will quote from the submission from Victorian regional engineers:

The Queensland regulation does not achieve its stated aims of improving community safety. Instead, it harms innovation and economic prosperity while creating a significant administrative burden, professional risk and unnecessary red tape.

...

Engineering is a profession that struggles to attract and retain talented participants and this legislation will only contribute to a brain drain both out of the profession and out of the state of Victoria.

There have been a number of concerns raised about this bill from a number of different parties. One constant theme has been that the effect of this bill on rural and regional Victoria will be significant. In particular by

imposing these restrictions on the practice of engineering it will be people who live outside Melbourne and Geelong who will be most greatly affected. The businesses and the citizens who rely on engineers in those areas may well see that supply of engineering services reduced or the price bid increased to make their lives harder and impose more costs on them. Has that been addressed in the government's cost-benefit analysis? We would not know, because the government has hidden it. It has refused to release it.

Given all I have said so far I do not believe this bill should proceed — at least not in its current form and certainly not until the concerns that I have raised have been addressed. I therefore desire to move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until:

- (1) The cost-benefit analysis of the registration scheme, including the additional cost to individual engineers and infrastructure projects, is released; and
- (2) The potential negative effect of the proposed registration scheme on rural communities by restricting access to engineering services is identified and addressed.'

This reasoned amendment is important because when such a significant change is being proposed to the way in which Victorian engineers go about their business, the public, this Parliament and engineers themselves deserve to know the full story. If the government has done a cost-benefit analysis, it should be shared.

I will listen with interest to the contributions of other members, including government members, who no doubt will raise at some point a cost-benefit analysis done by ACIL Tasman in January 2012 in relation to a national registration of engineers in Australia. In relation to that I note that ACIL Tasman was commissioned by Engineers Australia, Consult Australia, the Association of Professional Engineers, Scientists and Managers Australia and the Institute of Public Works Engineering Australia; they were the client.

I also note that ACIL made a number of heroic assumptions, including that national registration, once fully implemented, would prevent one large engineering failure every four years. I do not know how it comes to that conclusion. I do note that, in relation to the recent tragic bridge collapse in Florida, Florida has an engineer registration scheme. An engineer registration scheme provides no guarantee of improved safety, no guarantee of improved service and no guarantee of more professional conduct. The Queensland scheme has not demonstrated that it has improved outcomes for the public. The government has

hidden the cost-benefit analysis on a scheme which would curb innovation and impose a higher cost on engineers, and on that basis we cannot support this bill at this time.

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (15:47) — I am delighted to speak on the Engineers Registration Bill 2018 that is currently before us. This is certainly another fine example of the Andrews Labor government delivering on our promises. This is an important piece of legislation that will establish a single registration scheme for professional engineers, consistent with an equivalent scheme established in Queensland.

Despite the complex nature of engineering work and the pivotal role engineers play in ensuring public safety, most engineers are not required to hold any kind of formal registration or licence in Victoria. This is certainly at odds with other professions, from teachers and nurses to lawyers and doctors, who are required to hold a formal registration.

This bill delivers on our government's election commitment. It has taken three years for the government to introduce this bill to the house. It is a result of the extensive consultation that has taken place. It is something that we are very proud of. I would like to particularly congratulate our colleague in the other place, Daniel Mulino, who took charge of this bill, of course with the Treasurer, to ensure that engineers were consulted and are very much on board. As we know, our government's election commitment was about delivering this bill, and *Victorian Labor's Plan for Jobs and Growth* introduces a mandatory and statutory registration scheme, working with other jurisdictions, to develop a nationally consistent registration scheme for engineers.

As we said back in 2012 when we announced this policy, engineers are critical to our future. They are the crucial link between scientific discovery and practical implementation. Without engineers we cannot innovate to meet the challenges of a changing and challenging world. Back in 2012 we identified that a major contributing factor to the engineering skills shortage was the lack of a national registration scheme for engineers. By introducing mandatory registration in Victoria we are doing our bit to ensure that standards are maintained so we can be confident that engineers in this state are competent and qualified to practise here. We, like other jurisdictions in Asia, Europe and parts of the United States, view engineering as a critical profession. The registration scheme, with mandatory standards, goes a long way to demonstrating the

important role we believe engineers have in ensuring public safety.

This scheme comes at an important time for Victoria, as we continue to invest an average of \$10.2 billion a year over the budget and forward estimates, giving our cities, towns and communities the infrastructure they need. Engineers are critical to delivering these very, very important projects, and this government makes absolutely no apologies for ensuring that the state's engineers are required to demonstrate that they are up to the job.

Thanks to this scheme we will be able to ensure highly qualified and experienced engineers develop and oversee the state's most important projects, like, for example, the Metro Tunnel, the West Gate tunnel and the level crossing removal project. The scheme will give confidence to all Victorians, whether you are in the city or whether you are in regional or rural Victoria, that local engineering services comply with well-established industry benchmarks.

There is broad support from professional engineering associations for a comprehensive single registration scheme for engineers in Victoria. Indeed, Engineers Australia have stated:

The importance of the engineering profession is one step closer to being recognised in Victorian legislation, with the introduction of a bill to highlight the critical nature of engineering skills and increase public confidence.

With this mandatory engineers registration scheme in Victoria we will be one step closer to establishing a national scheme, something that industry is very keen to see. In developing this scheme the government worked closely with industry on the legislative framework, as I mentioned at the outset, and Engineers Australia are satisfied, regardless of what the member for Malvern has said, that the legislation provides assurance to the public, the government and industry that engineers working in Victoria meet the professional standards and have the qualifications that are expected of their profession.

The government has also worked closely with the Queensland government and with other Australian jurisdictions with the registration scheme to ensure that mutual recognition between the two registration schemes occurs. This scheme follows the Andrews Labor government's appointment of the first chief engineer, Dr Collette Burke. Dr Burke's expertise will assist with the establishment of the engineers registration scheme.

In supporting this bill I would like to make the following points, because once enacted, the scheme will come within my portfolio responsibilities. My department, Consumer Affairs Victoria, has worked closely with the Department of Treasury and Finance in the development of this bill. The implementation of the scheme will be a significant project that will be undertaken over the next two years. Implementation will require the development of regulations in order to set the fees and prescribe the forms, as well as the more operational aspects of the scheme. The codes of practice will be developed and approved hand in hand with Engineers Australia, which will be consulted. An extensive consultation will occur with the engineering sector. And of course there is an operating code in Queensland that will be really useful for us to see.

The Business Licensing Authority (BLA), which sits in my portfolio as well, will have responsibility for administering the scheme. They have a proven track record for licensing and registering a number of professions. The BLA ensures licence and registration applications are dealt with fairly, efficiently and legally. They also balance minimising the regulatory burden for those they regulate against consumer protection issues. They are the best positioned government agency to manage the registration of engineers, given their current role in registering other trades. Two engineers will be appointed to the Business Licensing Authority on a part-time basis to help administer the scheme, because currently the BLA is comprised of lawyers, so engineering expertise will be essential. The BLA will help engineers with their registration by providing accessible and transparent information about licensing and registration criteria and procedures. They also maintain public up-to-date registers of those they regulate so that anyone will be able to easily search for the credentials of an engineer that they are enlisting and ensure they are registered here in Victoria.

Registration will last three years. Engineers may renew their registration by applying to the BLA and paying a registration fee. We expect that a condition for renewal will be the completion of continuous professional development of 150 hours over the last three years. Consumer Affairs Victoria will have a role when it comes to the disciplinary system, although it will be shared of course with the Victorian Building Authority.

Overall this bill sets out a framework to enable engineers to obtain professional registration, and it is consistent with the Queensland scheme. This scheme is certainly a big win for consumers. It provides them with confidence and institutes high-quality engineering services, thanks to the public register of engineers, to be run through the BLA in my portfolio of consumer

affairs. We made a promise to the Victorian people in 2012 that we would implement a mandatory engineering registration scheme, and I am proud that with this bill we are delivering on that promise. I certainly look forward to the passage of this bill. I certainly commend the bill to the house, and I look forward to seeing this scheme in full operation once the regulations are developed.

Mr CRISP (Mildura) (15:57) — I rise to make a contribution on the Engineers Registration Bill 2018. First off, I have tertiary qualifications in electrical and electronic engineering, and at some time in the past I was part of the institute of engineers. That was a very long time ago, as it is now Engineers Australia. The purpose of this bill is to ensure that engineers providing engineering services — that is, requiring the application of engineering principles and data for the design, construction, production, operation or maintenance activity relating to engineering — in Victoria will be required to register. This involves an application fee and a registration fee. It will be an offence to provide professional engineering services in Victoria unless a person is a registered engineer or providing services under the direct supervision of a registered engineer.

There is a lot to get through on this, so my contribution should be read in conjunction with the member for Malvern's contribution. We will get down to business. The bill has raised a number of concerns. Firstly, there is the Queensland example. I think just because Queensland is doing something, it is not necessarily an endorsement. Since 2002 my research has shown that there has been little return for this style of scheme and no increase in public safety. In fact on the negative side there have been no bridge assessments done for the transport industry to improve their productivity in that time, because it is simply too risky to sign off on. If you find even the smallest crack in a structure, forget about it. And as the Queensland model has been held up as the great example, my analysis is that most of the complaints that have come forward are trivial, particularly just due to the failure to re-register. So this is not going to provide any amazing increase in safety for people.

Then there are cross-border issues. Will this spark a whole range of state-based registrations requiring those who register interstate and do in fact work interstate to be registered interstate? That is simply too expensive. I am sure we will be back in a few years time asking the cross-border commissioner to sort all this out.

From there I turn to the rural areas. Access to rural engineers has been expressed as a concern. The Municipal Association of Victoria are concerned that

this will dry up engineers in local government. Some 20 per cent to 30 per cent of rural engineers also do some work outside their area of specialty. This will now be illegal. Similarly, those in a small rural practice will need multiple registrations if they are going to legally work as a broad-based engineering consultancy. Also we know that recruitment of rural engineers is already difficult. This is just going to make it harder.

The operation of the scheme is red-tape heavy, and there are some unclear parts to it. The definition of 'direct supervision' is not clear. Does that mean the engineer who is supervising has to check every hand calculation for every part of what has been signed off? If so, why not do it yourself? Can they be hundreds of kilometres away, or are they likely to be just rubberstamping? This is in doubt, and this doubt should not be decided by the courts, because setting a precedent in this local process will be making a decision on someone's future. Also they will be making decisions on technical matters.

Personal indemnity insurance for engineers will be like trying to get insurance against a speeding fine. You are just never going to get it. There is also a risk of vexatious claims. To engineers, the bill reads that once Consumer Affairs Victoria have decided that you are going to be investigated, you are assumed to be guilty. This, too, will drive engineers out of practice.

There are huge risks for our high-end specialist manufacturing businesses. They have changed with the times to keep Victoria a manufacturing state. They have a bright future driven by innovation, and taking some risk in developing products is necessary. However, these businesses are at risk because the definition of 'unsatisfactory professional conduct' for a registered engineer to be judged by the public as set out in clause 3 of the bill is unacceptable in its regulation. Those engineers will be putting their houses on the line to keep Victoria an innovative state. The safest thing for engineers to do with this bill is the same old, same old — the stuff you can do in your sleep — because there is no risk to your livelihood or your home. We will be more dependent on interstate and overseas businesses for some of the key equipment that we need. One business has told me that it is far easier for them to export to New Zealand than to sell a product in Queensland. That does not bode well for our long-term competitiveness.

There are already significant checks and balances within the engineering profession. There are numerous memberships and registrations in place, and they are registered by specialisation. And there are high levels of quality assurance. This is just more red tape.

Who benefits from this? The only benefits I can see are that we get more public servants and more bodies like Engineers Australia (EA) and Professionals Australia. EA have sent a letter to me. Although it was addressed to the shadow Treasurer, it popped up in my inbox. In that letter, EA said that it is:

... urging all members to support the bill's passage through Parliament. The overwhelming majority of Engineers Australia's 22 000 members in Victoria believe that registration is a positive move forward for the profession and our great state.

I am concerned around this because of some research I did. I went to Engineers Australia's website and had a look at their membership statistics. Engineers are precise people, so excuse my indulgence when I point out that in their annual report they state that there are 20 377 members. They say there are 22 000 in their letter to me. Where are the 1623 members? Credibility is vital in their profession, and that is something that concerns us. Also in their membership structure they say that 40 per cent to 50 per cent of EA members are university students who pay nothing for their membership, so they would not know about the bill and how it will affect their careers in the future. They are busy trying to study for a career, not work out whether their career will be too risky to undertake.

EA appear to me to have vacated the responsibility space. They have had the ability to accredit engineers for a very long time with their professional gradings and to demonstrate to the public the level of skill. If they had done their job properly, the public would not be worried about engineers. They would have confidence in them because their professional body had established that confidence. On their watch, by supporting this bill we are going to have more red tape, we are going to have more vexatious action, we are going to be pushing work offshore, we are going to be restricting rural and regional access to engineers and we are going to be pushing project costs up, and I have been given some scary figures in relation to that. Just to quote on certain projects is \$10 000 in the professional area, easily adding tens of thousands of dollars to bills. The definitions of 'unprofessional conduct' and 'direct supervision' are not acceptable and present a huge risk to engineers.

EA have not demonstrated market failure to justify seeking the actions in Victoria, and they appear to support off-the-shelf professional development training, not recognising experience. They have not consulted widely, as they claim to have done. There are a lot of engineers coming forward to me saying they have not heard from EA about this particular issue. Why do so many engineers feel persecuted if they speak out

against this, which was touched on by the member for Malvern? This has come up in my conversations quite extensively — that they are seriously concerned about the pressure that is being applied to engineers and that if you speak up you may not achieve your registration; it may be frustrated. This is an unacceptable threat, veiled or otherwise.

What is this bill really about? I believe it is about supporting Engineers Australia and Professionals Australia to get their coffers lined through professional development. I think it is about Engineers Australia vacating the professional responsibility space and palming it off to government, because they do not want to carry forward the responsibilities they have, and it is about increasing the number of public servants and red tape. This is wrong in so many ways. I support the reasoned amendment because this bill should not be further read for the future of the engineering profession.

Mr NOONAN (Williamstown) (16:07) — It is my pleasure this afternoon to rise and speak in support of the Engineers Registration Bill 2018. I have listened very carefully to the contributions. I think it is worth starting with some background in relation to the passage of this legislation to this place, because there is no doubt that work has been done and leadership has been shown — I want to shout out to my colleague Daniel Mulino in the other place, the Treasurer and other members of cabinet for the work that they have done and also the significant work done by our public servants — in relation to going out and listening very clearly through industry round tables which occurred in 2015 and 2016. There were some further consultations through a consultation paper in 2016, which yielded about 40 submissions from everyone from academics, retired and practising engineers and others with a very strong interest in engineering. There were further meetings all the way through last year and indeed there was further consultation on an exposure draft of this particular piece of legislation. So there has been a very comprehensive process of listening, crafting and shaping a piece of legislation before it actually comes to this place for debate.

I have listened to the contributions to this debate. It would be fair in terms of the contributions from those opposite to think that there are very few who support this piece of legislation. When you have got Professionals Australia and Engineers Australia saying they support this, to discredit their support by in some way suggesting they will be cash cow beneficiaries in terms of the legislation is disingenuous, because those professional bodies are interested in upholding the very important standards for their professions. There are very few professions of this quality — we look at

lawyers who are obviously practising and licensed, we look at accountants who are certified, we look at the medical profession in terms of doctors — where essentially the function of the work of an engineer is often to deliver projects worth billions and billions of dollars.

When things go wrong on those projects, I think it would be fair to say that the whole profession is damaged. It could be said that the same goes for lawyers and doctors or, in the other case, accountants; when something significant goes wrong, it affects the whole profession. So I have no doubt as to the motives of Engineers Australia and Professionals Australia in terms of why they are pushing for this to happen in Victoria, and I in fact congratulate them on their advocacy, because I understand from my own professional background that it is very difficult and you have to be very patient and push for a registration scheme over a long period of time, get some commitments and go through the development process before you see a piece of legislation in the Parliament, as we do today.

In having a look at some of the various contributions in relation to the detail of this legislation I picked up an article from the *Australian Financial Review* that was written earlier this month. It quotes Chris Walton, the chief executive of the association of professional engineers. He does reference the tragic events of New Zealand — in fact, in Christchurch, with the earthquake over there:

We saw the worst of this in Christchurch five years ago when the CTV building collapsed, killing 115 people — a building which was planned by a fake engineer ...

If that is not something that we should solemnly reflect on in terms of this piece of legislation and the importance of this scheme, I do not know what is. We can come up with all of the cost-benefit analysis and the like, but I think the importance around the standards of this profession is critical, because the instance that Mr Walton refers to where lives were lost is a very significant issue that we all need to reflect on.

I think it is also interesting to learn that in fact Engineers Australia, according to the *Australian Financial Review* piece, already has a voluntary national register. It is available online and there are about 18 000 names currently listed, and that is a very significant number. Of course the piece in the *Financial Review* also talks about the fact that other jurisdictions — New Zealand, the USA, Canada, Singapore and Japan — all in fact have registration schemes and points to the fact that with engineers, a quality profession of course, we have a situation here

where engineers are being hired from overseas countries to work here in Australia on 457 visas, and they are not currently the subject of any independent reviews. That is worth keeping in mind in relation to this piece of legislation as well.

This profession and in fact the importance of this legislation is absolutely underlined by the infrastructure boom that is happening in Victoria right now. As a former industry minister I understand very critically that we have about 80 strategic projects either in delivery or being planned to be delivered over the forward period. That is an extraordinary — in fact, a record — building program here in Victoria, in part to cope with our record population growth as well. There are about 20 000 jobs being created during this period.

One of the very good things we have done as part of our policy settings here in Victoria is a program called the Major Project Skills Guarantee, where any project over the value of \$20 million is subject to 10 per cent of the workforce being engaged being apprentices, trainees and cadets. This is quite literally creating thousands of new opportunities for young people. In fact when I was the industry minister it was one of the nicest components of the job to go out to projects like level crossing removals, the early works on the metro rail tunnel, the vertical school in South Melbourne and the West Gate tunnel and meet and talk to young engineering graduates about how excited they were to be working on some of the largest infrastructure being built in Victoria in a generation. You could tell that they were really chasing hard the opportunity to work on these particular projects. I think it is has been a terrific policy, and a policy that should never be thrown out in this state and that we should continue to ensure that young people get a start on our major infrastructure projects.

It is not a burden on industry. In fact when you talk to contractors and subcontractors on site they will tell you that they may have had some reservations about the burden that might be imposed by a policy like that but that it has absolutely been embraced because young people bring an energy to these projects which is a bit infectious.

In looking at this particular bill and what it does, it is clear that the objectives are really threefold. Firstly, to establish a mandatory statutory registration scheme for Victorian engineers — and the bill does strike the right balance ultimately. The second objective is to promote best practice in providing engineering services — we want to be a benchmark here in Victoria. Thirdly, we want to raise the profile of engineering because it is one of the great exports, professional services, in the

Victorian context — something that was brought to the fore, I suppose, during the Land 400 negotiations. There you have got Rheinmetall, who have got engineers based in Victoria who do not want to move to Queensland as part of the winning bid; they want to stay here in Victoria. This is the state that produces more engineering graduates than any other state in Australia.

My support for this bill is really for the following reasons. This is a scheme that is not being imposed on the sector; this is a scheme that is being supported by the profession. It comes at a time of significant infrastructure boom. We cannot afford to have problems with our infrastructure in the future. Having the highest level of registration and certification will maintain standards. I think the bill does strike the right balance. Again, that only comes after significant consultation with the sector, and I think it is something that we are likely to see rolled out. If you come back, I suppose, to this place in two or three years, I think we will see registration in other states such as Western Australia and the ACT, where there are already some preliminary discussions going on about doing something that we are doing here in Victoria and that is being done in Queensland. This is a good bill. It should be supported, and I commend those that have brought this bill to the house.

Mr WATT (Burwood) (16:17) — I rise to speak on the Engineers Registration Bill 2018, and at the outset I want to make it very clear that I do support the member for Malvern on his reasoned amendment, which is that:

... this house refuses to read this bill a second time until:

- (1) The cost-benefit analysis of the registration scheme, including the additional cost to individual engineers and infrastructure projects, is released —

and it goes on to talk about the effect on country Victorians or country engineers.

I want to take up some of the points raised by the member for Williamstown, where the member for Williamstown talked about that in his opinion this bill is not being imposed on the profession; it is actually being supported by the profession. I would say that in all my discussions — and I have had quite a few discussions with engineers over a little while — I have found one engineer who supported the registration process. It turns out he actually works for Engineers Australia, a body which is going to be, along with Professionals Australia, one of the two bodies which will seem to benefit from this particular piece of legislation more than any other body or any other person.

What we know is that this scheme will actually increase costs. It will increase costs for engineers to be able to work, it will increase costs of projects. We also know that it provides no net benefit in terms of safety, because we do know that from around the world — or, particularly, we could even look at Queensland. We know that Queensland is no safer. There are no better standards in Queensland even though they are registered, but the costs are more substantial. So we know that this is not about improving the work that is done by engineers. It is not about insuring the work of engineers.

What this appears to me to be is: it is simply a closed shop. If they are not a member of Engineers Australia or they are not a member of Professionals Australia — one which is actually a union and the other, for all intents and purposes, acts like a union, no difference, and is an industry body, which is essentially a union, and the actual union benefit out of this — engineers do not benefit.

I was at an event only last week. I was at a particular function, and I noticed a sign for the function next door, which happened to be a function of engineers. I managed to find myself — others might say I gatecrashed — in this meeting of engineers, and from a quick count, I counted about 50 people in the room. Of those 50, only one person in the room told me that they supported this particular registration, and that one person happened to be employed by Engineers Australia. I cast no aspersions on him personally — he seemed like a very reasonable bloke, as all engineers are, I am sure — but no-one else in the room actually supported the bill. Many in the room did not know about the bill. Most, bar one, were concerned about the bill.

When I went into the room, I did not go in there to let them know what I thought. I really did want this room of engineers to tell me that they did not think there were any issues with it and that I could go back and report to the member for Malvern that the 50 engineers that I spoke to the other day were all good. I was at a function just before Christmas. If the engineers there had said to me, 'All good. Everybody's all good', I would still look at it and say, 'Well, it's a closed shop, but nobody is really complaining', so who am I to tell every single engineer in the state that they do not know? But that seems to be what the government is doing. The government seems to be telling almost every single engineer in the state and almost every single engineer that I have spoken to that they are wrong and that they do not know what they are talking about.

This bill does not and will not improve engineering in Victoria. Engineering standards are not going to go up; what is going to go up is the cost. We know that

because we have seen that in Queensland. We have seen some pretty disastrous effects of some shoddy work when it comes to engineering, but lots of those that we have seen are where engineers are forced to register. There were incidents in the US. In Florida there was a bridge collapse. Funnily enough in Florida you actually have to register as an engineer. So how is the registering of engineers going to improve outcomes when, as we heard from the member for Williamstown, there is already a national register — it is a volunteer register, but there is a national register — with Engineers Australia and there are already 18 000 people on that register.

I attended the bill briefing, and a member in the other place, Daniel Mulino, was there representing the Premier and was quite open about a lot of the things that we asked and not so open about some other things, like the legislative impact assessment and the costs to engineers. Unfortunately that was one of the things we specifically asked for so we could make a determination as to the impact. I hear from engineers what they believe the impact will be. I hear in Queensland the impact is somewhere around \$3000 per application. I hear about these impacts, but it would be nice to hear from the government, who I know have done the work. They have done a legislative impact assessment of this bill. It would have been nice for us on this side to be able to say, 'At least we know what the impacts are going to be on engineers', but the government did not see fit to provide that.

One of the things that was pointed out was that Victoria will become less competitive because of this registration process, because if a person is living in Western Australia, South Australia or anywhere else in the country and they are an engineer and want to come to Victoria and do a job, they will not be able to come to Victoria to do the job. They will not be able to do work in Victoria because they are not registered. Why would you register if you are in another state? If you were going to have registration, you would probably want to make sure that there is uniform registration. I am not up for registration, but if you were going to do it, you might want to make it uniform across the states.

What we know is that if you are a member of Engineers Australia and you are in Western Australia and you want to do a job in Victoria, because you are a member of Engineers Australia you are probably going to be fast-tracked for approval for your registration in Victoria and you are probably not going to pay as much if you were not a member of Engineers Australia, and what that is going to do is force people to join Engineers Australia. If you can get a discount on your registration, then obviously you are going to think,

‘What’s the cost of being a member of the union? Being a member of the union gets me a discount’.

It is not just Engineers Australia, by the way; we are actually talking about the union. Engineers Australia is one body, and the union is another body that will be able to do this. If you are a member of the union, you will get a discount. I think the advisers during the briefing actually made that point when I asked. I know that they tried to not answer the question when the member for Malvern asked, but when I asked in a different capacity and with a slightly different twist the answer was, ‘Of course, if you’re a member of Engineers Australia, then you could get fast-tracked and you could actually have a discount on the costs’, so yes to being a member of the union.

This bill is about a closed shop. It is about saying that if you are not a member of Engineers Australia or if you are not a member of Professionals Australia, you are not welcome in the profession. That is what this bill is about. It is about forcing people to join the union and the industry body. I must say of all the discussions I have had with people, most of them have actually told me that they are already a member of Engineers Australia, so are not talking about people that refuse to be a member of Engineers Australia, some outlaw body or some rogues out there. These are people that are already — most of them, not all of them — registered engineers on the national register and members of Engineers Australia, and they are vehemently opposed to this bill.

I support the reasoned amendment moved by the member for Malvern, and I do so not only because of all the conversations that I have had with engineers but also because of the briefing that I had and because I know that the government in their consultations primarily consulted with the industry groups and the unions and that when members of Engineers Australia put in submissions they were told they had to pull them back by Engineers Australia. I have accounts of people who have actually told me they have been —

The ACTING SPEAKER (Ms Williams) — Time!

Mr PEARSON (Essendon) (16:27) — I am delighted to make a contribution on the Engineers Registration Bill 2018. I have listened to some of the contributions from those opposite at different points. The member for Mildura said there was no evidence of market failure, and I thought that was quite a telling comment. The corollary of that must be that you only act when there is market failure, so unless you have got

demonstrated proof of market failure, only then do you intervene.

What we have seen in Victoria over the last decade and a half is that the long-term capital investment by the state of Victoria from 2007 to 2014 was \$4.7 billion per annum. When you are talking about capital investment, a significant proportion of that investment would involve payments to qualified engineers. Since 2014 that capital investment figure has more or less doubled. In the current financial year we are looking at, off the top of my head, around about \$10.6 billion. I think the average across the forward estimates is \$9.6 billion. So what you are seeing is a massive influx of capital by the state of Victoria to make the necessary investments which is, as I indicated yesterday in my statement on parliamentary committee reports, an exercise in capital widening — that you make an investment in infrastructure to keep pace with your labour force. When you look at a lot of the infrastructure projects that are currently underway in the state of Victoria, they are in many respects exercises in capital widening.

I note the comments made by the member for Burwood and the member for Mildura about the regulatory burden of belonging to a professional association. That would seem to indicate, according to their theory, that belonging to a professional body is a pure cost. It is a regulatory deadweight on the professional. I would argue something different. I would argue that belonging to a membership body and having a form of professional development that goes with that would look at increasing the competency and the professionalism of the individual involved — that it is an investment in their own human capital.

Moreover, it also provides an opportunity for greater levels of technical development and innovation. In some respects it is a bit like that economic theory around clustering, which in a workforce with 1000 people working in the same place is, on a per capita basis, more productive and more efficient than the per capita basis of 100 workers spread over 10 sites — that is, where you get people coming together, working together and collaborating, you get greater levels of innovation and you get greater levels of efficiency that result from that.

In many respects rather than this being some sort of regulatory deadweight, it is an exercise in capital deepening, where you make investments in technology and you make investments in, say, information technology or other forms of training to increase the per capita productivity and efficiency of the individual. I think this is very important, because again when we are looking at doubling the long-term average of capital

expenditure in the state of Victoria, if we can ensure that as part of that process we are upskilling our workforce and we are training our workforce, then we have got greater capacity to ensure that as demand tapers off we end up with a more highly skilled workforce, which is a desirable thing.

I listened to the comments of the member for Williamstown earlier about social procurement. As the member eloquently outlined, the government has made it a requirement that if you are spending significant amounts of money in these major capital works programs, you ensure that, for example, Indigenous Australians have an opportunity to get skilled up and trained, that people who live in public housing have that opportunity to get skilled up and trained. When you have these sorts of investments, people who would normally be locked out and excluded from these projects can finally get a look in.

I recall a conversation I had with a young Somali man from my electorate. About 18 months ago he came and saw me and said, 'I've got a civil engineering qualification from the University of Melbourne. I'm 26 years of age. I can't get a job, and I feel like I can't get a job because I'm black and my name is Mohamed'. It was a really confronting conversation. This guy has now started off as a trainee and he then got a contract extension, and he is working on one of the great rail projects. Where you have got that level of investment you provide opportunities for someone like Mohamed, who will now end up, probably by the time he is aged 35 or 40, with a fantastic set of qualifications behind him. He is on his way, and that is how it should be — providing these opportunities for people to get properly skilled up and equipped.

I note the member for Burwood talked about the fact that recently a Florida bridge collapsed and that there was a regulatory regime in place and so therefore regulatory regimes do not work. I would say to the member for Burwood, no-one is suggesting for a moment that if you have got a regulatory regime in place, that will ensure you never have a catastrophic engineering failure. I would not say that and I do not think the minister would say that. None of us on this side of the house would suggest that. This is about making sure that we are upskilling the profession, ensuring that the profession has got the ability to actively be engaged and involved in the Asian century.

I recall having a conversation with Andrew Robb before the 2013 federal election, and in the course of the discussion he indicated to me that if you swung an arm up from Indonesia, around through India, through

China and into Japan, that you would have 1 billion people into the middle class by 2030. When you see that massive level of wealth creation, when you see people leave poverty behind them in these emerging economies or, in the case of China, a returning superpower start to come on-stream, there will be those significant investments in critical infrastructure.

We should be doing all we can to make sure that Victorian engineers have got the skills, the qualifications and the expertise to be able to participate in the great wealth story that is being created right on our doorstep. We should be making sure that they have got globally recognised qualifications. Individuals can point to the fact that, for example, they have worked on the Melbourne Metro rail tunnel and have got these qualifications, so they are perfectly positioned and perfectly placed to work on a similar metro project in, say, India.

This is what good regulation is about. I believe that when you have got an appropriate regulatory regime in place, there are opportunities for the individual to become empowered, for the individual to be upskilled and to become more productive on a per capita basis than would otherwise be the case. This is a really important point to make: you need to be able to look at regulation not as some inherent evil but as a positive.

I am grateful for the opportunity to speak on this bill because I thought that the notion of civil engineering was coined in Roman times as a contrast to military engineering. Acting Speaker Williams, as you would well know, the Romans are very famous for building the first aqueduct, the Aqua Appia in 312 BC. Subsequently you can look at the Alcántara Bridge, which was built in Extremadura, Spain, between 104 and 106 AD. The interesting thing is the Romans were the first to discover the benefit of arches.

An honourable member — Were they registered?

Mr PEARSON — Were they registered? I think they were too busy building great monuments that now stand the test of time. The interesting thing with the Romans was they were never quite sure how long a bridge could last. Therefore they looked at doing research around making sure things could last the test of time. The Alcántara Bridge, which is 194 metres long, with arches 29 metres wide, is still in existence today. These sorts of investments, these sorts of contributions from the Romans, have stood the test of time.

I am advised that civil engineering as a term was coined by John Smeaton in 1771 when he established the Smeatonian Society of Civil Engineers. Apparently it

was nothing more than a boozy dinner fest which occurred on a regular basis.

Mr Andrews interjected.

Mr PEARSON — No, it was not particularly civil. The Institution of Civil Engineers was founded in London in 1818. To wrap up, this is a great bill, and I think it will improve the economic capabilities of the state of Victoria.

Ms ASHER (Brighton) (16:37) — I too want to say a couple of words on this bill, principally because of some thoughtful correspondence I have received from one constituent of mine. It was individually addressed to me and was not just some standard letter. My constituent is gravely concerned about the potential impact of this bill on his business.

At the outset, let me say that I support the reasoned amendment moved by the member for Malvern, and I do think the government should release the impact assessment that it has done. If there is going to be regulation, there needs to be proper scrutiny of the costs and benefits. There must be a case made to introduce regulation. I find it extraordinary that the government is not releasing the documentation. When regulation-making occurs, as those members of this chamber who have been ministers know, regulatory impact statements have to be done to justify regulations and their costs. There must be a cost-benefit assessment. There has been a similar type of assessment done in relation to this bill, I understand, and the government is refusing to release it. It is particularly important in this instance because of the ramifications of engineering costs on the costs of infrastructure, and it is particularly important to release this cost-benefit analysis because of the ramifications on individual engineering companies.

I also think that the member for Malvern is correct to have drawn attention to potential negative effects on rural communities and to call for them to be identified and addressed. Other speakers who are far more qualified than me, as the member for Brighton, to talk about rural constituencies have spoken about the impact in rural areas.

I just wish to make a couple of general comments before I move on to my constituent's concerns. It seems to me that so often the Labor Party's answer to wanting to have a high standard — and who would not want to have a high standard in the case of engineering? — is to regulate it. In this instance the regulation is coming in the form of registration. But does registration achieve what the Labor Party actually wants to achieve? I think

we need to look at Queensland. The only other state to have registration of engineers is Queensland, and the question that needs to be asked is: is the standard higher in Queensland than it is in Victoria, New South Wales or elsewhere? We can see that there is no evidence that this is the case. Again I take the point that standards in engineering, particularly in the area of construction, are incredibly important to society. I am simply questioning whether this bill is going to ensure that high standards are met.

The bill clearly will impose costs. There are going to be application fees for registration and there are going to be ongoing registration fees. The bill is going to impose costs. It is incumbent upon the government then to justify why these increased costs are needed and to spell this out for the Parliament, for engineers and indeed for members of the public. I refer to my constituent's email to me, dated 6 March, where he says:

I own an engineering consultancy firm and software company and have become aware of very troublesome legislation that the Victorian Labor Party is trying to implement.

He then goes on to say:

I understand this is being supported by Institute of Engineers Australia ... at the federal ... level and despite concerns raised by Victorian IEAust members, the federal association insisted that the proposal was supported. Of course this all but mandates IEAust membership in Australia and the associated professional fees. These add to the tax that will be levied by the Victorian government. I nor my staff are currently IEAust members but we'll essentially be forced to become members because of this legislation.

I wanted to put that on record because I noted, as I was listening in my office, that many of the Labor Party speakers have referred to the Institute of Engineers Australia and tried to put this up as some sort of persuasive argument for supporting the legislation. This is not a criticism of the institute of engineers, but the member for Malvern has clearly made the case that this body is the beneficiary of this legislation. That is not to say that they are going to use it in a sinister manner, but they are the beneficiary in terms of professional development and, in the case of my constituent, a feeling that you would have to belong to the institute of engineers in order to participate under this proposed legislative regime.

I also want to refer to the costs of projects. Again I rely on my constituent to provide me with the words for this, and I quote:

In my view it —

meaning the legislation —

sets a dangerous precedent. Similar regulations have been passed in Queensland and many engineering functions, particularly in road transport, have essentially stopped ... In Queensland, where they passed similar engineering regulations, the government engineers are so risk averse, essentially nothing progresses. Transport productivity has essentially stalled in that state.

So my constituent, who is an engineer and owns an engineering company, is advising me that the government engineers in Queensland are now so risk averse that nothing is progressing. This Labor government is constantly — I am sure we will hear it again on budget day next sitting week — telling us about the level of infrastructure that they are pouring money into. I would have thought that would be a significant cause of concern for members of this government, to see a link between engineering regulations and a stalling in Queensland, according to my constituent, of construction.

I finally make reference to this information from my constituent:

If we do the same in Victoria —

that is, move to register engineers —

we run the risk of killing productivity, small business and driving more jobs offshore and interstate. Rest assured this legislation will have disastrous cost implications for engineering projects in Victoria.

So on the twin bases of increased costs to engineering businesses and increased cost implications for much-needed infrastructure in Victoria, this bill is not worthy of support. As I said, I support the reasoned amendment put forward by the member for Malvern, but if the government chooses not to accept the reasoned amendment — and it has not accepted any so far in this term of government — then there is absolutely no reason to support this bill. Insufficient documentation is before the government, but this bill has not made the case that these increased costs are going to result in increased benefits. If the government was so sure that there would be increased benefits, it would release the impact assessment it has made. However, it has refused to release it. With those few words, may I indicate my enormous disquiet with this bill before the house.

Mr HOWARD (Buninyong) (16:45) — I am very pleased to speak on this bill, which, as we understand, sets in place a system of registration for engineers. It somewhat amazes me that we are debating a bill like this at this time, because I would have expected — and most Victorians I think would have expected — that our engineers, or anybody who is in the engineering field, would be already registered. It is somewhat

stunning to hear from the opposition their opposition to this bill.

As a commitment before the last election we said that we thought engineers, in line with nearly every other profession across this state, should be registered with an appropriate body so that people could always be confident of their credentials and their experience and so that there was a system in place whereby if people did the wrong thing in their profession, there was a way that they could be either deregistered or disciplined. It would ensure that we always have the best quality of work.

Of course our construction industry is very important to us. We are not just talking about physical construction; we are talking about electrical safety engineers and so on, who are all important in this area. The government, rather than establishing a separate body to undertake all registrations and to oversee registrations, is recognising the professional bodies that already exist. Rather than having the cost of establishing a brand-new registration body, we have said that we are happy to work in an arrangement with the professional bodies out there — Engineers Australia and Professionals Australia, who are supportive of this legislation and who have been registering engineers for some time. In working in conjunction with them we are not putting extra costs into the system. We are working on a system similar to the one that has been, as we have heard, put in place in Queensland, which is a soft-touch approach, as we have described it. We are not starting something entirely new; we are working with what is there.

I also point out that the opposition seems to suddenly be concerned that the two major professional bodies are getting an advantage. I note this is something that has been reflected amongst the engineers in my electorate too. They are a little bit concerned that maybe Engineers Australia's central administration might become too administrative and too cumbersome and not work in the best interests of engineers, but they recognise that they are professional bodies and they want to support professional development. It is a matter of getting the balance right. However, it is amazing to hear the opposition saying how dreadful it is that we are involving the two major professional bodies for engineers in this process. Engineers Australia will be a bit stunned by this too, because it was not so long ago that they wrote to the shadow Treasurer to thank him for the opportunity to comment on the proposed bill. They also wanted to thank him for running a recent round table, where the Leader of the Opposition spoke to people from Engineers Australia and said, as quoted in their letter:

We have no problem with the bill.

The opposition leader said to people from Engineers Australia, 'I have no problem with the bill. We have no problem with the bill'. But suddenly, when the bill comes before the house, they take an entirely different tack from what their opposition leader indicated to the Engineers Australia group. How bizarre is that? It is no wonder so many professional groups are discrediting the opposition, because they just go one way or the other, and they cannot be relied upon to take any single approach at all.

Why do we need this body? We have had other letters come to us too. There is one from an engineer I would like to read out:

I am in full support of the proposed registration of engineers in Victoria as this registration will prevent persons that do not have an accredited degree and experience becoming an professional practising engineer.

In my 20 years as an engineer, I have met a multitude of engineers that have been both registered ... and not registered. Of the engineers that do not have registration and are not willing to go through the processes to achieve this I have found a large selection of them to be unsafe and unethical. Most of these are so-called 'engineers' — they either do not have formal training as an engineer ... or have degrees from universities that are not aligned with the Washington Accord.

As an engineer's position is one that requires process and safety knowledge, as well as how to apply this knowledge in an ethical way, having non-registered engineers in positions of authority can and will cause major issues with projects. This may include non-compliance with standards, substandard designs, budget overruns ... safety issues etc.

Victoria needs to have a registered professional engineers program to prevent this continuing.

That is just one example of the many letters that have been sent to the government totally supportive of this legislation. We know that the legislation is very sound.

With regard to the engineers from my community of Ballarat who have come to me to express some concerns with the legislation, they were very pleased that the Parliamentary Secretary to the Treasurer, Daniel Mulino, was happy to meet with them and was happy to hear what they had to say. He tried to convince them that this legislation is not something that they need to fear but something on which they can work with their own regional professional body of engineers to ensure that this works in their interests.

As a former teacher I know that when we went through the process of teacher registration there were concerns out there, but overall we recognise that if you are a professional, you need to be registered. You need to ensure that there are processes in place if things go wrong, that the community can follow up and have the

confidence to know that the person they are employing in the first place is reliable and, if there is a problem, that there is a body they can go to to have that issue evaluated and that person brought to account.

We also note that as part of this process engineers, as with any professionals, need to continue to undergo professional development, so that is clearly built into this bill, and there are safeguards. If an engineer has come to the attention of somebody who has made a complaint, there is an appropriate process for them to go through and seek redress if they believe the engineering body has been heavy-handed.

The other thing I want to say, in regard to the opposition's concerns that the bill gives too much power to Engineers Australia and Professionals Australia, is that the example in Queensland is that while those professional bodies were established and could quickly fit into their registration process, other bodies can also apply to be registration bodies and that can be provided for. In Queensland we have a number of bodies — about eight or nine bodies in addition to the two major registration bodies that are in place — so there is that sense of competition in place if the big bodies are seen to be becoming too heavy-handed.

This is very sound legislation. It has been worked through over a long period of time in line with a commitment from this side of the house before we came to the last election. It is very sound, as I have said. The opposition's sudden twist comes after they had given Engineers Australia, through the Leader of the Opposition, the understanding that they had no problem with the bill. Suddenly they have taken this strange twist, which is a backflip away from supporting this bill, and I think that is unfortunate. But I am certainly pleased as a member of this government to say that it is sound practice to have certain important professions like this one registered. This bill has been developed through a very sound process working with Engineers Australia and other engineers to ensure that we get this process right, and I clearly support this legislation.

Mr CLARK (Box Hill) (16:54) — I rise to support the very considered and measured approach to this bill being taken by the Liberal and Nationals coalition, as enunciated by the member for Malvern and other speakers. We are very sensibly saying that this bill should not proceed to be read a second time until a cost-benefit analysis of the registration scheme has been released, including the additional costs that the scheme will put on individual engineers and on infrastructure projects, and until the potential negative effects of the proposed registration scheme on rural communities have been identified and addressed. Of

course there is a very significant potentially adverse negative effect on rural communities if the availability of engineering services is restricted.

The member for Buninyong opened his remarks with an assertion to the effect that it is almost self-evident that engineers need to be registered. Unfortunately that seems to be consistent with a view that exists among a number of people on the Labor side of things — that unless someone has got a permit or a registration or an approval or an authorisation from the government they are completely incapable of doing anything. One might wonder whether the member for Buninyong would argue that one needs a permit or a licence or a registration scheme from government in order to stand as a candidate for election. Clearly human beings have survived for many, many years without everything that they do needing to be subject to government registration or approval and without needing to have a piece of paper issued before they can do something constructive, productive or creative on behalf of their community.

We had the member for Essendon wax eloquent about the engineering achievements of the ancient Romans, and he did so of course with good cause, but I do point out to the member for Essendon and others on the government side that as far as is known there was no registration scheme in place for Roman engineers, yet their constructions have endured for centuries. Their constructions have endured for centuries without the need for this government's registration scheme or, as far as I am aware, for any other registration scheme.

It was also interesting that the member for Essendon made a reference to what I believe were some of the writings of Adam Smith and Adam Smith's analysis about efficiency in the division of labour and the advantages of bringing workers in a particular field together to achieve a more productive outcome. If he was referring to Adam Smith, he would also be aware that Adam Smith gave very salutary warnings about what risks there are to the public when members of a particular profession or occupation get together in a convivial atmosphere to discuss various matters. I make no accusation to that effect in relation to engineers, but it is a salutary warning that governments should bear in mind.

Certainly we on this side of the house do proceed from the premise that there needs to be a good case made to show that on balance registration of a particular profession is justified. If that can be shown, then of course there should be registration, and when we have been in government we have implemented and helped make more effective registration regimes and other

similar regimes in relation to a variety of professions, but the case does need to be made. It has not been made to date by the government, and that is why the reasoned amendment has been moved by the member for Malvern.

The member for Essendon also rightly made brief reference to the emergence of the first civil engineers in Great Britain, and of course the term 'civil', as I am sure the member for Essendon knows, was used to distinguish them from military engineers, who up to that point were the only recognised form of engineers, and the civil engineering profession, as I understand it, was largely developed arising out of the highly successful construction of canals throughout Great Britain starting in the middle of the 18th century and continuing into roughly the middle of the 19th century. However, that also was achieved without registration, and that reinforces a point that has been made by the member for Malvern and many others that we need to make sure that the case has been properly made, and we on this side of the house are not convinced to date that that case has been made, which is why I support the reasoned amendment.

The ACTING SPEAKER (Ms Williams) — The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

The SPEAKER — The minister has moved that the Engineers Registration Bill 2018 be now read a second time. The member for Malvern has moved a reasoned amendment to this motion. He has proposed to omit to all the words after 'That' with the view of inserting in their place the words which have been circulated. The question is:

That the words proposed to be omitted stand part of the question.

Those members supporting the reasoned amendment moved by the member for Malvern should vote no.

House divided on question:

Ayes, 46

Allan, Ms	Languiller, Mr
Andrews, Mr	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms

Garrett, Ms
 Graley, Ms
 Green, Ms
 Halfpenny, Ms
 Hennessy, Ms
 Hibbins, Mr
 Howard, Mr
 Hutchins, Ms
 Kairouz, Ms
 Kilkenny, Ms
 Knight, Ms

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

Noes, 35

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

Morris, Mr
 Northe, Mr
 O'Brien, Mr D.
 O'Brien, Mr M.
 Paynter, Mr
 Pesutto, Mr
 Riordan, Mr
 Ryall, Ms
 Smith, Mr R.
 Southwick, Mr
 Staley, Ms
 Thompson, Mr
 Victoria, Ms
 Wakeling, Mr
 Walsh, Mr
 Watt, Mr
 Wells, Mr

Question agreed to.

The SPEAKER — The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 46

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

Languiller, Mr
 Lim, Mr
 McGuire, Mr
 Merlino, Mr
 Nardella, Mr
 Neville, Ms
 Noonan, Mr
 Pakula, Mr
 Pallas, Mr
 Pearson, Mr
 Richardson, Mr
 Sandell, Ms
 Scott, Mr
 Sheed, Ms
 Spence, Ms
 Staikos, Mr
 Suleyman, Ms
 Thomas, Ms
 Thomson, Ms
 Thorpe, Ms
 Ward, Ms
 Williams, Ms
 Wynne, Mr

Noes, 35

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

Morris, Mr
 Northe, Mr
 O'Brien, Mr D.
 O'Brien, Mr M.
 Paynter, Mr
 Pesutto, Mr
 Riordan, Mr
 Ryall, Ms
 Smith, Mr R.
 Southwick, Mr
 Staley, Ms
 Thompson, Mr
 Victoria, Ms
 Wakeling, Mr
 Walsh, Mr
 Watt, Mr
 Wells, Mr

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PARKS VICTORIA BILL 2018

Second reading

Debate resumed from 27 March; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 89, page 72, line 32, after "licence" insert "under subsection (1)(a) or (1A)(a)".
2. Clause 89, page 72, lines 33 to 34, omit "(1)(a), (b) or (c) (as the case may be)" and insert "(1)(b) or (c) or (1A)(b) or (c)".
3. Clause 89, page 73, lines 5 to 9, omit all words and expressions on these lines and insert—

'(6) After section 17B(3) of the **Crown Land (Reserves) Act 1978** insert—

"(3A) The Minister must not grant a licence or enter into an agreement under subsection (1A) unless—

- (a) in the case of land referred to in subsection (2)(a)(ii), the Minister—
- (i) is satisfied that there are special reasons which make granting the licence or entering into the agreement reasonable and appropriate in the particular circumstances and that to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under this Act; and
- (ii) makes a written statement of the Minister's satisfaction of the matters referred to in subparagraph (i); or
- (b) in the case of any other land, the Minister is satisfied that the purpose for which the licence is to be granted or the agreement entered into is not detrimental to the purpose for which the land is reserved.”.

4. Clause 89, page 73, lines 14 to 15, omit “(1)(b), (1)(c), (1A)(b) or (1A)(c)” and insert “(1)(b) or (c) or (1A)(b) or (c)”.
5. Clause 175, page 114, lines 5 to 6, omit all words and expressions on these lines.
6. Clause 224, line 31, omit “where twice” and insert “wherever”.

NEW CLAUSE

7. After clause 93 insert—

‘AA Parliamentary scrutiny of certain approvals

For section 17DA(1) of the **Crown Land (Reserves) Act 1978** substitute—

“(1) The following must be given by the Minister by Order published in the Government Gazette—

- (a) an approval that includes a statement referred to in section 17B(3)(a) or 17D(3)(a);
- (b) a statement under section 17B(3A)(a)(ii).”.

Third reading

Motion agreed to.

Read third time.

**LEGAL IDENTITY OF DEFENDANTS
(ORGANISATIONAL CHILD ABUSE)
BILL 2018**

Second reading

Debate resumed from 27 March; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**GUARDIANSHIP AND ADMINISTRATION
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.

Clerk's amendment

The SPEAKER (17:10) — Under standing order 81, I have received a report from the Acting Clerk that she has made an amendment to the Guardianship and Administration Bill 2018. The amendment is as follows:

In clause 16(2), line 26, I have deleted ‘(1)(h)’ and inserted ‘(1)(i)’ so that it now refers to the correct subsection.

RULINGS BY THE CHAIR

Member conduct

The SPEAKER (17:10) — I want to advise the house of two matters. Firstly, a concern was raised with me by one of the acting chairs, the member for Geelong, regarding the behaviour of a member towards her in the chamber yesterday. I have had a look at the footage of the incident during statements on committee reports, and I take the opportunity to warn the member

for Burwood that I will not tolerate members shouting at acting chairs any more than I will tolerate members shouting at me in the chair, so I ask the member to refrain from doing that in the future.

The member for Ringwood raised a point of order earlier today regarding a concern that the member for Clarinda had made an indecent gesture in the house. I have reviewed the video footage of that incident, and it appears that the member for Clarinda did make an inappropriate gesture towards members sitting opposite him — although his head was down, so it was not possible to conclude that his gesture was directed at any particular person or member. While there is no specific standing order or sessional order that covers such behaviour, gestures of this kind are clearly unacceptable and I would hope that the member sees his way to apologise to the house.

Mr LIM (Clarinda) (17:11) — I apologise to the house, Speaker.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

Glen Huntly Road, Elwood, pedestrian crossing

Ms ASHER (Brighton) (17:12) — (14 221) The issue I have is for the Minister for Roads and Road Safety, and my request of him is to fund in the upcoming budget in May a signalised pedestrian crossing on Glen Huntly Road near Elwood Primary School. Elwood Primary School approached me in about 2012 on this matter, and I was advised many years ago that VicRoads had developed a proposal to replace the existing school crossing with pedestrian-operated signals and that the proposal was just awaiting funding. In fact there was an instance of correspondence to me on 26 June 2014 from the former Minister for Roads, the Honourable Terry Mulder, where this advice was conveyed to me.

The problem for the children of Elwood Primary School, who want to be able to cross Glen Huntly Road safely, and indeed for other members of the community who use this busy road is that no funding has been found and nothing has been done since my original advice of the proposal being developed and the matter just awaiting funding. In more recent times — and I would urge the minister to have a look at this — there has been an online petition launched by —

An honourable member interjected.

Ms ASHER — No, not by me. I would not know how to launch an online petition, nor indeed how to sign one. This was launched by Edward Cook and is entitled ‘Pedestrian crossing on Glen Huntly Road near Elster Creek/Elwood Primary School’, and as of Friday, 23 March, there were nearly 400 signatures to that petition. I would urge the minister to go and look at this matter. This has been hanging around for ages. Something needs to be done for the safety of schoolchildren and of residents, and I would urge the minister to fund this pedestrian crossing in the upcoming budget in May.

Essendon electorate netball facilities

Mr PEARSON (Essendon) (17:14) — (14 222) I direct my adjournment matter to the Minister for Sport, and the action I seek is for a meeting to be convened between Sport and Recreation Victoria, the City of Moonee Valley, the Essendon District Netball Association and me to discuss the feasibility study into the provision of additional netball courts at the Riverside golf and tennis club in Ascot Vale. For far too long in my community women and women’s sporting facilities have been left behind, and the courts at Riverside are not up to grade. There is no pavilion to support them. Recently Richard Randall, who is the president of the Essendon District Netball Association, started a petition calling for these courts to be rebuilt. I commend Mr Randall on his passion and his commitment to this great sport, and I would really welcome the opportunity for us to sit down and explore this opportunity in greater detail.

Markham Avenue, Ashburton, redevelopment

Mr WATT (Burwood) (17:15) — (14 223) It is fortuitous that the Minister for Major Projects is here, because I rise to speak to the minister around the Markham housing estate, noting the fact that the revocation motion was passed for amendment C298 in the other house yesterday. I once again call on the minister to consult properly with my community and consult properly with the Boroondara council. I find it quite amazing that the minister and the government would think that consultation is sending an email to the council the day before the planning scheme amendment was put forward. Having not spoken to the council in months and having given no indication as to what they were doing, to then send an email the day before to say, ‘Hey, by the way, that planning scheme amendment, we’re redoing it tomorrow’, is no consultation. I would ask the Minister for Public Transport, in her capacity as

Minister for Major Projects, to actually consult with the community in Ashburton.

This particular issue has been going on for some time. For some time I have been saying that with the decrease in public housing on the site, from 112 bedrooms down to 77 bedrooms, it is incredible that the government could say that they are increasing public housing when there are actually less people being housed on that site.

I listened to the contributions yesterday from members in the other place. I listened to the contribution of a member for Southern Metropolitan Region, and it was clear that, as a member who represents the area of Ashburton, he had no idea about the proposal. He had no idea about whether there are 60 units, 61 units or 62 units. He had no idea whether the original proposal was for 250 units, 194 units or 220 units. It is clear to me that members of the government have absolutely no idea when it comes to the Markham housing estate, and absolutely no idea when it comes to what the community expects and what I as the local member of Parliament have been saying for some time. We want a good outcome at Markham. We want an outcome where the residents can be happy, future public tenants can be happy, the local council can be happy and hopefully the government will be happy, if it is willing to consult with the residents and work with the local council to get a good outcome down at the Markham housing estate. I call on the minister to properly consult.

Social Enterprise Strategy

Mr McGUIRE (Broadmeadows) (17:18) — (14 224) My adjournment request is to the Minister for Industry and Employment. The action I seek is an update on the Andrews Labor government's efforts to ensure that Victoria remains at the forefront of social enterprise. Could the minister report on specific measures in my electorate of Broadmeadows to support this growing sector?

Social enterprises allow people to use their creativity, skills and knowledge to alleviate poverty. Muhammad Yunus invented microcredits, earning a Nobel Peace Prize by establishing a new kind of capitalism featuring altruism and generosity. I had the honour of meeting the Nobel Peace Prize winner recently in Melbourne when I discussed his strategy. He is challenging young people, businesses, political leaders and citizens to embrace this new style and to improve the opportunity for a fair go for all.

There is a real opportunity to be had in Broadmeadows with the old Ericsson site. It already has a community hub featuring 15 not-for-profit organisations, with more

in the pipeline. It offers meeting rooms, competitive rents and a cafe run by a social enterprise in one of Victoria's communities struggling under industrialisation. Such initiatives are aided by the Andrews Labor government's *Social Enterprise Strategy*, and I look forward to an update on its implementation.

I want to point out how this can be harnessed, because social enterprises help people change their mindset as well as giving them better opportunities so they can move from a welfare or charity mindset to economic empowerment. That can be initiated through the help of mentors and microfinance funding. Put it this way: microfinancing helps people to be job creators, and hopefully over time they can become employers themselves. This is how it can form a virtuous circle and how it can actually help alleviate poverty and provide jobs and a better future.

Shepparton electorate methadone service

Ms SHEED (Shepparton) (17:20) — (14 225) My adjournment matter is to the Minister for Mental Health, who unfortunately has just left the chamber. The action I seek is that he establish a full methadone service in the Shepparton district which has the flexibility to cater for the particular needs of our regional community. Opioid addiction is a significant issue in my electorate, not only in terms of illicit drugs such as heroin but also in terms of prescription opiates such as morphine and oxycodone. Doctors have reported increasing misuse of prescription drugs and high instances of overdose.

As the minister will no doubt be aware, methadone is a prescription drug that assists people manage their opioid dependence and requires a GP to prescribe it and a pharmacy to dispense it. This is a real problem in Shepparton. For many years arrangements have been ad hoc and unsatisfactory. Representatives in the medical, legal and social welfare system have often spoken to me of their frustrations in getting people access to an appropriate service. I am told the government favours a community-based approach to methadone treatment, but within the framework Shepparton is left with only a handful of doctors and pharmacies willing to provide access to the treatment.

This raises several issues. Firstly, those using methadone in our region rarely have access to daily dispensing and often leave pharmacies with takeaway dosages, which is against best practice of methadone treatment. While Melburnians may be able to walk or take public transport to a neighbouring suburb to access a weekend or out-of-hours facility, in regional Victoria

we do not have that luxury. There seems also to be a serious gap in the education and training of our healthcare professionals to give them the confidence to provide the service the community needs.

As the minister would appreciate, people beginning methadone treatment are often dealing with complex issues and experiencing a very volatile period in their lives. It is no surprise really that some owners of pharmacies and medical practices in my electorate have been reluctant to assist. It would seem appropriate that these people, those at the pointy end of tackling their drug addiction, have access to specialised programs that could also connect them with relevant counselling and other social support services. We do not want to be creating barriers to treatment for people who are ready to seek help for themselves. Once they are in the program and stabilised, there is no reason why the majority of people could not be transitioned back out to those community-based frameworks if the services are there.

I urge the minister to work with healthcare providers in the Shepparton district to develop a fit-for-purpose local solution, which I expect could also provide a blueprint for tackling similar issues in other areas of regional Victoria.

Whitten Oval

Ms GRALEY (Narre Warren South) (17:23) — (14 226) My adjournment matter is for the Treasurer and concerns the Western Bulldogs Football Club. For the record, I convene the Spring Street Barkers here at Parliament House. The action I seek is that the Treasurer assists with the further development of the Whitten Oval in West Footscray.

The Western Bulldogs VFL, AFL Women's and AFL men's sides all train on Whitten Oval. The women's team has provided some excellent footy games on the ground recently for our entertainment and admiration. Well done to the women's team for an excellent season. There has been so much improvement across the board, and last Saturday a premiership. Congratulations to the captains, Ellie Blackburn and Katie Brennan, and the best on ground, Monique Conti. The men's season is now underway, and I must admit that I cannot wait to see my red, white and blue men out at Etihad on this Easter Sunday.

The Whitten Oval, where real strength lives, is the spiritual home for those of us who have been attending games for decades. From my first days in my pram watching the games, to standing on the far rail with friends and family, and now watching the women play,

the Whitten Oval has and always will feel like home. But it needs improvement. A new scoreboard, upgraded lighting, female change room facilities and public toilets are all urgently required. If we are serious about women's footy and if we want to support community engagement at footy clubs, which the Western Bulldogs do better than anyone, then we need to assist clubs where we can.

I have witnessed the admirable work of the Western Bulldogs supporting youth in the west through initiatives in the health area like the Sons of the West and Daughters of the West health promotion programs, which are really excellent. The Whitten Oval needs a bit of a renovation. I urge the Treasurer to assist the Western Bulldogs Football Club as it continues to support the people of the mighty west.

Crib Point–Pakenham pipeline

Mr PAYNTER (Bass) (17:24) — (14 227) My adjournment matter is to the Minister for Energy, Environment and Climate Change, and the action I seek is that the minister review the route of the Crib Point to Pakenham pipeline project proposed by energy infrastructure businesses APA and AGL. I have met with a number of landowners with properties along the proposed route, and many have raised concerns about the long-term impact of the pipeline on their properties.

One such landowner is Corrigan's Produce Farms. Corrigan's is a family-owned fifth-generation farming business, which currently operates across four properties in Clyde and Devon Meadows. It grows high-quality vegetables on a large scale. It makes a meaningful contribution to our nation's food security and Victoria's economy. It is part of the heritage and culture of Victoria. It is committed to maintaining the family farm as an integral part of the Australian landscape, with its sixth generation of farmers currently working within the business.

Suitable farming ground is rapidly vanishing within the City of Casey, and three of its current farms are now in the direct path of development. The land that will be at first impacted by the proposed pipeline is located at 2460 South Gippsland Highway in Devon Meadows, which it refers to as the North Road farm. Corrigan's aim is to continue farming vegetables and to create a community asset at this site. However, the proposed pipeline will have a severe adverse impact on their current and future land use and will ultimately mean the end of the fifth-generation family farming business. Further, a pipeline full of contaminant that can kill crops and destroy the air quality and soil running under prime Victorian growing land is not in anybody's best

interests. We certainly object to the proposed pipeline cutting through the North Road farm and seek help from the minister to influence the pipeline route.

Bridge Inn Road duplication

Ms GREEN (Yan Yean) (17:27) — (14 228) My adjournment is to the Minister for Roads and Road Safety, and the action I seek is that he bring forward the duplication of Bridge Inn Road in Mernda and Doreen. My community is incredibly grateful for the road projects already funded in the Yan Yean electorate, which include Yan Yean Road stages 1 and 2. Stage 1 to Kurrak Road is underway now, and stage 2 will take this road duplication to Doreen. As you know, Speaker, the Plenty Road duplication is beginning in your electorate but is funded all the way to Bridge Inn Road in Mernda, so it is getting underway and delivering local jobs. This is in stark contrast to the Liberals, who in four years delivered not one metre of arterial road upgrade and not one dollar for the upgrading of roads in the electorate of Yan Yean.

It is not just roads that are being funded, as the minister at the table, the Minister for Public Transport, knows full well. The magnificent Mernda rail project is going gangbusters, as is —

Ms Allan — Busting gangs!

Ms GREEN — Busting gangs. The patronage records for the Plenty Valley bus network are also going really well. We could do so much more if the federal government did not starve Victoria of funds. We would be able to bring things forward and do a whole lot more that this community badly needs.

Last weekend I was at the Mernda festival on Schotters Road, which is right alongside where the stabling yards and car park for the Mernda rail project are under construction at the moment, so people were able to see how much this project is moving along. What they would really like, and they were signing petitions at my stall for this, is for Bridge Inn Road to be duplicated as well.

Work is already occurring with the Mernda rail project and the projects on Plenty Road and Yan Yean Road, including the intersections with Bridge Inn Road. All that work can be done sequentially and be linked in with the rail project and the new cycling paths that are coming along. Also, much of Bridge Inn Road is being constructed currently by developers, either housing developers or those around the Mernda town centre. It absolutely makes sense to bring forward the duplication of Bridge Inn Road, and I urge the Minister for Roads

and Road Safety to work with the Minister for Public Transport and other transport agencies to bring this important road forward.

Glen Eira recycling collections

Mr SOUTHWICK (Caulfield) (17:29) — (14 229) My adjournment tonight is for the Minister for Energy, Environment and Climate Change, and the action I seek is for the minister to intervene in a dispute with SKM Recycling which is causing a number of councils to have uncertainty about their recycling being picked up and ultimately what price they will be paying for the collection of recycling materials.

Yesterday I received a call from Glen Eira City Council to say that they were informed by SKM that their recycling materials would not be collected and that they should be making other arrangements. This was obviously very difficult information, particularly leading into Good Friday when a number of their facilities, including their parks, have recycled materials collected as well as a couple of areas of homes that have collection days when recycling would not be picked up. I was informed this morning that the dispute has been temporarily halted thanks to the work of the Municipal Association of Victoria and other councils that have stepped in.

This is a dispute between the government and SKM, who I believe is awaiting a grant that has not been satisfactorily delivered by this government. We would seek therefore that there is certainty around collection of these recycling materials and that councils will not have to pay substantially more, which would then be passed on to ratepayers. This is a very important area, particularly as I know ratepayers in the City of Glen Eira pay exorbitant rates, as people do in many other council areas. Ratepayers always complain about their rates and that they are already paying too much for the services they are getting. That is not to say that Glen Eira does not deliver good services, but ratepayers do not deserve to pay more. This government needs to step in and make sure that there is certainty of collection and that the ratepayers ultimately will not be paying more for this service.

Kananook train stabling facility

Ms KILKENNY (Carrum) (17:32) — (14 230) My adjournment matter is for the Minister for Public Transport, who is in the house tonight. The action I seek is for the minister to provide an update on the works being undertaken to construct a purpose-built train storage facility in Kananook to improve efficiency and run more trains on the Frankston line. Building the

Metro Tunnel project will mean more trains can run on the Frankston line, but we will need to store more trains than the existing train storage capacity at Carrum allows. The current stabling for six trains at Carrum needs to be moved as part of the level crossing removal project, which includes the revitalisation of Carrum. The Kananook site will not only accommodate immediate train storage needs but it will also have the capacity to accommodate up to 24 trains so we can run more trains on the Frankston line. The properties of a number of businesses will need to be acquired for the new Kananook facility, and that process is already underway.

Recently Frankston City Council facilitated and funded a meeting with the federal Liberal member for Dunkley and the state Liberal member for Hastings to oppose the Kananook stabling facility. It is incomprehensible that Frankston City Council and the Victorian Liberals would be opposed to running more trains on the Frankston line. Could the minister please provide an update on the status of the planning and construction works for a new train stabling facility at Kananook, including what support will be provided to the existing businesses whose properties will be acquired for this important and vital project?

Responses

Ms ALLAN (Minister for Public Transport) (17:33) — The member for Burwood raised a matter regarding the disgraceful efforts in the upper house yesterday in once again revoking a planning scheme amendment relating to the important redevelopment of the Markham estate at Ashburton. This is part of an ongoing pattern that we are seeing develop in the upper house where planning scheme amendments are being revoked almost in a willy-nilly and reckless fashion by those opposite in the upper house, bearing no thought to the consequences of their actions. In this instance, the consequences of their actions are a risk to jobs in terms of the development of that housing estate and also the very fact that this delays important improvements that need to be made to public housing on this site.

The member opposite's action, if I recall, was that there be consultation — what he said was for us to 'properly consult' — with the community and the Boroondara council. I would like to let the member know that I was advised by the Minister for Housing, Disability and Ageing that he has twice met with the mayor and CEO of the council to discuss this matter. There have been two community information sessions attended by approximately 250 people. There were three pop-up sessions to inform the community of the project and information sessions. There have been briefings of Boroondara council. There has been a letter box drop to

1500 households. There has been doorknocking of adjoining residents. There has been a dedicated web page with project information and online feedback forms, together with print and social media advertising. There have been a number of meetings with the council, the Ashburton Residents Action Group and other stakeholders.

This request is a simple fig leaf for the ongoing opposition to an improvement in public housing in this area. I would suggest we could consult day in, day out for the next six months and we would not change the mind of the member for Burwood. It is clear that he does not support the public housing improvements that we are wanting to make in his area. We will continue to push on because we know that this is an important project, which is creating jobs and most importantly supporting people who need our help the most — those who live in public housing. It will make an important improvement to their standard of living.

I move on to another matter raised by the member for Carrum regarding improvements on the Frankston line. I was really pleased to be in Carrum with the member for Carrum on Monday of this week where we saw that works are ramping up on the program at Carrum, and in this instance the construction of the much-looked-forward-to road bridge that is going to connect both sides of Station Street across the Patterson River. Of course that is part of the broader level crossing removal program.

I was shocked to hear the report from the member for Carrum that it was the Liberal Party in cahoots with the Frankston City Council who organised a forum last week against the train stabling facility at Kananook. Putting the Liberal Party aside, because we know that they oppose improvements on the Frankston line — they have opposed the planning scheme amendment in the upper house on this matter that is about running more trains more often on the Frankston line and we know they are opposed to the 2000 jobs that this program of works creates, so we will put them to one side because, frankly, they are getting more and more irrelevant when it comes to making improvements on the Frankston line — what really frustrates me is the Frankston City Council, which needs to be held to account on this matter, particularly given that I met with the council, with the members for Carrum and Frankston, to explain what was going on, again, on the Frankston line. I explained the importance of the stabling at Kananook, what it means to be able to stable more trains at Kananook, that it needs to be done because of the massive program of works we are doing at Carrum and that we are creating jobs at the same time. I must say I was very disappointed to see that the

Frankston City Council have ignored that advice, have ignored that information and are in cahoots with the Liberal Party who, as I said, just simply oppose this program of works.

I appreciate the hard work that the member for Carrum has done in representing the views of the businesses in this area, and I acknowledge that compulsory acquisition is a challenging process to go through. We are working with those seven businesses that need to relocate from this site. They will be compensated under the Land Acquisition and Compensation Act 1986, and we will continue to work with them to find alternative sites. I have met with some of the business owners, and the member for Carrum continues to work with them on these matters because we acknowledge that it is a difficult process.

But we do also need to acknowledge that in order to run more services on the Frankston line, to support more people who want to catch the train on the Frankston line, we have to increase stabling, and Kananook is a really important strategic location to put the stabling in place. It is once again so bitterly disappointing to see that the Frankston City Council are ignoring not the advice that has been given to them by government but the advice from the agencies and the experts who are operating the system. The member for Carrum and I will continue to push on and continue to make these improvements on the Frankston line and, most importantly, get rid of those dangerous and congested level crossings.

The remaining eight members raised matters for various ministers. They will be referred to them for their action and response. I wish everyone a very happy and safe Easter holiday period.

The SPEAKER — The house now stands adjourned.

House adjourned 5.40 p.m. until Tuesday, 1 May.

