

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 8 August 2018**

**(Extract from book 10)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry** (from 16 October 2017)

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Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
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Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
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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**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John <sup>5</sup>	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>6</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
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 <sup>7</sup>	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>8</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>9</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
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 <sup>10</sup>	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

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

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

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

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

<sup>5</sup> Nats until 28 August 2017

<sup>6</sup> Elected 14 March 2015

<sup>7</sup> Died 23 August 2017

<sup>8</sup> Elected 31 October 2015

<sup>9</sup> Resigned 2 February 2015

<sup>10</sup> Elected 18 November 2017

**PARTY ABBREVIATIONS**

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

### **Legislative Assembly committees**

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

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr 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*): Dr Carling-Jenkins and Mr Gepp.

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

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

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**Wednesday, 8 August 2018**

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

**NOTICES OF MOTION**

**Notice of motion given.**

**ELECTORAL MATTERS COMMITTEE****Civics and electoral participation in Victorian state parliamentary elections**

**Ms ASHER (Brighton) presented report together with appendices and transcripts of evidence.**

**Tabled.**

**Ordered that report and appendices be published.**

**DOCUMENTS**

**Tabled by Acting Clerk:**

Auditor-General — Managing Rehabilitation Services in Youth Detention — Ordered to be published

*Subordinate Legislation Act 1994* — Documents under s 16B in relation to *Catchment Land Protection Act 1994* — Declaration of the feral or wild population of the cat to be an established pest animal on specified Crown land.

**OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016**

*Council's amendments*

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

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

**MEMBERS STATEMENTS****Mornington Peninsula planning**

**Mr MORRIS** (Mornington) (09:36) — When I first entered this Parliament almost 12 years ago, one of my first statements identified the threat that the Bracks government's planning policies posed to the distinctive character of the Mornington Peninsula. More than a decade on, nothing has changed. This government has orchestrated a sustained attack on peninsula livability. They have trashed the rules on residential development. They have taken two-storey height limits and made them three. They have scrapped reasonable minimum

subdivision sizes and replaced them with anything-goes rules that can only result in the slums of the mid-21st century. They have launched the biggest attack on the amenity of towns and villages on the Mornington Peninsula in the history of town planning controls.

And not content with plotting to convert our bayside towns into densely populated suburbs, not content with consistently failing to protect the distinctive peninsula character, Labor has refused point blank in this term of government to act to ensure that the green spaces on the Mornington Peninsula are preserved for future generations. In true Labor fashion they are happy to provide strong, legislated planning controls for the Macedon Ranges — the marginal seat there — but not for the Mornington Peninsula.

The Liberal and National parties have proposed that the landscape protection controls in the Planning and Environment Act 1987 should apply to the entire Mornington Peninsula. The government refused to entertain such a notion. So too have the Greens. Only a Liberal and a National government will protect the peninsula for generations to come.

**Country Fire Authority Kangaroo Flat brigade**

**Ms EDWARDS** (Bendigo West) (09:37) — I was really pleased to attend the Kangaroo Flat fire brigade awards and presentation evening recently. The highlight of the evening of course was the announcement of the 50-year medal to brigade member ex-captain Ken Deveraux and indeed the dedication of the Kangaroo Flat pumper to him. The other highlight of the evening was the 70-year medal to ex-captain William 'Bill' Bowery, AFSM, who also had an appliance dedication, the Kangaroo Flat tanker.

There were many other awards that evening: a 70-year medal to ex-captain Bill Bowery, as I mentioned; a 40-year medal to Debbie Browning; 35-year medals to Darren Hocking and Andrew Smith; a 20-year medal to Mary Melis; 15-year medals to Jamie Hart, Nick Evans, Tom Dargaville and Glen Brown; and 10-year medals to Amber Osborn, Tyler Harris and Taryn Fagan.

As always, it is a pleasure to meet with members of the Kangaroo Flat fire brigade. Firefighter of the year went to James Clements, the encouragement award went to Keith Mitchener and the most valuable person at the brigade award went to — a well-deserved acknowledgement — captain Layton Miller.

**Bendigo health waiting lists**

**Ms EDWARDS** — I also want to mention that Bendigo is now leading the way in record low

ambulance and surgery wait times. We have invested heavily in our ambulance and health services, and as a result we have great ambulance response times.

### **Country Fire Authority Strathbogie station**

**Ms RYAN** (Euroa) (09:39) — I call on the Minister for Emergency Services to examine the space required for the Strathbogie Country Fire Authority. The fire station was built in the late 1970s, and when both tankers are inside the brigade cannot open any of their storage cupboards due to the tight squeeze. The brigade is half an hour from any other station, and because of this remoteness they are hoping to upgrade their smaller tanker. Their ultralight is already stored in a neighbour's garage, and more space is desperately required.

### **Euroa electorate road safety**

**Ms RYAN** — The safety of students at St Patrick's Primary School, Kilmore Primary School and Assumption College in Kilmore is being put in jeopardy by a lack of traffic infrastructure. About 2500 students leave school at the same time every day. After a student was recently hit by a car leaving school, I am calling on the state government to work with the schools and Mitchell shire to ensure the safety of every child and parent.

### **Euroa electorate sporting clubs**

**Ms RYAN** — I call on the government to reassure the communities of Benalla and Seymour that they will match my funding commitments to local sporting clubs. Benalla's Raise the Roof undercover equestrian arena and upgrades to Benalla's junior sporting facilities and Seymour's Kings Park are widely supported projects which the community has been working hard towards. They deserve funding regardless of who is elected, and I am calling on the Andrews government to commit to delivering this infrastructure.

### **Kangaroo pet food trial**

**Ms RYAN** — Labor must come clean on its plan for the Kangaroo pet food scheme if it is re-elected. Farmers around Toolleen last week raised their concerns with me about the explosion in kangaroo numbers locally. As seasonal conditions worsen and feed becomes more scarce, the overpopulation of kangaroos is becoming even more of an issue, and it is very concerning that this government has extended the kangaroo pet food scheme until March next year, with no guarantee of it continuing beyond that time frame.

## **Sir John Monash**

**Mr EREN** (Minister for Tourism and Major Events) (09:40) — One hundred years ago today an eminent Victorian, General Sir John Monash, led Australian troops to a decisive victory near the French town of Amiens. This victory set in motion a chain of events that led to the end of one of the most destructive and bloody chapters in global history, World War I. On this day Field Marshal Douglas Haig launched an attack on the Germans at the Battle of Amiens. The attack was spearheaded by the Australian Corps, which had been ordered by Monash to capture enemy artillery. This strong, decisive victory caused the German military leaders to recognise that the war was effectively lost. It was their 'black day', and they were pushed back to the Hindenburg Line.

The wartime service of General Sir John Monash was marked by integrity, innovation and organisational ability. His successful use of the maximum possible array of mechanical resources in the form of guns, machine guns, tanks, mortars and aeroplanes to protect his men and secure strategic positions changed not only the war but warfare itself. After the Battle of Amiens, King George V invested Monash as a Knight Commander of the Order of the Bath. This was the first time a British monarch had honoured a commander on a battlefield in nearly 200 years.

Monash received many accolades from many countries for his war service. His postwar service was every bit as exemplary. He was head of the State Electricity Commission, a founding member of the Rotary Club of Melbourne, vice-chancellor of the University of Melbourne and a great supporter of Anzac Day and the planning of the Shrine of Remembrance among many other achievements.

### **High Street, Belmont, bicycle paths**

**Mr KATOS** (South Barwon) (09:42) — Last Wednesday, 1 August, I was pleased to take the Leader of the Opposition to High Street, Belmont, where we met with traders and shoppers who are concerned about the proposed bike paths down High Street. After presenting a petition to this house with 2700 signatures, the traders were very pleased to hear that under an elected Liberal government we will reopen the consultation to look at all possible routes, including Francis Street and the Church Street-Thomson Street route, not just High Street. We will also direct the Transport Accident Commission to remove its restrictive clause that only High Street routes are to be funded and to fund whatever route the consultation finds is best.

Traders, shoppers, visitors, residents and cyclists have contacted me to express their gratitude for this announcement. I especially would like to thank Vince Albanese at the Joker Shoppe and Sean Clark at Bakers Delight, to name a few, for their continued support in this fight. However, the member for Geelong continues to show that she has no idea about the plight of small businesses in High Street and the needs of the predominantly older demographic that use the High Street shops. On-street parking is critical to both small business and shoppers. The member for Geelong was quoted in the *Geelong Indy* as saying:

The new bike path will also enable streetscape improvement to High Street, providing a more attractive customer experience.

Well, I can tell the member for Geelong that removing car parking will force businesses that are already doing it tough to close, and you will not have an attractive customer experience but a ghost town experience with closed shops down the strip.

### Mary Day

**Mr FOLEY** (Minister for Housing, Disability and Ageing) (09:44) — I rise to mourn the passing of Mary Day. The truest of true believers, there was not a corner of the Victorian Labor Party or the labour movement, particularly in inner Melbourne, that Mary had not touched over her long and proud career as a Labor activist. A seemingly permanent fixture for over 20 years at the offices of Gerry Hand and Lindsay Tanner, she played the role of mentor, confidant, adviser, problem solver and, when needed, quiet enforcer. Mary's steady hand and calm manner but steely iron will made her a figure of both impressive leadership and friendship to many in our movement, particularly to young women whom she more than mentored, including a number of members of this house.

To know Mary over these years and decades was to learn of not only her tough life and her Labor collectivist values from her life in Warrnambool but also her central role in state and federal Labor. Her support for progressive values, for supporting women and children including, as I have indicated, many in this place, will not be forgotten. Her contribution lives on in the array of achievements at a local and state level, and national policy outcomes. More importantly her shared values endure in those of us her life and guiding hand touched. She helped to send many of us on our way. Vale, Mary Day. She was much loved and will be deeply missed. Condolences to Nick and the Eccles family.

### Emmaus College

**Mr ANGUS** (Forest Hill) (09:45) — I was very pleased recently to attend the annual production of Emmaus College, this year *Seussical the Musical*. It was an outstanding production with lots of tremendous acting, singing and dancing. There had obviously been a huge amount of work put into this production by everyone involved, both on and off the stage, and it showed during the show. I congratulate all the students, staff and volunteers involved in the production on a really great show.

### 1st Tally Ho scouts

**Mr ANGUS** — It was a great pleasure to recently attend the annual trivia night hosted by the 1st Tally Ho scout troop, which is located in the Forest Hill electorate. As always it was a fantastic night, with everyone there learning lots of new and often obscure facts. I congratulate everyone involved with the night, in particular quiz master Andrew Henley. I also congratulate and thank all the volunteers involved with Tally Ho and other local scout troops, including the leaders of the joeys, cubs, scouts and rovers groups, who freely give of their time week in and week out.

### Government performance

**Mr ANGUS** — The stunt pulled in the house yesterday by the member for Monbulk shows just how desperate the current government is. It will stoop to any level in a vain attempt to divert the focus of attention from its dishonesty and systemic rorting, rather than focusing on helping ordinary Victorians. The public will not be fooled by this rorting government's attempted distractions and will have a clear choice at the end of November. The six ministers currently under police investigation for their roles in the so-called red shirts rorts affair should immediately stand down until this investigation is completed. If the Premier had any integrity at all, he would ensure this happens.

However, as we have seen with a range of other dodgy dealings during the term of this government, there is no chance the Premier will do the right thing. Rather, he will facilitate the ongoing attempted cover-up and distractions as he has in the past. Whether it be the stolen dictaphone, the rorting of the second residence allowance or the systemic and comprehensive red shirts rorting, all Victorians can see the true colours of the current Premier and his hypocritical behaviour. The March 2018 report by the Victorian Ombudsman into the matter —

**The DEPUTY SPEAKER** — The member for Macedon.

### Atlanta Tadd

**Ms THOMAS** (Macedon) (09:47) — I would like to congratulate Romsey early childhood educator Atlanta Tadd on being named the Bendigo, Goldfields and Macedon Ranges regional winner in the Excellence in Family Day Care Awards. Atlanta has been a child carer for more than 15 years and has been recognised for excellence in providing a safe and friendly environment as a family day care educator with Our Village Family Childcare. Best wishes for the finals, Atlanta.

### Early childhood education

**Ms THOMAS** — The health, development, care and education of my littlest constituents is a particular passion of mine, and I pay tribute to maternal and child health nurses, family day carers, childcare workers and early childhood educators across my electorate for the work they do every day in ensuring our children have the very best start in life. I am very proud of the Andrews government's record investments in early years services and education.

However, once again I need to join our Minister for Early Childhood Education in the other place and on behalf of early childhood educators in my electorate call on the Turnbull government not to cut funding to four-year-old kinder. Recently released federal budget documents reveal the federal Liberal government plans to withdraw funding for four-year-old kinder. The shock \$440 million cut, as reported in the *Australian Financial Review*, trashes a longstanding arrangement between the commonwealth and the states and territories to jointly fund one year of preschool. If Malcolm Turnbull gets his way, the year 2019 looks set to be the final year of four-year-old kinder as we know it. Every Victorian child born after 2016 will miss out on this important learning milestone. My message to the Liberals is: stop the cuts to kinders.

### Drought

**Mr McCURDY** (Ovens Valley) (09:48) — I am very concerned for the farming community in Victoria, and the Ovens Valley in particular. The lack of significant rain within the region but more particularly north of the Murray is putting pressure on fodder and water prices. Hay and grain are leaving the region at a steady rate, and indications are that within the next six to eight weeks there will not be any hay left.

Of course we need to support our farming neighbours in New South Wales and beyond, and of course we need to work together to see that we all make it through this difficult situation. But I have concerns that our city-centric Labor government fails to understand the significance of the current situation. As ruminants, our dairy and beef stock need fibre to function, and the lack of hay will make this difficult situation worse. Ordinary quality hay is being quoted at \$380 a tonne, nearly three times its normal price. Temporary irrigation water is selling at about \$350 a megalitre. These prices are unsustainable. Orchardists have no option but to purchase water; otherwise their trees will die. Beef farmers are selling breeding stock, which is a one-way ticket to disaster.

I plead with the Minister for Agriculture in the other place to get out of Melbourne, stop looking at the internal issues of the Labor Party and assist our communities. Get on the phone to your counterparts in other states and work collaboratively. Let us not blame the federal government but be proactive in Victoria to play our part. Environmental water can be used to bring the temporary water price down and sugar cane in North Queensland can be used to supplement stock in Queensland rather than trucking hay from Victoria up to Queensland. A small amount of action now can solve a major problem in the coming months.

I spoke with Max Wright of Invergordon last week. He is juggling a reduction in contracts for his canning fruit and excessive water prices at the same time, and extra water is hard to find. Those who hold the water can make choices about whether to use it on farm or sell it for the highest possible price. Granted that this gives businesses flexibility, but for some businesses there really is no real choice.

### Revitalising Broadmeadows

**Mr McGUIRE** (Broadmeadows) (09:50) — Broadmeadow matters because it symbolises hope. As my late father defined this proud, resilient community: 'Broadmeadows is where you get your start in the land of opportunity'. So I am delighted to deliver a strategy for the future of a district that for generations has underwritten prosperity through its muscle and manufacturing nous while struggling against historic disadvantage and now deindustrialisation.

Broadmeadows is the flashpoint for defining national concerns: globalisation, the demise of local manufacturing and the demands of population growth driving economic activity. Its fate highlights critical challenges confronting Australia. How do we coordinate

the three tiers of government, business and civil society in the national interest and for community benefit?

Revitalising Broadmeadows is a plan to deliver affordable housing, reimagine the town centre, attract new industries and provide lifelong learning, skills and jobs. Broadmeadows has the opportunity to evolve into the much-sought-after 20-minute city, with new industries, businesses and jobs of the future. Only 16 kilometres from the heart of the world's most livable city, it boasts blue-chip infrastructure: two rail lines and a spur into the massive Ford site, the nearby Tullamarine Freeway, a ring-road, Sydney Road and Australia's only curfew-free international airport at its back door. As the first person to grow up in Broadmeadows and represent the community in this Parliament, I was delighted to chair the Broadmeadows Revitalisation Board to highlight the significance of this community and its opportunities for the future.

### Homelessness Week

**Mr HIBBINS** (Pahran) (09:51) — Yesterday morning I enjoyed breakfast, a coffee and a chat with locals at Uniting Pahrans Mission on Chapel Street as part of their winter breakfast, where they serve a free hot breakfast throughout winter. I certainly agree with one attendee I was chatting to that it is one of Melbourne's best breakfasts, so thank you to everyone for their company yesterday morning and well done to the staff, volunteers and clients of Uniting for being such an important part of our community.

I attended there as part of Homelessness Week. Given it is Homelessness Week, it is really important to reaffirm that it is absolutely critical that we fix the housing crisis by building more public housing and supporting people to maintain their tenancies as well as other measures to fix the housing crisis, such as giving renters better rights and ending those unfair tax breaks like negative gearing that make housing unaffordable.

### Container deposit scheme

**Mr HIBBINS** — Today in the other place the Victorian Greens container deposit legislation will be debated. Everyone in our community seems to agree that a container deposit scheme is a sensible, effective way to reduce waste. Everyone, except of course the Labor and Liberal parties, who seem to be beholden to the beverage industry in their opposition. I would certainly urge members to support the Greens bill.

*Honourable members interjecting.*

**Mr HIBBINS** — Let it be noted that they are laughing at this.

### Sunbury West Primary School

**Mr J. BULL** (Sunbury) (09:53) — A couple of years ago I had the pleasure of working closely with Sunbury West Primary School to secure funding for an outdoor exercise park. It has been a great success, but recently the school wrote to me asking for help to fund shade sails over this area. They have been working hard to fundraise and do all they can to make it happen. Last week I was thrilled to visit Sunbury West to announce a \$40 000 contribution from the Andrews Labor government. We promised to make Victoria the Education State, and in four years we have invested over \$40 million in education in my electorate compared to less than \$2 million under the former government.

### Tullamarine Tennis Club

**Mr J. BULL** — Politics is about getting things done. It is about using a mandate given to you by the community you love to make that community even better, and last week I was thrilled to join players and committee members at the Tullamarine Tennis Club to announce \$30 000 for new security lighting. Sometimes it is the small things that make a big difference. I would like to thank the committee and the players for having me along last week for a wonderful visit.

### Ambulance response times

**Mr J. BULL** — We know that the Liberals went to war with our paramedics and slashed \$1 billion from our healthcare system. We promised to end the ambulance crisis and provide hardworking paramedics, nurses and doctors with the best resources they need to provide the very best possible care. Last week I was thrilled to join the Premier, the Minister for Health and the member for Yuroke and many hardworking paramedics to announce the release of the best response time data for code 1 emergencies in any quarter. When your loved one is sick, every second counts. I would like to thank our hardworking paramedics.

### Public housing heater replacement

**Mr TILLEY** (Benambra) (09:54) — I recently visited Mrs Kathleen Smith in her Department of Health and Human Services (DHHS) property located in Wodonga. Mrs Smith is a spritely 89 years of age and a legend of the horse racing industry. She was the first woman to get a Victorian trainer's licence, first woman to train a Grand National winner and the first woman jockey to have ridden starts at picnic meetings.

But along with her Voelker Court neighbours she has had her gas heating decommissioned. Mrs Smith is one

of over 6500 DHHS tenants around Victoria that were without adequate heating through winter. Understandably Vulcan and Pyrox gas space heaters in DHHS properties were decommissioned following the tragic death of a resident from carbon monoxide poisoning. Unfortunately, however, this has left many residents without adequate heating. Mrs Smith's property was provided with a small, oil-filled electric heater which was grossly inadequate. The heater was running day and night, and yet Mrs Smith would go back to bed or jump in the shower to stay warm.

I am still receiving other reports of residents going to bed at 4 o'clock in the afternoon because of the cold. Just in the last couple of days Mrs Smith has received a new heater as she was prioritised for being aged over 75 years, but I fear others may not be as lucky. With a current temperature of 6 degrees that feels like 3 degrees and rain in Wodonga this morning, it really should not have come to this. I ask residents to keep an eye on their fellow neighbours.

### The Pulse, Geelong

**Ms COUZENS** (Geelong) (09:56) — Diversitat is a highly regarded community organisation in Geelong that represents many ethnic communities that make up our great city. Diversitat provides a broad range of services, including the Pulse 94.7, their not-for-profit community radio station which operates daily and survives on the goodwill of volunteers and sponsors. All the programs are produced and hosted by community volunteers, including 17 ethnic programs, local Geelong and District Football League football and sporting broadcasts, music and cultural events, environmental, gardening and multi-faith discussion programs and much more.

I am a regular on the Pulse and appreciate the passion and commitment that these volunteers contribute to the community. So when the news broke that sacked ex-mayor Darryn Lyons has decided to take legal action against the Pulse the people of Geelong were shocked. A Vietnam veteran made a comment on air about Lyons running a drug den in his nightclubs. The Pulse made every effort to apologise and have offered to implement any reasonable steps requested by Darryn Lyons. However, after 12 months of talks Darryn Lyons has begun legal action to sue the Pulse for defamation. The money that Darryn Lyons has sought from the beginning could cause the closure of the Pulse.

It seems surprising that Darryn Lyons would sue anybody for defamation given that he is a self-professed opponent of political correctness and a champion of free speech. Mr Lyons has referred to

others in his articles as gutless, gormless, pathetic, scumbags, liars, manipulators, minions, brown noses and henchmen, and has asked, 'What are they smoking?' and if they have 'had too much red cordial'.

### Homelessness Week

**Mr BLACKWOOD** (Narracan) (09:57) — This week we turn our attention to homelessness across Victoria in an effort to raise awareness of the magnitude of the problem, but more importantly reflect on the cause and seek to deliver meaningful solutions.

Last week I met with Erin Price, Gippsland manager of SalvoCare; Chris McNamara from the Gippsland Homelessness Network; Grant McNeil, manager of Community Housing Limited; and Christine Thirkell, who has lived the homeless experience. As they explained, the causes of homelessness are complex, with no single trigger. Individual, interpersonal and structural factors all play a role and interact with each other.

In Gippsland the five main reasons for people seeking assistance for homelessness were housing crisis, family violence, financial difficulty, inadequate or inappropriate dwelling and transition from custody, which directly reflects the location of Fulham prison in Sale. In 2011 the number of people homeless in Gippsland was 665. By 2016 this had increased to 692. In 2016 there were also 522 people living in some form of marginal housing and at risk of homelessness.

In May 2018 the Council to Homeless Persons provided a report identifying priorities for addressing this issue in Gippsland. The report suggested an increase to inclusionary zoning, identifying vacant land suitable for social housing, reducing application fees for social housing, increasing participation for local government in area service networks and providing rate reductions for providers of social housing. Victoria needs 3000 new social housing properties every year to deal with current unmet need.

### Yan Yean electorate livability

**Ms GREEN** (Yan Yean) (09:59) — Yesterday's *Herald Sun* sang the praises of postcode 3754 in an article entitled 'Why Mernda is the best place to live in Melbourne'. It quoted Mernda historical society president Neil Johnson, who is actually a fifth-generation Merndarite, on the history of the area and the Wurundjeri roots of the name Mernda, which means 'young girl'.

Mernda has a mixture of new and old, with the preservation of heritage buildings being loved and enjoyed by the community, including Two Beans and a

Farm at Carome Homestead, Turners Bakehouse Eatery, Mayfield Presbyterian Church and the Bridge Inn Hotel. Mernda and Doreen have some fantastic parks and walking tracks that provide opportunities to be in the natural environment and share this space with native wildlife.

Our government is improving Plenty Road, Yan Yean Road and Bridge Inn Road, and the Mernda train station will commence passenger services in just over a fortnight. There is a new police station and an ambulance branch under construction. One of the things I am really proud of is the state schools. Mernda and Doreen are served by the following primary schools: Laurimar, Mernda, Doreen and Mernda Park, with Ashley Park opening next year. The area now has two prep to 12 schools: Hazel Glen College and Mernda Central College. That is in stark contrast to 2012, when the collapse of Acacia College was devastating for the 700 students from prep to year 9 who were left without a secondary state school in Mernda or Doreen. Their pleas fell on deaf ears under the Liberals. What a difference these few years —

**The DEPUTY SPEAKER** — The member for Morwell.

### Max Williamson

**Mr NORTHE** (Morwell) (10:00) — I rise to acknowledge the life of an extraordinary gentleman in Max Williamson, who sadly passed away in July following six decades of dedicated service to the Morwell and Latrobe Valley community. Max was an inspirational leader and integral member of a number of organisations, including the Morwell Probus Club; the Morwell Jaycees; the Morwell High School council; the Victorian Public Transport Forum; the Morwell Town Common committee; the Yallourn energy environmental review committee; the Lions Club of Morwell, where he received life membership in 2017; Latrobe Valley Enterprises, where he was a board member for 17 years; and Advance Morwell, where he had served on the committee since 1997. Not surprisingly, Max was also our 2016 Latrobe City Council Senior of the Year.

I offer my sincerest condolences to his wife of 60 years, Betty, and all of the Williamson family during this terribly sad time.

### Homelessness Week

**Mr NORTHE** — Like the member for Narracan, I also acknowledge Homelessness Week. I would like to note the great work of the Gippsland homelessness

network (GPN), which I recently had the privilege of meeting with. GPN is a collaboration of agencies, including Quantum Support Services and Community Housing Limited, that are working hard to address homelessness in our region.

While there is much publicity on homelessness in our cities, regional areas — including the Morwell electorate — are not immune to this issue. The latest Australian Bureau of Statistic data, from 2016, shows that 226 people in the City of Latrobe were homeless, which clearly demonstrates that more needs to be done to support those who find themselves in such a difficult predicament. Representatives such as those from the GPN work tirelessly to lobby for funding and support to make a positive difference, and I would like to congratulate them on their service —

**The DEPUTY SPEAKER** — The member for Oakleigh.

### Glen Eira planning

**Mr DIMOPOULOS** (Oakleigh) (10:02) — On Monday the Minister for Planning visited Carnegie to make a pretty big announcement for both Carnegie and neighbouring Bentleigh. My community in Carnegie specifically are acutely aware of the devastation caused by the former government and the then planning minister, now the Leader of the Opposition — I think they called him Mr Skyscraper — changing the rules to allow developers to take over Carnegie, and people have paid the price since then.

I am really pleased that on Monday the Minister for Planning came to Carnegie and announced everything that the Glen Eira City Council had asked for in relation to height controls — that is, maximum mandatory height controls in Carnegie, which will help protect the remaining character of that wonderful suburb. I am really pleased that the minister visited. I think it was his third visit to Carnegie, and I appreciate his support. He understands the need to balance development with community expectations, and that is exactly what he delivered on Monday.

### Early childhood funding

**Mr DIMOPOULOS** — I was very perturbed to read that the federal Liberal government will be slashing about \$440 million from early childhood learning. This means that from 2020 four-year-old kinder will be under threat, with 79 000 Victorian kids potentially missing out. This will affect kids in my community as well as kinders like Hughesdale kinder, Brine Street kinder, Murrumbeena kinder, Dover Street

kinder and many others. I call on this Victorian Liberal opposition to stand up to their federal Liberal counterparts, and I call on the federal government to change its stance.

### **Apollo Bay foreshore**

**Mr RIORDAN** (Polwarth) (10:03) — A big thankyou goes to the Apollo Bay Surf Life Saving Club for hosting a large gathering of Apollo Bay residents last Wednesday night. I was pleased to host a strong turnout of worried people, including residents, local traders, fishermen and those who care about their town. Unanimously the community made clear that this government must support its various agencies to act urgently to make good the foreshore at Apollo Bay. This winter has been cruel, and the long-range forecast sees the balance of winter and early spring set likely to dish up some of the largest swells seen in recent years. The current short-term measure of sand replenishment will not do as a permanent solution.

Thirty years of reports and recommendations exist. The Department of Environment, Land, Water and Planning has promised to release preferred options by early October. This government must commit to supporting these solutions, as the foreshore will not last another winter.

### **Hire-drive tourism**

**Mr RIORDAN** — Last Sunday I attended a community rally at the Nalangil fire shed, where again the growth in hire-drive tourism was raised as a huge safety problem. There is growing evidence that many non-Victorian licence-holders are using the Great Ocean Road as one of their first-ever long day driving trips. Anecdotal evidence by local police, emergency services and residents points to many dangerous shortfalls in skills and an understanding of Australian roads and road conditions. The community called on this government to be more innovative in its approach to dealing with the program and called for immediate action at the point of car hire to address the insufficient driving skills of many drivers. Last week alone a police car and a car with a school principal were both forced off the road by drivers on the wrong side of the road. There are technological solutions; they need to be looked at, and they need to be looked at immediately.

### **Victorian Young Leaders to Indonesia**

**Ms GRALEY** (Narre Warren South) (10:05) — In great news the Andrews Labor government launched the Victorian Young Leaders to Indonesia program for Victorian high school students. After the huge success

of the Victorian Young Leaders to China program we have expanded the program to Indonesia, meaning 40 year 9 students and five teachers from across the state will be given the opportunity to travel to Yogyakarta, Indonesia, in 2019. This program will be a huge opportunity for the students to not only practise their Indonesian language skills but also develop their intercultural understanding and leadership capacity.

I have been fortunate enough to work very closely with this program and have seen it built from the ground up. I am a firm believer that the middle years, in which these programs take place, have a huge impact on a student's ability to succeed in life. Overseas immersion experiences change students' lives and their learning for the better. Time in the classroom of real life provides experiences that are essential for middle years students. Our world is smaller than ever before and only becoming more connected, so intercultural understanding and building resilience is more important than ever.

My thanks to Joel Backwell and his team in the international division of the Department of Education and Training for their vision and dedication, and a special thankyou to the fabulous Sally Carew Reid for her support. Our international schooling programs are all part of students getting a world-class education that will serve them for a lifetime in Victoria, the Education State.

## **STATEMENTS ON REPORTS**

### **Penalty Rates and Fair Pay Select Committee: penalty rates and fair pay**

**Mr ANGUS** (Forest Hill) (10:06) — I am pleased to rise today to speak on the report of the Legislative Assembly Penalty Rates and Fair Pay Select Committee entitled *Inquiry into Penalty Rates and Fair Pay: Final Report*, which I note was tabled in this place last month. The report arose as a result of a resolution of the Legislative Assembly on 9 March 2017, and that resolution is included in the report under item 1.1.

I want to particularly look at the minority report of the members for Box Hill and Ringwood, which is located in the report on an unnumbered page immediately following page 55, because I think the minority report of those members really highlights the overall situation for the Parliament in relation to this particular report. Let me quote:

This inquiry has been a blatant misuse of public funds by the Andrews government. The inquiry was established simply as a way of trying to help federal opposition leader, Bill Shorten, in his attempts to attack the Turnbull government over a

decision made by the Fair Work Commission, a commission established by a federal Labor government and for which Mr Shorten had responsibility as Minister for Workplace Relations.

The minority report goes on to talk about a range of things. In particular I want to highlight the fact that the preparation of any report — and I certainly know this as a member of a number of committees over the years — takes an enormous amount of time, so as the dissenting or minority members said, to see the waste of so much time of the parliamentary officers, Hansard staff and other parliamentary officials, was a very regrettable situation. The minority report goes on to say:

Most stakeholders have recognised the partisan motivation for this inquiry and its lack of genuine purpose ... it was difficult for the inquiry to attract witnesses other than from unions and union-aligned organisations who wished to use the inquiry as a platform to pursue their campaign.

If you look at the list of witnesses in appendix 2 on page 51, you can see that there are 18 witnesses listed there for the public hearing side of things, and of them at least 10 are unions or union representatives. I think that the sentiments recorded in the minority report that I have just cited are very valid in relation to that.

If we turn to page x, which is the recommendations page, we can see that the report has generated nine recommendations. Amazingly enough, of all the dozens and dozens of reports I have read in this place, I have never seen a suite of so-called recommendations quite like this. I just want to bring some of them to the house's attention. If we look at recommendation 1, it says, 'The Victorian government advocate for the federal government', so it recommends that they advocate. Recommendation 2 includes that 'The Victorian government advocate for changes to the Fair Work Act'. Recommendation 3 is for the Victorian government to advocate for the federal government to change the Fair Work regulations. The second dot point under recommendation 3 is that the Victorian government 'investigate options'. Recommendation 4 is that 'The Victorian government advocate ... to review the resources provided' and so on. Recommendation 5 is that 'The Victorian government advocate for the federal government' et cetera.

Recommendation 6, which is really the only substantial one, says, 'The Victorian government introduce legislation', and on it goes. Recommendation 7 is quite an extraordinary one in my view. It says, 'The Victorian government explore opportunities to include greater education about workplace rights' — I mean, unbelievable! Recommendation 8 is that 'The Victorian government investigate mechanisms'; recommendation 9 is that 'The Victorian government

investigate the inclusion of ... penalty rates', and on it goes. I think it would be pretty accurate to call that a fairly light suite of recommendations. It just highlights that this was a complete and utter political exercise.

In conclusion, and I quote from the minority report:

In short, this inquiry has been yet another instance in which the Andrews government has misused the resources of the Parliament for Labor Party purposes, instead of for achieving better laws and better government for Victoria.

I think that succinctly sums up what this whole exercise has been. As a member of this place I think it is a big disappointment that the very valuable and very important resources of the Parliament have been wasted on this political frolic — just trying to do a job on the —

**The SPEAKER** — The member for Bendigo West.

### **Family and Community Development Committee: perinatal services**

**Ms EDWARDS** (Bendigo West) (10:11) — It is my great pleasure to rise to speak on the *Inquiry into Perinatal Services: Final Report* from the Family and Community Development Committee. The report was tabled in June of this year. From the outset can I thank my fellow committee members — they know who they are — and of course our Chair, the member for Frankston, who did a sterling job. Can I also acknowledge the secretariat: Joel Hallinan, executive officer; Dr Greg Gardiner, executive officer; Rachel Macreadie, research officer; Pamie Fung, inquiry officer; and Helen Ross-Soden, administration officer, for their outstanding research and support to the committee throughout the inquiry.

This was the last inquiry that the Family and Community Development Committee set out to complete. Throughout the inquiry we heard evidence from mothers across Victoria, from health practitioners, from researchers, from the Victorian government departments and from others on the current situation relating to the health and wellbeing of mothers and babies during the perinatal period and the delivery of perinatal services. We received over 100 submissions to the inquiry and heard from over 90 witnesses at public hearings, including seven public hearings in Warrnambool, Bendigo, Wangaratta, Mildura, Bairnsdale, Warragul and Geelong.

The evidence clearly told a very powerful story of a perinatal service system in Victoria that generally offers very high quality care, but a system that also has many gaps that need to be addressed. These gaps include the provision of perinatal mental health care, shortages in

the perinatal workforce and a lack of breastfeeding support. Of all of those areas, the gaps in regional service delivery was particularly highlighted for me because I think that is an area that we can do much better in. As a committee we saw the need for a greater focus on and integration of perinatal mental health services, especially important as societal shifts and support structures have left many mothers and families more vulnerable to emotional and mental health problems during the perinatal period. We saw this as an area in which we can improve greatly, and our recommendations on this issue include the development of a perinatal mental health plan.

The perinatal workforce in Victoria is indeed facing major challenges, and that includes a shortage of midwives and nurses, which, I am pleased, has been addressed by the government already. Just recently, in July, the Minister for Health and the Premier announced that ratios would be increased to provide more nurses and midwives to care for Victorians in palliative care birthing suites and special care nurseries, as well as during peak times in emergency department resuscitation cubicles. This is an important announcement. It goes directly to one of the recommendations in the inquiry, which was to increase the number of nurses and midwives across Victoria.

We also made recommendations around supporting nurses and midwives to get trained to be in the workforce, and that is why I am pleased that the Premier and the Minister for Health also announced that a re-elected Labor government will help Victorians train as a nurse or a midwife, and that would be with a new \$50 million nursing and midwifery workforce development fund. The fund will expand the existing registered nurse and midwife graduate program and will establish a graduate program for enrolled nurses for the first time. This will employ 400 enrolled nurses over the next four years, with 100 of these positions being available to TAFE graduates from next year. This means that Victorians will be able to study a graduate diploma of nursing for free at TAFE, as one of the Labor government's free priority TAFE courses, and then start working as an enrolled nurse as soon as they graduate. This is an important announcement because it goes directly to some of the recommendations that were made throughout our report.

I want to talk quickly at the end of this World Breastfeeding Week about the recommendations we made with regard to breastfeeding rates and support for breastfeeding women across Victoria's perinatal services.

The committee found that while the benefits of breastfeeding are well documented, many women were not given the information and support they needed by health practitioners to achieve successful outcomes.

The committee made:

... a range of recommendations to improve breastfeeding support for Victorian women.

In addition to the issues mentioned already, the eight chapters of this report examine and describe Victoria's current perinatal services, including oversight mechanisms and clinical governance initiatives, such as Safer Care Victoria, and regional perinatal mortality and morbidity committees. The committee also describes the models of care available to women in Victoria.

### **Environment, Natural Resources and Regional Development Committee: sustainability and operational challenges of Victoria's rural and regional councils**

**Ms RYAN** (Euroa) (10:16) — I rise this morning to make a contribution on the Environment, Natural Resources and Regional Development Committee's inquiry into the sustainability and operational challenges of Victoria's rural and regional councils, which we know are certainly significant. On page 17 of their report they make a very clear reference to the benefits of:

... establishing regular public transport connections to Melbourne —

as a valuable strategy to get people to live and work in regional Victoria.

In the context of that, I want to raise my very grave concerns around the performance of this government with regard to public transport in regional communities, particularly in my communities along the Seymour line and the north-east and Shepparton lines. I was absolutely gobsmacked this week to see the Minister for Public Transport and a member for Northern Victoria Region in the Council, Jaclyn Symes, come out and tout the design of new trains as being a significant milestone for the north-east line, particularly given that we were told in May last year, in the state budget, that money had been put aside for that. We then had the public transport minister in October last year tell us that process was underway. Then the member representing northern Victoria told us in March of this year that that process was underway. Now, four months before an election — after doing absolutely zip for four years — we have the government coming out and saying, 'Well, we are entering into a contract with Bombardier to design some new bogies for you'.

We are supposed to believe that it will take over a year to figure out how to put a bogie on some new wheels to run on standard gauge. It is absolutely preposterous. Quite honestly if we go any slower with this process the public transport minister and the Premier will be in aged care before we even get new trains. It is like we have entered the fourth quarter and they are now just desperately running out the clock before we get to the state election.

This is having a real human impact in my electorate. I have told many stories in here over recent months about people who have been impacted by the failure of the government to buy new trains for our line and to upgrade our services. I have got some more, which I know the member for Frankston is very excited about this morning. Raelene Brown, from Broadford, contacted me recently. She commutes on the Seymour line. She has been travelling for over 30 years, five to six days a week, on that line and she says she has never seen the service so bad. She says it is consistently causing her to be late for work and to miss meetings. She said:

Often I am having to catch a train at 6.06 or 6.39 a.m. in order to get to work on time. The ironic thing is that these trains run late as well. The trains once ran on time every day and I was rarely late. I sometimes travel 2 hours each way. It used to take 1 hour 10 minutes(ish) each way.

Raelene went on to say:

There is an increased incidence of trains breaking down. Yes, we make the decision to live where we live. However, we make those decisions on things like infrastructure e.g. V/Line and their saying they have a great service.

She went on to say that she could choose to quit her job and go on the dole. However, she chooses to work, saving the government money and resources:

Unfortunately, there are very little job opportunities in country Victoria so I have to travel to Melbourne for work.

I don't care about the excuses, I want reliability. Yes, more services would be really wonderful, but I just want a fast, efficient, reliable service.

I get angry that V/Line increases its fares every year, yet doesn't provide a better service. The fares paid north of Wandong are very high. Why is that? Broadford fares are double that of Wandong.

Sunny Martins has had similar experiences travelling from Broadford to Melbourne and back. He emailed me when he was sitting in the cold at Broadford station recently, waiting for his train. He said:

I catch the 8.14 a.m. train from Broadford to Seymour, Monday to Saturday, and in the two years I have caught this service it has had zero consistency, always being 10 to 15 to 20 and up to 40 minutes late.

...

I do not drive as I do not have a licence, but I believe I shouldn't have to have a licence because there is meant to be a service I can rely on.

Brian Woodhouse-Young of Moranding sent me some photos of broken train doors on the Seymour line after I met him at the Kilmore East train station recently. He said:

These doors have been playing up for months (not closing) and have caused a train to be terminated at least once.

After someone stuck a sticker over the door which read, 'This toilet is temporarily unavailable', Brian said:

I think the sign on the door said more than its creator anticipated.

That is the reality of the service that we are putting up with in country Victoria. It is time the government did something.

### **Law Reform, Road and Community Safety Committee: VicRoads management of country roads**

**Mr HOWARD** (Buninyong) (10:21) — I would like to speak on an actual report in the time available to me, and that is the report brought down by the Law Reform, Road and Community Safety Committee, which I chair. The report is the one that came out in the last parliamentary sitting week, the inquiry into VicRoads management of country roads.

In commenting on this report I perhaps should provide a bit of background first. This was an inquiry that was given to us by the Legislative Council in November 2016. In trying to deal with this report, we were until March of this year still completing our inquiry into drug law reform. Even though we did advertise last November for submissions for the report on country roads, when it came time to deliberate on this matter we found that with the coming state election we would not have time to do the public hearings that would clearly be necessary to undertake in many parts of the state or the work that would be necessary to do a full, appropriate report on this issue. The report brought down last sitting week is an interim report, which basically summarises and makes comment on the 335 submissions received by the committee. It makes just one recommendation: that the issue of country roads and their management be directed to the appropriate committee in the next Parliament for their full consideration when time is available to them.

As I said, we received 335 submissions: 278 of those were from individuals and 57 were from organisations,

including local governments in regional Victoria but also peak bodies and other major bodies such as the Transport Accident Commission and the RACV. The issues that were canvassed in those submissions mostly related to concern about the quality and management of our country roads system across the state. Certainly a number of submissions indicated the poor quality of some of the roads in their areas, which were of concern to them. They also expressed concerns about the issue of outsourcing of VicRoads. There were some submissions that focused on wire rope barriers, particularly in regard to motorcycle riders. There were other issues, such as confusion about responsibility for our road network across the state between local, state and federal road responsibilities, and there were also concerns about the existing funding model associated with roads.

This committee report does summarise all of those issues and notes that there are more concerns in some parts of the state than others. In deliberating on these issues we also looked at both the response that we got from VicRoads and the Victorian Auditor-General's report that came out last year on maintaining state-controlled roadways. What we noted was that over the last 18 months there has been significant work done in response to the Victorian Auditor-General's report. VicRoads themselves undertook a substantial consultation process in terms of country roads last year, and of course the government in responding to this has announced that it will establish Regional Roads Victoria. I am very pleased that this is going to be established in Ballarat, and the establishment of that is already well underway. We will see some significant changes in the way VicRoads manages and responds to those issues related to country roads.

Recognising that there is already a substantial amount of work being undertaken by VicRoads to address this and that this state government has increased its investment in our regional roads, we felt it was also appropriate that the issue be reviewed after a period of a couple of years, once these changes by VicRoads will have been put in place.

### **Penalty Rates and Fair Pay Select Committee: penalty rates and fair pay**

**Mr J. BULL** (Sunbury) (10:27) — I wish to take the opportunity this morning to discuss the report by the Penalty Rates and Fair Pay Select Committee on its inquiry into penalty rates and fair pay, which was tabled in this place in July 2018. Before I discuss the contents of the report I would like to take the opportunity to thank the committee staff, Robert, Paul and Sarah, for their hard work and diligence in assisting the committee with its important work and making the report possible.

I would like to also take the opportunity to thank those witnesses who offered submissions on this very important topic of penalty rates, along with the committee chair, who is in the chamber — the member for Dandenong — who did a terrific job in bringing the report to the Parliament and in working with all members, those being the deputy chair, the member for Box Hill, me and the members for Pascoe Vale, St Albans, Prahran and Ringwood.

The committee considered a range of mechanisms within changes to penalty rates: the immediate impact of penalty rate changes; the impact on employees' wages and consumer spending; the impact on women and single parents, young workers and rural and regional Victorians; the impact on employers in relation to job creation, additional hours for staff and difficulties in attracting staff; and impacts that are of particular importance in rural and regional Victoria. The committee also looked at the broader economic impacts around wage growth, employment, inequality and gender pay equity, and it looked at the consumption and flow-on effects of those, such as the casualisation of the workforce and demand on welfare services. In chapter 5 we looked at safeguards and potential legislative changes around the Fair Work Act 2009, improved enforcement, increased penalties, education — which was something that we touched on through the recommendations — and of course those Victorian government initiatives on ways that these penalty rates can be improved and protected.

During the inquiry what became clear was that the reduction in penalty rates is already having a significant and detrimental impact on thousands of workers in the affected industries. Whether they be women, young people or employees in rural and regional parts of the state, what we know is that these workers, many of whom are the lowest paid in our state, are feeling cost-of-living pressures and a whole range of pressures that impact their lives each and every day. We saw that the penalty rate cuts that will be implemented in the coming years will only see these problems magnified. The committee heard from a range of witnesses and learned that the gender pay gap may also encourage workers to move into insecure work, which is highly concerning. These cuts will reduce the amount of disposable income available for these workers, which is something that is of great concern.

There are 11 findings and nine recommendations in the report. Although the committee functioned well both in hearings and in deliberations, it was incredibly disheartening and very disappointing to note that the member for Box Hill and the member for Ringwood tabled a minority report on this matter, labelling the

inquiry a 'blatant misuse of public funds'. It just goes to show that those opposite have little or no care for those who work so very hard and rely on penalty rates each and every day. These workers who need penalty rates to survive use them to pay rent, to pay bills and to support their families. These are the workers that are most impacted by these cuts.

This is why this inquiry was incredibly important and why the Andrews Labor government wanted to conduct the inquiry and hear from those who are impacted by the cuts. These workers will suffer from having less take-home pay each and every week. The Andrews Labor government will today and every other day stand with and stand up for those workers who need to be supported, who rely on penalty rates, and I am incredibly proud to stand with them and ensure that their rights are protected.

### MEMBER CONDUCT

**Mr MERLINO** (Minister for Education) (10:32) — I move:

That, under section 16 of the Ombudsman Act 1973, this house refers for investigation the following matters:

- (1) all invoices rendered by Melbourne Mailing and submitted to the Department of Parliamentary Services for payment;
- (2) the identity of all members of Parliament endorsed as candidates by Liberal Victoria and The Nationals Victoria certifying as to the legitimacy of those invoices;
- (3) whether any goods or services were provided in connection with the rendering of those invoices; and if so, whether there is any evidence that the goods and services provided fairly reflected the value and description of items as outlined in the invoices;
- (4) whether members certifying as to the accuracy of the invoices knew, or ought to have known, whether the goods and services referred to in the invoices were provided adequately, or at all;
- (5) whether members certifying as to the accuracy of the invoices knew, or ought to have known, whether the goods and services referred to in the invoices were charged at a fair commercial rate, or an inflated rate;
- (6) any kickbacks and levies received by members of Parliament, or by or on behalf of Liberal Victoria, associated with Melbourne Mailing and the deal struck by convicted criminal and former Liberal Victoria state director Damien Mantach;
- (7) any practice of falsification of invoices by members of Parliament endorsed as candidates by Liberal Victoria and The Nationals Victoria, in particular the current member for Lowan, to obtain payment for goods, services or advertising, while circumventing Department of Parliamentary Services oversight rules and the

Parliament of Victoria Members' Guide pertaining to payment of invoices submitted by members during the 2014–15 financial year, and from 1 June 2018 to the date of this motion;

- (8) the relevant members and former members for the purposes of this investigation include:
  - (a) the current members for Bass, Bayswater, Benambra, Box Hill, Brighton, Bulleen, Burwood, Caulfield, Croydon, Eildon, Evelyn, Ferntree Gully, Forest Hill, Gembrook, Hastings, Hawthorn, Kew, Lowan, Malvern, Mornington, Mount Waverley, Narracan, Nepean, Ringwood, Ripon, Rowville, Sandringham, South Barwon and Warrandyte; and
  - (b) the former members the Honourable Ted Baillieu, Donna Bauer, the Honourable Nick Kotsiras, the Honourable Andrew McIntosh, Elizabeth Miller, the Honourable Terry Mulder, the Honourable Denis Naphthine, Clem Newton-Brown, Geoff Shaw, the Honourable Ken Smith and Lorraine Wreford.

On this, the one-year anniversary of the lobster with the mobster — one year to this day — we still have one year of unanswered questions, one year of the cold, clammy Leader of the Opposition telling us that he knew nothing and one year of the mobster's mate still avoiding scrutiny. But, Speaker —

**Mr Clark** — On a point of order, Speaker, on two matters, first of all the minister is using unparliamentary language in referring to another member of this house. Secondly, what he is talking about so far seems to have nothing to do with the motion of which he has given notice. If he wants to debate those issues, he should have given notice of those issues. That is the whole point of giving notice. His remarks need to be put in the context of the motion which he is moving, and I submit he is not doing so today.

**The SPEAKER** — The nature of this motion does provide me with some concern that members on either side of the house may resort to unparliamentary language or imputations. I am sure that members will tread very carefully not to do so. I ask the Deputy Premier not to do so. I apologise to the member for Box Hill, but I have forgotten your other point of order.

**Mr Clark** — Speaker, my other point of order was that so far the member's remarks appear to bear no relevance to the motion that he has moved and they are therefore out of order. He needs to speak to the motion of which he has given notice, not to another topic which he might wish to debate and on which he could have given notice but has not.

**The SPEAKER** — Order! I note the Deputy Premier has only just commenced his contribution, and I am sure he will come to the motion that he has moved.

**Mr MERLINO** — Thank you, Speaker, and I will get there very, very shortly.

The Liberal Party and the Leader of the Opposition's history of dodgy dealings goes back a lot further than just the last 12 months. Let us not forget Fishermans Bend, let us never forget Ventnor either and let us never forget those 53 fraudulent invoices: 53 fraudulent invoices that resulted in a broke and broken Liberal Party; 53 fraudulent invoices that now have led to the selling of Liberal Party assets; 53 fraudulent invoices that were used to purchase shares, luxury cars and a cafe for Mr Mantach's wife; 53 fraudulent invoices that have resulted in a challenge to the Liberal Party's leadership; 53 fraudulent invoices that led to the former Liberal Party state director ending up in prison — convicted and sent to prison; far more important than mere Liberal Party internals, 53 invoices that allowed \$1.5 million to be stolen; and 53 invoices that Liberal Party members and candidates signed their names to — individual invoices signed by Liberal Party members.

This motion before the house is incredibly important because for Damien Mantach's dodgy and deceptive scheme to work it relied on one thing. There must have been other signatures on those 53 false invoices. In short, he needed Liberal MPs to sign off on his dodgy dealings. So that suggests, I think, some very serious questions.

Who else knew about Damien Mantach's dodgy scheme? Which MPs signed off on those invoices, allowing \$1.5 million to be stolen? I repeat: this could not have happened without the signature of Liberal Party members past and present. Did anyone oppose, when they signed those invoices, think to ask, 'Why are these prices so high?'. Were they acting in good faith? Who else has something to hide? Years and years of experience, and you are telling me that they did not know. There is no-one in this house who believes that, which brings me to the member for Lowan.

The member for Lowan does not need to explain herself to this house, but she does need to be subject to the scrutiny of the Ombudsman and explain that email.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask for order from both sides of the house.

**Mr MERLINO** — So let me read into the record —

*Honourable members interjecting.*

**The SPEAKER** — I warn the member for Hawthorn, the member for Macedon and the member for South-West Coast.

*Honourable members interjecting.*

**The SPEAKER** (10:39) — The member for South-West Coast and the member for Macedon will leave the chamber for the period of 1 hour.

**Honourable members for South-West Coast and Macedon withdrew from chamber.**

**Mr MERLINO** — So let me read into the record the email that has led to an important part of this motion. Here it is; let me read the email. It starts with a name being redacted. That is the name of a staffer in the electorate office of the member for Lowan, so blank name.

**Mr Pesutto** interjected.

**The SPEAKER** — The member for Hawthorn has been warned.

**Mr MERLINO** — Blank name, and I am quoting now from the email:

... has requested that we send all invoices that are currently owing for future bookings for Emma Kealy to her for payment please. Can we make sure November bookings have October dates on the invoices? Due to government rules around the elections they are not allowed to process anything with November dates on! ... email is ...

and then a parliament.vic email, thank you very much.

**Mr D. O'Brien** — On a point of order, Speaker, the Deputy Premier, as is so often the case from that side, is misleading the house by once again telling only a small part of the story. He should —

*Honourable members interjecting.*

**Mr D. O'Brien** — You are misleading the house. The Hamilton *Spectator* has released a statement that says the email was inaccurate, was wrong —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gippsland South!

**Mr Pearson** interjected.

**The SPEAKER** (10:40) — Order! The member for Essendon and the member for Gippsland South will leave the chamber for the period of 1 hour.

**Honourable members for Essendon and Gippsland South withdrew from chamber.**

**The SPEAKER** — There was no point of order.

**Mr Clark** — On a point of order, Speaker, the Deputy Premier is quoting from a different version of this email to which he refers than has previously been made available. I ask the Deputy Premier to make available to the house a copy of the document that he was holding in his hand from which he was quoting so all members can see the full context of that document.

**The SPEAKER** — Is the Deputy Premier quoting from a document?

**Mr MERLINO** — I am absolutely quoting from a document.

**The SPEAKER** — I ask the Deputy Premier to make that document available to the house.

**Mr MERLINO** — I will absolutely make this document available to the house. Individuals at the Hamilton *Spectator* can say all they want, but the *Spectator*, the member for Lowan and staff in the member for Lowan's office can make those explanations to the Ombudsman. There is nothing ambiguous in this email. They knew exactly what they were doing at the request of the member for Lowan and her office: change the dates on the invoice so taxpayers fund this material. That is exactly what they were doing, and at the conclusion of my speech I will make this document available to the house.

I know that yesterday must have been a panic day in the National Party headquarters. Their phones must have been running hot: 'How do we get out of this one?'. Well, the leader of the media unit in the Liberal Party is on the phone today, ringing up all the journo's, all the media outlets, threatening them, 'Don't be running this story'. So they were asking themselves yesterday, 'Who's going to take the bullet on this disaster? Can we please blame staff yet again?'. This is something that the Ombudsman needs to investigate. What communication took place between the member and this newspaper, between the member's office and this newspaper? How much did it take to buy their silence, and where was the member yesterday? Too busy avoiding scrutiny, too busy looking for someone else to take the fall. This just gets murkier and murkier. The member for Lowan has questions to answer, but she is

not alone, because we also know that past and present Liberal Party MPs —

**Mrs Fyffe** — On a point of order, Speaker, I have been listening closely to the member for Monbulk and his speech. He is getting very close to maligning a member of this house, and I ask you to caution him to be careful in —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Evelyn to continue, in silence.

**Mrs Fyffe** — I ask you to please caution him to be careful in the comments that he is making.

**The SPEAKER** — Order! The member for Evelyn might not have been in the chamber at the start of this debate. I did warn all members to tread carefully. I have been listening carefully, and so far the Deputy Premier has not impugned any members.

**Mr MERLINO** — We also know that past and present Liberal Party MPs signed off on the dodgy invoices before the last election. But what has never been explored is what they knew. Why did they sign off on those inflated and dodgy invoices? Why did they do it? Why did they sign off on prices that they would have known were inflated, that did not equate to what was delivered in their own electorate? They would have known it, and their staff would have known it. What involvement did they have in this \$1.5 million fraud, and why are they still avoiding scrutiny?

We did have a court case involving Damien Mantach, the former Liberal Party director, convicted of fraud and sent to jail as is appropriate. What was never explored —

*Honourable members interjecting.*

**Mr MERLINO** — Let's see if they say 'Hear, hear' to the next point. What was never explored was the knowledge and the involvement of individual Liberal Party members, past and present. It is vital that the Ombudsman look into this matter. It is fair that the Ombudsman looks into this matter. We have had the situation where those opposite voted against any referral to the Ombudsman — any scrutiny. Well, I put it to you, Speaker, I put it to this house and I put it to the people of Victoria that all parties should be subject to the same scrutiny. That is why I am seeking the support of the house for this motion. Why are those opposite seeking to avoid scrutiny?

**Mr M. O'Brien** interjected.

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

**Mr MERLINO** — There are questions that must be answered, and it is vital that the Ombudsman looks into this matter.

**Mr M. O'Brien** interjected.

**The SPEAKER** — Order! The member for Malvern has been warned twice now.

**Mr MERLINO** — The Liberals and The Nationals cannot hide any longer. Some might say that this is tit for tat — well, not at all. As everyone in this house knows when it came to asking the Ombudsman to investigate fully, every party and every MP — the Liberals and The Nationals — voted against having their behaviour investigated by the Ombudsman at every turn. It is only fair that if they are willing to point the finger, they should be willing to face the same level of scrutiny.

Those opposite cannot hide any longer. These MPs either knew about this million-dollar brown paper bag scam or they did not. It is time that the Ombudsman looks at it. There is nothing ambiguous in this email. This is deliberate misrepresentation. This is the changing of invoices so taxpayers fund the cost of the product that was purchased by the member for Lowan and her office. They knew exactly what was happening. They knew exactly that it was wrong, and I just read out again —

**Mr Pesutto** — On a point of order, Speaker, I am loathe to interrupt the flourishing Deputy Premier, but he is now straying into matters of privilege, and he should be very careful. I ask you to draw him back to the motion. He is making statements that prejudge any investigation by the Ombudsman, and I ask you to bring him back.

**The SPEAKER** — I do not believe that the Deputy Premier is straying into issues of privilege.

**Mr MERLINO** — A staff member in the member for Lowan's office:

... requested that we send all invoices that are currently owing for future bookings ...

Bookings in the election period — caretaker mode starts on 30 October — bookings in November, the campaign period. The rules are absolutely clear, and the member for Lowan, and every member, understands this. The rules are absolutely clear. It says:

... invoices that are currently owing for future bookings for Emma Kealy to her for payment please. Can we make sure November bookings have October dates ...

Get up and defend that. 'November bookings have October dates' —

**The SPEAKER** — Order! The Deputy Premier will direct his comments through the Chair.

**Mr MERLINO** — So:

Due to government rules around the elections they are not allowed to process anything with November dates on!

There is nothing ambiguous. There might be a bit of scurrying at the *Spectator*. Maybe the publisher is a 30-year National Party member — I do not know, but they are out there. They do not want to get into trouble. They do not want to be subject —

**Ms Allan** interjected.

**Mr MERLINO** — Yes, the newspaper does not want to be subject to an investigation by the Ombudsman. They do not want to have to go before the Ombudsman and answer questions. Why on earth would there be an internal email, and in the newspaper, cc'd to a member in the member for Lowan's office? They would not do that. They would not want to answer those questions if they did not know that it was wrong. So they were out there today and last night saying, 'Oh, no, it was an innocent mistake'. There is nothing innocent in this email, nothing innocent whatsoever.

As I said at the beginning, there is a long list of dodgy behaviour from those opposite, and it absolutely starts with the Leader of the Opposition. We get lectures on probity from those opposite, who have voted against having themselves scrutinised by the Ombudsman or any other authority. Lessons on probity from the Leader of the Opposition and those opposite — you know, Ventnor! No-one is taking lectures on probity from a party led by the mobster's mate.

**Mr Pesutto** — On a point of order, Speaker, I think you can anticipate what our point of order is. The Deputy Premier is now defying your ruling from earlier on when the honourable member for Box Hill raised a similar point. He is straying from the motion and he is maligning and casting imputations on the Leader of the Opposition. I ask you not only to direct him back to the words of the motion but can you please caution him that he is now straying into fairly privileged territory and he should stay away from it.

**Ms Allan** — On the point of order, Speaker, I think we can all see, it is pretty transparent, that those opposite are keen to shut down the Deputy Premier from making quite relevant and pertinent points of debate. We understand they might be touchy that the spotlight of scrutiny is now shining on them. However, the Deputy Premier is being quite relevant to the motion; I think it is relevant and that he be allowed to continue.

**The SPEAKER** — I do not, as I said before, think that the Deputy Premier is straying into any areas of privilege, but he should refer to members by their correct titles and not by other names, and he should stick to the motion that he has before the house.

**Mr MERLINO** — Thank you, Speaker. The substance of my contribution has been around the motion and those 53 dodgy invoices that were signed by Liberal Party members. But it is also appropriate to point out that this is behaviour that has a long history with those opposite, whether it is Ventnor, whether it is Fishermans Bend, whether it is behaviour before the last election or whether it is the contemporary behaviour of the member for Lowan. This is what they do. But the one thing that they do not want to do is have themselves subjected to scrutiny: sitting around a kitchen table — and we will hear more about this; I am sure we have not heard the end of Ventnor — and signing up to that dodgy deal.

As Minister for Education, we are dealing with corrupt behaviour in regards to Fishermans Bend. The overnight rezoning of land in Fishermans Bend, a massive escalation —

**Mr Clark** — On a point of order, Speaker, it is now clear that the minister is making imputations against another member of this house in breach of standing order 118, and I ask you to instruct him to comply with standing orders.

**The SPEAKER** — Order! The Deputy Premier did link a member of this house to inappropriate behaviour, and I ask him not to do that.

**Mr MERLINO** — I will not link him to anything of the sort, Speaker. I will let the evidence and the facts speak for themselves, and, if the house so chooses, this matter will be referred to the Ombudsman as is right and proper.

I come back to the point that I made earlier. The only reason that the fraud was allowed to occur, the only reason that Damien Mantach, the former Liberal Party director, went to court and was tried, convicted and sent to jail for fraud, is because 53 individuals — 53 Liberal Party members in the last Parliament and members in

this Parliament — signed those invoices. That fraud could not have happened without the participation, the involvement and the signatures of Liberal Party members. That is why they were scurrying yesterday.

The first thing that came out of the mouth of the member for Kew was that this is a fraud and the Labor Party wrote this email. Not only am I happy to table this email so every member can read it but I am happy for the Ombudsman and her office to go through any IT process they like to verify that this is a correct email — not doctored, not changed in any way. This is an internal email that was cc'd or for which there was the intention to cc a member of the member for Lowan's staff. It clearly shows that the member for Lowan and/or her staff had said to the newspaper, 'We've got stuff to do. We need your help. We want to pay for some material in the November campaign, but we do not want to pay for it. We want the taxpayer to pay for it'.

That is why the *Spectator* newspaper was instructed to change the date on the invoice. They knew it was for work in the November election — week one, week two, week three, week four of the November election — when all activity in November is to be paid for not from taxpayer funds but through electorate office budgets. Everyone knows that. Any activity in an election campaign is to be paid for by the member themselves — by their campaign account, which is not taxpayer funded. They knew that, and that is why they said to the *Spectator*, 'Can you please put October on that invoice?' — nudge-nudge, wink-wink. They knew it was dodgy. They put an exclamation mark. They knew it was dodgy, but they were going to do it anyway because they are probably mates with the member for Lowan and the National Party in that part of Victoria.

I say to you, Speaker, that the newspaper, the member for Lowan and every single member who signed those invoices, those inflated, dodgy invoices that led to the fraudulent behaviour of Damien Mantach, the Liberal Party director — every single member opposite involved — need to answer to the Ombudsman and face the scrutiny of her office. The time for running away is over.

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Member conduct

**Mr WALSH** (Murray Plains) (11:01) — My question is to the Deputy Premier. Deputy Premier,

after spreading lies about the member for Lowan's conduct yesterday —

**The SPEAKER** — Order! Two things: we have just moved from a fairly rowdy debate into question time, and question time has begun in a very rowdy fashion after only a few seconds. I warn members, as I have done in the last few question times, that members will be removed from the chamber without warning if they shout across the chamber at each other. I also ask the Leader of The Nationals to re-ask his question without using unparliamentary language.

**Mr WALSH** — Deputy Premier, after spreading lies about the member for Lowan's conduct yesterday and now totally rejected by the *Hamilton Spectator* —

**The SPEAKER** — Order! There is a fair degree of leniency shown to those at the table, and those at the table are charged with assisting in the smooth running of the house. There is very clear practice and precedent in *Rulings from the Chair* around the use of that word, and I have constantly reminded members in this chamber of this. I have afforded the Leader of The Nationals a couple of opportunities to rephrase that question, and I ask for his assistance in the smooth running of the house by rephrasing his question in a way that is appropriate to parliamentary language.

**Mr WALSH** — On a point of order, Speaker, what word should I use instead of lie?

**The SPEAKER** — Order! It is not for the Chair to —

*Honourable members interjecting.*

**The SPEAKER** (11:03) — Order! The Minister for Sport and the member for Kew will leave the chamber for the period of 1 hour.

**Honourable member for Kew and Minister for Sport withdrew from chamber.**

**The SPEAKER** — Order! The Leader of The Nationals can ask a question or I can move on.

**Mr WALSH** — Deputy Premier, after spreading mistruths about the member for Lowan's conduct yesterday, now totally rejected by the *Hamilton Spectator* —

*Honourable members interjecting.*

**The SPEAKER** (11:03) — Order! The member for Bentleigh will leave the chamber for the period of 1 hour.

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

**Mr WALSH** — Deputy Premier, do you have the courage to apologise to the member for Lowan?

*Honourable members interjecting.*

**The SPEAKER** (11:04) — Order! The member for Polwarth and the member for Eltham will leave the chamber for the period of 1 hour.

**Honourable members for Polwarth and Eltham withdrew from chamber.**

**Mr MERLINO** (Minister for Education) (11:04) — I thank the Leader of The Nationals for his question. I can tell him that the next thing that needs to happen is the member for Lowan, the member for Lowan's staff, the *Hamilton Spectator* and the 53 Liberal Party members, past and present, who signed dodgy invoices need to explain themselves to the Ombudsman.

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance. The question was very clear to the Deputy Premier: will he now apologise to the member for Lowan for the mistruths, for misspeaking or for whatever word you want to use for what he did yesterday? It is not about him getting up and having a rant and reinforcing those mistruths. It is about whether he will apologise to the member for Lowan.

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

**Mr MERLINO** — The short answer to the member's question is no, absolutely not. For the record he must not have been listening to my —

*Honourable members interjecting.*

**The SPEAKER** (11:05) — Order! The member for Bayswater will leave the chamber for the period of 1 hour.

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

**Mr MERLINO** — He must not have been listening to the contribution I just made on the motion before the house to send these matters to the Ombudsman. But for the benefit of the member, and anybody else who was not listening, this was an unambiguous email —

**Ms Ryall** — On a point of order, Speaker, the Deputy Premier has form on bullying women. Lucinda Nolan, the member for Brunswick —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Ringwood for her point of order.

**Ms Ryall** — He will not be happy until he pulls everyone into the gutter with him. We will not comply.

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

**Mr MERLINO** — I will be happy when you are subject to the scrutiny that you are running away from. For the record —

*Honourable members interjecting.*

**The SPEAKER** (11:06) — Order! The member for Euroa will leave the chamber for the period of 1 hour.

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

**Mr MERLINO** — For the record I will read out the unambiguous email. Blank name — Oh, you do not want to hear it?

*Honourable members interjecting.*

**The SPEAKER** (11:06) — Order! The member for Forest Hill will leave the chamber for the period of 1 hour. And the member for Yan Yean can join him for 1 hour.

**Honourable members for Forest Hill and Yan Yean withdrew from chamber.**

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance again. The question was very clear about the Deputy Premier apologising. The Premier's interjection that the *Hamilton Spectator* actually had the moral courage to apologise should set an example for the Deputy Premier to now apologise to the member for Lowan. I ask you to bring him back to answering that question, please.

**The SPEAKER** — Order! The Deputy Premier has answered the question. The Deputy Premier will either continue answering the question or cease answering the question.

**Mr MERLINO** — I am explaining why the answer is no. I quote:

... has requested that we send all invoices that are currently owing for future bookings for Emma Kealy to her for payment please. Can we make sure that November bookings have October dates on the invoices?

*Honourable members interjecting.*

**The SPEAKER** (11:08) — The member for Frankston and the member for Mornington will both leave the chamber for the period of 1 hour.

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

**Mr MERLINO** — It states:

Can we make sure that November bookings have October dates on the invoices?

**Mr Paynter** interjected.

**The SPEAKER** (11:08) — The member for Bass will leave the chamber for the period of 1 hour.

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

**Mr MERLINO** — It continues:

Due to government rules around the elections they are not allowed to process anything with November dates on!

They knew it was wrong, the member knew it was wrong, her office knew it was wrong —

**Mr M. O'Brien** — On a point of order, Speaker, for the Deputy Premier to read a document into *Hansard* which has been refuted by the newspaper, and for which they have apologised and said there is no truth to it, the Deputy Premier is in breach of standing orders by casting aspersions on the member for Lowan, given this matter has been comprehensively refuted by the *Hamilton Spectator*.

**The SPEAKER** — Order! I do not uphold the point of order but I do ask the Deputy Premier to come back to answering the question.

*Honourable members interjecting.*

**Mr MERLINO** — They would, wouldn't they? The member for Lowan, the member's office, the *Hamilton Spectator* and the 53 signers of the dodgy invoices should be subject to the scrutiny of the Ombudsman. It is only fair that that is so.

*Supplementary question*

**Mr WALSH** (Murray Plains) (11:09) — Deputy Premier, how low will you go? How many mistruths

will you tell to distract Victorians from the fact that your government is subject to criminal investigations, where you ripped off Victorian taxpayers? How low will you go?

**Mr MERLINO** (Minister for Education) (11:10) — This from the former minister from the Office of Living It Up. We know all about him. What needs to happen is the end of running away, the end of voting against any referral to the Ombudsman. Those opposite need to be subject to scrutiny for their disgraceful behaviour in a \$1.5 million fraud.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask for the assistance of members at the table to cease the shouting across the chamber.

### Ministers statements: ambulance response times

**Mr ANDREWS** (Premier) (11:11) — I am very pleased to rise to update the house on the latest quarterly Ambulance Victoria response time data, with 83.8 per cent of all code 1 urgent ambulances arriving within 15 minutes. That is the best result that has ever been recorded in Victoria. We will take the opportunity, or at least everyone on this side of the house will, to congratulate and thank our members of the Ambulance Victoria team, both paramedics and those others who support them — community officers and the administrative staff. They have all done an amazing job, with strong and indeed record-setting support from this government: additional funding for more paramedics; additional funding to pay them properly; additional funding for new branches, new equipment, new technology, new models of care. And it is delivering results.

That reform and that investment are finding the seconds and saving the minutes that save lives. That is exactly what every single paramedic across Victoria should be so, so proud of. We are certainly proud of them, and why wouldn't you be proud when you have gone from a position of 73 per cent to almost 84 per cent? That is the best performance on record under our government versus the worst performance in the midst of an ambulance crisis presided over, actually delivered, by those opposite. It is about all they delivered: cuts and closures, and a performance that almost certainly put lives at risk. There is a very clear contrast.

We will continue to invest in more paramedics, in better technology, in respecting and valuing our paramedics, not going to war with them, so that they

can in turn deliver the best response times that change lives and save lives. Our paramedics and those who they support know and understand that we invest while those opposite cut.

### Member conduct

**Mr GUY** (Leader of the Opposition) (11:13) — My question is to the Attorney-General. The Director of Public Prosecutions (DPP) reports to you. It is that person who will ultimately make the decision as to whether Labor MPs, campaigners and staff will face charges over the red shirts rorts scandal. Attorney-General, you are a person central to this scandal. You participated in it. The Ombudsman named you in relation to it. With such a conflict of interest, how on earth can you continue in your role? Why have you not stood aside?

**Mr PAKULA** (Attorney-General) (11:14) — I thank the Leader of the Opposition for the question. Can I begin by saying, 'Happy anniversary, mate'. Happy anniversary. I am sure you will be celebrating with lobster and Grange tonight. Happy anniversary, mate.

**The SPEAKER** — Order! The Attorney-General will come back to answering the question.

**Mr Walsh** — On a point of order, on the issue of relevance, Speaker. It is a very serious question that has ramifications for the law system of Victoria. The DPP reports to the Attorney-General, and the question was very clear. The DPP is the one that will make a decision about whether or not people are charged, and that DPP reports to the Attorney-General. How can the position of the Attorney-General in this state be tenable under those circumstances? I ask you to bring him back to answering that very serious question that Victorians actually want an answer to.

**The SPEAKER** — Order! I do ask the Attorney-General to answer the question and not use the answer as an opportunity to attack the opposition.

**Mr PAKULA** — Speaker, I am more than happy to answer the Leader of the Opposition's question. And the answer to it is this, Speaker. It seems that the Leader of the Opposition is applying to this side of the house the sort of standards that they would apply to themselves.

**Mr Clark** — On a point of order, Speaker, the Attorney-General is defying your ruling to come back to answering the question and is proceeding to debate it. I ask you to instruct him to come back to answering the question.

**The SPEAKER** — The Attorney-General only just started answering the question. He will continue answering the question.

**Mr PAKULA** — Speaker, I am answering the question, and if the opposition would go a couple of seconds without taking points of order, they would hear the answer. The answer is that they are applying to me the standard that they would apply to themselves. It might be their view that the Attorney-General of the day would interfere with the independence of the DPP —

**Mr Walsh** — Speaker, can I reinstate my point of order and the member for Box Hill's point of order and ask you to bring the Attorney-General back to answering the question. No-one on this side of the house would stoop as low as those on the other side of the house.

**The SPEAKER** — Order! I do not uphold the point of order. The Attorney-General was answering the question.

**Mr PAKULA** — Just because a Liberal Party Attorney-General may believe that they could interfere with the independence of the DPP, do not ascribe that motivation to us, and do not cast that kind of aspersion on the independence of our DPP, Kerri Judd, QC.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hawthorn has been warned numerous times before the start of question time.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:17) — Violent crime is out of control. One-punch killers are playing football on the weekend. Home invasions, carjackings, shootings at service stations — the public has lost faith in the state's justice system, and now you, the Attorney-General of this state, are being investigated by the fraud and extortion squad of Victoria Police. Attorney-General, how can Victorians have confidence in the justice system while you remain as its first law officer?

*Honourable members interjecting.*

**The SPEAKER** — Order! When the house comes to order I will call the Attorney-General.

**Mr PAKULA** (Attorney-General) (11:18) — Well, they can have a lot more confidence in the justice system in a state which is not led by someone celebrating the anniversary of his dinner at the Lobster

Cave with Tony Madafferi. The other thing that they can have confidence in —

**Mr Walsh** — On a point of order, Speaker, the Attorney-General continues to defy your rulings to come back to actually answering —

**Ms Allan** — He was being entirely relevant.

**Mr Walsh** — No, he wasn't being relevant.

*Honourable members interjecting.*

**The SPEAKER** — Order! Shouting across the table is not assisting me in making rulings on these points of order — from both sides of the table. The Leader of The Nationals on his point of order.

**Mr Walsh** — The question was very clear, Speaker, about how Victorians could have faith in the justice system in Victoria while it is headed up by an Attorney-General who is under investigation by police. I ask you to bring him back to answering that question about his role in this, not editorialising on other people's roles.

**The SPEAKER** — Order! I do ask the Attorney-General not to attack other members of this place in his answer. The question, though, was a very broad question, and so it invites a very broad answer. The Attorney-General to continue answering the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr PAKULA** — The opposition and Victorians can have confidence in the fact that we will continue to fix the mess that was left to us in the justice system by repairing their baseline sentencing mess, by repairing their community correction order mess, by finally investing in Victoria Police after four years of non-investment, by fixing bail laws and by fixing parole laws. What we will not do is try and pretend that we have knowledge of the subject of an investigation that we in fact have no knowledge of at all.

### **Ministers statements: health and ambulance services**

**Ms HENNESSY** (Minister for Health) (11:20) — I am very delighted to rise to update the house on performance results in the health and ambulance services portfolios that were released on 31 July, which show that the absolutely unprecedented investment that

our government is making in both our health system and our ambulance system is paying off.

We of course remember that under the dark, dark days of those opposite our elective surgery waiting lists crescendoed out to over 50 000. It is obvious that we needed to turn this around. We have made an investment that has reduced our elective surgery waiting list to the lowest ever on record at 36 036. This is fantastic news for patients, but it is something that we cannot take for granted because there is always more work to be done.

We know that those opposite — and the Leader of the Opposition has foreshadowed his commission of audit, which we know is just fancy pants speak to try and get his way into the public sector and cut, cut, cut yet again — from their record, that billion dollars cut out of the health and ambulance system under those who were previously in government —

*Honourable members interjecting.*

**The SPEAKER** — I ask the Leader of the Opposition for his assistance in the running of the house. The manager of opposition business on a point of order.

**Mr Clark** — On a point of order, Speaker, the minister is now proceeding to debate issues. I ask you to bring her back to compliance with sessional orders and making a ministers statement.

**The SPEAKER** — I do ask the minister to come back to making a ministers statement.

**Ms HENNESSY** — Can I also endorse the Premier's comments when he expressed his very deep gratitude to our paramedics, who of course have delivered the best ambulance response times ever on record after having been delivered from those opposite an ambulance system in crisis.

*Honourable members interjecting.*

**The SPEAKER** (11:22) — The member for Warrandyte will leave the chamber for the period of 1 hour.

**Mr R. Smith** interjected.

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

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

**Ms HENNESSY** — This is of course a very confronting fact for those opposite, because they delivered the worst ambulance response times ever on record. They went to war with our paramedics. We remember who it was who gave our wonderful, hardworking nurses the finger when all they sought was a fair wage increase as well. Our government is turning this around, and we will continue to do so.

### **Electorate office budgets**

**Mr GUY** (Leader of the Opposition) (11:23) — My question is to the Minister for Police. On page 76 of the Ombudsman's report you are listed as a beneficiary of the Labor red shirts rorts scandal. Labor field organiser Jake Finnigan, who was last week arrested and interviewed by Victoria Police, stated publicly:

I worked five days a week out of her Bellarine electorate office; I did not work out of John Eren's office at all.

As a person of interest to Victoria Police and a direct beneficiary of the Labor rorts scandal, how can you possibly do your job as police minister when you and your office are central to this criminal investigation?

**Ms NEVILLE** (Minister for Police) (11:24) — I thank the Leader of the Opposition for his question. Let us be absolutely very clear that the only people that have ever undermined and compromised the operational independence of Victoria Police are those opposite. They undermined the chief commissioner. They brought down a chief commissioner. They take —

*Honourable members interjecting.*

**The SPEAKER** — I again ask the Leader of the Opposition to cease shouting across the table. The manager of opposition business on a point of order.

**Mr Clark** — On a point of order, Speaker, yet again a minister is seeking to deflect accountability for their own conduct to this house and the community by making false accusations against others. I ask you to instruct the minister to come back to answering the question as asked.

**The SPEAKER** — I ask the minister to come back to answering the question.

**Ms NEVILLE** — I am not sure if those opposite have read the Victoria Police Act 2013, but it is absolutely clear — and again, I am pretty sure that they ignored this in government — the police minister is in no way involved in the operational matters of Victoria Police, and in fact I have in no way been involved in any investigation —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier to cease shouting.

**Ms NEVILLE** — In fact the assurances that have been sought by both the secretary of the department and me and the chief commissioner indicate clearly that there is no impediment at all to me doing my job. In fact the chief commissioner has said to me that it is absolutely critical for me to continue to do my role as police minister as we roll out \$3 billion of investment: more police, more technology, more resources — a record investment, the biggest uplift in Victoria Police's history.

*Honourable members interjecting.*

**The SPEAKER** (11:25) — Order! The member for Ripon will leave the chamber for the period of 1 hour.

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

**Ms NEVILLE** — For those opposite again, for the record, who intervenes in the operational independence of Victoria Police? Those opposite, unless they are at the tennis. That is —

**Mr Clark** — On a point of order, Speaker, the minister is again doing what you instructed her not to do: making false accusations against others instead of accounting to the house for her own conduct and position. Again I ask you to instruct her to come back to answering the question as asked.

**Ms Allan** — On the point of order, Speaker, the minister is being entirely relevant to the question that was asked. The question also had significant editorial comment in it. That becomes part of the question, and the minister is entitled to respond to it, and in part of that response she is also entitled to point to examples — very recent examples — of how the previous government interfered with the chief commissioner's office directly from the then police minister's office. So I would suggest the police minister be allowed to continue to answer a question without the constant interruption of those opposite.

**The SPEAKER** — Order! The question did contain a significant preamble, but the response that the Minister for Police is now giving is not relevant to that preamble. She has been answering the question up to that point. I ask the minister to come back to answering the question.

**Ms NEVILLE** — Rightly, I am not involved in any aspect of any investigation — never have. Nor do I know, and it is interesting that the Leader of the Opposition apparently knows, who is actually central to the investigation. It is great to be able to say that in the protection of the house. Let us be really clear: I am not involved in any aspect. The chief commissioner, both through the secretary of the department and directly to me, has indicated there is absolutely no impediment, nothing that precludes me continuing in my role, and in fact it is critical that I continue in my role in order to deliver \$3 billion to continue to bring down crime. I am getting on with the job that I am tasked to do, which is to make our state safer, to give the police the resources they need, and that is exactly what I am going to continue to do.

*Honourable members interjecting.*

**The SPEAKER** (11:28) — The member for South Barwon will leave the chamber for the period of 1 hour. I will not have members constantly interjecting across the chamber when people are trying to talk.

**Mr Katos** interjected.

**The SPEAKER** — The member for South Barwon will leave the chamber for the period of 90 minutes.

**Honourable member for South Barwon withdrew from chamber.**

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (11:28) — Having regular meetings with the chief commissioner, where you receive briefings on the progress of a range of investigations, is a key part of your job. Yet you, your former staff, your current staff, your colleagues, your political party, are all now under police investigation as part of the red shirts scandal. Minister, how can you possibly continue in a position that requires you to work closely with a chief commissioner whose role may involve in future charging you with a criminal offence?

**Ms NEVILLE** (Minister for Police) (11:29) — I am very happy for the Leader of the Opposition to go outside and say exactly that. I can assure this house and I can assure Victorians, just like I have every single time: I am not involved in any aspect of any investigation. No aspect of any investigation in fact is —

*Honourable members interjecting.*

**The SPEAKER** — Order! Can I ask the minister to resume her seat? I ask the Leader of the Opposition to not shout constantly across the chamber at the minister.

**Ms NEVILLE** — I am starting to feel a bit bullied by the men over there. I am not involved in any aspect of any investigation ever. The weekly meetings that I have with the chief commissioner are all about how we best deliver the \$3 billion of investment —

**Mr M. O'Brien** — On a point of order, Speaker, the Minister for Police said that she is completely at arms-length from the investigation. How then can she assert she has nothing to do with the investigation when she has been named in the Ombudsman's report? If you are at arms-length, how do you know you are not part of it?

**The SPEAKER** — Order! The member for Malvern may well have a question he wishes to ask, but that is not a point of order.

**Ms NEVILLE** — What I have indicated is that the secretary of the department and I have —

*Honourable members interjecting.*

**Ms NEVILLE** — Again, I am feeling quite bullied today by those opposite. Let us be really clear: I have not been involved in any investigation ever, and secondly, I have sought assurances from the secretary and the chief commissioner himself that nothing impedes me doing the job I do, which is \$3 billion of investment for Victoria Police.

### **Ministers statements: employment policy**

**Mr CARROLL** (Minister for Industry and Employment) (11:31) — I rise to inform the house that the Andrews government's Local Jobs First legislation has now passed the Parliament, which will be a real game changer for local industry and local employment. I had the great pleasure of joining the Premier and the Minister for Public Transport only yesterday down at the Metro Tunnel works at the City Square. This is an incredible project; indeed we had experts from the UK over to see what we are doing down at the City Square at the future Town Hall station.

Our Local Jobs First legislation will be a game changer for industry but a game changer too for local apprentices. It was the Andrews government that introduced the Major Projects Skills Guarantee, mandating 10 per cent of all work on our major projects should go to apprentices, engineering cadets and other young people. But more than that, we have got our social procurement framework as well that is providing

a real dividend to people from disadvantaged backgrounds, giving them real important work and an opportunity not only to shape their own lives and shape their own futures but to also shape Victoria's future.

This legislation, at the heart of it, is all about 'Victorian-made'. We should be very proud that manufacturing continues to grow in our state. We should be very proud of what we are doing as a government to support industry and to support workers — to put them front and centre of our major projects. I am very proud as the Labor industry minister to have seen this legislation pass through Parliament. I thank the Premier for his leadership and support on this important, integral legislation. What it means is enshrining in law our Major Projects Skills Guarantee — and also our local content laws — means that no future government can alter it or change it.

For the first time we have got 88 strategic projects underway versus their eight. That is ten times the number of major projects and three times the number of jobs created under this government — in fact, heading towards 350 000. This government is getting on with it. While they snipe, we are getting on with the job — delivering for industry, delivering for local jobs.

### **Latrobe Valley employment**

**Mr NORTHE** (Morwell) (11:33) — My question is to the Minister for Industry and Employment. The latest employment statistics for the City of Latrobe show an increase in unemployment of 22 per cent over the past three years. In that period we have seen the closure of many businesses, large and small. At the same time there are a number of already approved major local developments that sit idle, despite the fact that these projects would deliver hundreds of local jobs and much-needed infrastructure. In November 2016, and by way of a press release, the Premier clearly stated that this government would:

... ensure projects in the Latrobe Valley are fast-tracked ...

Minister, can you advise why approved local projects such as the Lake Narracan precinct and Morwell East industrial precinct have still not commenced despite comments from the state government that Latrobe Valley projects would be fast-tracked and despite the fact that hundreds of local jobs would be created?

**Mr CARROLL** (Minister for Industry and Employment) (11:34) — I thank the member for Morwell for his question. I have been a minister for 296 days, and it has actually taken an Independent member to ask me a question. I do not even know who my shadow minister is. Who is it? Let me know.

*Honourable members interjecting.*

**Mr CARROLL** — It is the wizard from Warrandyte. I want to thank the member for his question, because it is a very important question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Minister for Industry and Employment, and caution him, to use members' correct titles.

**Mr CARROLL** — I thank the member for his question. Only last month I was in the Latrobe Valley, and I announced a very important initiative which goes to the heart of jobs down in the Latrobe Valley. We are heading towards 1000 new jobs for the Latrobe Valley. Indeed the member for Morwell has been a great advocate for that community, and I have worked very closely with him on a number of projects. I was there last month in fact. I was sworn in only last year, and in my first weeks I was down there because it is a very important region. Make no mistake, only last month I announced 100 new jobs at the former Moe hospital. And who closed the former Moe hospital? Jeff Kennett. It was Jeff.com and then it was Jeff.gone, and we all know who is bringing Jeff Kennett back to advise on policy.

**Mr Clark** — On a point of order, Speaker, the minister is now debating the issue. I ask you to bring him back to compliance with standing orders.

**The SPEAKER** — Order! I do ask the minister to come to answering the question.

**Mr CARROLL** — The member for Morwell is very aware that through our Latrobe Valley Economic Facilitation Fund, which I oversee as the Minister for Industry and Employment, we are making great strides in that region. In fact I am down there regularly, and only last month we announced a manufacturing cluster for the Latrobe Valley region to really support that region. I am also working very closely with the Industry Capability Network on a great game-changing project — like the West Gate tunnel that some oppose — to make sure that businesses and employers in the region get a shot at it.

**Mr NORTHE** — On a point of order, Speaker, on relevance, I appreciate the minister's response, but my question was directed specifically to why local approved developments, such as the Lake Narracan precinct and the Morwell East industrial precinct, have not commenced despite the government commenting that they would fast-track projects in the Latrobe

Valley. I ask you to bring the minister back to answering the question I asked.

**The SPEAKER** — Order! I ask the minister to come back to answering the question.

**Mr CARROLL** — We are doing everything we can to support that region. Following the closure of the Hazelwood power station, the Premier, the Minister for Health and I — because of some of the projects she has done — are doing everything we can to make sure businesses and industry are supported. Only last month I sat down with the Committee for Gippsland and heard firsthand about the work and the investments this government is making. After four years of the back being turned on the region we are making game-changing investments to ensure that local jobs and local industry is being supported. We also know, as the member for Morwell highlighted, that through a range of projects we want to diversify the economy down in the Latrobe Valley. We know it is changing. And you know what? When I announced the funding for Serco and toured the former Moe hospital I met someone who was born at the hospital and who, thanks to this government, is back in employment —

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

**Mr Northe** — On a point of order, Speaker, I will just restate my point of order in terms of relevance. Again, I appreciate the minister's overview of what is happening in the Latrobe Valley, but my question was specifically related to approved local developments such as the Lake Narracan and the Morwell East industrial precinct developments and why they have not commenced. I ask you to bring the minister back to answering that question.

**The SPEAKER** — Order! I ask the minister to come back to answering the question.

**Mr CARROLL** — The member raises a range of projects. With these projects we are working very closely with the Latrobe Valley Authority and also with the local councils. The investment we are making through the national disability insurance scheme (NDIS), the 100 employees located down there —

**The SPEAKER** — The member for Morwell.

*Supplementary question*

**Mr NORTHE** (Morwell) (11:38) — Minister, proposed Latrobe Valley developments like the Morwell north-west and the Traralgon north developments, along with the Lake Narracan precinct

and the Morwell east industrial precincts all require investment in off-site infrastructure, primarily from various state government departments and agencies. There are over 600 more unemployed people within the City of Latrobe since the change of government in 2014. So, Minister, will your government support the creation of hundreds of new jobs by unblocking the substantial infrastructure barriers that are prohibiting development within the Latrobe city?

**Mr CARROLL** (Minister for Industry and Employment) (11:39) — We are not only talking, we are getting on with it. We will do everything we can to support the region. They talk unemployment figures, but unemployment was a lot higher under them. At least we know with the investments we are making. What they could do is actually support us. We have got 100 jobs down there to support the national disability insurance scheme. They could actually lobby their federal counterparts and help us get more jobs down there to support the NDIS and its rollout, which is still bearing the brunt of Tony Abbott's first 2014 budget cuts. But almost 1000 jobs have been created through this government and the Latrobe Valley Economic Facilitation Fund.

**Mr NORTHE** — On a point of order, Speaker, again just in terms of relevance. I named four major approved local projects that have not commenced, and my question related to: will the government support the unblocking of the infrastructure barriers that are in place related to those projects? I ask you to bring the minister back to answering the question that was asked.

**The SPEAKER** — Order! The minister will come back to answering the question.

**Mr CARROLL** — The figures speak for themselves: a \$266 million investment in the Latrobe Valley support package. We are fast-tracking work down there. We are diversifying the economy. We are not leaving anybody behind, whether they are disadvantaged or in fact whether they have disabilities. We will not turn our backs like that side did. We will continue to stand up for the Latrobe Valley through my leadership, the Premier's leadership and the Latrobe Valley Authority. We are getting on with the job while they celebrate a special anniversary tonight with a bottle of Grange.

*Honourable members interjecting.*

**The SPEAKER** (11:41) — Order! The member for Burwood will leave the chamber for the period of 1 hour.

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

### **Ministers statements: education funding**

**Mr MERLINO** (Minister for Education) (11:41) — I rise to update the house on the rollout of the Andrews Labor government's Camps, Sports and Excursions Fund. Over the last 12 months —

*Honourable members interjecting.*

**Mr MERLINO** — 'Scam squad', did you just say? He is going to cut it; we know the opposition leader is going to cut it. Over the last —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members in the house to come to order. The Deputy Premier has the call.

*Honourable members interjecting.*

**The SPEAKER** (11:42) — The member for South-West Coast will leave the chamber for the period of 1 hour.

**Honourable member for South-West Coast withdrew from chamber.**

**Mr MERLINO** — Over the last 12 months, a record 222 000 government and non-government school students received support from the Andrews government's \$184 million Camps, Sports and Excursions Fund. This is the first time, over the last 12 months, that we have exceeded 220 000 students. This many students benefiting in one year means more than one in four students in the government sector is receiving this support, students who without this support would miss out on those opportunities to go to camps, sports activities and excursions. So today is an important anniversary.

*Honourable members interjecting.*

**The SPEAKER** (11:42) — The member for Ferntree Gully will leave the chamber for the period of 1 hour.

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

**Mr MERLINO** — Today is of course an important anniversary for another special occasion. It involves the Lobster Cave, organised crime and the Leader of the Opposition. Happy anniversary to the Leader of the Opposition.

**Mr Clark** — On a point of order, Speaker, the Deputy Premier is defying standing and sessional orders, and I ask you to instruct him to observe the proprieties of this house and come back to making a ministers statement.

**The SPEAKER** — Order! I do ask the Deputy Premier to come back to making a statement.

**Mr MERLINO** — Since Labor came into power, more than 830 000 students in government, Catholic and independent schools have been supported by this fund. It is another example of how the Andrews Labor government is making things fair so that all children can reach their potential regardless of their background or circumstances. But not everyone supports all kids having this opportunity. We know that just like the education maintenance allowance, those opposite would cut this fund.

### Member conduct

**Mr PESUTTO** (Hawthorn) (11:44) — My question is to the Attorney-General. When asked if the government would cooperate with an Ombudsman investigation into Labor's rorting at the 2014 election, the Premier said he would fully cooperate. Instead, as Attorney-General, you spent \$1 million of taxpayers money trying to thwart the Ombudsman, going as far as the High Court.

**Mr Merlino** interjected.

**The SPEAKER** — Order! The Deputy Premier will come to order.

**Mr PESUTTO** — While every other party cooperated, your leader refused to. Now that Victoria Police are investigating this rorting, what guarantees will you give that you will not do the same thing all over again — promise cooperation but then misuse your role as Attorney-General to hinder and obstruct the police investigation, all in order to protect yourself and other ministers from possible criminal charges?

**Mr PAKULA** (Attorney-General) (11:44) — I thank the member for Hawthorn for the question. I like the way he characterises the behaviour of those opposite in the investigation. He obviously forgets the fact that when a motion was moved in the other place to

subject themselves to the same scrutiny that we have been subjected to they voted it down.

*Honourable members interjecting.*

**The SPEAKER** (11:45) — Order! The member for Nepean will leave the chamber for the period of 1 hour.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition will come to order.

**Mr PAKULA** — So let us not let this side of the house pretend they have cooperated with anything; they voted down all of the attempts to have them subjected to the same scrutiny —

**Mr Pesutto** — On a point of order, Speaker, I am quite happy to let the Attorney-General keep digging, but you might just bring him back to the question I asked.

**The SPEAKER** — Order! It was a broad question, but I do ask the Attorney-General to come back to answering the question.

**Mr PAKULA** — It is also worth noting of course that when the Leader of the Opposition, then Minister for Planning, was investigated by the Ombudsman over Ventnor, he refused to cooperate.

**Mr Pesutto** — On a point of order, Speaker, we understand that this is difficult for the Attorney-General. He is a little rattled. He is showing all the signs of being rattled. You just might draw him back to the question. He is defying your ruling now. He is a bit overexcited. He needs to calm down and take a breath. I will give him all the time he wants.

**The SPEAKER** — Order! The Attorney-General will come back to answering the question.

**Mr PAKULA** — I thought I was, and I thank the member for Hawthorn for both his advice and his audition. The member for Hawthorn, as part of his substantive question, talked about the matters that have been dealt with in the court system, and of course, as he well knows, the determination of the Court of Appeal means that any matter can now be referred to the Ombudsman. It is for exactly that reason that the motion moved by the Deputy Premier is totally in order. In regards to —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Attorney-General to resume his seat. I again ask the Leader of the Opposition to stop shouting across the chamber at ministers when they are answering questions. The Attorney-General to continue answering his question.

**Mr PAKULA** — It is interesting that the member for Hawthorn calls me excitable when the Leader of the Opposition is behaving like this. In regards to the substance —

**Mr Burgess** interjected.

**The SPEAKER** (11:48) — Order! The member for Hastings will leave the chamber for the period of 1 hour.

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

**Mr PAKULA** — In regard to the substance of the member for Hawthorn's question, he knows that these undertakings that have already been made by the Minister for Police also apply to me. There would be absolutely no way that any member of this side of the house would ever consider interfering with the independence of the Director of Public Prosecutions. If that is the way that they would behave in government, God help Victorians.

*Supplementary question*

**Mr PESUTTO** (Hawthorn) (11:49) — On a supplementary question, the government has told Victorians that the police investigation into Labor's roting will be conducted at arms-length. Attorney-General, given your party's repeated criticism of the police and the attempts to hinder their investigation, what arrangements have you as senior justice minister put in place and what public oversight will there be to ensure that the investigation will truly be at arms-length and that neither you nor any other ministers will seek to nobble or influence the independent conduct of the police investigation?

**Mr PAKULA** (Attorney-General) (11:49) — The member for Hawthorn knows that the Attorney-General's office has no oversight role in regard to the conduct of investigations by Victoria Police. Again, that might be the way they would conduct themselves. Interestingly he claims, with mock outrage, that criticism from the Labor Party somehow constitutes interference with the operations of Victoria Police. Let me remind the member for Hawthorn what the president of the National Party said about the investigation into the member for Ovens Valley, who

has now been charged. Mr Pankhurst is reported to have said:

... the court case, which forced Mr McCurdy to resign from a front bench spot in March following the laying of multiple charges, was 'politically motivated', but wouldn't elaborate on the claim.

That is the sort of operation we have opposite. We will not stoop to their low standards.

**Mr Walsh** — On a point of order, Speaker, we have heard the word 'bully' thrown around a lot in this house today. Can I ask the leader of the house to withdraw from bullying about this issue please?

*Honourable members interjecting.*

**The SPEAKER** — Order! I seek clarification. Does the Leader of The Nationals seek a withdrawal of particular comments?

**Ms Allan** interjected.

**Mr Walsh** — I think her interjection speaks for itself, and I ask her to withdraw.

*Honourable members interjecting.*

**The SPEAKER** — Order! I did not hear the interjections, but I ask the Leader of the House to withdraw comments that the Leader of The Nationals has found offensive.

**Ms Allan** — I withdraw to the Leader of the National Party.

### **Ministers statements: road upgrades**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (11:52) — I rise to update the house on the impact the Andrews government's major road and rail upgrades are having on cutting travel times for our community. When we look at the West Gate tunnel we know that we will be delivering 20-minute travel time savings to those people who live in Werribee, Ballarat and Geelong. These are very much the good cuts we believe in. If we look at the Monash, we are now seeing 7-minute travel time savings. That is the extra lane. Again, they are more good cuts that we believe in. If you look at the freeway management system we have introduced on the Monash, that actually cuts the level of disruptions on the Monash. When we have an incident or an accident there we can divert the cars around it. These are great cuts for residents in Hallam, Endeavour Hills, Narre Warren and Berwick. If you look at the CityLink-Tullamarine widening upgrade, and if you look at the cuts in travel times we have undertaken there

between Melbourne Airport and the Bolte Bridge, it now takes just 16 minutes instead of the usual travel time of 30 minutes. Again, these are very positive cuts.

But there are alternative policies out there for Scully and Mulder to find. There was a magic lobster claw moment, I noticed. The mob opposite decided to come up with an extension of a single train line to Clyde and cut services to Cranbourne —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, the minister is now proceeding to debate issues rather than making a ministers statement. I ask you to bring him back to compliance with sessional orders.

**The SPEAKER** — I uphold that point of order, and ask the minister to come back to making a statement.

**Mr DONNELLAN** — As I was saying, we on this side love good cuts. We are like a good butcher. We love the prime cuts, and we know the community will purchase those travel time savings. We are like a good butcher. But we know there was a Clyde station many years ago, and guess who cut the Clyde station from the South Gippsland line? It was the Liberal Party in 1993, and now they have got the cheek to tell us that they are going to go back down there and put it back in after they cut it out. You cannot trust them.

## DISTINGUISHED VISITORS

**The SPEAKER** (11:54) — Order! I welcome to the chamber a former member from the other place, Peter Hall.

## RULINGS BY THE CHAIR

### Constituency questions

**The SPEAKER** (11:54) — Yesterday the member for Burwood took a point of order about whether the member for Yan Yean's constituency question was in order as it appeared to relate to a statewide issue. Having reviewed the transcript, I uphold the point of order as the member did not closely enough relate the application of the broader issue of defibrillator supply to her electorate.

## CONSTITUENCY QUESTIONS

### Narracan electorate

**Mr BLACKWOOD** (Narracan) (11:55) — (14 753) My constituency question is for the Minister for Health, and I ask: when is she going to release the

business case that she has funded and commissioned regarding the preferred site for the new West Gippsland hospital? The minister provided \$1 million in the 2015–16 budget to fund the business case which would allow the government to identify the most suitable site for a new hospital in West Gippsland. I understand this work was completed over 12 months ago, but still the details of the business case have not been released. Our community is still anxiously waiting for the Andrews government to commit to a new hospital project, but if that is not forthcoming I ask the minister to release the findings of the business case and acknowledge the preferred site for a new hospital.

### Yuroke electorate

**Ms SPENCE** (Yuroke) (11:56) — (14 754) My question is to the Minister for Education. What is the latest information the minister can provide on how students in the Yuroke electorate are benefiting from the Andrews Labor government's doctors in schools initiative? Two great local schools — Craigieburn Secondary College and Mount Ridley P–12 College — are participating in this initiative. It is no secret that adolescents have some of the lowest GP attendance rates, often instead using Google for medical information, making this innovative program all the more important. I am delighted that this government is helping to take pressure off local parents as well as ensuring that young people are healthy, happy and ready to learn. I look forward to the minister's response.

### Mildura electorate

**Mr CRISP** (Mildura) (11:56) — (14 755) The constituency question I have is for the Minister for Health. The information I am seeking is when the state government will update us on the proposed funding for the Mildura radiation bunker. Mildura has a radiation bunker within its grasp if the state government will complete a co-funding agreement. New South Wales agreed to co-fund back in May, and now we are waiting for Victoria to do likewise. Most radiation treatment sees people in and out of hospital for less than an hour. If you are living away from home, you are then left with a large amount of time until the next treatment with no family support. A bunker in Mildura will allow those having treatment to stay in touch with their family and friends, and there is no doubt in my mind that this improves the success of the treatment. What is needed is for the minister to provide information on when the co-funding agreement will be negotiated for the Mildura radiation bunker.

**Carrum electorate**

**Ms KILKENNY** (Carrum) (11:57) — (14 756) My constituency question is for the Minister for Sport. The defibrillators for sporting clubs and facilities program has been very popular in my electorate of Carrum. Already a number of my local sporting clubs have benefited from new defibrillators and training from St John Ambulance in defibrillator use and CPR. Carrum Rowing Club, the Chelsea and District Basketball Association and Frankston BMX Club all applied for defibrillators in the latest funding round. Minister, when will clubs in my electorate know whether they have been successful in receiving this life-saving device?

**Rowville electorate**

**Mr WELLS** (Rowville) (11:58) — (14 757) My question is to the Minister for Emergency Services. Minister, what provision has the Andrews government made to fund a new station for the Scoresby Country Fire Authority (CFA) brigade, whose existing station was built in 1973? Scoresby CFA's fully volunteer brigade of more than 60 volunteers attend more than 600 call-outs per year from house and structure fires to car accidents and cleaning up hazardous materials. The brigade is the only brigade in the state with a hose-layer truck, an invaluable piece of machinery that Scoresby crew drive across Victoria to train and demonstrate to other brigades, as well as to fire incidents, including a large recycling fire at Coolaroo earlier this year. A new Scoresby CFA building does not require any new land, only construction costs, and an update is long overdue for this vital community asset.

**Macedon electorate**

**Ms THOMAS** (Macedon) (11:59) — (14 758) My question is for the Minister for Education. Minister, as part of the 2018–19 state budget the Andrews Labor government announced that Gisborne Primary School would receive \$10 million to upgrade and modernise facilities at the school, including the demolition of the current undersized school gym and replacing it with additional modern classrooms and a new competition-grade gym that can be shared with local sporting clubs and the community. It is fantastic to be investing in this terrific school and building on its great culture and success. Minister, families are keen for a progress report, so I ask: can you advise when the school should expect works to commence? I am so proud of this government's investment in schools in Macedon. In this term alone we have invested more than \$53 million in our schools, compared to a measly \$15.2 million under the previous Liberal government.

**Benambra electorate**

**Mr TILLEY** (Benambra) (11:59) — (14 759) My constituency question is for the Minister for Regional Development in the other place. The Benambra electorate is among the most bushfire-prone in the state, with more than 10 000 square kilometres of valleys and ridges that also have more than their fair share of mobile blackspots. Many people in the Woolshed Valley were heartened to hear that plans were finally afoot to provide a mobile phone tower, which was announced by the minister on 18 July. But despite all the hoopla, there was no mention of dates and only some suggestion that the work will be completed by the end of 2019 — perhaps two summers away. When will the construction commence and be completed for the tower? My constituents need both clarity and certainty.

**Broadmeadows electorate**

**Mr McGUIRE** (Broadmeadows) (12:00) — (14 760) My question is to the Minister for Industry and Employment. Is his department investigating Broadmeadows as a hub for Victoria's priority manufacturing, especially pharmaceuticals? As outlined in the strategy *Creating Opportunity: Postcodes of Hope*, Broadmeadows can become a centre for medical research and pharmaceuticals. Our leading company, the internationally acclaimed CSL Limited, recently completed a \$210 million expansion of its Broadmeadows facility. This created 200 construction jobs and another 190 jobs once the plant was operational. As the Parliamentary Secretary for Medical Research I have encouraged the sector to see the benefit of CSL's strategy in maintaining its brains trust in Parkville but establishing its manufacturing arm in Broadmeadows, the designated capital of Melbourne's north. Other opportunities are through RMIT University's Bundoora campus, which features the Chinese medicine Confucius Institute, which has played a longstanding role in examining the efficacy of Chinese medicine, an industry worth billions of dollars.

**Sandringham electorate**

**Mr THOMPSON** (Sandringham) (12:01) — (14 761) My constituency question is directed to the Minister for Public Transport. I refer the minister to the economic loss and financial hardship confronted by many businesses in the electoral district of Bentleigh as a result of grade separation. I further note the future works at Cheltenham and Mentone and the many business proprietors who live in fear of imminent economic loss, bankruptcy and personal financial devastation. And I ask: as a consequence of the grade separation works that will be taking place in those

precincts, is it correct that for those property owners who will not have their properties bought there will be no economic compensation payable to businesses on the brink of bankruptcy and economic collapse as a consequence of the works?

### Sunbury electorate

**Mr J. BULL** (Sunbury) (12:02) — (14 762) My question is for the Minister for Sport. Minister, what is the latest information on applications from the Diggers Rest Bowling Club and Sunbury Bowling Club on the next round of the Andrews Labor government's round 5 defibrillators for sporting clubs and facilities program? This program is delivering over 1000 defibrillators to clubs right across Victoria, a promise we made prior to the last election. I understand there has been a record uptake of this program, and each and every club knows how important defibs are. In a life-threatening sudden cardiac arrest we know that every second counts. Bystanders play a vital role because the chance of surviving a cardiac arrest decreases by 10 per cent every minute that passes without defib. These are wonderful machines. They save lives and enable the community to play a leading role in people's treatment. I commend this program and look forward to the minister's response.

## MEMBER CONDUCT

### Debate resumed.

**Mr CLARK** (Box Hill) (12:03) — The motion before us is one in which the Deputy Premier accuses his political opponents of various wrongdoings. The principal accusation makes no sense in that he effectively accuses the victims of fraud of being parties to that fraud. He has produced no evidence to substantiate his allegations. He has also made separate allegations against the member for Lowan — accusations which have been proven false within a few hours of them being made. Yet the Deputy Premier wants the Ombudsman to put aside her other important work and to spend large amounts of public funds to investigate his baseless accusations.

These accusations of course come in a context in which the Ombudsman has already made damning findings against members of the Deputy Premier's own party, findings that his party and his colleagues have taken part in a wrongful artifice to divert public funds to employ party staff for political campaigning. These are matters now under active investigation by Victoria Police as possible criminal offences, including possible criminal offences by at least six government ministers. The accusations that the Deputy Premier makes in this

motion are the latest in a series of false and unsubstantiated allegations being made by the government that seem to have the sole purpose of trying to make out that the other side of politics is as bad as they are. However, each of these moves by the government has instead simply exposed the desperation of the government and the dishonesty to which they are prepared to resort.

We saw this first with the government's orchestrated release to the media of personal details of former government staff members and the false claim that these details were released pursuant to a freedom of information request. We next saw it with allegations that named opposition MPs had misused their staff allowances, accusations that the government was referring to Victoria Police but for which the Deputy Premier was unable or unwilling to provide any supporting evidence when asked for it by the media. Now this motion before us today is a third similar empty and dishonest attempt by the government to discredit others in order to distract attention from their own wrongdoing. When governments — when ministers of the Crown — resort to such behaviour, in both their own initial wrongdoing and their dishonest attempts to falsely accuse others, it is impossible for the community to continue to have confidence in them. It is intolerable in what should be a free, open, democratic and law-abiding society such as Victoria to have a government and ministers that behave in this manner. It is behaviour that should be deplored and condemned by every person who values and cherishes our hard-won democracy and the rule of law.

So let us now look at the detail of the Deputy Premier's motion. In essence in paragraph after paragraph of the motion, and in his speech supporting his motion earlier today, in effect the Deputy Premier alleges that Liberal MPs were knowingly parties to a criminal fraud by our state director that badly weakened our own re-election campaign. You only need to state the hypothesis to see how absurd it is on its face. To suggest that MPs in the then government party, who were seeking re-election of their government, who were seeking to continue in office and who were seeking to continue to implement their policies and the platform that they were putting forward to the community, would be parties to a fraud that badly weakened that campaign and undermined their ability to get re-elected is just plainly absurd on its face. One hardly need say more about it to realise how bizarre a claim it is.

The director of the Liberal Party defrauded us. We were the victims of his fraud. When we found out we reported it to Victoria Police, and he went to jail, as he deserved to, for the fraud that he perpetrated on own

party, on the MPs that are in this house today, on our unsuccessful candidates and on those MPs who lost their seats. And yet the Deputy Premier would have this house and the community believe that members and candidates were knowingly party to this fraud. It just does not stand up. It falls over under its own weight.

If that were not enough, in his contribution earlier today advancing these very serious charges — which if they had any substance would deserve very intense evidence and a serious response — these very grave matters, the Deputy Premier basically had no evidence whatsoever. He simply reiterated the known public facts of the fraud known by the Liberal Party's then state director and referred to the fact that of course Liberal MPs who were victims of this fraud had signed various paperwork in relation to it. He then claimed that showed that there was something that implied culpability on their part. He had not a single scrap of evidence to substantiate his allegation that members on this side of the house rather than being victims of fraud were complicit in fraud. He has failed at that very first hurdle.

Then he went on to make further specific and separate allegations against the member for Lowan, and for that he relied on an email with various redactions in it that appears from what we can tell to have been an internal email sent by someone within the *Hamilton Spectator*. He relied on that to perpetuate his allegations against the member for Lowan. He completely dismissed the fact that the *Hamilton Spectator* has refuted these claims and has in fact stated that in writing. I will read for the record exactly the statement that the *Hamilton Spectator* put out, and I quote:

In response to media reports regarding an internal email at the *Hamilton Spectator*, we would like to make the following statement:

The content of the internal email was inaccurate. The claims in the email misrepresented communication between the *Hamilton Spectator* and Emma Kealy for Lowan's office.

Ms Kealy and her office have never, at any time requested to have invoices changed, altered or amended.

The *Hamilton Spectator* values its integrity and would never entertain the idea of changing, altering or amending invoices.

The *Hamilton Spectator* apologises unreservedly for this mistake.

So the *Hamilton Spectator*, the very alleged source of this email, has issued that statement, making clear that the contents of the email are inaccurate, that there was never a request from the member for Lowan or her office to have invoices changed and that they would never entertain such an idea, and they apologise unreservedly for their mistake. Yet notwithstanding that

very clear statement by the source of the alleged evidence put forward by the Deputy Premier, he not only continues with those false allegations but he has elaborated on them, has continued to attack and denigrate the member for Lowan and has refused point blank to apologise to her when asked to do so in question time today. So there is no evidence to back up these claims, which even on their face are absurd.

As has been said recently in another context, it is time for the Deputy Premier to put up or shut up. He was given that opportunity when he had half an hour to move his motion earlier today, and he comprehensively failed to put up one scrap of evidence. To repeat the well-known point, if the Deputy Premier wants to persist in trying to substantiate those allegations, let him go outside and say them and take the consequences.

There are limited times when it is important for members to be able to make statements in this house and attract the benefit of privilege, but this is certainly not one of them. This house is not a vehicle for the Deputy Premier to stand up and make baseless allegations — allegations that would be defamatory if made outside this house, allegations which he has failed to substantiate in this house — and then not be prepared to go outside and put them on the record, where he could be held to account for what he has had to say. The contrast between the two sides of this house could not be clearer in relation to what has been occurring over recent times, not only in relation to the original situation but in relation to how the different sides of the house have responded to it.

We have had today the unsubstantiated claims made by the Deputy Premier as the alleged justification for him referring a long series of matters to the Ombudsman. In contrast, when it comes to the other side of the house there was strong and detailed evidence emerging day after day of an orchestrated scheme of wrongdoing by members of the Labor Party. There was a Labor Party whistleblower prepared to speak up and speak out against what was occurring, and that evidence was on the table in the public arena at the time that the Council, at the instigation of the Greens party, resolved to refer the issue to the Ombudsman. The Ombudsman's investigation has vindicated the merits of the reference that was made to her.

In the case of this motion, these are allegations of wrongdoing against members on this side of the house who have been victims of fraud. In contrast, when it comes to members of the government party there has been a calculated and systematic artifice endorsed at the highest levels of the party to perpetuate this scheme. Indeed we have still had no accountability from our

now Premier, the member for Mulgrave, in relation to his role as a member of the campaign committee and his role in the campaign committee's deliberations in which they agreed to endorse and support the scheme that was put forward by Mr Lenders. Those are issues on which the Premier still needs to explain exactly what he did and did not know and what he did and did not do as a member of the campaign committee, because on the face of it it is very difficult to see how he could be a member of the campaign committee — the key organisation, the key body within his party, responsible for its election campaign — which endorsed the systematic and wrongful artifice and yet have no knowledge of it.

In the case of the fraud perpetuated on the Liberal Party, the police were called in as soon as that fraud was investigated. The police were given full and open access to everything that was within the party's knowledge and were asked to investigate it fully and extensively and take whatever action they saw fit. They certainly had scope to investigate any matters relevant to the allegations now being made by the Deputy Premier had they wanted to do so. As soon as this fraud was identified and as soon as it became apparent that some elements of it involved public money, the Liberal Party made a detailed and exhaustive inventory and ascertainment of the amounts of public money that may have been overcharged and repaid that money to the Parliament, and the party was always fully open to any follow-up that the Department of Parliamentary Services wanted to make on that.

By contrast, when the Legislative Council asked the Ombudsman to investigate the red shirts rorts, that was resisted at every step of the way by the government, and the money was only repaid on the very eve of a damning Ombudsman's report into the entire artifice. Only the limited amount that the Ombudsman was able to firm up in the context of non-cooperation by government members was repaid, and there were no efforts to ascertain the full amount of the abuse and repay that full amount.

As I have said, when the fraud perpetrated on the Liberal Party was identified there was full cooperation by the Liberal Party with that police investigation. In contrast, when the Legislative Council resolution asked the Ombudsman to investigate the red shirts rorting it was fought every step of the way by the government in the Supreme Court and in the Court of Appeal, and then it was taken to the High Court, where it was thrown out on its ear. I have to say it was quite a humiliating finding by the High Court for the Attorney-General of the day. As far as I am able to ascertain, there had been virtually no precedent for a High Court throwing out an

application for leave to appeal by an Attorney-General on the basis that there was nothing put before the court that would substantiate that appeal being heard. It could not even get to first base. Even though it had the name of the Attorney-General behind it, the High Court said, 'There's nothing here', and it was out on its ear. That again reinforces the desperation of the government to do everything within its power to stymie investigation.

Then of course we have had a bizarre claim of exclusive cognisance asserted by the Legislative Assembly, a claim that was invoked at the last minute in order to try to protect some members of the government from investigation. It was a claim that the Ombudsman is of the view did not prevent her investigations. Certainly that is something that we on this side of the house also believe. It was a similar argument to one that was tried by rorting members of the Westminster Parliament, and the Supreme Court of the United Kingdom threw out that argument there. Yet that has been used to hinder and handicap the Ombudsman's investigation into the red shirts affair. In effect the assertion of exclusive cognisance is an assertion that 'We have the exclusive right to do nothing whatsoever', and that is the way the government has acted, because when time and time again we on this side of the house have said, 'Okay, you've asserted exclusive cognisance to deal with these matters — then let's deal with them', it has said, 'No, no, we're not going to do anything about it whatsoever'.

So again the contrast between this side of the house and the government side of the house could not be starker at every step of the way. We reported fraud, we were the victims of fraud and we acted immediately to restore the funds that our fraudulent state director had misappropriated. In contrast, Labor have a scheme that has been found by the Ombudsman to be a wrongful artifice, the investigation of which was resisted and attempted to be stymied at every step of the way by the government party.

As I said at the outset, this motion today comes before us in a context. It comes before us in a context in which it is the latest in a series of what would have to be characterised as desperate attempts by the government to divert attention from its own wrongdoing. It would seem to have the sole purpose of trying to make out that the other side of politics is as bad as it is. As I said earlier, each and every one of those steps has only exposed the government's desperation and its willingness to resort to seemingly any tactic, to stoop to any depths to try to muddy the waters, to smear anyone else and distract attention from its own wrongdoing.

**Mr Nardella** interjected.

**Mr CLARK** — The member for Melton, the former Deputy Speaker, who is in no position whatsoever to take the moral high ground about anything, has the nerve to be interjecting on this motion. I do hope he gets to his feet and apologises for his own wrongdoing later on in this debate.

We saw the government first of all engaging in the extraordinary step of making public the names and salary levels of former government staff members, quite an extraordinary and unprecedented matter for a government to gain access to this personal information and release it publicly, and then to have the nerve to suggest that it had been released under freedom of information. Of course if it had been released under freedom of information, it would have been an outrageous breach of the Freedom of Information Act 1982 requirements that I am sure are familiar to just about every member in this house, that if information containing personal details is proposed to be released —

**Mr Nardella** — On a point of order, Acting Speaker, the honourable member is being absolutely irrelevant to the motion before the house. The motion before the house is quite specific. It has nothing to do with FOI and other matters that the honourable member for Box Hill was talking about. I ask you to bring him back to the motion before the Chair.

**Mr CLARK** — On the point of order, Acting Speaker, as was the case in relation to the member for Monbulk, when the Speaker ruled that he was entitled to refer to other matters as long as they were in the context of the motion, I am referring to this matter in the context of contrasting it and establishing the context of the motion in order to demonstrate its lack of bona fides.

**The ACTING SPEAKER (Ms Spence)** — I am not going to uphold the point of order because it has been a very broad debate. The member for Box Hill did note that this was providing context for the motion, but I would ask him to come back to the motion.

**Mr CLARK** — As I say, this is the first instance of the context in which the motion is before us. It is the first of three attempts so far to try to impugn others in order for the government to divert attention from its own misconduct. This first attempt to release these documents was improper in itself. If it had been under freedom of information laws, it would have been in breach of those laws. Public servants rushed to deny that the information had been released under freedom of information, and the only conclusion that can now be drawn is that this was a document that was

improperly obtained by government and improperly released by government.

The second instance we saw was a media release by the Deputy Premier and a series of allegations that members of this side of the house had misused their staff allowances. He named a series of members and said that he was referring them to the police. These are very grave allegations indeed, but when the member for Monbulk, the Deputy Premier, was asked to substantiate them before the media he comprehensively failed to do so. That is two strikes against him in terms of wild and unsubstantiated allegations, and now we have this third strike of this series of wild and unsubstantiated allegations which, as I pointed out earlier, the Deputy Premier has failed to back up with any evidence whatsoever.

It is in this context that this motion is proposing, in order to distract attention from the government's own wrongdoing, that the Ombudsman be asked to undertake an investigation pursuant to section 16 of the Ombudsman Act 1973 into the series of matters that have been listed by the Deputy Premier. References from this Parliament to the Ombudsman need to be made for good reason. They were made for good reason in the case of the red shirts rorts. They were made on the basis of substantial evidence that was in the public arena. They were made on the basis of testimony of a whistleblower who had been a participant in the whole affair, and they were of course vindicated by the Ombudsman's findings on them after she had been asked to investigate and after she was able to proceed with her investigation.

Here the Ombudsman is being asked to expend valuable public resources, expend her own time, expend public money on a series of wild and completely unsubstantiated and frankly incredible accusations being made by the Deputy Premier. This is yet another demonstration of the government's willingness to waste public money profligately in their own defence. We saw it with the legal expenses that were consumed in trying to block the Ombudsman's investigation of the red shirts rorts. We have seen it in the resources and distractions of government that have been tied up in these other false accusations that I referred to earlier, and now we are seeing it in the Ombudsman being asked to undertake what should be a very serious investigation based on substantial evidence but yet being asked to make it on the basis of no evidence whatsoever. This just reinforces the fact that this government has entirely lost any basis on which it can ask for the community's trust.

How can the community take it seriously? How can the community give any credit to, have any respect for or have any trust and confidence in a government that behaves in the way in which this government is behaving, not only in terms of the original wrongdoing with its red shirts rorts, but now time and time again being compounded by abuses of office, misuse of information, misuse of public funds and wild and spurious allegations that fall over at the moment of scrutiny? This is a government that lacks any credibility whatsoever as well as any principle or decency whatsoever, and it is not a government that should be tolerated in a community that is regarded as a First World Westminster democracy. It is behaving more like a government in an emerging and struggling democracy, the sort of democracy that we generally look at and think thank goodness we are not in the situation that that country is in with their government behaving in that way. Yet we have seen in question time today, compounding the situation, the Minister for Police refusing to stand down while the police investigation goes on.

**Ms Allan** — On a point of order, Acting Speaker, I have been very patient and I think as lead speaker the member for Box Hill has been given quite a degree of latitude. The house has let that run, but now he is well and truly straying to matters outside of the motion that is before the house. He is referring to matters that were canvassed in question time that go nowhere near the motion that is before the house, and I ask that you bring him back to the motion or sit him down.

**Mr Clark** — On the point of order, Acting Speaker, I renew the point that I made earlier. I am entitled to draw a contrast between this motion and other relevant matters. My argument is that the matters I am referring to show the lack of credibility of this motion, and in that context I am entitled to make those points.

**The ACTING SPEAKER (Ms Spence)** — I will not uphold the point of order at this stage. The member for Box Hill is providing context for the motion, but I would ask him to come back to the motion.

**Mr CLARK** — These matters that I have referred to — the responses of the Attorney-General and the Minister for Police in question time today, the government's resistance to calls for ministers who are under police investigation to step down — demonstrate the context in which this motion before us is being advanced and reinforces the fact that this is nothing but a stunt and an attempt to distract attention from the government's own wrongdoing, both its initial wrongdoing and its continued wrongdoing. It is a common occurrence of history for those who are under

accusation to seek to distract attention from accusations against them by making counter-accusations against their accusers. It is a classic resort of those who have been caught out in wrongdoing. This government has been caught out in wrongdoing. It is simply perpetuating that conduct and compounding its wrongdoing, and this motion before us should be given no credence whatsoever.

**Ms ALLAN** (Minister for Public Transport) (12:32) — I rise to support the motion that has been moved in the name of the Deputy Premier. All we are simply asking for — and it appears to be beyond opposition members, based on the contribution from the member for Box Hill — from those opposite is some consistency in applying the standards that they are seeking to hold the government to through various other referrals and investigations. All we are seeking is some consistency, but it appears that they cannot even do that; they cannot even meet that standard. I refer to comments that the shadow Attorney-General and member for Hawthorn is quoted as making: if the Andrews government 'have got nothing to hide they have got nothing to fear'. Well, why are you opposing this motion? What have those opposite —

**Mr Pesutto** interjected.

**Ms ALLAN** — Are you not opposing it? Well, we will see when it comes to the vote. I have taken from the contribution of the member for Box Hill that he spoke mostly in the negative. I did not hear him singing the praises of this motion. I did not hear him giving his wholehearted support for this motion. I did not hear a word of support for this motion. Forgive me, member for Hawthorn, if I have taken from that commentary that you are opposing this motion, but we will wait and see if you do support it. We are simply asking for some consistency here in terms of the standards that those opposite seek to hold the government to and that they are held to themselves. These are serious allegations and they deserve the scrutiny of the Ombudsman. All we are asking for through this motion is for the Ombudsman to examine these matters that are before the house in the motion from the Deputy Premier.

I do think the member for Box Hill in his contribution was struggling a little bit in his references to the state of democracy in this state. Some of us with longer memories remember that the member for Box Hill was part of a government that sacked the Auditor-General — that gagged independent voices. I remember; some of us remember those days —

**Mr Clark** — On a point of order, Speaker, the minister is both misleading the house and casting

imputations, and I ask you to instruct her to cease doing so.

**Ms ALLAN** — On the point of order, Acting Speaker, it is difficult to rule, I imagine, on the member for Box Hill's point of order. I took it that he was in this place between 1992 and 1999 as part of the government that silenced just about every single independent voice that this state had. If he is saying that he was not here, who was?

**Mr Pesutto** — Further on the point of order, Acting Speaker, the Leader of the House made quite a good point of order just a few moments ago when she talked about the honourable member for Box Hill allegedly, according to her, straying from the motion. I think the honourable member for Box Hill makes a good point here that to go back to those matters cannot even come within the context of the motion that is before this house. I wholeheartedly support the point of order that has been raised by the honourable member for Box Hill.

**Mr Carroll** — On the point of order, Acting Speaker, the Leader of the House just stated a fact: the member for Box Hill was part of a government that nobbled the Auditor-General. They are scholars. They should actually get a copy of John Brumby's book. It led to a book called *Restoring Democracy*. It is a good book. You should all get a copy of it, because that is what it is about, and we are about making sure of our democratic institutions. All the Leader of the House did was state a fact, that the member for Box Hill was part of a government that nobbled the Auditor-General, which led to a book on restoring democracy, which the then Bracks government did.

**The ACTING SPEAKER (Ms Spence)** — Order! I am going to rule on the point of order. I do not uphold the point of order. I ask the minister to continue on the motion.

**Ms ALLAN** — I appreciate your consistency, Acting Speaker. That is all we are asking for from those opposite: some consistency. As we know, the member for Box Hill in his contribution referred to the approach and the behaviour of this government and talked about standards. Well, there is a long and sorry list of misdemeanours of the former government. There is the former planning minister, now Leader of the Opposition, and the scandalous planning decisions that involve both Ventnor and Fishermans Bend, particularly the Fishermans Bend case that cost the taxpayers money, given —

**Mr Pesutto** — On a point of order, Acting Speaker, I am loath to interrupt the Leader of the House, but she is straying from the motion and going to matters which are well outside the context of this motion.

**The ACTING SPEAKER (Ms Spence)** — Order! I am not going to uphold the point of order, member for Hawthorn. This has been an incredibly broad debate, and I ask the minister to continue on the motion.

**Ms ALLAN** — Thank you, Acting Speaker, once again for your consistent ruling on this matter. The shadow minister, the member for Box Hill, said towards the end of his contribution, in terms of putting context around this motion that the other side, which is the government, was painting the opposition to be as bad as they are. No, we are just wanting to hold you to the same level of accountability that you seek to hold us to. How many times do we hear in this place the reference to 'The standard you walk past is the standard you accept'? Well, why will you not support this motion? That is what we want to know from those opposite.

**Mr Clark** interjected.

**Ms ALLAN** — The shadow minister, the member for Box Hill, is saying there is no substance and there is no evidence. That is for the Ombudsman to determine. We have got evidence of the behaviour of the member for Lowan. She is pretty quick to stand up in this place and call out members, male members of the government, for their behaviour, and we want her to be held to the same high level of accountability. We want all those Liberal Party members of the former government and those who are in the chamber now to explain their role. Those of us who have been members of Parliament for a couple of months, a few years or a number of years know the size of mail-outs in their electorates. You know what an electorate-wide mail-out looks like, what a targeted mail-out looks like and you know the size of print runs. To be signing off on grossly inflated print runs, as occurred in the fraud perpetrated by the former director of the Liberal Party, there had to be some involvement of those staff and those members' offices. That is what we want the Ombudsman to investigate. It is simply the same standard.

But members opposite do not like being held accountable to the same standards. We saw that on display in the upper house. When the government attempted to add the Liberal and National parties to the motion for referral of the matter to the Ombudsman, they blocked it. They blocked the Ombudsman from casting the eye of scrutiny over them — the eye of scrutiny that they wanted the Ombudsman to apply to the government. We wanted the same eye of scrutiny to

be applied to the opposition, and they used their numbers in the upper house to block it.

What have you got to hide, Liberal and National party members? What have you got to hide? Clearly it is something, because you would not allow yourselves to be held to the same standard. We know about the behaviour of those opposite because we have seen it on display in government after government involving Liberal and National party members. We have seen their behaviour. I mentioned what happened in the 1990s when just about every independent voice was gagged by the Liberal-National government of the day.

If it was not bad enough for the cuts and closures to be going on during that period of time — and we all remember some of the claims that were made about the former Premier and his misuse of credit cards and the misuse of his government resources to support his private business — we then come to the most immediate past Liberal-National government and the absolutely disgraceful behaviour of the planning minister and his involvement in dodgy planning decisions to feather his own nest.

**Mr Clark** — On a point of order, Acting Speaker, the Leader of the House has now blatantly breached standing order 118 in terms of making improper and personal reflections against another member of this house, and I ask you to instruct her to comply with the standing orders and to cease breaching standing order 118.

**The ACTING SPEAKER (Ms Spence)** — I will ask the minister to comply with the standing orders.

**Ms ALLAN** — Thank you, Acting Speaker. It is very clear members opposite are touchy. They do not want to be held to account for their behaviour, but they are prepared to make every political attempt they can for the government to be held to account. We are simply asking for some consistencies on this matter, and I look forward to the member for Hawthorn confirming if they support this motion or not.

**Mr PESUTTO (Hawthorn) (12:42)** — Today will be very revealing for the Victorian people, because we are only weeks out from an election and the people of this great state are going to have a chance to contrast and compare just what standards we are talking about: what standards have been applied over on that side of the house and what standards have been applied over on this side of the house. When you finally do bring this motion to the vote, Acting Speaker, let us see how that contrast is going to manifest for Victorians across the state.

Let us just look at the standard we have seen from those on the other side of the house over the last four years. When this matter first blew up, remember it was at the instigation of Labor Party whistleblowers. This was not a concoction of Liberal Party or National Party apparatchiks wanting to settle scores. This came to public light because there were people inside the Labor Party who had had a gutful and were going to ring the bell on the biggest rort in this state's history.

But what happened when that matter burst open? We tried to shine a light on the activities inside the Labor Party and activities that helped the prospects of those who now sit on the other side. They shut it down. That is the standard that they adopt over there. They would not allow a Privileges Committee of this house to look into the dastardly activities that went on over there — the nefarious, calculated, orchestrated rorts and the misuse of public money.

**Mr Richardson** interjected.

**Mr PESUTTO** — To this day those on the opposite side of the house — and you too, member for Mordialloc — who benefited from this rort still oppose the Privileges Committee looking into this rort. That is the standard you adopt over there, isn't it? When it came to the Speaker and Deputy Speaker who had to resign in disgrace, how often did we call for the Privileges Committee to look into what they had done? And who stopped us? The champions, so it seems, of high standards over on the other side of the house. They stood in the way, they blocked and they obstructed every attempt from us and others to look into the truth about what happened.

It does not stop there. Their proud history of upholding the highest standards over on that side of the house does not just end there. When the Ombudsman was asked by the other place to investigate the matter under the Ombudsman Act 1973 — mind you, cross-party support was required to establish that referral, which was unprecedented; I think it has only been used, if I can correct myself, possibly on one other occasion in the history of the Ombudsman's act — and when the Legislative Council of this Parliament referred the red shirts rorts scandal to the Ombudsman, who tried to stop it? Who? Those over there who say they are paragons of virtue, champions of high standards. They stopped it, and they certainly used taxpayers money to do it. Our estimation is that they wasted possibly more than a million dollars all up across this Parliament, across the Ombudsman and also the government. There were three parties, all taxpayer funded, in the matter that went to the trial division of the Supreme Court, the appellate jurisdiction of the Supreme Court and then the

High Court. Tell me that is less than a million dollars when you have silks involved.

*Honourable members interjecting.*

**Mr PESUTTO** — But who tried to stop it? You did. You tried to stop it, and you used taxpayers money to try to do it. But it did not stop there. The Leader of the House proudly boasts about her party's and the government's commitment to transparency and scrutiny. Then, I say to all of those sitting opposite, why do you give the green light to atrocious attacks on Victoria Police — in the conduct of their investigation — from Mr Donnelly, Mr Samaras and Luke Hilakari, a close friend and associate of the Premier, all trying to monster Victoria Police? Is that what it has come to — you monster Victoria Police? And you call yourselves a government of virtue, a government of standing, a government that is supposed to go on for the next four years embodying the high standards that Victorians expect and deserve. Is this your history of standing for scrutiny and accountability — that you monster police, you misuse taxpayers dollars, you invoke exclusive cognisance to make sure that only half of your MPs are subject to the Ombudsman's review?

Why didn't you just let the Ombudsman look at your time sheets? Why didn't all of you go and meet with and talk to the Ombudsman about the red shirts affair? Why didn't the Premier do it? He is the only party leader who did not. Why? Because he has got something to hide. Why? Because he was at the scene of the rort. Why? Because his fingerprints are all over it. I have to tell you, Acting Speaker, how galling it was to be lectured by the Deputy Premier, when he was there, when he handed out certificates to red shirts candidates. What galling behaviour from the Deputy Premier.

But that is their history, a terrible, embarrassing, unworthy, unbecoming record of government members trying to stall, to obstruct, to delay, to bury any attempt to get at the truth; whereas over here, over on our side, we are not going to stand in the way of exclusive cognisance. We would not do that. We will see what happens when this matter comes to being voted on and resolved by this house, when the motion is finally put to the test; we will see where they have stood on accountability, and where we stand. But we have always been for open accountability.

I cannot improve upon the words of the member for Box Hill, who articulately and elegantly explained the incomprehensible nature of this motion, why all of us on this side would participate in this so-called scheme,

or fraud as the Deputy Premier put it, when we stood to lose by its success; if it were to be carried out we would lose, and in fact we did lose. We paid a price, and not just a financial price. We paid a price as a party for that, so to suggest that somehow we were in on a scheme which hurt us immeasurably makes no sense.

Despite the fact that the Deputy Premier has now on a handful of occasions in the space of a week failed to produce any evidence — to the point where even journalists are starting to snore — of these allegations of so-called misbehaviour, we will see what he can produce in due course. But here he is moving this motion. In many respects it is a motion that applies to a number of MPs who were not even members of this house at the time and whose participation in mail-outs was done through their campaign budgets in the normal course. I do not know what has prompted him to extend his motion to include all of them, but it will be a real contrast to see where they have stood and where we stand.

Let us remember what prompted this motion, because this motion could have been moved at any time in the last four years. Why has it been moved now? It has been moved now because this government is now under police investigation for at least the fifth time. This second formal police investigation comes after an investigation into the red shirts rorts by the Presiding Officers. It comes after an initial police investigation. It comes after a parliamentary referral under the Ombudsman Act. It comes after an investigation and report by the Ombudsman. It comes after a Privileges Committee inquiry in the other place.

We now have a second formal police investigation into this huge rort of Victorian taxpayers, which if nothing else has cast a shadow over public servants, public office and this institution. It comes after a number of scandals and derelictions, whether it is the former Speaker and former Deputy Speaker, whether it is the former Deputy President of the other place being accused of rorting his printing allowance or whether it is this rort. What this government has succeeded in doing on no less than five occasions under police investigation is risk bringing this great institution into disrepute.

**Mr CARROLL** (Minister for Industry and Employment) (12:52) — It is my pleasure to speak on the motion. I took a lot of notes while the member for Hawthorn was speaking. It was a very wideranging contribution he made. I gather from the member for Hawthorn's contribution that the opposition are indeed going to support the motion. That does not surprise me because the Leader of the Opposition himself on a previous occasion referred himself to IBAC, and I

suspect they will want to see this come forward as well —

*Honourable members interjecting.*

**Mr CARROLL** — But that was unheard of. I still remember the news reporting that night that the Leader of the Opposition had referred himself to IBAC. I thought it was unheard of for a leader to do that. So I think they are going to go down the same track and try and get on with this process and get it done.

The member for Box Hill also did a lot of speaking about artifices throughout his contribution. I thought I would go to the Cambridge dictionary because I know the member for Kew is working on his curriculum for school students, which will be about Brexit. The Cambridge dictionary defines ‘artifice’ as ‘(the use of) a clever trick or something intended to deceive’. Well, what were the schemes of the member for Lowan or Mr Mantach? Nothing could better meet the definition of artifice. When the shoe is on the other foot they are all over the shop, not wanting to support it.

I congratulate the Deputy Premier for trying to clean this matter up once and for all. He has done a lot of work. There was the FOI request that uncovered that ministerial advisers for current opposition members of Parliament were not putting in for leave but working on the campaign, contrary to the rules that we all know. At the end of the day we know it came out that Mr Mantach was not siphoning off funds for the Liberal Party; he was actually siphoning off funds for personal gain. We have seen subsequent to that —

**An honourable member** interjected.

**Mr CARROLL** — Yes, he went to jail. Then you had the court cases where they were trying to recoup the funds. Remember the Cormack Foundation and the shares that Mantach was buying for himself? Then we saw the Liberal Party, particularly Michael Kroger, in dispute with some liberal blue bloods about who controlled the Cormack Foundation. They are in a world of pain and hence they are so upset, because they know that at the previous election they relied on a dodgy scheme and they know that they do not have the campaign funds to run a proper campaign in about four months. We also see currently that the prize jewel in the Liberal Party offices, 104 Exhibition Street, may be up for sale depending on whoever has the best price. It is very important that the matter that the Deputy Premier has put in this motion be cleaned up once and for all. I commend the Deputy Premier.

If there is nothing to hide, clear your name. I say well done to the member for Lowan; she went out and did a

press conference today, and that is a good thing to do. Clear your name. You have got nothing to hide. Come out. She did that, but we have not heard from all the other members of Parliament that the Deputy Premier has listed, have we? If you have not got something to hide, come in and support it. The Leader of the Opposition referred himself to IBAC once upon a time. We know what happened there. We know about Ventnor. We know all about Fishermans Bend and the rezonings.

Now we see through the Deputy Premier’s very well worded motion a way to go forward. I would have thought those on the other side themselves would want to know a little bit more, in terms of oversight, about just how Mr Mantach could do that. He thought he would get caught; he is on the public record as saying he would get caught. It is amazing that it took so long. He is spending time in jail, which he deserves. I saw a very strange press release from the member for Kew yesterday. I do not know what planet he was on. Get your house in order. We are happy to assist you. We want a very strong contest at the end of this year. We are happy to assist, whatever it means.

Let us look at the history. I have got an article here with a video entitled ‘Fishermans Bend: the new gold rush’, headed ‘I wasn’t told’: Matthew Guy’s misadventures with Liberal donors’ by Royce Millar, dated 8 August 2017. Another article headed ‘The secret life of Matthew Guy, Liberal leader’ by Farrah Tomazin and Royce Millar was published on 9 November 2017. There are only so many headlines I think the Leader of the Opposition can handle, and the Deputy Premier’s motion will go a long way forward to making sure that this matter is investigated fully.

The member for Box Hill spoke about the Auditor-General. We know that the Auditor-General and the Ombudsman — and he would know as the former chief law officer of this state — have very important roles. They are well-resourced officers and they should be used in the manner that we expect of them. This referral seeks to do that. It is a complete and thorough motion put together by the Deputy Premier, but it is also evidence-based from the FOIs that have been released recently, and we all saw that ourselves on the Channel 7 news.

We all want to know and get this thing over and done with. It is a very important motion. I get the feeling from the contributions, particularly the contribution from the member for Hawthorn, that the motion indeed will be supported, which I think is a good thing. I think it will help a process be completed as quickly as possible. I think the opposition know they want this

thing done with. They know they have got nowhere to go on this — that it needs to come out, it needs to have the light shone on it. That is what democracy is about: shining the light on it. It is why we have institutions like IBAC. It is why the Leader of the Opposition referred himself to IBAC when the Madafferi affair came up. He referred himself. It is why we are doing our job as a government, making sure that with the office-holders — whether it be the Ombudsman, whether it be the Auditor-General — there is the scrutiny that the Victorian Parliament needs and deserves for accountability, for transparency. That is what we are doing. That is why this motion by the Deputy Premier is very, very important. I congratulate the Deputy Premier. I think it will be a very important motion going forward. I look forward, following the contribution of the member for Murray Plains, to seeing the motion supported.

**Sitting suspended 12.59 p.m. until 2.02 p.m.**

**Business interrupted under sessional orders.**

## GRIEVANCES

**The SPEAKER** — The question is:

That grievances be noted.

### Member for Monbulk

**Mr BATTIN** (Gembrook) (14:02) — I rise today to grieve for the constituents of Monbulk. The Monbulk electorate have a very big choice to make this year. They have a very big decision to make in 107 days, and that decision is simple: do they want more of the same or do they want a man of honour? Do they want someone who is upright, someone who is genuinely involved in their community and someone who has given to their community over a long period of time? Or do they want the same as they have had in the past — a man who has misled them, a man who has had statutory declarations signed against him from his own community, from his Country Fire Authority (CFA) and from CFAs across the state?

We have got volunteers who have continuously gone against him and statutory declarations talking about issues with one of his colleagues on a polling booth down in Lara — an incident where volunteers were bullied on the booths down in Lara during a federal election. This minister stood by them and just watched. There are statutory declarations about the minister misleading his own CFA volunteers in relation to consultation about the enterprise bargaining agreement (EBA) negotiations, stating that it would be ‘fair for volunteers’. He went out and spoke to those volunteers,

and he said directly to them that he would go back and consult with them. He failed to do that. He failed to go out and consult with those volunteers.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Gembrook to resume his seat. I must explain to the member for Warrandyte before I warn him again that the interjection that I referred to that he made was when he used an unparliamentary term across the chamber. During this debate there will be interjections. As long as those interjections are not too loud I will allow the robust debate to continue, but I ask members not to shout across the chamber with unparliamentary language.

**Mr BATTIN** — I was just talking about those statutory declarations and some of the statements from those volunteers around and about after he had gone out and spoken to them. One of the CFA volunteers came to us and reminded us of one of the mottos from the CFA — ‘No excuses, no delays and no exceptions’ — and said he wished the state government would do the same. He found it interesting when they were talking about presumptive legislation that the minister had confirmed he would deliver that within 100 days of getting into office. He said the member for Monbulk:

... then in opposition, got up at a rally in front of 300 to 400 firefighters and he guaranteed us that we would get this legislation within the first 100 days of sitting — we have video footage of that. He backflipped on that.

This is the quality of man that is the member for Monbulk — a man who has gone out in front of volunteers who have committed to supporting our community and fighting for our community and has blatantly misled them while standing in front of 300 or 400 of them. It is on a recording.

He has never actually denied making those comments, but we see today that he still has not delivered on what he promised to that community and he still has not delivered on what he promised to those volunteers out there. The member for Monbulk’s handling of the controversial EBA is actually also interesting. He described the proposed changes as ‘fair and balanced’. As I have travelled around the state I have gone to many CFA stations and spoken to many volunteers, and the one thing that they fail to see in the changes is anything that is ‘fair and balanced’. They have never seen anything that is ‘fair and balanced’ come out of this government when we are talking about the CFA.

It is all one way. It is all one direction, and it is all about delivering for Peter Marshall and the United

Firefighters Union (UFU). We have seen this minister stand by and watch as one of his own was bullied. We have seen him fail to comment when there were very public allegations about the threat to put an axe in the head of the former Minister for Emergency Services. The axe was a threat from the UFU state secretary, Peter Marshall, and that allegation was well and truly put through all of the media. Not once did he, as the member for Monbulk or the Minister for Emergency Services — under any of his titles — ever stand up and condemn the bullying that was going on.

He was willing to jump into the position in June 2016, straight after the former Minister for Emergency Services and member for Brunswick left that role and resigned after being pushed out after the government backflipped on their decision saying they were going to support volunteers. The member for Brunswick understood why this EBA could not go through. She stood side by side with the board. She stood side by side with the volunteers and at the time stood side by side with the Premier of the state, who said that this was unjust — this document coming through in the EBA — and would therefore hand too much power across to the union. It was something that could not happen, and they wanted to make sure they protected the community.

But the difference is that the Premier of this state backflipped. He backflipped on what he said and he absolutely let down those volunteers about what he was going to deliver. He was more interested in handing over to Peter Marshall. We all have to ask that question: why was there a change? What changed the mind of the Premier from supporting volunteers to doing a total backflip and pushing out a minister, ensuring a board was sacked and then coming out and stating that he was going to support the UFU? That question was put to Mr Marshall. Peter Marshall was asked that question on the ABC. He will not deny that there is a recording of this Premier. Obviously that is an accusation that is in place. You have to question whether that is true or not. It is not my position to say whether it is true or not, but not many people would change their minds and go against 60 000 volunteers on behalf of one person in the UFU if there was not something hanging over their head. Even if there is not a recording, why has this government not acted on allegations of being blackmailed by the union and of the union holding this over the government's head to ensure they get the delivery of what they want, which is control of the fire services?

Let me refer back to some of the changes that have happened within the fire services since the member for Monbulk has been the Minister Emergency Services. We can refer back to some of those people and the experience we have lost within our fire services. There

was Lucinda Nolan, a very honourable person, who was with the police force when she was headhunted by the Labor government to use her skills in change management to change the culture within the fire services. What happened to her? She is gone; she was pushed out of her role.

Joe Buffone had major concerns with the enterprise bargaining agreement, and he had the courage to come out publicly and talk about them. All he got from the Minister for Emergency Services was an absolute rant about being after just money. Joe Buffone has stood up for our community more than the member for Monbulk and Minister for Emergency Services has in his entire life. Joe Buffone would do more for our community in 12 months than this minister has ever done, and yet they want to try to defame him by saying he was all about money. The reality is it was all about ensuring that the fire services were protected going forward.

Peter Rau resigned after being bullied out of the fire services of the Metropolitan Fire Brigade (MFB). He was bullied out by people within the UFU, and not once did we see the government come out and condemn any of that behaviour. Instead the Minister for Police said he resigned due to health reasons. She backed it up with a second statement. The only reason she reversed it was because Peter Rau's wife contacted 3AW, spoke to Neil Mitchell and said that was a disgrace, that he was at home and that he had been bullied out of that role. Then the Minister for Police had to apologise. They have continually misled the public over the way they have dealt with the honourable people who held these roles.

David Youseff, the MFB deputy chief, went over the EBA issues. Then there was Bruce Byatt, deputy CFA chief. Paul Stacchino, MFB acting chief, resigned after raising concerns about the fire services. He was open and honest and put a letter out about what was going to happen with the fire services and the risks that this government was putting in place. Jim Higgins, the MFB CEO, came out and said he had to first take into consideration community safety. However, he had to go because he wanted to stand up for the rights of the fire service rather than hand control to the UFU. Ten senior MFB firefighters claim to have been forced into early retirement because of the UFU and after 15 years of being systematically bullied in their positions. What have we seen from the government on that? All they want to do is ensure they are putting contracts into position and paying out people to ensure they do not speak publicly about how bad this government is. They are not speaking publicly on what exactly the Minister for Emergency Services is endorsing within the fire services as long as he stays silent. This is the man who is representing the electorate of Monbulk.

As I said at the start, I do grieve for the people of Monbulk. They have had to put up with this man for a long period of time. I will say that in the past the member for Monbulk did have some values that he has now totally and utterly gone against. He has gone against everything he fundamentally believed in to keep his role as Deputy Premier —

**Mr Pearson** — How on earth would you know that?

**Mr BATTIN** — Good question. How on earth would I know? Because this is a man who promised the religious organisations that he would never, ever remove religious studies as an option in state schools, and he did that. This is a man who stood in front of the religious organisations and said, ‘I will never have Safe Schools in the state system’, and now he is making it compulsory. This is a man who stood in front of CFA volunteers and said, ‘I will deliver presumptive legislation within 100 days’, and he did not do that. This is a man who said he would go back and consult with CFA volunteers to ensure the EBA was fair, and he did not. He failed, and he continues to fail.

But the good news for the people of Monbulk is that they have an option. Guess what that option is? John Schurink, who is the Liberal candidate for Monbulk in the upcoming state election. I will just give you a little bit of his history. I was going to read through the history of the now member for Monbulk in relation to his community service, but I could not find anything. He was a bricklayer for a short period of time — nothing against bricklayers, but that was whilst he was at school. Other than that he has basically been a union official.

Compare that to John Schurink, who has been captain of the Sassafra-Ferny Creek CFA; chair of the district 13 CFA board; deputy director of aviation operations in the Australian Air Force cadets; manager of the ambulance program for community health at Chevra Hatzolah; and former CFA board member until the Minister for Emergency Services sacked him for standing up for volunteers. Here is a man who has been involved with the CFA for 30 years. He has been a mobile intensive care ambulance paramedic for a long period of time. He is a National Medal recipient, with two clasps. He has a strong commitment to the community in Monbulk. He has the National Emergency Medal. I am pleased to say that he has been a CFA volunteer for all that time and understands the response times that are required throughout the Dandenong Ranges. He has been to those fires and he has been to those car accidents in the Dandenong Ranges. Why does he do it? He does it because he genuinely cares about his community.

I was very pleased to be out with John at the Monbulk fire station. Monbulk fire station, as many may know, is a 100 per cent volunteer station where they not only turn out to fires, like many stations, but they also attend car accidents. They have got a rescue unit and they basically travel with their equipment across the state for high-level rescues, for steep rescues, for water rescues — they can do the whole lot. But their training facilities have been let down. It is disappointing that even though the Monbulk CFA have needed an upgrade to their station for a while, the minister has spent more time in this house talking about defending this rotting, rotten government than he has talking about CFAs in his own electorate. If you go back over the minutes of the time he has been in here, over the last few weeks he has spent more time in the media and more time in this place being the attack dog for the Labor government, getting out there and trying to muddy the waters and make a difference to what they have done with the systematic rotting of public funds.

What we want to do is make sure that Monbulk has a genuine opportunity to change who they have representing them in the future. In the past the member for Monbulk has relied on the Greens vote. He has relied on the preferences from the Greens party here, yet he gets up and bags them every moment he can. I still say they will probably preference him. All the right-wing parties have preferred him in the past. I reckon that is about to change, because he has gone against every value that he came into this place with.

The member for Monbulk has had an opportunity to be in a position where he could leave this place and walk out proud of what he has delivered. Instead he is going to walk out of this place knowing he has gone against every value he has ever had. He has done all this to protect, number one, his position; number two, to protect the name of the Labor Party, which is absolute mud in Victoria at the moment as a result of the way they have treated Victorians, the way they have tried to hide every rot they have been involved in over the past four years and the fact that they stole \$388 000 of taxpayers money to fund their election campaign; and number three, so that he will be remembered as the man who continues to try to muddy the water by lying to those in Monbulk, and that is not appropriate.

The member for Monbulk, the Minister for Emergency Services, has had his time, and I cannot wait to see, in 108 days time, John Schurink get out there and be a genuine community representative for those in Monbulk.

### Former government healthcare performance

**Ms HENNESSY** (Minister for Health) (14:17) — I grieve for the Victorian health and ambulance system in the event that we see the Liberal-National parties ever being given responsibility for — or the ability to attempt to destroy — our Victorian public health system ever again. We know that for many years Victorians suffered under the Baillieu-Napthine governments and of course before that the Kennett government, which wrought absolute havoc with their vicious cuts to our Victorian health system. I grieve because those governments saw fit to impose cut after cut on Victoria's health system. They waged industrial war after industrial war with the health workforce. It only took the former health minister, David Davis, 21 days before he imposed his first cut on the Victorian health system. If you aggregated the effect of that cut over the entire period of those governments, it would have cost the Victorian health system more than \$350 million. But of course those governments were not satisfied with that. They continued to attack our public health system and over the course of their term cut \$1 billion out of our health system.

Of course \$1 billion is not just money; it is not just a figure to be bandied around. Those cuts deeply affected our health system. They affected patients, they affected the workforce and they affected the quality of care. We could see quite starkly the true cost of those cuts to health under the previous Liberal governments. What did we see when it came to elective surgery? We saw elective surgery waitlists blow out to 50 000 people under the previous government. That is quite an achievement, because that is the highest waitlist that has ever existed here in Victoria. Thousands of people were made to wait longer for their surgeries because our system simply could not cope with the dual pressures of funding cuts and rising demand.

Our government, by way of contrast, has, just in this budget year of 2018–19, invested \$4.8 billion more than the Liberals did in their final year in government. That is an increase of 35 per cent. What has that investment delivered? It has delivered the lowest ever elective surgery waitlist on record, not just this year but for three years running. It has seen incredible improvements in the number of people waiting for lengthy periods of time in our emergency departments. Under the previous government we saw another Liberal record of 1154 people who had to wait longer than 24 hours in an emergency department before they got care.

Our important investment has led to more jobs being created. Generating jobs, like health, is part of Labor's DNA. Since coming to office we have created more

than 1500 full-time doctor positions, we have created more than 2900 full-time nursing positions and we have created 600 full-time paramedic positions across the state. Ultimately there has been the addition of more than 5000 jobs delivered in the health sector as a result of our investment. But not only that, it also means we have got a better health system that is able to respond to the rising demand pressures that we see right across our state, and it means better and faster service for Victorians.

We cannot talk about our wonderful health workforce without reflecting upon the infamous legacy of the previous Liberal government and the Kennett-esque industrial wars that they waged against our wonderful health workforce. It was incredibly demoralising for our frontline healthcare workers, who asked for nothing more than that their work be valued by the government and at least respected. Neither could be mustered by the Liberal-National parties. And who could forget, during the negotiations over the nurses wage increase, the beloved finger that was given to our hardworking nurses or the waging of industrial war on our paramedics and the refusal to negotiate with paramedics unless they sacrificed a whole range of conditions. Guess what? That then led to Victoria having the worst paramedic attrition rate in the nation, of 4.2 per cent. I am delighted to report and advise the house that we have improved that attrition rate to just 1.7 per cent under our government. We can never forget when former health minister David Davis also labelled paramedics 'thugs' and 'hardliners', saying that they exploited the ambulance crisis for their own benefit, and he used taxpayer dollars to go out and buy advertising to back in his industrial war against our paramedics. Labor governments will never forget that, paramedics will never forget that and Victorians will never forget that.

These are the best trained and at that time were the worst paid paramedics in Australia. They had a government that denigrated them every single day while they battled to try and save lives. It is no wonder that ambulance response times under the previous government were the worst on the Australian mainland. But then those opposite were not too happy about anyone even knowing anything about the response times. They went to such great lengths to cover up their disgraceful record on ambulance response times that they failed to publish the data. It was one of the most secretive governments in living memory.

It is with great pride that our government has very respectfully and, may I add, peacefully negotiated and managed to secure industrial agreements and enterprise bargaining agreements with our health workforce. We

see them as an investment, not a cost; we see them as the modern rock stars of our health system; we see them as people who get up every single day to give people dignity and hope and to support people at their most vulnerable. That is why we have managed to restore some morale and confidence, all without grinding the state to an industrial halt.

We have also made very significant investments in our ambulance service: a \$500 million boost to build more ambulance branches, to recruit 450 new paramedics and to purchase new vehicles, because that is what a good government does, and that is what a Labor government does. The result of those investments has been fantastic improvements in response times. I am delighted to advise the house that in the last quarter of 2017–18 the data shows code 1 cases were responded to within 15 minutes 83.8 per cent of the time. That is the best result our state has ever seen. This is more than bragging about response times; it is actually about saving lives. When it comes to things like cardiac arrest and stroke absolutely every second counts.

This investment is not just about improving people's general health and wellbeing. It is about giving people a fighting hope that they might survive a cardiac arrest, that they might survive a stroke or they might be able to be treated in such a way that they are not forced to live with a lifelong disability as a consequence of that stroke — again, investments by our Labor government in our health sector to save lives.

When it comes to health all we see from the Liberal-National government is cuts. Not content with the previous record of their time in government, those opposite have been very, very quiet when it comes to Malcolm Turnbull's assault on our public healthcare system, and in particular his assault on Victoria, one of the fastest growing states — 26 per cent of the population. Malcolm Turnbull is trying to cut \$2.1 billion from the Victorian health system. That would be 7000 fewer doctors, 14 000 fewer nurses, 330 000 fewer elective surgeries.

Victoria's position is very, very simple. We just want the commonwealth to pay its fair share. We say that the commonwealth and Victoria should share the cost of hospital funding growth equally. The Turnbull government is simply refusing to pay its 50 per cent of the growth. I certainly remember a very loud former health minister in the form of Mr Davis from the other place crowing very loudly against the then commonwealth government, but when the tables are turned what we get is deafening silence by those opposite.

The deal is not in line with community expectations. It is less than what Victorians deserve, but frankly it is what we have come to expect from coalition governments when it comes to health. To top it off, the Turnbull government currently also owes the Victorian government \$104 million for hospital services that were delivered in 2015–16. How can they expect hospitals to employ doctors and nurses, to buy necessary equipment and to plan for the future when they refuse to pay the money for the work that has already been done?

Our hospitals have kept up their side of the bargain by providing that health care to the Victorian community, but the federal government have failed to keep up theirs. What have we heard from the Victorian Liberals and the Victorian Nationals on these federal health cuts and clawbacks? Absolutely nothing. We have had to go it alone. We have had to keep fighting the federal government to try and get our fair share of health funding, and it is absolutely essential that we have greater support from those opposite if we are to ensure that our health system is sustainable and that Victorians get the care that they need.

We are also taking important steps when it comes to increasing the funding, transparency and accountability in terms of the publication of waitlist data and in terms of ensuring that things like hospital response times are published — things that were kept very, very secret by the previous government and were only revealed at a time of their convenience. I remember as a former member of the Public Accounts and Estimates Committee it would be after the health minister's appearance at PAEC that he would walk out and then reveal over a year's worth of data. Our government made a commitment that we would pass legislation to require the publication of response data and hospital waiting times, and we in fact have delivered upon it. We are also responding in areas where we are seeing increasing demands for things like colonoscopies, including a \$12 million colonoscopy blitz to reduce wait times.

We cannot also forget that some of the most disadvantaged and vulnerable people in Victoria are affected by the brutal cuts to dental services imposed by the Turnbull government. What the federal Liberal government has done is roll out a new national partnership agreement that has led to a 30 per cent cut in adult public dental funding. The most vulnerable of people rely upon publicly funded dental services — it is such an incredibly important part of general health — but what we have seen is a 30 per cent cut that would result in 60 000 Victorian public dental patients missing out on crucial services. That cut amounts to \$30 million over the life of the agreement. It not only affects

patients; it affects jobs and the ability of dental services to plan, to employ and to invest in equipment, and we are already seeing the impact of those dental cuts on our waitlists across the state.

Our government has been consistent in our support for dental services. In our most recent budget we invested \$267.4 million, a very important increase, and we are currently rolling out a \$12 million boost to public services across the state to assist them to drive down wait times. But the reality is unfortunately very, very clear. A Turnbull Liberal government that fails to adequately invest in public dental services, and indeed has imposed a 30 per cent cut, does have a very big flow-on impact on the wellbeing of those that rely upon those services. I would like to say that I have heard those opposite advocating on behalf of our state, advocating on behalf of the most vulnerable to their Liberal counterparts, but, again, not a cracker.

It is absolutely important when we think about our public health system that we think about what might the future hold. My fear — and in fact my grief — for our public health system is that those opposite have already belled the cat. They have foreshadowed that they would have a commission of audit in this state, and we know that a commission of audit is simply code for the imposition of more cuts across our state. As we know, Mr Kennett closed so many hospitals — if we could only judge people on their future conduct. Let us look at their record. Mr Kennett sold, privatised and outsourced. He sold the Altona hospital and Essendon hospital. We talked about Moe today, and the list is almost endless.

Then we saw the Baillieu-Napthine governments elected. They of course promised no cuts to health or education, but their actual behaviour was in complete contrast with that. They cut a billion dollars out of the system. Our great fear is, should we ever let the Liberal and National parties take the reins of the health system in this state again, that we will see a health system that delivers for the haves but certainly not for the have-nots. We will see a health system where our nurses, our paramedics, our allied healthcare workers and our very important administrative staff are under relentless industrial attack because those opposite fundamentally do not believe in public health care. They fundamentally do not believe that our healthcare workforce should be paid appropriately.

Our government sees them as an investment; the Liberal and National parties see them as a cost. One of the greatest risks that will occur at the end of this year is whether or not we will take our fabulous public health system forwards or backwards. All we will get under a

Matthew Guy-led government will be cuts, closures and privatisations. I will be making every day from now until the election an important appeal to protect and grow our health system. We know that if those opposite are given that opportunity they will only continue to try and destroy it.

### Government performance

**Mr McCURDY** (Ovens Valley) (14:32) — I rise to make a contribution in the grievance debate today. I grieve for all Victorians, and in particular today I grieve about public transport in all regional areas but particularly in north-eastern Victoria. I grieve for the commuters, I grieve for the train drivers and certainly most of all I grieve for all of the communities who have been lied to, misled and taken for granted by this corrupt government.

Labor has been in power for 15 of the last 19 years. Each term they throw a carrot to us, and each term they say, 'Oh, we're going to give you some trains this time. We're going to do something about the train system', and every time it is just a few scraps off the table and it is not delivered. But as history will show, the corruption, the rorts and the lies start at the top and they filter their way down through this dodgy, deceitful, desperate government. In years to come history will recall the level that they have gone to to deceive Victorians, particularly this current government.

The public transport system in north-east Victoria is broken. Labor has promised the world and delivered a string puppet. Jaclyn Symes, a member in the other place, is another city-centric Labor politician who brags about her roots in Benalla. She talks up regional Victoria and then invests in Donnybrook and Wallan. Like the Premier, she wants to give north-east constituents hope about the train, but what they deliver is a refurbished 1960s locomotive and they think we should be grateful for that.

And then of course there is the Minister for Public Transport. She just wants to blame the federal government for everything. They are in government in Victoria, but it is never their fault. They blame the federal government, they blame the track, they blame the Australian Rail Track Corporation — they blame anyone they can — and nobody is surprised, because all the minister is good at doing is blaming others. When she has got no-one else to blame anymore, she will then call for a review or look for a stakeholders meeting or community consultation if she is looking for another diversion. But she never delivers. She is all talk and no action, and the people in north-east Victoria —

Wangaratta, Benalla, Myrtleford, Wodonga — are sick of the talk and they are demanding action.

In terms of talk, let us have a look at a couple of press releases in terms of what the coalition has committed to regional Victoria, and how simple and plain it is, and what Labor has committed.

The coalition promises \$633 million for regional rail. You cannot hide the facts. That is what it is.

Victoria's regional rail service will —

not might, but will —

receive a \$633 million injection to replace older trains with new generation models if the coalition wins the state election.

Correct: that is what we have committed to do.

The order for the new fleet would be placed in June next year and delivered within the first term of government ...

Again, quite simple, plain and clear.

In total there will be 16 new sets of trains, including 96 new rail cars to be built in Victoria.

...

The fleet will operate on lines running to Warrnambool, Shepparton, Albury, Bairnsdale and Swan Hill.

That is our commitment, our pledge, our promise — whatever you want to call it.

If we look at the Labor press release that talks about trains in north-east Victoria — compare the pair like that ad on the TV on super funds — we can compare what Labor are offering:

The Andrews Labor government has reached an agreement with Bombardier Transportation Australia to complete the design of the bogies for the new standard gauge VLocity trains for the north-east line.

Wow, what a pledge that is. They are actually going to design the wheels for the train. That is not a commitment. That is not a pledge. That is just more spin by this government. It goes further on to say:

The Labor government's investment in regional trains has provided a 40 per cent increase in regional rail services, with V/Line now running more than 2000 services every week.

That is to Geelong, Bendigo and Ballarat — no talk about the north-east line. It starts out talking about the north-east line, and everything just morphs into whatever else is done through regional Victoria.

The government has also invested \$15 million —

\$15 million, heavens above —

to improve comfort and reliability on the existing standard gauge classic fleet trains ...

And that is all we are worth, \$15 million. But wait, there is more.

It was a Labor government that took the fight to Canberra to upgrade the track and it's Labor who isn't wasting a minute ...

Well, you are right. They are not wasting a minute; they have wasted 15 years so far. Jaclyn Symes also goes on to say, and I quote:

North-east Victorians are relieved —

*Honourable members interjecting.*

**Mr McCURDY** — No, you should listen to this, this is very important:

North-east Victorians are relieved there is a clear path to deliver the better services ...

Well, she is absolutely spot on. There is a clear path. We have said we will deliver trains; you have said you were going to design some wheels. So there is a clear path: the coalition will deliver new trains, whereas Labor will deliver froth and bubble and spin.

*Honourable members interjecting.*

**Mr McCURDY** — Well, I have told you when we are going to deliver them: in the first term of government. They are going to be made in Victoria.

Let us turn and look at the \$1.6 billion regional rail revival. If you read the Labor government press releases again, you would think that the state government was funding all of this. You would think every time they open their mouth it is all about Labor's huge investment, investing in trains and station upgrades. It talks about the \$1.6 billion rail blitz and how the Labor government is going to invest \$453 million in Gippsland, \$30 million in airport rail planning, \$140 million in the north-east, \$10 million in Shepparton and \$555 million to Ballarat. All this goes on and on about Labor's huge commitment. And then we find that the *Herald Sun* understands that it is Canberra that has made this pledge, and the state has agreed to put \$150 million towards the \$1.6 billion pledge. So all this time we hear about the Labor government talking about their pledge, their \$1.6 billion regional rail revival, the reality is, it is federal money. This is another example of how this government lies, cheats and just coerces people into thinking it is all their money. They are an absolute disgrace.

If you look at Labor's press release, it says:

The Andrews Labor government has unveiled a massive package of regional rail upgrades that will improve services and create more than 1000 jobs across Victoria.

Again, it goes on bragging about the rail revival package but does not mention the federal government money. So they are very good at always claiming credit for everything when they do not deserve it because it is federal money. They complain to the federal government, and when they get the money they then try to take credit themselves.

I grieve again for public transport users and all Victorians through, again, this corrupt government. They continue to sell this fake news about how much money they are contributing. It is just another stunt, and they continue to try these stunts on. We saw more stunts recently — allegations against 18 coalition members. What a load of rubbish on the red shirts. The stunts that this government is trying to pull on me, my integrity, my staff and my colleagues — let us hope that this will backfire. I am absolutely confident that this will backfire on this current government.

As I grieve for the public transport users, I also want to speak about the bus contracts, particularly regional bus companies. Again, this corrupt government contacted our bus operators who safely deliver our children to school and back home again — these fantastic operators who transport people within our areas and transport people around our state — and tried to wind up their contracts, tried to close down their businesses and then give the contracts to their Labor factional mates. We saw the buses coming past here in Spring Street. The signs on the side of the bus could not have summed it up better, ‘You cannot trust Labor. Don’t trust Labor’.

This government is corrupt to the core. This Premier refuses to accept any decision that goes against him. Remember, he is the one that said he takes responsibility for everything that happens under his watch — unless of course it affects him, unless it reflects badly on him. The Premier wants to take credit for anything that is going okay in Victoria but wants to ignore crime, congestion and corruption, and will not even tackle those things. So I grieve for Victorians who cannot trust this Labor government.

I also want to grieve for the mess that this government made of the Murray Basin rail. What a fine mess this project has become under the Minister for Public Transport. This project was fully funded by the previous government, a \$440 million contribution — \$200 million from the state and \$240 million federally. It is in a mess now. It is \$100 billion over budget and it

is over time. They are two words that fit hand in glove with Labor: over time and over budget.

At a time when producers need some hope and some good luck I also grieve for the farming families in our communities, not just in the north-east but throughout Victoria and certainly further into regional Australia, because mother nature is having a rostered day off at the moment. I certainly grieve for the farmers. We need some leadership from this government, because we have a government in crisis that is busy looking inwards, looking at itself, and trying its hardest to make all politicians look corrupt. It is an absolute disgrace. Government members should be getting their heads out of the sand and out of their own issues and starting to support some of the communities that need their help. This drought has certainly snuck up very quickly. The Bureau of Meteorology said we were going to get a wet spring, and now it is saying that is not going to be the case. All of a sudden we have gone from a difficult situation to dire straits very quickly. So I grieve for all Victorians in that respect, particularly country communities.

I am absolutely confident that this government will not do the right thing. We have seen that with its six crooked ministers still swanning around in chauffeur-driven cars while Victorians are frustrated by energy bills, by their cost-of-living expenses and by crime that is out of control. Victorians deserve better.

I just want to touch back on trains. The member for Euroa summed it up very nicely this week when she said that it is an absolute charade that the government is putting on. The government is talking about designing new wheels. The member for Euroa expressed concern at the Andrews government’s pathetic announcement that it is designing new trains. She said:

If Labor moves any slower on this process, Daniel Andrews will be in aged care before we get new trains.

And I think that sums it up perfectly. She went on to say:

We are in the fourth quarter and they are trying to run out the clock.

And that is exactly what it seems to be — a charade. For a government that has been in power for 15 of the last 19 years, it just wants to blame everybody else.

In my last couple of minutes I just want to touch on the farming communities. As I have said a few times today, they are doing it very tough and I do grieve for the pressures they are under. Within the next six to eight weeks there will be very little fodder left, and I certainly think we should be doing more to support

those farmers because there are options out there. I gave an example earlier this morning of hay that is \$380 a tonne, which is nearly three times what it normally is. Water is \$350 a megalitre. Water is normally about \$65 a megalitre to a farmer, so that gives you some sort of an idea. If you have got fruit trees and an orchard, you just need that water. You cannot afford for those trees to die.

I do grieve for the situation they are in, and I implore the minister to get out of Melbourne, have a look and try to offer some support. There are ways we can do that. I gave some examples, and I will give them again. Environmental water can be used to temporarily bring the price of water down. From \$350 a megalitre it could bring it down to a much more reasonable figure. For example, if you are trying to grow a paddock of grass over the summertime you need 10 megalitres to the hectare, so when you are talking about \$350 a megalitre versus \$65 that is a huge increase per hectare just to grow grass to support dairy cows or beef cows.

It is a very difficult situation, and I think that environmental water could be used to bring that water price down temporarily. The minister talking to her counterparts in other states would be very beneficial to her understanding. North Queensland has a lot of sugar cane, and that can be used for feeding stock as well instead of just sapping Victoria completely dry with all the hay they have got in Warrnambool and the Western District, where most of it is coming from, and northern Victoria. There are ways around this problem. You just need to get out and talk to other states about how we can work together to make this work.

I spoke with Max Wright of Invergordon this week. He is an orchardist. His contracts are being reduced by the canning companies, and his water prices are going through the roof. Again with the banking royal commission making money very difficult, I think our farmers certainly have not seen the worst of it yet. There is more in store for them. So we need to support them, and I think the government should be doing this.

We grieve for Victorians who are suffering through this rotting, rotten government, and every day we see another stunt. Yesterday it was the member for Lowan. Who will it be tomorrow? There will be somebody. The government will pick on somebody tomorrow and the next day, all just to cover up for this rotten government we have got. The member for Gembrook spoke about the member for Monbulk, and I agree with his grievance 100 per cent. Our Country Fire Authority (CFA) volunteers deserve better. They have been maligned. The government has not stopped at the CFA.

It will malign anyone who stands in its way. I will not be afraid to get in its way.

### Government achievements

**Mr PEARSON** (Essendon) (14:47) — I rise to grieve for the people of Victoria in the event that the Leader of the Opposition becomes the Premier of Victoria in November. What we know if we look at recent economic history here in Victoria is that those opposite, the Liberal Party and the National Party, do not understand how to run a budget. They do not understand how to run an economy. They are manifestly incapable of providing the strong economic stewardship that this state needs.

When you reflect on how far we have come over the course of this term, with the level of investments that have been made, the level of economic growth that we are seeing, the strength of our balance sheet and the strength of our budget, it demonstrates that when you have a strong government with its focus on growing the economy and creating opportunities for all, you have a very, very strong, dynamic economy.

I recall being in this chamber very early on in this government's term, and I remember the shadow Treasurer quizzing the Treasurer about our commitment from opposition to create 100 000 jobs. The shadow Treasurer was fixated on whether they were full-time jobs or part-time jobs. I think the shadow Treasurer was particularly focused on this issue because when his government was in power 70 per cent of all the jobs which were created in Victoria in the period 2010–14 were actually part-time jobs. They were not full-time jobs. There was an extensive discussion in the chamber at the time over various question times about the fact of whether or not it would be 100 000 full-time jobs created over the term of the 58th Parliament. What we know is that there have been 233 700 full-time jobs created in that time. We have seen employment increase by 11.7 per cent since November 2014.

The reason this has come about is not because of some accident. It comes through careful planning and providing the private sector with confidence that they have got a government that is investing for the long term. It is not just what we saw back in the last budget delivered by the shadow Treasurer when he was Treasurer, which was just a sugar hit in May 2014 in the hope that it would be enough for the government to be re-elected in November 2014. What we have seen is a continual expansion of the Victorian economy since November 2014. It has been done because this government has invested in key economic projects

which stack up and make sense, unlike the dud east-west link that was proposed by those opposite.

What it has done is provide the private sector with the confidence to be able to invest, to take on more workers, to skill up their workforce and to know that there is a pipeline of activity that could run for a decade. When you look at projects like the fantastic Melbourne Metro tunnel, when you look at our extensive level crossing removal program and when you look at the West Gate tunnel, these projects will define this state and this city over the course of the 21st century. What it means is that when you have got a government that is taking these matters very seriously and making these sorts of investments, then you have that virtual cycle of the private sector having the confidence to invest as well, because they can see that if you have got a government — and the public sector in this state represents around about 25 per cent of the state economy — that is making those sorts of investments, they have got the confidence to be able to invest as well. They can see that they can have a sustainable business over the course of the foreseeable future.

It is an interesting concept, that notion of a sustainable business, because you can see that you are going to have enough profitability to continue employing people, training people up and investing in your people and to continue growing and developing your business. Compare and contrast that with the almost Orwellian language used by the Baillieu government, which had the sustainable government initiative, which was announced not long after the government was elected. You hear 'sustainable government initiative' and you think to yourself, that sounds good. We want sustainable, we want a government, we like initiative, we think it sounds good.

It was code for sacking 3600 public service workers. That was what they did. There was no talk about this before the 2010 election. They never went to the polls in 2010 and said, 'Look, we've got this magnificent sustainable government initiative and what we're going to do is we're going to slash and burn the public sector because that's what we do when we're in power. That's what Kennett did and that's what we're going to do'. They did not say that at all. They waited until they were in and then they did it, and what effectively happened was that the government just meandered along for at least the first hundred days and I suspect really for those first two years.

What you saw is that you strip the capacity of the public sector to invest, to grow and to plan. When you had a paralysed public sector, you had a private sector that said, 'If you're not going to invest in this state,

neither will we'. I remember talking to various businesses around that time and saying, 'How's the government going? How are they tracking? What are you picking up? What's your sense?'. The response was, 'Nothing, we're not seeing anything'.

When in the public sector you send that signal to the private sector, they will look elsewhere. If there are no projects to bid on, they will bid in other states. They will bid in other jurisdictions. They will channel their energies elsewhere because they want to make a profit. That is what happened under the former government. They starved and they withered on the vine and what you saw was a public sector which just shrank. You saw an anaemic economy that occurred as a result.

If you look at gross state product throughout the time of the Baillieu and Napthine governments, I think it was averaging around about 2.2 per cent in the first three years of office. I am not quite sure what the figures were in 2014–15, but I suspect they probably were not far from that. What we have seen over the course of this government is a gross state product that has been trending well over 3 per cent, and we have got a really strong balance sheet. Because of the proceeds from the long-term lease on the port of Melbourne, debt as a proportion of gross state product, I think, in the 2018–19 year is around 4.5 or it might be 4.9 per cent and over the course of the forward estimates it is expected to trend up to about 5.5 per cent. The long-term average in the general government sector from the 1970s through until the late 1980s was 18 per cent, so we have got a very, very healthy balance sheet and are making the sort of investments that are needed and are required because last financial year Melbourne grew by 147 000 people.

We are adding a city the size of Canberra to our borders every three years, and we need to make these sorts of critical investments. We need to have an activist approach, a hands-on approach to run a budget and run an economy and plan for this. You cannot have a laissez-faire approach where you just basically say, 'All the poor migrants who come here can live on the dark side of Pakenham or they can go off and live in the Mallee. We'll leave them to their own devices and we'll lock up the nice leafy suburbs of the eastern suburbs for ourselves'. You cannot do that. You need to plan, you need to invest and you need to think about capital widening, which is to ensure that you make the necessary investments to ensure your per capita productivity rate remains the same, that you do not have a dilution of that as a consequence of population growth and congestion.

You need to have proactive management. You need to understand capital markets. You need to understand the way in which the public sector intersects with the private sector. You need to have a long-term vision for this state. You need planning and vision, and those opposite offer nothing — nothing at all. They do not care. They are not focused. Their priorities lie elsewhere. They are not interested in the big public policy issues. They are not interested in the ways in which they can build and shape and guide this state. No, their focus is elsewhere.

If we think about it, this is the one-year anniversary — it was one year ago today that we woke up to the story that the Leader of the Opposition had had dinner at the Lobster Cave with the alleged head of the Calabrian Mafia. Perhaps the Leader of the Opposition is more interested in what the views and opinions of Cousin Tony are than he is in the views of say — oh, I don't know — demographers or investment bankers or engineers or trade unions. Certainly I am pretty sure the Leader of the Opposition would agree that he would rather listen to the views of the Calabrian Mafia than he would to those of a trade unionist, but it was 12 months ago that this happened and there are still all these unanswered questions.

We do not know who initiated the dinner. We do not know whether the Leader of the Opposition has seen Mr Madafferri since that time. Are they in regular contact? We do not know what was discussed at the dinner. We are not quite sure how many people were there. We are not quite sure what planning promises were made. We know very little about what occurred.

**Mr R. Smith** — On a point of order, Speaker, I invite you to remind the member for Essendon about standing order 118.

**The SPEAKER** — I remind the member for Essendon of standing order 118. I ask him to refrain from impugning other members.

**Mr PEARSON** — Thank you, Speaker, for your guidance. I think it comes down to a case of when you have got your eyes on the prize of growing the economy, of making the investments in this state, of making sure that you have got gross state product with a three in front of it rather than a two, when you are focused on creating real, full-time jobs for the 21st century, when you are embracing the challenges of a growing Melbourne and a growing Victoria, when you are embracing the fact that we have got to make these sorts of investments to engage in capital widening — when you think about the opportunities that present themselves by having a strong budget balance sheet like

this, that enables you to make investments in capital deepening. These are the things that have been dominating and fixating the minds of those on this side of the house as we think about the state we want to create, as we think about the ways in which we can make these sorts of investments to create a fairer society. The reality is that it is manifestly inadequate and unfair if you turn around and basically say, 'Just because you're poor, you cannot live within 15 or 20 minutes of the Hoddle grid. Just because you're a migrant, just because you're a new arrival, the only place for you is 60 kilometres away from the CBD, and we're going to lock you out and exclude you from the real jobs, the high earning-capacity jobs of the 21st century'.

That is unfair and that is why we are making the sorts of investments we are making. That is why we are trying to develop the public housing estates in our communities. That is why we are making sure that public housing tenants who live close to the Hoddle grid live in modern, 21st-century housing: housing that is decent and is affordable, housing that is diverse and a mix that allows for the public housing tenant to live with a community housing tenant, to allow them to live with the private tenant and the private owner — mixed communities, rather than having towers of disadvantage, which is what the Greens political party would impose on public housing tenants.

I grieve for the state of Victoria in the event that those opposite form government in November because they are not focused on the things that matter. They are not focused on putting people first, and they have shown a lack of interest in understanding the way in which the economy functions and the way in which the budget works. You just have to look at some of the output measures of those opposite. I saw yesterday on Twitter a media release issued by the member for Kew, and honestly I was surprised that it was typed. I could have sworn it was written in crayon, it was just embarrassing. I have got to say I used to draft the odd media release in my time back in the opposition rooms in the 1990s, and I may not have been the greatest drafter of a media release but my goodness me I would never have put my name to something like the member for Kew put out yesterday. It was embarrassing, finishing off with 'Thanks'. I have never seen a media release ending with 'thanks'.

**Mr Edbrooke** — He hasn't got his pen licence yet.

**Mr PEARSON** — I think it was three or four lines, and my good friend the member for Frankston says he has not got his pen licence yet. I suspect that is right, yet this is the person who purports to be the alternative

Minister for Education. I mean, seriously! The only benefit you could say about the member for Kew being the Minister for Education is that when he went and talked to the foundation-year students, he would be talking to people on his own level. That is the only benefit you could say about that bloke. It was just lamentable and embarrassing. I think if anyone has sat through estimates like I have had to endure or like the member for Eltham has had to endure, it highlights how this was just an embarrassing display by the member for Kew. Yet this person puts themselves up to be an alternative leader of this state, an alternative minister of the Crown.

**Ms Ward** — He wants to be their leader.

**Mr PEARSON** — He would like to be their leader. Indeed he would like to be their leader, the member for Eltham. So I grieve for this state if those opposite form government. They are not up to it. They are manifestly inadequate. They do not understand the economy. They do not understand budgets. If you want strong economic management in the state of Victoria, then you have got to re-elect the Andrews Labor government here in November.

### Aboriginal cultural recognition

**Ms THORPE** (Northcote) (15:02) — I rise to grieve for all Victorians and Australians who believe Aboriginal culture should be respected and embedded in Parliament. With treaty in our hearts and minds, I hope all members will agree that the spirit of the times demands increasing respect and acknowledgement of Aboriginal culture and history. It is also time to address historical injustices and wrongs.

It is critical that this flows through every aspect of society, particularly Parliament, which holds itself up as a place of honour and leadership. However, as an Aboriginal person I do not feel at home at Parliament. The buildings, the artworks, the gardens and almost all of the practices are a monument to British colonial practices and history. There is a gaping hole in the cultural fabric of Parliament.

This place not only fails to show proper cultural respect or take pride in Aboriginal culture; Aboriginal cultural is almost completely absent. Yes, there are a few token paintings and an acknowledgement of country, but as I become more familiar with Parliament I become more aware of just how much our state's Aboriginal history, which predates this building and Parliament by tens of thousands of years, has been hidden and not shown due respect.

I recognise that the Parliament of Victoria was established at a time when respect for the first peoples of this country was very, very low, but there have been many years between then and now, many opportunities to improve things and many ministers for Aboriginal affairs, and little has changed. With legislation to advance the treaty process passing Parliament, now is the time to set this right.

I have written to the Speaker and the President to request that they establish an Aboriginal cultural advisory group to make recommendations to Parliament on changes that can be made to ensure the Parliament and electorate offices reflect Aboriginal history and culture, as well as that of colonial history. This advisory group should include representatives of the traditional owners of the land on which Parliament sits, the Wurundjeri and Boon Wurrung nations, as well as some representatives of other areas to reflect the land on which the electorate offices sit. This should be an ongoing body that can provide cultural advice when it is required.

As the only Aboriginal person in this Parliament I already have cultural fatigue with people coming to me to ask about cultural practice. While I very much welcome their interest and concern, I need to share the load. I ask that the Speaker and the President act immediately on this recommendation so that change can get underway before the caretaker period.

I have started to make changes myself, but there is only so much I can do alone. Four sitting weeks ago I and my fellow Greens MPs began standing during the acknowledgement of country at the opening of the parliamentary sitting week. I was very pleased to see for the first time yesterday all members join in this mark of respect.

The Greens took the opportunity during the treaty bill debate to name most of the hundreds of clans and First Nations of Victoria in the chamber for the first time in the history of the Parliament of Victoria, which began in 1856. Until that point only a handful of clans and nations had ever been mentioned. I also spoke words in my Gunditjmara language, which was the first time a Victorian MP has spoken an Aboriginal language in the Victorian Parliament in 162 years.

If you look at similar countries with a British colonial history, you will note that recognition of the first peoples and their languages is far more embedded in the practices of Parliament. In New Zealand, for example, Maori became an official language of Parliament in 1985 but was spoken in the chamber with translators from 1868 when the first Maori MPs were

elected. Clearly we have a long way to go before Victorian Aboriginal clans and languages are well known amongst our leaders and references to them are commonplace rather than token. I hope all MPs will make more of an effort to get to know the traditional owners in their electorates and become familiar with their languages and culture.

While I do not want to pre-empt the recommendations of the advisory body that I hope will be established, there are a number of areas that, as an Aboriginal person, I would like to see changed. I will outline these now. The first thing I believe should happen is that a cultural assessment of the practices, buildings and grounds of Parliament should occur to identify opportunities to incorporate Aboriginal culture. For example, the grounds could include an official space for holding smoking ceremonies. I note today's opening of the new building is an example of an occasion which should have had a welcome ceremony. I also believe there should be a proactive policy to include more Aboriginal artworks in the building and that a permanent, dedicated space that outlines Aboriginal culture and history should be created within the building.

I ask that the advisory group consider a process to recognise the 38 Aboriginal languages of Victoria as official languages of the Victorian Parliament. Next I request that cultural awareness training be included as part of the induction of every MP, electorate officer and parliamentary staff member. We have training in workplace behaviour, occupational health and safety, security awareness, cyber security and resilience but not in cultural awareness. While we have a more in-depth training program, cultural awareness is not offered as part of that either. I would suggest this kind of training should be core, as an important part of understanding the cultural context in which we live and showing respect for the first peoples of Victoria.

Currently there is no plaque or sign on the outside of Parliament House or any electorate office to acknowledge the traditional owners of the land. This has become a common mark of respect, so it is disappointing that Parliament and our electorate offices are lagging behind on this. I note that a number of local councils, such as my own local council, the City of Darebin, have prominent plaques by the entrances to all council buildings and even large signage recognising the traditional owners outside their main council buildings. So I ask for rules regarding the frontage of electorate offices and Parliament House to ensure plaques or signage are put up as acknowledgment of and respect for the traditional owners. These signs must

acknowledge the specific traditional owners of that particular site if they are known.

I also ask that the culture around 26 January be changed. This day is a day of mourning for Aboriginal people. It marks the invasion of this country and the beginning of massacres, the frontier wars and my people being removed from their land, stripped of their honour and culture and forced to live in prison camps. The calls for this to be an official day of mourning began in 1932, when William Cooper and other Aboriginal leaders made protest, demanding their rights to be full citizens of this country and to be treated with equality. It is time that we finally honoured their calls.

I ask that a policy or protocol be introduced that the Aboriginal flag be flown at half-mast at Parliament House on 26 January in recognition of Aboriginal people's view that it is a day of mourning. I believe this happened last year at Queensland's Parliament House despite this not being official protocol. It is time it was officially done here in Victoria. Arrangements must also be made to change the expectation that staff will take a public holiday on 26 January. My staff all worked on that day as they do not believe it is a day of celebration but were questioned by parliamentary staff about these arrangements when time sheets were submitted.

Finally, I ask that electorate offices be provided with more Aboriginal flags. While we have an abundance of Victorian flags and little interest in them, we have an abundance of demand for Aboriginal flags but have had only a few to give. Please ensure electorate offices are provided with an adequate supply of Aboriginal flags as a standing policy.

The list I have just outlined is not comprehensive. It is a starting point for action. I hope that making these changes will help encourage more Aboriginal people to want to stand for Parliament, work at Parliament or feel welcome to visit. Parliament must be a reflection of the people, including our social values and expectations. Changes in this place are not only material; they are symbolic. It is time that the Parliament of Victoria reflected the true and full history of this state and showed respect to the diversity of cultures in modern Australia.

### **Yan Yean electorate**

**Ms GREEN** (Yan Yean) (15:12) — I grieve for the state of Victoria should those opposite regain the Treasury bench — especially if it is the current coalition opposition with its current leadership and frontbench. I grieve for the state of Victoria, I grieve in particular for Melbourne's north and I grieve for the

Yan Yean electorate. What we know as human beings, whether it is in leadership or in life, is that past behaviour is the best predictor of what will happen in the future.

**Mr Pearson** — That's what Dr Phil says, and I'm with Dr Phil.

**Ms GREEN** — Yes, I am with Dr Phil, member for Essendon. What we know is that at the 2010 election, particularly in the Yan Yean electorate, those opposite promised exactly nothing — nothing for the Yan Yean electorate, which then became the most populous and fastest growing electorate in the state. It was a promise that they actually delivered in spades. It was one of the promises that they did fulfil. They promised to fix the problems and build the future, but they actually built the problems and fixed the future — for a long time.

Earlier today I referred to that journal of record, the *Herald Sun*, which on 7 August carried a very lengthy article — I printed off 12 pages from the online version — which shared the best of Melbourne and why Mernda is the best place to live in Melbourne.

*Honourable members interjecting.*

**Ms GREEN** — Someone just said it is because I am the local member. No, it is actually because of the good people who live there. The 3754 postcode is a fabulous place to live. When I was elected to Parliament in 2002 there were actually only 1500 people on the electoral roll in that postcode.

**Mr Pearson** — Who was your opponent?

**Ms GREEN** — Someone asked me who my opponent was. I will come back to that.

Now the population of Mernda and Doreen is around 40 000. It actually doubled between 2011 and 2014, so it beggars belief that anyone who would aspire to sit on the government benches would promise exactly zero for this fast-growing electorate. There is a disproportionate impact.

We know the Minister for Health spoke in great detail, when leading off the grievance debate for the government today, about the impact of the cuts on our health system and our ambulance response times. I would say that the lack of road investment was a huge contribution. The Leader of the Opposition was then the planning minister, and at the time he represented the Yan Yean electorate — indeed all of Northern Metropolitan Region — in the Parliament and in government. As the planning minister he grew enormously the number of houses that were built in the

north, and as planning minister he delivered exactly zero in terms of arterial road funding. Not only did the former government not deliver anything in relation to public transport but they also delivered cuts.

We have heard often members on this side of the house talking about the impact on young people and on a skilled workforce of those atrocious cuts to TAFE. Melbourne's north was one of the areas affected — not just because of the population growth but also because of not having the resources and Northern Melbourne Institute of TAFE (NMIT), now Melbourne Polytechnic, having a huge amount of cuts. It beggars belief that those opposite were responsible for the closure of the Greensborough campus of what was then known as NMIT, now Melbourne Polytechnic. A growing population had a TAFE campus closed.

The schools that we now have operating in the Mernda and Doreen postcode include the Laurimar, Mernda and Doreen primary schools. The Ashley Park Primary School will open up next year. We have a number of non-government schools which have really done the heavy lifting, especially for secondary education, including Ivanhoe Grammar School and Plenty Valley Christian College. They have done the heavy lifting, as have the many schools throughout the northern suburbs, because there was a complete failure of those opposite to support education and particularly secondary education.

In the 2010 budget the then Labor government included land for a Doreen secondary college. One of the first actions of the newly elected government, which the Leader of the Opposition was part of, was to cancel Doreen secondary college. Labor in government purchased the land for Mernda Central College in Breadalbane Avenue, where it sits now, in 2009, but nothing happened. But something bad did happen, and not just the fact that those opposite were in government. Acacia College, which was another one of those private schools that was carrying the load, unfortunately collapsed financially and closed, leaving more than 700 students — 800 students — without anywhere to go. A group of the families got together and a petition was tabled in this place. They and I lobbied very strongly for action by the then Minister for Education, saying, 'Please, please build on that land in Breadalbane Avenue so that there is an alternative'. And there was nothing. No action was taken, and there was no support.

I mentioned Greensborough TAFE before and the closure of that campus. The then leadership of NMIT said that one of the key reasons that they closed the campus was that students could not get to it. That was

purely and simply because the government that the Leader of the Opposition was part of was responsible for 500 bus services per week being cut out of Greensborough, which meant that students could no longer get to that campus.

I said at the outset that the greatest predictor of your future behaviour is what you have done in the past. We saw when the Leader of the Opposition was the Minister for Planning and responsible for overseeing a huge population growth that he expended no money from the growth areas infrastructure contribution. The money that developers paid for infrastructure contributions was not allocated to anything to ease the squeeze or support infrastructure. What else was the then Minister for Planning involved in? He was involved in diminishing the role of VicUrban and saying, 'Oh no, we are not going to do greenfield development anymore; we are specialising in the inner city'. He and his then leader appointed Peter Clarke to chair that body, but he was forced to resign under a cloud because he was under investigation — and I understand that there could still be action coming out of those investigations as there are still matters on foot or appeals before courts. But miraculously we have now found that the then Minister for Planning's appointment, Peter Clarke, has managed to have himself elected to Nillumbik Shire Council, and he is actually now the mayor.

**An honourable member** interjected.

**Ms GREEN** — Yes, how is that going for him? Well, he has had his nose bloodied. He went out there and did a typical Kennett-like thing of trying to sell off a whole lot of reserves in Nillumbik shire. Then there was a great community uproar, the likes of which had not been seen since the Kennett era, and he was forced to back down. The member for Eltham and I have been successful in getting record funds from the Growing Suburbs Fund for projects in Nillumbik shire, and some 60 per cent of them, I think, remain undone — some have not even begun. This is the Leader of the Opposition's man in Nillumbik. Last week he made some comments on the opposing plans for transport on the Hurstbridge line. Amazingly, he gave the Leader of the Opposition a score of 7.5 out of 10 for his proposal for the Hurstbridge line and the Labor Party only got 4.5.

**Mr Nardella** interjected.

**Ms GREEN** — Yes, Liberals first, the people of Nillumbik last. The mayor of Nillumbik would rather side with the Leader of the Opposition, who has form. He was the developers' friend who oversaw the debacle

at Fishermans Bend, the Ventnor scandal and whatever went on with VicUrban when we saw they were dining out and they had butlers and silver service. That is what happened on the Leader of the Opposition's watch as the Minister for Planning — nothing for people in the north, but silver service for your mates on boards in the city.

One year ago today Victorians found out another little story about the Leader of the Opposition — and it was not a story, although there were plenty of different versions. If you listened to the Leader of the Opposition's story, he left you with more questions than answers. He says he cares about Victorian families, but I think 'The Family' is the one he is most fond of. On dining with 'The Family', who was Uncle Tony?

**An honourable member** — Cousin Tony.

**Ms GREEN** — Cousin Tony; that is right. Well, he said they had dinner —

**Mr Morris** — On a point of order, Deputy Speaker, standing order 118 is very, very clear about imputations on the reputation of members other than by substantive motion. The grievance contribution from the member is not a substantive motion, and I ask you to bring the member back to grieving appropriately.

**The DEPUTY SPEAKER** — I remind all members in the chamber of standing order 118. I ask the member for Yan Yean to continue.

**Ms GREEN** — The background to this, Deputy Speaker — and thank you for your ruling — is that the Leader of the Opposition was a guest speaker at a Liberal Party fundraiser hosted by one Tony Madafferi and held at a Docklands reception centre part-owned by Frank Madafferi and Vince Doria. The member for Hastings also attended the fundraiser. The Leader of the Opposition said that he was unaware that he was at an event hosted by an accused Mafia figure and that he had no idea who was on the guest list at the fundraiser.

Then we found out that last year the Leader of the Opposition attended a dinner with Tony Madafferi, Frank Lamattina, Vince Doria and Bruno Diaco at the Lobster Cave in Beaumaris. Barrie Macmillan organised the dinner, and Geoff Ablett was also present. The Leader of the Opposition said in response that he was just told it was 'Cousin Tony', and he did not know it was Tony Madafferi. He also said no donations from anyone at the table had been sought or received. 'They didn't want anything, they just wanted to talk to me about the operation', the Leader of the Opposition told reporters. Well, can the Victorian community really afford to take the risk of having

someone with such a flawed character lead the state? He has a flawed character and flawed judgement, and he has form as a planning minister that shows he was not in any way committed to good planning and supporting Victorian communities.

**Mr Morris** — On a point of order, Deputy Speaker, I repeat my point of order under standing order 118. The member is flouting your ruling, and I ask you to bring her back to grieving appropriately.

**The DEPUTY SPEAKER** — Once again I remind all members of standing order 118 on imputations against other members.

**Ms GREEN** — Thank you. I am proud to be part of a government that in three and a half years has restored Victoria's standing. As the Minister for Health said near the start of the grievance debate, we now have the best ambulance response times in Victoria's history. In particular in my electorate we have an ambulance station under construction in Mernda and another one under construction in Diamond Creek. Mernda now has a police station. Action is being taken on the northern roads, with \$2 billion worth of road funding in the outer suburbs: Yan Yean Road, Bridge Inn Road and Plenty Road are all being duplicated and rail services to Mernda are due to begin. There are schools, like Mernda Central College, Mernda Park Primary School and others. Victorians cannot take the risk of those opposite being elected because they will take Victoria backwards. They will ignore those most in need and listen to their mates and family members like Cousin Tony.

**Mr Nardella** — This will be good.

### Government performance

**Mr WATT** (Burwood) (15:27) — I am sure it will be good. Thanks, member for Melton; appreciate it. I rise to grieve not only for my electorate and for the people of Burwood, but I also grieve for the entire state. I grieve for the fact that we have in the Labor Party a party that while in government and also when in opposition has a record of making up dodgy stats, making up stories, lying in here, lying out there — lying to anybody who will listen. I go back to some of the comments made by members earlier in the grievance debate, and the Minister for Health talked about hospital stats. You cannot believe them; you cannot believe anything they say. I mean, here is a government led by a guy who four and a half years ago was talking about ghost wards in hospitals — setting up ghost wards in hospitals where you would just admit people and pretend they were not actually on the

waiting lists anymore, bringing down the waiting lists —

*Honourable members interjecting.*

**Mr WATT** — It was not four and a half years ago; it was 2010, eight and a half years ago, that the member for Mulgrave was talking about ghost wards. They did not really exist; people were not on waiting lists. We also had the now Deputy Premier, who put out dodgy crime stats before the 2010 election. You cannot believe anything these people say.

The health minister was talking about health cuts. Then you go to the ABC and do a fact check — I did it on health stats. I came across a website, ABC Fact Check, and strangely enough, it says that the Labor Party has exaggerated the claim that there have been cuts by the federal government. You cannot believe anything these people say. The reason why we have got this government out there making up numbers, making up allegations about members of Parliament, is that they have found themselves in hot water, and they will do anything and say anything to get themselves out of it.

I listened to the member for Yan Yean, and I think she talked about cuts to schools. What she forgot to mention was the government that she was a part of — I acknowledge that she was only a member of the previous Labor government from 2002 to 2010 — actually cut schools in Victoria. In 1999 when the Liberals left government there were 1631 government schools in Victoria. By the time the Liberals took government in 2010 there were 1548 schools. Now, I know people on the other side are not too good at numbers and are not too good at stats, but let me make that very clear: over the 11 years of a Labor government there were 83 less schools in Victoria; under the Labor government — the Bracks-Brumby governments — less schools. I am happy to accept that there were schools being built, but what we know is that for all the schools being built there were schools that were being closed, because we know that at the end of the Bracks-Brumby governments there were actually 83 less schools in Victoria than there were when they started.

Now, I have had members previously yell and scream, and I have had members say to me, 'Where do you get your stats from?'. I get my stats from no other —

**Mr Dimopoulos** interjected.

**Mr WATT** — You have asked me this before, member for Oakleigh; you have actually asked me this before. Have a look. The Australian Bureau of Statistics —

**The DEPUTY SPEAKER** — Member for Burwood, through the Chair.

**Mr WATT** — Maybe you can explain to the member for Oakleigh — through the Chair — that if he was to look —

**The DEPUTY SPEAKER** — I would ask you not to be disrespectful to the Chair, member for Burwood.

**Mr WATT** — If the member for Oakleigh was willing to look up the Australian Bureau of Statistics, he could do exactly what I did and find that in 1999 when the Liberals left government there were 1631 schools in Victoria. When we got back into government in 2010 there were 1548 schools. That is the Australian Bureau of Statistics; I did not make those stats up. It is the Labor Party that makes stuff up. So if you look at that, we know that the Labor Party has form. We know they have form in lying and making up stats. They have form. It is very clear. They have form when it comes to police stats. They made up police stats before the 2010 election. They made up hospital waiting list stats before the 2010 election, and now they continue to make up stats when it comes to things like schools. The member for Yan Yean was the one that raised it.

I grieve for the people of Victoria because we have a government that cannot be trusted. We have a government that cannot be believed. We have a government that actually reduced the Ashburton police station's hours back to two days a week and then tried to pretend that they did not do it. We have a government —

**Mr Nardella** — Did you reopen it?

**Mr WATT** — We did reopen the Ashburton police station. Yes, we did. Thank you, member for Melton, through the Chair. We actually did reopen that police station to seven days a week. The former Brumby government reduced the hours down to two days a week, and when we got into government we reopened it. In September 2015 this government, the Andrews Labor government, reduced the hours back to two days a week. We have the Burwood police station, which is even worse I must say, because the Burwood police station has not been open, in the Minister for Police's own words, since July 2015. There have been no police there since July 2015. You can guess who was in government in July 2015. It was the Labor Party — and it is this government that has cut police hours at the Ashburton police station, has closed the Burwood police station and now tries to pretend it was never a police station: 'No, no, no. It's not a police station. It's

just a building that currently has a hole in the wall'. More than nine weeks ago we had a car drive into the Burwood police station, and nothing has changed since the Victoria State Emergency Service put up their tape and the temporary fencing. We have a police station with bricks lying on the floor and a hole in the front wall, and nothing has happened.

I grieve for the state that we have a government that is so mired in their own dysfunction, worrying about whether they are going to get a knock on the door at 6 o'clock in the morning from the fraud and extortion squad, they are not focusing on what is needed. They are not focusing on fixing the police station. They are not focusing on putting police in the police station. They are certainly not focusing on the crime rate, knowing that since July 2015 the crime rate in Burwood has gone up by 17.65 per cent. Since this government actually closed the police station and took police away from my area crime has gone up.

I know that the member for Clarinda did not like it last sitting week when I pointed out that crime in Monash has actually gone up 20.66 per cent. At the time the member for Clarinda decided to get up and talk about how crime had gone down — 'crime, crime, crime' — but what he forgot to say was that in Clayton, which is in his electorate, crime has actually gone up by more than 50 per cent since this government was elected. He forgot to mention that. He forgot to talk about the fact that he has taken his eye off the ball, as has this government. They are too worried about internal machinations, too worried about looking behind their backs because someone in the Labor Party is trying to do them over, too worried about themselves to actually look after the people of Victoria and the people in seats like Clarinda and seats like Burwood.

Look at the fact that in the area of Whitehorse we have actually had crime increase by 11.41 per cent since the election of the Andrews Labor government. We have seen assaults up by 16.96 per cent. We have seen crimes against a person in Box Hill — including assaults — up by 48 per cent. We have seen theft in Burwood up by 33.66 per cent. Since the closure of the Burwood police station we have actually seen Box Hill South burglaries and break and enter up by nearly 17 per cent, and in Burwood by nearly 32 per cent. Theft in Burwood has gone up by nearly 53 per cent. As I said, total crime has gone up by 17.65 per cent.

I talked about Monash before. Crimes against a person in Monash since the election of the Andrews Labor government have gone up by nearly 19 per cent. To their credit it is actually less than the overall crime rate increase of 20.66 per cent — I talked about that. Crimes

against a person in Burwood — I may have mentioned — had an 18 per cent increase. These are very significant numbers — with crime going up and the government with their head buried fairly and squarely in the sand, worrying more about themselves and worrying more about getting elected than they are about looking after the public.

I grieve for the people of Victoria, but I also grieve for the profession of politics and parliamentarians in this state because of the attitudes of members of the government and members of the Labor Party. I note that two weeks ago the government shut down the upper house because we had a police investigation underway by the fraud and extortion squad.

I do not know of any time previously — members opposite might want to correct me — when such a large number of people, particularly ministers of the Crown, have been investigated or are being investigated by the fraud and extortion squad. We have six cabinet ministers and 21 members of the Labor Party being investigated. We are talking about 21 members — not just of the Labor Party, not just any old members of the Labor Party — of the government, under investigation by none other than the fraud and extortion squad. I am not sure how the Minister for Police or the Attorney-General or even the Premier can go about doing their jobs without worrying that at any time they might just get that knock on the door from the fraud and extortion squad to say, ‘Come on down, we need to have a chat’.

We have a government that, from what we know from the red shirts rorts and what we know from the Ombudsman’s investigation, was involved in an artifice. This scheme, this scam, did not just go through a number of members of Parliament. What we know from evidence given by Gavin Jennings in the upper house inquiry was that this artifice — this scam, this scheme — was actually talked about at a caucus meeting. We know that the caucus meeting was in Creswick and we know that the members of the caucus were all there, including the Premier. So when the Premier says he does not know about it we know that is a lie, because he was there. And when members of Parliament stand here and say they —

**Mr Foley** — On a point of order, Deputy Speaker, I would ask you to rule on the honourable member for Burwood’s use of unparliamentary language, particularly the reference to ‘lie’.

**The DEPUTY SPEAKER** — Order! Member for Burwood, that language is unparliamentary and I would ask you to refrain from using it.

**Mr WATT** — So what we know now is that the government and all members of the Labor Party who were in Creswick knew about this scam. They knew about this scam. They knew of this scheme. They knew of this artifice and they knew that it was wrong. They knew it was wrong because we have members of the Labor Party who have finally decided to stand up and say they know that it was wrong. What we have now is the Deputy Premier — after making up stats a number of years ago as the Minister for Police when it came to crime in Victoria, he made up stats then — making up stories about members of Parliament who are not members of the Labor Party. The logic has to be, ‘Well, the Labor Party was dodgy. The Labor Party stole money, so everybody must have done it. So we will just throw a few names around and hopefully one of them will stick’. Just because the Labor Party did the wrong thing does not mean that everybody else did.

**Mr Foley** — On a point of order, Deputy Speaker, I understand the honourable member is agitated and excited, but his continuous use of extreme and extravagant unparliamentary language brings no credit to him or the house. I would urge you to encourage him to stay on the issues that are before the house in this motion. His use of unparliamentary language continues to be disappointing, both for him and the wider Parliament. I would urge you to caution him again.

**The DEPUTY SPEAKER** — Order! Thank you, Minister. I will caution all members to refrain from the use of unparliamentary language.

**Mr WATT** — It is not the Liberal Party that is being investigated by the fraud and extortion squad —

**The DEPUTY SPEAKER** — The member for Oakleigh.

### Opposition performance

**Mr DIMOPOULOS** (Oakleigh) (15:43) — I am actually quite pleased to follow the member for Burwood for a couple of reasons. I rise to grieve for the Victorian people should that moribund, despondent, disorganised and unethical group of people end up being elected to government. Why I was happy to follow the member for Burwood was just to remind him of what the member for Clarinda and I already know: the crime rate in Monash, from December 2016 to today, has fallen by 16.4 per cent. He can make up statistics all he likes; he can grab them and twist them. This is the trickery of their politics. The trickery of their politics is that they will pick something out of the blue without any context and they will pretend to make it true. He is probably talking about the number of

offences rather than as a proportion of the population. On that basis there is no comparison. On that basis you could say that the offence rate 10 years ago, when the population was 20 per cent smaller, is smaller than it is today. Of course it will be smaller than it is today, because the population was far smaller.

More important than that, the trickery of their politics was epitomised in the contribution by the member for Burwood. He talked to us about the Burwood police station. What he did not tell us is the trickery of their politics. I grant him that they funded the upgrade to the police station. Fine, tick. What he did not tell us, though, is that the police themselves said — it is on the public record — that it was a waste of resources. Guess how many minutes a day that police station was being visited?

**An honourable member** — How many?

**Mr DIMOPOULOS** — Twenty minutes a day. So you had senior police — two important police officers at the very minimum — sitting there going, ‘Oh, someone’s at the door; we’d better go’, for 20 minutes of their day, rather than spending it in a vehicle policing the streets of Burwood, as they should have been. The police said it was a waste of resources. The head of the Burwood Village Traders Association said, ‘It’s a waste and we don’t want them there. We want them patrolling the area’. That is exactly what we did.

**Mr Watt** — On a point of order, Deputy Speaker, the member is actually required to tell the truth. I think he might actually be talking about the Ashburton police station, where Bob Stensholt, the former Labor Party member —

**The DEPUTY SPEAKER** — Member for Burwood, I would encourage you not to raise frivolous points of order. That is not a point of order.

**Mr DIMOPOULOS** — I will just talk about one more thing that the member for Burwood did not tell us, and then I will move on to what I actually did want to debate today apart from the trickery of their politics. One thing he did not tell us is that he made a commitment to the people of Burwood that it would be a 16-hour station. He delivered an 8-hour station. So not only was it not wanted and not warranted, but he delivered half of what he promised. But he does not tell you that because this is the trickery of their politics.

**Mr Watt** — On a further point of order, Deputy Speaker, the member for Oakleigh is a liar. That is not true.

**The DEPUTY SPEAKER** — I once again caution the member for Burwood. You will not use unparliamentary language.

**Mr Foley** — Further on the point of order, Deputy Speaker, three times now in the course of this debate the honourable member for Burwood has flouted your rulings and in this most grievous recent example has really challenged the authority of the Chair. I would urge you in the strongest possible terms to caution the member for Burwood to refrain from using unparliamentary language during any further contributions of members in this debate.

**The DEPUTY SPEAKER** — I have cautioned the member for Burwood. I will remove him from the chamber if I need to.

**Mr DIMOPOULOS** — I am really pleased and proud to be part of the Andrews Labor government, and the reason I am pleased and proud is because we have a record of achievements to demonstrate in the three and three quarter years we have been in office. You heard the Minister for Health in today’s question time talk about the best ever ambulance response times. That is not just a line; that is about people’s lives. When you are in the desperate situation of a loved one being very ill and possibly dying in front of you, you want to be able to rely on the essential services of the state to call the ambulance and it will come on time. That is what matters to the people of Victoria, and we have delivered that. We have the best response times on record, which is saving lives. If you cannot rely on the government to deliver essential services, what can you rely on the government to deliver?

The other fact that the Minister for Health told us about today was that we have the lowest ever elective surgery waiting lists on record. Now, it is still not good enough because there are still thousands of people waiting, but it is far better than it ever was. That is a mark of a good government that delivers for the people of Victoria.

On education, the honourable member prior to me was talking about the number of schools in some esoteric survey he did or having glanced at the Australian Bureau of Statistics. What everybody in Victoria knows and what people in my community know is that there is no comparison when it comes to a Labor government — and not just any Labor government, this Labor government — and school funding in the history of Victoria. The statistics that I use, the real stats, show that we have put more into school buildings than even the Bracks and Brumby Labor governments — double their commitment but triple the commitment of the previous Baillieu-Napthine governments. We are in

excess of \$1 billion or about \$850 million on average a year. I think this year alone we are at \$1.2 billion or \$1.3 billion compared to them — about \$260 million a year. This is for the 1500 public schools around Victoria. The honourable member prior to me talked about some strange allocation of numbers of schools rather than actually talking about what really matters — funding, teachers, resources and buildings.

Then there is TAFE and free TAFE courses. We have gone above and beyond the normal framework of funding for TAFE. The normal framework is that you just fund them, the students pay their fees and then life goes on. We have said, 'There will be 30 free TAFE courses'.

Then of course there is the education maintenance allowance that they removed. We replaced it through the Camps, Sports and Excursions Fund. That is very important funding.

On transport there is again no comparison. Twenty-five level crossings have been removed in three and a half years compared to the 10 years prior to us being in office, when seven were removed. In the three and a half years of us being in office we have removed 25. That is just an extraordinary effort. In fact we did not even anticipate that ourselves. We anticipated 20, and my understanding from the Premier is that we will get to about 28 by the end of this year.

Then of course there is the Melbourne Metro Tunnel and all the promises the previous side made. My former opponent was actually embarrassing to watch — 'Rowville rail is going to happen'. In fact the language on the press releases he was putting out made it sound like it actually was happening on the day he wrote the press release. Rowville rail, airport rail — all these ridiculous ideas that never saw —

**Ms Green** interjected.

**Mr DIMOPOULOS** — That is right. All these ridiculous ideas that never saw the light of day. Our road funding is unparalleled to any road funding under the previous government. It includes suburban roads, country roads and even moving the machinery of government to country Victoria to make road funding actually relevant to regional communities.

Jobs is my favourite one. We promised 100 000 jobs in two years. If you extrapolate that over four years, that would be 200 000 jobs in four years. Well, we did not make a 200 000-job commitment in four years; we made it 100 000 jobs in two years. We actually blew both those things out of the water. We delivered 340 000 jobs. It was not us alone, of course; it was with

the businesses of Victoria. But we created the fundamental economic equation in this state to deliver 340 000 jobs. We delivered more in this last year than they did in their entire four years.

They talk about being money managers, but things like this do not happen by chance. They do not happen by accident. You have to have a genuine commitment and a genuine interest to make a difference in public life. That has got to be your driving force. I have no doubt that there are some people on that side — at least the member for Mornington, with whom I serve on the Public Accounts and Estimates Committee, would be one of those — who actually want to make a difference in life. But as a whole almost all of the group on the other side were part of the previous government. They represented the worst government in Victoria's history under Baillieu and Napthine. They could not run the place for starters — they could not even maintain the bare basics of running the chamber and the Parliament — but beyond that they did not invest in virtually anything that counted for a record.

Can you remember a road funding announcement under that government? I cannot remember one. Can you remember one level crossing removal? I cannot think of one. Can you remember one school upgrade? There may have been one or two. I am not saying they did nothing, but they did very, very, very little. They were the worst government in living memory, and they are still here. The Leader of The Nationals is still here. The Minister for Planning in that government is the Leader of the Opposition now. In fact most of the frontbench were a part of that government. They are the same members who were a part of the worst government in Victoria's history. The lies, the deceit and the trickery know no bounds.

Just while I am talking about that, part of those lies, deceit and trickery is that they have mastered this kind of concept, this kind of theatre, where they put one arm around a victim and turn the other eye towards the cameras — 'Are they watching? Are they watching us hug the victim?'. They could be taxi families. They could be anyone. They could be people who have been impacted by infrastructure projects like the level crossing removals in my community — fair enough. They could be a whole range of people. But they do not actually care. That is why I said the other day that they are crocodile tears — one arm around the victim, one eye towards the camera. That is what they are like.

The worst element of this — my favourite hobby horse on this and one of the most emblematic examples of the treachery, the deceit and the debasing of the politics — is Mr Davis in the other place. He is one of the most

emblematic examples of this. He has gone around Victoria saying how underhanded or how insufficient our consultation process with taxi licence holders has been. He has been leading them up the garden path, meeting with them privately, developing Liberal Party policy, saying, 'We are going to be far more generous' —

**Mr Richardson** — Fundraising.

**Mr DIMOPOULOS** — Fundraising. They have been fundraising for him in the hope that he will give them something that we did not. We were all waiting with bated breath to see what will come out. We delivered half a billion dollars of taxpayers money — \$500 million of taxpayers money — to those taxi licence holders. We thought they might match that announcement, given they were resisting paying anything in the upper house when this bill went through. They came out with their policy last week. Do you know what their policy is? It is a review. After three years of running around town holding public meetings and saying, 'You have been treated so badly by the Andrews Labor government,' they offer a review. Mr Davis was asked why he did not actually make an allocation of funds:

Shadow transport minister David Davis has promised a more generous package than Labor, but has refused to disclose a figure.

That sounds a bit tricky. His response was:

We're not in government at the moment. We do not have the bureaucracy and the ability to assess individual cases ...

But let me just be quite clear that people who have lost their assets do deserve more substantial compensation.

My question to Mr Davis is: if you are not in the bureaucracy and you are not in government, how can you promise billions to move cars from one intersection to another? How can you promise billions to fix hospitals and schools? How can you make budget allocations in my electorate to reopen the Murrumbidgee police station, that you closed, for \$1.5 million?

He can put a price tag on those, but he cannot put a price tag on this because he is not genuine about it. That is the reality. This is the trickery of their politics, their crocodile tears. They pretend they care about victims, but when they come up with an announcement it is a review, and no money. And when you ask, 'Why no money?', they say, 'Because we are not in government'. But then you look at their other commitments and find that they have allocated some money, even with the lack of the bureaucracy and the insights that they have.

**Mr Staikos** interjected.

**Mr DIMOPOULOS** — He does not care, he absolutely does not care. It is a debasing of our politics. Yes, I get that politicians get a bad rap, but they are not all bad. Even on that side they are not all bad, but their narrative is a very dangerous one. Like the member for Burwood who stood up and pretended crime was going up in Victoria when every single person understands the statistics show the absolute opposite, because of our investment in police and our investment in closing bail and parole loopholes. In the remaining minute I have for my contribution I just want to remind the chamber of what I said in June. The conservative American columnist George F. Will in writing about American conservatism, but it can equally apply to the Victorian opposition, said:

Today, conservatism is soiled by scowling primitives whose irritable gestures lack mental ingredients. America needs a reminder of conservatism before vulgarians hijacked it, and a hint of how it became susceptible to hijacking.

He continued:

... sour, whiney, complaining, crybaby populism ... the screechy and dominant tone of the loutish faux conservatism ...

Does that not remind us of some on that side? It would be funny if it was not so dangerous for the polity of Victoria, for the democracy of Victoria and for the people of Victoria, should they have the privilege of serving as a government after 24 November. I grieve for the people of Victoria should that ever happen.

**Question agreed to.**

## MEMBER CONDUCT

**Debate resumed.**

**Mr WALSH** (Murray Plains) (15:58) — I move:

That paragraph (7) be omitted.

In joining the debate on the motion from the government and particularly on the amendment that I have just moved, I will start by reading a Hamilton *Spectator* post from 5.36 last night:

In response to media reports regarding an internal email at the Hamilton *Spectator*, we would like to make the following statement:

The content of the internal email was inaccurate. The claims in the email misrepresented communication between the Hamilton *Spectator* and Emma Kealy for Lowan's office. Ms Kealy and her office have never, at any time requested to have invoices changed, altered or amended.

The Hamilton *Spectator* values its integrity and would never entertain the idea of changing, altering or amending invoices.

The Hamilton *Spectator* apologises unreservedly for this mistake.

During the debate on the motion that is before the house, which was moved by the Deputy Premier, the Deputy Premier has been asked on a number of occasions to apologise for what he said about the member for Lowan. I think he should actually vote for this amendment to expunge paragraph (7) from the motion if he has any integrity, if he has any moral standing as a person let alone as the Deputy Premier of this state. The motion that is before the house is scurrilous, it is a distraction and it is a tactic by the government to distract from their guilt and their involvement in the red shirts rorts campaign.

The question, particularly for the Deputy Premier who moved this motion — and it is in his name, so he stands by it — is how low will the Deputy Premier go to cover up for all of the other 21 MPs who were part of the red shirts rorts? How low will the Deputy Premier go to do that? How low will the Deputy Premier actually go to cover it up, and particularly to protect the six ministers who are maintaining their ministerial positions even though they are part of a police investigation by the fraud and extortion squad? I think those on the other side of the house, and particularly the six ministers who are under investigation, have absolutely no moral compass. They are under investigation by the fraud and extortion squad of the police. If they had a moral compass, they would actually step aside.

There are Westminster conventions covering these particular circumstances. If a minister of the Crown is under investigation by the police, let alone by the police fraud and extortion squad, they should step aside and wait for that investigation to be concluded to see whether they are going to be charged with offences or taken to court and having to defend those particular charges.

The motion we have before the house is just a distraction by a desperate government that is trying to cover up for people who have done things wrong. The red shirts affair, as has been explained in the Ombudsman's report and as has been reported extensively, is about the fact that some MPs believed that they could use the public purse as an ATM machine to pay for staff to run election campaigns not in their office but in someone else's office. Again the allegations that are made — and this is confirmed in the Ombudsman's report — are that they actually signed blank employment forms, signed blank hour sheet forms for staff that they never had in their office —

**An honourable member** — Never saw them.

**Mr WALSH** — And, as the interjector said, they actually never saw them. In the Minister for Sport's case, the staffers were working in the Minister for Police's office, supporting her in her campaign. To think that we have got six government ministers who will not stand aside when they are under investigation — it gets worse — and that two of those six ministers are actually the top law officers of this state! We have got the Attorney-General and we have got the police minister who are both involved in this particular case. We have got the Attorney-General, who actually spent somewhere around a million dollars of taxpayers funds actually taking the Ombudsman, an officer of the Parliament, to court to try and stop her investigating this issue.

Firstly it is an insult to Victorians that their taxpayers money would be used to fight the Ombudsman to stop an investigation into rorts. What makes it even worse is that the Attorney-General, who instigated that legal action and who used taxpayers funds to pay for that legal action, is actually now one of those six ministers that is under investigation. So we have got the top law officer, being the Attorney-General, who says, 'I'm not going to stand aside, I don't believe I should stand aside', but who has spent money trying to prevent the Ombudsman from looking at this case now under investigation. The Director of Public Prosecutions, who will ultimately get the report from the police and will determine what charges may or may not be laid, also sits under the jurisdiction of the Attorney-General. It is just a disgrace that we have got six ministers, particularly the Attorney-General and the police minister, who actually will not stand aside over what they have done wrong. This motion before the house — the government will rant and rave, debate, say things and do anything just to distract from their own rorting of the system.

What I think is even worse, which is why I have moved the amendment in my name to take out paragraph 7 of this motion, is that they have taken a concocted email to run a campaign against the member for Lowan and bring her reputation into disrepute by trying to put their values on the member for Lowan, who does have a high moral standing in her community, who actually does do the right thing and who has done the right thing in any of her dealings with the Hamilton *Spectator*. This concocted email, as I would understand it to be in this case, actually came to light via a member for Western Victoria Region in the upper house, the Honourable Gayle Tierney. This actually has her fingerprints all over it insofar as how this email came to light and how it has been concocted to get to the situation we have got

to. That particular member in the upper house is another one of the ministers that is actually under investigation for roting. This is actually a concocted story by the Deputy Premier to try and distract —

**An honourable member** — A desperate man.

**Mr WALSH** — An absolutely desperate man — to try and distract from the failings of members on his side of the house. I just think this motion is a farce. When we have got the people of Victoria struggling to pay their utility bills, when we have got crime out of control in this state and when we have got a government that is at war with the 60 000 Country Fire Authority volunteers in this state, we are in a crisis around a whole range of issues. We as a house are spending our time debating a concocted motion that is there as a smokescreen for a government that has no integrity — absolutely no integrity — and has no moral compass when it comes to what is the right thing to do here in Victoria, because if they did have a moral compass and they did actually believe in doing the right thing, the six ministers would actually stand aside while the police investigation is carried out. Most importantly, the two top law officers of this state — the Attorney-General and the police minister — would stand aside and allow the police to do their job because I believe they are compromised. They cannot carry out their role as chief law officers of this state while they are under police investigation. I think this motion is just a sham.

**Mr DONNELLAN** (Minister for Roads and Road Safety) (16:08) — It is a privilege to speak on this motion, which I think is very appropriate. I do find the idea that the suggestion that the email which relates to the member for Lowan's office was somehow or other concocted is as bad as suggesting that the big black cat undertook the email and actually wrote the email. Maybe one day we will find the big black cat — maybe the big black cat did write it — but it was very much an intent and a desire to change the invoicing to get invoicing earlier in a period, when it could be paid so it would not be paid at a later date in the November period, when that is totally appropriate.

My concern more than anything else is, I guess in many ways, this is an appropriate motion. If there is nothing to hide, then there is nothing to get particularly concerned about. What we have had is member after member of the opposition come in here and tell us, 'There is nothing to see here'. But we had a large fraud — a \$1.5 million fraud — perpetrated on this Parliament by the state director of the Liberal Party which involved invoices from those people in the Liberal Party who were part of that fraud.

Let me make it very clear. There was an investigation into the behaviour of the state director of the Liberal Party, but there was no investigation into the individual members who continued to sign those invoices for printing. Did they get those invoices checked out? Did they actually inquire as to whether that was an appropriate price for the work undertaken? Or did they continue to be party to that fraud which was perpetrated upon the state Parliament? It is important that actually gets checked out. If we want to look at the behaviour of parliamentarians in this house — and there seems to be some keenness for some to accept that and others not — then it is appropriate we actually check as to what happened with these invoices and how Damien Mantach was able to perpetrate such fraud upon the state Parliament.

Then we also have the issue of many, many staffers — both ministerial and electorate office staffers — working on the campaign. So we have a whole lot of supposed party-political people who are meant to be undertaking ministerial duties or electoral duties working on the campaign. The only criticism I would have of the Deputy Premier's motion today is that unfortunately there was another member in the south-east whose staff were rostered on full-time to do the pre-poll, and those staff were very happy to share information with Labor Party advisers that they were not very happy to be doing the pre-poll for the whole election and thought the member themselves should actually be there. There is probably one little criticism I could have of the Deputy Premier's motion: he has missed a person. I will come at a later date and actually provide the house with full information on another member who has used their electorate office staffers to campaign.

Now, again, we have the Liberal Party suggesting here there is absolutely nothing to see. My attitude then is, why don't we let the sunshine come in? Why don't we let the sunshine come in, because if there is nothing to see here, it will be a healthy exercise for many of these Liberal Party people to have a nice little tan, to look good and to actually be ventilated. Let us get to the bottom of what you did or did not do.

We know that there were many people who should have at least been aware that they were receiving quotes for work which were a lot higher than they actually should have been. Then, further, there were many members who obviously did not take leave. Two hundred ministerial staff campaigned to re-elect the Liberal Party at a cost of \$2 million to the taxpayers. I actually had one down in my electorate. I had a disagreement with him, funnily enough, at the polling booth. I think it was Mossgiel Park polling booth. He was working

full-time on the campaign, and again he was a ministerial staffer.

I love this sort of sense of purity that we get on the other side, that they come in here and pretend that their people have not undertaken such action and have not undertaken such work and that there is nothing to look at. I think the Ombudsman has got a lot to look at here. I think the Ombudsman has got a lot of work to undertake. You have got 200 ministerial staff. When you look at the figures they obviously bolstered these staff numbers between July 2013 and June 2014 up to 200. So there was obviously a bit of preparing. I guess they do not get volunteers, because half the time they have to pay people to hand out for them at polling booths, which I find hysterical, but obviously they were going to be using staffers and electorate officers to actually undertake this work.

**Mr M. O'Brien** interjected.

**Mr DONNELLAN** — It is interesting that the member for Malvern is concerned about people coming out to his booth. I would have hoped the member for Malvern would get enough people to hand out for him that he could actually fill his booths. But as we know the little green dream is crawling up on him, so that will fix him up over time. We know your federal candidate is worried about that as well.

There are many issues here for the Ombudsman to look at, and this is a very appropriate motion. You have only got to think of the number of times we have had, for argument's sake, the Leader of the Opposition sit down with characters who are less than desirable. We have had fundraising down at the Docklands, where one of the owners is now in jail for the largest ecstasy haul ever. Then we have had the opposition leader proceed to go down to the Lobster Cave to meet them again after having been warned that he has been associating with people whose behaviour is — well, they are in jail, full stop. The biggest ecstasy haul ever was from the 50 per cent owner of the Docklands venue. When he got caught for that, did he actually say, 'Well, maybe they're not the appropriate people I should hang around with down at the Docklands, that family'? No, he proceeded to have another quiet Lobster Cave lunch to raise money. That might be because the scheme the Liberal Party set up to help Damien Mantach steal money did not work well.

**Mr M. O'Brien** — On a point of order, Acting Speaker, the minister is now straying into casting aspersions and imputations against the Leader of the Opposition. That is in breach of standing orders. I invite

you to invite him back to addressing the motion without contravening standing orders.

**Mr DONNELLAN** — On the point of order, Acting Speaker, they were actually statements of fact, written in the papers — written in the *Age*. They were extensively reported. Basic fact: the opposition leader was at the Lobster Cave and was down at that Docklands function. I do not know what the member for Malvern is thinking is not factual here, but that is a simple fact of life.

**Mr M. O'Brien** — Acting Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**The ACTING SPEAKER (Ms Kilkenny)** — Just on the point of order, I will ask the minister to come back to the motion put by the Deputy Premier.

**Mr DONNELLAN** — While you might have been at these various different places, the reason you were there was that obviously there were some members who were involved in signing off invoices which, whether they were aware or not aware, were not appropriate. In many ways, you would only be down at the Lobster Cave and places like that if you had a director who had ripped off \$1.5 million out of your account by undertaking these dodgy exercises. But I think it is important that we get to the bottom of who knew what, why they were part of these schemes with the private companies through Damien Mantach and why they had staffers working on the campaign.

**Ms SANDELL (Melbourne) (16:18)** — The public expects us as MPs to have the highest level of integrity, and so we should. It has been incredibly sad and disappointing to see so many misuses of public funds by MPs in this place simply for their own personal gain. It not only erodes trust in our public institutions; it is just plain wrong. That is the bottom line. Any misuse of public funds is incredibly serious and cannot be swept under the carpet. That is why I found it quite shocking and also incredibly disappointing to see the lengths that the Labor Party went to, including the spending of a huge amount of taxpayer funds to block the Ombudsman investigating their MPs and ministers who were accused of using public funds to pay their red shirt organisers for the election campaign.

All along the Greens supported the Ombudsman as an appropriate body to investigate these misuses of public funds. In this case we are seeing further allegations of misuse of public funds, this time by Liberal and National MPs. So therefore we believe that the Ombudsman is still the appropriate body to investigate

here. Therefore we will be supporting this motion in its entirety, and we have faith in the Ombudsman to determine whether the allegations warrant a further investigation.

I would also like to add that for a very long time the Greens have been calling for a parliamentary standards commissioner who would have oversight of MPs' expenditure, the ability to actually enforce the rules — it seems crazy that we do not have something like that now — and the power to investigate breaches. In the absence of such a commissioner, the Ombudsman really is one of the only places where breaches such as this can be investigated.

I urge Labor, the Liberals, The Nationals and everybody else to support our call for an ombudsman. Why are we not debating motion 1 on the notice paper, which calls for an integrity standards commissioner or whatever it is being called? This is what the Greens have been calling for for a very long time. I wish we were debating that motion. I wish we were actually having a substantive debate about how we can solve this problem. But we will be supporting the motion because we do believe that the Ombudsman should investigate breaches and misuses of public funds.

**Mr PEARSON** (Essendon) (16:20) — I rise to support the Deputy Premier's motion, which is motion 5 on the notice paper. The office of the Ombudsman was established to inquire into matters just like this. The Ombudsman's office is a relatively new instrument in the context of Westminster democracy. The Ombudsman's office was established in Victoria in a piece of legislation in 1973, but as has been demonstrated by recent events the role of the Ombudsman has been to look at matters like this. The motion that the Deputy Premier has moved will enable the Ombudsman to inquire into what exactly has transpired in the past in relation to some of the actions that relate to Melbourne Mailing and those invoices.

I think, as the Deputy Premier indicated in his contribution earlier this morning, when you are a member you engage a variety of service providers in order to discharge your functions and duties as a member. I, like other members I am sure, have at times gone out and sought quotes. You try and get a sense as to, 'This is a need I need to fulfil. This is a service provider who can fulfil those needs and requirements, and I will engage that person'. I think at the nub of the contribution made by the Deputy Premier earlier this morning was the sense that organisations like Melbourne Mailing were engaged to provide a service, and the question is: were those services provided? Again, if you are a member and you have engaged that

company to provide a service and that service is not provided, what was the member's response to that?

Also, if a service was provided but it was provided at an inflated price, were these members made aware of that and what actions did they take if they were aware of that? It seems to me that the Ombudsman would indeed be well-placed to run an inquiry of this nature to try to understand how people behaved in this way. What were their thoughts? What was their reasoning? What was their justification? Again, when you are looking at taxpayer funds and being made accountable or held responsible for the way in which those funds are disbursed, it is important that there is the ability for members to be really clear about the way in which these funds are expended and to be able to explain why they signed off on invoices at a particular point in time. That is, I think, a key point that was made by the Deputy Premier earlier today.

We also heard about an email that has been circulated that relates to the member for Lowan in relation to potentially prepaying for services in the caretaker period with taxpayer funds and those invoices being backdated. I appreciate the fact that those opposite — I think the member for Lowan — have refuted those claims, but really there is a question mark as to the —

**Mr Katos** interjected.

**Mr PEARSON** — I will take up the interjection. The *Hamilton Spectator* I thought used some very careful language. I thought they chose an interesting form of words. They did not say that the email was fraudulent. They did not say it was a lie. I think from recollection the *Hamilton Spectator* said that there was a misunderstanding. I think the term 'misunderstanding' may have been used.

I guess when you look at that you say, 'Well, was it a misunderstanding?'. How would we know? We have got the newspaper saying that, but we really do not have any further evidence. I think it goes to the very point about making sure that members conduct themselves properly, that they do the right thing, that there is the appropriate use of taxpayer funds and that the caretaker conventions are respected. It is appropriate that the Ombudsman investigates these matters to try and work out whether it was a misunderstanding, and it may well have been. But I think the Parliament and the people have a right to know, and I think that it would indeed be appropriate that the Ombudsman does investigate this and talk to employees at the *Hamilton Spectator* and to electorate staff and members — and the member in this case — to try and get a better understanding of what has transpired.

The motion involves a number of members, and I think this reflects the fact that we are looking at a lengthy period of time when these events may have occurred. They do traverse the former Parliament as well as the current Parliament. Again, I think it is important that there is that ability to ascertain what has transpired. Were people working on the basis of trust? Were people saying, 'Well, look, I've been asked to use this particular service provider. Gee, they're a little bit pricey, but look, okay, for the greater good I'm going to do it'. That might be a legitimate excuse and legitimate reasoning for that particular conduct and behaviour. I think, though, that really should be the subject of an Ombudsman's inquiry into what has transpired and why it has occurred.

We do know that these matters are very serious. The former director of the Liberal Party was jailed for his behaviour in relation to these matters. There is a requirement to try and get a better understanding and a fuller picture of what transpired to make sure, I guess, that there were no other people involved who have behaved in a way which is deemed to be inappropriate.

The motion before the house ensures that the Ombudsman has the authority to conduct that investigation. I have spoken about this in the past. The Ombudsman is a relatively new office, and so we are learning by doing and we are finding our way through this. But it is clear that this house has, as has the other place, the right to refer off to the Ombudsman those matters that it deems are important and relevant, and then the Ombudsman can conduct her investigation. She is required obviously to make sure that the investigation is properly run and conducted and does not expose the office to questions about its own conduct. It is important that the Ombudsman has the ability to do that and to make those inquiries to really find out what has occurred in these matters.

It is an important motion, and I am pleased to be able to rise today to support the motion moved by the Deputy Premier. We do have the ability as a house to refer these matters on. The Ombudsman does have the power to conduct these sorts of investigations, to interview people and to develop a fuller and deeper understanding as to what has transpired, to make sure that, again, taxpayer funds are appropriately spent, that members have conducted themselves well and have ensured that they have had appropriate stewardship of public resources, because I think that is what our constituents would expect of us. They would expect that we conduct ourselves properly and appropriately, that, for example, moneys are not expended in the campaign period, for argument's sake, and that invoicing occurs in an appropriate way. It is an important motion that the

Deputy Premier has moved, and I commend the motion to the house.

**Ms SHEED** (Shepparton) (16:30) — I am pleased to have a moment to speak on this motion before the house, and I think it is a great shame that the motion that we are not debating is motion 1 on the notice paper, which seeks to appoint a parliamentary integrity adviser for the benefit of all members of the house to be able to confer with, to take advice from, to be advised on the Members Guide, on legislation and on other parliamentary issues. I think this is something that is sorely needed, and this is a motion that has been on the notice paper for a very long time. As the member for Melbourne said, this is something that has been talked about in the four years that I have been in this Parliament, but there has been no action taken to advance that. I think that is a great pity, because perhaps we would not be here debating many of these things the way we are, or we would not at least be as concerned about some of the issues as we are going forward as we have to be now.

Many of these issues of course arose in a period before the current Parliament, and the red shirts issue and the allegations that are set out in the motion before us all relate to an earlier period. I have to say, not having been here and not being a member of either of the larger parties, it is something that I know very little about in terms of facts, other than what I have heard in this place and read in the newspapers.

It is concerning that this house is not able to deal with these sorts of issues before it itself and that we have to send them off to the Ombudsman. We have to go to great expense, at the taxpayers expense, to deal with issues that are often around parliamentary entitlements or parliamentary issues. Nevertheless, in this case, given the way this Parliament has operated, the intent to refer matters to the Ombudsman as a matter of course and the fact that the Ombudsman does indeed have the power to investigate matters such as this, then, given that this is the motion and the only motion, it is the way it will go.

On the red shirts matter of course we sought in this house a number of times, certainly on the back benches, to have it referred to the Privileges Committee, and ultimately in the upper house that referral did in fact take place. The Ombudsman has delivered a report, and those issues still remain outstanding. So what do we do about this motion? For consistency's sake I have always taken the view that these issues do need to be investigated and aired, and if it has to be before the Ombudsman, then so be it. There has been an effort on my part to try to pursue an openness and a consistency

in voting for transparency, and on every occasion that the red shirts matter has been raised when I have been in this house I have supported the motion that it go to either a select committee, Privileges or wherever else it might be.

It is incredibly disappointing that at the end of the 58th Parliament we find ourselves in a situation where so much mud is being thrown backwards and forwards, and how will we ever know the truth of much of it? This Parliament may well be dissolved before anything comes out that will clearly show what has been happening in a lot of these areas, but the procedures are there, the processes are there and we have to forge on with it.

In terms of these allegations against the Liberal Party, again I knew nothing about it until I heard about it in this place and read about it in the papers, but I did take the opportunity to google the media going back to when Damien Mantach was sentenced. He certainly made a number of allegations about how money was used and spent and cast a shadow over it, so there is a good argument, I suppose, for just bringing everything out in the open and being transparent about it, and no doubt referring this matter to the Ombudsman will have that effect. Again in relation to the amendment to the motion, I simply know nothing about what could have transpired between the Hamilton *Spectator* and the member for Lowan, if anything, but again there are allegations there that cast clouds, and this is an opportunity to clear the air or at least make some findings that might be relevant.

We are heading down the path to this Parliament being prorogued. The true court, the true decider of everything, is the court of the people, and we are heading to that day very quickly. So I think ultimately that will be the decider on many of these issues, because the reality is that a lot of these matters going to the Ombudsman, before Privileges, before the police, are simply not going to be finalised or dealt with, perhaps, in the time that is allowed, but make no mistake, those people out there in the electorate are concerned about the integrity of this place, about how members of Parliament behave and about the performance of the parties in that respect. So that in my mind will be the determiner of how we are viewed, and I think it is a great shame that members of Parliament are being tarred in this way with allegations going backwards and forwards and behaviours being questioned.

It is not what we are here for. We have got a full business program that we could be debating but we have spent most of today debating this motion, and

again it is a great shame that we find ourselves in this situation. So I hope that the next Parliament will take the time to consider appointing a parliamentary integrity adviser, and I hope that in the future these sorts of situations will not arise because there will be good advice, sound advice, and there will be a much higher level of integrity practised in this place. I will be supporting the motion.

**The ACTING SPEAKER (Ms Kilkenny)** — The Deputy Premier has moved motion 5, as listed on the notice paper. The Leader of The Nationals has moved an amendment to the motion to omit paragraph (7). I will put the question on the amendment first. The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the Leader of The Nationals' amendment should vote no.

#### House divided on question:

#### *Ayes, 46*

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
Edwards, Ms	Pearson, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Sandell, Ms
Garrett, Ms	Sheed, Ms
Graley, Ms	Spence, Ms
Green, Ms	Staikos, Mr
Halfpenny, Ms	Suleyman, Ms
Hennessy, Ms	Thomas, Ms
Hibbins, Mr	Thomson, Ms
Howard, Mr	Thorpe, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

#### *Noes, 34*

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

Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
McLeish, Ms

Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr

### Question agreed to.

### Motion agreed to.

*Honourable members interjecting.*

**The SPEAKER** (16:43) — Order! The member for Kew will leave the chamber for the period of 1 hour.

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

## DISTINGUISHED VISITORS

**The SPEAKER** (16:44) — Order! Can I acknowledge in the chamber the Consul-General of Turkey to Melbourne, Mr Mehmet Küçüksakalli, who is finishing his term here in Melbourne. Can we thank him for his service.

## OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2018

### *Statement of compatibility*

**Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

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

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

### Overview

The Bill amends the *Open Courts Act 2013* (the OCA) to ensure the principle of open justice, and the fundamental value of transparency in the legal system, are further emphasised in the statutory regime for the prohibition and restriction of the publication of information in court and tribunal proceedings. The Bill also amends the *Children, Youth and Families Act 2005* (the CYFA) and the *Judicial Proceedings Reports Act 1958* (the JPRA) in related ways.

The Bill recognises a balance between the need for open justice as against the need to protect other legitimate interests of accused persons, victims and witnesses and the preservation of the proper administration of justice. It gives effect to a number of recommendations in the recent independent review of the OCA by the Hon Frank Vincent AO QC in 2016.

### Human Rights Issues

In my opinion, the human rights under the Charter that are relevant to the Bill are:

- the right to fair hearing under section 24 of the Charter;
- the right to freedom of expression under section 15(2) of the Charter;
- the right to privacy under section 13 of the Charter;
- the protection of families and children under section 17 of the Charter; and
- the rights of children in the criminal process under section 23(3) of the Charter, and in criminal proceedings under section 25(3) of the Charter.

For the reasons outlined below, I am of the view that the Bill is compatible with each of these human rights.

Importantly, the amendments made by the Bill ensure the principle of open justice, and the fundamental value of transparency in the legal system. These correspond to the Charter rights to a fair and public hearing (section 24) and to freedom of expression (section 15(2)), which includes the freedom to seek, receive and impart information and ideas.

### *Fair hearing (section 24) and Freedom of expression (section 15(2))*

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 15(2) of the Charter provides that a person has the right to freedom of expression, including the freedom to seek, receive and impart information and ideas. This right is, however, subject to internal qualifications set out in section 15(3), which provide for lawful restrictions reasonably necessary to respect the rights and reputations of other persons, or for the protection of national security, public order, public health or public morality.

Under the OCA, suppression orders and closed-court orders have the potential to undermine these rights where the result is that hearings are not held in public, and information flows are restricted. Recognising this, the following aspects of the Bill promote the right to fair and public hearing and freedom of expression under the Charter by emphasising and enhancing open justice and transparency:

### *Purposes of OCA to include open justice*

Clause 4 of the Bill amends section 1 of the OCA — which contains the OCA's purposes — to insert a new purpose of recognising and promoting the principle that open justice is a fundamental aspect of the Victorian legal system which: (i) maintains the integrity and impartiality of courts and tribunals; and (ii) strengthens public confidence in the system of justice.

### *Suppression and closed-court orders constitute exceptions*

Clause 5 and clause 12 of the Bill amend section 4 and section 28 of the OCA respectively. The essence of these amendments is to make clear that suppression and

closed-court orders made under the OCA constitute exceptions, based on necessity, to the operation of the principle of open justice.

*Requirement to give reasons for suppression orders*

Clause 8 of the Bill amends section 13 of the OCA. Clause 9 of the Bill inserts a new section 14A into the OCA. The essence of these amendments is to impose a requirement on courts and tribunals to give reasons for a suppression order made under the OCA. This seeks to ensure that any departure from the principle of open justice is justified, as well as to impose additional rigour on the making of orders only where necessary. Reasons will also assist parties seeking to challenge suppression orders.

*Minor amendments*

The Bill makes minor amendments to improve the general operation of the OCA. Clause 6 amends section 8 of the OCA to prevent the inappropriate use of suppression orders when there are other specific statutory provisions, such as under the JPRA, that could be used to prohibit or limit the publication of information. Clause 7 amends section 12 of the OCA to clarify the duration of a suppression order in the event of an appeal.

**Privacy (section 13)**

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The following aspects of the Bill are relevant to privacy:

*Publication of certain juvenile convictions at sentencing of adult*

Clause 14 of the Bill interferes with the right to privacy by allowing, in limited circumstances, for an adult's juvenile convictions to be disclosed on sentencing. The disclosure extends to secondary disclosure, for example media reports of the juvenile convictions of an adult offender disclosed in the sentencing remarks of the judge. This is an exception to section 534(1) of the CYFA, which otherwise restricts the publication of proceedings in the Children's Court.

It is my view that any interference with privacy is neither unlawful nor arbitrary and as such does not constitute a limit on the right to privacy. The disclosure of adult's juvenile convictions will enable the adult offender's crimes to be viewed in their proper context and will enhance transparency in the sentencing process. Further, the discretion conferred upon a judge of the County Court or the Supreme Court to disclose juvenile convictions at the sentencing of an adult is only enlivened in circumstances where that disclosure is necessary for the proper context.

This follows from safeguards which provide, in effect, that the disclosure discretion is enlivened only when:

the adult offences are serious. Seriousness will be assessed on a case-by-case basis, and so no definition of serious offences is included;

the relevant juvenile offences (to be disclosed) are sufficiently similar to the adult offences; and

the court is satisfied that disclosure is appropriate given the adult's prospect of rehabilitation and the number, seriousness, date, relevance and nature of any previous findings of guilt or convictions.

For completeness, I note I am of the view that children's rights in section 17(2) (protection in best interests — discussed further below) and section 23(3) of the Charter (providing a child convicted of an offence must be treated in a way that is appropriate for his or her age) are not engaged by this new judicial discretion to disclose adults' juvenile offences. Those children's rights exist for the benefit of children, not adults. (Refer to section 3(1) of the Charter which defines a 'child' as a person under 18 years of age; and *Baker v DPP* [2017] VSCA 58 [99]–[100]). Further, the CYFA restriction on the publication of Children's Court proceedings — in section 534 of the CYFA — will continue for the benefit of children.

*Victims of sexual assault or family violence*

Clause 15 and clause 10, respectively, amend the JPRA and the OCA to allow adult victims of sexual assault or family violence, or those who as children have been subjected to such an offence, to opt for disclosure of their identity on the conviction of the offender.

Allowing victims greater choice over their personal information — here their victim status — is generally consistent with the values protected by the right to privacy, which has been said to 'protect[s] the individual's interest in the freedom of their personal and social sphere in the broad sense': *Kracke v Mental Health Review Board (General)* (2009) 29 VAR 1; [2009] VCAT 646 [619]–[620].

Therefore, I am of the view that the right to privacy is enhanced by allowing adults greater control over disclosure of their victim status. Relevantly, a number of victims do not feel diminished by their experiences. Regardless, they are currently prevented from talking openly about what has happened to them by measures in the OCA and the JPRA which essentially prohibit disclosure of their victim status. Clause 15 and clause 10 make amendments to redress that situation. In situations where there is more than one victim, there are safeguards to ensure the ongoing anonymity of a non-consenting victims' identity and hence their privacy.

***Protection of children (section 17(2)) and Rights of children in the criminal process (section 23(3)) and criminal proceedings (section 25(3))***

Section 17(2) of the Charter provides that every child has the right to such protection as is in their best interests and is needed by them by reason of being a child. This provision acknowledges that children are vulnerable because of their age and are entitled to special protection.

Section 23(3) of the Charter, as noted, provides that a child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.

Section 25(3) of the Charter provides that a child charged with a criminal offence has the right to a procedure that takes account of his or her age and the desirability of promoting the child's rehabilitation.

I refer collectively to these rights as children's rights.

Clause 13 of the Bill engages these children's rights because it amends existing section 534 of the CYFA. Section 534 promotes children's rights by restricting the publication of proceedings in the Children's Court and so protecting young people from the detrimental effects to their rehabilitation resulting from permanent identification as criminal or delinquent.

I am of the view, however, that clause 13 does not limit children's rights because it does not change the objective of section 534. It merely clarifies matters which are deemed to be particulars which identify a child accused or offender (in section 534(4) of the CYFA).

Such clarification is necessary in circumstances where existing section 534(4) deems an extensive list of particulars to lead to the identification of a person when they may or may not have such an effect in individual cases. This unnecessarily limits freedom of expression (section 15(2) of the Charter — discussed above) by circumscribing the freedom of the press to report on details of a court proceeding. Further, the amendments seek greater consistency with the legislation in other jurisdictions (noting section 534(4) is broader than analogous provisions in other jurisdictions), without the removal of the deeming provision entirely.

For completeness, I also note clause 13 makes amendments to section 534(4) of the CYFA to clarify that in the case of an Aboriginal person, a member of the Aboriginal community of the person is a deemed identifying feature. This reflects the special ties of Aboriginal persons to members of their community, and is consistent with the children's rights of Aboriginal children, as well as their cultural rights in section 19 of the Charter.

The Hon Martin Pakula, MP  
Attorney-General

### *Second reading*

**Mr PAKULA** (Attorney-General) (16:45) — I move:

That this bill be now read a second time.

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

The Bill reinforces that open justice and the free communication of information are fundamental features of the Victorian legal system. It is the first step in delivering on the government's commitment to improve the suppression order regime in Victoria.

In 2016, the government asked the Honourable Frank Vincent AO QC to conduct a review of the *Open Courts Act 2013* and other Victorian legislation which prohibits or restricts the publication of information. The review made 18 recommendations to ensure that suppression orders are only made where absolutely necessary. The Bill is the first part of reforms to implement the recommendations of the Open Courts Act Review, responding in full or in part to seven recommendations of the Review.

The Bill will also amend section 534 of the *Children, Youth and Families Act 2005* to ensure that the prohibition against

the publication of the identity of a young offender applies as narrowly as possible to enable free reporting of court proceedings. This builds on the recommendations of the Open Courts Act Review.

### **Emphasising the importance of open justice**

Open justice demonstrates to the community that courts and tribunals act with integrity and impartiality. It strengthens public confidence in the justice system.

The Open Courts Act only contains general presumptions in favour of disclosure of information and holding hearings in open court. Further, the purposes section of the Act makes no reference to the value of open justice. These provisions do not place adequate emphasis on the importance of transparency in our legal system.

The Bill will amend the presumption provisions in the Act to make clear that suppression and closed-court orders made under the Act constitute exceptions, based on necessity, to the principle of open justice. It will amend the purpose section of the Act to make it clear to the community that open justice is a fundamental aspect of the Victorian legal system. This will also remind courts and tribunals of the need to recognise and promote the principle of open justice and the free communication of information when deciding whether to make a suppression or closed-court order.

### **Preventing duplication of suppression orders**

The Open Courts Act currently provides that it does not affect the operation of provisions in other legislation which prohibit or restrict the publication of information, such as provisions in the *Major Crime (Investigative Powers) Act 2004*, and includes for this purpose a non-exhaustive list of such provisions in section 8 of the Open Courts Act.

The Bill will add a number of relevant provisions, for example provisions in the *Judicial Proceedings Reports Act 1958*, to the list in the Open Courts Act. It will prohibit courts and tribunals from making a suppression order under the Open Courts Act in relation to certain information where any of the provisions listed in section 8 apply to prevent the publication of that information. This will reduce the number of suppression orders being made under the Open Courts Act where other legislation operates.

### **Giving reasons for suppression orders**

There is no requirement in the Open Courts Act that courts and tribunals give reasons for the making of suppression orders. Recommendation 6 of the Open Courts Act Review recommends that Victorian courts and tribunals give a written statement of reasons for making each suppression order, subject to any redaction or restriction necessary not to undermine the purpose of the order, and that these reasons be made publicly available. This will bring more rigour to the making of suppression orders and give the community greater confidence in the workings of the legal system.

The Bill will partially implement recommendation 6 of the Open Courts Act Review. It will amend the Act to impose a requirement that a court or tribunal must give a statement of reasons for the ground for making a suppression order, its duration and the scope of information covered by it. Reasons will not need to be given in limited circumstances such as where an interim order is made or where giving a statement of reasons would render the order ineffective. As the form of

giving reasons for a decision currently varies across Victorian courts and tribunals, and additional resources would be required to support the giving of written reasons by all courts and tribunals, the Bill does not impose a requirement that the statement of reasons be in written form. The implementation of this requirement will be considered in further legislation.

The reasons for making an order need not be of any particular length, provided they are sufficient to explain and justify the terms of the suppression order. This will strike an appropriate balance between the community's need to understand why information is concealed and the need not to impose onerous requirements on courts and tribunals which prevent proceedings from being conducted quickly and efficiently.

Courts and tribunals will be expected to make the reasons for making a suppression order publicly available in the usual way reasons for other decisions are published.

### **Suppression orders continuing on appeal**

The Bill will amend the Open Courts Act so that, unless a suppression order specifies otherwise or a court or tribunal varies or revokes the order, a suppression order made in a proceeding will continue until the end of any appeal period or the conclusion of an appeal if one is made. A court or tribunal hearing the appeal will be able to vary or revoke the suppression order in the same terms as the power of the lower court to make the order.

This will ensure that sensitive information which a court or tribunal has determined must be prohibited from publication is not publicly disclosed as a result of the period between the conclusion of a proceeding and any appeal from that proceeding.

### **Juvenile convictions of serious adult reoffenders**

The Children, Youth and Families Act prohibits the publication of the juvenile convictions of a young offender convicted in the Children's Court. The purpose of this prohibition is to give young people an opportunity for rehabilitation by avoiding the long-lasting stigma of being known as a criminal. However, there is little reason to prevent the community from knowing the juvenile convictions of hardened offenders who do not avail themselves of that opportunity and continue to commit serious crimes into adulthood.

The Bill will amend this Act to clarify that the County Court and the Supreme Court have the discretion to publish relevant juvenile convictions in sentencing remarks when sentencing an adult offender, which would otherwise breach the prohibition. This discretion will only be available provided there is sufficient similarity between the offence committed by a person as a child and their adult offending and where the adult offending is serious. The terms "serious" and "sufficiently similar" are not defined in the legislation so as not to limit unnecessarily the exercise of the court's discretion in the circumstances of each case. A court deciding whether to publish the juvenile convictions of adult offenders will also be required to consider the adult's prospects of rehabilitation and their previous criminal history to ensure that juvenile convictions are only released in cases disclosing a "continuing and entrenched propensity" to commit further offending on the part of the offender, as recommended by the Open Courts Act Review. Once published in the sentencing remarks of the County Court or Supreme Court, information

relating to the juvenile convictions of the adult offender may be republished in media reports.

### **Enabling victims to tell their story**

The Judicial Proceedings Reports Act contains a statutory prohibition against the identification of victims of certain sexual offences. Courts may also make suppression orders under the Open Courts Act to prohibit disclosure of the victim's identity or other information in order to protect victims of sexual and family violence offences. These legislative schemes can inadvertently prevent victims, if they wish to, from speaking openly about their experiences, for example in the media.

The Bill will introduce a new process in the Judicial Proceedings Reports Act to enable courts to make an order lifting the prohibition on publishing the victim's identity if the victim consents to this disclosure and there are no other reasons for the information to be concealed. The Bill will also clarify the right of victims of sexual or family violence offences to apply to revoke a suppression order under the Open Courts Act made solely on the basis of protecting the victim's identity. As victims of sexual and family violence offences have special vulnerabilities, the Bill will include the safeguard of making these processes available upon the conviction of the offender to victims once they are over the age of 18. The Bill will also ensure that, in cases involving multiple victims, there is no disclosure of the identity of any non-consenting victim.

Although the application process in this Bill has been made as simple as possible to help victims tell their story, the making of a court application can still be burdensome. Further work will be undertaken in stage two of these reforms to ensure that victims of sexual and family violence offences are supported through this process and their consent to disclosure of their identities is actively sought in court proceedings.

### **Other reforms to strengthen open justice**

The Children, Youth and Families Act prohibits the publication of matters which identify a child or other applicable person in a Children's Court proceeding. The Act contains a provision which deems certain matters as likely to lead to the identification of a person in all cases. This list of identifying particulars includes matters such as the physical description or the style of dress of the child or their political, philosophical or religious beliefs. This provision unduly limits reporting on cases by preventing the publication of matters which may not in fact serve to identify a person in the circumstances of an individual case.

The Bill will narrow the list of matters deemed likely to identify a person to the name of the person or their relatives and the name, address and locality of their school, home or place of work or training. A relative will be defined to include a member of the person's Aboriginal community if the person is Aboriginal. It will continue to be the case that the media is prevented from publishing any detail identifying a person whose identity is protected in the circumstances of the individual case.

### **Further legislation**

As I have said, this Bill marks the first stage of implementation of the recommendations of the Open Courts Act Review. The reforms in this Bill are those that can be implemented immediately. Further consideration of the

remaining recommendations of the review is necessary because of their complexity.

Openness and transparency are at the heart of the legal system. This Bill will reinforce the importance of open justice while ensuring exceptions to that principle are made in limited circumstances when clearly justified.

I commend the Bill to the house.

**Debate adjourned on motion of Mr M. O'BRIEN (Malvern).**

**Debate adjourned until Wednesday, 22 August.**

## TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018

### *Statement of compatibility*

**Mr DONNELLAN (Minister for Roads and Road Safety) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006 (Charter)*, I make this Statement of Compatibility with respect to the Transport Legislation Amendment (Better Roads Victoria and Other Amendments) Bill 2018 (**the Bill**).

In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this Statement.

#### **Overview**

The Bill amends a variety of Acts relating to the transport system.

Relevant to this Statement of Compatibility, the Bill implements a number of reforms to Victoria's road safety laws.

It includes reforms aimed at reducing the burden on courts resulting from the administration of alcohol interlock conditions imposed on the driver licences or learner permits of drink-driving offenders and provides for the mandatory imposition of alcohol interlock conditions in certain situations.

It clarifies the offence of failing to stop a motor vehicle and makes an amendment to an evidential provision concerning road safety cameras.

The Bill provides that it will continue to be the case that offences relating to the driving of an automated vehicle without an automated driving system permit or driving in breach of a condition of such a permit will be offences for which vehicle impoundment, immobilisation and forfeiture apply under the *Road Safety Act 1986*.

The Bill also amends the *Transport (Compliance and Miscellaneous) Act 1983* in relation to over-dimensional vehicles crossing tramway and railway tracks.

#### **Human Rights Issues**

Several aspects of the Bill raise human rights issues, which I address in this Statement as follows.

##### Right to a fair hearing

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

The right to a fair hearing under section 24 of the Charter may be relevant to certain provisions of the Bill which, in effect, transfer court functions in relation to the imposition and removal of alcohol interlock conditions to VicRoads; provide for the mandatory imposition of alcohol interlock conditions with respect to certain offences; and restrict appeals to the Magistrates' Court with respect to decisions of VicRoads in relation to alcohol interlock conditions.

##### *Imposition and removal of alcohol interlock conditions — transfer of court functions to VicRoads*

An alcohol interlock is an electronic breath testing device that prevents a vehicle from starting if it detects alcohol in the driver's breath.

Section 31KA of the *Road Safety Act 1986* requires VicRoads to impose an alcohol interlock condition when granting a driver licence or learner permit to persons in certain circumstances. This obligation applies in relation to first time drink-driving offenders with a recorded blood or breath alcohol concentration (BAC) of less than 0.10.

The *Road Safety Act 1986* also empowers the Magistrates' Court to impose alcohol interlock conditions in respect of driver licences and learner permits for other offences, including for:

- (a) all first-time drink drivers with a recorded BAC of 0.10 or more, and all repeat drink-driving offences where the person is disqualified from driving under sections 50 or 89C of the *Road Safety Act 1986*; and
- (b) all persons disqualified from driving under sections 89 or 89A of the *Sentencing Act 1991* (where the court has also made a finding that the person who committed the offence was under the influence of alcohol or both alcohol and a drug which contributed to the offence) for:
  - (i) serious motor vehicle offences within the meaning of section 87P of the *Sentencing Act 1991* (for example, culpable driving);
  - (ii) police pursuit offences;
  - (iii) motor vehicle theft offences;
  - (iv) non-road safety offences (dealt with under section 89A of the *Sentencing Act 1991*).

Clause 12(2) of the Bill amends section 31KA of the *Road Safety Act 1986* so as to broaden the offences in relation to

which VicRoads is empowered to impose alcohol interlock conditions. VicRoads will now be empowered to impose such conditions for a person disqualified from driving under sections 50 or 89C (unless the person is exempted under new section 50AAAE, discussed below).

Further, the Bill now provides that, in all circumstances, the removal of an alcohol interlock condition from a person's driver licence or learner permit will be determined by VicRoads, a function that was previously, in some circumstances, performed by the Magistrates' Court.

In transferring responsibility for the imposition and removal of alcohol interlock conditions from the Magistrates' Court to VicRoads, the Bill may appear to engage the right to a fair hearing. However, for the following reasons I do not consider that the right is engaged.

While matters that are currently dealt with by the Magistrate's Court will now be dealt with administratively by VicRoads, this does not limit access to courts. Insofar as the right under section 24(1) contains a right of access to courts, it does not require that matters such as decisions relating to the imposition and removal of alcohol interlock conditions, be determined by courts as opposed to non-judicial bodies. Moreover, the Act and some of the provisions in the Bill contain a range of appropriate safeguards and mechanisms to ensure that the administrative scheme implemented by VicRoads is fair. Consequently, I do not consider that this amendment engages the right.

#### *Mandatory imposition of alcohol interlock conditions*

The Bill also amends Schedule 1B to the *Road Safety Act 1986*. That Schedule distinguishes between offences for which it is discretionary or mandatory for a decision-maker to impose an alcohol interlock condition. The Bill provides that, for certain offences for which the imposition of such a condition was discretionary, it will now be mandatory, subject to an exemption process under section 50AAAE. For example, where a person was disqualified for driving a motor vehicle while under the influence of liquor or both liquor and a drug to such an extent as to be incapable of having proper control of the vehicle, and that offence occurred before 13 May 2002, the court previously had a discretion whether to impose an alcohol interlock condition. Such a condition will now be mandatory.

However, while the removal of discretion from decision-makers may appear to engage the fair hearing right, in my view it does not do so. This is because the changes alter the substantive law to be applied by the decision-makers. By contrast, the right to a fair hearing is concerned with the process by which findings of substantive law are to be made. Consequently, in my view the right is not engaged.

Even if the right were engaged by making the conditions mandatory, the Bill contains new provisions allowing a person subject to a condition to apply for an exemption from that condition in certain circumstances, such that the process remains fair.

#### *Restriction of appeals to Magistrates' Court*

Section 26 of the *Road Safety Act 1986* governs appeals to the Magistrates' Court against certain decisions of VicRoads in relation to driver licences or learner permits. Section 26(5) currently provides that an appeal does not lie against certain decisions of VicRoads to impose (or not remove) alcohol

interlock conditions. Clause 9 of the Bill amends section 26(5) to also preclude appeals to the Magistrates' Court from decisions declining to exempt a person from an alcohol interlock condition which they would otherwise be subject to, under new section 50AAAE. Clause 9 of the Bill also amends section 26(5) to preclude appeals to the Magistrates' Court from decisions of VicRoads under section 103ZM(6) to not exempt a person from the prescribed alcohol interlock usage data requirements.

New section 50AAAE establishes a process for a person in certain circumstances to apply to VicRoads to be exempted from the imposition of an alcohol interlock condition on the basis that they are not engaging in hazardous or harmful use of alcohol and are not dependent on alcohol. New section 26(5)(c), inserted by clause 9, limits a general appeal to the Magistrates' Court from a decision not to grant such an exemption. However, new section 50AAAF, inserted by clause 18, allows a person to apply to the Court for a direction to VicRoads that the person has satisfied the evidentiary requirements of section 50AAAE. This, in effect, creates a narrow and tailored form of judicial review in place of the general right of appeal. Therefore, even if the limitation of appeal rights has the potential to affect the right to fair hearing, in my view the substance of clause 9 does not.

It is noted that new section 50AAAF(4) requires the Magistrates' Court, at a hearing of an application under this section, to hear any relevant evidence tendered by the Chief Commissioner of Police. There is no corresponding requirement that the Magistrate must hear evidence tendered by the applicant. To the extent that this may be relevant to the applicant's right to a fair hearing, I do not consider that the right is limited. The relevant material of the applicant will have already been provided by the applicant to the Court, as section 50AAAF(3)(b) requires an application to the Magistrates' Court to be accompanied by the evidence given in support of the application under section 50AAAE. Further, it is appropriate that the Chief Commissioner of Police be able to tender any relevant evidence, as section 50AAAF(3) requires an application to be made on notice to the Chief Commissioner of Police, and the Chief Commissioner of Police may have evidence that is relevant to the matter which should be considered.

New section 103ZM(5) provides that a person whose driver licence or learner permit is subject to an alcohol interlock condition imposed in respect of an offence committed before 1 October 2014, will be subject to the prescribed alcohol interlock usage data requirements. It was previously the case that these requirements did not apply to that group of offenders. If VicRoads is satisfied that there are special circumstances, it may grant an exemption to a person from this new requirement under section 103ZM(6). The prescribed alcohol interlock usage data requirements are set out in regulations and include requirements such as not using the alcohol interlock device while alcohol affected and not tampering with the device. In my view, the exclusion of a decision under section 103ZM(6) from a general right of appeal does not limit the right to a fair hearing.

#### Right not to be tried or punished more than once

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence.

Clause 28 of the Bill amends Schedule 1B to the *Road Safety Act 1986* to provide that, for certain offences, where the

imposition of an alcohol interlock condition was previously discretionary, it will now be mandatory, subject to an exemption process under new section 50AAAE. The alcohol interlock condition will be imposed after the person's disqualification period has ended and the person applies to VicRoads for a driver licence or learner permit. A question may arise as to whether this amounts to double punishment for the offence that gave rise to the initial disqualification.

However, the alcohol interlock provisions in the Bill are administrative and regulatory in nature and do not amount to punishment for a criminal offence. The purpose of the alcohol interlock conditions is to protect public safety by reducing the risk of future drink-driving offences, rather than being aimed at punishing affected persons. The requirements are only imposed where a person wishes to apply for a driver licence or learner permit after a period of disqualification for a drink-driving offence. Even if the imposition of an alcohol condition may be seen as a sanction, the sanction is not of a criminal nature and the right in section 26 of the Charter does not preclude imposition of various civil consequences for the same conduct.

#### No higher penalty

Section 27(2) of the Charter provides that a person has a right not to have a greater penalty imposed for a criminal offence than applied to the offence when it was committed.

Clause 27 of the Bill inserts transitional provisions. New section 103ZM(5) provides that where a person was disqualified from driving because of a drink-driving offence that was committed before 1 October 2014, the person will be required to meet the prescribed alcohol interlock usage data requirements, subject to a special circumstances exemption under section 103ZM(6) of the *Road Safety Act 1986*. These offenders were previously not required to comply with these requirements, which are set out in regulations and include requirements such as not using the alcohol interlock device while alcohol affected and not tampering with the device.

Clause 28 of the Bill amends Schedule 1B to the *Road Safety Act 1986* to provide that, for certain offences, where the imposition of an alcohol interlock condition was previously discretionary, it will now be mandatory, subject to an exemption process under new section 50AAAE. The alcohol interlock condition will be imposed after the person's disqualification period has ended and the person applies to VicRoads for a driver licence or learner permit.

A question may arise as to whether these amendments may result in a person being subjected to a higher penalty for the disqualifying offence than applied at the time the offence was committed, by being subjected to usage data requirements or the imposition of an alcohol interlock condition which may not otherwise have been imposed at the time the initial offence was committed.

However, in my view, clause 27 of the Bill does not engage the right in section 27(2) of the Charter as the requirement to comply with prescribed alcohol interlock usage data requirements does not impose any higher penalty. The application of new requirements, relating to existing conditions, does not amount to the imposition of any penalty. Applicable requirements in a regulatory context, such as licensing, are subject to change to reflect best practice, shifts in policy and technology, and requirements that apply including to conditions.

Similarly, clause 28 of the Bill which provides for the mandatory imposition of alcohol interlock conditions in certain cases, is not punitive or penal in nature. Furthermore, alcohol interlock conditions are imposed when a person applies for a driver licence or learner permit, which is an entirely voluntary process. The alcohol interlock assists a person found guilty of a drink-driving offence to separate that person's drinking from driving and can therefore be better described as a therapeutic measure designed to assist the person to avoid committing another drink-driving offence in the future, and to protect the public against the commission of further drink-driving offences.

#### Right to privacy

Section 13 of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

A number of clauses are relevant to the right to privacy.

Clause 16 amends the administrative scheme for removal of an alcohol interlock condition. Clause 16 re-enacts current section 50AAAB(2)(c) in new section 50AAAB(1)(b), which provides that a person applying for removal of an alcohol interlock condition must supply a report that complies with current section 50AAAB(3). This report must contain data that indicates compliance with any prescribed alcohol interlock usage data requirements.

Clause 18 creates a new section 50AAAE which, in certain cases, enables a person to apply to avoid an alcohol interlock condition requirement if they can demonstrate that they are not engaging in hazardous or harmful alcohol use and are not dependent on alcohol. The application must be supported by evidence relating to their personal circumstances, which may include medical reports and assessments.

Clause 27 of the Bill inserts section 103ZM(6) of the *Road Safety Act 1986* which provides that pre-1 October 2014 offenders may, in certain circumstances, make an application to VicRoads to be exempted from the prescribed alcohol interlock usage data requirements.

Insofar as the right to privacy is engaged by the requirement to provide personal and sensitive information to VicRoads pursuant to clauses 16, 18 and 27, I consider that any interference with that right is lawful and not arbitrary.

An application for a driver licence or learner permit is entirely voluntary and persons making an application for an exemption from or removal of alcohol interlock conditions, or an exemption from the prescribed alcohol interlock usage data requirements, will have a minimal expectation of privacy in relation to material of direct relevance to their application. The requirement that information and supporting evidence be provided pursuant to these clauses is to enable VicRoads to decide that the applicant is not dependent on alcohol (for clause 18), has complied with the prescribed alcohol interlock usage data requirements (for clause 16) or has established special circumstances warranting an exemption from the prescribed alcohol usage data requirements (for clause 27). The requirement that the information be provided serves an important public purpose as it enables VicRoads to make

informed decisions about who should be subject to alcohol interlock conditions or the prescribed alcohol usage data requirements and whether an alcohol interlock condition should be removed. Therefore, in my view, clauses 16, 18 and 27 do not limit the right to privacy.

Property

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

*Mandatory imposition of alcohol interlock conditions*

Clause 28 amends Schedule 1B to the *Road Safety Act 1986* so that certain offences will result in the mandatory imposition of an alcohol interlock condition by VicRoads upon the offender applying for a driver licence or learner permit.

The alcohol interlock provisions may be relevant to the section 20 right not to be deprived of a person’s property other than in accordance with law, because a person is only able to use their property, being their vehicle, if an alcohol interlock has been fitted. In my opinion, the provisions do not limit the right because, even if the requirement to fit the device in order to use the vehicle is viewed as a potential deprivation of the vehicle, the circumstances in which a device must be fitted are clearly formulated and are in accordance with the law.

*Impoundment, immobilisation and forfeiture of motor vehicles*

Section 31(2) of the *Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017* (Vic) (the 2017 Act) will amend the existing motor vehicle impoundment, immobilisation and forfeiture provisions in the *Road Safety Act 1986* by amending the definition of ‘relevant offence’ (which will replace the current definitions of ‘tier 1 relevant offence’ and tier 2 relevant offence’). The 2017 Act has received the Royal Assent but has not yet been proclaimed.

Clause 56 of this present Bill further amends the definition of ‘relevant offence’ in the 2017 Act so that it will cover offences under sections 33I(1) or 33I(3) (relating to driving or causing another to drive an automated vehicle without an automated driving system permit where the permit is required) or 33J(1) (relating to driving an automated vehicle on a highway in breach of a current permit condition) of the *Road Safety Act 1986*. These offences are currently subject to the vehicle impoundment regime and they are listed as ‘tier 2 relevant offences’. The reason these offences were not included in the new definition of ‘relevant offence’ set out in the 2017 Act is that these new offences, which were created by the *Road Safety Amendment (Automated Vehicles) Act 2018*, had not yet come into existence when the 2017 Act was considered by the Parliament. Furthermore, the *Road Safety Amendment (Automated Vehicles) Act 2018* could only add these offences to the definition of ‘tier 2 relevant offence’ because the new definition of ‘relevant offence’, to be created by the 2017 Act, had not been assented to when the *Road Safety Amendment (Automated Vehicles) Act 2018* was introduced into the Parliament.

The commission of ‘relevant offences’ can give rise to consequences including the exercise of powers by police

officers for the impoundment, immobilisation and forfeiture of motor vehicles and for the exercise of search and seizure powers. The human rights issues raised by these amendments were discussed in the Statement of Compatibility for *Road Safety Amendment (Automated Vehicles) Act 2018* and they were considered to be compatible with the Charter.

Freedom of movement

Section 12 of the Charter provides that every person lawfully in Victoria has the right to move freely within Victoria and to enter and leave it.

*Requirement to remain stopped*

Clause 32 of the Bill seeks to clarify the offence of failing to stop a motor vehicle when requested by a police officer, or a protective services officer on duty at a designated place (under section 64A of the *Road Safety Act 1986*).

Section 64A currently does not include a specific reference to a person, after being directed to stop, to remain stopped. Clause 32 of the Bill amends section 64A of the *Road Safety Act 1986* to include an express requirement that the driver remain stopped until an indication is given that the person may continue driving.

The amendment to section 64A may amount to a restriction on freedom of movement. However, I consider that any limitation on the right is reasonable and justified. It is a legitimate expectation that drivers remain stopped while engaging with police officers or protective services officers in the context of this provision. As such, the amendment is technical in nature. Remaining stopped until the police officer or protective services officer indicates otherwise is in the interests of public safety and law enforcement.

*Restrictions relevant to railway and tramway tracks*

Clauses 50 to 54 amend the *Transport (Compliance and Miscellaneous) Act 1983* to transfer certain over-dimensional vehicle regulatory functions from the Public Transport Development Authority to VicRoads and to clarify the circumstances where a permit is required when crossing railway tracks or crossing or moving along tramway tracks.

To the extent that the provisions being amended restrict freedom of movement, I consider any interference to be reasonable and justified. It is appropriate that the circumstances in which tracks can be crossed are regulated. Drivers of over-dimensional vehicles and the operators of those vehicles should be cognisant of the particular laws that are relevant to them. The provisions promote the protection of rail infrastructure and public safety, and ensure that crossings are carried out efficiently and in a way that minimises disruption to the rail and tram network.

Protection against discrimination

Section 8 of the Charter sets out a series of recognition and equality rights, including the right of every person to equal protection of the law without discrimination, and the right to equal and effective protection against discrimination.

Discrimination, in relation to a person, is defined in section 3(1) of the Charter to mean discrimination (within the meaning of the *Equal Opportunity Act 2010*) on the basis of an attribute set out in section 6 of that Act. One such attribute is discrimination on the basis of disability.

Discrimination includes both direct and indirect discrimination on the basis of an attribute. Direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs if a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that either has or is likely to have a disadvantageous effect on persons with an attribute.

As noted above, the Bill amends the *Road Safety Act 1986* so that certain offences will result in the mandatory imposition of an alcohol interlock condition by VicRoads (when the person applies for a driver licence or learner permit) unless the person can demonstrate (under new section 50AAAE introduced by clause 18 of the Bill) that they are not dependent on alcohol or engaging in hazardous or harmful alcohol use.

Alcoholism is an addiction to alcoholic substances, and in some cases, addiction may be regarded as a disability. Insofar as dependency on alcohol may be considered a disability, clause 18 may engage the right to protection against discrimination on the basis of disability.

In my view, as the requirement to demonstrate that a person is not dependent on alcohol or engaging in hazardous or harmful alcohol use applies equally to all relevant applicants, any resulting discrimination will be indirect rather than direct in nature. Indirect discrimination is only unlawful (and therefore a limit on the right to equality) if it is unreasonable. The requirement in clause 18 is clearly reasonable. Road safety is of paramount importance to the general community and the inherent requirements of driving a motor vehicle include that drivers meet an appropriate standard of medical fitness and do not pose an unacceptable risk. The requirement is a proportionate response to the risk posed by these drivers and is necessary to protect other road users. For the same reasons, even if the requirement is considered to amount to direct discrimination, and therefore a limit on the right, it is justifiable under section 7(2) of the Charter. I therefore consider that clause 18 is compatible with section 8 of the Charter.

Right to be presumed innocent until proved guilty according to law

Clause 33 of the Bill substitutes section 81(1B) of the *Road Safety Act 1986* to provide that, where an image produced by a prescribed process when used in the prescribed manner (for example, a road safety camera) depicts one or more motor vehicles, a marker on a particular motor vehicle and a message stating the speed of that motor vehicle is, without prejudice to any other mode of proof and in the absence of evidence to the contrary, proof of the speed of that motor vehicle on that occasion. The provision supports the issuing of fines for speeding offences.

The right to be presumed innocent may be relevant to clause 33. This right is relevant where a statutory provision shifts the burden of proof onto an accused, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

However, clause 33 does not create a legal burden by requiring an accused to raise evidence to contradict the speed recorded by, for example, a road safety camera if they disagree with that speed. It does impose an evidential burden. In my view this does not limit the right. It is reasonable to rely

on prescribed processes to streamline prosecutions for relevant offences. Giving an accused an opportunity to challenge that evidence by introducing contradictory evidence is appropriate. It will be up to the Court to assess the probative value of any competing evidence.

Hon. Luke Donnellan, MP  
Minister for Roads and Road Safety

*Second reading*

**Mr DONNELLAN** (Minister for Roads and Road Safety) (16:47) — I move:

That this bill be now read a second time.

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

**Better Roads Victoria**

Through *Project 10,000* the Andrews Labor Government set out to deliver better and more targeted investment to address congestion and improve safety across the State. Part of *Project 10,000* is the Government's commitment to build "Better Roads for More Communities". The commitments are:

"A minimum of \$1 billion over eight years will be allocated to repair and upgrade roads in Melbourne's outer suburban and interface communities

A minimum of \$1 billion over eight years will be allocated to repair and upgrade roads and level crossings in rural and regional communities

Legislative changes will be made to lock-in a guaranteed proportion of funding for these communities in perpetuity

Victorian Labor will also confirm in legislation the compulsory payment of traffic camera and speeding fines into the Better Roads Victoria Trust Account."

These commitments recognise the important role for State Government to plan and deliver transport projects for the economic prosperity and safety of all Victorian communities.

I am pleased to inform the Parliament that the Government's ambitious eight year target to invest a total of \$2 billion in Victoria's outer suburban and regional roads has been met in just four years.

A total of over \$3 billion dollars has already been allocated to outer suburban and interface, and rural and regional communities in the first term of government.

**Rural and Regional communities**

For years we have been investing in roads to improve conditions and enhance safety for rural and regional motorists. The 2018–19 Victorian Budget alone delivers \$433 million for regional road restoration, \$261 million for road upgrades and \$229 million for safety upgrades.

The government has so far allocated over \$1.1 billion to rural and regional communities. These investments in regional areas are fostering thriving regional economies that are creating jobs and providing for the future.

**Outer Suburban and Interface communities**

The population in Melbourne’s outer suburban areas is continuing to grow. This means there will be increasing demand on the road network. Without proper investment in roads — investment for now and for the long term — people in these communities will spend longer in traffic and will need to travel further to get to and from work. This is simply not an option.

This Government recognises the importance of investing in outer suburban and interface roads to ensure that people can get to where they need, when they need. Since 2015, over \$1.9 billion has been allocated to roads in these areas.

Outer suburban and regional communities can rest assured this Government will continue to invest in improving safety and congestion on their roads.

**Guaranteed funding**

This Bill guarantees the allocation of a minimum of 33 per cent of Better Roads Victoria funding to rural and regional communities.

This Bill guarantees the allocation of a minimum of 33 per cent of Better Roads Victoria funding to outer suburban and interface communities.

The guaranteed minimum proportions will be set now for all future investments. This Government is committed to delivering a consistent and guaranteed level of road funding to growth areas and rural and regional communities for the years to come.

The guaranteed funding will be supported by a compulsory payment of an amount equivalent to traffic camera and on-the-spot speeding fines revenue into the Better Roads Victoria Trust Account. Other road-related monies can still go into the account regardless of the source. This will ensure there is a minimum level of funding going into the account, while not preventing other sources of funding to be paid into the account.

**Administration of Alcohol Interlocks**

The Bill makes changes to the administration of alcohol interlock conditions to simplify the processes and move the majority of alcohol interlock offences into the VicRoads Alcohol Interlock Program. This is designed to take pressure off court resources and allow them to focus on other key areas, such as family violence and community safety.

The Bill transfers responsibility from the courts to VicRoads for the removal of all alcohol interlock conditions for drink-driving offenders once they have met mandatory criteria to demonstrate that they have separated drinking from driving.

VicRoads already manages alcohol interlock removals for some offences, and uses the same mandatory criteria that the courts use, so the necessary systems are already in place. It is expected that this will remove over 5,000 matters each year from the Magistrates’ Court.

The Bill also transfers the responsibility of re-licensing offenders and imposing alcohol interlock conditions for most drink-driving offences from the courts to VicRoads. VicRoads will not exercise discretion in the same manner that

the courts currently do with respect to making determinations on licence eligibility and interlock conditions.

Most offences that involve drink-driving have had a mandatory minimum interlock period specified in legislation since 2014. In practice, VicRoads will apply the prescribed mandatory minimum alcohol interlock condition period set in legislation.

Under the changes, VicRoads will also assume case management of ‘legacy’ drink-drivers who had a conviction or finding of guilt prior to 2017 and who have not yet returned to licensed driving.

For legacy offenders who would have formerly been subject to a discretionary interlock condition at the time of their offence, they will be able to apply to VicRoads to be re-licensed without an alcohol interlock condition. They will be re-licensed if they can demonstrate that they are not dependent on alcohol and are not engaging in harmful or hazardous alcohol use. If they cannot provide evidence from a suitably qualified health professional in accordance with the regulations, an interlock condition will be imposed.

Offenders dissatisfied with VicRoads decision will be able to apply to the Magistrates’ Court for a review of the decision, ensuring procedural fairness.

More serious offences involving drink-driving — including manslaughter, culpable driving, police pursuits or motor vehicle theft — will still be managed by the court. These serious cases require the discretion of the court to determine whether it is appropriate for the offender to return to licensed driving, and whether the mandatory minimum alcohol interlock condition period set in legislation is sufficient when considering the severity of the offence.

**Further Road Safety Amendments**

The Bill also removes an anomaly in current sentencing, by ensuring that a minimum mandatory alcohol interlock condition applies to all drink-driving offences that result in licence cancellation and disqualification.

Under the change, a first offence of dangerous driving during a police pursuit or theft of a motor vehicle where the offence was committed under the influence of alcohol will now be subject to a mandatory alcohol interlock condition period of no less than six months. These serious offenders will continue to be required to apply to the court to be re-licensed once their licence disqualification period has ended.

Additionally, alcohol interlock conditions will no longer be imposed for offences that are not driving-related.

A new mandatory behaviour change program for all drink-driving and drug-driving offenders is being rolled out. This will replace the existing drink-driver education course and individual assessment, which only applied to some drink-drivers. The Bill provides for the repeal of the superseded program.

**Other Road-Related Amendments**

The Bill extends exemptions from certain fatigue management rules for the drivers of rail replacement buses and buses responding to emergencies so that they also apply to persons who act as record keepers for those drivers.

The Bill will also clarify beyond doubt that a driver who has been directed to stop must remain stopped until a police officer indicates that the person may proceed.

Improvements to the over-dimensional vehicles crossing rail scheme are included.

The requirement for operators involved in movements across a railway track with a vehicle width of between three and five metres will no longer be required to obtain annual permits. This will reduce red tape.

The infrastructure protected under the scheme will now include railway track structures, signalling systems, and level crossing warning devices (e.g. boom gates).

Movements along tramways tracks will also now fall within scope. Operators wishing to take over-dimensional vehicles along tramway tracks will need to obtain a permit.

Amendments are being made to fee setting powers under the scheme so that cost reflective fees can be charged for high-risk applications.

Responsibility for administering the scheme will also be changed from the Secretary of the Department of Economic Development, Jobs, Transport and Resources (under delegation from Public Transport Victoria), to VicRoads.

### Public Transport Amendments

Land transactions between some transport agencies will be streamlined. The Bill enables VicTrack to transfer interests in land to VicRoads and the Head, Transport for Victoria for nominal consideration. It also removes the requirement for the Treasurer to approve all VicTrack land transactions. These will avoid unnecessary administration costs for the State and reduce the potential for delays.

The Bill clarifies compensation entitlements for drivers of trains involved in a fatal accident. Legislation will now reflect the existing practice of providing financial assistance to supervising drivers if they are in the driver cabin of a train involved in a fatal incident.

Responsibility for determining conditions of travel on public transport will be transferred from the Secretary of the Department of Economic Development, Jobs, Transport and Resources to the Head, Transport for Victoria. Determining conditions of travel is an operational function, so is better aligned with the functions and power of the Head, Transport for Victoria.

### Conclusion

This Bill delivers on our commitments to fund roads in outer suburban and interface areas and in rural and regional areas. It also makes changes to make all Victorian roads safer.

I commend the Bill to the house.

**Debate adjourned on motion of Mr HODGETT (Croydon).**

**Debate adjourned until Wednesday, 22 August.**

## GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018

### *Statement of compatibility*

### **Mr PALLAS (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), I make this statement of compatibility with respect to the Gambling Regulation Amendment (Wagering and Betting) Bill 2018.

In my opinion, the Gambling Regulation Amendment (Wagering and Betting) Bill 2018 (the Bill), as introduced to the Legislative Assembly, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

### **Overview**

The Bill implements a number of reforms to the gambling and wagering industry by making a number of amendments to the *Gambling Regulation Act 2003* and the *Taxation Administration Act 1997*.

Key features of the bill include:

amending the *Gambling Regulation Act 2003* (the **Principal Act**) to alter the tax arrangements in relation to wagering and betting by imposing a tax on wagering and betting providers' net wagering revenue during a return period, including prescribing the tax-free threshold and the rate of tax applying to net wagering revenue, who is liable for the tax, and providing that the Commissioner of State Revenue is to collect the tax. The Bill also amends the *Taxation Administration Act 1997* (the **Taxation Act**) to make the proposed Part 6A of Chapter 4 of the Principal Act that establishes the wagering and betting tax a taxation law for the purposes of that Act;

### **Human rights issues**

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

freedom of movement, as protected under section 12 of the Charter;

privacy and reputation, as protected under section 13 of the Charter;

property rights, as protected under section 20 of the Charter;

the presumption of innocence, as protected under section 25(1) of the Charter;

protection from self-incrimination, as protected under section 25(2)(k) of the Charter; and

the right to a fair hearing, as protected under section 24 of the Charter.

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

Part 2 of the Bill alters the taxation arrangements relating to wagering and betting by introducing a new Part 6A into Chapter 4 of the Principal Act, which will impose a wagering and betting tax. The amendment to the Taxation Act in clause 8 of the Bill means that the Taxation Act will apply to Part 6A. It is therefore necessary to consider the human rights issues raised by the provisions of the Taxation Act to the extent that they apply to Part 2 of the Bill.

### ***Property rights (section 20)***

#### *Imposition of tax*

Section 20 of the Charter provides that a person must not be deprived of his or her property other than in accordance with law.

The introduction of the wagering and betting tax makes wagering and betting entities liable for tax in circumstances when previously no tax was payable. To the extent that the introduction of the wagering and betting tax is now payable by a natural person, the right to property is engaged.

However, the imposition of the wagering and betting tax is not arbitrary because it is precisely formulated and will be administered in accordance with the proposed Part 6A of the Principal Act, which will be a taxation law that is adequately accessible, clear and certain, and sufficiently precise to enable affected taxpayers to inform themselves of their legal obligations and to regulate their conduct accordingly. Furthermore, taxpayers will have the protections provided by the Taxation Act including rights of objection, review, appeal and recovery.

#### *Grouping provisions — joint and several liability*

Given the possibility that some wagering and betting entities may seek to exploit the tax-free threshold that will apply to the wagering and betting tax by setting up a number of entities, Division 4 of Part 2 of the Bill provides for grouping provisions to apply to the collection of the wagering and betting tax to prevent potential erosion of the tax base. The grouping provisions provide for the group to nominate a designated group entity which will register, lodge and pay wagering and betting tax on behalf of the group. The provisions also provide for the joint and several liability of members of a group in respect of the group's liability for tax; in other words, every member of a group (whether or not is a wagering and betting entity) is jointly and severally liable with the other members in respect of any period to pay the tax payable by the designated group entity of that group in respect of that period. Therefore, where a member of a group is a natural person, such as a sole trader or a partner, that person will be jointly and severally liable for tax that is payable by the designated group entity. The payment of tax on the basis of joint and several liability may therefore engage the right to property of a natural person group member.

The purpose of joint and several liability provisions is to ensure the recovery of unpaid wagering and betting tax in the event of a default by the designated group entity. In my view, the imposition of joint and several liability on all members of a group is a reasonable and justified limitation on a natural owner's property rights, because this action is likely to be the most effective method of ensuring payment of the wagering and betting tax in the event of a default. Furthermore, that person will not be deprived of his or her property other than in accordance with the law.

Again, any liabilities arising from these provisions will be assessed and administered in accordance with the Taxation Act, which establishes the Commissioner's powers and obligations, taxpayers' rights of objection, review, appeal and recovery, and provides a framework to protect the confidentiality of tax related information. Therefore, a person will not be deprived of his or her property other than in accordance with the law.

In my view, the limitations on property rights under section 20 are reasonable and justified in accordance with section 7(2) of the Charter.

### **Amendments relating the application of the Taxation Act**

#### ***Property rights (section 20)***

##### *Investigation powers of tax officers*

As stated above, the Bill applies the Taxation Act to the new Part 6A, Chapter 4 of the Principal Act. Part 9 of the Taxation Act provides authorised tax officers with investigation powers to administer and enforce taxation laws, which will include Part 6A. The right in section 20 of the Charter is relevant to a number of powers which provide for tax officers to enter certain premises, and to seize or take items. These powers are discussed in detail below, in relation to the right to privacy.

I consider that the right in section 20 will not be limited by these powers, because any deprivation of property will occur in accordance with law. The circumstances in which inspectors or authorised persons are permitted to seize or take items or documents are provided for by clear legislative provisions, and the powers are strictly confined. The items that may be taken or seized will be relevant to and connected with enforcing compliance with Part 6A. For instance, a magistrate may only issue a search warrant if satisfied by evidence on oath or affidavit that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, a particular thing on the premises that may be relevant to the administration or execution of a taxation law. Further, under section 77 of the Taxation Act, a document or thing may only be searched for, seized or secured against interference if it is described in the warrant issued by a magistrate.

The powers of an authorised officer include, under section 76 of the Taxation Act, the power to seize a document or thing where the officer has reason to believe or suspect it is necessary to do so in order to prevent its concealment, loss, destruction or alteration. Similarly, section 83 of the Taxation Act provides that an authorised officer may seize a storage device and the equipment necessary to access information on the device if the officer believes, on reasonable grounds, that the storage device contains information relevant to the administration of a taxation law and it is not otherwise practicable to access the information on the device.

In my opinion, sections 76 and 83 of the Taxation Act, as they will apply to Part 6A, do not limit the right in section 20 of the Charter because they are sufficiently confined and structured, accessible and formulated precisely such that any deprivation occurs in accordance with the law. Further, these provisions guard against any permanent interference with property where no offence has been committed. For example, the Taxation Act provides that reasonable steps must be taken to return a document or thing that is seized if the reason for its seizure no longer exists (section 84), and the document or

thing seized must be returned within the retention period of 60 days, unless the retention period is extended by an order of the Magistrates Court (section 85).

For the above reasons, in my opinion the provisions of the Bill are compatible with the right to property in section 20 of the Charter.

**Privacy (section 13(a))**

As noted above, an interference with privacy will limit the right in section 13(a) of the Charter if it is an unlawful or arbitrary interference.

*Requirement to provide information in returns*

Part 6A will require a person who is liable to pay the tax to periodically lodge a return with the Commissioner of State Revenue. Section 10 of the Taxation Act, as it will apply to Part 6A, provides that a taxpayer must provide in this return all information necessary for a proper assessment of tax liability, including any further information not otherwise required under a taxation law.

It is expected that most returns will be submitted by entities, rather than individuals, and not all of the information required to be provided in a return will be personal information. However, to the extent that the collection of personal information may result in interference with a person's privacy, any such interference will be lawful and not arbitrary. These provisions do not require that a person's personal information be published, and only require the provision of information necessary to achieve the purpose of the regime. Accordingly, in my view they do not limit the right to privacy.

Section 92(1)(e) of the Taxation Act permits a tax officer to disclose information obtained under or in relation to the administration of a taxation law to a listed 'authorised recipient'. Clause 10 of the Bill amends section 92(1)(e) of the Taxation Act to include the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as an authorised recipient for the purpose of administering the Principal Act and any regulations made under the Principal Act. While the Commissioner of State Revenue will be solely responsible for administering the tax and exercising powers under the Taxation Act, the VCGLR is responsible for the Principal Act which will impose the tax. The Commissioner of State Revenue will need to provide information that is obtained under or in relation to the administration of the tax to the VCGLR for the purpose of assisting the VCGLR to administer the regime under the Principal Act. The type of information that may be disclosed includes, but is not limited to, information regarding registration, lodgements of returns and payments by taxpayers, taxation defaults by taxpayers, and applications for objection, appeal and review under Part 10 of the Taxation Act by registered taxpayers.

Likewise, clause 6 of the Bill amends the Principal Act to enable the VCGLR to disclose information to an authorised officer within the meaning of the Taxation Act for the purpose of administering Part 6A of Chapter 4 of the Principal Act and the Taxation Act as it applies to Part 6A.

To the extent that clauses 6 and 10 interfere with a natural person's right to privacy, I consider that interference to be neither arbitrary nor unlawful. These amendments ensure that the Commissioner of State Revenue and the VCGLR can exercise their respective regulatory and enforcement functions

in accordance with legislation. I therefore consider that these clauses do not limit the right to privacy.

*Investigation powers of tax officers*

As noted above, Part 9 of the Taxation Act provides the Commissioner of State Revenue and authorised tax officers with investigation powers to administer and enforce taxation laws, which will include Part 6A of Chapter 4 of the Principal Act. The following investigation powers may interfere with the right to privacy, as well as the right not to impart information, which forms part of the right to freedom of expression under s 15 of the Charter:

section 73 of the Taxation Act provides that the Commissioner of State Revenue may, by written notice, require a person to provide the Commissioner with information, produce a document or thing in the person's possession, or to attend and give evidence under oath;

section 76 of the Taxation Act provides that an authorised officer may, at any reasonable time, enter and search any premises, and inspect, photograph or make copies of any document on the premises;

section 77 of the Taxation Act provides that an authorised officer may apply to a magistrate for a search warrant in relation to a premises, including a residence, if the authorised officer considers on reasonable grounds that there is, or may be within the next 72 hours, on the premises a particular thing that may be relevant to the administration or execution of a taxation law;

section 83 of the Taxation Act provides that an authorised officer may, or may require an employee of the occupier to, operate equipment on the premises to obtain information from a storage device that the authorised officer believes, on reasonable grounds, contains information relevant to the administration of a taxation law;

section 86 of the Taxation Act provides that an authorised officer may, to the extent it is reasonably necessary to do so for the administration or execution of a taxation law, require a person to give information, produce or provide documents and things, and give reasonable assistance, to the authorised officer.

In each provision that permits inspectors to exercise powers of entry and search, the powers of inspectors and other authorised persons are clearly set out in the Taxation Act and are strictly confined by reference to their purpose. They are also subject to appropriate legislative safeguards. In particular:

a warrantless search under section 76 of the Taxation Act cannot be conducted in respect of premises used for residential purposes except with the written consent of the occupier of the premises (section 76(6)). An authorised officer may not exercise a power under section 76 unless the officer produces, on request, his or her identity card (section 76(5));

a search warrant issued by a magistrate under section 73 of the Taxation Act must specify the premises to be searched, a description of the thing for which the search is made, any conditions to which the warrant is subject, whether entry is authorised to be made at any time or

during specified hours, and must specify a day not later than seven days after its issue after which the warrant ceases to have effect (section 77(3)). Where entry under warrant or pursuant to court order occurs, an authorised officer must issue an announcement and give persons on the premises an opportunity to allow entry, unless the officer believes on reasonable grounds that immediate entry is necessary to ensure the safety of a person, or ensure the effective execution of the search warrant is not frustrated (section 78). The authorised officer is also required to identify himself or herself and must give a copy of the warrant to the occupier of the premises (section 79);

further, Division 3 of Part 9 of the Taxation Act includes broad confidentiality obligations that prohibit authorised tax officers from disclosing information obtained in relation to their functions, except as permitted under the Taxation Act.

The amendment in clause 8 of the Bill also applies section 92 of the Taxation Act, which permits the disclosure of information obtained in the administration of a taxation law, to proposed Part 6A the Principal Act. Specifically, section 92(1) permits the disclosure of such information for several different purposes, including in accordance with a statutory provision, in connection with the administration or execution of a statutory provision or a taxation law, to an authorised recipient such as the Ombudsman or a police officer of or above the rank of inspector, or in connection with the administration of a legal proceeding arising out of a recognised law. As with the search and seizure powers of authorised officers under this Part, these permitted disclosures are strictly confined to their legitimate purposes and are subject to considerable legislative safeguards. In particular, section 94 of the Taxation Act prohibits 'secondary disclosure', that is, disclosure of any information provided under section 92, unless it is for the purpose of enforcing a law or protecting public revenue. Further, section 95 provides that an authorised officer is not required to disclose or produce in court any such information unless it is necessary for the purposes of the administration of a taxation law, or to enable a person to exercise a function imposed on the person by law.

Accordingly, to the extent that these investigation powers could interfere with a person's privacy, any interference would not constitute an unlawful or arbitrary interference.

#### ***Freedom of movement (section 12)***

Section 12 of the Charter provides that every person lawfully within Victoria has the right to move freely within Victoria. As the wagering and betting tax will be administered under the Taxation Act, the administration of the wagering and betting tax may involve the exercise of the investigative powers provided in section 73 of the Taxation Act. These investigative powers may also be exercised in relation to the collection of reportable information under Part 9 of the Taxation Act.

Under section 73(5) the Commissioner of State Revenue or an authorised tax officer exercises their power to direct a natural person to attend and give evidence in relation to that matter, a person's right to move freely within Victoria may be engaged. Section 73(8) makes it an offence to refuse to comply with a direction made under section 73(5). However, a person required to attend and give evidence orally is to be paid expenses in accordance with prescribed scale. It is

arguable that a person's right to move freely within Victoria may be engaged when the Commissioner of State Revenue or an authorised tax officer exercises their power under section 73(5).

However, although the power to compel a person to attend a particular place at a particular time technically limits that person's freedom to choose to be elsewhere at that time, this differs qualitatively from the types of measures that Victorian courts have regarded as engaging the right to freedom of movement, such as restrictions placed on a person's place of residence, or ability to leave their residence, and police powers to conduct a traffic stop.

To the extent that section 73 of the Taxation Act is capable of being considered to limit the right of freedom of movement, I consider that any such limit is demonstrably justified under section 7(2) of the Charter, as the Commissioner of State Revenue's power to compel a person's attendance to give evidence will in certain circumstances be essential to obtain the information needed for the proper administration of the wagering and betting tax, and for the collection of reportable information.

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

##### *Defences of reasonable excuse*

The right to be presumed innocent may be considered relevant to a number of offences under the Taxation Act that place an evidential burden on the defendant, and which apply to the tax as a result of the amendment in clause 8 of the Bill.

As outlined above, section 73 of the Taxation Act empowers the Commissioner of State Revenue to issue a written notice requiring a person to provide information, produce a document or thing, or give evidence. Section 73A provides that the Commissioner of State Revenue may certify to the Supreme Court that a person has failed to comply with a requirement of a notice issued under section 73. The Supreme Court may inquire into the case and may order the person to comply with the requirement in the notice. Section 73A(4) provides that a person who, without reasonable excuse, fails to comply with an order of the Supreme Court under s 73A(2), is guilty of an offence.

Section 88 of the Taxation Act makes it an offence for a person, without reasonable excuse, to refuse or fail to comply with a requirement made or to answer a question of an authorised officer asked in accordance with sections 81 or 86 of the Taxation Act.

Section 90 establishes a defence of reasonable compliance for offences relating to the investigation powers of authorised tax officers under Part 9 of the Taxation Act. It provides that a person is not guilty of an offence if the court hearing the charge is satisfied that the person could not, by the exercise of reasonable diligence, have complied with the requirement to which the charge relates, or that the person complied with the requirement to the extent that he or she was able to do so.

Although these provisions require a defendant to raise evidence of a matter in order to rely on a defence, I am satisfied that the provisions impose an evidential, rather than legal burden. Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence. The defences and excuses provided relate to matters within the knowledge of the defendant, which is appropriate in

circumstances where placing the onus on the prosecution would involve the proof of a negative which would be very difficult.

For the above reasons, I am satisfied that these provisions of the Taxation Act, as applied to proposed Part 6A by virtue of clause 8 of the Bill, do not limit the right to be presumed innocent in section 25(1) of the Charter.

***Self-incrimination (section 25(2)(k))***

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt. The Supreme Court has held that this right, as protected by the Charter, is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid. The common law privilege includes immunity against both direct use and derivative use of compelled testimony.

As outlined above, section 86 of the Taxation Act, which will apply to the proposed Part 6A pursuant to the amendment included in clause 8 of the Bill, provides that an authorised taxation officer may, in the exercise of his or her investigative functions, require a person to give information, produce or provide documents and things, and give reasonable assistance, to the authorised officer. It is an offence to fail to comply with a requirement made or to answer a question under this section. Section 87(1) limits the right to protection against self-incrimination by providing that a person is not excused from answering a question, providing information or producing a document or thing on the ground that to do so might tend to incriminate the person or make the person liable to a penalty. Section 87(2) provides that, if a person objects to answering a question, providing information or producing a document or thing, the answer, information, document or thing is not admissible in any criminal proceeding other than proceedings for an offence against a taxation law, or proceedings for an offence in the nature of perjury.

In my view, section 87 of the Taxation Act is a reasonable limit on the right to protection against self-incrimination under section 7(2) of the Charter. The ability of an authorised officer to require a person to give information or answer questions is necessary for the proper administration of the proposed Part 6A. To this end, I note that the information, answers or documents obtained are only admissible in proceedings for an offence relating to the proper administration of Part 6A, and section 87(2) of the Taxation Act otherwise preserves both the direct use immunity and derivative use immunity.

Further, with respect to the power of an authorised officer to require the production of documents, I note that at common law, the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents brought into existence to comply with a request for information. This is particularly so in the context of regulated industry, where documents or records are required to be produced during the course of a person's participation in that industry and exist for the dominant purpose of demonstrating that person's compliance with his or her relevant duties and obligations. The duty to provide documents in this context is consistent with the

reasonable expectations of these individuals as persons who operate within a regulated scheme.

I am of the view that there are no less restrictive means available to achieve the purpose of enabling the proper administration of Part 6A, as providing an immunity that applies to the offence of perjury or an offence under the Bill or the Taxation Act would unreasonably obstruct the role of the authorised person to investigate compliance with Part 6A. Accordingly, I consider that this clause is compatible with the right not to be compelled to testify against oneself in section 25(2)(k) of the Charter.

***Fair hearing (section 24(1))***

Clause 12 of the Bill inserts a new subsection (8) into section 135 of the Taxation Act to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Act, as those sections apply after the commencement of clause 12, to alter or vary section 85 of the *Constitution Act 1975*. These provisions preclude the Supreme Court from entertaining proceedings of a kind to which these sections apply, except as provided by those sections.

A central purpose of this Bill is to alter current taxing arrangements in relation to wagering and betting and to bring this tax under the Taxation Act. Section 5 of the Taxation Act defines the meaning of a non-reviewable decision in relation to the Taxation Act, which will apply to the wagering and betting tax imposed under proposed Part 6A. 'Non-reviewable' is referred to in sections 12(4) and 100(4) of the Taxation Act.

The reason for limiting the jurisdiction of the Supreme Court in relation to a compromise assessment under section 12 of the Taxation Act is that agreement has been reached between the Commissioner of State Revenue and the taxpayer on the taxpayer's liability, and the purpose of the section would not be achieved if the decision were reviewable. Section 18 of the Taxation Act establishes a procedure, the adherence to which is a condition precedent to taking any further action for recovering refunds. The purpose of the provisions is to give the Commissioner of State Revenue the opportunity to consider a refund application before any collateral legal action can be taken. The purpose of these provisions would not be achieved if the Commissioner of State Revenue's actions were subject to judicial review.

Division 1 of Part 10 of the Taxation Act establishes an exclusive code for dealing with objections, and this Division will also apply where the Commissioner of State Revenue issues an assessment in relation to the wagering and betting tax. This code establishes the rights of objectors in a statutory framework and precludes any collateral actions for judicial review of the Commissioner of State Revenue's assessment. The objections and appeals provisions of Part 10 of the Taxation Act establish that review of assessments is only to be undertaken in accordance with an exclusive code identified in that part. The purpose of these provisions would not be achieved if any question concerning an assessment was subject to judicial review except such judicial review as provided by Division 2, Part 10 of the Taxation Act.

A power is provided to the Commissioner of State Revenue under section 100 of the Taxation Act, which provides that Commissioner with discretion to allow an objection to be lodged even though out of time. This decision is non-reviewable to ensure the efficient administration of the

Taxation Act and to enable outstanding issues relating to assessments to be concluded expeditiously.

In this context, I am satisfied that, to the extent that limiting the jurisdiction of the Supreme Court may limit a person's fair hearing rights as protected under section 24(1) of the Charter, any such limit would be demonstrably justified. The classification of certain decisions under the Taxation Act as 'non-reviewable' is directly related to the particular statutory purpose and context of those particular decisions, and the Taxation Act provides an alternative regime for dealing with objections, which is necessary for the efficient discharge of the Commissioner of State Revenue's functions under the Taxation Act, which will now include the administration of the wagering and betting tax.

Accordingly, I confirm that the Bill is, in my opinion, compatible with the right in section 24(1) of the Charter.

Tim Pallas, MP  
Treasurer

### *Second reading*

**Mr PALLAS** (Treasurer) (16:50) — I move:

That this bill be now read a second time.

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

#### **Introduction**

It is with great pleasure that I rise to speak in support of this Bill, a Bill which will reform the wagering and betting taxation framework in Victoria.

This reform is about fairness; it's about making wagering and betting entities pay a fairer share of Victorian gambling taxes.

The key driver for this reform is the significant growth in online wagering and betting over the last few years, much of which has been outside of Victoria's wagering and betting taxation structures.

Currently, wagering and betting in Victoria is taxed on a place of supply basis. This means that operators pay wagering taxes based on where they are located, not where their services are actually used.

As it stands, only the Victorian wagering and betting licence holder, Tabcorp Wagering (Vic) Pty Ltd is paying Victorian wagering taxes, regardless of whether the customer is located in Victoria or in another state or territory.

Victorians spend approximately \$1.2 billion annually on wagering and betting on horse and greyhound racing, sports and other events.

Increasingly, this wagering is with online corporate bookmakers licensed outside of Victoria, who are not captured under the current Victorian wagering and betting taxation framework.

This reform will align the Victorian wagering and betting taxation framework with the increasingly digital wagering and betting environment. It will level the playing field between all providers of betting services to people in Victoria.

The Bill will amend the *Gambling Regulation Act 2003* and the *Taxation Administration Act 1997* to replace the current 'place of supply' wagering and betting tax with a 'point of consumption' tax, where the tax liability will be determined by the location of the consumer rather than the operator.

This will ensure that all wagering and betting by Victorians, whether online or in person, will be captured by the Victorian wagering and betting taxation framework.

The net additional wagering and betting tax revenue retained by the State from the introduction of the Point of Consumption Tax in 2019–20, the first full year of operation, is anticipated to be approximately \$30 million.

#### **Policy design**

This Bill will introduce a Point of Consumption Tax (the Tax) to commence on 1 January 2019. The Tax will be payable by wagering and betting entities on the wagering revenue derived from customers in Victoria.

Many of these wagering and betting entities have been profiting from Victorian wagers and bets without paying Victorian gambling taxes.

The Bill provides that the rate of Tax will be 8 per cent of net wagering revenue derived from customers located in Victoria.

Net wagering revenue will be broadly calculated as gross bets and wagers taken less winnings paid for fixed odds betting, or commissions derived from facilitating wagers and bets for pari-mutuel.

The Tax will apply to all wagering and betting entities, including the Victorian wagering and betting licence holder.

The Bill establishes that an annual \$1 million tax free threshold will apply equally to all wagering and betting entities, or entities grouped for the purposes of this Tax. In the 2018–19 financial year, the annual tax-free threshold applied will be \$500,000 as the Tax will only apply in the second half of the 2018–19 financial year.

It is expected that the majority of smaller bookmakers who predominantly operate an on course business will fall under the tax-free threshold.

These small oncourse bookmakers do not materially compete with the big wagering and betting entities but are an integral part of the race day experience and are part of the rich and colourful history and tradition of racing in Victoria and Australia. This Government is committed to keep this tradition continuing, allowing this unique feature at all race meetings.

The Bill makes the Tax a taxation law under the *Taxation Administration Act 1997*, which will provide for the general administration and enforcement of the Tax.

Part 2 of the Bill provides that wagering and betting entities that become liable to pay the Tax must apply to register with the Commissioner of State Revenue before the end of the first month in which they become liable to pay the tax. It will be an offence to fail to apply for registration without a reasonable excuse.

Wagering and betting entities that will be registered, or are required to apply for registration, will be required to lodge a

return and pay the Tax to the Commissioner of State Revenue within 30 days after the end of each month. Failure to comply with payment of the Tax will result in interest and penalty tax under the *Taxation Administration Act 1997* being applied.

The Bill introduces a number of grouping provisions for wagering and betting entities. This will provide for groups of wagering and betting entities to be liable for their aggregate net wagering revenue for the purposes of applying the tax free threshold. This will limit liabilities being split amongst corporate group entities to minimise their taxation liability.

Wagering and betting entities will be required to determine the location of their customers at the time of placing a wager or bet to calculate their tax liability.

The Government recognises that it may be difficult for wagering and betting entities to determine the physical location of customers in some circumstances. Wagering and betting entities will have the option to use alternative information to determine customer location.

The Bill enables the Commissioner of State Revenue to publish guidelines for determining the location of a person who makes a bet with a wagering and betting entity.

### **The Victorian Racing Industry**

The Government has undertaken extensive consultation with key industry stakeholders on design considerations and potential industry impacts since the tax was first announced in the *Victorian Budget 2017–18*.

In August 2017, the Victorian Government released a consultation paper seeking views on policy design considerations and potential industry and customer impacts of a Point of Consumption Tax.

A considerable number of submissions were received in response to the consultation paper, and have informed the Tax design.

The Government also undertook extensive consultations with the three peak bodies representing the Victorian Racing Industry: Racing Victoria, Harness Racing Victoria and Greyhound Racing Victoria.

The Government is committed to the principle that the racing industry, collectively and individually as Codes, will be no worse off as a result of the introduction of a Victorian Point of Consumption Tax.

The Victorian Racing Industry is a major part of Victoria's sporting and cultural landscape, and contributes \$2.8 billion annually to the Victorian economy while supporting over 140,000 jobs and participants. The Government is committed to Victoria remaining the pre-eminent racing state.

The Tax has been designed to reduce potential adverse impacts on the Victorian Racing Industry.

The Bill provides that the Government will contribute a proportion of the amount of wagering and betting tax received to the Victorian Racing Industry, at a rate determined by the Treasurer after consulting with the Minister for Racing.

This will represent a new source of funding for the Victorian Racing Industry, and at the commencement of the Tax this new Victorian Racing Industry Point of Consumption Tax

Payment is intended to equal 1.5 per cent of taxable net wagering revenue.

The Bill provides that an amount equal to the balance of taxation revenue raised through the Tax — equal to the 8 per cent of the taxable net wagering revenue less the contribution to the Victorian Racing Industry — will be paid out of the Consolidated Fund into the Hospitals and Charities Fund.

The Government will continue to work with the Victorian Racing Industry to monitor any potential impacts of the Tax on the industry.

The Government will undertake a review of the Tax as soon as sufficient data is available. The Government has committed to the review being completed no later than 18 months after its commencement, and the Bill requires that the outcomes of the review be laid before each House of Parliament on or before 1 December 2020.

The review will include an analysis of the key policy parameters including the tax rate, the tax-free threshold and any impact on the Victorian Racing Industry arising from the introduction of the Victorian Point of Consumption Tax. The review will look at the total impact of the Tax on the Victorian Racing Industry collectively, and also of the impact individually on the three racing codes which make up the Victorian Racing Industry. In light of the Government's commitment to maintaining the pre-eminence of the Victorian Racing Industry, the review will also consider the interstate competitiveness of the Victorian Racing Industry.

Based on the outcomes of the review, and consideration of the impact on the racing codes, the Government will determine whether any adjustment to the new Victorian Racing Industry Point of Consumption Tax Payment is required.

The Government will continue to work with other states and territories to extend a common Tax model to other jurisdictions. It is in everyone's interest to harmonise the key elements of the tax across all jurisdictions as much as possible.

The Bill will enable the Treasurer to enter into agreements with Treasurers of other states and territories to facilitate the collection of and compliance with the requirement to pay the Tax.

### **Administrative powers**

The Bill provides that the State Revenue Office will be responsible for the administration and collection of the Tax, as well as other functions such as ensuring compliance.

This differs from the current arrangements where Victorian wagering and betting taxes are administered and collected by the Victorian Commission for Gambling and Liquor Regulation.

I draw the members' attention specifically to clause 12 of the Bill. This clause of the Bill proposes to limit the jurisdiction of the Supreme Court to ensure that the legislative regime under the *Taxation Administration Act 1997* applies to the Tax in the same way as it does in relation to any other taxation law. Accordingly, I provide a statement under section 85(5) of the *Constitution Act 1975* of the reasons for altering or varying that section by this Bill.

I commend the Bill to the house.

**Debate adjourned on motion of Mr M. O'BRIEN (Malvern).**

**Debate adjourned until Wednesday, 22 August.**

## **MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2018**

### *Statement of compatibility*

**Mr PALLAS (Minister for Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Mineral Resources (Sustainable Development) Bill 2018.

In my opinion, the Mineral Resources (Sustainable Development) Bill 2018, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The main purposes of the Bill are to establish the Mine Land Rehabilitation Authority (the Authority) and its Board, provide for the rehabilitation of declared mine land and the establishment of a declared mine land register, and establish the Declared Mine Fund. The Bill achieves these purposes by making relevant amendments to the Mineral Resources (Sustainable Development) Act 1990 (the Act) and consequential amendments to other Acts.

Declared mine land is defined to mean land covered by a mining licence that includes a declared mine, or land covered by other specifically identified licences. Declared mines are defined in the Act as specified mines that the Minister considers to pose a significant risk to public safety, the environment or infrastructure, and are subsequently declared to be so by Ministerial order.

I note at the outset that the holders of the licences effected by the Bill are primarily corporations rather than individuals; however, to the extent that some licence holders may be individuals, I discuss the relevant human rights issues raised by this Bill below.

I also note that the Authority will replace and succeed the Latrobe Valley Mine Rehabilitation Commissioner, and will be given the current functions and powers of the Commissioner under the Act, as well as some additional functions and powers. To the extent that these powers and functions may interfere with human rights, I only discuss the additional functions and powers.

#### **Human Rights Issues**

##### *Privacy and property rights*

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be 'unlawful' where it is

permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be 'arbitrary' provided they are reasonable in the particular circumstances, and just and proportionate to the legitimate end they seek to achieve.

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. An interference with property may amount to a 'deprivation' in circumstances where it effectively prevents a person from using or dealing with their property. However, the Charter permits deprivations of property so long as the powers which authorise the deprivation are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Some provisions in the Bill may interfere with privacy and property rights; however, in my view these interferences are minimal, are likely to apply to corporations rather than individuals, and, in any event, are clear, reasonable and proportionate. I therefore consider the provisions not to limit these Charter rights.

##### *Rehabilitation works*

Clause 10 of the Bill amends section 83(1)(a) of the Act to insert additional grounds on which the Minister may take necessary action to rehabilitate certain land. The additional grounds include where the land is declared mine land and the Minister is not satisfied that the land has been rehabilitated, or the Minister is satisfied that it requires further rehabilitation in accordance with an applicable declared mine land rehabilitation plan. The primary responsibility for rehabilitation under the Act remains with the relevant licensee or authority holder; under section 81(3), the Minister may only carry out rehabilitation if they have requested the licensee or authority holder to do so and this has not been done within a reasonable period. Under section 81(4), the Minister may recover as a debt due to the Crown any amount by which the rehabilitation costs exceed the relevant bond otherwise owing to the licensee or authority holder.

Rehabilitation works may in some instances interfere with the privacy and property of relevant licensees and authority holders. However, in my view any such interferences will be neither unlawful nor arbitrary, and therefore do not amount to a limit on either right under the Charter. The obligations to rehabilitate land are set out in the relevant rehabilitation plans, authorities and licence conditions that apply to that land, which licensees and authority holders are aware of and have elected to be subject to by virtue of their involvement with relevant land. The Minister will only conduct rehabilitation works to the extent that such works are necessary, due to the failure of the licensee or authority holder to discharge those obligations themselves. As such, I consider any interference with privacy or property occasioned by clause 10 to be lawful and proportionate to the objectives of the provision.

##### *Notices requiring authority holder to take action or stop work*

Clause 42 of the Bill amends section 110(1)(b) of the Act to provide an additional ground on which the Minister may issue a notice to require an authority holder to take specified action in relation to certain contraventions (here, failure to comply with a declared rehabilitation plan), cease certain activities for a specified period, supply certain plans or information, or carry out or arrange monitoring, surveys, audits or assessments and report to the Minister as to the results. Further, clause 39

extends the application of this provision to former licensees and clause 43 inserts new section 110B of the Act to provide that the Minister may issue a notice to require such action on the part of owners of registered mine land.

In my view, any interferences with the privacy or property rights of authority holders, mine land owners or former licensees occasioned by these provisions are appropriately circumscribed and directly linked to their purpose such that they are neither unlawful nor arbitrary. The Minister may only issue the relevant notices if they believe on reasonable grounds that certain things have or are likely to occur; namely, a contravention of a relevant plan or the Act, or an act or omission that is likely to result in a risk to public safety, the environment, land, property or infrastructure. It is reasonable for authority holders and licensees, both current and former, and owners of relevant land, to be held accountable for the fulfilment of their obligations, including avoiding and remedying contraventions, and to avoid, minimise or remove the risks associated with declared mine land.

#### *Register of declared mine land and comments on licence applications*

Clause 41 of the Bill inserts new section 84AZZL(1) into the Act to provide that the Authority must establish and maintain a register of declared mine land registered under new Part 7C of the Act. New section 84AZZL(3) provides that the register must include various documents including copies of any applicable licence (whether or not it is in force) and new 84AZZL(2) Provides that the register may be inspected by any person. The register is highly unlikely to contain any personal information; however, to extent that it may (for example, the name of an individual licence holder), any interference occasioned by the inclusion of that information in the register will be minimal. Further, a relevant licensee will have very little expectation of privacy over the information, and given the nature of the land to which the licences apply, and the public interest in ensuring transparency and accountability with respect to such land, it is reasonable for this information to be contained in a public register. In my view, the right to privacy is therefore not limited.

Clause 51 inserts new section 24A into the Act to provide that any person may provide written comments to the Minister on a licence being granted. These comments must then be made available for inspection by any person until the application for the licence is granted or refused. This provision is an extension of existing provisions enabling any person to object to a licence being granted and for such objections to be available for public inspection. For the same reasons as set out above with respect to the register of declared mine land, in my view clause 48 does not limit the right to privacy of licence applicants.

Hon. Tim Pallas, MP  
Minister for Resources

#### *Second reading*

**Mr PALLAS** (Minister for Resources) (16:52) — I move:

That this bill be now read a second time.

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

#### Background

The main purpose of the Bill is to fulfil the Government's commitments to the Latrobe Valley community and the people of Victoria to implement the recommendations of the Hazelwood Mine Fire Inquiry.

In February 2014 a fire broke out at the Hazelwood coal mine which lasted 45 days, and had significant adverse impacts on the local community. In 2016, the Inquiry established to investigate the fire recommended that a Statutory Authority be established by 2026 or earlier if one of the mines should close. The Inquiry wanted the Authority to have 'ongoing tenure until all mines have been successfully rehabilitated, and monitoring and maintenance of the Latrobe Valley mines is no longer required.'

In June 2016 the Andrews Labor Government committed to meet these recommendations through the Hazelwood Mine Fire Inquiry Implementation Plan. The Hazelwood mine closed on 31 March 2016.

#### Overview of Bill

The Bill establishes a Mine Land Rehabilitation Authority, clarifies rehabilitation, closure and post-closure obligations and sets up a post closure fund.

The Bill enables the Minister to apply this new regime to future mines that present a significant risk to public safety, the environment and infrastructure using an existing statutory power to declare mines. The Latrobe Valley coal mines are currently the only declared mines.

#### Mine Land Rehabilitation Authority

The Mine Land Rehabilitation Authority will be established on 1 July 2020. The Authority will take over the Latrobe Valley Mine Rehabilitation Commissioner's current roles in relation to rehabilitation and the Latrobe Valley Regional Rehabilitation Strategy. The Authority's rehabilitation role will extend to declared mines. The Authority will be engaged in monitoring, maintaining and managing registered declared mine land.

The Authority will register post-closure declared mine land and may be the owner of registered declared mine land, where this is required to protect the public, infrastructure and the environment. The Authority will be empowered to perform or contract for any functions arising from its role as landholder of declared mine land, for example managing any ongoing risks of fire or other emergencies.

#### Declared mine land rehabilitation and closure obligations

Declared mines will be required to have declared mine rehabilitation plans. Declared mine rehabilitation plans will include closure criteria and a post closure plan. The Bill clarifies that rehabilitation will be satisfactory and bonds returned if closure criteria are met. This will be the point of closure. Declared mine rehabilitation plans will continue in force until closure.

#### Post-closure obligations and the Post-Closure Fund

After a mine is closed the land owner will be responsible for monitoring and maintaining the land. The post closure plan will be registered against the title of the land. The Minister will have the power to enforce the post-closure plan.

The Bill establishes a Post-Closure Fund for each mine. The Authority will use the Post-Closure Funds to meet the ongoing costs of managing declared mine land post-closure. The criteria and processes for assessing liability will be set in regulations. These amendments make the liabilities and responsibilities of mine operators more explicit rather than increase them.

The declared mine land rehabilitation framework in the Bill is enabling — detail will be in regulations. The changes will start to come into force from 1 July 2020 giving time for full consultation. The time frame for rehabilitation plan changes will be set following this consultation.

#### Other amendments

The Bill contains three other amendments to the Mineral Resources (Sustainable Development) Act 1990.

The Bill enables the public to comment on the grant and refusal of licence applications. Currently only objections are allowed. This amendment increases the ability of the community to participate in decision-making about exploration and mining.

The Bill allows land owners and mine licence holders to include agreements on non-financial compensation in registered compensation agreements. This amendment gives people who are affected by mining on private land more scope to develop solutions that meet their needs.

The Bill extends the term of prospecting licences to seven years, from the current five years. Prospecting licences were introduced in 2010. They are used by small-scale prospectors and miners. The area of land in a prospecting licence must not exceed five hectares. Prospecting licences cannot be renewed. At present the use of these licences is limited because it can take several years for licensees to fulfil the statutory conditions to commence work. The two-year extension to the term of prospecting licences will ensure that they remain an effective form of licensing for small scale prospectors.

I commend the Bill to the house.

**Debate adjourned on motion of Mr SOUTHWICK (Caulfield).**

**Debate adjourned until Wednesday, 22 August.**

## **OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016**

### *Council's amendments*

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

1. Clause 2, page 2, line 2, omit "1 July 2017" and insert "1 February 2019".
2. Clause 8, line 2, omit "1 July 2018" and insert "1 February 2020".

**Ms KAIROUZ** (Minister for Consumer Affairs, Gaming and Liquor Regulation) (16:53) — I move:

That the amendments be agreed to.

Clause 2 of the bill provides a default commencement date of 1 July 2017 unless an earlier date is proclaimed, and clause 8 provides that the amending act is to be repealed on 1 July 2018, 12 months after the default commencement date. Given the amount of time that has elapsed since the bill was introduced into Parliament, new default commencement and repeal dates must be set. These will be 1 January 2019 and 1 February 2020 respectively.

These amendments have been drafted and passed by the upper house. The new default commencement date will enable sufficient time for any necessary implementation work to be undertaken before the new provisions come into effect, and a repeal date of 1 February 2020 is in keeping with standard practice that amending acts should be repealed 12 months after commencement.

**Ms VICTORIA** (Bayswater) (16:54) — The opposition certainly will not be opposing the amendments put by the upper house when the bill was passed through there yesterday. But in saying that, because obviously it is for the functioning of the bill, we have to ask ourselves why there was a need to amend it.

I checked to see when we first looked at this bill. It was introduced by the then minister, the member for Brunswick, on 24 May 2016. That is 807 days ago. That is an awfully long time. If you have a look at what has happened in that last 807 days, obviously there have been plenty of incidents where people in short-stay accommodation have caused grief to people in other apartments. I note that this bill only deals with the Owners Corporations Act 2006 whereas it could have done so much more. I say it could have done so much more because of course the way that this has transpired through the houses has been quite interesting.

The bill passed this house on 18 August 2016. Today is 8 August, so it passed this house two years ago. So that was 87 days after its introduction. It took 87 days to get it through this house. Then it moved to the Legislative Council on 31 August 2016, and it was referred off to the Environment and Planning Committee on 8 November 2016, which was to report by 7 March 2017. That reporting date was actually extended out to 11 May 2017 — and that was 353 days after its introduction; so a year after its introduction into this house, it was in fact due to report back from the committee stage.

It took a long time for that bill to be put onto the notice paper after the report came back to the upper house. I note the great backlog of bills in the upper house, and I

do not know how we are going to get through all of them before the government goes into caretaker mode in the next couple of months. The bill only passed the upper house yesterday, which was 7 August 2018 — 806 days after it was originally introduced into this house. That is shameful. That shows a government that cannot run its own agenda.

The incompetence of this government has been amazing to say the least, as has been the amount of representation I have had from people who are in a building where short-stay apartments are offered up. They have said, 'We've had to endure this'. If you look at how many weekends there have been — because obviously a lot of trouble happens on weekends or over holiday periods — between when this bill was introduced here in the lower house to now, when it is finally going through in an amended form, there have been 115 weekends. So you have got to ask yourself how much grief have they had to put up with. There are long-term tenants or owner-occupiers of apartments in buildings that are affected by an owners corporation where they have had troublesome neighbours move in very, very temporarily, for one or two nights.

The other thing with this bill is that we have had all of this time — 807 days — to make a difference to the people that this bill does not cover with the recommendations that came back from the Environment and Planning Committee. Of course we could have been dealing with people who are in neighbourhoods where it is not an owners corporation situation — down on the peninsula, up in Daylesford or out in the suburbs. I have actually got one that is in my neighbourhood, but of course it is not an owners corporation, and this bill only relates to that particular act.

It is very short-sighted of this government. It does not help people who have these party houses next door as opposed to people in apartments — this only looks after those people. The biggest criticism that has come to me about what the government has done is what it has not done, and the fact is that 807 days after this legislation was introduced to this house — and therefore to the people of Victoria — we have a very short-sighted, very, very narrow bit of help for those who are living in owners corporation situations, usually in the high-rises, so around the City of Melbourne and around the Docklands. Of course we know they are shoring up votes for electorates that might be under threat in the next general election. That was a way of grabbing some votes, but it does not help those who are out in the suburbs or down in the areas where party houses exist. They have not been taken care of at all.

We are not going to oppose the amendments because they have to happen to protect some Victorians, but the bill does not go nearly far enough towards helping the majority of Victorians who actually need some protection but do not get it under this government.

**Motion agreed to.**

## **DISABILITY SERVICE SAFEGUARDS BILL 2018**

*Second reading*

**Debate resumed from 25 July; motion of  
Mr FOLEY (Minister for Housing, Disability and  
Ageing).**

**Mr T. BULL** (Gippsland East) (17:00) — It is a pleasure to rise and talk on the Disability Service Safeguards Bill 2018. I certainly welcome the opportunity to make some comments on this bill. This is a large and complex bill, and in the relatively short amount of time over the past week that I have been liaising on the bill with stakeholders and also colleagues at the federal level a number of stakeholders in particular have requested more time to consume this bill, which is rather thick when you have a look at it, and consider its contents.

There have been some preliminary concerns raised over the potential for duplication of services between the Victorian Disability Worker Commission and the federal NDIS Quality and Safeguards Commission. For these reasons we are offering a 'not oppose' position in the Assembly but reserving our position on this bill in the upper house pending feedback from stakeholder groups and more discussions with our federal colleagues around the potential duplication of roles.

As a background, the appointment of a Victorian commissioner came out of the inquiry into abuse in disability services. The commentary from that inquiry — and the final report of that inquiry was in May 2016, over two years ago — was about the need to have a Victorian oversight body established, in the inquiry's own words, very 'quickly'. The reason for this was, as the committee outlined on page 197 of its report, the responsibility for oversight carried out by this quickly established Victorian committee might transfer from the state body to the national body when it was established, so the commentary was around it being an interim process. At this stage I wish to commend the members of the committee undertaking the inquiry into abuse in the disability sector — the members for Bendigo West, Eildon, Geelong, Frankston, Shepparton and Lowan, and also Mr Finn in

the other place, who served on that committee and came up with a number of very worthwhile recommendations on what I hasten to add is a very, very contentious and concerning area. But more than two years after publication of that report calling for quick action, we finally have this bill before the chamber. While it was to fill an interim gap, we now have this bill coming to the Parliament five weeks after the federal national disability insurance scheme (NDIS) commissioner was appointed. If it was to occur quickly as an interim measure, one must ask the question: why has it taken this long to come into the chamber?

This bill has also altered what the role of the Victorian commissioner is to be from the original commentary that was in the report. Instead of this office being an interim measure that we have in Victoria it is now proposed to sit alongside the federal quality and safeguards commission. So what we need to ensure is that we do not have a duplication of services, a duplication of roles and confusion to families and those providers working in the sector. If you set up a state-based oversight commission, which is what we are doing here, and you do not want to duplicate the roles of the federal commissioner in setting up the state body, I would have thought that maybe the first thing you would do is talk to the federal commissioner to ensure that is not going to occur. So I was very surprised when this bill came into the chamber and I had the opportunity to speak to the federal commissioner and hear — and he was very quick to inform me — that he had been aware that this was going on but had not been consulted at all on any of the detail or various elements of the bill and that he had grave concerns around the potential for duplication of services.

In the bill briefing that I had with the Minister for Housing, Disability and Ageing's office — and I thank those staff from the minister's office and the department who provided that bill briefing — I was briefed on some of the matters that the federal commissioner had not been briefed on and should have been briefed on prior to this bill coming into the chamber. Firstly, I was told that in almost every circumstance NDIS-related matters would automatically be referred to the federal NDIS commissioner to be dealt with and that it would be 'extremely rare', I think was the term used, for NDIS-related matters to be investigated by the Victorian commissioner. This would have been very handy to have had read into the second-reading speech at the time. I think the commentary in the second-reading speech around the service provision was that it will be dealt with by 'the most appropriate body'. That of course, based on the advice from the bill briefing, is clumsy wording, and it has left many in the sector wondering if some NDIS matters will be investigated at

a state level under one system and some will be investigated at the federal level under a different system.

I did take some confidence and solace out of the advice that was provided in the bill briefing, but I would be keen to have it laid out that this was actually the case — that the federal NDIS Quality and Safeguards Commission deals primarily or basically with all of the complaints that are lodged in relation to NDIS services. The reason is that all providers and workers need to be dealt with under the same set of rules nationwide, regardless of state borders. Hopefully, with members who will contribute to this debate from the other side, we can have it put on the record again and clarified and read into *Hansard* that that will be the case. I thank the staff from the minister's office in the department who provided that undertaking.

I would encourage also that this communication, if it has not already been done, be relayed to the federal NDIS commissioner, because at the time of my briefing that had not happened. He was unaware. He had only read the, I will say, loose or ambiguous wording in the second-reading speech, and that aspect had not been made clear to him, which I find rather startling. While the intention is for the Victorian commission to deal with non-NDIS-related complaints around disability services and to refer NDIS matters to the federal body, we still want that undertaking, and I look forward to that occurring. I do understand that the state minister's office was intending to get in touch with the NDIS Quality and Safeguards Commission, and I look forward to maybe getting an update on how those discussions have occurred as this bill transitions between the houses. I do recognise that while the federal body will focus only on the NDIS, the Victorian commissioner will have the ability to receive and investigate complaints of workers and services working in the disability sector but working outside the NDIS. I think for all people who are involved in the disability sector we get some confidence out of that — that that will occur.

The report of the inquiry into abuse in disability services did outline instances where wrongdoing and abuse had occurred in non-mainstream services and agencies, and it certainly highlighted this fact. Of note in relation to this bill, I guess, is that some agencies, including National Disability Services — NDS, not to be confused with the NDIS — expressed a bit of concern around having the state and federal commissions established and the fact that it may lead to confusion. I would certainly encourage the department to have the appropriate paraphernalia or information or pamphlets, whatever you want to call it, available to families in the disability sector to clearly explain the roles in the two jurisdictions — the NDIS federal

commissioner and our state Disability Services Commissioner — because a number of families that are going through the transition to the NDIS are having a lot of trouble getting their head around the various requirements when transitioning from one scheme to another. Obviously this is being brought into line with the transition to the NDIS, but it is another thing for families to consider and I think it is critically important that we make it as easy as we can for them to consume and understand information.

I want to make a few comments on the registration of workers. There were some concerns expressed initially by service providers that this would be mandatory, and the concerns were based on the potential impacts that this would have on thin markets. For example, some areas — and I guess I am particularly talking about rural and regional Victoria but not solely rural and regional Victoria — have trouble accessing suitable disability sector workers. If registration were to become mandatory, which was an initial concern of some providers, it would put, in some cases, another step, a little hurdle to jump, in front of those working in the disability sector or those considering working in the disability sector. I understand the reason behind the process, but where we have thin workforces we certainly do not want to put anything in place that could result in a reduction in workforce uptake. It is very important for families, and for that matter for providers, to have the flexibility to engage non-registered workers.

I can certainly speak on this topic from experience. Living in an area of rural and regional Victoria and having a son with special needs, at various times over the last 20 years it has been a huge, huge battle to find people that I am comfortable with and happy with and that I can trust and have confidence in to provide a whole range of services, whether that be day care, whether it be respite or whether it be assisting with speech, OT or behavioural therapy — whatever it is. I would hate to think that if we put a requirement on those people and made this registration mandatory some of those great workers in country areas might say, 'Look, it just got a little bit tough. I'll go and be an aide at the primary school', or something like that. So I am very, very pleased that the process is not mandatory and that it hopefully will not impact on the rural workforce.

In making those comments, I also obviously clearly put on the record that anyone working in the disability sector needs to undergo the required security and personal checks. I am certainly not talking about going soft on any of those. They have to meet the appropriate standards in that field. Of course worker screening will be a key focus of the national framework. I think in some cases we ran into trouble with inappropriate

people working in the disability sector, as was highlighted by the inquiry. I am certainly very, very comfortable with a high level of oversight in that area.

The feedback I have received is that providers and families obviously are very pleased that the registration is not a mandatory requirement. It has been strong feedback from providers who are servicing areas of rural and regional Victoria. But obviously I am also aware that in having a registration process those families that do want to engage a registered worker with a particular qualification to engage with their son, daughter, brother or sister will have the ability to do so.

While we are yet to see, I guess, the subordinate legislation that will contain the detail that sits under this bill, whether that be legislation or regulation, there is a lot of detail that needs to be determined. One of those areas I am certainly interested in hearing more on is the recognition of prior learning or experience standards that will be put in place for disability workers who move interstate. If we have got this scheme in Victoria, I would hope and expect that those with a proven and trusted track record in this field interstate — who are clearly highly experienced and very well regarded — will not have to come to Victoria and go back to school to be registered. I would certainly hope that we have a system in place to recognise that service in another jurisdiction. I also look forward to hearing the detail and the minister's views on how cross-border matters will be dealt with — for example, a worker might be providing a service in Albury in the morning and a service in Wodonga in the afternoon — and where registration processes sit in around that.

In relation to registration requirements there will need to be a close liaison with the TAFE sector, and there will also need to be a close liaison with registered training organisations more generally in identifying, creating or modifying courses that are in line with whatever those registration standards may be. In line with this, my discussions last week with the federal NDIS commissioner were around the fact that his office is currently considering a capability framework that will relate to the workforce. So as we set up this Victorian structure, clearly there needs to be very close communication there.

The federal commissioner has advised that his office is about to consult with the sector on a set of competencies that will be required and what needs to be addressed in that area to ensure the appropriate level of expertise. This certainly appears to directly relate to what the registration requirements may be in Victoria. Anything done at the state level needs to consider what is going on at the federal level in this space if the

federal commissioner has already indicated that that is an area he is looking into.

When we talk about the board that will oversee the registration process, I would like to put on the record the fact that the board will be working very closely with the federal commissioner. Given that the federal commissioner has advised that his office is going to look at the competencies required, we need that to be considered and included here. It needs to be a key part of anything that happens at the state level. Of course we also need to consider if other jurisdictions are considering a registration scheme.

Before I conclude I want to make some brief comments on the changes to the Residential Tenancies Act 1997. The NDIS does present a change to how support for people is delivered. As the minister pointed out in his second-reading speech, the current provisions in this area were designed for a different service model, and the changes that are proposed will allow supported disability accommodation residents to better choose the services they receive and to engage with those providers in relation to that. This bill does amend the Residential Tenancies Act to bring it more in line with the NDIS framework and the service provision shift that is contained in the NDIS.

In summing up, the timing of this bill is certainly interesting. It comes more than two years after the inquiry reported back. Despite this really long delay, it seems to have been rushed in 12 sitting days before the election, at a time that is certainly not timely with the recent setting up of the federal commissioner. There should have been more discussion with the federal commissioner before this bill was introduced. What is going on now, over the last week and between houses, should have occurred before this bill was introduced. There is a lot of discussion that will need to take place before implementation, particularly in the coming weeks, and I look forward to being informed of that discussion as this bill progresses between houses.

**Ms EDWARDS** (Bendigo West) (17:19) — I am really pleased to speak on the Disability Services Safeguards Bill 2018. Of course this bill comes directly from recommendations made by the Family and Community Development Committee, which I was pleased to chair at the time, and our *Inquiry into Abuse in Disability Services: Final Report* which was tabled in May 2016. Chapter 4 of the report referred directly to the disability workforce. The committee was quite clear on what its recommendations were in relation to the workforce, and this bill goes directly to one recommendation in particular.

We on the committee accepted that disability support workers, overall, do a great job and should not be made the scapegoats for a sector that, we were convinced at the time, had failed to protect people with disability from abuse. We also received quite substantial evidence over the time of the huge disappointment of:

... carers and parents of people with disability, who have placed their loved ones in the care of service providers, only to find that in doing so they have exposed their family members to sexual and physical assaults, neglect endangering life, financial abuse and incompetence.

We found that there was a workplace culture in the disability sector that required:

... profound change to ensure that the abuse of people with disability —

was prevented into the future. We understood of course that the disability workforce is comprised of:

many dedicated, committed and caring support workers.

We were also aware, though, that:

... as a workforce, disability support workers are amongst the lowest paid workers in the care sector, work in challenging environments that are often poorly managed, and are frequently poorly trained, or undertrained, for the complex tasks they are required to undertake. Moreover, disability workers work in an industry which is known to have punished whistleblowers, who give voice to incidents or patterns of abuse and mismanagement ...

That was an issue that the committee was very concerned about. We also accepted that:

... disability support workers should not be made the scapegoats for a sector that, as a whole, has comprehensively failed to protect people with disability from abuse.

The committee received substantial evidence of the bitter disappointment of carers and parents of people with disability who had placed their loved ones in the care of service providers. The report outlined in some cases examples of the kinds of sexual and physical assaults that have plagued the sector for a very long time. The failures and incompetence encompassed staff, management, supervisors and boards in both government and non-government disability sectors. We recommended as a consequence of some of the evidence that we received that zero tolerance of abuse become a guiding principle for the delivery of all disability services and that a demonstrated commitment to this principle be a condition of registration for all service providers.

In regard to the workforce strategy, the committee believed that it was essential that a statewide prevention and risk management workforce strategy be developed

and that that strategy be guided by the principle of zero tolerance of abuse and include such matters as workforce screening and recruitment, registration and deregistration, induction and supervision, training and professional development, certification and a workforce culture improvement. Accordingly we recommended that the Victorian government develop a statewide prevention and risk management workforce strategy for disability services, that this strategy be a core element of Victoria's new zero tolerance of abuse framework and that it address workforce screening and recruitment, registration, induction and supervision, ongoing training and professional development, certification and workforce culture. As a consequence, we are here today with this bill before the Parliament that addresses exactly that recommendation.

While the Andrews Labor government has been insistent that the national disability insurance scheme (NDIS) should be transformative for the lives of people with disabilities, it is also equally committed to ensuring that the scheme takes advantage of the opportunity to improve the safeguards of people with a disability and works with people with a disability and other stakeholders to ensure the highest standards of safety.

The bill builds on the amendments that were made to the Victorian Disability Act 2006 in 2017, which was designed to complement the national quality and safeguards framework that was implemented to oversee service providers, employees and participants in the NDIS. Victoria has always had the highest quality standards of any state or territory in the nation. Having said that, we want to retain that as we go through this transformative environment into the NDIS. The Andrews Labor government believes that some opportunities were missed in the development of the national system, one being specifically the establishment of a registration and accreditation scheme for the disability workforce that enshrines a career pathway for the profession based on minimum accreditation standards and acts to attract and retain a workforce that is hugely in demand. The expectation is that there will be over 25 000 new workers in the disability sector as a consequence of our transition to the NDIS.

We are not going to shy away from the fact that delivering on our promises to protect people with disabilities has been a huge task, but we are not going to shirk the responsibility of doing better than the status quo, which has been put in place by the commonwealth scheme. That is why Victoria is prepared to act above and beyond the national framework to institute a registration and accreditation scheme for the disability

workforce after the commonwealth refused to entertain one at the national level.

I heard the member for Ovens Valley talk about the new commonwealth disability discrimination commissioner, saying, 'Why do this when this has already been put in place at the federal level? The commissioner is now in place'. The reality is that you can never have too many supports in place to support people with a disability. You can never walk away from the fact that it does not matter if the commonwealth have their scheme or the state have their scheme; the fact is it is protecting people with a disability. We want to make sure that no-one with a disability ever has to go through what we heard in our committee, which was horrifying, confronting and so, so sad for people with a disability, for their families and for their carers. Consultation has occurred with this bill across government departments, as well as stakeholders, including the disability services commissioner and others.

I just want to quickly return to the concern regarding duplication, which is as much circumstantial as it is by design. The reason the Victorian legislation is being considered now at a time when the commonwealth commissioner has only recently been appointed is that, rather than undertake detailed consultation to develop the national quality and standards bill that the commonwealth legislated last year, it was just coathanger legislation — that is, the bill was light on detail and much of the substantive content of the national scheme was left to the regulations yet to be fully negotiated with the state and territories.

It really is a complicated process, but this bill is not complicated. This is clearly a way forward for Victoria and for our workers in the disability sector to have proper accreditation, to have proper registration and to make sure that any deficiencies that are found in the commonwealth scheme, based on evidence to date of systemic implementation problems with the NDIS rollout, are not the same here in Victoria. So while it might be a very noble effort by those opposite to protect the integrity of their federal colleagues, there is no fundamental problem with this bill, because when we are talking about the interests of vulnerable people, some duplication can actually be a good thing.

Having said all of that, I think that this bill is one that we should all be very proud of in this house. This is what we do as legislators. This is about protecting some of the most vulnerable people in our community, and that is exactly why we bring bills like this before the house — because we want to protect people who are vulnerable. I commend the bill to the house.

**Mr SOUTHWICK** (Caulfield) (17:29) — I rise to make some comments on the Disability Service Safeguards Bill 2018. As my colleague the member for Gippsland East raised, certainly the important elements of fundamentally keeping those with a disability safe should be absolutely paramount and key to anything moving forward. I want to commend the work the Family and Community Development Committee did back in 2016. It is a bipartisan committee, as our parliamentary committees are. Obviously that work has led to a number of its recommendations being taken up in this bill.

As the member for Gippsland East quite rightly pointed out, though, it has been two years since the committee starting talking about this. I would have thought that it would be important, particularly when we are talking about safety in the disability space and also after the inquiry into abuse in disability services, to move a lot faster. Nevertheless, we have this bill before us.

Elements of the bill that were previously mentioned, particularly around the replication of services and having a federal commissioner and a state commissioner, are very important. Certainly in my electorate we have a number of small providers that provide very, very important support to those with a disability, and many of those smaller providers find it very, very hard to work their way through a lot of the regulation. Many of those workers, as we have heard already, work largely for very little pay relative to the work that they do, but they do it because they are passionate about what they do. I know that when it comes to things like the national disability insurance scheme those small organisations have not applied up until this point for many of the programs that have been made available because the regulation surrounding this is just too complex and the cost involved in being a provider is prohibitive to many of those organisations taking part. I would hope that in this legislation we do not block out the very important work that those organisations do.

I want to particularly commend the work that the Jewish Disability Network does, which is to pull together a lot of the smaller organisations that I am talking about. I have had the privilege to be a patron of that group and have been very active in supporting them. Members of that group include Jewish Care Victoria, which has been providing very, very important work in the disability area for many, many years now. Whether it be the likes of providing programs, housing, work or training — a whole range of programs in the disability sector — they are at the forefront. We know that a lot of people in the broader area of disability actually go and look at a lot of the

work that Jewish Care Victoria does as a very important model.

We have another organisation called Access, which does a fantastic job. It is one of the organisations that I mentioned before that is largely comprised of volunteers with a very small workforce, and that is very much at the coalface of providing that kind of support. We want to make sure that they are absolutely able to do their work without being bound by a whole lot of regulation and red tape. In fact tonight I am attending the annual general meeting of Access, and I am sure I will hear of so many different things that the organisation does. In fact we will be presenting an award to Eleanor Wingreen. She is an example of the kind of volunteer we have in our community working in the disability space very passionately. She is very involved in providing support for the social enterprise that Access does. Access runs a baking enterprise, largely of biscuits that get distributed around a whole lot of cafes and retail outlets, and for the last three years Eleanor has been a volunteer every week, coming and picking up the orders of biscuits and delivering those to the retail outlets. She does not miss a day; whether rain, hail or shine, Eleanor is out there picking up those biscuits and delivering them to those retail outlets. What is remarkable about that is that her volunteerism is being done at the age of 80. So she is one of our seniors out there doing her bit to ensure she can help out. I know on top of that Eleanor has been an ambassador in her bridge club, where she has also recently fundraised for Access as well.

Access is a great example of our disability groups, particularly the smaller ones. We do not want them to be discouraged from doing the work that they do by having them spend most of their time filling out paperwork and being caught up in red tape as opposed to getting out there and doing the work. That is not to say that we should not ensure that the people working in the organisations have all the safeguards, checks and balances in place — absolutely — but we have got to get the balance right and not have these not-for-profit organisations completely bound up in red tape.

The Friendship Circle is another example of that. They have been fantastic in providing weekly activity groups where they have a number of people with a disability coming along to get involved in things like baking, music, storytelling and sport. The Friendship Circle have been operating for a number of years. Flying Fox have been doing a huge amount of work but one of the things that Flying Fox have been really good at doing, and Dean Cohen has led the way here, is providing a lot of camps for those with disability. They have carers who come in, a lot of whom are university students,

who go through a very intensive training program to be involved in that. Again, we do not want to stifle those volunteers, many of whom are university students planning careers in this vocation of carers and support workers, and some are not. But we do not want to discourage those volunteers who are doing very important work engaging with our youth. An example is Flying Fox, where you have got youth mentoring and looking out for youth. It is the perfect type of example that we should be promoting within our community.

Some of those organisations, as I mentioned, include Jewish Care, Access, Friendship Circle and of course Maccabi Victoria All Abilities, which does a whole range of things in providing sport and training and has had a fantastic program in place for a number of years. It was originally done through Lauren Mandel, but now a number of others have become involved as well, including Shari Cohen. This all culminates in the work that is done as part of International Day of People with Disability, including a lot of advocacy work that is done there. I will finish on that note by just saying it is very, very important — paramount — that we have safety at the heart and centre of anything we do. We talk about it with youth, we talk about it with family violence and women, and we certainly should be talking about it when it comes to those with a disability. At the same time we need to make sure that the great work that our volunteer organisations do is not inhibited by red tape and bureaucracy.

**Ms KNIGHT** (Wendouree) (17:37) — It is a real privilege to have the opportunity to speak on the Disability Service Safeguards Bill 2018. This is a really important bill. I have to say it is a relief to talk about something substantial and to talk about the people that we are here to represent rather than talking about ourselves. I have often spoken in this place about my personal connection to disability services through parenting a child with autism and an intellectual disability. I know that there are others in this place, in the other place and from all parties who also have this experience and understand everything that goes along with being a carer.

I remember in my inaugural speech talking about Tom and how difficult it was when he was young to get the lawmakers and the policymakers to listen to the difficulties and barriers that we faced as a family and as a community. I have spoken about how this changed under the Bracks government, under the responsibility of the Honourable Christine Campbell, who was a minister at that time. I recall the then minister coming to Ballarat and there being a forum including all stakeholders from the disability sector but also, importantly, including those living with disabilities. I

had never really remembered that happening before. I also recall thinking that it was the first time anyone had ever truly listened to us, and it left me with a sense of hope.

That was a long time ago of course. Fast-forward many years, and here I am standing in this place and talking about a comprehensive bill that is very much about protecting both those who live with disabilities and those people who work with people with disabilities. This bill, according to the second-reading speech, implements two specific reforms:

The first is the establishment of an independent registration and accreditation scheme for Victoria's disability workforce.

The second protects the rights of residents' in Specialist Disability Accommodation and enables them to exercise choice and control in their home.

This Bill ensures that this Government is meeting its ongoing commitment that Victorians with disability have access to the highest quality and safest disability services in Australia.

Again, if I can quote from the second-reading speech:

In 2016, the Victorian Parliamentary Inquiry into Abuse in Disability Services heard undeniable evidence of the widespread nature of abuse and neglect of people with disability. It found that for too long, the lived experience of people with disability had been ignored.

I want to take this opportunity to acknowledge the members of the Family and Community Development Committee who were involved in the inquiry into abuse in disability services. They were the members for Geelong, Frankston, Lowan, Eildon and Shepparton and Mr Bernie Finn, a member for Western Metropolitan Region in the other place. But the person I particularly want to thank with all of my heart is the member for Bendigo West, who chaired the committee not only through this inquiry but through the inquiry into services for people with autism spectrum disorder. I have known the member for Bendigo West since we were both elected to this place and count her as one of my dearest friends. Her role as chair of both these inquiries was not so much a job as a calling. Maree spoke many times of the stories that she heard from those giving evidence, and we talked often about the challenges of handing over a child to a system and having to hand over all the trust that you have in that system.

While I am giving thanks, I also want to thank all of those support people, including the Hansard people, who supported the committee and who also heard those stories that were very challenging.

The inquiry into abuse in disability services showed that incident reporting is vital, because people with a disability usually do not or cannot complain. Also,

often by reason of their disability, the victim was unable to escape, to vocalise their lack of consent or to call for help. A sense of violation and powerlessness was articulated along with articulation of their ongoing suffering as a consequence of the abuse they were subjected to. I spoke on this report when it was tabled as an interim report and would like to repeat a paragraph from that contribution:

What I find most difficult and heartbreaking about having an almost 26-year-old son —

he is almost 29 now —

with autism and an intellectual disability who is non-verbal is, firstly, what is going to happen to him when I am dead? That is a really difficult proposition to face ... my son has been in care since he was about 15, because I was unable to care for him once he got that big. Because he self-harms, he often has bruises, so one of the real dilemmas for me is how I identify abuse. He cannot tell me, he cannot show me and I am not there.

Again it is about trust. I want to emphasise that Tom leads a fabulous life. He has people around him who love and care for him. He has 24-hour care, and those wonderful, professional disability staff are worth their weight in gold. They constantly go above and beyond what they actually get paid to do, and I thank them so much for that. Most workers do the right thing, but not all, as was evidenced by the stories that the inquiry unearthed and the incredibly brave people who told those stories. There will always be difficulties when there are imbalances in relationships, as we see in the area of family violence. I think disability services is no different. When there is a power relationship, then we have to be so very careful that that power is not abused.

I often think that what I miss the most about being the mother of a child, and now an adult, with a disability has to be the loss of being his mum. I feel as if my role has been so focused on being his advocate, his carer and his case manager that I do not really know how to be just his mum, but that is getting a bit easier now. Maybe it is age — I think there is an element of that — but I also know that it is about bills such as this, bills that clearly say to people who live with disabilities and those who love them, ‘We have got your back’. Bills such as these say that people with disabilities are valued and they have a right — as does every other member of the community — to be safe, fulfilled and happy. This says to those who work in disability services that those workers deserve to be valued and safe. It says that those who work in the disability field are absolute professionals with a right to training and a right to support.

We are entering a time of great change. It is change that I hope will make things better. That was certainly the basis of the national disability insurance scheme (NDIS) developed by Bill Shorten after much consultation and then announced by the Honourable Julia Gillard when she was Prime Minister. My fear is that currently the federal government is more about saving money than enhancing the lives of people with disabilities. For the NDIS to succeed it must be based on individual needs. It must be approached with the mindset that people who do live with disability have the right to a full, happy and safe life. I have heard many stories of lives that have been transformed through this scheme, but I am also hearing stories of lives that have not improved. I was actually told in relation to my son that it was about saving money. Obviously they did not know who I was.

I want to thank the Minister for Housing, Disability and Ageing for his work and for his commitment to disability services and, more importantly, to people regardless of their level of ability. I am privileged to act as his parliamentary secretary, and I have been privileged to have discussions with him — honest discussions — about how we can improve the lives of those who live with disabilities and those who love them. I know that Minister Foley is absolutely committed to this bill and to anything else that can improve someone’s life. I do wish this bill a speedy passage through this chamber, and I do hope with all my heart and soul — and with the heart and soul of every carer — that it makes an absolute difference.

**Ms GARRETT** (Brunswick) (17:46) — It is a most solemn privilege to follow the member for Wendouree and the member for Bendigo West in their contributions on this very important bill. I can say I know firsthand, the member for Wendouree, that you are an extraordinary mother to your three children, including the beautiful Tom. The way in which you have approached motherhood with such passion and fierce love and such hard-fought advocacy is also how you have approached your role in this place. This place will be much poorer for when you leave it in November. It is people like you who have the courage and who have the values and the moral code that make this place a great place. Your lived experience with Tom, your journey with your child, has helped shape this bill. It has helped shape much of the outstanding policy that has come from the Andrews Labor government, and you should be congratulated and honoured for that.

That then brings me to the other musketeer, the member for Bendigo West, whose very close friendship with the member for Wendouree I have firsthand knowledge helped shape and drive the member for Bendigo West’s

passion as chair of this committee. She said to me before in a low voice when there were other debates on, 'We got everything we asked for'. That is pretty extraordinary. You got everything you asked for in this bill. So to those two amazing members of Parliament and to this Andrews Labor government: this is a really significant bill. As the member for Wendouree said, it is the most vulnerable in our society that we must make sure have the highest standard of care.

There are so many sensational people working in our disability services — you know firsthand and I know firsthand through family experience. We have a wonderful union in the Health and Community Services Union, as the primary representative of disability workers, which day in, day out stands up and always has the mantra of, 'You have to pay people properly. You have to give them the respect they deserve'. It can be really, really tough and hard work but extraordinarily rewarding work, and we want to give people certainty and consistency in their jobs. We do not want people dropping in and out and showing up and not building relationships with the people who very much become part of their own families and their own lives. So I pay tribute to that union.

But we always have to make sure that where there is vulnerability there is protection. Unfortunately, as we have seen, quite a few of what are supposed to be our institutions that protect and love people have been wanting, and sometimes in the most heinous of fashions. It is the purpose of this legislation to protect those people. It is the work of Labor governments in introducing things like the national disability insurance scheme (NDIS) — and we have to be really honest about the NDIS, these are massive transformative national changes. It has got a lot of work to go. All of us who know and love people with disabilities in our own families and our friends know that we have got a long way to go, but we have to start. We have to give people the best possible care and the best possible capacity to realise their potential. I really loved that part in the member for Wendouree's speech about what a wonderful life Tom does have. He has a lot more challenges than most of us, but his life is filled with love and surrounded by family. He is a wonderful young man.

So thank you to both of you. Thank you to the cabinet and the Premier for this bill. As has been stated, it is going to make some really important changes to implement a registration and accreditation scheme that will protect the rights of people with a disability to be safe and receive high-quality services, to enhance service quality by ensuring workers have the necessary skills, experience and qualifications, and enable people

with a disability to exercise greater choice and control in their lives. That is a most noble pursuit.

It is going to be arms-length from the government to operate a registration and accreditation scheme. This will include positive aspects like workers registration and also dealing with bad behaviour, including code of conduct functions. The regulator will have a board, the Disability Worker Registration Board of Victoria, which I am sure will attract the highest quality people, and a statutory commissioner — the disability worker commissioner — with responsibility for the licensing function and the commission. This is not just putting money where your mouth is; it is putting powers where your mouth is. It is putting in regulation — things set in stone — that will mean these safeguards will be overseen, monitored and delivered. That is the great benefit of this scheme, and the people who will feel its benefits are some of the most vulnerable in our community.

On that note, I want to commend the bill to the house. I want to again thank the member for Wendouree and the member for Bendigo West for all of their work, their compassion, their love and their steely will. This bill will change lives.

**Mr J. BULL** (Sunbury) (17:53) — I am very pleased to have the opportunity to contribute to the debate this evening on the Disability Service Safeguards Bill 2018. Before I do can I acknowledge the passion, the commitment and the dedication of the members for Bendigo West and Wendouree for all of the work done in this space and for making this bill possible. The Andrews Labor government believes that every Victorian, regardless of their circumstance, is entitled to a fair go and a shot at a quality life. We believe in the best possible care for all Victorians, including of course those with a disability.

I have been fortunate enough to form some great friendships with some people who have disabilities. Mum worked for many years as an integration aide in Sunbury, and this is something that I have always been very thankful for. It is something that, as other members have mentioned this evening, opens your eyes. It opens your eyes in many ways. You learn of course that disabilities can make a person's life very complex. You learn that people with disabilities are incredibly strong, incredibly proud and work so very hard each and every day at everything they do. You learn of course that what matters most is real support and genuine access to quality services when and where they are needed. That is what is required to ensure that a person can grow and learn and reach their full potential. You learn how important that quality care is.

This government believes that we are here and charged with supporting and caring for all Victorians who need us and who rely on us. I did hear members mention earlier in other contributions that those who work with disabilities do, on the whole, a terrific job. It is my belief that these people do not get enough praise and enough recognition within our community for the incredibly important work that they do. I would like to put on record my thanks and appreciation to the wonderful Victorians who of course work so very hard with people with disabilities to help make their lives better. It is not just in my community alone. I am sure other members would have very similar circumstances in meeting with many carers, workers and service providers who genuinely care and who try their very best to do an outstanding job. What is clear, however, and the purpose of the bill this evening, is that we know the system can of course be improved. That is the purpose of this bill.

Unfortunately we have seen cases of abuse and neglect, cases that break hearts and break minds and are of great concern for all involved, especially the individual and their family. This bill is about ensuring that people with a disability have the right, as we all do, to be free from harm and abuse. The bill captures and reflects what the Andrews Labor government are committed to doing, and that is protecting all Victorians both now and into the future.

The bill protects Victorians with disabilities by establishing a registration and accreditation scheme for the disability workforce and reforming rights for people in specialist disability accommodation. We heard earlier in relation to the 2016 Family and Community Development Committee inquiry into abuse in disability services that the committee recommended as part of a zero tolerance approach to abuse that the Victorian government adopt a workforce strategy for disability services, including screening and registration of workers — a fairer system and a better system.

Recognising that this government's responsibility to people with disability does not end with the commencement of the national disability insurance scheme — which is a massive and long-overdue reform and which represents a significant change to the way things are managed within our communities — this bill provides the legislative framework to improve the standard of lifestyle for those who live with a disability and ensures that protections are in place, of course, if something goes wrong.

The key elements of the registration function to be administered by the board include legally protecting the titles of 'registered disability practitioner', 'registered

disability support worker' and 'registered disability worker'; establishing a public register of registered disability workers; giving the board the power to accredit disability qualifications; importantly, introducing mandatory reporting obligations for disability workers to report misconduct; and giving powers to the board to set standards and guidelines for the conduct of registered disability workers.

The bill as we have heard this evening makes amendments to the Residential Tenancies Act 1997 and makes consequential amendments to the Disability Act 2006 to give specialist disability accommodation residents funded through the national disability insurance scheme or the commonwealth's Continuity of Support program the option to exercise their tenancy rights through either a specialist disability accommodation residency agreement or a general tenancy agreement. For the first time, people with a disability will have access to a verified, publicly available register of qualified workers using standardised titles.

The scheme not only provides benefits to people with a disability but also recognises the hardworking, qualified and capable workers in the disability sector. I again take the opportunity to acknowledge the incredibly important work that this sector does each and every day within our communities. I am sure that members from all sides of the chamber will agree that these people are genuinely special. They perform an incredibly important role in supporting individuals and families that are dealing with disabilities, making their lives the best they can be. But having a structured system, a better system, a system that ensures that there is a quality framework and safeguards in place to ensure the best possible care — that should be the focus of each and every member of Parliament.

This bill supports Victoria's ongoing role in regulating accommodation rights, while safeguarding and protecting people with disability. We are ultimately delivering on choice, control and safety for those that live with disability. I am incredibly proud to know that this framework will make a difference. It will improve lives. It strives to end the abuse and neglect that can occur to those in often very vulnerable situations. Bills like this in many respects are not a joy to bring to this place but rather a necessity. It should always be a government's focus to improve systems and frameworks around the way that a state cares for its people. We know of course that in a perfect world you would not need such oversight, but it is not a perfect world, and people with disability deserve the very best care.

This government stands with each and every Victorian. We stand to make Victoria a safer, stronger and better place for this generation and generations to come. The Andrews Labor government is a government committed to getting on with things and to delivering the infrastructure, the services and the funding right through each and every sector in our community. We are a government that puts people first, that listens to communities and acts to ensure that important pieces of legislation, like this piece of legislation, come before the house, are passed through the house and in essence make an individual's life better. I commend the bill to the house.

**Mr PEARSON** (Essendon) (18:03) — I am delighted to make a contribution on the Disability Service Safeguards Bill 2018. As I have indicated in this place before, I had the great privilege and honour of working with David White, who was a former health minister in the Cain government, from 1985 to I think about 1989. David was involved in the practice then of deinstitutionalisation. He used to tell me stories about what he would see as health minister. He would go to those sorts of facilities at the time. He described how one time he walked into a room and there was a man who would have been a middle-aged bloke. The man was standing gazing out of the window. David said to the man, 'Well, what are you looking at? What are you doing?'. The man said, 'I just want to go home'. So David spoke to one of the carers and said, 'How long has this man been in this facility?'. The response was, '30 years'. He had spent his whole life there but he just wanted to get out.

Willsmere was a psychogeriatric facility. The conditions were appalling. There were peacocks in the gardens. David would go there and see the peacocks and think, 'This is quite a nice setting. You've got peacocks wandering around. It's green'. The peacocks were there to disguise the screams of anguish and trauma of the psychogeriatric residents at Willsmere. They were basically locked up, they were not cleaned and they were not properly cared for. It was dreadful.

In the case of Willsmere, what would happen would be that you would start working there, probably as a cleaner. Then after a few years you would progress to the kitchen and you would be a kitchen aide. Then after that you would become a cook, and after that you became a carer. So there were enormous industrial challenges from David's perspective, as he tried to deal with a workforce that was entrenched and that had come through the ranks. And quite rightly they were frightened about their jobs and their future because they had effectively worked their way through and did not necessarily have the skills to look after the patients.

For David it was something he felt very strongly and passionately about — about the importance of deinstitutionalising these institutions, about letting people who were living in these sorts of facilities live amongst us in the community. I think David would say, and I would be inclined to agree, that there was a need obviously to make sure that the state provided the proper funding to ensure these people could live amongst us in the community, and one of the challenges I think of the early 1990s for the Kennett government was that deinstitutionalisation occurred at the time of a change of government when there was inadequate resourcing, and so people were improperly housed. They were not properly cared for, they did not have the support they needed and they really struggled. I think that we have come a long way, now in 2018, bearing in mind that with deinstitutionalisation we are probably talking about a journey of 30 years and we are trying to turn around what had been customary practices of generations.

Interestingly the reason why they chose the site for Kew Cottages back in the 19th century is that it was on a hill. The idea was that the so-called fumes from the mentally ill would go up into the sky and not contaminate the populous. That was the thinking. Kew Cottages was positioned where it was on a hill so that the fumes from the disease could not infect those who were not ill. It is quite bizarre when you think about it in this day and age.

The Disability Service Safeguards Bill looks at trying to provide greater levels of quality of care, and I do acknowledge the work of the former committee that made this investigation. I think that when you have a bill like this come before the house that reflects the work of a committee — a bit like with the Betrayal of Trust committee in the former Parliament — it is a tribute to what we can achieve when we work together constructively and collaboratively and when we come together and use our best endeavours to try to identify a problem and a solution and collectively come up with a way forward, because the reality is that no one side of politics has a monopoly on good ideas and no one individual has a monopoly on good ideas. We all have the ability to bring our own unique experiences — our lived experience — to the floor and to then say, 'From my perspective, this is what I think we can do'. A well-functioning, well-structured committee, where you have got an engaged and responsive chair, leads to I think good outcomes, and I think the work of the committee has brought us to this position now where we have got a really good quality bill before us.

Certainly in my very brief time as the member for Essendon I have got to know Valley Carers. It is a real

challenge — and I listened to the member for Wendouree's contribution earlier — when you talk to parents about their fears and anxieties about what happens when they can no longer look after their children and what happens to them when they die. I have got to know a couple of families through Valley Carers, and it really is worrying, and I think for these families in particular what they want to have is good-quality housing for their children. They want their children to live in a safe environment, particularly if they have daughters, because the sad reality is that disabled women have got probably one of the highest rates of suffering sexual abuse in our community. So for these families they do want to think about providing safe housing with proper supports so that their children can live well.

I did a visit out to the state district of Burwood and an Ashwood facility that is run by the Port Phillip Housing Association. I think it was commissioned in 2010, and I am pretty sure the now member for Burwood opposed that project, though I could be wrong. But at that facility which I visited I met a couple of women who would be in their 50s or 60s, and they were both intellectually disabled but were living together. Their unit was beautiful. They were well supported, they were well cared for and they were safe, and I think if one of my children were disabled or if one of my children were to become disabled, then that is the sort of environment I would want them to live in. I would want them to live in a safe place where they have got good-quality care and where they are properly attended to.

The bill before the house is comprehensive, it is detailed and I think it is a testimony to the work and endeavours of the former committee. It puts quality at the forefront, which is what you would expect in this day and age, and we need to have a more honest conversation about how we can be better when it comes to dealing with people with a physical or an intellectual disability and how we can ensure that they get the proper care that they need, because — returning to my earlier comments — once upon a time what would have happened is that a child would have been disabled with varying levels of disabilities and they would be shunted off to a facility like Kew Cottages or Willsmere and then forgotten. We are better now as a society and as a community. We are far more responsive and engaged and are looking at providing a better quality of care for people with a disability, and making sure a bill like this comes before the house to address that, particularly in light of the introduction of the national disability insurance scheme, I think is a really important initiative.

So I commend the work of the committee and I commend the work of the Minister for Housing, Disability and Ageing. He has done a power of work in his portfolio over the course of this term. I have thoroughly enjoyed working with the minister on a number of projects, particularly in the public housing space. He has really made a significant contribution in the time that he has been a minister of the Crown, and I am delighted to commend to the house such a worthy, detailed and quality bill as the Disability Service Safeguards Bill 2018.

**Ms WILLIAMS** (Dandenong) (18:13) — It is my pleasure to rise in support of this very important bill that is before the house today. A number of people have reflected on the significance of this bill, and we have heard some really quite heartfelt and harrowing personal accounts of what this means to members in this place, but I want to start by saying that throughout the process of planning for and transitioning to the national disability insurance scheme (NDIS), Victoria has led the push for the highest possible standards and the highest possible quality of services, particularly under the leadership of the Minister for Housing, Disability and Ageing and the Andrews Labor government. We after all have already led the nation in our standards, but we also know we can do more and can do better, and I will touch on that shortly.

For us the NDIS has also provided an opportunity to lift the standards across all Australian jurisdictions and not just find a middle ground that might lead to improvements in some places but regression in others. This national discussion that we have been having over many years now about standards and about quality and safety has not always been easy, and I am sure the minister would agree with that, but I think Victoria should be very proud of the position it has taken in that national discussion and of its uncompromising commitment and uncompromising quest for the best safety and the best quality standards that we can possibly attain.

I think separate to that discussion that has happened nationally, the bill before us today is another example of that commitment. It is another example of that unwavering doggedness to ensure that people living with disability and of course also the workforce in that space are subject to the best possible care they can be subject to and that for those working in that space they have the best possible standards they can work in, as well as obviously developing the best possible skills they can as well. I think that is incredibly important in terms of the provision of services too.

Like others in this place my life has been touched — or more than touched — by disability. That comes in the form of having had two aunts and an uncle with an intellectual disability, one of whom sadly passed away before I was born, but my Uncle Paul and my Aunt Jeanette are alive and well. Their lives and the story of my mother's family have very much been the backdrop of my life and my sisters' lives and probably the lives of my cousins as well. I say that in the sense that having a family member with a disability, having a loved one with a disability, you see their vulnerability and see their dependency on services, see how awful it can be when things go wrong but also see how wonderful it can be when things go right, how enhancing services can be both for people with disability and also for those family members that are so often unpaid carers in the lives of those people. That backdrop is incredibly influential in the lives of anybody who has that in their life.

When I was looking at the bill that is before us today and what it achieves, I could not comprehend the information without thinking about the faces and the lives of the people I know and love, and the faces and the lives of the people I know will be affected by this legislation and in turn all their networks. It is really important when we think about these initiatives that we do not get caught up in the details of regulation and the words, that we actually reflect on the fact that this is ultimately about people. It is about people who, sadly, have experienced over many, many years abuse and abuse of their rights. But we are finally coming to a point in time when we can acknowledge that, acknowledge their trauma, shine a light on their experiences and not only say we can do better but also be part of a national discussion where we can talk about concepts like choice and control and putting these people at the centre of their own decision-making, their own world, their own lives and their own futures. I think that is such an important place that we are in right now.

I suppose in addressing some of the comments that were made by the opposition through their lead speaker's contribution about their concerns with the intersection point of this piece of legislation and the existing national scheme, through the NDIS, I would urge — I am trying to think of the right word — him and his colleagues to think about the significance of what we are undertaking and to be proud of Victoria's contribution and commitment to ensuring that Victorians with a disability, and the Victorian disability workforce, is as well protected as it possibly can be, and unashamedly so. We are not ashamed of that; we do not resile from that. We are very proud of the commitments we have made, and we are very proud of the fact that we believe wholeheartedly that Victorians with a disability deserve nothing less than the best possible protections we can

afford. I think the legislation before us today should be seen through that prism.

As others have outlined, the legislation before us, the Disability Service Safeguards Bill 2018, implements a registration and accreditation scheme for the Victorian disability workforce. That scheme seeks to protect the rights of people with a disability to be safe and to receive high-quality services, as I have outlined, but also to enhance service quality by ensuring that workers have the necessary skills, experience and qualifications, and to enable people with disability to exercise greater choice and control in their lives. As I have outlined, that concept is incredibly important in ensuring that we give these people and their lives meaning and respect and essentially afford them the rights that they have often been denied for too long.

The bill updates the rights of people living in specialist disability accommodation to align them more closely with the rights of other tenants in the community. The bill provides continuity of existing specialist protections to give effect to one of the core tenets of the NDIS, being choice and control, as we have discussed, by separating residency rights from service provision. It also ensures that the Victorian regulatory requirements do not conflict with those under the NDIS so that residency rights are enforceable.

We have also heard from other speakers about the 2016 inquiry into abuse in disability services. That inquiry, as we have heard, produced undeniable evidence of widespread abuse and neglect of people with a disability over a very, very long period of time. When I reflect on that, part of what makes me sad is that we probably only know about some of the abuse; there will be a whole lot of abuse that we will never know about. There will be many incidents that will remain secret forever, and it pains me to think that. It pains me to think that there is silent hurt and silent pain being felt by many people who have been victims of this abuse, who may never be given a voice. That is why that inquiry, in and of itself, was so important, because I would like to think that it has given a voice by extension to a lot of people who may never have had the opportunity to have their particular complaints addressed.

That inquiry really set the backdrop for this legislation, because it highlights why this is so important and why the NDIS is so important. In saying that, I also want to acknowledge that as important as NDIS is and disability reform is, it has not been easy; it has been an incredibly challenging time for people. We often say quite flippantly that this is the biggest social reform since Medicare, and then we move on to the next sentence. But if you stop and reflect on that, you realise

just how significant that is. It the biggest social reform since Medicare. This is more than an upheaval of the system; it is a rewriting of the book. And of course that is going to come with teething problems and difficulties.

In my closing few seconds I just want to pay tribute to the 736 000 unpaid carers, many of whom are navigating the system at the moment. I commend the bill to the house.

**Ms SHEED** (Shepparton) (18:23) — I am pleased to have the opportunity to make a contribution on the Disability Service Safeguards Bill 2018. I am aware that there are really two major tranches of reform coming through in this bill: firstly, the establishment of an independent registration and accreditation scheme for the disability workforce; and secondly, a scheme to protect the rights of residents in special disability accommodation to enable them to exercise rights and choices that they probably have not previously enjoyed.

I was a member of the Family and Community Development Committee when we undertook the inquiry into abuse in disability residential services. That was very shortly after I entered this place, and it was quite an experience to be part of an inquiry that delved very long and hard into the issues that were put before it. While we had a scheme to deal with a range of issues that arise in relation to abuse in this field, the *Four Corners* report in November 2014 really highlighted the deficiency — many deficiencies in fact — that existed, and no doubt that was one of the triggers for bringing on the inquiry that followed. Similarly the Ombudsman had also undertaken a very wideranging, broad inquiry into abuse in disability services and made some very scathing comments and some recommendations — all that while we did have a disability services commissioner in place.

In relation to employment issues, we had a disability worker exclusion scheme that was run within the Department of Health and Human Services, which we learnt about during the course of the inquiry, and there was a disability worker exclusion list. The list contained details of people who posed a threat to the health, safety or welfare of people with a disability living in disability residential services. The scheme had been set up within the department to deal with issues that were clearly there. There had been a serious lack of vetting of people who were employed in these sorts of services.

Some members might remember the Kumar case — a criminal trial involving a disability service worker charged with rape. During the course of the evidence, as I understand it, it was pretty clear that not many

people had done any work to work out what his previous history had been before he came into it and that had they done so, that situation would not have arisen. It became very clear during the course of the inquiry that there was a need to look into ways of improving the basic safety and needs of people in residential disability services — people who are so vulnerable and who are at the mercy of the workers. Unfortunately there were too many cases of abuse that we heard about that had clearly been going on for a very long time.

I have to say that I was extremely moved during the course of hearing evidence from parents and siblings about the absolute helplessness that they felt in the face of knowing that abuse was being perpetrated on their loved one in such a service — and not only that but the absolute inability of the system to satisfactorily deal with their complaints. In some ways that was like twisting the knife in the wound for so many of those families. They became aware of the abuse that was occurring and wanted to advocate for their family member and wanted things to be better, and they found that they were hitting a brick wall with the disability services commissioner.

The issue of the employment of appropriate people within these services really arose as being a very major factor in the course of that inquiry. The terms of reference of that inquiry included the committee looking at workforce recruitment screening, induction training and supervision, and provider registration requirements. That indeed is what happened, and strong recommendations were made around that.

This very substantial piece of legislation, the bill that is before us today, goes into great detail in dealing with those sorts of issues. It will be very pleasing and very well received by many of those families out there that have those vulnerable family members who are in so many ways at the mercy of their carers, day in and day out, 24 hours a day. While so many workers in that field are to be commended and do a great job, we do have to be wary of the fact that this is an area where perpetrators will place themselves and where in some ways they can find easy targets. So this screening and registration process is not coming too soon by any means. It is just essential that we have it.

I think one of the other things that really struck me about the evidence that we heard was the number of elderly parents who had family members in care who were now adults, and their greatest stress was what would happen to that disabled family member once they were no longer there to care and advocate for them. Again, I think a piece of legislation such as this

will provide some comfort that when they are gone and their adult disabled family member is still a part of the system and still in need of care, at least there will be standards in place that will be implemented to provide a greater level of protection and to provide places to complain to and places to have their complaints dealt with more effectively.

Over the course of time since the recommendations were tabled in this house, a range of amendments have been made to the legislation that have implemented some of those recommendations. I am pleased to see here today these particular changes which do implement many of the recommendations that were made.

In Shepparton — and I represent the Shepparton district — we have the national disability insurance scheme (NDIS) arriving in January 2019. It has been rolling out across the state, starting in Barwon, since several years ago. It has been interesting to watch the implementation of the scheme. There is no doubt that there are many problems, many difficulties, associated with it. I think, given that it is now a national scheme that is in place, there will be many challenges in sorting out what is going to be dealt with at a state level and what the federal government will be responsible for. There were many recommendations around, first of all, having a royal commission into the issue of abuse in disability services, but that is pretty clearly not happening. The march is now on to get implementation and to get all of this work rolled out on the ground.

I regularly hear, even though I am a state member, complaints about difficulties people are having in their interactions with the NDIS, and I think it really is incumbent upon the government, the federal government in particular, to make sure that there is someone at the end of a phone line and that there are enough support workers out there to help people prepare their case plans to be sure that people are able to access the services they need. It is a great plan. It was a bipartisan plan in the federal Parliament and one that everyone wanted to see happen. But it is now incumbent on all of us — state, federal and at every level, including local government, which has a role in this area to some extent — to make sure that it works and that it works for the benefit of those people who are so much more vulnerable and who are unable to advocate for themselves. I have concentrated more on that side rather than the issue of tenancy and the safeguards there, but I support those too. I commend the bill to the house.

**Mr CARBINES** (Ivanhoe) (18:33) — I am pleased to follow the member for Shepparton in speaking on the Disability Service Safeguards Bill 2018, and

particularly picking up on some of the comments she made in relation to residential tenancies. I will certainly come to those, given that the member ran out of time to perhaps give us her views on some of those matters.

I will start with a couple of acknowledgements, and I mention in particular the Deputy Speaker in fact, the member for Bendigo West, and the work she has done as the chair of the Family and Community Development Committee, which inquired into and in 2016 reported on abuse in disability services, along with the team that she worked with, our parliamentary colleagues. We were both elected to Parliament in 2010. I have always been very impressed and thankful for the work that the Deputy Speaker has done in her role as the member for Bendigo West. I know that the work of the committee that she chaired has informed a lot of the content of the bill before us today.

Can I say at the outset that these are issues that I am interested in and my community is interested in. In the Ivanhoe electorate we have a very substantial proportion of staff or employees in the disability sector workforce, and of course one of my constituents happens to be secretary of the Health and Community Services Union (HACSU), Lloyd Williams. I want to place on the record today the work of someone who I have known for 20 years and beyond, Lloyd Williams, and his union, as an advocate for not only disability services workers, who make up a very large proportion of constituents in my electorate, but also people with disabilities and their families. What you find when you run an organisation, a union, that seeks to improve the workplace for disability services workers is that what you are also doing is improving the opportunities, improving the standards and improving the expectations and accountability of disability service providers. That is a critical role that Lloyd Williams and his team have played for very, very many years.

He runs a very respected organisation, and he is very respected by his members. I know that because in my community and in the work that we have done together — with Lloyd and his team — for past community services ministers in the Bracks government, including the former member for Melbourne, Bronwyn Pike, over very many years he has been a strong advocate not only for disability services workers, providing pathways and opportunities for them to improve their professional development and also their pay and conditions and making sure they are appropriately supported in the workplace but also for placing greater demands and greater regulation, expectations and accountability on disability service providers. That is a critical piece of work. He maintains

a role as a key stakeholder in the work that we are doing here.

That takes me to what I, being old-fashioned, would probably refer to as community residential units. While the terms and names may change, part of what I want to put on the record today is that in the move in this legislation to pick up the Residential Tenancies Act 1997 (RTA) in relation to some of the accommodation arrangements by disability service providers and those safeguards — I do not say it is a concern — the capacity for Consumer Affairs Victoria to be resourced in a way to be able to hold to account and manage the accommodation rights and responsibilities of people with disabilities and their families is something that this Parliament will need to watch very carefully.

It is my view, as someone who has worked in what was the old Department of Human Services — and it is certainly my understanding and my experience of the accountability and the responsibility of what is now the Department of Health and Human Services (DHHS) and its previous iterations — that it had a very strong responsibility, response and understanding in dealing with the needs of disability service accommodation providers. While I can understand the decision to have the RTA pick up those responsibilities and I can understand the motivations around those decisions and the role of Consumer Affairs Victoria in that, I think we need to make sure not only that they are properly resourced but that they understand and have people, not just in DHHS, who have worked with disability services clients, people with disabilities and their families in many other aspects of their engagement with government.

We need to make sure that Consumer Affairs Victoria, with the RTA that it needs to enforce, understands the roles, responsibilities and obligations they have to people with disabilities, because whilst it is an accommodation issue, it is also a care issue. That is what people in DHHS do every day, and I think they understand those matters. I want to make sure that that transition is understood, and I place on the record not my concern but my desire to make sure that in the very best intentions of this bill it works effectively for people with disabilities and their families.

The community visitors program is another area that is important to me, and I want to again stress the work of HACSU in ensuring that there is registration of disability workers. Community visitors are very keen on the certificate IV qualifications for disability services workers and providing greater pathways and opportunities for them to get experience in the workforce. I think it is great to have the registration of

disability service workers, and the way in which that registration board has the capacity, as it is outlined in the legislation, to work is critical and really important.

I think that is again about understanding, resourcing and placing greater professionalisation around people who do great work and who deserve to have better structures and accountabilities in legislation around the way in which disability service providers are obligated to make sure that the people they employ to look after vulnerable people with disabilities in our community are the right people to do that work and have the right qualifications. That is an accountability that the union and others can provide through these structures and those workforce regulatory qualifications.

It might sound a bit boring, but I tell you that when you look at how that has worked in many other professions this is again about extending opportunities through the professionalisation of those registration boards for disability service workers — creating a pathway — and the accountability on organisations that employ those people to make sure they are meeting their obligations and standards as well. So there is a lot in relation to this bill on disability services safeguards that we should be very pleased with. I know community visitors are very pleased about the opportunities the bill has in relation to qualifications and the certificate IV work outlined in the bill.

I have expressed my support, but my concern is to make sure that the RTA, as it is applied to what were those community residential units and accommodation arrangements, continues to be appropriate and that Consumer Affairs Victoria are on notice that they are going to have to step up and demonstrate that they have the capacity to empathise with, understand and drive the best interests of those with disabilities and their families and those who are charged with resourcing their accommodation options — and given taxpayers funding to do so. That is really important to me, and it is certainly important to the way in which people who are employed in that sector are also supported to do their job.

Can I say also more broadly in relation to the national disability insurance scheme (NDIS) and the way in which it has been operating that I have dealt with very many people, organisations and communities that understand about there being a big block of money for them to go and do things, but now we have got community organisations, small organisations, that have to understand they are dealing with people on an individual basis. That is a bigger challenge to resource. It is a bigger challenge for them to grasp and understand. Perhaps it is a lot better than saying,

'Here's a bunch of resourcing for people with disabilities'. We are actually trying to deal with people individually, the disabilities that they have, the challenges that they face and the choices that they would like to make.

On how these things work in my electorate that is covered by the federal electorate of Jagajaga — and I want to acknowledge the work of our federal member, Jenny Macklin, both as a past minister in the Rudd-Gillard governments and the work that she did with the now federal Leader of the Opposition, Bill Shorten, who was a parliamentary secretary in relation to the development of the NDIS — certainly together we are working very closely with local disability service providers to ensure the NDIS acts in the best interests of residents in our local community, just as many other legislators here are dealing with those challenges in their communities. They are challenges, but we will work together to make sure they support people in disability services.

**Mr HOWARD** (Buninyong) (18:43) — I am pleased to also add my comments in regard to this significant bill, the Disability Service Safeguards Bill 2018. I start by expressing a sense of disappointment that those on the other side of the house have shown so little interest in this bill that is before the house, and I think in all we have only had two speakers from the opposition benches. That is somewhat disappointing, because what we have seen, particularly in the last 10 years, is that there has been a much greater acknowledgement of the need for support for people with disabilities across this country, and of course the focal point of that has been addressed through the national disability insurance scheme (NDIS), which is revolutionary in its approach.

On that score I have to commend the now federal Leader of the Opposition, Bill Shorten, who, as the former federal minister responsible for people with disabilities, was the one who promoted this concept. I know that in my electorate those with disabilities were very excited at the discussion that took place in regard to this possible scheme going forward, which would actually give people with disabilities the ability to choose the services they needed, provide them with the funding support that they needed and then allow them to determine how that funding support could best be spent — a revolutionary concept — rather than simply enrolling people who had disabilities into particular projects and supported arrangements, which may not have been in their best interests or may not have met their full needs.

With the establishment of the NDIS we have now seen a significant increase in the amount of funding that is going into supporting a whole range of people with a whole range of disabilities across this country. What that then has meant is there is a need for more people to be employed in supporting people with disabilities in the range of services that they have determined they think are necessary. Both a report from the Ombudsman and a report from a parliamentary committee looked at issues associated with the staffing support for people with disabilities and identified that there have been many problems in the past where people who are vulnerable have been abused. Also, we have recognised that some of the people who have worked in the disability field have not been appropriately trained, have not been appropriately supported and, in some cases, clearly have been inappropriate to be working in that area.

This bill is the result of listening to that advice and recognising that with more and more people moving into the area there is the need to provide a training, accreditation and registration system that can ensure that all of those people who work can be appropriately registered with the people who are employing them, knowing that they have some appropriate accreditation and knowing that they are appropriate to work in the areas that they are working in.

In talking about the NDIS, I also want to say that I am pleased it is now operating in the Ballarat area. Ahead of it coming to the Ballarat area, I went down to Geelong to talk with the NDIS people there — the Barwon area was the first area — and I was very impressed by the stories I heard of young people with disabilities who never thought that they could go on to get university qualifications or be trained in skills. I remember one person talking about how excited they were to have learned skills in the area of hospitality and that they could then get work in that area when they initially had thought that was way out of their area of opportunity. There were so many people whose thresholds for what they could achieve were opened up through the NDIS and through good people working with them to identify what their interests were, what their capabilities were and how to bring supports to ensure they could achieve the maximum out of their lives. When it is working well new things have been achieved for so many people through the NDIS.

Sadly, though, the first phase, as it was rolled out in Barwon, has not been practised as fully in other areas as the federal funding has been tightened and cut back in some areas. I know in Ballarat there have been many frustrations, where people have had high expectations of the NDIS coming into the area and then found they

were not being met the way they had expected. They have had to deal by phone or even over the internet to connect to people who can provide them with advice. They have had to jump through hoops to be accredited. It has not been a very user-friendly service for a number of people, and it has taken them some time to eventually gain the funding support that they have needed and to have it delivered in the ways they have required. I am pleased that with the many cases I have dealt with eventually we have seen positive outcomes, but sometimes it has been slow to come.

Moving on to the bill, as I have said, the NDIS means there are so many people employed in this area, so the aim of this bill is to ensure we have an appropriate accreditation system. In working through that, this government has done the appropriate thing of consulting broadly with people with disabilities, with advocacy groups and with a broad range of providers to establish the key things it needs to do to be able to put in place the best and the most appropriate registration service.

What this bill will do, as others have said, is establish the Victorian Disability Worker Commission. The commissioner will be appointed following the passing of this bill — presuming it does pass — and that commissioner will then work through a range of aspects, looking at the function of how the commission will work. The key thing is it will be registering people to work in the area — a positive function — and on the other hand it will also be able to deal with complaints that might come in so that it can work through them.

There are two aspects to the role of the commission: to set in place the appropriate registration and to ensure the right training is provided — and I am pleased to see there are opportunities for training — and then there is an investigation and complaints procedure that the commission will also be able to follow through on. They are key things that anybody with a disability, who is clearly vulnerable, working with support workers needs to be confident about: that the people who have been appointed to work with them are going to be clearly registered and understand what is required. If the process is done correctly, there should be less complaints, but if there are complaints, somebody is going to listen to them and follow through on those complaints. That is clearly the key to the first half of this bill, which is the major part of the bill.

There is a second part of the bill that looks at specialist disability accommodation and recognises, again to be compliant with the NDIS, that there needs to be a split between service provision, as it was, and accommodation, so that those with disabilities can

determine which is the best accommodation for them, whether they want to live at home with their family or in other circumstances that might be available to them. Beyond that they can then select the appropriate support services that they will want to back up wherever they choose to live.

We recognise that the bill will give much more choice to people who are in need of specialist disability accommodation support so that they can access that support separate to their accommodation. This bill recognises the additional issues that are required in terms of the provision of that accommodation and the safeguards that are put in place. In determining this a lot of consultation took place so that we would get it right. I believe this bill does get those issues right to support people with disabilities into the future.

**Ms COUZENS** (Geelong) (18:53) — I am proud to rise to speak on the Disability Service Safeguards Bill 2018. I want to start by congratulating the Minister for Housing, Disability and Ageing on his commitment to ensure safeguards are in place for people with disabilities in Victoria.

As a member of the Family and Community Development Committee which undertook the inquiry into abuse in disability services, I am proud to see the great outcomes being dealt with in the chamber today. It reflects the Andrews government's commitment to protect some of the most vulnerable people in our community. During the inquiry we heard shocking stories from parents, family members, workers and other professionals in the disability field. We held a number of hearings across the state, including in regional Victoria and here in Melbourne. There was a great deal of evidence given by family members, by parents and by those who worked in the disability sector. There are many great workers in the disability sector who are very committed to what they do, and they do want to protect the most vulnerable in our community — people with disabilities. There is no doubt of that.

One of the key points we heard evidence about was around the casualisation of the workforce. Casuals were being brought in who did not necessarily have the skills and expertise to work with people with disabilities. There were situations of abuse in a variety of ways — shocking ways — that were not dealt with by particular agencies. They were swept under the carpet. When those workers did raise concerns about what was happening in the workplace for those people with disabilities often they were singled out, they were bullied or they did not receive any other work. There were a whole range of issues that they faced as

disability workers in trying to protect some of the most vulnerable people in our community.

Often when those reports were made what we found was that there was rarely a conviction because of the lack of evidence — the inability of the abused person to give evidence and to talk about what had happened to them. As I said, there were some shocking stories that came out of that inquiry — far too many. The committee had to listen to a lot of really disturbing things that were occurring. The professionalism within the disability sector was questionable, particularly in some areas.

The concerns raised by those workers were around the lack of skills in working with people with disabilities, particularly some of the challenging behaviours experienced when working in different areas of the disability sector. It would be difficult for any skilled worker to handle some of those challenges, but workers who did not have the skills or the professionalism to deal with them often dealt with them in the wrong way, and it led to abuse of those people. We heard from workers who identified poor training and some of the challenges in their work that led to different forms of abuse by unskilled workers, often casuals. Workers who raised the alarm when they knew of or suspected abuse were often punished by being ignored or not getting any work. We must have the highest standards of safety and care for our most vulnerable in the community.

This bill will implement a registration and accreditation scheme for the Victorian disability workforce that will protect the rights of people with a disability to be safe and receive high-quality services. It will enhance service quality by ensuring workers have the necessary skills, experience and qualifications, and will enable people with disability to exercise greater choice and control in their lives. It will update the rights of people living in specialist disability accommodation to align more closely with the rights of other tenants in the community, provide continuity of existing specialist protections and give effect to the core tenet of the national disability insurance scheme (NDIS) — choice and control — by separating residency rights from service provision. It will ensure Victorian regulatory requirements do not conflict with those under the NDIS, so that residency rights are enforced.

The bill establishes a dedicated regulator at arms-length from government to operate a registration and accreditation scheme for the disability workforce, including positive licensing for worker registration and negative licensing for code of conduct functions. The regulator will be comprised of the Disability Worker Registration Board of Victoria to oversee the

registration function; a statutory disability worker commissioner, with responsibility for the negative licensing function; and the Disability Worker Commission, to provide support to both the board and commissioner in exercising their functions.

This bill is really important in protecting people with disabilities, giving them the rights that they should have and ensuring that they do not face unacceptable levels of abuse. One of the things that the committee did find disturbing was that there was a bit of a mentality within the disability services that some forms of abuse were just part and parcel of the job. Many parents reported knowing that their children were being abused but were not able to provide the necessary —

**The DEPUTY SPEAKER** — The time appointed by sessional orders for me to interrupt business has now arrived. The member may continue her speech when the matter is next before the Chair.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — The question is:

That the house now adjourns.

### Community language schools funding program

**Ms VICTORIA** (Bayswater) (19:00) — (14 763)  
Today I rise to request the Minister for Education investigate issues of non-compliance with the Department of Education and Training's community language schools funding program, and specifically in relation to clause (f) of the funding criteria that states:

No other community language school may offer the same language within a 5-kilometre radius.

I have been contacted by the Chinese Association of Victoria, which operates a not-for-profit and highly successful language school in Wantirna. They have an ongoing issue with other language schools in the vicinity not complying with clause (f) of the funding criteria. Despite numerous attempts to rectify this situation themselves, they have had no successful resolution. This language school, like many others, relies on government funding to provide programs to their students. The funding criteria are very clearly defined and must be stringently applied to all language schools, no matter how large or small. In addition, I have been advised that certain language schools operating in the area are also not registered with the Australian Charities and Not for Profit Commission, which they must be for accreditation or reaccreditation for funding from the department.

Minister, I request that you look into these issues to ensure that all language schools are complying with the department's criteria to ensure a fair and level playing field for all. It is unfair and quite detrimental to the language schools here in Victoria that do abide by these rules. If they are non-compliant or clause (f) has not been complied with by the department, then I trust state funding from the non-valid schools will be withdrawn immediately.

### **Williamstown Hospital**

**Mr NOONAN** (Williamstown) (19:02) — (14 764)  
Tonight I wish to raise a matter with the Minister for Health, and the action I seek is for the minister to outline when a security upgrade at Williamstown Hospital will be completed. I was really pleased to recently visit Williamstown Hospital to announce a \$60 000 grant to upgrade the hospital's security system as part of the Health Service Violence Prevention Fund. As we all know, unfortunately too many healthcare workers are forced to endure occupational violence, both of a verbal nature and of a physical nature. We as a government obviously condemn any acts of violence in our hospitals or indeed against health workers or emergency service workers.

Prevention is always better than a cure, but where violence occurs it is important to capture the evidence and hold perpetrators to account. That is why this investment is so important. Williamstown Hospital will now be able to upgrade their security system from an analogue to a digital system. This will also allow the hospital to expand the number of CCTV cameras across the hospital precinct. When I visited the hospital, staff were really delighted with the announcement as they have been waiting for some time for this particular funding to come through. So I would really be delighted if the minister was able to advise on what the time line of the installation of the upgraded security system will be.

### **Cobram District Health**

**Mr McCURDY** (Ovens Valley) (19:03) — (14 765)  
My adjournment matter is to the Minister for Health, and the action I seek is that the minister assist the Cobram community by funding a dialysis unit for Cobram hospital. I get many requests from Cobram residents regarding the lack of renal dialysis facilities in our region. The latest request is from Carolyn Bona, whose mother, Judy Crowe, has tried unsuccessfully to access dialysis placements in Shepparton, Echuca, Yarrowonga and Wangaratta. Currently they are not available. Even if they were to become available, there are rather long travel times to and from these towns

three times a week. Cobram is a town that is large enough to be able to justify this service, so I ask that the minister consider providing dialysis at Cobram hospital to service Cobram and the surrounding region. Cobram District Health is an excellent community hospital, providing wonderful service to our area, and I seek the minister's assistance on this matter.

### **Dandenong High School**

**Ms WILLIAMS** (Dandenong) (19:04) — (14 766)  
My matter is for the attention of the Minister for Education, and the action I seek from the minister is that he join me on a visit to Dandenong High School to look at the construction works that are underway and to find out more about the school's future needs. Dandenong High School is one of Victoria's oldest, largest and most culturally diverse secondary schools, with students from over 77 different nationalities speaking 83 different languages. They are a school that celebrates collaborative and innovative learning, and it is important they have state-of-the-art facilities to match. Dandenong High School is currently in stage 4 of its redevelopment, which was initiated by the Bracks Labor government following the voluntary merger of Cleeland and Doveton secondary colleges and the old Dandenong High School in 2007. The Andrews Labor government has invested \$3 million to complete stage 4 works at the school, which include the refurbishment of the library and senior study spaces to provide a senior visual arts-media centre as well as a learning resource and arts-media centre.

Dandenong High School is more than just an education centre, though; it is a cornerstone of our community. Many of the teachers and families who have been involved in the school have been involved over many decades, showing enduring commitment to the future of our local students. They include Noel Chapple, who was recently recognised for 55 years experience as the art, craft and woodwork teacher at Dandenong High School. What an achievement that is. This government, as you would have heard many times in this house, is building the Education State and giving every child access to a great local school. This is just one in the heart of Dandenong. I ask the minister to join me on a visit to Dandenong High School to see these construction works in action and to see the difference that this government is making to an important local school in my community.

### **Albury Wodonga Health**

**Mr TILLEY** (Benambra) (19:06) — (14 767) I wish to raise a matter for the attention of the Minister for Health, and the action that I seek is for the minister

to investigate and fund the cost of fixing the hydrotherapy pool at Albury Wodonga Health. Albury Wodonga Health closed the 25-year-old pool about two months ago and the chief executive officer, Mr Leigh McJames, says they have discovered it no longer meets the necessary hygiene standards. The warm water therapy pool is used about 1200 times each month, which is roughly 300 times a week or 60 times a day. It is a busy pool. It is an integral part of rehabilitation for many patients and people suffering intolerable ongoing pain. Perhaps to its detriment it has also become a pool used by community groups, and there is some argument that the mix of community groups and inpatient rehab is no longer viable. Putting those arguments aside, it is fair to say that this is an important health and community asset.

Mr McJames has said publicly and in discussions with myself and my New South Wales colleague the member for Albury, Mr Greg Aplin, that the cost of repairing the pool is somewhere between \$50 000 and \$100 000. He has also intimated publicly that were he gifted \$100 000, the pool would not be a priority. That is not acceptable to our communities in New South Wales and Victoria.

User groups have been campaigning against the pool's closure, saying it denies valuable hydrotherapy to chronic pain sufferers, people in rehabilitation and those with disabilities. More than 100 people attended a community rally last week. I do not think any member of Parliament or any member of the public would accept a quote that varies by 100 per cent. I do not believe we should lose a service that is vital to the health and wellbeing of our community, nor do I believe we should lose an asset that has been part of that health service for a quarter of a century. I do not believe we should lose it overnight and, seemingly, indefinitely. I have been provided with a list of pools that might supplement the loss, but many are inadequate or fail to meet hydrotherapy needs.

Clearly the hospital has many competing demands. Figures released just last week suggest one in three emergency patients presenting at Albury are not being treated in the accepted time frame. Minister, you must ensure Albury Wodonga Health meets the needs of the entire 180 000 people in the catchment. That includes emergency departments, mental health, acute services and the pool. Albury Wodonga Health has, under this Labor government, also had to sit and watch as you bankrolled a \$1.2 billion hospital monolith at Bendigo, a \$100 million makeover at Shepparton and, even closer to home and more recently, \$7 million for Wangaratta Hospital.

Albury Wodonga Health is a pioneer of the cross-border health services, a testament to two state governments working in partnership to deliver the best service possible to these twin communities. To that end, I call on your department to investigate the closure of the hydrotherapy pool and obtain a more precise assessment of the costs involved in its repair. I would then ask you, Minister, to coordinate with the New South Wales government to co-fund this pool.

### **Melbourne Airport rail link**

**Mr McGUIRE** (Broadmeadows) (19:09) — (14 768) My adjournment request is to the Minister for Public Transport. The action I seek is a report on which commuter connections can be part of the rail link to Melbourne Airport. Victorians have waited nearly 50 years for this proposition, and I am delighted the Premier has committed \$5 billion to match the Australian government's funding to begin work on an airport rail link in four years, because this will help deliver tens of thousands of jobs. Such a deal could also be part of a city deal that would be a nation-defining proposition looking at projects to build the rail link to Melbourne Airport and the missing link in our road network, the north-east link. It would help match the Australian government's investment in Sydney's west, rectify the deficit that we have in that and deliver fairer funding for infrastructure in the state of Victoria. We have often heard the Treasurer say how little we are getting in comparison to Sydney, so this would be of great interest.

Of course the need is now urgent and vital. The Victorian government's preferred route is through a new super-hub in Sunshine connecting suburbs and regions to the airport, and that is why I am vitally interested, as the member for Broadmeadows, in how we connect up the north as well, because the reality is that almost 70 million people will use Melbourne Airport annually within 20 years, making it almost as busy as London's Heathrow Airport. So here is the opportunity, and I am really interested to see how we can make these connections work. Then we can connect the Arden precinct into this as well to make this a smart city — this is a wonderful opportunity — and it can become the linchpin between the north and the west.

Australia is not world leading in many things but in medical research we are and we have the fantastic Parkville precinct. That again could be something that could be leveraged in such a things as a city deal. The argument that I would put as the Parliamentary Secretary for Medical Research is that we should keep the brains trust in Parkville but have the manufacturing arm in Broadmeadows. I am very happy to organise

any big companies that want to come and match our number one company, CSL — that is where they manufacture from. If we can continue to build these platforms, we can have the infrastructure here, we can get the value out of our intellectual property and we can export to China, Japan and Korea where we have free trade agreements, and that could all be neatly wrapped up in a city deal and anchored on those two nation-defining projects.

### **AGL Crib Point gas terminal**

**Ms SANDELL** (Melbourne) (19:12) — (14 769) My adjournment matter is for the Minister for Ports. I ask the minister to write to me and explain if and why public money is being used by the Port of Hastings Development Authority to prepare land and infrastructure to support the AGL monster gas ship at Crib Point before it has even been granted planning approval. This project, frankly, is a disaster. AGL are trying to rush through an enormous, permanent floating gas ship at Crib Point in Western Port Bay. The bay would see a constant stream of heavy ships coming in to feed this new monster ship with imported gas. The gas would then be transported through a new pipeline into the existing gas network at Pakenham. AGL want to pump huge quantities of heated and chlorinated water into Western Port Bay, threatening internationally significant Ramsar wetlands and threatened species, and they want to trash valuable farming land by building a new and totally unnecessary pipeline. AGL are simply looking to make a quick buck with no regard for the community, no regard for the environment and certainly no regard for our climate.

At first it looked like AGL were trying to slip the pipeline and gas ship through the approvals process separate to each other so they would come under the greenhouse gas emissions cap and not require a comprehensive environment effects statement (EES). Thank goodness that did not happen, but now the community is worried that the EES will not be taken as seriously as it should be by this Labor government. For a project this big and this polluting the EES needs to be incredibly rigorous — the project should not go ahead, but in the meantime the EES needs to be incredibly rigorous. However, the community does not have a lot of faith in this government because they seem to be bending over backwards to help AGL and support the project. For example, we are hearing troubling reports that the Port of Hastings Development Authority, a public entity, is using public money to lease land and upgrade shipping infrastructure in preparation for the development of AGL's project.

Why is the government using public money to assist this project when it does not even have planning approval yet? The last thing Victoria needs is more dirty and polluting fossil fuels. The rest of the world gets it; they are moving away from coal and gas. But this Labor government does not seem to get it. Sure they have done some good things when it comes to renewables, but they have also extended coal licences for our dirtiest coalmines, they are putting \$50 million of public money towards a dud project to supposedly turn brown coal into hydrogen and they have opened up our western coastal waters to gas exploration despite shocking new evidence that the seismic testing used to find new gas and coal reserves destroys large areas of marine life.

This is not the time to build or support fossil fuel infrastructure. It is the time to move beyond gas, to move beyond coal and to make the current ban on onshore gas exploration permanent, which is something that Labor simply has not committed to. The Greens have a plan to move the state beyond gas, and it is really about time the other parties saw the threat of climate change and jumped on board.

### **Early childhood funding**

**Mr RICHARDSON** (Mordialloc) (19:15) — (14 770) My adjournment matter this evening is for the Minister for Families and Children, and the action I seek is for the minister to meet with early childhood educators and parents in my electorate and provide an update on the Andrews Labor government's efforts to give our tiniest Victorians the support they need to get the best possible start in life.

We all know how critical kindergarten is and how formative it is for our youngest Victorians on their journey towards education in primary school and all the way through to high school, TAFE and university. It all starts with kinder. This is where they gain the vital tools that will equip them for their future learning and development: their social skills, literacy and numeracy skills, critical thinking and creative thinking for the future.

Each year almost 80 000 young Victorians start kindergarten, and many of them are in my electorate of Mordialloc. The national partnership on universal access to early childhood education was a landmark policy between the state and federal governments. Established in 2009, it was underpinned by extensive research and was long overdue. It rightly identified the need to secure 15 hours of kindergarten funding and the incredible benefits this provides. However, we know that one in five Victorian children still starts prep not

ready for school, and if they start from behind, they tend to stay behind.

Australia ranks 23rd in spending on early childhood as a percentage of gross domestic product, well below the OECD average. Now is not the time to be taking funding out of our local kinders; now is the time to invest in our local kinders and support them for the future. A recent report in the *Australian Financial Review* uncovered the future intentions of the federal Liberal government in slashing kinder funding. It reported that since the early childhood national partnership came into existence in 2009 the federal government has extended funding on an annual basis, and each and every year my kinders have fronted up and pleaded with the government not to cut funding, and each year they have backed down.

Well, this year they have been uncovered in this report of budget savings over the forward estimates to the tune of more than \$400 million. The federal minister, Simon Birmingham, might claim that they have a future plan, but it has been years since they have put a future plan to the states and achieved an agreement, and you do not make a budget saving if you intend to put funding in over the forward estimates.

Let me make that very clear: if you claim a saving, that is a cut that will impact on our local kinders and once again put the education of our youngest in Victoria at risk. Now is the time to be making those investments. Now is the time to support the youngest Victorians in their future. So I ask the minister to meet with early childhood educators and parents on how vital kinder is for the Mordialloc electorate.

### **Williams Street, Inverloch, road safety**

**Mr PAYNTER** (Bass) (19:18) — (14 771) My adjournment matter is for the Minister for Roads and Road Safety, and the action that I seek is for the minister to install a supervised crossing on Williams Street, Inverloch, in the vicinity of Inverloch/Kongwak Primary School. A supervised crossing complete with reduced speed zone signs should be installed without delay. A recent accident on this street has left a beautiful young schoolgirl in a wheelchair with bad injuries and the entire family badly shaken. I will read a letter handed to me last week by the girl's brave sister, Tomieka:

Please help us. We need a crossing on Williams Street. My name is Tomieka Petracca. I am nine years old. I have one brother and one sister. Me and my sister were involved in an accident on Tuesday, 17th of July. My sister and I were crossing Williams Street up near the corner. I waited till there was a gap, but because we were crossing on the corner the car came flying around the corner. Celeste was slightly ahead of

me. She was wearing her high-vis orange backpack. She was in front of the car. I pulled her back, but her leg wasn't so lucky. The car ran over her leg, then she fell forwards and hit her head on the side mirror. She started falling backwards, but I caught her. I laid her on the ground. I ran to get Mum (Raewyn Petracca) but Jess Metselaar was already on the road. She carried Celeste off the road. So that's why I think it would be extremely awesome for me and my school peers so that we can walk or ride home without being at risk. I think it would be best if we had a lollipop person, because if we had a pedestrian crossing I don't think it would stop people running on the road. I have been to the city and some people don't wait; they just go straight through. Celeste now has broken both her bones in her leg, she has fractured her neck, toe and heel. She has also suffered concussion. So that's why I think we should have a crossing.

Tomieka, it was absolutely lovely of you to write such a moving letter to me, and I am most thankful to meet with you and your family at the spot where the accident occurred.

Minister, I invite you to visit the area with me to witness firsthand the dangerous situation the Inverloch primary school faces every single school day.

### **Frankston electorate community safety**

**Mr EDBROOKE** (Frankston) (19:20) — (14 772) My adjournment debate matter is for the Minister for Police, and the action I seek is for the minister to meet with my community and discuss a newly established community safety audit and the recent CCTV rollout. As the minister would be well aware, there has been a record 14 per cent drop in the offence rate in Frankston in the last 12 months, to March this year, and my constituents look forward to chatting with the minister about this decrease and future initiatives.

### **Responses**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (19:21) — In relation to the member for Melbourne, there are various assumptions there which are totally incorrect, but let me be very clear: we do support the proposal to bring in gas to shake out the marketplace in Victoria. As people know, there have been incredible increases in prices for gas across the board in this state, so we are very supportive of the AGL proposal. We are also very supportive of the employment that comes from that.

I find rather amusing some of the comments that the community does not have faith in this government but somehow or other has faith in the Greens. I find that absolutely hysterical. This is a minority party making absolute rubbish suggestions that somehow or other the community does not support the Labor Party. We got voted in at the last election; you did not. But let me be

very clear: the last time the Greens had a chance to have a major say on the environment we ended up with Tony Abbott because, again, they could not actually come to agreement on carbon pricing. So let me be very clear: I support the proposal to bring gas in through the port of Hastings. Let me also make it very clear: there has not been a new ship come into Hastings since 1996 because of the appalling situation where the Liberal Party actually sold the lease for that proposal to the port of Geelong, and of course all trade was diverted out of Hastings into Geelong, so we had a whole lot of people lose their employment in that area.

So let us be very clear: we are very supportive. The proposal will go through a full environment effects statement process, and that will be done properly and appropriately, as the member would be well aware. But as to the assumptions and the suggestions that the community does not have faith in the Labor Party or this government to undertake this properly, well, I just think the member is wrong.

In relation to the member for Bass, I will get VicRoads to look at that. Obviously I am most concerned about the young girl, and I very much hope she has a speedy recovery from those injuries. I will get VicRoads to look at that and assess the safety and the like.

For the member for Williamstown, to the Minister for Health, I will refer that off there. The member for Dandenong had an issue for the Minister for Education, the member for Broadmeadows had an issue for the Minister for Public Transport, the member for Mordialloc had an issue for the Minister for Families and Children, the member for Frankston had an issue for the Minister for Police, the member for Benambra had an issue for the Minister for Health, the member for Ovens Valley also had an issue for the Minister for Health and the member for Bayswater had an issue for the Minister for Education. I think that is all of those.

**The DEPUTY SPEAKER** — Order! The house now stands adjourned until tomorrow.

**House adjourned 7.24 p.m.**