

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 12 February 2015**

**(Extract from book 2)**

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### **Joint committees**

**Environment and Natural Resources Committee** — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward.

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

### **Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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**Deputy President:** Ms G. TIERNEY

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The Hon. D. K. DRUM

**Leader of the Greens:**

Mr G. BARBER

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Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	Mulino, Mr Daniel	Eastern Victoria	ALP
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Brien, Mr Daniel David	Eastern Victoria	Nats
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
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Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFP

**PARTY ABBREVIATIONS**

ALP — Labor Party; ASP — Australian Sex Party;  
DLP — Democratic Labour Party; Greens — Australian Greens;  
LP — Liberal Party; Nats — The Nationals;  
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs



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**Thursday, 12 February 2015**

The **PRESIDENT (Hon. B. N. Atkinson)** took the chair at 9.35 a.m. and read the prayer.

**COUNTY COURT OF VICTORIA****Report 2013–14**

Mr **HERBERT (Minister for Training and Skills)** presented report by command of the Governor.

Laid on table.

**PARTNERSHIPS VICTORIA****Ravenhall prison project**

Mr **HERBERT (Minister for Training and Skills)**, by leave, presented project summary.

Laid on table.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE****Statute Law Repeals Bill 2014**

Mr **DALLA-RIVA (Eastern Metropolitan)** presented report, including appendix.

Laid on table.

Ordered to be published.

Mr **DALLA-RIVA (Eastern Metropolitan)** — I move:

That the Council take note of the report.

It is important to put on the record the reason why the Scrutiny of Acts and Regulations Committee has reviewed this bill. It follows on from a motion moved by Ms Allan, the Leader of the House in the other place, to refer the bill to the Scrutiny of Acts and Regulations Committee. It is the role of the committee to review statute law repeals bills that come before this house. The committee's role in considering a statute law revision bill is to ensure that amendments made to acts are not of a substantive nature and are strictly confined to the correction of references, spelling, drafting and grammatical errors which are intended to clarify the original intent of the legislation.

The committee met this morning with the first deputy chief parliamentary counsel, Mr John Butera, and on that basis the first deputy chief parliamentary counsel

provided the committee with a certificate, which is contained as an appendix to the report that has been provided.

There were two recommendations as a result of the meeting this morning, and the committee has presented those in the report tabled today in this house. The first recommendation is that the committee consider that the repeal of the four spent appropriation acts listed in the schedule is appropriate. The second recommendation is that the self-repeal provision be included in future appropriation acts, and the self-repeal should then come into operation on the fourth anniversary after the commencement of the relevant appropriation act. With those few words, I am pleased to table the report today.

Motion agreed to.

**PAPERS**

Laid on table by Acting Clerk:

Auditor-General's Reports on —

Portfolio Departments and Associated Entities: Results of the 2013–14 Audits (Ordered to be published).

Water Entities: Results of the 2013–14 Audits (Ordered to be published).

Ombudsman — Investigation into an incident of alleged excessive force used by authorised officers, February 2015 (Ordered to be published).

**NOTICES OF MOTION**

Ms **SHING** having given notice of motion:

Ms **Lovell** — On a point of order, President, I believe that motion is misleading Parliament as I was not responsible for the piece of legislation that needed to be proclaimed.

Ms **Mikakos** — On the point of order, President, the motion, as I understand it, refers to Ms Lovell in the context of the confusion she caused in explaining those penalties. It was in fact Ms Wooldridge who failed to proclaim those offences, and Ms Lovell has sought to clarify that. She was unable to explain the penalties but in fact Ms Wooldridge — —

*Honourable members interjecting.*

The **PRESIDENT** — Order! I do not want a debate. I will look at the notice of motion to clarify that I am happy with it from a factual point of view.

As long as the facts stand up, there is no issue because the matters raised by Ms Lovell are a matter of debate and will no doubt be pursued at an appropriate time. I will check the factual aspect of the notice of motion that has been given. I remind members that when I am on my feet there should be silence.

**Ms Crozier** — Further on the point of order, President, I could assist you in that process by providing you with a letter written by the Attorney-General to the minister.

**The PRESIDENT** — Order! Thank you.

#### **Further notices of motion given.**

#### **Ms LOVELL having given notice of motion:**

**The PRESIDENT** — Order! I have had an opportunity to look at Ms Shing's notice of motion, and I thank her for the courtesy of providing that to me in writing. My view is that it should stand as it is. Whilst I heard Ms Lovell's point of order, I believe that that is a matter of debate rather than a concern in terms of the way the motion is actually drafted.

#### **Further notices of motion given.**

### **DISTINGUISHED VISITORS**

**The PRESIDENT** — Order! I am not sure whether to welcome Mr Andrew Ronalds to the chamber as there is some indecision as to whether he wants to listen to the debate! I welcome the former member for Eastern Victoria Region.

## **BUSINESS OF THE HOUSE**

### **Adjournment**

**Mr JENNINGS** (Special Minister of State) — I move:

That the Council, at its rising, adjourn until Tuesday, 24 February 2015, at 2.00 p.m.

#### **Motion agreed to.**

## **MEMBERS STATEMENTS**

### **New members**

**Mr BARBER** (Northern Metropolitan) — I take this opportunity to welcome to this place all the new members, of whom we have a considerable number. Meeting many of them and starting to learn a bit more about them over the last couple of days has

been very enjoyable. Some new members have not yet given their inaugural speeches, and I am looking forward to hearing them.

We are 40 people who work closely together in a fairly small amount of space, and the new members will learn quickly that we have a collegiate atmosphere here. Ordinary members of the public know little about Parliament and how it works, except for question time, which is probably the least enlightening part and in some ways the least useful thing we do here. But during the many hours when debates are going on we have the opportunity to mingle and to learn a little bit more about each other, and very often we find that we have more in common than we think, being members after all of the one profession, which itself is quite a noble profession. I look forward to spending some more time with all the new members and learning a bit more about them over coming weeks.

### **Mooroopna Primary School**

**Ms LOVELL** (Northern Victoria) — On Monday, 2 February, I was honoured to join Mooroopna Primary School principal Steve Rogers, along with his staff and students, to present the 2015 school leadership badges. This special event took place on the first day of school and was an inspirational way to begin term one for these students. I wish the school leaders at Mooroopna Primary School and all students of Victorian schools a happy and successful year in 2015.

### **International Dairy Week**

**Ms LOVELL** — I would like to congratulate the organisers of International Dairy Week for another successful event this year. This year's event, the 26th so far, was held over five days, with more than 180 breeders competing for awards and over 100 companies and businesses taking part in the trade expo. International Dairy Week attracts over 6000 exhibitors and visitors from across Australia and from places as far away as Holland, USA, Germany, Japan, Korea and Argentina to Tatura, a small regional town in the Goulburn Valley. It brings wonderful economic, tourism and industry benefits to Tatura and the Goulburn Valley as well as to, more widely, Victoria and Australia.

### **Australia Day**

**Ms LOVELL** — To celebrate Australia Day this year I had the pleasure of attending the 40th annual Australia Day ceremony in Tatura. This is a fantastic

local event. Each year the guest speaker is a local who has done or is doing something amazing. I congratulate Suzanne Gill and the organising committee as well as local award winners including Citizen of the Year, Glenys Eberle; Event of the Year, the Tatura RSL Mactier Statue Project; Sports Award, Tatura Junior Fire Brigade; Business Award, Gallery Café; and Team Management Award, the Tatura Junior Fire Brigade coaching team.

### **Luke Batty**

**Ms MIKAKOS** (Minister for Families and Children) — A year ago today, Australians were devastated by the tragic loss of Luke Batty, who was killed in unspeakable circumstances. Today my thoughts are with Luke's mother, Rosie, and other loved ones on what will undoubtedly be a difficult day. Rosie Batty's incredible courage in speaking about Luke's story and her story has focused our attention on the violence that women and children are subjected to every day across our country. She has challenged us all to address the fact that family violence affects so many of us behind closed doors. It is Victoria's no. 1 law and order issue and one of the most serious issues we confront as a community. That is why the Victorian government has led the way in establishing Australia's first Royal Commission into Family Violence, and it has committed to act upon its recommendations. We are prepared to take up the challenge and change the way the community thinks and talks about violence in our families.

A coronial inquest is also underway into Luke's death. While what we do now will not bring Luke back, we have an obligation to do all we can to protect other children from becoming victims of violence. We cannot promise to keep every family safe, but we are absolutely prepared to try.

### **Epping Hindu temple**

**Mr ONDARCHIE** (Northern Metropolitan) — On Sunday, 1 February, I had the pleasure of attending the grand opening ceremony of a new Hindu temple, the Puj Satguru Teonram's Prem Prakash Mandal Mandir Melbourne, situated in Epping in Melbourne's wonderful north. It was my pleasure to officially open the new temple with the blessing and the presence of Pujneya Shree Satguru Swami Bhagat Prakash Ji Maharaj, along with Sant Jaidev and Sant Mandli, who both came from Delhi. There was a ribbon cutting ceremony followed by Satsang, Artti and Preeti Bohjan. I congratulate Kishore Gursahani and the Gursahani family on their

trusteeship and their work, together with their committee members and supporters, in bringing this brand-new Hindu temple to life in Epping. I welcome our wonderful, fine Indian community to Epping. I wish them well and pray for their ongoing success.

### **Temple Beth Israel Erev Shabbat service**

**Mr DALIDAKIS** (Southern Metropolitan) — On a congratulatory note, I am pleased that my first event as a Labor member for Southern Metropolitan Region was to attend the Erev Shabbat service at Temple Beth Israel — where in fact my wife and I were married — celebrating pride weekend. It was a wonderful way to begin the occasion in a very inclusive and celebratory way for the lesbian, gay, bisexual, transgender, intersex and queer community. It gave me, in the Yiddish term, great nachas — a lot of happiness — to be there and celebrate a section of the community which unfortunately and sadly has been ignored for a long time within the Jewish community. It is nice to see them now being embraced.

### **Ashburton Primary School**

**Mr DALIDAKIS** — Furthermore, just this week I had the pleasure of attending Ashburton Primary School to present school captain pins to Alexandra Crisp and Curtis Cheney. It was a wonderful opportunity to see a wonderful primary school, led very well by the principal, and also to speak to school students about how leadership for school students is about looking after each other. It is probably a lesson that we in this chamber could learn — that is, that away from the cauldron of fire, and talking about Michael O'Brien, we also have the ability to look out for each other and see that our own welfare is assured.

### **Australia Day**

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to take the opportunity to congratulate all Australia Day honours and award recipients, especially those from South East Metropolitan Region whom I have the honour of representing for another four years. Honours recipients include Major Noël James Denton, RFD, ED (Retd), AM; Mr Sholto Geddes Bowen, OAM; Mr Richard Trevor Viney, AM; and Mr Ralph Casey, ASM.

Award recipients meted out by the councils on Australia Day include, from the City of Greater Dandenong: Mrs Merle Mitchell — the 2015 Community Hall of Fame Award; Mrs Natalie

Irvine — 2015 Volunteer of the Year Award; Mr Mas Mai — 2015 Multicultural Award; Mrs Beverley Douglas — 2015 Citizen of the Year Award; Ms Kelly Applebee — 2015 Sportsperson of the Year Award; and Mr Rohullah Rahimi — 2015 Young Leader of the Year Award.

They also include, from the City of Casey: Mrs Rita Hartney — 2015 Senior Citizen of the Year Award; Mrs Veronica Hill — 2015 Citizen of the Year Award; Brooke McGowan-Grills — 2015 Young Citizen of the Year 2015 Award; and Mak Utatao — 2015 Casey Non-resident of the Year Award. The Casey Community Event/Activity of the Year Award was received by the Hampton Park Central Multicultural Food Festival, which was organised by the Hampton Park Networking Group. The Casey Community Fundraising Event/Activity of the Year Award was received by the Cranbourne Narre Relay For Life, which was organised by the Cranbourne Narre Relay For Life Committee.

There were a range of recipients of awards from the City of Kingston, especially Charlie Mizzi, who was named Citizen of the Year, and the Friends of Braeside Park, which is the Community Group of the Year. I congratulate all of those recipients and am delighted that they have been honoured.

### Education

**Mr MELHEM** (Western Metropolitan) — I rise to speak today about the four years of neglect of our education system by the former Liberal government, which was made worse by Prime Minister Tony Abbott's federal budget. However, I am happy and proud to say that the Andrews government has been in office for 60 days and is already committed and working hard to make Victoria's education system the best in the country. We promised to do so and we are just doing that, unlike the Liberal government which abandoned our schools.

Students around the state returned to school last week and the Labor government has been busy, working hard to ease the financial pressure on families because, as we have seen, several years of education cuts by the Liberal government have resulted in the stripping away of support that so many parents relied on. We could not be happier as a government to be working across the state, upgrading schools, providing principals and teachers with additional resources, and helping families to manage some of the extra costs of educating a child. It is an exciting period as we move forward with the education plan.

Education is a ladder of social opportunity and allows kids from all backgrounds to get ahead in life. Part of the plan will see an investment of \$630 million to upgrade government, independent and Catholic schools across the state; assist families with the increasing costs of school trips; provide free eyeglasses to children in need; see the expansion of uniform programs; and help fund the purchase of stationery. It will also establish a breakfast fund for the disadvantaged and help teachers and schools to support students with disabilities and additional learning needs by providing more training.

### Methamphetamine control

**Mr O'DONOHUE** (Eastern Victoria) — Last year the Law Reform, Drugs and Crime Prevention Committee, ably led by my colleague Mr Simon Ramsay, tabled an insightful report into the issue of the drug 'ice' in our community. Part of the response to that report was a \$2 million grants scheme that the then Minister for Community Services, Ms Wooldridge, and I announced to engage with communities.

One of the strong themes of the report Mr Ramsay tabled was the need to engage with local communities to provide alternatives, for young people in particular, to this insidious drug. The report talks extensively about two such community-led responses in Geelong and Mildura. The former coalition government announced \$2 million of grants, with individual grants of up to \$100 000, for communities to respond and partner to challenge the issue of ice.

Expressions of interest for the grants were due to close tomorrow. It is extremely unfortunate that the Andrews government has axed this funding. I appreciate that it has established a task force that needs to respond within 100 days, but for the sake of what is a modest amount of money, it is an unfortunate decision to axe this important funding. I call on the government to re-examine this type of community-led program.

### Governor of Victoria

**Mr LEANE** (Eastern Metropolitan) — I am sure everyone would join with me in congratulating our Governor, Alex Chernov, whose term will end in the middle of this year. I know there were some potentially challenging events he might have had to deal with in the last Parliament, and I am sure we all appreciate the service he gave to us and to our state. In saying that, I congratulate Linda Dessau, who will

be the 29th Governor of Victoria. She comes with great credentials and a great background. We look forward to her taking over in that role.

### Asian Cup

**Mr LEANE** — On a similar matter, I am sure the whole chamber would join me in congratulating the Australian football team on taking out the AFC Asian Cup Australia 2015 in recent weeks. I am sure those who watched it and enjoyed it would agree that it was one of the most exciting and tiring sporting events in recent years.

### Sandringham Library

**Ms FITZHERBERT** (Southern Metropolitan) — I rise to acknowledge Sandringham Library's achievement in being voted Australia's Favourite Library last year. It was the inaugural winner of this award, which is the top award offered by the Australian Library and Information Association. The awards were voted on by the public. The *Bayside Leader* reports that the Sandringham Library:

... smashed the competition, with more than 30 000 votes ...

Why did it win? The building, while very well maintained, is decades old and it does not have the size of many of the new libraries we see being built today, including those that were funded by the Napthine government. I know this library well; I have been a member there for years and I have ensured that my kids are members as well. I have never been there without finding it full of people of all ages. It receives 150 000 individual visits per year. In my view it won because it has outstanding staff, who I have always found to be unfailingly helpful, friendly and professional, despite the challenges that my children have offered them. I congratulate my local library on its very well-deserved win.

### Eurovision Song Contest

**Mr HERBERT** (Minister for Training and Skills) — I congratulate the hundreds of thousands of dedicated fans in Australia of the Eurovision Song Contest. Their persistence, loyalty, love of the competition and viewing habits have paid off. Australia can now compete in its own right this year in the world's most popular and prestigious song contest. I also congratulate SBS. It has televised the contest for 35 years, which is a massive effort and a great achievement and is something which makes us proud of the station.

After the stunning performance of Jessica Mauboy in last year's event, Eurovision will be a great opportunity to showcase Australia's wonderful musical talent. Over the past 60 years more than 40 countries have been represented by an undoubtedly diverse range of acts in a competition that is fun and often controversial. We have seen some fantastic talents come through the competition — from Olivia Newton-John, Cliff Richard, ABBA and Celine Dion to Bucks Fizz, just to name a few. It has been a great springboard for the world's great musical talent.

The 2015 Eurovision Song Contest will take place in May in Vienna, and the pressure is on to pick an Australian entrant that will make our nation proud. I am supporting Sia. I think she is a great talent. Undoubtedly there will be other views about who should represent Australia, but whoever they may be, I encourage all Australians to get behind our contestant and cheer them on in the finals so that they make Australia proud.

**The PRESIDENT** — Order! I am surprised Mr Herbert did not mention the bearded lady, which was probably one of the highlights of the competition.

**Mr HERBERT** — I was getting to that.

**The PRESIDENT** — Order! That was the very favourite event of the year for former member Lee Tarlamis.

### Reeves Beach

**Mr O'BRIEN** (Eastern Victoria) — I rise to lament the state of Reeves Beach, a popular camping reserve near Yarram. The land on which Reeves Beach camping reserve is located was donated well over a century ago by the ancestors of the Walpole family, who live nearby. They, along with campers and other locals, are concerned about maintenance at the site. They believe the vegetation is overgrown and out of control, creating a fire risk, and that the facilities are damaged or non-existent. One section is referred to as the 'snake pit', because that is pretty much what it is. Local residents have offered to undertake the maintenance, including slashing the grass, but have been told by Parks Victoria that is not allowed.

There are also problems in other reserves maintained by Parks Victoria. I have visited a number of state game reserves in Gippsland with local members of Field and Game Australia who are very concerned

about the state of access tracks, in particular at places such as Heart Morass, Lake Coleman, Clydebank Morass, Dowd Morass and Jack Smith Lake, which happens to be just down the beach from Reeves Beach.

I appreciate that Parks Victoria's resources are always stretched, but we cannot afford to have a lock-it-up-and-leave-it approach to our public land. These sites need to be better maintained. Camping, hunting and fishing are popular activities in Gippsland and bring significant economic activity to our towns. Indeed the Yarram chamber of commerce, led by Garry Stephens, is right behind the campaign to improve Reeves Beach, because business knows these sites are important to them. I call on the Labor government to ensure that adequate resources are directed to Parks Victoria to better maintain these sites.

### Public transport fares

**Mr EIDEH** (Western Metropolitan) — I am delighted to speak on the Andrews government's recent changes to public transport in Victoria, changes that the Victorian people had been calling for, though their calls went unheard under the previous government. On 1 January the additional zone 2 fare was abolished, meaning that all people catching public transport from the previous zone 2 districts, many from working-class suburbs, now pay the single zone 1 fare. This initiative will save those travelling on a full fare around \$5 per day or \$1200 per year, while those travelling on a zone 1 and 2 myki pass are expected to save more than \$750 a year. In addition to these savings, those travelling solely within zone 2 will continue to be able to travel on a cheaper zone 2 fare.

Constituents in my electorate have previously been forced to pay both zone 1 and 2 fares once they passed Albion, and on many occasions constituents have raised with my office their concerns at and dissatisfaction with this additional and unfair cost. These changes will have a significant positive impact on people travelling from these areas. I applaud the Premier and the Minister for Public Transport for eliminating the additional pressure on Victorians who were being forced to find this additional cost in their weekly family budgets.

**The PRESIDENT** — Order! I will make two quick comments. One is that I remind members that photos are being taken in the Isaac Isaacs room, which is part of the library area. It is on the northern side of the library. If members have not yet had their

photo taken, arrangements can be made today to do so at a time convenient to them.

The second point is in respect of speeches, because a couple of times yesterday the issue of members reading speeches was raised. For the benefit of new members I indicate that my attitude to speeches is that in respect of 90-second statements, which we have just had, and adjournments, I am quite lenient on members who read their speeches. The reason for that is there is a relatively short time in which members can get across the point they wish to make, particularly with distractions such as interjections and so forth. It can be difficult sometimes to get those points across.

I am fairly lenient in terms of both of those parts of the proceedings each day. However, for other areas of debate, the reading of speeches is discouraged. Again for new members to the chamber, we are more lenient on them as they find their feet, and I am sure that other members will extend a courtesy to those members as they find their feet and get used to the environment as much as anything. While members are entitled to use notes, the reading of speeches in other areas of debate is discouraged.

## GOVERNOR'S SPEECH

### Address-in-reply

**Debate resumed from 11 February; motion of Ms SYMES (Northern Victoria) for adoption of address-in-reply.**

**Dr CARLING-JENKINS** (Western Metropolitan) — First, I acknowledge and thank, in the tradition established by the Democratic Labour Party in this house, all those heroic Australians who over the last century have risked or even given their lives in the defence of this country.

I also acknowledge the traditional owners of the land on which we are meeting. I pay my respects to their elders, past and present, and the elders from other communities who may be present here today.

I wish to acknowledge God, who, to paraphrase the psalmist, will be my guide until the end.

Thank you for this opportunity to address the chamber. It is a privilege to stand here today, to represent the people of Western Metropolitan Region as the sole representative of the Democratic Labour Party in the 58th Parliament and to be the first woman to represent the DLP in any Parliament in Australia.

If you will humour me for just a moment, I would like to travel back in time, back to 18th century England, where the economy was supplemented by slaves who were traded, oppressed and mistreated. Travel now into the halls of the parliament of this era, where one man stands against the slave trade and the laws protecting it. Against the tide of pressure, one man stands up for what he believes in, despite opposition and bouts of poor health. William Wilberforce, after 20 years of campaigning, petitioning and lobbying, brings about the abolition of slavery. He battled. He fought. He argued the whole way. Sometimes he had small victories; many times he had setbacks. Wilberforce stood as a non-conformist, not afraid to be a lone voice when necessary.

Now we come back to the present — today, in this place. I am no William Wilberforce, but he inspires me to value conviction over comfort, tenacity over temporary gain and devotion over indifference. We now look back at slavery and are appalled at the treatment slaves received and horrified at the very idea that one person could own another. In the decades to come, I pray that we will look back at this era, appalled at the babies we killed and horrified at the very idea that we would enslave women in prostitution.

Like Wilberforce, I am a non-conformist. I am not a bystander; I refuse to be a bystander. Under my watch there will not be silence on these issues. And so I stand here today and for the next four years as a voice for the vulnerable, a voice for the enslaved and a voice for the voiceless. It is at this time, if you will permit me a time of indulgence, President, that I would like to share a little of my story to explain what led me to this point.

This may come as a surprise to you as you get to know me, but I was a very challenging child. I talked too much, I was far too opinionated and I was very loud. I was, for a while, a tomboy. I wanted to be a mechanic at eight years old. A highlight of this period of my life was when I went to work with my dad, a train driver at the time, and he let me believe that I had stopped the train. I received a great many benefits, besides train driving, from growing up in a working-class home.

My parents, Stan and Francie Carling, taught me to value God. Mum would brush my unruly hair and take me off to Sunday school where a line from one of my favourite songs was: 'This little light of mine, I'm gonna let it shine'. Mum and Dad also instilled in

me the value of education and a love for music, both of which I carry to this day.

I wish to acknowledge my older sister. I have never known anyone so patient, kind, talented and beautiful as my sister, Sonya. She was no doubt strengthened by living with a challenging younger sibling. I must also acknowledge my beautiful son, Terry, a very resilient and strong-willed young man, of whom I am exceedingly proud. I look forward to seeing your future unfold. And I acknowledge my husband, Gary, a very tolerant man, who has put up with having a wife devoted to causes. Thanks for your support, for your humour and for walking the dog.

It is because of my family that I stand before each of you today, excited and awed by the task before me. It is also because of my journey, a journey which has included many rough patches: a debilitating car accident, major health scares, years of single motherhood and of course the school drop-offs, pick-ups and supermarket tantrums. It is a journey which has also had a lot of highlights.

I have completed a PhD and presented throughout the world at international conferences, contributing to the fields of disability, dementia and social movements. I have studied and applied best practice principles in welfare here in Victoria, had a book published and had the privilege of working with many amazing people and organisations. This journey I speak of has led me to this time, this place and this point where passion wells inside me.

My desire to contribute to a society which has as its core aim the human flourishing of all its members led me to join and run as a candidate for the DLP — a party which stands for the twin pillars of human dignity and the common good. It is human dignity and the common good which I will pursue here in this place where I will tell the stories of the people I represent — people I will fight for and people I care about.

I care about and will be a voice fighting for Sam, who has Down syndrome and Alzheimer's disease, but he cannot find appropriate care and support within the current service system. I care about and will be a voice fighting for Lin, traded to work in a brothel in inner city Melbourne, trapped and unable to find her way home. I care about and will be a voice fighting for the yet unnamed baby girl whose future hangs in the balance while her vulnerable mother feels cultural and familial pressure to end the life of her child simply because she is a girl. I care about and will be a voice fighting for Joe, an elderly

man near the end of his life, depressed after the death of his wife, isolated from his children due to the tyranny of distance and struggling to make ends meet.

I commit to advocating for solutions; adoption of best practice principles in disability and aged care; an inquiry into a system of regulation to reduce the incidence of sex trafficking in Victoria; awareness raising about the incidence of gender-selective abortions; and the expansion of support services, including palliative care, to ensure their availability to all Victorians.

I, and my party, consider every human being to be of equal worth. We do not determine whether a human being is worthy of our protection based on their age, their identity, judgements of capacity or capability, or even their citizenship. Every person has a right to live, whether they are in a prison cell in Indonesia, on a boat in the Timor Sea or in a hospital ward for people who are terminally ill. Every person has a right to self-determination, whether they are working on a factory floor, living with mental illness or struggling to pay their bills. Every child has the same right to protection and opportunities, whether they are born into wealth or poverty. I refuse to believe that we can determine that one human being has a greater right to live or to be protected simply because they are healthier, more intelligent, richer or better able to survive without the help and support of others. I will be a voice for their right to life, protection and self-determination.

I believe that every person is created for relationship. We share a common humanity which transcends boundaries such as gender, race, generations or various other identities which we use to define ourselves or which others use to define us. A society is only as strong as its relationships, from the relationships within its smallest social unit, such as the family and neighbourhood, to relationships with and between workers and employers, governments and corporations, families and governments, and beyond. I will be a voice for healthy relationships.

I will also defend families who have experienced disruption. I care about and commit to being a voice for families who are burdened by the financial, social and emotional issues which come from problem gambling, a problem which has invaded our regions and our suburbs with the expansion of poker machines into clubs and pubs, where responsible limits, proven to deter problem gambling, have not been adopted or enforced.

I care about and commit to being a voice for families who are torn apart by domestic violence, a tragedy where much has been achieved in recent decades, including mandatory reporting by health and education professionals; a breakdown, at least in part, in the culture of silence; and an expansion of services. But more needs to be done to accommodate all people — men, women and children — who experience and are vulnerable to domestic violence.

I care about and commit to being a voice for families who need flexible schooling options, protection from the rising costs of living and accessibility to sports and cultural activities, which are carrying an ever-increasing price tag. It is important that families are genuinely supported in their role of providing for their own. I support the traditional family as an ideal which we should uphold, support and aspire to. Families are still the most basic social unit, a structure which must be protected and must be respected.

I believe in freedoms: freedom from exploitation, freedom to practise religion or to choose not to practise religion, freedom of speech, freedom of assembly and freedom to act according to our beliefs and our conscience. All Victorians deserve to live lives free from fear and persecution. All such freedoms come with privilege and responsibility. Freedoms must be protected, and some must be restored.

A truly free society does not exploit some members for the temporary pleasure of others. Pornography, and the fast-growing sex industry, is a scourge on our society that sells exploitation, breeds violence and disrupts equality of relationships. As such, and in the interests of protecting our community, it must be further restricted. A truly free society enables people to have access to treatment for depression and to palliative care services, which offer true dignity to people who are suffering, before debating assisted suicide, which has time and again been shown to pressure vulnerable people into feeling that this is their only option. A truly free society does not politicise health care and reduce medical practitioners to the status of state apparatchiks, but respects the integrity and conscience of medical and healthcare professionals.

While I am, as you may be able to tell by now, a social justice campaigner, I am able to back up my proposed reforms with sound economic management principles. This is important, because the ability to provide services to the people of Victoria depends on a strong economy. It is time to review how we do

business in this state. It is time to revise our economic strategies and the relationships between employers and employees to bring about a paradigm that will work for the future. This revitalisation needs to be based on the cooperation of government, industry and workers — a cooperative system aimed at creating common goals with tangible benefits for all stakeholders. The time has come to move forward to a cooperative rather than adversarial system of employee relations.

This is not a utopian ideal; it is already a reality in many parts of the world. If we go to Spain, generally regarded as an economic basket case, there is one corporation in the Basque region that has defied the trends. Mondragon now has 250 cooperatives which form the Mondragon Corporation and employ 80 000 people. It has its own bank, welfare system and university. Despite its success in Spain as well as in areas such as Italy's Emilia-Romagna region and of course Germany, which showcases quality manufacturing on a larger scale, the idea has not gained traction in Australia, but the time has come to think outside the economic box. It is not a matter of capital versus labour. It is about a third way, with government, business and employees working towards a common good: economic prosperity for all. I will be a voice for such prosperity here in Victoria.

One of the most important assets of any society is its infrastructure, and infrastructure is an issue which has been at the fore of political debate in Victoria. Everyone in this chamber would agree on the need for improved infrastructure. Underinvestment in roads and public transport is a constant concern, not just in my electorate of Western Metropolitan Region but throughout the state. Improving our infrastructure requires long-term investment and funding. This is why the DLP supports the establishment of a state development bank to build the ongoing capital we desperately need for long-term infrastructure projects and for regional development. Not only would this relieve budgetary restraints but the bank's positive development and stabilising effect on the Victorian economy could be significant. I will be a voice for independence in decision-making and genuine development, both of which would be delivered by a state development bank model.

Over the last few decades successive governments have sought to alleviate their economic woes by taking short-term, quick-fix approaches, with public utilities and assets being sold off for temporary gains. The usual arguments for selling off an asset owned by the Victorian people are that efficiency will improve, costs will be lowered and the economy will

generally benefit. These arguments fall flat in the face of lowering service standards, higher prices and increasing job losses. Money that once flowed from Victorian pockets through these publicly owned utilities into state revenue and was then used to grow and prosper our state, contributing to the construction and maintenance of schools, hospitals, roads and so on, now flows out of Victoria, often out of Australia and into the pockets of overseas shareholders and the grateful treasuries of overseas economies.

Is it these private corporations, then, that are the problem? Are the overseas profiting shareholders our nemesis? Do growing foreign economies threaten our future development and economic survival? No. Our problems, our enemies and the threats to our economic survival and future development are not the fault of overseas corporate despots or expansionist foreign economies. Our problems are closer to home and are of our own creation. Instead of basing our decisions on the common good, we have been distracted by quick-fix approaches. Short-sightedness and self-interest have been our downfall.

In a similar way the family farm, once a prized, valued commodity, has been sold off. Foreign ownership of our agricultural land is, again, a quick fix, but it is far too permanent. It is an issue which my colleague James Purcell addressed on Tuesday night. If we continue to do this, I will despair of what we are leaving for our children and grandchildren to inherit.

I represent a labour party in this place. As a labour party we believe that society benefits most when the three pillars of families, workers and community are put first. Every decision made by this state and this nation, every trade deal made, every project commenced, every inch of our farmland sowed, every ounce of our natural resources used and every cent expended from the public purse must ultimately have the good of our families, our workers and our communities as the primary focus or they are done in vain.

I acknowledge that in the past decades there has been progress in Victoria. Civil rights movements stood up as a single voice and have impacted on the way Indigenous people are treated, women's movements fought at times as a single voice and have influenced the role of women in the workplace, and people with disabilities have had their voices heard and are no longer routinely institutionalised. We have, however, so much further to go. Economic rationalism and global capitalism have risen and the age of terror is upon us, which both horrifies and should unite us.

Meanwhile the synagogues in Melbourne are guarded for fear of attack, glass ceilings still exist for many women and many people with disabilities continue to live on the margins of society, prevented from full participation and inclusion.

I will bring the value of, and the diversity within, life to the forefront of our minds while I am in this place. I will make the three pillars of family, worker and community the primary focus of my decision-making. I will be a voice for human dignity and the common good. I am only one person, and the DLP is only a small party, but it is a determined one. During my four years here I hope to hold this government to account, just as I would any government. I am not here to get the DLP or myself re-elected, something I am sure many of you do not see as a major concern either. Every time I speak or raise a question in this place I want to make sure that everyone knows I do so with the ultimate good of families, workers and community in mind, especially the families, workers and communities of Western Metropolitan Region. That is my goal. This is the job I have been elected to do, even if I have to battle, fight and argue as a lone voice the whole way.

But I did not get elected alone. I wish to thank the people who supported my election and added their voices and efforts to ensure that at least one voice on the issues they care about was represented in this place. First, I thank my state executive team, significantly Michael Murphy, my biggest supporter during the campaign, and also Vince Stefano, Clara Geoghegan, Pat Shea and Michael Deverala, who all played a role. I thank DLP members throughout the country who have spoken loud and clear, such as Paul Funnell, Michael Byrne, Daniel Hanna, John Quinn and Rosemary Lorrimar, as well as countless others. I thank them for their support. I thank members closer to home who want their voices heard for the sake of others, particularly my running mate, Michael Freeman, and all those who stood on booths for me. I thank my staff — who jokingly wanted me to use the adjective ‘superb’ in front of their names — John McBride, Steve Campbell and Vince Stefano, for all their support during my campaign and for lending their voices to this cause.

I thank Vickie Janson and her team at Australian Christians and Pastor Daniel Nalliah and his team at Rise Up Australia for their alliance and for their support. I wish each of them held a seat in this Parliament with me, and I promise to hold true to our shared values. I thank people who shared the vision of electing representatives with the right values and who spoke loud and clear to make it happen, people

like Rabbi Shimon Cowen, Gabrielle Walsh and Terri Kelleher. I will do my best to honour these values while I am in this place.

I thank the strategists and the parties with whom I did preference deals, including Glenn Druery, for making introductions to many parties, and Andrew Ronalds from the Liberal Party. I enjoyed our exchanges and I appreciated your advice. I thank each person for using their voice and being a part of my journey to this place — this place where I will be a voice for the vulnerable, a voice for the enslaved and a voice for the voiceless; this place where I will continue the work started by Peter Kavanagh in the 56th Parliament in advocating for sound economic management and on social justice issues.

Now, just as I gained inspiration from the historical figure of William Wilberforce, I wish to pay one more visit to the past, to one of the greatest known warriors for those who could not stand and fight for themselves — Martin Luther King Jr. Of course his dreams have been immortalised, but it is what he said about silence that really struck me. He said that our lives begin to end the day we become silent about things that matter. If you like things packaged in a safe, familiar, predictable way, then I apologise in advance. That is not me. If you enjoy your comfort zone and hope to sit here comfortably for the next four years, then again I apologise. I will not stand silent on issues that matter.

I thank you for your time today, and today I make this commitment. I will not be silent about the things that matter, even if I have to be a single, lone voice. And whether secretly, or openly, many people sitting in this chamber today and many sitting in the other place will be glad that I have.

**Mr YOUNG** (Northern Victoria) — Thank you, President, and all other members of the Council for the honour and opportunity to address you. Very well done, Dr Carling-Jenkins. I regret having to follow you.

I feel very privileged to be here, as it has been a short journey. The past six months for me have been a whirlwind of nervous excitement. It has been a time of very mixed emotions, but my level of anticipation has never been higher.

I have been an active shooter for as long as I can remember, and hunting has been a proud pastime in my family for generations. Quite often I get asked one question about our party: ‘Do you only care about shooting and fishing?’. It is a question I love

giving the answer to, because this is a way of life. People think the Shooters and Fishers Party exists only to pursue a narrow agenda, but we are much more than that, and we represent much more than that. We seek to promote the outdoors — the open spaces, the grassy plains, the thick forests and bushland, the rivers and creeks, wide open lakes and our wonderful bays. Victoria has some beautiful places, and we would see them all enjoyed, not locked up and kept hidden. We would see them used for all kinds of interests, from hiking and bushwalking, horseriding, four-wheel driving and bike riding to camping and just escaping from our daily routines. Of course I cannot forget hunting and fishing.

The Shooters and Fishers Party represents a diverse collection of people. We come from sports and activities that have a wonderful and almost unique ability to bring together people from all walks of life. I have competed since my early teens with people from my father's generation and even my grandfather's generation. I have socialised with men and women — with people from all over the world. I have become friends with businessmen, tradesmen, teachers, nurses, doctors, scientists and scholars. We all enjoy a common interest, and through this we share a variety of views and experiences, often over a few beers.

I am here today to tell you about myself and where I come from, and I will start with who I come from. My recent family history spreads itself across a lot of Victoria. My grandfather on my father's side, Barry, grew up in Reservoir, but his family originated from a place known as Duck Ponds, which is now called Lara. This connection has kept us close to Corio Bay. When I was young we had an old clinker moored at the Avalon Beach boat ramp. Far from the pinnacle of technology at the time, it was powered by a Blaxland putt putt and steered by nothing more than what I thought as a kid was a plank sticking out the back. It did not matter, though. For years we would fish out of it for whiting and flathead. I remember the slow ride in it for what seemed an eternity from Campbell's Cove to Avalon Beach when we first got it. That boat was so ancient, and I remember it so well.

Grandpa worked for his father as a builder for a number of years before starting his own business, as did one of his brothers. Of the other two of four boys, one became an electrician and the other a draftsman. Grandpa was a working man and to this day is always on the move. In the late 1980s, he and his wife, Evelyn, moved out of the suburbs to Riddells

Creek, a beautiful place to retire amongst the gum trees and away from the city.

Grandma Evelyn grew up in Powelltown where her father was the manager of the Powelltown sawmill for a time. Grandma was a lovely woman, and the pain of losing her is still fresh for me. At her funeral just last year I spoke about how she influenced my life, but there is a special connection for me in this place. She played a large part in influencing me politically, not through allegiance to any particular group nor through holding any particular views, but by sparking my interest. Often described as a political junkie, she would always have an opinion on the latest issues, and through elaborate conversation I found myself quite often losing track of time when visiting. I think she would be the most proud of seeing me here today, and I thank her for all the qualities she bestowed upon me.

On my mother's side are my grandparents Trevor and Rose. Grandpa Trevor grew up in Thoona, near Benalla. Enjoying country life as a typical Aussie kid, he loved to play football and shoot the odd rabbit or two. He studied his trade as a fitter and turner before working for and becoming manager of an equipment hiring company. He then started his own business venture in repairing tools, before selling the business and retiring. His passion for football is still strong, and he also has a keen interest in the history of Australian bushrangers.

Grandma Rose, originally from Coburg, is most well known for her blind faith in the Essendon Football Club — an interesting dynamic, as Grandpa is a Collingwood supporter. They never let a chance pass to stir each other up, the usual ending being, 'And how many premierships have you won?', followed by, 'It doesn't matter; we beat you in 1990!'. I am thankful that I was able to inherit the Essendon gene from her, as it has allowed me to keep all my original teeth and avoid a criminal record. Grandma has been taking my mum and subsequently me and my siblings to the footy for years — and does she get wound up when it is a close game!

They settled in Viewbank, and this is where my mother grew up until she met Dad and they moved to the small town of Romsey. A housewife and mother of five until just recently starting work, now that the kids are all moving out, if asked when she was younger what she wanted to be, I imagine she would simply have said, 'A mother'. Well, she has been the most dedicated mother I could have asked for. We were dropped off at and picked up from school every day and driven across the countryside to pursue a

wide variety of sports and other activities, and my mum would always sit there on the sidelines, watching every minute of it. Mum gave me my competitive streak. It was never enough to just go out there and cruise along. It was all or nothing. She would shout and scream not only with encouragement but with criticism. If I made an error, she would well and truly let me know. Other kids did not understand, other parents thought it was too harsh, but I loved every second of it. It pushed me to do better, to improve and to win.

This was useful when I started competitive shooting at the age of 14. I was able to use that attitude quite effectively. Sporting clays was my favourite discipline, and I took much delight in knocking off most adults while still shooting as a junior. My home ground of Greenvale Field & Game was where I picked up my first 25 badge, an equivalent of a hole in one. When I was 19 I won consecutive club championships before work got in the way and shooting became more infrequent. My current club, Bendigo Field and Game, is one of my favourite places to relax and enjoy time out.

Northern Victoria is home to many shooting and fishing clubs, and they are the heart and soul of our sports. They are a place where people can be introduced to the art of tying a complex knot to ensure that there is not 'one that got away' or learn the use of a firearm in a safe environment with an experienced person. These clubs should be supported as any other sporting club would be, and I ask the government to take note of that.

I get back to my mum, who has two main interests outside the family, one being sport. She has watched, played and even coached many sports over the years — tennis, basketball, netball and more recently lawn bowls among them. Her almost obsessive passion for the Bombers is rivalled only by a similar obsession with a most famous Australian, Ned Kelly. Mum is what most call an enthusiast, but I have often referred to her as a Ned Kelly nut. The folklore tale of the Kelly gang inspired Mum's passion for Australian history, and she holds quite a collection of literature on the subject. I often get swept up in the daring tale but find myself drawn particularly to the history ingrained in the firearms used by both the police and outlaws in colonial Australia. The history of this struggle for justice is one we can all learn from.

This brings me to my father, Darren Young. He is the single most influential person in my life, not always for good reasons and often an example of what not to

do. He has mostly shaped the person I am today in one way or another. Dad left school at 16 and later became an electrical draftsman. This career was short lived as he hated being cooped up inside. He then turned to a trade and worked as a glazier for Pilkington before beginning a business venture of his own — that of on-site curved glass fitting. As a pioneer in the industry — a laughable concept to him — he worked long, hard hours to inevitably pay off his house as a relatively young man. The Aussie dream of owning your own house is a valued prize to him and one that has been passed to me.

But Dad does not like work, preferring to spend money rather than make it, always bringing home a new toy — some busted-up old car or shotgun that needs putting back together, more often than not something that does not work. Mum was often heard saying to him, 'Why on earth did you bring that home?'. This kept things interesting, and every little 'project' was a learning curve. When not tinkering in the shed he would be in the bush, on a lake, out on the bay or walking through a stubble paddock, always looking for something to catch or hunt.

When I was old enough I would join him. I went to my first duck opening at the age of six; I have not missed one since. I would trail along where I could and became very keen when I turned 12 and could start shooting. I did not need to study for the firearms safety course — I already knew it. I achieved AA grade on the waterfowl identification test because Dad had been teaching me for years. At the age of 12 I was more than capable of safely handling a gun because I respected them. It taught me responsibility. This is why I believe in firearm education at an early age. School shooting competitions are great fun and promote several important qualities.

Dad and I, along with my brother, would camp for days, sometimes weeks, in some of the most remote and beautiful places in Victoria, taking in the way nature works, learning how to fit into it and how to read it, sleeping under the stars or sometimes in absolute darkness — the kind you just cannot get near civilisation. It was during these times that my connection with our environment was forged. I saw not only the beauty and peacefulness it possessed but also how fragile it is and the devastation caused by invasive species. There is destruction from wild pigs affecting not only farmers but also our forests and wetlands. We have populations of native birds, lizards and mammals being torn apart by wild cats and dogs and, worse than that, by the rubbish left behind by man.

The Shooters and Fishers Party is the only party whose supporters are an active part of the solutions. We hunt feral animals in the most targeted and effective way. We ensure that areas are relieved of these introduced competitors so our native animals can thrive. We have entire organisations like Field and Game Australia which are dedicated to native breeding programs to ensure strong and healthy populations, and, furthermore, we clean and remove anything left behind. I have personally cleaned entire campsites of rubbish left behind by those who believe they are 'animal activists'. I will endeavour during my time in this place, and after, to show people that the truest conservationist is the hunter and the fisherman. We have a vested interest that drives us, and for that reason we will not fail.

As well as enjoying shooting and fishing, Dad loves the history of old guns. Australian colonial pieces are his favourite, a convenient overlap with Mum's interests. The old English side by side is another favourite and at one particular time so was an M1 carbine. He bought this rifle at a charity auction held by none other than the state government. This rifle came from tower 7 at Pentridge Prison, a place I am sure everyone in this room is familiar with. With its worn-out action and brass plate on the stock, it made for an interesting item. But alas, the history of our state was not important when in 1996 the Howard federal government made the unjust decision to take this piece of our heritage from my father and run it through a crusher — the destruction of what would have been a family heirloom and a part of our history. Now all we have is the story.

How many other historic items met with the same fate? I ask why. Dad never did anything wrong. He never broke the law. Neither did any other person who complied, often unwillingly, with new regulations forced upon them because of actions that were no fault of theirs. We hear the argument often about other groups that the actions of a few should not reflect on the whole. Why, then, does this not apply to all law-abiding firearm owners? The Shooters and Fishers Party will continue to advocate for sensible firearm laws that will have an effective impact on criminals, not the people who do the right thing. We seek tougher penalties for those who break the law and less unnecessary restriction on those who have proven to be trustworthy members of our society.

I should probably speak about myself and how I came to be here. I was born in Sunbury in 1988 and grew up in the small town of Romsey. This quiet country town appeals to me so much that 26 years

later I am still there. I attended Romsey Primary School until the end of 2000. Romsey does not have a secondary school, so from then it was a 30-minute bus ride to Gisborne Secondary College, from where I graduated in 2006. I spent my last year of high school applying to join the defence forces, with aspirations of attending the Australian Defence Force Academy to pursue a career as a pilot. Unfortunately all my years of shooting had caused some damage to my hearing and that was enough to put a stop to those plans.

I finished VCE with a high enough score to attend university, but I longed for a more physical career, although my mates now make a point of calling me a pencil pusher given my current job. I started working in a factory in Thomastown, where I would soon be offered an apprenticeship in sheet metal fabrication. I was 18, working and I already had a car — an LJ Torana I bought when I was 16. It was then that I decided to buy my first shotgun. A lot of people thought I was mad, spending all of what little savings I had, but I just wanted one.

After finishing my trade I moved on to a bigger engineering company. This involved some more complex projects, heavier fabrication and a certain element of danger. I became a leading hand as well as an occupational health and safety representative. I was looking to start a small-scale business of my own when I met with the Shooters and Fishers Party, which was not even registered at the time, at a gun auction. I was convinced very quickly that this was indeed a cause worth being involved in, and politics has always been a keen interest of mine.

My recent displeasure in dealing with local council building permits was also a driving factor. It seems that councils no longer trust people to build their own homes — a sad thought to me as my father built his own house, like his father before him.

This new path into politics has indeed taken me in a different direction. I am someone who feels more comfortable in a pair of workboots and a dirty singlet, and I am not unfamiliar with long days of hard manual labour. My hands are more used to burns, cuts and callouses than cramps from writing or typing. In fact I did not even own a suit on the day I was elected. But this is just a challenge of a different nature. I do not see it as a chance to leave a mark, but as a chance to change the future of our state.

I have a new and very special reason for looking to the future now. I have a daughter, Sophie Ann, who was born on 14 December, just two months ago. In

the days that followed and when the results of the election were final, I posted to Facebook:

Just been elected to Parliament, still not the best thing that's happened to me this week.

Sophie Ann is the greatest gift I have ever received, and I thank my fiancée Carly not only for our little girl but for many other things. Without her support I would not be here. She is the one person I can always rely on, and her patience with me is unwavering. This is a good quality to have in her career as a teacher of children with special needs. She is kind and generous, and I have a great deal of respect for the work she does. It is not an easy job, but she loves it anyway.

Family is the most important thing in the world for me. I always wanted to be a family man and have children, but I want my kids to have the opportunity to grow up as I did. I want all future generations to be able to participate and compete in the sports and activities that the Shooters and Fishers Party represents. I want our wild places to remain as vibrant and beautiful as they are, and I want to be able to enjoy every part of our state with my children. I want to hunt and fish with them like my father did with me. It is a very rewarding way of life, and I will do all I can to preserve it.

Hunting and fishing goes hand in hand with country life. In doing so, I have been through many small country towns and met countless people. The fresh country air tends to breed the most down-to-earth and genuine souls. They are usually the politest and the most generous of people.

Shooting and fishing provides a wave of income for the rural economy, and I believe it is severely underestimated. Victoria has the potential to become a tourism capital for shooting and fishing that could rival any other state. In doing so, jobs would be created and incomes would be provided to many small towns across our state. The estimated \$439 million in hunting and over \$800 million in fishing would be just the beginning.

I commend the government for its efforts in fishing; the *Target One Million* campaign is a fantastic initiative for fishermen and their families. I hope it keeps up the good work. I will be watching. I hope a similar effort is made to promote shooting and hunting. An unfair opinion of shooters is widespread throughout this state, and that is mostly due to a lack of understanding. During my time here I will fight to correct that opinion, to educate those who have not experienced the things I have and to share what

shooting and fishing has to offer. I invite each and every one of the people in this room to take me up on that offer.

Before I close, I would like to thank a few people for their effort and support over what has been the most exciting time of my life. The small but dedicated team that is the Shooters and Fishers Party of Victoria has achieved amazing things in such a short time. Jeff and Nicole Bourman took on the monumental task of getting us here. I thank them for that, as well as Megan Scott, Paul McArd, Dave Fent, Tim Horan and the other hardworking committee members. I am also grateful for the support of Robert Borsak and Robert Brown and the Shooters and Fishers Party of New South Wales. Special thanks go to those who volunteered on election day, and most importantly every single person who voted for the Shooters and Fishers Party, particularly those in northern Victoria. We will do all we can to earn our place here.

With that said, I thank you all for your time and attention. I hope to work closely with all members in this place, and I look forward to the opportunity. Thank you.

**Debate interrupted.**

## DISTINGUISHED VISITORS

**The PRESIDENT** — Order! I take a moment to recognise some distinguished visitors in the gallery. We welcome to our Parliament today the High Commissioner for Pakistan, Her Excellency Mrs Naela Chohan, and her husband, Mr Musa Chohan.

## GOVERNOR'S SPEECH

### Address-in-reply

**Debate resumed.**

**Mr BOURMAN** (Eastern Victoria) — I have got some really tough acts to follow. I thank the President and the members of this chamber.

Today I have the honour of making my first address to the 58th Parliament. My journey to this place has been one of changes, learning and finally awakening to the fact that someone needed to make a stand. Originally I was going to copy a Hightower speech from the movie *Police Academy*, but I have been told 'Thanks' is not an acceptable speech. So here I go.

There is a long list of people I need to thank, and I apologise to anyone I miss. Firstly, and most of all, I would like to thank my wife, Nicole Bourman, without whom this honour would not have been possible. I got unwavering support and assistance from Nicole every time I needed it. I also have to thank Robert Brown and Robert Borsak of the Shooters and Fishers Party in New South Wales for providing me with motivation and invaluable help during the whole process — even at the expense of seeing Robert Brown's Hawaiian shirts! The whole Shooters and Fishers Party NSW team guided and sometimes shoved me in the right direction. In particular Tim Horan was there when we needed him most, just up to and just after the election. Without Tim we would have been adrift.

I also have to thank my parents, Clare and Graham Bourman, my mother-in-law, Sima Garfield, my brother and sister-in-law, Gary and Jane Bourman, my sister and brother-in-law, Kate and Warren Birthisel, and the rest of my family who put up with me for the last 47 years.

Nicole's father, Sima's husband, George, died when Nicole was a small child. George and Sima were caught up in the Holocaust of the 1930s and 1940s. This gives a very human face to something that happened and something we should never allow to happen again.

I would like to thank the previous government for all the assistance they have given shooters and fishers of this state — not the party — and the current government, which so far has been fulfilling election promises such as Lake Toolondo, and I hope to see this continue. Lastly, and definitely not least, I have to thank the people of Eastern Victoria Region for electing me to this Parliament.

The Shooters and Fishers Party started in New South Wales in 1992 as the Shooters Party, and in 1995 had its first elected member, John Tingle. Soon there were two members of the Shooters Party in the NSW upper house, the late Roy Smith and Robert Brown. When Roy died suddenly in 2010, Robert Borsak was appointed to fill the vacancy. In 2013 Rick Mazza was elected to the upper house in Western Australia, and both Dan Young and I were elected late last year. This shows that the Shooters and Fishers Party is growing and that we have the support of shooters, fishers, four-wheel drivers, campers, rural residents and others who are interested in what we do.

A little bit about myself: I was born as a Royal Australian Air Force brat in Queensland in 1967. In the early years I never really called anywhere home. A short list of where I lived looks like this: born Ipswich, Queensland; moved to Sale, Victoria; moved to Laverton, Victoria; moved to Williamstown, New South Wales; moved to Malaysia; moved to Canberra; moved to Wimmera, north-central Victoria, where my family started goat farming; and then moved to Melbourne. Then I finished high school in 1984, gaining my higher school certificate, much to everyone's surprise, particularly mine.

I was really a little aimless in the first part of my working life and did not pursue any real direction. From the time I had returned from Malaysia I wore extremely thick eyeglasses. I hated them with a passion, but I could not wear contact lenses. Through my father's contacts, I found out about a revolutionary medical procedure called laser eye surgery. It was still considered experimental at that stage, and for no other reason than I hated wearing glasses I decided to have it. To say my life changed after that is understating it. I was reading a newspaper one day — without my glasses — and noticed a small ad for Victoria Police. I had never considered anything like that due to having to wear my glasses. I applied, went through the process and on 29 April 1996 I started at the Victoria Police Academy in Glen Waverley.

Going through the academy was nothing like anything I had ever experienced. It was particularly tough compared to anything I had done before. I eventually adjusted to the new life and graduated from squad 10 of 1996 as a probationary constable. In the next nearly four years I learnt a lot about justice, human nature and society — and not all of it pleasant. I was introduced to the reality of violence in society and the scourge of domestic violence. For a police officer, domestic violence is a daily reality, and despite the seemingly easy solutions, it is a complex and difficult issue for which there is no panacea. For me there was one recurring theme, though, and that is the fact that all the offenders — and, yes, I call them offenders — were bullies. Once someone who could fight back arrived, the violence stopped. I fully support any initiative that takes a meaningful step towards dealing with domestic violence — no politics, no platitudes, just real efforts to deal with it.

I was also introduced to the reality of policing with the murders of Gary Silk and Rod Miller in 1998. I had worked with Gary for a short time and remember him as unusual in that he was helpful and supportive

towards a trainee. Not everyone of rank was like that. The murders of Gary and Rod underlined that policing is a very dangerous task and is underappreciated in society, as are all the emergency services.

I had changed greatly as a person by the time I left Victoria Police on 1 January 2000. I had become confident and clear in my direction, or so I thought, and decided that as much as I loved the job of policing, it was not for me in that climate. I had also met and married my wife, Nicole Bourman, and my life had fundamentally changed.

I met Nicole at the Sporting Shooters Association of Australia range in Springvale in late 1997. I had finished my pistol shooting for the night and had ordered dinner. I was off to wash my hands when I was asked to show two visitors how to shoot. I took them off to shoot, and after a while I mentioned that there was another range used by the federal police that we could use and that had closer targets. The next day Nicole turned up to shoot, and the rest, as they say, is history.

Information technology was the future. Those who remember the year 2000 boom will also remember that on 1 January 2000 — the date I left the force, when nothing went wrong and the world did not collapse — the boom busted. The next couple of years were a struggle, and eventually I did get a good job in a medium size company where I learned the ins and outs of IT and, more importantly, how to deal with senior management on a professional level. I moved on from there and started contracting again. It was also at that time that I started to go fishing as a stress release. It really did not matter whether I caught anything or not; I enjoyed sitting there with Nicole, bait in the water. I just enjoyed being there, which is pretty fortunate, as I caught three fish over two years, one being on Nicole's rod, which she has not let me forget. I have fished before; however, as my count over two years may indicate, I may love it but I am not good at it.

It was in the next period of contracting that I started my political awakening. I had always been peripherally aware of politics, though I had never really decided to become involved in any meaningful fashion. As a younger person I was generally on the conservative side of politics, but the happenings of 1996, when John Howard forced the states to comply with his personal wish, cured me of that. Upon reassessing my thoughts and beliefs I drifted towards the centre of the spectrum.

The first time I can remember holding a rifle was when I was eight, just prior to my father's posting to Malaysia. At a friend's farm in New South Wales I got to hold a .22 rifle. Once we were back from Malaysia I went to my grandfather's farm in Eaglehawk and went rabbit shooting, with no success, and I also went shooting at another friend's farm near Braidwood, with the same amount of success. But I was hooked.

My dad retired from the air force and we moved to a farm outside of Stuart Mill in the Wimmera/north central region. At about the age of 14 this shaped my future. I loved everything to do with the farm. I learnt to drive, I learnt to shoot safely and responsibly, and I learnt just how hard life can be for some rural folk. I also learnt to love the bush, rural areas and just the people in general. My line of work and family responsibilities mean that I have to live in suburbia. This has also taught me that the continuing urbanisation of our society has not helped people in rural communities.

In the time since I started shooting, which is now nearly 34 years, I have seen the appalling spectacle of tragedy exploited to further the aims of a tiny yet vocal group of people opposed to the private ownership of firearms. Having had some experience in law enforcement, I can appreciate the need for effective laws regarding firearms. I cannot see the need, nor even want to, to restrict those who obey the law. By definition, criminals will not obey the law but the law-abiding will. Not everyone should have firearms. There needs to be a robust licensing process to ensure that people wanting to legally own firearms are fit and proper persons to possess them. What the law should not do is penalise with undue red tape, undue restrictions and constant demonisation of those who are not posing the risk. Laws should not be weak or strong; they should be effective. These laws should be stopping criminals from getting firearms or punishing them severely if they illegally possess or use them.

Restrictions that do nothing to fight crime can be in the form of direct restrictions, such as the re-categorisation of firearms to make it near impossible for a properly licensed and responsible shooter to own a .22 long rifle semiautomatic. These rifles have been the mainstay of farmers and sporting shooters for decades, and yet they were effectively banned in one fell swoop. We have seen as recently as last week that due to an administrative error in 1996 some people who technically fell outside the requirements for a category C licence have had these licences, and associated guns, for 19 years, yet

nothing went wrong. That alone makes the effectiveness of our current system questionable.

Restrictions can also be indirect, such as the changing of a state forest to a national park. This effectively stops shooting other than in some circumstances and only of certain species. These restrictions do not just apply to shooters. Owners of four-wheel drives feel the effect of track closures and campers feel the effect of unreasonable fees and booking systems for what was once available on a free and a first come, first served basis. Even fishers feel the effects of declarations of marine parks, which shut out all fishing.

There is a, hopefully unintended, consequence of these restrictions: the loss of revenue to rural businesses. People who shoot, fish, four-wheel drive and camp all buy petrol, food and other items from rural businesses. In fact it was recently estimated that the income to the state from hunting alone was in excess of \$350 million annually. Add the rest of the outdoor activities and that is a major positive financial impact. I have also seen estimates that fishing brings in around \$822 million a year to this state. We are talking about a real and very substantial segment of our economy.

The urbanisation of Australia is a fact. That does not mean that people in rural areas can be treated in the same way as city folk. Rural issues need different consideration from city issues. Unemployment is a huge issue in rural towns, where the closure of one small business has a ripple effect through an entire community. One hundred jobs lost in a city of nearly 5 million people does not show much on a graph, but 100 jobs lost in a town of 10 000 is a tragedy, with the likelihood of being re-employed a lot less.

After a while it became apparent that the efforts of the anti-gunners to remove firearms from the law-abiding, legal and responsible gun owners was never going to stop. Despite evidence to show that the continual harassment of the law abiding was doing nothing to combat crime, the relentless attacks go on.

Now we get to my journey here. I was reading an internet forum, Australian Hunting Net, when I noticed there were two MLCs, the previously mentioned Robert Borsak and Robert Brown of the Shooters and Fishers Party, posting from time to time. I paid attention to them and the party platform, and over time I liked enough of what I saw to join the party just as a show of support. Soon I decided I needed to do more.

I contacted the Shooters and Fishers Party in New South Wales and, after meeting the two Roberts, we all decided we would get the Victorian branch up and running. The next 12 months or so, particularly the last six months, were a blur of constant phone calls, events, trips and emails to get people interested in protecting the rights of law-abiding shooters and fishers to join the party. Two weeks before the election was called we got registered. Tick-tock, the clock was running and time was running out, but we beat it.

It was all due to the hard work of numerous people, but those who deserve special mention are our election committee members: Megan Winter, Paul McArd, Dave Fent, Chris Tzelepis, Steve Zoumis, and of course Daniel Young. Due to the hard work and dedication of the committee and all our volunteers and supporters, Daniel and I are now both proud members of the 58th Parliament of Victoria.

We are here to be a voice for common sense. We are here to do our best to represent those who supported and elected us. Most importantly of all, we are here.

**Debate adjourned on motion of Ms DUNN (Eastern Metropolitan).**

**Debate adjourned until next day.**

## BUSINESS OF THE HOUSE

### Sessional orders

**Mr JENNINGS** (Special Minister of State) — I move:

That until the end of the session, unless otherwise ordered by the Council —

(1) The following sessional orders be adopted, to come into operation with immediate effect:

1. Time limit for lead speakers

For the purposes of standing order 5.03, and subject to any agreement to the contrary, additional time provided for other lead speakers does not apply in relation to a party that has advised the President that it is in a coalition arrangement with another party.

2. Notices of motion

Standing order 6.01(2) to (5) is suspended and the following will apply:

(2) Notices of motion —

(a) given by ministers; and

- (b) making an order for the production of documents in accordance with standing order 11.01 —
- must be read aloud to the house at the time allocated for notices of motion in accordance with standing order 6.01(1).
- (3) Notices of motion given by members who are not ministers must be given in writing by lodging a copy with the Clerk in accordance with this sessional order.
- (4) Copies of all notices of motion, whether they are required to be given verbally or in writing, must be provided to the Clerk prior to notices being called by the President in accordance with standing order 6.01(1).
- (5) A notice of motion will be printed on the notice paper. Any notice of motion or part of a notice of motion which, in the opinion of the President, contains material not in conformity with the standing orders may be omitted from the notice paper by order of the President.
3. Questions without notice and ministers statements
- Standing order 8.04 is suspended and the following will apply:
- (1) Questions without notice may be asked at the time prescribed by standing order 5.02 when any business before the Council will be interrupted.
- (2) Only non-government members may ask oral questions without notice under standing order 8.01(2).
- (3) Subject to the allocation of speaking rights by the President in accordance with standing order 12.06, after an oral question without notice, and any related supplementary question under standing order 8.05, any minister may seek the call to make a statement of up to 2 minutes to advise the house of new government initiatives, projects and achievements.
- (4) The time allocated for questions without notice will be until the number of oral questions (not including related supplementary questions) that have been answered and the number of ministers statements under this sessional order have been made reaches a combined total of 10.
4. Constituency questions
- (1) At the conclusion of questions without notice and ministers statements, up to 10 members may ask ministers an oral question relating to a constituency matter.
- (2) The time limit for each member asking a constituency question is 1 minute.
- (3) Answers to constituency questions must be given to the Clerk in writing within 30 days of the question being asked.
- (4) A copy of the answer will be given to the member who asked the question, and all answers will be incorporated in *Hansard*.
5. Content of answers
- (1) All answers to questions without notice must be direct, factual, succinct and relevant.
- (2) The President may determine that an answer to an oral question without notice or supplementary question is not responsive to the question, and may accordingly direct the minister to provide a written response to the question and lodge it with the Clerk by 2.00 p.m. on the next sitting day. A copy of any response provided under this sessional order must be given to the member who asked the question and printed in *Hansard*.
- (3) The President will determine the adequacy of a written response to a question provided under this sessional order. The President may determine that a written response does not appropriately answer the question and may direct the minister to provide another written response and lodge it with the Clerk by 2.00 p.m. on the next sitting day. A copy of the further response must be provided to the member who asked the question and printed in *Hansard*.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council, will have effect notwithstanding anything contained in the standing orders or practices of the Council.
- (3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

The business we are now discussing is the sessional orders motion that I gave notice of on Tuesday. It deals with a number of the commitments the government made in the lead-up to the election. They are primarily based upon improving the responsiveness of ministers to provide appropriate answers to questions asked in Parliament and allowing additional scrutiny to be provided by the Chair to ensure that ministers acquit their obligations to provide reasonable and responsive answers to questions they are asked in question time. They will then deliver on something which had been promised by the incoming Liberal Party during the course of

the last term but which it failed to do — that is, to eliminate Dorothy Dixers in question time.

The method the incoming Labor government is adopting allows for ministers to speak in question time about government business but to do so in a constrained and clear fashion by enabling short ministers statements. Those statements will provide some information to the Victorian public about government activity in a way that is not seen as a contrivance through the mechanism of a backbencher asking a question in the form of a Dorothy Dixer, yet they will allow the government to have a voice, give an expression, of a positive nature providing the community with information about the working of government. Regardless of what contributions may be made during the course of this and subsequent debates we might have on sessional orders, every single person who has ever taken any notice of parliamentary procedures knows that question time is the one that draws attention to itself.

Earlier today I heard a contribution from a member of this chamber indicating that question time is not very important, which was quite extraordinary. It was a dismissive remark. If we were to do the ratings, Acting President — as tawdry as those ratings may be, across all jurisdictions — we would see that it is question time that rates. In relative terms, it is the thing that matters in terms of public scrutiny of the Parliament. Whether that be the best and most enlightened form of engagement with members of Parliament and parliamentary procedure is questionable, and perhaps we could argue about that, but that is the clear truth. If people are going to take any notice of what we do, they take notice of what we do in question time.

Certainly that is what the media does. If you look at the media's interest, you will see that question time is the time that matters to them and the only time, with very rare exceptions, we would see any representatives of the media in this chamber. They are here during question time; they are not here at other times. They are not going to be giving due attention to what happens. If there were not an opportunity for ministers statements to be a feature of question time, there would be a high probability that we would turn ourselves into a gladiatorial environment where the prime purpose of question time would be reduced to trying to pummel a minister into a submission.

That may be at the heart of opposition members — including those who are joining the opposition — who, in the course of their contributions today, vote

against or speak against the desirability of having ministers statements to punctuate question time. Their primary objective is not in terms of truth and justice; their prime objective is to create a punitive, punishing and bullying environment in question time. That is pretty clear; that is pretty evident. Despite all the comfort that other people might take about their lofty aspirations for how question time should run, that is their clear intention. Their intention is to turn question time into, as much as they can, a debating bloodbath and revel in that.

As to the responses the government has had to its proposed sessional order changes, they are in fact designed to make our time usage more efficient, to enable greater accountability of ministers in question time and to allow for more seemly procedures in the house. That was the limit of what we committed to. We are acting on that immediately on coming to the Parliament. Our actions have been very clear, transparent and consistent, and that is what we sought to do.

I contrast that with promises that were made by the incoming Liberal government to do that. In four years it did not take up the opportunity to acquit its promises at all. In four years that government did not take up the opportunity to introduce any reforms to sessional orders in a way that enhanced the ability of the Parliament to scrutinise activity. It used its majority in the Legislative Council to deny scrutiny by the legislation committees, so bills did not go as a matter of course to those committees. The only references that were considered by the reference committees in the upper house were references that were determined by the government.

In the committee stages of bills in this chamber the performance and the responsiveness of ministers were embarrassing, as was listening to the paucity of answers and the clear lack of understanding of one minister after another who came to the table in the committee stages of bills in this chamber and who were unable to answer simple questions about their own legislation. A shining example of that was the then Leader of the Government, who time and again when he appeared before the chamber in the committee stages of his bills did not understand the fundamental aspects of what was in a clause, could not explain a clause, could not explain its implementation and could not explain the resources that were associated with it.

**Mr Davis** — You didn't like the answers, that's all.

**Mr JENNINGS** — It is not a matter of whether you like the answers. Anybody in the Victorian community who goes back and looks at what happened will see the paucity of the contribution by the Leader of the Government in this chamber in answering any substantive question in a committee stage of a bill at any point in time. This is the house of scrutiny.

When I was a minister I had to deal with the passage of a number of pieces of legislation in this chamber which went into committee. I went into committee for hours and answered — —

*Honourable members interjecting.*

**Ms Wooldridge** — On a point of order, Acting President, while I understand there is clear latitude, there is no content in relation to the committee stage of a bill in the motion that is being put to us today, so I do not believe the comments the Leader of the Government is making are relevant to the sessional orders, which are the subject of the motion we have in front of us.

**Ms Shing** — On the point of order, Acting President, in response to the position that has just been put by Ms Wooldridge, the matters which are being outlined by Mr Jennings fall squarely within the purview of the motion being put and the matters for debate — namely, they stand as a point of comparison on the issues of transparency and a preparedness to deal with the substantive matters now before the house.

**The ACTING PRESIDENT (Mr Finn)** — Order! In the interests of expediting the debate and in the interests of relevance, it would be good if the minister were to refer to matters that were within the constraints of the motion. I ask him to do that.

**Mr JENNINGS** — Acting President, let us see how we go in complying with your direction, because I fully accept — —

*Honourable members interjecting.*

**Mr JENNINGS** — I was revelling in the commentary from those on the opposition benches about the discrepancy between the performance in committee stages of the Labor government and what was then the incoming Liberal government. I will allow that commentary to go on. It is a pity that it cannot be recorded in *Hansard* for posterity — —

**Mr Davis** — ‘Posterity’, you mean.

**Mr JENNINGS** — Whatever. I will do my best. If any interjections like that occur, I will do my best to try to incorporate them.

I was talking about commitments that have been made by governments and whether they are consistently applied. What I am suggesting to the chamber is that Labor has a track record of improving accountability and introducing — —

**Mr Davis** — That’s rubbish. You are the most secretive government in the state’s history.

**Mr JENNINGS** — Acting President, I know that you know I am not going to be distracted by the nonsense that emanates from the opposition benches during the course of my contribution.

One of the reasons that we have diversity within the Victorian Parliament, as amply represented by the inaugural speeches that were made today — the rich diversity that makes up the Victorian community is now represented in the Victorian Parliament — is that the last time the Labor Party had a majority in this place it ensured that a diverse range of members was able to be elected through the introduction of proportional representation. My argument is totally consistent with the philosophical, political and practical application of my proposed sessional orders.

In fact Labor’s track record was designed, for better or for worse, even though it may have created difficulties for us in terms of managing the Parliament, to open the Parliament up to a broader representation, to open up its processes to enable better participation from the community and for the community’s expectations to be represented in this chamber and to be tested out in this chamber. As challenging as that may be, we continue to want to comply with that. If we had a majority in this place, we would be tested as to whether we would comply with our election commitments. I suggest that we would comply with our election commitments because that is the intention of the government. I would like to be held by that measure. In fact I criticise anybody who is not prepared to be tested by that measure. I think they should be criticised if they are not able to satisfy their commitments but fall short of them. I was just drawing attention to the fact that that might be the difference between the last term of government and this one.

I am happy to be measured by that. If my actions are inconsistent, I am happy, during the course of this debate and any debates we have over the next four years, to receive criticisms and interjections for that,

and to respond to them if and when they occur. The nature and the tone of the engagement that the Labor government wants to have in this chamber are that we want to be seen to be responsive to questions. We want to be seen to be not wasting the time of the Parliament. We do not want to establish a confronting environment that looks anything like a gladiatorial environment.

We do not want to create a Star Chamber by stealthily getting our hands on all sorts of documents and taking them off to goodness only knows where in the dead of night. We do not want to see committees constructed and run in a way where it is unclear whether the government has anything to do with them and they just go off and do what they like. We do not think that is in the best interests of democratic institutions or scrutiny, for that matter. We think the scrutiny of this chamber is very important. We want to try to make sure that those of us in this chamber allow the business of Parliament to proceed. We do not want impediments in the way of our legislative reform because of a whole range of procedural matters or other activities that take us offline in terms of our ability to get through the legislative program.

The sessional orders that have been proposed for this chamber mirror in some ways the sessional orders that were introduced in the Legislative Assembly. I will run through some of those measures in terms of saving time. For instance, why have I moved the first issue that deals with time limits for lead speakers?

The first of the proposed sessional orders standing in my name would amend standing order 5.03 and is designed to try to save the Parliament half an hour by reducing the time limit for contributions to be made by somebody who purports to be a lead speaker. In the present case, on past practice, we would probably be referring to The Nationals. If The Nationals are in coalition with the Liberal Party, as in this Parliament, The Nationals, for all intents and purposes, are going to vote in a block with the Liberals. The Nationals represent similar interests to those of their coalition partners, so why do we need an hour and a half to be made available for two lead speakers who are coalition partners? They would be replicating, for half an hour potentially, exactly the same arguments as their coalition partners. That is the reason we think there is potential to save half an hour.

If you extrapolate that to what was looking like a coalition forming between the Liberal Party, The Nationals and the Greens, it may well be that the Greens would lose their half-hour as well. The Greens members may have a view about this, or they

may not have a view. If members choose to act as a coalition and position themselves in the Parliament and the political process as one — acting consistently as one in coalition partnership — why do they need to reserve their right to contribute more than one lead speaker?

If you are in a formal arrangement, I think this is pretty easy. It may become a bit confusing if it is informal — if in fact it is a coalition of the willing in relation to trying to be expedient and forming alliances that cross over the chamber. In that instance you could get 2¼ hours for the combined lead speakers you might have presenting a united voice. If your interest is in repeating arguments, if your interest is in using up the government's time in terms of its capacity to pass legislation or if you just want to assert yourself over the Parliament because you can, then I can understand why you would be defensive about this. But if you are actually interested in legislation passing effectively and efficiently, if you are interested in the quality of contributions or if you are interested in expediting what the community might see as the business of Parliament, then we on the government benches would think, given that we promised to do this, that support would flow from non-government members for the first part of the motion, and indeed for the second.

My second proposed sessional order deals with another feature that we see as a very wasteful use of our collective time, and I thank Mrs Peulich for yesterday providing us with a very clear demonstration of what is the current practice in notices of motion. Mrs Peulich made a very opportunistic intervention, which was totally inconsistent with the existing standing order and the expectation that notices of motion are presented to the Parliament in writing. For a few minutes in the Parliament yesterday, Mrs Peulich decided to freewheel it in making up a notice of motion on the spot. The President made it very clear to her that this was not a practice that was appropriate and that her major challenge in getting her notice of motion on the notice paper was to make sure that when she wrote it out it was consistent with what she had said. I have not checked today whether it is on the notice paper, but I am virtually certain that she would have failed in doing that without the benefit of Hansard's intervention. I am not sure that Hansard would be very happy for its services to be abused in that way to reconcile the processes of putting notices of motion on the record.

The government's intention in point 2 of paragraph (1) is to use our time efficiently. We also wish to

avoid the past practice of one person after another — and this applies to members of the government as well as the opposition — getting up and reading template notices of motion. That practice is designed purely to create a barrage of similar issues time and again.

**Ms Crozier** interjected.

**Mr JENNINGS** — The thing about this is that I would encourage interjection. If there is grumbling over there, I am happy for those on the other side to articulate it.

**The ACTING PRESIDENT (Mr Finn)** — Order! As the minister would be aware, interjections are disorderly, and I think canvassing interjections is probably more so.

**Mr JENNINGS** — I thank the Acting President for his guidance. I am bitterly disappointed that I cannot exhibit the energy level of those on the other side.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Finn)** — Order! It would be really good for the house if members who wish to have a discussion were to go and buy themselves a coffee and have a chat so we can listen to the minister.

**Mr JENNINGS** — I thank the Acting President. Maybe I should apologise to the chamber for not giving my normal energetic contribution today. I gave a very energetic contribution to the chamber yesterday.

**An honourable member** interjected.

**Mr JENNINGS** — Yes, I did, to no effect of course because soon after I finished my contribution the government's position was comprehensively flogged by members who may have predetermined their positions for a variety of reasons. Today I am adopting the more passive delivery style that Mr Leane, to his credit, demonstrated yesterday with great effectiveness in terms of a sustained performance — it was a marathon rather than a sprint. In the spirit of Mr Leane, and knowing we will be breaking for question time shortly, I am going to get there without sprinting.

Nonetheless, while I may be accused of not using the time of the house efficiently at this moment, and in some ways I can appreciate that, ultimately my intention is to use the time of the house more

efficiently by getting rid of time wasting. Notices of motion are presently made verbally and recorded by Hansard when effectively the practice is that they are prepared in written form and consequently put on the notice paper in written form. If that is the method of incorporating notices of motion on to the notice paper, why do we have to be tortured by listening to them being delivered by rote as a barrage, which is an inefficiency in terms of the business of the house? From the government's perspective —

**An honourable member** interjected.

**Mr JENNINGS** — I just indicated that I realise it may be arguable whether the time of the Parliament is being used efficiently at the moment. I am defending the hope that the time of the Parliament will be used effectively and efficiently in the future by getting rid of the practice of notices of motion being read out. One of the reforms of Labor governments in previous administrations was to introduce the concept of incorporation of second-reading speeches, so we have a track record of trying to get the business of Parliament done more effectively by reducing the items that are read out in the house. In terms of underpinning motions relating to legislation, we moved to have second-reading speeches and statements of compatibility with the Charter of Human Rights and Responsibilities incorporated. In fact it is now standard practice in this place for incorporation to occur.

It has become standard practice in the other chamber in recent times to incorporate similar notices and legislative arrangements. We feel MPs should spend their time in Parliament contributing by responding to reports, making 90-second statements, raising adjournment matters, asking questions, responding to second-reading debates and participating in the committee stages of bills, not administrative matters or items that ultimately go on the notice paper in written form. It is understood that that is how they will be dealt with, and that goes to the spirit of why my motion proposes changes to sessional orders relating to notices of motion by amending standing orders 6.01(2) to (5).

Another issue I need to raise with the Parliament relates to — just running through the logic of my sessional order changes — questions without notice and ministerial statements. When I framed my arguments at the beginning of my contribution I said that one of the major intentions of the government was to comply with our election commitment to get rid of Dorothy Dixers. I commented on the fact that this had been promised by the previous incoming

government but it had failed to act on this in the four years it had a majority in both houses. The coalition had a majority in both houses and could have introduced this reform but it did not do so, but now it has become an expert on sessional order reform.

Leaving that aside, this government's commitment was to get rid of Dorothy Dixers so that a government backbencher could not get up and ask a question of a ministerial colleague. In the parliamentary procedure that draws attention to itself and as part of the procedures that rate in terms of the public scrutiny and notice that is applied, we believe it is appropriate for ministers to be able to say something positive about their agenda.

That is the logic behind the government saying we should have ministerial statements as part of question time. It is because of where it occurs during the course of scrutiny by the Victorian public, who would be expecting some contribution from the government in anything but a reactive and defensive mode. That is the spirit in which we are moving our proposal for ministerial statements. If question time lasts 1 hour, then on the basis of the current proportional spread of questions and statements across the chamber, this proposal will mean that question time will be punctuated by 6 or 8 minutes of positive contributions from ministers.

That is the spirit in which our provisions are being moved. They are consistent with our promises, and they are designed to limit the amount of time ministers consume during question time on matters that are not reports to the Victorian community. These provisions are trying to prevent an environment where question time turns into a gladiatorial situation where bullying may occur. Bullying and intimidation are things we should be a little alive to and a little concerned about.

**Ms Wooldridge** — Define it. What is bullying? Asking questions?

**Mr JENNINGS** — Maybe. Questions can be asked in a bullying fashion. When they are backed up by the behaviour of backbenchers or the barrage that confronts people, it may be bullying.

*Honourable members interjecting.*

**Mr JENNINGS** — As members of the opposition know, I am not terribly worried about their bullying me. That does not particularly bother me; they should bring on their best. I am not too worried about it. What I am saying is that I am not interested in creating Salem witch trials or star chambers. If we

are interested in the best way our democracy can be seen and understood by members of our community, including members of the community who come into the gallery at moments like this and see what goes on in the Parliament, then I would hope that, by an external and independent appraisal, the way we do business is reasonable and considered. It does not have to mean we back off in terms of the political discussion, conflict and tension that may be created in the place, but I would value an environment where intimidation is not a part of the dynamic of the chamber.

**Mr Ramsay** — It is not intimidation; it is scrutiny of membership in government, and you are backing away from that.

**Mr JENNINGS** — I do not think so at all. Let us see how we go over the course of four years as to whether opposition members want answers. That is one of the challenges.

In light of the changes being proposed by the government in relation to allowing ministerial statements for 6 to 8 minutes of question time, in order to provide opportunities for all members, including government backbenchers, to raise matters of importance to their constituencies, the government is providing for the asking of brief constituency questions, similar to items that are raised during the adjournment debate.

**Mrs Peulich** interjected.

**Mr JENNINGS** — I cannot hear the unruly interjection from Mrs Peulich.

*Honourable members interjecting.*

**Mr JENNINGS** — I cannot. That was another way of me asking her to say it again.

**Mrs Peulich** — I said that in not having to answer those questions you will get bureaucrats to find the answers.

**Mr JENNINGS** — The critical issue is whether any answers are given. In fact I have already tabled in this Parliament over 60 days about as many fulsome answers as were given in the last Parliament by the previous administration over 1460 days. The challenge is in the measure of how many answers there are, the quality of them and whether they are responsive and appropriate. If any member of this Parliament gets a decent and responsive answer, whether it is written by a minister or by a bureaucrat on the minister's behalf, that is a good thing. We

should encourage that. Our democracy and government would be better off if we were to provide that.

The quality of answers is the issue addressed in the final proposal of the government's motion. The government is proposing to give a power to the Chair to determine whether an answer was responsive, apposite and appropriate to the question that was asked. We are trying to put in the sessional orders an opportunity for the Chair to pull the minister up and say, 'No, we want a better answer. That's not a good enough answer, so either do it again now or come back and give us the answer in a written form tomorrow'. That is what this proposal is about; it is exactly what the government is seeking to obtain. We are determined to deliver on that expectation, and we are happy to be measured by it. We are putting it in the sessional orders and giving power to the Presiding Officer to deal with that matter, and we will be willing participants in that process in order to improve the quality of contributions in this chamber.

**Business interrupted pursuant to standing orders.**

## PRODUCTION OF DOCUMENTS

**Mr Rich-Phillips** — On a point of order, President, I seek your advice as to whether yesterday's resolution of the Council requiring the Leader of the Government to table the east–west link contract documents in the chamber by midday today has been complied with.

**The PRESIDENT** — Order! I was intending to call the Acting Clerk to read a letter of response from the government in respect of that matter.

**The Acting Clerk** — I have received the following letter from the Attorney-General:

I refer to the Legislative Council's resolution of 11 February 2015 seeking the production of all contract documents entered into by or on behalf of the state of Victoria with the East West Connect consortium, in accordance with Partnerships Victoria guidelines.

The Council's deadline of 12 February 2015 does not allow sufficient time for the government to respond to the Council's resolution. The government will endeavour to respond as soon as possible.

**Ordered to be considered next day on motion of Ms WOOLDRIDGE (Eastern Metropolitan).**

## QUESTIONS WITHOUT NOTICE

### East–west link contracts

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Special Minister of State. I refer to the government's failure to comply with the order of this house to table the east–west link contracts. Why is this government treating the house and the people of Victoria with contempt by not providing these documents?

*Honourable members interjecting.*

**The PRESIDENT** — Order! Very early in the last Parliament I gave advice to members of the opposition that when they were asking a question it was probably in their interests not to have interjections, considering that I would not call the minister unless there was silence. I would have thought it was in the opposition's interest to have ministers get to their feet quickly with the least amount of time to think about their answer. I extend that advice again.

**Mr JENNINGS** (Special Minister of State) — I thank the Leader of the Opposition for the question and the opportunity to answer it in a similar way to the way I answered yesterday in making my contribution on the outrageous proposition that was put forward for us to debate. That proposition, agreed to just before 5 o'clock yesterday afternoon, was to demand that by 12 o'clock today the government deliver that document. As I said in my contribution yesterday, the government wants to act with caution in the name of protecting the public interest, the public interest which was not protected by the outgoing government and which was not protected by the actions of the outgoing Treasurer and member for Malvern in the Assembly, Mr O'Brien, who signed an outrageous, disgraceful side letter that not only compromised the integrity of any contractual arrangement — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Ms Lovell, I warned the house this morning about talking when I am on my feet. I suggest the house would be better placed to consider carefully the minister's answer if there was not a barrage of interjection being directed at him from the opposition. The minister to continue without assistance.

**Mr JENNINGS** — The incoming Andrews government made a commitment to the people of

Victoria that it will release the contracts. And we will.

**Ms Wooldridge** interjected.

**Mr JENNINGS** — We will. Regardless of what members opposite choose to talk about, I am talking about the fact that we made a promise, and we will do it. The reason the government will choose the timing, rather than the opportunistic motion passed in the house yesterday, is that it is interested in acting in the people's interests. We respect the decision of the Victorian people to reject the east–west tunnel proposal and to reject the contract. That was the result of the 2014 election.

A benchmark was set by the Napthine government, and the Abbott federal government for that matter, that the election held on 29 November 2014 would be a referendum on the east–west link contract. That is what Premier Napthine, Prime Minister Abbott and Treasurer Michael O'Brien said — that it would be a referendum. If it was a referendum, why did the Treasurer, in the dying days of the Napthine government, stitch up the people of Victoria with a side arrangement — outside the contract, a side letter that completely contaminated the integrity of that contract — that said, 'Even if we lose the election and this project gets killed, we will still guarantee that you will get the people of Victoria's money'?

*Honourable members interjecting.*

**Mr JENNINGS** — That is what you did. My contribution to the debate yesterday, and my contribution to the debate today, is to ask why I would accept the bona fides of an opposition in this place which acted solely in the interests of providing financial comfort to people — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The barrage is not helpful. The minister to continue without assistance.

**Mr JENNINGS** — The opposition's interest is to guarantee that the side letter prevails, to prejudice the ability of the state of Victoria to reduce the financial exposure of Victorian taxpayers. Victorian taxpayers made a decision on 29 November to reject the tunnel and to reject the contract, and they would be outraged by the actions of the disgraced former Treasurer, Michael O'Brien, in relation to that side letter, which totally compromised the ability of the state of Victoria — —

**Mr Drum** — On a point of order, President, the minister in his address is aiming his barrage at the opposition. He has to understand that by the will of this house yesterday he was asked for a certain course of action, and that is where this question has been aimed — at the will of this house and a decision that this house took yesterday. It is not aimed at what the previous Treasurer did or what this opposition is doing today but at what the will of the house decided yesterday.

**Mr Leane** — Further on Mr Drum's point of order, President, his hearing must be a lot better than mine, even from where I am sitting. I am not too sure how he has come to a conclusion about anything the minister has said, considering opposition members ask questions and then shout the minister down. If they want to ask a question, maybe they should show the respect by listening to the answer.

**The PRESIDENT** — Order! I indicate that Mr Leane did not have a point of order. Nonetheless, I agree with his sentiments. It is difficult to assess the minister's response when there is such a barrage of interjections. I understand this is a very contentious issue, but it is an issue best addressed through reasoned debate, reasoned questions and reasoned responses. This cacophony of sound is not helpful to Hansard, not helpful to me and I dare say not helpful to other members of the house.

In terms of Mr Drum's point, the minister's answer has been apposite to the question that was asked. I note that it is possible there may be some remedies that the house can take in future when documents are not provided in accordance with a motion of the house. The fate of those remedies remains to be debated and voted on by the house, but I note that there is a proposal there. Indeed we already have a motion in respect of this matter. As I said, the minister's answer, insofar as I could hear it, was apposite to the question.

**Mr JENNINGS** — The fundamental test is that I respect the decision of the Victorian people. I respect it more than the compromised decision that was made in this chamber yesterday. I am accountable to this Parliament, but I am also accountable to the people of Victoria to make sure that we protect their interests.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I thank the minister for his answer, but it is a ridiculous notion that there was not enough time to photocopy a

contract and provide it to this Parliament by 12 noon today. I ask the minister — —

**Mr Jennings** — That's not the issue.

**Ms WOOLDRIDGE** — Yes, it is. That is the letter from the Attorney-General. Clearly the Attorney-General's view differs from yours. Is that misleading the house? Is it not a fact that releasing the contract now will embarrass the Premier, who foolishly claimed that the contract is not worth the paper it is written on?

**Mr JENNINGS** (Special Minister of State) — This is coming from a minister of the past administration who yesterday supported a motion that said the government was to comply with issues relating to the contract and with Partnerships Victoria guidelines. The interests of Victoria were totally compromised by the side letter arrangement, which is not consistent with Partnerships Victoria guidelines. It has no standing under Partnerships Victoria guidelines. It totally compromised the ability of the state of Victoria to extricate itself from this contract. That is the reason the opposition's bona fides are negligible. They do not exist. It could be well and truly argued, and I would argue, that the opposition's interest is to guarantee that that disgraceful side letter, perpetrated as a sin of inappropriate administration to make the people pay for a project that — —

**The PRESIDENT** — Time!

**Ordered that answers be considered next day on motion of Ms WOOLDRIDGE (Eastern Metropolitan).**

### **Public sector reform**

**Mr EIDEH** (Western Metropolitan) — My question is to the Special Minister of State and Leader of the Government, the Honourable Gavin Jennings. Could the minister update the house on actions that the Andrews Labor government has taken to reform Victoria's public sector since coming to office?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Eideh for his question. It provides an opportunity for me to talk about reforms that have already been introduced and embarked upon by the Andrews Labor government. They will be enacted in the spirit of rebuilding a capability within the public service, a public service that we saw diminished during the previous administration, a public service that clearly required some concerted effort to ensure that public servants were supported.

One of the first questions asked of me in the very first question time on 23 December was about the amalgamation of government departments embarked upon by the incoming Andrews government — what was the intent and what would the consequences be for the workforce. I was very happy to say that one of the overriding important parameters of those reforms was that they were not based upon job losses or savings; they were based upon an alignment of government policy priorities so the departments were framed around what like policy areas and cross-portfolio integration occurred within departments, rather than them being randomly selected, as they may have been previously.

Within the Premier's department, for instance, a number of key community programs and affairs issues have been brought within the rubric of the Department of Premier and Cabinet (DPC), now under the leadership of Chris Eccles, a public servant of national standing with recognition of the quality of his contribution who has returned to this jurisdiction to rebuild that capability. The Department of Premier and Cabinet can now look at a range of matters — complex policy integration matters such as the implementation of the family violence recommendations that will come through the royal commission. We will make sure that there is a balance between the ongoing role and the coordination of the central agency function within DPC but also make sure that we deal with some of those complex cross-portfolio integrations, the legislative frameworks and the policy settings to deal with issues such as the profound changes to family violence.

The changes that we have made in relation to the Department of Health and Human Services bring together parts of government programs for supporting communities, supporting families and supporting people who are vulnerable in our community. We had seen a fragmentation of programs and a lack of capacity to bring them together in an appropriate way, despite the rhetoric associated with the joined-up government of the previous administration. We are interested in going beyond that rhetoric to see how this could occur. The reorganisation of the Department of Health and Human Services is a major priority.

Similarly, in relation to the economic drivers and the infrastructure that is required in this state to kickstart the economy, they are the drivers of the establishment of the economic development and jobs portfolio. That sees the integration of not only those key industry drivers, those key economic settings, but

in fact the infrastructure that will support them, whether it be in road and rail, whether it be through energy or whether it be through any other form of infrastructure that the public service needs to provide to add to the ability of our economic portfolio to drive better job opportunities for Victorians.

We see these as essential features of rebuilding a public service, a public service that the previous government said would not lose jobs but which cut thousands of jobs out of the workforce. It said it was going to make teachers the best paid, and that was not delivered on. We will deliver on a spirit of collaboration with our workforce and rebuilding capability across the public service.

### Long service leave

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is to Mr Jennings as the minister representing the Minister for Industrial Relations. In the period leading up to the 2014 election the Labor Party released its campaign booklet entitled *Platform 2014*. In that booklet the ALP advised that it would seek to facilitate employer schemes that provide portability of long service leave entitlements for workers as they move between jobs in the same or similar industry. I would like to commend the government for taking up what has been a DLP policy since 1974 and ask when the government will move to introduce these schemes and, in the interests of transparency, whether it will release for comment all costings related to those schemes.

**Mr JENNINGS** (Special Minister of State) — I thank the member for her question, and I congratulate her on her very powerful inaugural speech this morning in which she clearly staked out her major commitment to social justice and the wellbeing of workers in this state. I appreciate that, and I appreciate that that is the spirit by which I am sure we will find much commonality, even within the diverse range of issues that she canvassed this morning and that she is committed to. I am sure there is a very productive work space for the government on the issues the member wants to pursue. Certainly we will commit to better outcomes for workers in terms of the long service leave entitlements that we have committed to addressing.

We will make sure that we undertake reviews of the Long Service Leave Act 1992. We will provide for greater flexibility in relation to pro rata access and other issues that are very important to workers to make sure that we do not try to lock up opportunities

for people and that flexible working arrangements do not come at the expense of their long-term life path and life planning. Often people have been forced to make decisions that adversely affect entitlements such as long service leave. We recognise that that is a very important thing for us to do, to enhance portable long service leave schemes.

We want to work within an environment that creates a fairer national standard. We want to make sure that there is greater consistency across jurisdictions because, as we heard from Mr Bourman today, there are some workers in this nation who travel far and wide across the country. There will be very good reason for us to try to harmonise across the national framework how those entitlements may not only accumulate but transfer across the workplace and across jurisdictions. We will work in a collaborative environment to try to establish that.

At the moment, in terms of the timetable that we will work through those issues on, I am very happy to come back to the member in terms of the time frame and the way we will make sure that we engage with the workforce and with businesses across Victoria, including the public service, on how we will do this and the costs associated with it. We want to do everything in a very clear, transparent fashion that not only meets the standard that the member has outlined but is consistent with our obligations as a model employer to push others to be model employers. We accept that obligation as part of our commitment.

### *Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) — I thank the minister for his answer. As a fellow labour party member, I expect that the ALP government will be committed to improving the working conditions of all Victorian workers, and I look forward to a definite answer on time frames. In addition, would the government be prepared to support an inquiry into the expansion of its portable leave to include the portability of leave when people move between jobs in dissimilar industries and include a sick leave and personal leave component for all workers, as suggested in the original DLP policy?

**Mr JENNINGS** (Special Minister of State) — I may have disappointed the member in terms of being absolutely crystal clear about the time frame, but I am not ruling anything out. I am actually sharing good news in this. We are very happy to have a look at what are modern, flexible and appropriate leave

arrangements and accrued entitlements within a framework which is far more predictable for workers in terms of planning their life journey but is also very clear in the way it is administered across various workplaces and employer structures so that we encourage the maximum take-up and application of this, rather than just trying to introduce reforms that do not have the buy-in across the employment relationship divide.

### Fertility control clinics

**Ms PATTEN** (Northern Metropolitan) — My question is to Mr Herbert, the minister who represents the Attorney-General in this chamber. Each and every day across Victoria women are constantly harassed, threatened and intimidated at fertility clinics by very misguided individuals as they legally access a termination procedure. Staff are also threatened, sometimes really seriously. Given that the government is currently moving to abolish the move-on law, something which the Sex Party will support, will the minister explain what steps the government will take to protect women and their families from the harassment and violence that continues at these centres, and will it support the Australian Sex Party in its move to create 100-metre safe buffer zones around these centres?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her question. The member has longstanding beliefs, and I know this is an issue very close to her heart and one she is a strong advocate for. It is also an issue many people in this chamber have strong and often diverse views on. In issues such as this it is always important to respect that diversity of views and opinions.

My government believes that all women have the right to access legal health services without harassment or intimidation — that is all women. With regard to the specific question, there are currently various laws which are relevant to the question the member has asked. Protesters who commit offences can be arrested and prosecuted appropriately under existing law. Currently two cases are before our courts relating to this matter; one in the Supreme Court, as I understand it, where the fertility control clinic has proceedings against Melbourne City Council seeking that the council enforce local laws on this matter, as well as an appeal before the County Court of a conviction relating to this matter. The government will look closely at those cases and monitor the outcomes with regard to this matter.

Referring to the move-on law, when the legislation was introduced, we made a clear commitment to amend that law. We thought it got the balance wrong, and I am sure that the member will have ample opportunity to further elaborate her views on this when that legislation comes to this chamber.

### Supplementary question

**Ms PATTEN** (Northern Metropolitan) — The minister is quite right that there are cases before the courts, but that has not stopped the harassment. Given that the government has made much of its focus on family violence, will the government move to bring in a law immediately to protect the East Melbourne clinic in particular, given the violence that regularly takes place there?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her supplementary question. With regard to that clinic or other health clinics that women use and should be able to go to without harassment or intimidation, as I said, the government is monitoring the legal cases right now. Obviously if a law is broken, there should be prosecution and it should be enforced. There is no point having laws in this state that are not enforced. We are monitoring both cases. It is a longstanding dispute; I appreciate that it has been going on for a long time. My advice in this matter is that currently we are monitoring the situation. The changes to the move-on law will be introduced, and we will of course do what is necessary for any government to enforce laws.

On domestic violence, which was part of the member's question, I do not think there would be — —

**The PRESIDENT** — Time!

### Ministerial accountability

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is to the Special Minister of State. I refer to Labor's promise on parliamentary reform to 'make government business more transparent and ministers more accountable', and I ask: how does treating this chamber with contempt by ignoring the Council's order for documents make ministers more accountable?

**Mr JENNINGS** (Special Minister of State) — I thank Mr Rich-Phillips for his question. He may interpret the actions of the government within the last 24 hours as treating the chamber with contempt. I do not share his view. I believe that the government has

acted at this time in the interests of the people of Victoria and that in fact any action which differed from that would actually be treating them with contempt.

On many occasions before the 29 November election the Napthine government and the Abbott federal government said that the 2014 election was a referendum on the east–west tunnel. That is what they said. In the dying days of the Napthine administration it entered into an arrangement that totally compromised the ability of the people of Victoria to determine the outcome of the east–west tunnel. The outgoing Treasurer signed a side letter which was not in accordance with the appropriate procurement arrangements in Partnerships Victoria guidelines. It was totally outside of that, totally outside of what is normal public administration and what are the accepted rules of decent public administration not only in this jurisdiction but around the world. It stepped aside from that, compromising the ability of the state to protect the financial interests of the state. It did its best to either — —

**Mr Rich-Phillips** — On a point of order, President, on relevance. The question related to ministerial accountability and the government’s commitments around ministerial accountability. The minister is halfway through his answer, having spoken entirely about the subject matter of yesterday’s resolution, and has not addressed the issue of ministerial accountability and the government’s lack of response to yesterday’s resolution.

**Mr JENNINGS** — On the point of order, President, I am sure you will have your view about this, but by any measure I would think that I am responding to the test. I am explaining not my actions but the actions of the government. I am clearly being responsive to the question. I am clearly outlining why the government has acted in the way that it has. I have spoken about nothing else but the reasons the government is acting in the way that it is currently acting, which in my view is exactly the opposite of contempt. In fact I am being fulsome in my explanation to explain exactly why the government is behaving in this way.

**The PRESIDENT** — Order! In his answer the minister has gone further than he needed to in the sense that he reflected more on the issue, as Mr Rich-Phillips rightly pointed out, and I am not sure that was necessary to satisfy this particular question. The question is fairly specific in terms of a transparency

issue. Mr Jennings is suggesting the reasons the government might have adopted a position. The question is a little bit more narrow than the actual subject matter he has expanded upon. I am mindful that there is merit to the point of order. The minister could probably address the question more quickly without going into some of that subject matter because, frankly, I think it is more easily done that way.

**Mr JENNINGS** — Thank you for your guidance, President. It is interesting that I am being encouraged to give less rather than more information in the name of being respectful to the chamber, and I understand this. In a physical sense, in terms of the discipline that will be adopted in the government’s consideration of this or any other matter in relation to documents, the government will be making an assessment based upon advice within government about what is appropriate for the release of documents — in what time frame and what protects the public interest. That is the internal decision-making within government — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I accepted the point of order raised by Mr Rich-Phillips. I gave some guidance to the minister, and the minister is absolutely addressing the very point I made and is trying to provide the house with that explanation, consistent with my guidance. I would appreciate if he were heard in silence when addressing that matter.

**Mr JENNINGS** — I was just pointing out that within government there are logistical and process questions that are totally appropriate for determining this or any other matter when responding to directions or demands from the Legislative Council. This is an approach that we will adopt on each and every occasion that demands are made of the government for the release of any documents. It will be a similar process in assessing their standing in relation to all the tests that are clearly outlined within, for instance, the Freedom of Information Act 1982 and past practices of government decision-making and the release of information.

From my vantage point in a government that has made commitments in terms of transparency and accountability, I will want to push the envelope in relation to the release of documents. I will not debate the issue, because the opposition does not want me to debate it, but people in glasshouses should be very clear about the quality of their contribution and the

consistency of it. In relation to a technical response to the issue, 24 hours is not long enough.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — Mr Jennings’s response to that question does not go to the heart of the issue. This house has made an order for the government to produce certain documents by a certain time. We have a commitment from the government for ministers to be more accountable, and the government’s failure to respond to that resolution counts for nothing more than another broken promise from this government, in addition to the Premier’s broken promise to release the east–west link contracts within the first week of government. Now we have two broken promises from this government in this house, so I ask the minister: how can any member of this house have any confidence in any commitment or undertaking given by this government?

**Mr JENNINGS** (Special Minister of State) — I think the President was very generous in allowing Mr Rich-Phillips to complete that contribution considering the contorted logic that he ended up with. Basically, there was no promise by the Andrews government in relation to complying with contrived, convenient motions that the opposition may put in a time frame that suits it and its purposes, which are not in the interests of the people of Victoria. If the opposition had passed the public interest test of Victoria, we may have responded to it.

**Mrs Peulich** — On a point of order, President, the minister is reflecting on this chamber, and he should be asked to withdraw.

**The PRESIDENT** — Order! The minister’s answer was in order, and I do not see that that point of order can be substantiated.

**Public holidays**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade, my good friend the Honourable Adem Somyurek. Can the minister outline to the house how the Andrews Labor government is helping families spend more time together by making grand final Friday a public holiday, and is the minister aware of any other policies in this area?

**Mr Rich-Phillips** — On a point of order, President, my point relates to the second element of

Mr Elasmar’s question, which asks the minister whether he is aware of any other policies. I draw your attention to previous rulings with respect to the scope of matters that ministers are responsible for. In previous rulings, be it with respect to opposition policies or the policies of other governments, you have said it is not appropriate for ministers of the Victorian government to be asked about policies of other parties or other governments.

**The PRESIDENT** — Order! Indeed that is my position. I ask the minister not to pursue discussion on the second part of that question.

**Mr ELASMAR** — I am happy to withdraw the last part.

**The PRESIDENT** — Order! That is all right; it will just lay dormant. The minister to respond to the substantive part of the question.

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — By making the Friday before the AFL Grand Final a public holiday, the Andrews government is delivering on a longstanding election commitment. We took this policy to the election, the people of Victoria voted for this policy and therefore we are determined to implement this policy. Labor is doing what the Liberals would not do — that is, getting on with the job of running Victoria and implementing its election commitments, a notion that is foreign to those opposite.

The opposition was rejected by Victorians last November, as was its stance on public holidays. The grand final long weekend has an overarching theme — that is, one of bringing families, friends and communities together. The grand final is a unique event. Australian Rules football was born in Victoria and continues to bring significant economic benefits to our state. There are various benefits and opportunities for people who enjoy their public holidays — for instance, the grand final public holiday weekend falls within school holidays, giving parents the opportunity to spend more time with their children during the holidays. The Friday before the grand final is when the people of Victoria get a chance to see their sporting heroes up close in the grand final parade. Making this day a public holiday will allow people from all corners of our state to watch the spectacle of the parade or participate in local community events.

How can MPs from regional Victoria deny their constituents a chance to be a part of the lead-up to the greatest sporting event in this country, thus denying

country Victoria increased tourism? The grand final long weekend also has something for those who are not necessarily football fans. Public holidays are not doom and gloom, as those opposite would have us believe. Public holidays are about giving workers time to spend with their friends and their families. Due to the increase in interstate tourism that traditionally accompanies long weekends, the grand final Friday holiday can also be a big win for regional Victorian small businesses. Those opposite should come out in support of this new holiday to celebrate a uniquely Australian event.

In conclusion, the grand final public holiday is pro-Victorian families, pro-Victorian workers, pro-regional Victorians and pro-football, and those opposite, who oppose this holiday, are anti-Victorian families, anti-Victorian workers, antiregional Victorians and antifootball.

### Road congestion

**Mr FINN** (Western Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade, and I hope his answer is better than the last one. As the minister is aware, a growing number of small businesses in Melbourne's west, Geelong and Ballarat are losing a significant amount of business due to increasing traffic congestion. What will the Andrews government do to assist the small business operators and employees who are stuck on our roads and continuing to lose business?

**Mr Leane** — On a point of order, President, I would have thought that that particular question should have been directed to the Minister for Roads and Road Safety.

**Mr FINN** — On the point of order, President, this question is clearly addressing the issue of the effect on small business of this particular matter. If it were to be directed to the Minister for Roads and Road Safety, everything relating to everything on roads would have to be directed to that minister as well.

**The PRESIDENT** — Order! I must say I tend to agree with Mr Leane's position in respect of this question. It is an extraordinarily long bow to suggest that the Minister for Small Business, Innovation and Trade ought to be talking about congested roads. On this basis perhaps we should be directing questions to the man on the moon and his effect on small business. At any rate, I will allow the question to stand because I think the minister is able to discuss it but, as was brought up in a point of order yesterday, these questions need to be relevant to a minister's

jurisdiction. Whilst there is, quite possibly, a consequence of congested roads for small business, I do not believe this minister is to be held to account for congestion. The minister to respond as he sees fit.

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I will tackle the small business angle of the question, because if I talk about the roads side, I think the member will ask me to talk about roads all year, and clearly I do not want to usurp Mr Donnellan's portfolio.

I will start off by saying that small business enterprises make an enormous contribution to the Victorian economy. There are currently 525 000 active Victorian small businesses operating in this state, representing 96 per cent of all Victorian small businesses. These 525 000 active small businesses contribute 30 per cent of Victoria's gross state product and 47 per cent of its private sector employment. These statistics show that the small business sector makes a vital contribution to underpinning Victoria's economic success story.

I have to say that small businesses suffered a great deal under the Baillieu and Napthine governments. The loss of 67 000 jobs and the collapse of entire industries in this state had wide-ranging and profound effects on the Victorian small business community. Exacerbating this disaster for Victorian small businesses was the poor decision-making of the Baillieu and Napthine governments.

**The PRESIDENT** — Order! I understand the minister's quandary on this question — I would have faced the same quandary if I were answering it — but that does not give the minister the leeway to attack the previous government or the opposition. That is not acceptable in answers to questions now. Whilst some of the other material is interesting to the house, I am not sure it in any way addresses the question. I do not want to advise the minister on how to answer the question, but he may want to be very circumspect about this question because I query its relevance too.

**Mr SOMYUREK** — In that case I will take the opportunity — because I think this is what Mr Finn's question was getting to — to outline what the Labor Party is actually doing for the small business sector.

**Mr Finn** — No, getting them moving again.

**Mr SOMYUREK** — I think it is the same thing. I have just outlined the importance of the small business sector to the Victorian economy. Given that importance, the Andrews government is committed to building an environment in which the small

business sector not only survives but thrives. Therefore the Andrews government will implement Labor's small business plan.

The initiatives in the plan are as follows. We will establish the Victorian Small Business Commission, which will also help the businesses in the western suburbs. It will be headed by the small business commissioner. The commissioner will provide support with regard to statements on all legislative and regulatory change. We will appoint at least one member from Geelong to the Small Business Ministerial Council in recognition of the importance of small business to the Geelong economy, and Geelong is in the western suburbs, sort of.

We will maintain the 25 per cent red tape reduction target and we will make sure that government departments and agencies report on their progress in this regard. That will certainly help the small businesses in the western suburbs. We will ensure that WorkCover surpluses are used to fund benefits and lower premiums, which is a key element. Lowering premiums for small businesses in the western suburbs is a big boost to those businesses.

We will cap council rates, and that will help the businesses in Brimbank. We will conduct a full review of government payment processes to ensure that Victorian small and medium size enterprises are being paid in a timely and efficient manner by government departments and agencies. We will aim to fully leverage government purchasing in order to promote opportunities for small businesses in the western suburbs of Melbourne.

*Supplementary question*

**Mr FINN** (Western Metropolitan) — That was a fascinating response from the minister. Given the clear harm constant traffic gridlock is doing to small businesses across Victoria, will the minister now do his job and go in to bat for small business people by lobbying the Premier to change his mind and build the east-west link?

**Mr Jennings** — On a point of order, President, based on the long bow we have previously commented on. The construction of this question is based upon some assumptions, but Mr Finn has not been able to demonstrate the connectivity between his argument and what he is asking the minister to do.

*Honourable members interjecting.*

**Mr Jennings** — I will give him one clear example. In the last Parliament the former member for Prahran in the Assembly, a good colleague of the member, was elected in the name of supporting small business because of his opposition to clearways that had been established within that electorate. In fact that was done in the name of reducing congestion. Mr Finn's logic does not connect to the argument and the truth that he is purporting.

**Mr Finn** — That is a long bow.

**The PRESIDENT** — That is debating.

**Mr Ondarchie** — On the point of order, President, Mr Finn's question was very specific: it asked the minister if he would lobby on behalf of small business to reduce road congestion. It was a very clear question.

**Mrs Peulich** — On the point of order, President, I know that as a very keen follower of small business interests you would be well aware of the Australian Competition and Consumer Commission's inquiry into the impact of congestion on business and its productivity, so clearly it is a key area impacting on small business. I believe the question the member has asked is entirely in order and that the minister should be responding to it.

**Ms Shing** — On the point of order, President, it would appear that the long bow has in fact broken.

**The PRESIDENT** — Order! On the points of order, the matters raised by Mr Jennings and Mrs Peulich were matters of debate rather than of the actual order and whether this supplementary question has standing. Mr Ondarchie was closer to that matter. I inform Ms Shing that we do not do commentaries on points of order. I am of the view that the supplementary question was more in order than the substantive question. I think it had more relevance to the minister's portfolio than the original question, which was obviously the set-up.

**Mr Finn** — Set-up?

**The PRESIDENT** — Order! I am not being disparaging now. I am saying the member was setting up, or constructing, an opportunity for the supplementary question. As I said, in that sense I think the supplementary question was better than the original.

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I hope my answer to the supplementary question is going to be better than my

first answer, which was a fantastic answer — I set the bar very high. I reject the premise of Mr Finn’s question, as I reject the premise of so many things Mr Finn says. The release of the east–west link original business case reveals that this project was such a looming financial disaster that the former Liberal-Nationals government had planned to increase the tolls on every single freeway in Melbourne. It also planned to introduce tollways on every — —

**The PRESIDENT** — Order! Thank you, Minister.

### **Regional Development Victoria**

**Ms SYMES** (Northern Victoria) — My question is to the Minister for Agriculture, who is also the Minister for Regional Development. Can the minister update the house on any new initiatives to improve economic development in regional Victoria?

**Ms PULFORD** (Minister for Regional Development) — I thank Ms Symes for her question. The Andrews Labor government has a clear goal of creating jobs and generating investments in our small towns and regional communities, which is in stark contrast to our predecessors. I am pleased to announce to the house today, by way of answer to Ms Symes’s question, the establishment of a review into the strategic directions of Regional Development Victoria (RDV).

The Andrews Labor government wants to ensure that it has efficient and effective planning and maximises the creation of jobs and investment in line with regional priorities. We know the important role that RDV has played in regional planning and service delivery since its inception. However, regional Victoria faces a number of challenges. At present there is not one overarching plan for regional Victoria but rather dozens and dozens of plans and strategies. In my view there is a pressing need for a comprehensive regional approach that focuses strongly on creating jobs and investment. The review will also ensure that our regions are a core part of the government’s overarching economic development agenda.

An external advisory committee of regional leaders will oversee the review and will be chaired by an eminent person with a long-demonstrated commitment to regional Victoria and regional development. The Andrews Labor government wants to ensure — —

**Mr Drum** interjected.

**Ms PULFORD** — You are going to love it, Mr Drum. We will hear directly from regional leaders about key priorities for each region and current strategic planning models and their views on their effectiveness in delivering investment and regional services, including emergency management. These views will be gathered concurrently with an examination of what local and international evidence tells us about how to drive regional growth and the key policy levers in areas such as transport, infrastructure and planning, innovation and industry policy, trade and investment facilitation, and education and training. I look forward to providing further updates to the house on this as the review progresses.

### **Wind farms**

**Mr PURCELL** (Western Victoria) — I direct my question to the Minister for Small Business, Innovation and Trade in his capacity of representing the Minister for Planning. When the government fulfils its election promise to become the responsible authority for wind farms, will it also include associated infrastructure such as transmission lines and off-site substations in its definition of a wind farm?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I will have to take this matter on notice and pass it on to my colleague the acting Minister for Planning.

#### *Supplementary question*

**Mr PURCELL** (Western Victoria) — When the government determines it will be the responsible authority, will the government become the responsible authority immediately or will there be a delay before it becomes effective?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — Again, I will take that on notice.

### **Ballarat small business sector**

**Mr MORRIS** (Western Victoria) — My question is to the Minister for Small Business, Innovation and Trade. Since the election of the Andrews Labor government, the Ballarat community has seen local small businesses Wood ‘N’ Energy and ABN Electrical go into administration, uncertainty surrounds VicRoads 600 jobs and Telstra and IBM have announced 178 local job cuts. Since becoming

the Minister for Small Business, Innovation and Trade, has the minister been to Ballarat to meet with small businesses? Yes or no.

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — One of the first things I did when I was allocated my portfolios and got my staff on board, including my executive assistant — —

**Mr Rich-Phillips** interjected.

**Mr SOMYUREK** — I did go online, Mr Rich-Phillips, and made sure that we had the right stakeholders. I asked my executive assistant and my advisers to get a list of all stakeholders and to write to them and ask for me to meet up with them. I have not as yet gone, but I will be going.

*Supplementary question*

**Mr MORRIS** (Western Victoria) — When is the minister going to start doing his job and represent small business in Victoria?

**The PRESIDENT** — Order! I have concerns with that question as well in the sense that I do not know that it is really apposite to the substantive question. It is provocative, it is argumentative, and it is not really based in exactly the same substance as the original question. Everybody has a bit of sharpening up to do on some of these questions. I will let the minister respond on this occasion, but we really do need to sharpen up some of these questions.

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I should just say that I will take that as a comment. What I have to say is, we are going through a — —

*Honourable members interjecting.*

**Mr SOMYUREK** — It was hardly a question, was it? We are going through a regulatory impact statement process, and that means a big consultation process which will take months.

**Sitting suspended 1.03 p.m. until 2.08 p.m.**

## BUSINESS OF THE HOUSE

### Sessional orders

**Debate resumed.**

**Mr JENNINGS** (Special Minister of State) — Before lunch and before question time I was concluding my contribution to the debate on sessional orders. For the benefit of the house, to re-

establish its equilibrium and to make an easy segue from my contribution to the contributions of others, I will summarise the arguments I have put on behalf of the government in support of the motion on sessional orders standing in my name.

The outline of the sessional orders is totally consistent with the commitments that the Andrews opposition made before the election that the now Andrews Labor government seeks to implement. It completely matches up with what we said we would do in relation to changing sessional orders to require ministers to respond to legitimate questions being asked in question time, to give the Presiding Officers the power to make them respond to the question and, if they fail that test, for them to respond in writing to the question within a 24-hour time frame.

Clearly in terms of increasing accountability to members in this chamber through the questions they ask, the responsiveness of answers to those questions and placing an obligation on ministers to respond, we are following through on that undertaking. As part of that undertaking we also suggest there should be an opportunity for members, particularly government members who may have previously asked about matters on behalf of their constituents, to have a 1-minute opportunity after question time to run through matters that they hope ministers can resolve on behalf of their constituents. Again, this is something that we think is open to the whole chamber. It will allow for a broader range of questions to be asked in this place, not fewer questions, and will require them to be responded to.

Within the structure of question time it is the intention of the government, within the environment I have just described, to be responsive, to be accountable and at the same time to convey to the Parliament and to the people of Victoria, who are either in attendance or viewing online the activities of question time, through the medium of brief ministerial statements an outline of the government's agenda and the way in which the government is going about acquitting its responsibilities to the people of Victoria. In practice in the Legislative Council the government proposes that for 6 or perhaps 8 minutes at most during the course of question time there be an opportunity for ministers to make short statements to punctuate what would otherwise be one-way traffic in question time.

This measure is proposed in the spirit of trying not only to be accountable and responsive but also to outline some positives within the context of what is clearly understood to be the domain of opposition

parties, which will dominate both in the number of questions asked and the numbers on the floor the way in which they will make the government accountable. That is the balanced approach that the government seeks to bring to these reforms. Beyond this we also want to try to make the Parliament more efficient by trying to make sure that we spend time on government business, on the legislative program, and that we reduce what is effectively, say, the rote reading into the public record of notices of motion, which have to be presented in a written form to the Parliament in any case.

In the last 24 hours there was an example in the Parliament of a member making up a notice of motion on the spot, and the Chair made it clear to us all that that was not the accepted practice within the chamber. That notice of motion was required to be delivered to the Parliament. What was verbally expressed in the Parliament has to comply with the written notice before it ends up on the notice paper. If that is a test, then the test is: does it ring true to the written form? Why not save the time of the Parliament and allow that to be transmitted in written form?

The last issue that is covered in the sessional orders put forward by the government is the reduction in duplication or the repetitive nature of contributions. Ultimately it is about the equitable sharing of the time resources available to us as members of Parliament. At the moment there is a formal coalition between the Liberal Party and The Nationals, which is well recognised as a coalition. What then is the justification for two lead speakers for the coalition taking up the time of the Parliament? If the Liberal Party and The Nationals formed a coalition with the Greens, then that would be three lead speakers. If the Liberal Party, The Nationals and the Greens joined with the Shooters and Fishers Party, an unlikely coalition as that may seem — —

**Mr Drum** — That would be bigamy on the part of the Greens!

**Mr JENNINGS** — Theoretically there could be four lead speakers, each taking up 45 minutes. Every member in the chamber will understand the logic of this proposal. What could happen is that either formally or in practice coalitions could be formed that end up duplicating arguments that are raised in the second-reading debate.

We are not reducing accountability; we are just trying to get to the heart of what the people of Victoria

would expect of us and certainly what we promised them. In this instance the government might have been criticised because of an interpretation of whether we are breaking promises or not, but this promise is very clear. We are implementing, to the letter, what we promised to do. That is something we are happy to be measured by. We will measure other people by it. I have a sneaking suspicion that as other contributions are made to this and future debates on sessional orders, we may get into hypocrisy, duplicity or a variety of other descriptors of people's contributions, but at the moment we are happy to stand by the standards that we set for ourselves, the standards that we made a commitment to the people that we would establish. We are delivering that in the proposed sessional orders before the chamber today, and I would encourage members right across the chamber to support those sessional orders.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I am very pleased to join the debate on the motion today in relation to the sessional orders. It is fair to say that the sessional orders are an absolutely vital part of fulfilling the aspirations and hopes of all members of this place. They are absolutely crucial in terms of guiding the debate and how it will occur over the next four years.

I take the Leader of the Government's view in terms of the commitments that the incoming government made, but I say that it is for this chamber to determine the sessional orders under which we operate. While the government has a view on what is acceptable and what should be put in terms of the changes and the orders in relation to this term of Parliament, it is actually up to all of us in the chamber to determine how we wish that to operate, obviously taking the government's motion on board.

The government was very clear on coming to office that the Labor plan to clean up the Parliament made it very clear the party was affirming that democracy matters. And it does. I think we would all very strongly support that statement. Also the Governor said in his speech under the heading 'Reforms of the Parliament and the public sector':

Reforms will make government business more transparent and ministers more accountable.

That is the standard that has been set. The government talked about transparency and accountability, and in various press releases and commentary from government members they went further and even talked about honesty. They are the benchmarks the government has set, and while there is merit in many of the proposals today, there is also

merit in taking some of the proposed sessional orders further than is proposed by the government. I will certainly be putting forward some amendments today in relation to the sessional orders. As I have already put on notice, on Tuesday of the next sitting week I will propose some additional sessional orders on top of the ones we are debating today that will enhance that transparency, accountability and honesty that the government is aspiring to and that we will certainly be holding it to.

This is an important debate. It is with some disappointment, I have to say, that we are not debating the motion put forward on the other sessional orders because we could have had a combined sessional orders debate encompassing the full range of options. Leave was denied by the government, and we will certainly come back to the other sessional orders motion in relation to making further enhancements to ensure that the government is accountable, transparent and honest in relation to the performance of its duties.

Just to run through, there are some components of today's motion that we support and do not have concerns about. I would like to touch on those first. Mr Jennings has spoken at length about the time limit for lead speakers. This is a longstanding practice in the Parliament of Victoria, and we support the notion. There is no issue with it, and it is a good practice going forward to have one lead speaker opportunity for those parties that are in coalition.

The second area we believe warrants support is the fourth aspect of the motion, the constituency questions. We will support the Labor Party's introduction of new constituency questions. They will enable members to raise issues on behalf of their communities, and it is vital in this Parliament that we all have those opportunities for the people we represent. It is a core function of our role. We will take it in good faith and will certainly be following up in relation to the government's commitment to meaningfully answer those constituency questions within 30 days.

This procedure will be similar to the adjournment debate, where members stand up to raise matters on behalf of their constituency and hope for a meaningful answer from the minister in relation to those issues. Constituency questions will provide an opportunity to enhance a member's ability to represent their community, and they also raise a new bar in regard to genuine and meaningful answers to the matters raised. As I said, we would certainly hope the government would not only answer the

constituency questions meaningfully but also ensure that matters raised with ministers on the adjournment are also responded to in a meaningful manner.

The areas where we have more concern in relation to the proposed changes relate to three parts of the motion. The first area is notices of motion. The proposal from the government is that notices of motion be given verbally only by ministers. My advice is that the practice in this chamber has been very respectful in relation to the use of the 15 minutes allocated to the notices of motion. Most often the 15 minutes is not taken. The time is obviously limited to the 15 minutes allocated, and all members participate in the notices of motion being put verbally in advance of their appearing on the notice paper.

We contend that it is important that this opportunity continue. It is not something that has generally been misused by members of this house. Mr Jennings spoke at length about 'template' notices of motion. Certainly in the last three days we have seen a wide variety of notices from a range of different members, and we have also — except for the first day — not seen notices of motion taking up the full 15 minutes either. There were seven notices of motion given today, all verbally raised, and it all happened very quickly.

We do not believe that members should be silenced by not being able to stand up in this chamber to represent their communities and give important notices of motion verbally. This process has not been abused in this chamber. The suggestion that they are largely templates does not reflect respectfully on other members in this chamber. The first few days of this parliamentary sitting have shown the variety, depth and breadth of the notices of motion that are put on the notice paper.

Accordingly, the coalition will not be supporting the proposal that ministers somehow have the ability and the right to stand up and give verbal notices of motion but that no other member has that right. We think it is an important part of each day and is used very effectively by members across the house.

The second substantial area about which the opposition has concerns is the proposal related to questions without notice and ministers statements. We believe that question time is a vital part of holding the government to account on a day-to-day basis, and the capacity to genuinely and in detail ask questions of ministers in relation to the performance of their duties is a vital part of our democracy and one which we seek to enhance.

On coming to government and subsequently the government committed to abolish the Dorothy Dixers. The trouble is that in my view, and in the view of many others, it is a hoax to say that we are going to abolish the Dorothy Dixers but that ministers will be able to make a statement. That is essentially giving the answer without the question, rather than there being no question or answer from a minister at all.

The government takes the view that ministers have been grandstanding, as it characterises it. In fact one of its press releases called it 'a tiresome practice of Dorothy Dixers'. It is a hoax for the government to stand up and say that it takes great pleasure in abolishing Dorothy Dixers because of the way they have been supposedly misused in the past. But to then say it is just going to replace them with ministers getting up and making a statement is no abolition of the issue at all. That will enable ministers to get up and continue to indulge in these tiresome practices, as the government characterised them. The government also characterised those practices as grandstanding.

Ministers will continue to make these statements. They will just not have given the prepared question to their backbench 5 minutes before question time. We do not support the idea that during question time ministers can make ministers statements. There is capacity in the standing orders for ministerial statements, but now we are also having ministers statements — a difference of a few small letters but really not too much difference at all between the two.

What we will be proposing is twofold. If ministers wish to make statements, and that is a right that should be afforded to them, we believe that would be most appropriately done alongside members statements. Members get up and make statements every day in relation to their duties and their constituents. Ministers too, at the beginning of the day, should be able to get up and make a short statement in relation to the work they are doing. That is totally appropriate.

That is not, though, at the heart of what question time is. It is about questions to ministers in relation to the performance of their duties. It is about holding them to account, to being transparent and to being honest about the outcomes that are being achieved for the Victorian community. While we do not support ministerial statements now intervening in question time, we support ministers statements occurring and think they should happen at the beginning of the day.

Secondly, in terms of question time, we have previously had 10 questions to ministers from a

combination of government and non-government members. The proposal from the government takes that down to only five questions. This chamber is rigorous and values the importance of question time, so it is our view that we should be able to have more than just five questions. In fact with 26 non-government members in this house, it is reasonable to suggest that each member of this house should be able to ask a question each week.

Therefore we will be proposing an amendment that there be nine questions each day, with nine supplementary questions, which will enable each non-government member or their party to ask a question each week. This will be a reduction in the ministers work from 10 questions a day to 9 questions a day, but those questions will be coming from non-government members. We think that is a reasonable expectation in relation to the workload of the ministers. There is a slight reduction, as I said, in the number of questions that will be posed to ministers each day, but they will be from non-government members.

The Leader of the Government seems to imply that asking questions can be bullying. Members who have been in this chamber and the other chamber for some time know that question time should be rigorous, active and engaging, because holding ministers to account is absolutely vital and important in the work they do as members of Parliament and the roles they play on behalf of their constituencies and on behalf of the Victorian community. To suggest that fulfilling the responsibilities of the role by asking hard-hitting, tough questions of ministers is bullying is perhaps a surprising reflection of the government's views about such a vital part of our democracy.

Also, when the Leader of the Government said he was not concerned about being asked questions but was concerned for others, it was perhaps a reflection on the capacity of his ministers rather than on the fact that we should be able to ask rigorous and probing questions.

We support the government's move to abolish Dorothy Dixers, but if it is going to do it, it should do it properly. There should not be ministerial statements — these newly concocted statements by ministers — in the middle of question time. The house should leave question time for what it is intended for, a rigorous interrogation and questioning of a minister in relation to the performance of their duties on behalf of the Victorian public. Ministers can make statements earlier in the day, consistent with members statements, but question time should

be question time, so we will be moving amendments to the motion in that regard.

The third area I want to touch on is the content of answers, which is another suggestion that has many merits. In coming to this chamber from the other place I found it interesting that it was harder to find clear direction in the standing orders in relation to the answering of questions. These sessional orders propose, under section 5(1):

All answers to questions without notice must be direct, factual, succinct and relevant.

That gives much greater clarity in relation to raising the bar on ministers answers, and that is followed by subsections (2) and (3), which give the President the capacity to determine whether a question was answered appropriately and to ask for it to be re-answered in writing if the President does not believe that it was appropriately answered. The proposal regarding content of answers has a significant amount of merit, and we will be supporting that.

Our concern in relation to this section, though, is that it has brought the sessional order changes that were proposed in the lower house into the upper house, such that the written response must be lodged with the Clerk by 2.00 p.m. Obviously that was crafted for the other place to coincide with receiving the answer prior to question time. I am not sure whether it was an intention or a mistake, but in this place the 2 o'clock deadline does not acknowledge the changes made in a previous Parliament that mean question time in this place occurs at noon on Wednesdays and Thursdays.

While supporting the substance of the content of answers provisions, we will seek to amend this part of the motion such that answers must be lodged by 11.45 a.m. so we have the answer to a question asked the day before prior to the next question time. We think this is reasonable and reflects the differences between the two chambers.

I have outlined a number of things with regard to our views on the proposed sessional orders, and I take this opportunity to move my amendments. I move:

- (1) Omit proposed sessional order 2 relating to notices of motion.
- (2) In proposed sessional order 3 relating to questions without notice and ministers statements —
  - (a) in the heading omit “and ministers statements”;
  - (b) omit paragraph (3); and

- (c) omit all words and expressions in paragraph (4) and insert —

“The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered.”.

- (3) Insert the following new sessional order —

“[ ]. Ministerial statements

After standing order 5.14(6) insert:

- (7) At the conclusion of formal business, and prior to statements by members under standing order 5.13 (where applicable), up to five ministers may make a ministers statement, of up to 2 minutes per statement, to advise the house of new government initiatives, projects and achievements.”.
- (4) In proposed sessional order 5 relating to content of answers, in paragraphs (2) and (3) omit “2.00 p.m.” and insert “11.45 a.m.”.

**The DEPUTY PRESIDENT** — Order! I note that the amendments have been circulated in the chamber.

**Ms WOOLDRIDGE** — In summary, we believe it is up to this chamber to determine the sessional orders under which it wishes to operate over the next four years. We acknowledge that the government has made commitments in relation to that and that those proposals are incorporated in the proposed sessional orders, but we have some concerns in relation to them and believe there is the capacity to go further towards achieving what we all want to achieve — that is, honesty, transparency and accountability of ministers.

We will support a number of aspects, but we will not support the abolition of verbal notices of motion. We believe it is the right of every member to get up for a limited amount of time and give verbal notice in this house. We believe the written responses to questions should come back at 11.45 a.m., before the Council's question time, acknowledging that it will only happen on Wednesdays and Thursdays, given the Council's starting time on Tuesdays.

We believe that ministerial statements can be incorporated and valued, but that they should happen at the beginning of the day during members statements and that questions without notice should be a genuine question time that reflects the depth and breadth of this chamber. Each member should have the capacity every sitting week to ask a question of ministers in relation to policies and their performance in undertaking their duties. These are important

considerations, and I urge members to support the amendments.

**Ms PENNICUIK** (Southern Metropolitan) — I take this opportunity to congratulate you, Deputy President, on your appointment as Deputy President of the Legislative Council.

The motion moved by Mr Jennings to alter the Legislative Council sessional orders for this Parliament, which will operate supplementary to the standing orders, is an important one. This morning we heard three inaugural speeches from three new members. On Tuesday we heard the inaugural speech of Ms Nina Springle; yesterday we heard the inaugural speech of Ms Fiona Patten; we are looking forward to the inaugural speech of Ms Samantha Dunn next sitting week; and there have been inaugural speeches in the lower house as well. I say this because in my inaugural speech I referred to a philosophy that says whatever structure is in place will dictate the destiny of how things operate. Structure is destiny. If you get the structure right, you will have better outcomes than if the structure is not right.

Talking from the point of view of having been in the Parliament for two parliamentary sessions as a member of a small party, the structure that is in place for the procedures of the Council — that is, the standing orders and the sessional orders — dictates what opportunities you have to raise in the house matters of importance to you, to your constituents and to the people who supported you. If there are not many questions to be divided among 40 people over three days, then there is less opportunity to ask questions. If there is no opportunity to give a notice of motion using your voice, that is an opportunity that is being taken away by the sessional orders. Particularly for smaller parties and Independents, it is very important to have these opportunities.

I support what the government said during the election campaign about altering the procedures of the Parliament to make question time a time for more scrutiny of government and making government more accountable. I totally agree with that particular theme.

Speaking generally in defence of his sessional orders — and I will go through them paragraph by paragraph in a moment — Mr Jennings said the way he had constructed the sessional orders was totally consistent with what was said during the election campaign. I would not disagree that they are consistent, but I would say that they are not the only

way that that particular goal could be achieved. The goal of opening up question time, getting rid of Dorothy Dixers et cetera could be achieved in a number of ways, not just the way Mr Jennings has proposed. I would add that if you are going to get rid of Dorothy Dixers in the spirit of opening up scrutiny, then you want to improve question time, not take it backwards.

If you are, like me, sadly a bit of a student of the procedures of other parliaments and how they work — for example, the Parliament of New Zealand, the Australian Senate or the UK Parliament — you would have to say they are all miles ahead of either house of the Victorian Parliament in terms of the running of question time. There is a lot of room for improvement of our question time debates. In respect of Mr Jennings statement that this is totally consistent, I would say that it is consistent but it is not the only way to achieve the outcome desired. You can achieve that outcome in different ways.

I will turn my attention to the paragraphs of Mr Jennings's motion, which has five substantive sections, but before doing so I note that in the context of the sessional orders the motion put forward by Mr Jennings is quite limited. There could have been any number of other changes that could have been proposed to the sessional orders. In the previous Parliament the Procedure Committee met very few times. Quite a few very sensible proposed changes to the standing orders were put by the then opposition and the Greens to the Procedure Committee, but very few of them were adopted, because the government refused to agree with them and bring them to the Council for consideration. As Ms Wooldridge said, it is really up to the Council to agree on its own standing orders and sessional orders. Given that, some very sensible amendments were not adopted.

This motion, as I said, constrains us to just a few issues. Before I go to each of Mr Jennings's paragraphs and to the amendments put forward by Ms Wooldridge, I would like to circulate my amendments, which propose the referral of all of Mr Jennings's sessional orders to the Procedure Committee for its consideration. That, really, is the proper process for looking at sessional orders. The Procedure Committee is an established committee of the Council set up to look at the procedures outlined in the standing orders and to alter those, if need be, by means of new sessional orders for the sittings.

**Ms Patten** — Do we have a Procedure Committee at the moment?

**Ms PENNICUIK** — I take up the interjection from Ms Patten. There is a Procedure Committee in existence at the moment, but it is not populated by actual members; however, that can be remedied. I have had a conversation with Ms Pulford, the Minister for Agriculture, regarding the current make-up of the Procedure Committee. I would be suggesting its make-up could be altered to reflect the make-up of the chamber in terms of government members, non-government members, members of the Greens and members of the crossbenches. Neither of those are insurmountable problems; they can be fixed fairly quickly. Accordingly, I move:

(1) Omit —

‘That until the end of the session, unless otherwise ordered by the Council —

(1) The following sessional orders be adopted, to come into operation with immediate effect:’,

and insert —

‘(1) That the following proposed sessional orders be referred to the Procedure Committee for consideration and report by 17 March 2015:’.

(2) Omit paragraphs (2) and (3).

As stated in the amendments, I want to refer the proposed sessional orders to the Procedure Committee for the committee to come back to the Council with its recommendation, in the form of a motion, by 17 March. That does not preclude the committee from coming back earlier if it can do so; it does not have to wait until 17 March to put its proposals forward.

With respect to the first paragraph of Mr Jennings’s motion, which is about the times allocated for lead speakers not applying in relation to a party that has advised the President that it is in a coalition arrangement with another party, I note that in the last Parliament during debate on every bill put before the house there would be a lead speaker from the Liberal Party and a lead speaker from The Nationals basically saying the same thing and being allocated 1 hour and 45 minutes to do that. I did find that quite curious, given that they were in effect the same party. The Greens therefore support this paragraph of the sessional orders.

The second paragraph, regarding notices of motion, which proposes to alter standing order 6.01(2) to (5), will have the effect that only ministers will have the opportunity to read out notices of motion in the chamber. Any other member who wants to either put forward a motion about a matter of importance to

them or to their constituents or, for example, to give notice of a private members bill which they wish to present to the Council will not be able to read that out in the Parliament. They will not be able to stand up and put that notice of motion verbally. They will only be able to send it to the clerks by email.

This is a solution with no problem. In his contribution Mr Jennings talked about template notices of motion coming from the opposition. My answer to that is this government also did that in opposition. There were lots of template notices of motion about public transport across Victoria, for example. The problem is the government or the opposition doing that in either place. It has not been the practice of the Greens; we have put up notices of motion that we thought were important, and not in great numbers, and introduced private members bills. I anticipate that that will be the case with our new crossbenchers as well — they will not be putting up template notices of motion but rather notices of motion they consider important.

To take away the right of a member to stand in this place and read out their notice of motion is a solution without a problem. It takes away a speaking right and reduces what can be a political statement to an administrative process. The Greens cannot support that. While it would mostly impact the crossbenchers and the Greens, it would also affect the opposition. Taking away — —

**Mr Dalidakis** — When you say the Greens — —

**Ms PENNICUIK** — Mr Dalidakis should go through the Chair if he wants to say something; this is not a debate with him. I agree with Ms Wooldridge that the part of the proposed sessional orders regarding notices of motion is not warranted, and it will not be supported by the Greens.

The third part of the motion moved by Mr Jennings concerns questions without notice and ministers statements. Currently under standing orders there are 10 questions per day, and they are divided amongst the 40 members. There is a rotating schedule with the 10 questions divided over days one, two, three and four. For example, we are now on day four, following on from day one in December 2014, and next Tuesday will be day one again. Theoretically everyone gets to ask a question in those four days. Under the sessional orders proposed by Mr Jennings there would be five questions per day from the non-government parties and five ministerial statements.

**Mr Jennings** — No, that's not right. That's just not right.

**Ms PENNICUIK** — Yes, ministerial statements and questions to a total of 10, so 5 of those will be ministerial statements.

**Mr Jennings** — No, it is proportional.

**Ms PENNICUIK** — I take up the interjection of Mr Jennings; I have misinterpreted that. But I have not misinterpreted the fact that it does not actually take away what look like Dorothy Dixier questions. All it does is alternate non-government member questions with ministerial statements being made by ministers in question time.

Mr Jennings has made some remarks about the government's commitments, but to the public it will look like a Dorothy Dixier answer without a Dorothy Dixier question. That is what I find curious. I would have thought the government would be open to the idea — put forward by the opposition and supported by the Greens — of actually improving question time. We want to make it look more like question times in parliaments within Australia and around the world that are much more open to scrutiny and more favourable to non-government parties querying and questioning ministers in the Parliament. That is what we should be aiming for.

The idea put forward by Ms Wooldridge that there be 27 questions rather than 30 per week — one more than the number of non-government members in the chamber — is a good one. It would mean that technically every non-government member would get a question every week. Under the proposed sessional order most of the crossbenchers would go at least a week without getting a question, and it is very important for them to be able to ask a question every week. This is an improvement we could make to question time in this Council, reflecting what is now its make-up and allowing every new member to ask a question of the government ministers in front of them.

As Ms Wooldridge has suggested, while we agree that ministerial statements are a good idea, they should be moved to another part of the procedures of the day, either before or after members statements. That would allow ministers to get up and make statements about important matters in their portfolios while also improving question time and making it a real opportunity for the non-government parties in this chamber to question the ministers every day. As I said earlier, the way Mr Jennings has formulated it

does not improve question time, and it keeps in place a perception of Dorothy Dixers. Although the question would not be asked, the answer would be given.

Constituency questions are a new idea, but I agree with Ms Wooldridge that constituency questions look very much like adjournment matters. The proposal is that up to 10 members will ask oral questions of ministers and they must be answered within 30 days, which is pretty well how adjournment matters are dealt with now. The proposal is that the answers will be incorporated into *Hansard*, as is the case with written adjournment responses now.

Interestingly, when I first arrived in this Parliament the answers to adjournment matters were not incorporated into *Hansard*. In the adjournment debate a member would raise a matter with a particular minister. If the minister was in the house, he would respond at the time. If the matter was raised with another minister, that minister would write to the member but the answer was never made public in *Hansard*. During Procedure Committee considerations one of the amendments I moved to the standing orders was about that, and it became a practice of this chamber. That was an improvement because most times a member raises an adjournment matter on behalf of a constituent or constituent group that has asked them to do so. If the answer is not in *Hansard*, it can be quite difficult for members of a constituent group, unless they each have a copy of the letter that has the response to the matter, to know what the answer was or if an answer was ever given.

My colleague Mr Hibbins, the member for Prahran in the lower house, will be moving a similar amendment to the sessional orders proposed there so that written responses to adjournment matters raised in the Legislative Assembly are incorporated into *Hansard* because currently they are not. It is only in the Legislative Council that that is the case. That would be better for Victorian constituents and groups which have adjournment matters raised by members of Parliament on their behalf.

The Greens support constituency questions because that process will allow 10 more members to use the structures of Parliament to raise matters of importance to people in their communities.

The fifth paragraph is headed 'Content of answers' and provides that:

All answers to questions without notice must be direct, factual, succinct and relevant.

Of course the Greens agree with that.

The following two subparagraphs outline a process. The first provides that the President may determine that an answer to a question is not responsive and may direct the minister to provide a written response. If the President is of the view that that written response is not good enough, the minister can be asked to provide another written response on the following day. The Greens support those provisions. I am concerned that they could tie up the President in following up lots of inadequate responses and chasing up responses from ministers who do not supply them, but that is really at the discretion of the President. It is another mechanism by which ministers can be held to account for whether their answers are direct, factual, succinct and relevant.

I agree with Ms Wooldridge that it appears that there is a mistake in the time provided for in the proposed sessional order. Prior to 2.00 p.m. might be all right on a Tuesday sitting day but on Wednesday and Thursday sitting days, when our question time is at 12.00 p.m., the President will have wanted to have received a response and the member will want to know the response prior to the next question time. Despite the view the government has on the other amendments proposed by Ms Wooldridge, an amendment should be made to keep the times within the current question times on Wednesday and Thursday.

I have had only a short time to consider these proposed sessional orders — they were sent to me only on Monday afternoon — and to consult with my colleagues. These are our opinions and views on these proposed sessional orders. We think that more matters could be discussed by the Procedure Committee. There are certainly some other proposed sessional orders that Ms Wooldridge has made me aware of which cannot be moved. This motion covers only limited subject areas, and amendments that do not directly relate to those subject areas cannot be proposed. It would be beneficial to the Council if this motion were referred to the Procedure Committee, which could consider the proposed sessional orders and any other proposals members may consider appropriate or that members of the committee may see fit to bring to the Procedure Committee for consideration. The committee could then put together a recommendation for the Council.

That is not to say that at the end of that everybody will agree with every single thing that comes from the Procedure Committee, but it provides a much more structured way of considering these proposed

sessional orders. People will be able to sit at the table and go through the proposals and any other proposals they may wish to put forward and bring them back to the Council for further consideration. I think it is more important to get this correct than to necessarily have the motion agreed to today.

**Ms PATTEN** (Northern Metropolitan) — This being my third day here, it has been very interesting watching the processes. Yesterday was a particularly interesting day in terms of what the house did not do rather than what actually went on, but it did make me realise that the procedures are really important.

I certainly appreciate a time limit for lead speakers. After sitting through yesterday I can appreciate putting some time limits in place. Recognising that there are a number of parties, we could have people speaking for a very long time otherwise.

On the notices of motion, I do not necessarily agree with Ms Pennicuik. I am not too wedded to the idea of giving notices of motion orally. However, I am yet to see notices of motion take up a lot of time, so I am not sure that we need to be shortening the process anyway.

On paragraph 3, which is headed ‘Questions without notice and ministers statements’, I went through the roster of questions without notice for myself. I am able to ask a question every fourth sitting day except when it comes to April and May, when I have seven days when I cannot ask a question. In a whole year I will get to ask 14 questions. I would like to ask a lot more questions than that, and I certainly would like to be able to ask a question each sitting week.

I support Ms Wooldridge’s proposal that ministers statements be taken out of question time so that there can be 27 questions asked each week, which would enable each non-government member to ask a question. On that, having ministers statements in question time is almost an oxymoron. Question time should be for questions and statement time should be for statements, so it seems perfectly logical to me that statements are given in statement time and question time is left for questions.

The proposal for constituency questions is great. It gives members another opportunity to ask questions of ministers.

Given that these are my first few days, the notion that the answers to questions would be direct and concise is very welcome.

**Ms PULFORD** (Minister for Agriculture) — At the outset, I indicate how refreshing it is to consider the perspective of a very new member of this place. I am guilty as charged as I used question time today to make a statement. I imagine that is a onetime only experience, but from that perspective my experiences are also new, recent and limited in number. Many of us are united in our desire to use our time here well, and that is where we really need to put our efforts.

In contemplating how we will operate in the 58th Parliament I will reflect very briefly on how we operated in the 57th Parliament. This is the commencement of my third term in this place. When I arrived here proportional representation was very new, and I was a government member in a government that did not have a majority. Then in the last Parliament my experience was that of an opposition MP when the government did have a majority, and the experiences were a great study in contrast. Now of course we have a far greater number of members on the crossbench, representing a far greater diversity of views. Everything is different each and every time, and each Parliament is unique, but it is appropriate to reflect on some observations from the 57th Parliament, and I will do so briefly.

The Legislative Assembly in the last Parliament was something of a circus. We had a government that was falling over itself to please a Liberal Party member turned rogue Independent, and this informed a lot of the decision-making of the former government in the lower house. An agenda for parliamentary reform that was championed by the former Premier, Mr Baillieu, was quickly abandoned for reasons unknown to me. We had the unedifying spectacle of media reports about a Privileges Committee that leaked.

Over here in the Council there were days and occasionally weeks when we did not really have a whole lot to do because the government's legislative program was bogged down by the circus in the other place. There were evenings when we went home early because there was no legislation to debate, and there were other days when government members would spend a long time discussing in great detail minor and non-controversial pieces of legislation to pad things out while waiting for the Assembly to conclude its deliberations on bills so there could be things to do the following sitting week. It was a shambles, and it reflected very badly on the former government.

It is analogous in many respects to the way the former government governed projects. Projects

stalled and decisions were not made. Consideration of around 70 pieces of legislation that were introduced into the last Parliament was not concluded. This did not apply in the regional development portfolio, but in the agriculture portfolio that included legislation that had been the subject of lengthy consultation, deep thought and significant consideration. It was greatly invested in by stakeholders, and they were assured by the former government that the legislation would be considered. Instead it sat there and never got dealt with, so we had about 70 pieces of legislation expire when the Parliament was prorogued late last year. These are issues that continue. In some respects the progress of that legislation would be very welcome. It serves to illustrate the impact on Victorians of having a dysfunctional Parliament.

The upper house committees we had in the last Parliament also were — with respect to those who participated in them and to the issues where on occasion there was a serious issue for us to consider — a little farcical. The previous government had a roster of parliamentary committees that were provided with inquiries that leapfrogged one another. Members could be forgiven for wondering if the main purpose of establishing an inquiry was not to stop the house from sitting on Wednesday nights. The parliamentary committee I was a member of, the Standing Committee on Economy and Infrastructure — which had two parts, the legislation committee and the references committee — sought to have the Parliament consider the very important issue of compensation for firefighters with cancer. We were unable to progress that issue.

**Ms Wooldridge** — On a point of order, Deputy President, and this is consistent with the point of order I took during the Leader of the Government's speech as well, the performance of the committees is not an item under consideration in this motion, particularly not the performance of the committees in the previous Parliament. I ask you to draw the member back to the motion.

**Ms Shing** — On the point of order, Deputy President, in relation to the issue that has been raised around the question of relevance, it is my understanding that the issue of committees falls squarely within the contemplation of the amendments being sought, and on that basis they are fair game for the purposes of this particular sequence of contributions.

**The DEPUTY PRESIDENT** — Order! This issue was raised earlier today, but a number of other

items have been raised in relation to committees, including the Procedure Committee which Ms Pennicuik raised. I would ask Ms Pulford to focus more closely on the actual motion in front of us.

**Ms PULFORD** — I was not going to labour the point, but for the benefit of members in this place who were not members of the 57th Parliament it is useful to contemplate how we want the 58th Parliament not to operate.

The Economy and Infrastructure Legislation Committee contemplated three references that were generated by the previous government. One was around the impact of carbon pricing on hospitals, one was around primary healthcare funding agreements and one was around national partnerships agreements. The only thing they had in common was that they were all cooked up in the health minister's office. I believe references were arranged in a way that sought to limit the capacity of the house to consider the matters before it on Wednesday evenings for four years. It is an important point of contrast with the rhetoric of the former Premier, Ted Baillieu, who said he was hoping for:

... widespread reform of Parliament in order to engage the community and in order for our democracy to work effectively.

An honest discussion with anyone who was a member of one of those committees might find a consistent theme.

Mr Jennings outlined the sessional orders we are seeking to give effect to, and the reasons for them were clearly articulated in the lead-up to the election. We believe it is an important element of our accountability package and that members on the crossbenches and members of the opposition should give that some regard. I note earlier speakers' observations around the proposed changes to notices of motion. This is a useful change. In response to Ms Pennicuik's concerns, in no way will this change inhibit the capacity of members to have items listed on the notice paper, but it will enable time to be saved for us to consider legislation and other policy questions.

We want to refine question time to make it more responsive, as Mr Jennings has indicated. And we want the Parliament to be home to robust debate, a vibrant democracy and genuine accountability. We want Victorians to again have confidence in the Parliament in a way that they were unable to have in the last Parliament. Our objective is to deliver on our

commitment to improve on the functioning of the Parliament.

In response to Ms Pennicuik's amendments that have been circulated, I gather that what Ms Pennicuik is seeking to achieve is a collaborative discussion amongst members of the Council about how we want the Council to work. This is something Mr Jennings has been seeking for some time now. Our view on this has not changed.

**Mr Jennings** interjected.

**Ms PULFORD** — I gather Mr Jennings has been seeking to have this discussion for quite some time now. I note that there is a consistent objective in what Ms Pennicuik is proposing with her amendments. I also note Ms Pennicuik's comments about the need for us to constitute a fresh Procedure Committee. The standing orders provide for the establishment of a Procedure Committee of seven members. I think cutting a seven-member committee to reflect the current composition of the house is difficult, and I would encourage members to consider that. If we are to have a sensible discussion about how to have this place operating in the best way that it can for the Victorian people, whom we all represent in this place, then we should also consider what the Procedure Committee in this Parliament will look like. I certainly commend the work of Mr Jennings in bringing this work together, and members will not be surprised that I wholeheartedly support the motion before the house.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I am also pleased to rise to speak on the motion before the chamber, motion 32 in the name of Mr Jennings. As a former and current member of the Procedure Committee, it is important to outline to members the standing orders process that takes place within the chamber. For new members who are listening to the debate, it takes some time to get agreement on new standing orders. The standing orders currently before the chamber went through a rigorous process, which occurred in the last Parliament, and that was a result of collaborative work, as was outlined before. It is also important to understand that even before the report on the review of the standing orders was completed, it still took until 26 May 2011 — in other words, four or five months after the 2010 election — before a Procedure Committee was established to resolve to look at various issues. Part of the process in the Procedure Committee — and, depending on the motion, it will probably be along the same lines now — was to consider a review of the following:

- a) Matters referred by the President directly to the committee under standing order 23.08 ...
- b) Sessional orders in operation in the 57th Parliament for possible inclusion as standing orders in the 58th Parliament.
- c) Individual matters identified by the Clerk, including clerical corrections or changes of a mechanical nature ...
- d) Legislative Council practices of a minor, operational nature ...

The Procedure Committee met for the first time on 2 June 2011, and it met on nine occasions. It is important to put on the record that these processes did not happen overnight. An enormous amount of work goes on. Ms Pennicuik's amendment proposes that the proposed sessional orders be referred to the Procedure Committee. That is a bit premature in the context of the debate we are having today. I do not have any problems with the chamber at some point referring the sessional orders to the Procedure Committee, as we did in the 56th Parliament and the 57th Parliament. I remember that in the 56th Parliament we examined the practice of the Senate. We went to the New South Wales Parliament to see how it operated and how we might set up the select committees.

**Mr Dalidakis** — Let's go to the European Parliament.

**Mr DALLA-RIVA** — We might. I have not ruled it in, and I have not ruled it out. It depends on the budget the clerks have, but having said that, I am not getting the love over there.

Ms Pulford raised the point that the committee system in the last Parliament was a shambles. It just so happens that I am reading the report of the Environment and Planning Legislation Committee, of which the Deputy President was also a member. The committee did substantial work, and I reject the notion that we were not involved. I just wanted to clarify that in the terms of the debate.

In terms of the motion by Mr Jennings — —

**Ms Shing** — On a point of order, Acting President, I wanted to clarify the context of references to committees where they have earlier been discussed — —

**Ms Wooldridge** interjected.

**Ms Shing** — No, I believe he is holding up a document that refers specifically to committees. To

that end, I encourage the Acting President to rein this in, to the extent that it ceases to be relevant to the topic at hand.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Dalla-Riva was talking about standing committees, which are joint committees. That comes under the standing orders, so there is no point of order.

**Mr DALLA-RIVA** — I was talking about the motion before the chamber. I think the exuberance of new members perhaps ought to slow down a bit. They do not need to jump up on every point of order.

**Ms Shing** — So you agree there was one?

**Mr DALLA-RIVA** — No, I do not agree there was a point of order. I think you need not jump up on every point of order.

In terms of the substantive motion by Mr Jennings there is obviously support on the time limits. I looked through the *Review of the Standing Orders* of the previous Procedure Committee, and I noted that Mr Jennings was on that Procedure Committee. Appendix B, 'Comparative table showing how current standing orders have been renumbered or amended', on pages 89–90, shows there was no proposal put forward in terms of notices of motion. There were proposed amendments to standing order 5.13 and then to standing order 6.10, but there was no proposal by the then opposition, now government, that standing orders 6.01(2) to (5) be suspended.

It is important for members to understand that there was no proposal to bring that amendment forward. On that basis alone we should reject it. If it was of such importance to Mr Jennings when he was on the Procedure Committee in opposition, why is he bringing it up now? The reason, as Ms Patten put forward, is there is no delay in terms of the notices of motion. Notices of motion allow members 15 minutes. It is not as if notices of motion are going to drag on for hours and hours; it is a very simple process.

With the greatest of respect, government members are proposing to try to shut down the notices of motion so that members provide a copy of the notices. That would make it a drawn-out, codified process. It becomes a very complex and convoluted issue that will make it harder for members to bring up issues that are important for their constituencies. On that basis members should reject the proposal outright because it is clearly not within the purview

of the current practice of this chamber. It is not within the purview of the amendment proposed by Mr Jennings to the standing orders. It was not debated, and, as I said, people may look to the last Procedure Committee, which had no discussion whatsoever in terms of the amendments that were proposed and agreed to by the committee and then subsequently presented here for further debate.

It is important to understand that the notion that we were always going to amend it was never there, and Mr Jennings has perhaps been a bit mischievous in suggesting it was something that was always considered. In relation to questions without notice and the proposed ministerial statements, again I make no comment other than to say there is general agreement that ministers statements ought to be made within the confines of a more appropriate time, and questions without notice should be left alone.

It is also important to refer members to the current standing orders. If members look at chapter 8 of the committee's report, 'Questions seeking information', and in particular at 8.02, 'Rules relating to questions', they will see there a whole range of rules that apply to the questions. What is proposed by Mr Jennings could result in a question without notice being asked by the opposition or a minor party, followed by a ministers statement which does not comply with any of the rules contained therein. Theoretically ministers could say whatever they like to any member with whom they may have personal issues.

**Mr Davis** — Talk about bullying!

**Mr DALLA-RIVA** — They could talk about whatever they like, and we would not have the protection of the rules of this house to stop the minister from waxing lyrical about any issue.

I think this is not the appropriate place for question without notice time. It is fair to say that these are long-established practices. As Ms Pennicuik has indicated these are processes and procedures that are adopted around the world. This is an attempt to bring in a de facto Dorothy Dixier through these ministerial statements, and on that basis we should reject it outright and put the ministerial statements into another section.

All I say is the evidence is there. New members — and aspiring ministers — need to understand the importance of following the practices so that we do not have a situation where question time becomes a time for statements that nobody has an interest in and ends up being a process where there are no

protections as provided under the current standing orders.

I implore those who have not read the standing orders to sit down and read them — they will be asleep in 5 minutes — but apart from that, I support the amendments as outlined and put forward by Ms Wooldridge.

**Mr DALIDAKIS** (Southern Metropolitan) — It is absolutely the height of hypocrisy for members of the Liberals-Greens love-in to stand in this chamber of Parliament today and argue why we should not have something that Labor took to the election when yesterday the opposition chided the government for not presenting a contract in accordance with its policy in the lead-up to the election. Twenty-four hours later we are trying to implement what we took to the election.

**Ms Wooldridge** interjected.

**Mr DALIDAKIS** — This is what we took to the election: the reform of Parliament. Right now the opposition — —

*Honourable members interjecting.*

**Mr DALIDAKIS** — Acting President, I know it is unruly to respond to ridiculous interjections, especially from Ms Wooldridge. She and I have been in this chamber for the same amount of time, so I ask her to show me some courtesy while I am on my feet.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Through the Chair.

**Mr DALIDAKIS** — My apologies, Acting President. The fact remains that Labor went to the election with a very clear position on reforming Parliament. Members have come into the chamber today to find the opposition now, with its new partners the Greens, attempting to sidetrack the government's agenda of reforming Parliament. Let me remind the coalition that for four long years it had the numbers in this chamber. It went to the election of the 57th Parliament on a platform to change Parliament's standing orders, and it did not do so. There was not one attempt to change the standing orders here in Parliament, to change question time or to implement the policies that the coalition had gone to the previous election with — not one.

Yet now when we are trying to implement what we said we would do, after we went to the election to change these things, the opposition is trying to stop us. Twenty-four hours ago opposition members came

into this chamber and attacked the government for not presenting a contract — a contract which they had signed when in government, four weeks out from going into caretaker mode, by the way, an \$18 billion economic lunacy, but that is a different issue. They chided us for not presenting this contract on the basis that it was Labor's election promise to do so.

The gall of what the opposition is now saying is that because we went to the election to implement a change, it is now not allowing us to implement that change. To the members on the crossbench I say very politely: we went to the election with a very clear policy to reform the upper house. That is what we said we would do. Right now, as a result of what really is a dummy spit by members of the opposition because they are now in opposition, because they have not been able to accept the will of the Victorian public, they are attempting to rewrite modern-day history, which is only eight weeks old in this Parliament's stanza.

The important aspect of this is to recognise the churlish, childish and amateurish behaviour of an opposition which has yet to accept the will of the Victorian people. We should be able to implement our agenda. I give opposition members a word of warning: if they do not like sitting on the opposition benches, then sooner or later they need to respect the will of the people and respect Labor's mandate to undertake a whole range of actions, of which this is one. They may not like it and they may not like the will of the people who put them in opposition, but they should accept it and move on with grace, which is something they have not displayed any of in the time I have been in Parliament thus far.

The Parliament is home to democracy. Forgive me for schooling the opposition in a little bit of history, but democracy comes from the Greek words 'demos' and 'kratos', which effectively mean the power of the people. The power of the people changed the government.

**Ms Wooldridge** interjected.

**Mr DALIDAKIS** — Ms Wooldridge, the power of the people put you in opposition and they wanted us to implement our mandate. That was the will of the people. Unfortunately, under the coalition government this Parliament was a circus, especially the other chamber.

**Ms Shing** interjected.

**Mr DALIDAKIS** — In fact this Parliament was not just a circus, it was a zoo. As a result of the

behaviour that occurred when Labor was in opposition during the last Parliament, it went to the election with a proposal to change the standing orders. It said it would do so. That is what we are trying to do now. But what we have now is opposition members who want to jump up and down as though we have taken their toys away from them and they want them back, and they have decided to try to frustrate the agenda of a government that was elected eight weeks ago.

**Ms Patten** interjected.

**Mr DALIDAKIS** — I cannot take up such a thoughtful interjection by Ms Patten because it would be unruly of me, and I do not wish to upset you, Acting President.

**Ms Shing** — We have to be efficient in the administration of this debate.

**Mr DALIDAKIS** — Yes, it is important to be efficient in the debate that we have. I am mindful of the time that I have left to speak in this debate, and I wish to use it wisely.

*Honourable members interjecting.*

**Mr DALIDAKIS** — I cannot speak and sit at the same time, you see. Unfortunately the rules preclude me from doing so.

Eight weeks ago we had an election. So far as I am aware — and I am happy to accept interjections about this although I know I am not allowed to request them, Acting President — the now opposition, the then government, had no policy prior to the election to do anything of the sort that we are trying to do, none of this sort of stuff that we said we wanted to do or that we are now trying to do. All that the opposition is trying to do — Mr Dalla-Riva will like this — is frustrate a good government from getting on with the job of governing. I contrast that with the actions of a government federally that said last Monday, some 17 months after it was elected, 'We are a good government from today', and then for three consecutive days said, 'Sorry, we are resetting that; good government starts today'.

This government has been a good government from day one. It has gone about implementing its agenda. Right now its attempts to do so are being frustrated because the opposition refuses to accept the will of the people. It refuses to accept the demos and the kratos — the power of the people — that moved its members from the government side of the house to the opposition side. I sound a word of warning:

oppositions that fail to appreciate and respect the mandates given to governments by the people do so at their own risk.

Labor's changes are an attempt to make Parliament a grand institution once again. We had the sideshow in the last Parliament. We are now attempting to get Parliament back on its feet. We are attempting to make Parliament a forum where we can engage in debate — in some respects what we are doing right now — but in a way that gives the members of the Victorian public who voted for us the chance to be grateful for our contributions but also to admire the work that we do. Unfortunately the last Parliament was sorely wanting, and it is up to each of us, each and every person in this chamber, to try to raise the bar.

The opposition might not like this, but part of raising the bar is allowing the government to get on with its job of governing. After four years the behaviour of the Baillieu and Napthine faceless men-run governments and their cheap chaos, confusion and cover-ups and ultimately the economic and political vandalism of signing an \$18 billion contract four weeks out from going into caretaker mode did not raise any bar, did not pass any test and the Victorian people threw them out. They said, 'We have had enough. Go, be gone. See you later. Bye. Don't close the door on your way out'. That is what the Victorian public did. That is why an Andrews Labor government was elected. It was elected to make Parliament a better place. It was elected to govern in a better, more responsible and more efficient fashion.

This government will be focused on delivering for the people of Victoria. An Andrews Labor government will do what the Baillieu and Napthine governments failed to do. One of those tasks, one of those policy platforms, one of those election commitments and promises that this government is attempting to deliver on is parliamentary reform. It cannot be denied. Whether the opposition likes us or loathes us, it cannot be denied that this government went to the election with parliamentary reform as one of its policies.

Four years earlier the people on the other side were in opposition. They won government, and one of the policies they promised to implement was parliamentary reform — and they failed to do so. As a direct result of their failure to implement their own policies, which they committed to, they now find themselves in opposition. An Andrews Labor government has made it very clear that it intends to meet all its responsibilities, to implement all its

policies and to fulfil all its election commitments. Right now we have opposition members, together with their Greens counterparts, trying to frustrate the Andrews Labor government from implementing one of its election policies. That is what they are trying to do.

It is frustrating because the change happened only eight weeks ago. It was not a long time ago. Unless you are suffering from dementia or Alzheimer's disease, both of which are very serious issues — of which, sadly, I have personal experience in my family — you would know that this government has a policy agenda that it wants to implement. I have only a number of minutes to go to complete my contribution to the debate, so I wish to use my time wisely. We need to remember that, despite its promising to implement parliamentary reform, the opposition failed to deliver.

We now have an example of the new government wanting to deliver. It wants to deliver. It wants to meet its commitment, but it is not being allowed to do so. I can only imagine that, should it not be able to do so on the floor of this chamber, the next media release from those opposite would be headed 'The Andrews Labor government fails to fulfil its election promise'. But what it would fail to mention would be that the reason it may not have been able to fulfil its election commitment was that the opposition had not allowed it to do so.

All of a sudden opposition members are keen to get up here and grandstand about election and parliamentary reform, when it was the Labor Party that went to the last election, not more than about eight weeks ago, with parliamentary reform as a policy. Neither the Liberal Party, The Nationals or, as far as I am aware — God bless them — the Shooters and Fishers Party had parliamentary reform as part of their policies, but the Labor Party did. Yet for some reason at this stage it is being frustrated from getting on with the agenda of restoring this house to a respectable chamber of which all Victorians should be proud, in a way they could not have been during the last Parliament. And for what? For what reason are opposition members objecting and trying to stop the government from implementing its agenda?

**Mr Davis** — I think that has been outlined already. You should have listened.

**Mr DALIDAKIS** — It is interesting that the former health minister is making some unruly interjections. He would do well to reflect on his own performance in the last term, which is why those

opposite are now in opposition, and start to realise that maybe, just maybe the Andrews Labor-led government should be allowed to implement its agenda.

Dorothy Dixers are due to be replaced by short ministers statements. That will allow the government of the day — which in this case is this government — to give a clear, erudite and pithy answer to some issues faced by the Victorian community. Additionally, government ministers will have another layer of accountability, as we all know, by having to respond to questions on notice, adjournment matters and constituency questions within 30 days. There will be no changes to the hours of operation of the house. I respectfully request that the house respects the mandate provided to this government some eight weeks ago.

**Mr DRUM** (Northern Victoria) — In my 12-plus years in this house I have never heard such a condescending and sanctimonious contribution as the one I have just heard. Whatever your name is, I think you would do well to go and talk to some of the people in your party who have been here —

**Ms Shing** — On a point of order, Acting President —

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! I believe the member will raise the fact that Mr Drum should have some respect for the member and call him by his name.

**Mr DRUM** — I do not know his name.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Mr Drum should have asked for his name, or at least addressed him as a member.

**Mr DRUM** — The member has just tried to tell opposition members that we do not understand that we lost the election. I can tell him very certainly that we do understand that we lost the election. The people of Victoria never get it wrong. We understand that we lost the election, and we do not need somebody who has been here three days telling people who have been here 12 years that we do not understand what happened at the election.

**Ms Shing** — On a point of order, Acting President, I find it difficult that Mr Drum is being so uncharitable. He has been on his feet for approximately 90 seconds now without addressing any substantive matters, and he is being disrespectful for the second time, shortly after you encouraged him to learn Mr Dalidakis's name.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! I understand the point of order, but Mr Drum was interrupted before so I will allow him to continue, showing due respect.

**Mr DRUM** — Thank you, Acting President. In relation to the motion moved by Mr Jennings to adopt sessional orders which will amend the standing orders, the first issue that Mr Jennings has on the table is effectively aimed at The Nationals as it will take away the opportunity to speak for longer than the normal time that is allocated to the second or third speakers. This will probably annoy The Nationals members two or three times a year, when we would like to take longer than the allocated 15 minutes to speak, even though we may be second or third on the speaking list. While it will annoy The Nationals a few times, we are prepared to compromise and are happy accept that this is a change that the Parliament wants to make.

When considering this it is worth understanding that in the future the Greens may well be in coalition with the Labor Party in the other house. By assuming that simply because you form a coalition to form government that you will not have a different point of view, you will not have different priorities and you will not have a different set of policies that you may need to enunciate when you get the opportunity to do so in Parliament is a fraction shallow and shows that you have not given the constitution of various coalition groups around the world a great deal of thought. For the good of the Parliament and the motion going forward, The Nationals are happy to accept this compromise and to move on. However, members should be aware that there is a whole range of choices and changes that need to be made.

One of the most contentious issues in what Mr Jennings has put forward is the abolition of Dorothy Dixers. The coalition understood that the then opposition was clear when it was talking about abolishing Dorothy Dixers, so it was with great disappointment when we arrived back for the resumption of Parliament to see that what was put forward by the now government is not an abolition of Dorothy Dixers but simply an abolition of the questions that lead to the opportunity for ministers to stand up and deliver their statements. Whether these questions are preceded by a Dorothy Dix question or preceded by the minister saying, 'I wish to make a statement', cannot, in anybody's judgement, be argued to be honestly following through with what was promised prior to the election.

Let us get rid of the Dorothy Dixers. If the government wants to bring in ministers statements, then those statements can take their place alongside members statements. That is an appropriate time for them to be made. Let us leave question time for questions. Let us make question time more genuine. Let us put real scrutiny on the ministers in the Parliament. I was a minister for a short time, and as a minister, question time is your time. Question time is an opportunity for you to show that you are across your brief. Question time is an opportunity to get your points across. Question time may seem to be an opportunity for the opposition, but for a minister who is on his game, question time is his time. That needs to be understood in the context of the changes that are being proposed.

I am surprised that we are getting some pushback from the government on the ability of the coalition in opposition to ask more questions, along with the crossbench and the Greens, even though there will be a slight reduction in the overall number of questions that can be asked. I would have thought the government would be keen to seize this opportunity. The government has been very keen this week in Parliament to run a lot of self-congratulatory notices of motion on the notice paper. If members read through the notice papers, they will see that they are full of government members congratulating themselves on what they have done.

The government obviously has confidence in it being a good government. It should welcome the notion of additional questions with open arms. Questions from the opposition benches can be used to put the opposition back in its place. That is what good ministers do if they answer the questions, give a fulsome answer and each state the case as to why they should be regarded as being on top of their portfolio and on top of their briefs, with an understanding of what the issues of the day are. In that way they can give the Parliament the answers that Victorians deserve from high-quality ministers.

The opportunity for additional questions should be endorsed and welcomed by the government of the day, albeit that it goes to its overarching desire to improve the lot within the Parliament. The government is trying to improve political processes and the workings of this place, and we need to understand that the changes have been put forward with that in mind. But we must remember at all times that this is the people's Parliament of Victoria; it does not belong to any political party. If we look at the tiles on the floor in the vestibule, we see that they are all about representation by the people for the people.

In representation in numbers people have security and safety. We must always remember that the people of Victoria own this place and that we are answerable to them for everything we do in here.

I turn now to the issue of notices of motion. Taking away the opportunity for a member to rise to his feet and read in the Parliament their notice of motion is another somewhat strange move on the part of the government. The concept that notices of motion are simply something that somebody else drafts, or members draft themselves, and they are then slipped off to the clerks and all of a sudden 30 days later an answer is received, seems contrary to what the people of Victoria want us to do. This is part of the work we do in our electorate offices — shooting off letters to various ministers and getting responses back.

The people who elect us to Parliament want us to stand up and put our voice forward on their behalf. They want us to put the issues and call for a certain course of action. This could be in the adjournment debate late at night where there will now be an opportunity to ask constituency questions. As Ms Pennicuik said, in every way you look at constituency questions, they seem to be very similar to an adjournment matter.

But the people of Victoria put us here so that we can stand in our place and present a petition, for which they may have the support of 60, 70, 700 or 7000 people, which voices their approval or disapproval of an issue and may be either for the government or against the government. It does not matter which it is. These are the things that people want us to do. Introducing another political process where we stay seated and do this work in a written form will take more away from the Parliament than add to it.

When you sit in this Parliament and watch a member put a notice of motion on the notice paper, you can very quickly get a view as to how serious, passionate and genuine they are, or detect whether they are simply doing it on autopilot or because they think it will be a political win for them along the way. It is important in an oral sense to hear a member present a petition or read out a members statement or make a passionate plea to a minister on an adjournment matter or hear them read out a notice of motion. We do not agree that this is the best way to go.

When it is all boiled down, we do not have any great issue with the points Mr Jennings has put forward in the motion. What it will do is improve the accountability, the transparency and hopefully, if

Ms Wooldridge's suite of amendments are passed, significantly improve this place. We will deliver on everything that the opposition said it was going to do in the truest fashion. We will do away with Dorothy Dixers altogether. We will have nine questions asked each day and give everybody in the upper house an opportunity to rise to their feet and put a question to a minister.

I respect that the government seems to truly want to improve the answers that are given by ministers and make the ministers more accountable for the content of the answers that are coming back across the chamber. It is a positive that the government is trying to embark on these changes, and we will see this place operating better. We will see better input and influence from the crossbench. We will see a more active opposition and, if they are good enough, we will see good ministers stand in their place and shine with a true understanding of their portfolio. We will see ministers who are across their briefs, who understand what is going on and who are in touch with the people. Alternatively, we may see the opposite; ministers who stand in their place and flap around and flounder, because they simply are not across their issue and have not done the work. Only time will tell what will happen in that regard.

I commend Ms Wooldridge for putting this suite of amendments together. Between what the Greens have put forward, what Ms Wooldridge has put forward and what was originally put up by the government we will end up with an improved Parliament — certainly an improved upper house — and I look forward to what it has to offer.

**Ms SHING** (Eastern Victoria) — I have listened with great interest to the contributions made to the debate in this place today. More than anything it has been a source of possibly the most delicious irony I have come across in all the years I have been listening to Parliament engaging in its various processes. We are hearing opposition to modernising, improving, streamlining and enhancing the efficiency of parliamentary processes. The existing processes were a source of complete and utter inaction by those opposite during the period in which they last occupied this side of the house.

It is ridiculous in the extreme that those opposite have managed since 29 November last year to build themselves a very robust ivory tower from which to now call for their proposed reforms. The opposition says these are necessary to effect a better process of efficiency and streamlining, but they do little to improve the processes other than to shore home the

fact that the coalition is unable to accept that it did nothing when it had the opportunity and that now it has no capacity to effect change. The processes we are introducing by way of motion today seek to get the business of question time into a more modern, efficient and streamlined space. We wish to ensure that time limits apply to the single lead speaker entitlements, so that those who are listening to live streaming have the benefit of something more pithy than any filibustering arrangement that might otherwise come to be. Our changes to notices of motion will enable the better access to the process of democracy that those opposite have been crowing about the importance of for most of the day and will make sure that motions are put in writing in the appropriate form before they are submitted to the Clerk and put on the record.

It beggars belief that those opposite find it so inherently difficult to put pen to paper and to be prepared before they come into this house to put their notices of motion that this issue forms a substantive amendment which is being sought to our sessional orders motion here today. The abolition of Dorothy Dixers is another source of delicious irony. I note that since 2010 Mr Davis has been on the record indicating that the former government was proud to be 'open, transparent and accountable'. That was a catchphrase we heard a lot.

While condemning Dorothy Dixers, Mr Davis told members, including a former Treasurer, Mr John Lenders, who asked questions of him to stay tuned. So Victorians stayed tuned, and they stayed tuned for four years. They waited and waited for reforms which did not materialise. There was a lot that did not materialise under the former government, but putting that to one side, what we now see is an effort by those opposite to stymie efficiency measures which they themselves refused to introduce and which they now consider to be unacceptable because they will reduce their capacity to block changes they may not agree with.

This is not an issue of interference in democracy; it is not about that. This is about the opposition. We have heard from those opposite that their key priorities are not in fact about providing better access to democracy. Transparency and the provision of information were not hallmarks of the former government. It would be disingenuous of me in the extreme to suggest that they comprise even one small component of the motivation of opposition members for being here. Rather, what they are seeking to do is to stymie the discussion that will lead to reforms

which they themselves were unwilling or unable to introduce in the course of their time in government.

Since the election the Andrews government has sought to introduce a variety of reforms to get on with delivering on promises made. That is an honourable thing to be doing. It is an honourable thing that involves an incredible amount of hard work, which is designed to achieve better access to parliamentary processes, to decision-making and to participation in parliamentary and other processes.

Victorians lost their faith in the Parliament under the previous coalition government. Mr Drum in his earlier contribution indicated that Victorians never get it wrong, and in that sense I agree with him. There was not a lot else in his contribution that I agreed with, but I did agree with that sentiment. To that end, the streamlining of parliamentary processes and efficiencies is a crucial part of delivering on promises that were made by the then Labor opposition. These are now being delivered, or they are being sought to be delivered, by the Labor government.

It is unfortunate that on the same day we hear voluminous howls of dissent from those opposite in relation to what they say are failed promises, every effort is being made by them to block the changes we promised we would deliver in government. Every effort is being made by the opposition to ensure that the efficiencies that are being proposed — that were proposed before the election and for which Labor has a mandate to deliver in accordance with keeping promises — do not get to the end point we would like them to reach.

It is crucial that these reforms and efficiencies be delivered in the form proposed on the notice paper. It is crucial because, at the most fundamental level, trust in Parliament is vital. Trust in Parliament is vital in the best of times. In the most stable of times trust in the democratic process is essential. It is of particular importance when we emerge from a period in Victoria's parliamentary history which has been plagued by dissent, unruly conduct and a litany of difficulties in accessing information, in having matters responded to and in streamlining and modernising processes.

Under the Andrews Labor government Parliament will be fairer and more efficient. It will be focused on delivering promises for Victorians. It was interesting to note from Ms Wooldridge's contribution that she is not opposed to a number of the matters proposed in Mr Jennings's motion. First and foremost, her

reference to transparency and accountability was a highlight. Transparency and accountability are not ideas or concepts which the coalition has any ownership of. It is extraordinary that we should now hear the words 'accountability', 'openness', 'honesty' and 'transparency' being waved around like cheap concepts, like novelties, like toys that you find at the bottom of a cereal box or get with a takeaway meal, as some sort of thing that suddenly can be brought out and waved around without you actually having walked the walk.

We are talking about a coalition which, despite all of the opportunities available to it in those four long years when it had ample time to get on with parliamentary reform, did nothing but prevaricate and stay glacial — not glacial, because glaciers move. I take that back. It was not glacial movement; it was utter paralysis. When we are talking about the modernising and streamlining of parliamentary processes, which are all of a sudden so important to those opposite, you would hope that there would have been some glimmer of action, something other than mysterious statements to hold fire, to stay tuned and to watch and wait. Yet we did not see any of that. We had the election come and go. We had the election which was a referendum on all sorts of things and which has been the subject of vigorous debate and will no doubt continue to be as Labor gets on with delivering on its election promises.

The Liberals promised to develop parliamentary reform, and in fact the first Premier in the former government had indicated that question time in the Parliament had become a farce. He made a commitment to reform and said he was happy to change the rules. This was the former Premier. We are not talking about an off-the-record comment; we are not talking about some random contribution from a backbencher in the middle of the night in relation to key reforms that were required. Mr Baillieu indicated that it was important that Parliament occupied a key role in democracy.

That is exactly what these reforms are designed to achieve. These reforms are not a bolt out of the blue; they have not come from nowhere. They are intended to effect processes that mean there is better access by the public and for the public to parliamentary process. Ted Baillieu was reported as having said:

I think any visitor to Parliament now would know that Dorothy Dixers are really a waste of time and they will know that ministers never answer [questions].

Ministers never answering questions is an interesting point from the former Premier because ministers not

answering questions is something that obfuscates the delivery of streamlined access to parliamentary process.

What we are proposing with the introduction of ministerial statements is a means by which people who are accessing *Hansard* and people who are listening to the live streaming of Parliament can have a comprehensive, pithy nutshell of proceedings delivered to them in one fell swoop without the chaos and the zoological despair of contributions from people who try to howl each other down in a desperate show of tactics over substance. What we will see with the introduction of ministerial statements is the capacity for information to be streamlined, for people to be able to get that complete understanding in one fell swoop.

Mr Baillieu indicated that he believed the standing orders should be changed and there should be widespread reform of Parliament in order to engage the community and in order for our democracy to work effectively. I never thought I would catch myself speaking publicly on the record agreeing with a former Premier from the other side and yet I find myself doing that right now. That is rather surprising. In fact it has momentarily taken me aback.

The former Premier indicated that reform was needed in order to make democracy work effectively, and yet what happened?

**Ms Symes** — Nothing.

**Ms SHING** — Ms Symes gives an excellent and correct answer which illustrates the point I am making.

The former Premier left and then we came to a point where his successor, Dr Napthine, the member for South-West Coast in the Assembly, was in a position to do something about the parliamentary reforms, which were clearly so important that they warranted a succession of public comments from Mr Baillieu. They were clearly so important that they warranted some form of change, and yet nothing was done — the progress was not glacial but paralysed.

While we are talking about broken promises, this broken promise was typical of the former government's word, which Victorians soon came to realise meant precious little, if anything at all. That is why we went to the polls and ended up with the result we did. Under the Liberal government Parliament was a chaotic place. It was used to protect the government from proper scrutiny. It was used to avoid, to obfuscate, to deny, to be covert and to

refuse. It was used not only as a gatekeeping function but also to stymie debate.

Important issues about our state are raised during question time, and to that end I am grateful for the contributions of members such as Mr Jennings earlier today. But over the last four years too many ministers have covered up by waffling on and failing to address issues or answer questions. The litany of objections on the question of relevance stands testament to that, and I would invite anyone who has a close interest in that area to have a look in *Hansard*.

Labor is going to end the Liberals' cover-up culture by giving the President the power to declare that a minister has not answered a question and require them to follow up with a written answer the following day. In the event that that occurs there will be a clear process which requires the completion of the asking and answering of the question, which achieves the end sought — namely, to provide better access to decision-making and better participation by the community in the democratic process.

The replacement of Dorothy Dixers with short ministers statements will enable that pithy access to decisions, to positions and to policy priorities. There will be a better layer of accountability and there will be no change to the hours of operation of the house. This will enable Parliament to serve the needs of the community and not the political needs of the Liberal Party.

**Mr DAVIS** (Southern Metropolitan) — I am pleased to rise to make a contribution to this debate. It is worth beginning with a little trip down memory lane. The government has a legitimate point about seeking to implement its election commitment to abolish Dorothy Dixers, and the proposals that have been put forward by the minor parties and Ms Wooldridge will achieve that for the government. Under whatever scenario eventuates today we will see the abolition of Dorothy Dixers, but under the government's proposal a system will be put in their place whereby ministers will have an opportunity to rant, as we saw prior to 2010, without proper controls around where they go and without proper capacity to bring them to heel and make them stick to the points they ought to stick to. This change the government is seeking to make, giving ministers this opportunity, will see more — —

**Ms Shing** — You never did that, did you?

**Mr DAVIS** — No, I always spoke to the point and was apposite to the question, as Mr Jennings will

well remember. I have some grave reservations about cutting government members out of asking questions in question time, because government members also ought to have the right to ask questions in this chamber.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Ms Shing has already made a contribution to the debate on this motion, and I ask her to desist. I also ask the chamber to cut the background noise. It is starting to sound like a pub in Footscray.

**Mr DAVIS** — Because there will be no question time opportunity for government members, a government member who wishes to ask a question that is inconvenient for the government will have no such opportunity, and that is a concern for democracy. It goes hand in glove with the Labor Party's rigid control of its members, including the ability to throw members out of the party and banish them forever if, for example, they vote against a government bill that has a government position. That is part of the control of the Labor Party, and this is a further step in entrenching that control.

Having said all of that, I will make some other points about Mr Jennings's motion. Mr Drum eloquently covered the time limits for lead speakers. Regarding notices of motion, there is some worthiness in having notices of motion read aloud. Notices of motion are sometimes changed as they are delivered, and sometimes they are improved. Members reflect on the terminology and change things as they give notice, and that means smoother and better motions on many occasions.

With the greatest of respect to my friends the clerks, they are not always the best people to frame motions. Whilst they might do it technically perfectly — I have no doubt about the technical perfection — their versions may not fulfil the eloquence needs of communicating with the community. The task of the clerks is to keep people in line with the standing orders and not to effect the best communication with the community. Phrasing is sometimes different when it comes to the spoken word as opposed to the written word, and delivering things in that way can sometimes deliver better outcomes.

Ms Wooldridge covered the opposition's position on ministers statements very clearly. There is already provision in the standing orders for formal ministerial statements, and ministers will retain the opportunity to make ministerial statements. However, ministers

statements, as has been outlined, are an opportunity during question time, between proper questions without notice, for ministers to hector, hound and threaten other members of the chamber, and statements of that nature are better put in a zone of their own, as Ms Wooldridge has proposed. The opportunity will remain for ministers to make statements.

The constituency questions are a good addition to the standing orders, and I have no objection to them. My only objection is that they replace questions without notice, particularly for government members. Questions without notice carry a different standing and status in the chamber and attract much more press interest. As I said, the opportunity in a public forum, as it were, where the press are more likely to be present, for a government member to ask a question that is difficult for a minister to answer is about to be abolished. That might not worry members of the opposition at this point, but people need to be thoughtful about the long term and the chamber's future. I have no objection to the provisions about the content of answers, and we will see the way they operate.

As to the idea that no changes were made to the standing or sessional orders during the previous Parliament, which is a point that has been made by a number of government speakers, it is simply not true. I invite people to look at the sessional orders changes that were made at various points throughout the period; they are all online. It is factually incorrect to say that no changes were made.

At the end of each Parliament there is a practice whereby the Procedure Committee meets and parties that want to propose changes for the next Parliament seek the support of other parties. One of the things that is done regularly, usually in the last few months of each Parliament, is a review of the sessional orders that were introduced incrementally over the period of that Parliament in order to assess their worthiness and whether they ought to be entrenched in the standing orders. I invite members to read the Procedure Committee report of October 2014, which lays out the series of changes made. Those changes were adopted by all parties. There was no dissension on the matters in that report. The changes that were made — and Ms Pennicuik will vouch for this — were largely accepted by all parties in the chamber. I can point to some clear changes that were made. I draw people's attention to the appendices of the report, where people can read things for themselves.

I will also make some points about the longer term history. It is important to understand that, through the periods 2006 to 2010 and 2010 to 2014, the chamber operated under a new system with changes to the electoral mechanisms. Proportional representation, with eight electorates and five members from each, changed the shape of the chamber. However, some longer term traditions of the chamber have been largely retained. They relate to a more flexible arrangement than operates in the Assembly. Just a moment ago I was talking with a number of new members about the fact that in the Assembly traditions are quite different.

The use of the guillotine at 4 o'clock every Thursday afternoon has been indulged in by parties from both sides of politics — by the Labor and Liberal parties — over a period of 30 or so years. In terms of points about democracy, it is important to understand that it has been this chamber that has retained the processes that enable members to raise matters; it has been this chamber that has sought to protect democracy.

When it got its majority here, between 2002 and 2006, the Labor Party sought to fundamentally change the culture of this chamber. It introduced much tighter controls in terms of what members could do. There was a cut in the number of adjournment matters that could be raised so members would stop raising adjournment matters every night. There was the importing of the guillotine and the government business program from the Assembly. It is important to understand that the democratic principles that had underlain this chamber for a long time were trashed under John Lenders, the then Leader of the Government, and — —

**An honourable member** interjected.

**Mr DAVIS** — Trashed.

**Ms Shing** interjected.

**Mr DAVIS** — The government business program was brought in, and to enlighten Ms Shing, what that did was to bring that Assembly culture into this chamber, where at 4.00 p.m. on Thursdays the party with the majority simply crunches things through one by one, whether they have been debated or not. Ms Shing should go and ask her Assembly colleagues about the differences between the chambers, if she wishes, and she will understand that there is actually quite a distinct difference. It was the Labor Party that sought to crush democracy in this chamber.

We used to call John Lenders 'Jackboot John' because of what he sought to do to this chamber. Jackboot John is a very good description given what he sought to do. I pay tribute to the work that was done in the 2006 to 2010 Parliament as we rolled back many of the outrageous innovations put in place by Jackboot John. I pay tribute to the commitment of the Greens and to that of Peter Kavanagh, the Democratic Labour Party member in this chamber for that period.

Pioneering work was done in relation to documents motions. That was one of the processes introduced in that period. Some of us understood the relevant capacity of the chamber, having noted the Egan case in New South Wales, and a process was introduced, first as a sessional order pioneered by the Liberal Party and supported very strongly by others in the chamber. That set up a process that strengthened the position of local members in terms of obtaining relevant documents from government using the powers of the chamber.

Labor resisted every step of the way. There was vicious and rigid opposition. That stands in stark contrast to the period between 2010 and 2014. For the chamber's edification I will reintroduce a motion from the end of the 2010 Parliament which shows hundreds and hundreds of outstanding documents that were never delivered by Jackboot John — —

**Ms Shing** interjected.

**Mr DAVIS** — In a democratic sense we did not use a government majority in this chamber to trammel on the previous government's tradition. We chose not to do that — —

**Ms Shing** — There were not any reforms though, were there?

**Mr DAVIS** — I have to say, Ms Shing, these were very worthy reforms that saw greater democratic opportunities introduced for members in this chamber and that saw the introduction of new processes pioneered in this chamber in that period. Members saw today the reintroduction of some sensible steps in relation to those processes. The codification of new standing orders that lay out documents processes is one of the reintroduced processes that came through the Procedure Committee. In terms of that period from 2010 to 2014 in which Ms Shing and others have claimed there was no reform, I can tell members there was reform. The codification of documents motions and

procedures is one of the reforms made to the standing orders at the end of the last Parliament.

**Mr Jennings** — Yes, and what were the circumstances of that?

**Mr DAVIS** — We introduced a motion to codify these procedures in 2010, but it was voted against by the Labor Party and, unfortunately, by the Greens at that time. The Greens, however, saw much better of that in the longer term and saw the importance of codifying those key provisions in standing orders.

Let me make this point. We have a number of new Labor members — and we welcome them to the chamber — and those opposite are correct: the previous government, which was in office until 2014, lost the election. We are acutely aware of that. It is impossible to be unaware of it. We understand that the people have indicated their position, but this does not mean that this chamber will abrogate its rights to protect the community or that it will abrogate its rights to scrutinise the government of the day.

**Debate adjourned on motion of Ms SYMES (Northern Victoria).**

**Debate adjourned until later this day.**

## WRONGS AMENDMENT (ASBESTOS RELATED CLAIMS) BILL 2014

### *Introduction and first reading*

Received from Assembly.

**Read first time for Mr HERBERT (Minister for Training and Skills) on motion of Mr Jennings; by leave, ordered to be read second time forthwith.**

### *Statement of compatibility*

**For Mr HERBERT (Minister for Training and Skills), Mr Jennings 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 Wrongs Amendment (Asbestos Related Claims) Bill 2014.

In my opinion, the Wrongs Amendment (Asbestos Related Claims) Bill 2014, as introduced to the Legislative Council, 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 operates retrospectively to exempt sufferers of asbestos-related conditions from the requirement to demonstrate that they have suffered a ‘significant injury’ under part VBA of the Wrongs Act 1958 (the act) in order to make a claim for damages for non-economic loss. In doing so, the bill makes it easier for claimants who suffer from asbestos-related conditions to seek compensation for their injuries.

### **Human rights issues**

The bill does not limit any rights under the charter.

I note that under section 6(1) of the charter, only natural persons have human rights. The vast majority of defendants in asbestosis claims are corporations. To the extent that the bill could apply to a defendant who is an individual person rather than a corporation, it is possible that the right to fair hearing (contained in s24 of the charter) might be relevant. The exemption of plaintiffs from the requirement to demonstrate that they have suffered a ‘significant injury’ will apply retrospectively in respect of proceedings that commenced prior to the commencement of the bill. However, the right to a fair hearing is concerned with procedural fairness in the hearing of a proceeding rather than the fairness of the substantive law applied in a proceeding. The bill alters the substantive law and nothing in the bill will prevent any claim from being determined by a competent, independent and impartial court after a fair and public hearing.

Steve Herbert, MP  
Minister for Training and Skills

### *Second reading*

**Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).**

**Mr JENNINGS (Special Minister of State)** — I move:

That the bill be now read a second time.

### **Incorporated speech as follows:**

The Wrongs Amendment (Asbestos Related Claims) Bill 2014 will amend the Wrongs Act 1958 to ensure that claimants under the Wrongs Act who suffer from asbestos-related conditions are exempt from the Wrongs Act requirement to demonstrate that they have suffered a ‘significant injury’. This bill does not affect claimants whose injuries arose from their employment and who are able to claim compensation under the Work Injury and Compensation Act 2013.

The Wrongs Act limits claims for damages for pain and suffering to those claimants who can demonstrate that they have suffered a ‘significant injury’. Part VBA of the Wrongs Act sets out the process for demonstrating that an injury is ‘significant’. This process involves several steps. First, the claimant must obtain a certificate of assessment from an approved medical practitioner. Second, the claimant must serve the certificate on the defendant. Then

where the defendant disputes the level of injury, the defendant can refer the matter to the Medical Panels Victoria for determination. This process can take several months to complete.

In most cases for damages under the Wrongs Act, the process set out in part VBA of the Wrongs Act is important. The process is designed to ensure that only those claimants with a significant injury are able to claim damages for pain and suffering.

However, where a claimant has mesothelioma or asbestosis it is self-evident that the injuries are 'significant'. In most cases, these conditions are fatal and the claimants' health often deteriorates very rapidly from the date of diagnosis. Requiring a claimant to go through the 'significant injury' process takes up valuable time, time which many sufferers of asbestos-related diseases do not have. For these reasons it is considered both necessary and appropriate to dispense with the 'significant injury' process, so that sufferers of asbestos-related conditions can have their claims determined more quickly. This legislation benefits sufferers of asbestos-related diseases and their families.

The government is proud to introduce this legislation to clarify that sufferers of asbestos-related conditions, which are defined as asbestosis, mesothelioma, asbestos-induced carcinoma and asbestos-related pleural disease, do not need to comply with the formal procedures for showing that they have suffered a significant injury. This legislation will operate retroactively so that any claims that were already on foot before the legislation commences are also exempt from demonstrating significant injury, except where the claim has been finally determined or settled prior to commencement of the legislation. In doing so, the bill when enacted will supersede the earlier Wrongs (Part VBA) (Asbestos Related Claims) Regulations 2014 which only operated with prospective effect.

It is hoped that the retroactive application of the bill will assist claimants and their families to access compensation as quickly as possible.

I commend the bill to the house.

**Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Ms Wooldridge.**

**Debate adjourned until Thursday, 19 February.**

## STATUTE LAW REPEALS BILL 2014

### *Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr JENNINGS (Special Minister of State); by leave, ordered to be read second time forthwith.**

### *Statement of compatibility*

#### **Mr JENNINGS (Special Minister of State) 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 Statute Law Repeals Bill 2014.

In my opinion, the Statute Law Repeals Bill 2014, as introduced to the Legislative Council, 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 repeals principal acts which have no ongoing operation.

#### **Human rights issues**

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

No human rights protected by the charter are relevant to the bill.

##### *Consideration of reasonable and justified limitations under section 7(2)*

As no rights protected under the charter are relevant to the bill, it is not necessary to consider section 7(2) of the charter.

The Hon. Gavin Jennings, MLC  
Leader of the Government in the Legislative Council

### *Second reading*

#### **Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).**

**Mr JENNINGS (Special Minister of State) — I move:**

That the bill be now read a second time.

#### **Incorporated speech as follows:**

The bill before the house, the Statute Law Repeals Bill 2014, is a regular mechanism for ensuring that Victoria's statute book remains up to date.

The bill repeals principal acts which have no ongoing operation.

By repealing redundant acts, the bill will help to ensure that the Victorian statute book is maintained in an orderly manner so that it remains relevant, up to date and accessible to the Victorian community.

I commend the bill to the house.

**Debate adjourned for Mr RICH-PHILLIPS  
(South Eastern Metropolitan) on motion of  
Ms Wooldridge.**

**Debate adjourned until Thursday, 19 February.**

**BACK TO WORK BILL 2014**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr JENNINGS  
(Special Minister of State); by leave, ordered to be  
read second time forthwith.**

*Statement of compatibility*

**Mr JENNINGS (Special Minister of State) 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 act'), I make this statement of compatibility with respect to the Back to Work Bill 2014.

In my opinion, the Back to Work Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

**Overview**

The bill establishes a Back to Work scheme, the purpose of which is to provide relief to employers in respect of the costs associated with hiring certain unemployed or retrenched workers. Under the bill I am responsible for determining the eligibility criteria, which will be published as guidelines in the *Government Gazette*. The commissioner for state revenue will be responsible for the administration of this scheme and has the general administration of this bill.

The framework for the administration of this scheme is largely based on that used for the administration of grants payable under the First Home Owner Grant Act 2000. The bill provides for the commissioner to receive, determine and appropriate funds for the payment of claims. Claimants are required to use an approved form, provide the required information, and comply with record-keeping obligations. Offence provisions support the enforcement of these requirements.

The bill provides for the investigation of claims. An investigation must be authorised. For the purposes of an investigation, the bill provides the commissioner with the power to require information, compel attendance to answer questions, produce documents and evidence given on oath or under a statutory declaration. Powers of entry, search, inspection and seizure are also provided and offence provisions are provided to enforce compliance.

When making or varying a decision in relation to a claim or penalty, the commissioner must give the claimant a

notice of the decision with reasons. A claimant who is dissatisfied with a decision has the right to object and, if the objection is wholly or partly disallowed, may request referral of the matter to the Victorian Civil and Administrative Tribunal.

If an amount is subsequently found to have been paid through error or dishonesty, the commissioner may require it to be repaid and may proceed to recover it from the claimant or a third party. If a payment is not repaid as required, the commissioner may impose a penalty up to the value of the payment. Interest can also be charged on this amount.

The secrecy provisions of the bill protect the confidentiality of information obtained under and for the purposes of this bill. Disclosure is prohibited unless with the person's consent, or for a purpose or to a person specified in the bill. Secondary disclosure is also prohibited, except with the commissioner's consent, to perform a statutory function for the enforcement or administration of a law or the protection of the public revenue.

The bill also amends the Taxation Administration Act 1997 to permit disclosure of tax-related information obtained under or in relation to that act in connection with the administration or execution of this bill.

**Human rights issues**

In providing for the establishment and operation of a Back to Work scheme, provisions in the bill limit the right of freedom of movement, the right to privacy and reputation, freedom of expression, the right to property, and rights in criminal proceedings. The extent and purpose of these limitations is outlined below.

*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 and has the freedom to choose where to live.

The bill (clause 30) provides that the commissioner of state revenue may require a person to attend at a specified time and place to answer questions relevant to an authorised investigation. To the extent that a person may be required to be in a specified place at a time specified by the commissioner, this provision may limit a person's freedom of movement.

This limitation is necessary for the enforcement of the statutory obligations on claimants. This power is one of a suite of investigative and enforcement powers. It is relied upon where the required information has not been, or cannot be, provided voluntarily. The underlying purpose of the compliance and enforcement provisions is to ensure that payments are made only where the eligibility criteria are met. The commissioner requires accurate and complete details in relation to claims in order to establish whether a claim should be, or should have been, allowed.

For these reasons, I consider this limitation on a person's freedom of movement to be reasonable in the circumstances.

Right to privacy and reputation

Section 13 of the charter provides that a person must not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with or have their reputation unlawfully attacked.

The right to privacy is limited to the extent that personal information is collected, retained, used and disclosed for the determination and investigation of claims. This bill provides powers for the collection, use and retention and disclosure of information, which may include personal information (clauses 6(2)(b), 15, 20–26, 30, 31 and 32). Authorised officers may require a person to answer questions, provide information, documents or evidence and, with the authority of a search warrant, to enter, search and inspect premises and seize a thing named in the warrant. These powers are exercised for the purposes of an authorised investigation.

These powers are required to ensure claimants provide complete and accurate information to support their claims and comply with record-keeping obligations. The commissioner relies on information provided by claimants and other sources to determine whether a claim is payable and to carry out investigations, reviews and recovery activities. Those providing information also rely on the confidentiality of this information for the protection of their privacy and reputation.

The bill provides specifically for disclosures to the minister, the Secretary to the Department of Treasury and Finance, and the Victorian WorkCover Authority, and a police officer of or above the rank of inspector. It also authorises disclosure in connection with the administration and enforcement of this bill, a taxation law and a requirement imposed under an act.

An authorised disclosure may occur, for example, when information obtained to determine a claim is disclosed in connection with the administration of the taxation laws, to enable a claimant to apply a payment to a payroll tax liability, or to enable the commissioner to verify information provided in support of a claim against information provided in relation to the claimant's payroll tax liability.

I believe that the limits on the charter right to privacy and reputation are necessary for the administration of the scheme established by the bill, to enable the commissioner and authorised officers to obtain, retain, use and disclose information relevant to the determination, payment, review and recovery of claimed amounts.

Freedom of expression

Section 15(2) of the charter provides a person with the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria. Section 15(3) of the charter recognises that this right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality.

The right to freedom of expression is limited by the secrecy provisions described above. These provisions prevent not only the unauthorised disclosure of personal

information, which engages the right to privacy and information, but also the unauthorised disclosure of information relating to bodies corporate or other agencies.

The secrecy provisions are an example of the lawful restrictions contemplated in section 15(3) that are reasonably necessary to respect individual privacy and reputation rights (considered above), and the confidentiality of other information obtained for and in the course of the administration of this bill. I therefore consider these limitations on the freedom of expression to be reasonable in the circumstances.

Right to property

Section 20 of the charter protects against the deprivation of property other than in accordance with law.

The principal purpose of this bill is to make a payment, where the claimant proves their entitlement to relief in respect of certain costs. While the bill does not operate to deprive any person of their legal property, the bill makes provision for the commissioner to require a repayment, to impose penalty and interest and to recover these amounts from claimants of amounts that have been erroneously or dishonestly claimed. The period in which the commissioner may revisit a decision is limited to five years after the initial decision.

The bill (clause 9) engages this right as the commissioner is provided the function to vary or reverse an initial claim decision and to require repayment from the claimant by a date specified in a notice issued to the claimant. The bill provides the commissioner with the ability to recover this amount as a civil debt from the claimant or a third party, and to impose a penalty and interest in the event that the amount is not repaid as required (clauses 37, 38, 39 and 40).

The repayment represents an amount to which the claimant was not entitled. In taking action to obtain repayment of this amount, the commissioner is not depriving a person of their rightful property, but recovering an amount of money to which they were not entitled. Recovery against a third party may be appropriate where a claimant is, for example, in a financial relationship with another entity.

Clause 8(3) also provides for part or all of a back-to-work payment to be applied at (and only at) the claimant's request, to a tax or other liability of the claimant payable to the commissioner under a law for which he has general administration. The purpose of this provision is to enable claimants, who in many cases will have liabilities for payroll tax, to offset the amount of their back-to-work payments against these other liabilities. The ability to make offsets streamlines day-to-day administration and may also assist in the protection of the revenue. While this provision could be regarded as a limitation on a claimant's property right, the claimant retains the right to determine whether to request such an offset. For the reasons outlined above, I believe that this limitation is reasonable in the circumstances.

The investigative powers provided in this bill (part 5, division 2) include powers of entry, search and seizure exercisable under a search warrant (clause 32). The purpose of these powers is to enforce the production of material relevant to an investigation, and proper

administration and enforcement of this bill relies on the effective conduct of investigations.

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 standard requirements for the exercise of these powers provided in this bill establish the lawful basis for the seizure of property consistent with the charter. For the reasons stated above, I believe that the limitations on property rights associated with the exercise of the investigative powers provided in the bill is reasonable in the circumstances.

Rights in criminal proceedings

Section 25 of the charter recognises a person's rights in criminal proceedings. Two rights relevant to this bill are the right to be presumed innocent until proved guilty (the presumption of innocence) and the right not to be compelled to testify against oneself (the privilege against self-incrimination).

Right to be presumed innocent

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The presumption of innocence is engaged by the inclusion of offence provisions which place the onus on the person accused to raise a defence, or which reverses the onus of proof.

There are no provisions in this bill that reverse the onus of proof. The provisions imposing directors' liability for offences committed by a body corporate have imposed accessory liability (clause 49) or liability for a failure to exercise due diligence (clause 50).

Clause 36(c) of the bill provides that it is an offence for a person, without reasonable excuse, to refuse or fail to comply with a requirement made by an authorised officer in the exercise of that officer's powers under division 2 of part 5. This provision enables a person who has a 'reasonable excuse' to escape liability for what would otherwise be unlawful conduct. The provision of a reasonable excuse defence operates as a protection against the strict operation of the obligation to comply with an officer's requirement.

I believe that any limitation on the right to be presumed innocent arising from the inclusion of this defence is a reasonable limitation, for the reasons outlined above.

Privilege against self-incrimination

Section 25(2)(k) of the charter provides that a person charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt.

Clause 35 of the bill provides protection against self-incrimination. It provides that a person may refuse or fail to give information or documents or answer questions on the ground that it would tend to incriminate the person. This provision does not excuse a person from giving information, providing documents or answers to questions required under division 2 of part 5 of the bill. The privilege conferred in this bill operates, however, to the extent that information, documents produced or questions answered as

required under this division are not admissible in any proceeding in respect of an offence against this act.

The powers to compel the production of information, answers and documents are required in order to ensure that the commissioner of state revenue is able to conduct effective investigations and obtain the information required to fulfil his statutory functions. To this extent, the exercise of these powers during an authorised investigation limits the protection against self-incrimination.

I believe, for the reasons given above, the limitation on the operation of the protection against self-incrimination is reasonable in the circumstances.

Gavin Jennings, MLC  
Special Minister of State

*Second reading*

**Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr JENNINGS (Special Minister of State).**

**Mr JENNINGS** (Special Minister of State) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

During the 2014 election campaign, the government announced key reforms designed to encourage and support employment growth in the Victorian economy by creating jobs and growing industries. The *Back to Work* plan is a landmark plan to work with business leaders, grow industries and help create jobs for the unemployed.

The number of Victorians out of work increased by almost 68 000 during the term of the previous government. Unemployment increased from 4.9 per cent in December 2010 to 6.8 per cent. Youth unemployment grew from 12.5 per cent to 14.1 per cent over this same period. Labour force participation has been trending downwards since 2011 and is set to continue falling steadily in coming decades to 60 per cent as the population ages.

The government recognises its responsibility to develop policies to support employment growth. The government is taking action now to help Victoria get back to work.

The *Back to Work* plan will create jobs and position Victoria for sustained economic growth. Through the Premier's Jobs and Investment Panel, Victoria's economic leaders will provide direct advice to government on how best to target public investment. The Future Industries Fund will bring a strategic focus to industry policy and maximise the long-term value generated by our most promising industries. The introduction of reverse super trade missions and additional Victorian government business offices will enhance local businesses' ability to access international markets. A Regional Jobs Fund and regional business centres will be established to provide support and assistance to businesses expanding or relocating to regional Victoria.

This bill enacts the government's election commitment to establish the Back to Work scheme. It will provide financial assistance for businesses through payroll tax relief or a cash grant for those employers with payrolls below the payroll tax threshold. This will help offset employment costs associated with the hiring of unemployed and retrenched workers.

This bill establishes the broad framework and structure for the Back to Work scheme. It outlines the process for employers to make claims, empowers the commissioner of state revenue to make payments, provides for necessary compliance and enforcement powers, objection and review rights and for various administration and other provisions necessary for the effective operation of the scheme.

The bill establishes the key legal elements necessary for the scheme and provides for associated eligibility criteria that will outline the necessary details for employers to satisfy in order to be eligible to make a claim. The eligibility criteria will set out specific details about eligible employers and employees, payment amounts and other aspects of the scheme's administration.

It is proposed that the scheme be available in respect of full and part-time workers, with a minimum number of hours per week to be enshrined in the criteria. This reflects the reality of modern working arrangements and the structure of several growing industries which include a significant share of part-time workers. It also reflects the fact that a part-time job can be an important avenue into sustainable employment for many people.

The scheme has been designed to have a broad reach across a wide range of prospective employees in Victoria. The scheme will apply to any person from any background, provided they meet the eligibility criteria of long-term unemployed, young unemployed and retrenched workers. Employers will be able to access the scheme in respect to any new employees that fall within any of these broad categories.

The long-term unemployed and young unemployed categories will be defined in terms of a specified period of unemployment. Documentary evidence such as a statutory declaration by the employee, documents from an employment services provider or evidence that a person has been receiving commonwealth income support during that time will be sufficient to establish that the individual has been unemployed and actively looking for work during that time. No such test will be applied in relation to retrenched workers. The criteria will impose a maximum income limit in relation to new jobs under the scheme to ensure that the policy is appropriately targeted.

The class of eligible businesses will include those currently paying payroll tax, those below the payroll tax threshold (who would otherwise be liable for payroll tax) and some employers who are currently exempt from payroll tax, such as not-for-profit entities.

The government wants to ensure that compliance and administrative burdens on businesses are kept to a minimum and that the scheme is made as attractive as possible to employers. As a result, the payment amounts will be fixed in dollar terms, rather than requiring proof of costs incurred.

Additional provisions will be included in the eligibility criteria to provide rules and safeguards to prevent opportunistic and gaming behaviour by employers, ensuring that the scheme meets its intended objectives of supporting unemployed workers in getting back to work.

#### **Administration provisions**

The commissioner of state revenue will be responsible for administering the scheme as the State Revenue Office (SRO) already have an established relationship with many Victorian employers. Where relevant, the legislation providing for the administration of the scheme has been modelled on existing provisions to ensure continuity of the administrative framework in which the SRO operates.

Under the Back to Work scheme, employers will be required to be able to demonstrate that eligible employees have been employed for a three-month probation period before they can lodge a claim for payment under the scheme with the SRO. Accordingly, the period for eligible employment will effectively commence from 1 April 2015, with scheme payments to be made available from 1 July 2015. The eligibility criteria, including definitions of long-term unemployed, young unemployed and retrenched workers, will be determined by the Treasurer and published in the *Government Gazette*. This is a similar approach to that taken in other jurisdictions with equivalent schemes and provides maximum flexibility for ensuring the scheme operates effectively.

A claim for payment under the scheme must be made to the SRO by an eligible employer, in the approved form and must provide any information as required by the SRO. The SRO will have the ability to apply the payment or part of the payment towards an employer's payroll tax liability if requested by the claimant. This allows those employers who have a payroll tax liability to elect to offset the payment against that liability. Scheme payments may also be paid as an offset against other liabilities by the state, by electronic funds transfer, or any other way the SRO thinks appropriate.

The bill also provides the SRO with the power to vary or reverse a decision within five years, if the SRO determines that the decision was incorrect. In these circumstances, the SRO must provide written notification of that decision and state the reasons for the decision.

The bill also provides for enforcement provisions that have been designed to ensure they provide an effective deterrent for non-compliance. Moreover, the bill includes investigation provisions by adopting powers typical of other acts which protect public money, such as the First Home Owner Grant Act 2000. These include the powers to require a person to give information and to attend to answer questions or produce documents, the power of entry and inspection and the power to apply for a search warrant.

Non-compliance with the requirements of the bill may result in a business receiving money to which they are not legally entitled. Therefore, it is important that the SRO has effective means for monitoring compliance and investigating suspected offences. These powers have been designed with the overall public benefit purpose of the scheme in mind, yet ensuring an adequate balance between

the interests of business and the SRO's obligation to protect public money.

As promised, the first legislation the government is bringing before the current Parliament is part of getting Victoria back to work. The Back to Work scheme is an election commitment that responds to increasing unemployment and forms one element in a broader jobs plan that this government will implement.

I commend the bill to the house.

**Debate adjourned for Mr RICH-PHILLIPS (South Eastern Metropolitan) on motion of Ms Wooldridge.**

**Debate adjourned until Thursday, 19 February.**

**EDUCATION AND TRAINING REFORM AMENDMENT (FUNDING OF NON-GOVERNMENT SCHOOLS) BILL 2014**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Mr HERBERT (Minister for Training and Skills); by leave, ordered to be read second time forthwith.**

*Statement of compatibility*

**Mr HERBERT (Minister for Training and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

**Opening paragraphs**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014.

In my opinion, the Education and Training Reform Amendment (Funding of Non-Government Schools) Bill 2014 (the bill), as introduced to the Legislative Council, is compatible with the human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

**Overview**

The bill proposes amendments to the Education and Training Reform Act 2006 (ETR act) to provide a transparent approach to funding across the education system, with the primary goal of meeting student needs.

The bill will secure recurrent funding for non-government schools by amending the ETR act to expressly legislate the minimum linkage percentage of 25 per cent to be allocated to the non-government schools sector. This is to ensure that

growth in per student state funding for government schools will also flow through to growth in state funding for non-government schools, which only occurs through administrative arrangements at present.

The bill includes general principles to determine particular recurrent funding lines on which the 25 per cent is applied, called 'basket of goods'; as well as categories of funding which are included and excluded from the basket.

The bill establishes the general principle that will be applied when determining the 'recurrent funding' which is the funding provided by the state in respect of students in government schools (that is, the 'basket of goods'). The broad principle is that it is funding appropriated by the state that directly supports the teaching, learning and welfare of students attending government schools. The bill also clarifies that various categories of funding that are excluded from the 'recurrent funding' amount. For example, early childhood development funding, higher education funding, capital property items, and funding from the commonwealth passed onto government schools by the state. In addition, the bill specifies the special and specialist schools whose funding is excluded from the 'recurrent funding' amount (such as the Distance Education Centre of Victoria, language schools and deaf facilities attached to government schools).

The bill will enable the minister to further expand on those categories of funding that may be included or excluded from the 'recurrent funding' by regulations or by ministerial order. Furthermore, the bill ensures a needs-based allocation of funding by providing that the minister can allocate funding having regard to the individual needs of schools and students.

The bill will also establish a School Policy and Funding Advisory Council (advisory council) to advise the minister on regulatory, policy and funding issues for all school sectors. The advisory council will comprise of representatives of the government and non-government school sectors with an option for the minister to also appoint, from time to time, any other person(s).

The bill will empower the minister to place any reasonable conditions on funding provided to non-government schools. As an accountability measure, the bill will allow the minister to require a non-government school and/or its organising body to provide a report as to the application of funding provided. Both of these measures require the minister to take account of the advice of the advisory council.

Finally, the bill will include a review mechanism where the proposed provisions relating to funding for non-government schools will be reviewed by the minister in 2018, in consultation with the advisory council.

**Human rights issues**

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

The following charter act rights are relevant:

the right to recognition and equality before the law, as set out in section 8 of the charter act; and

the right to protection of families and children, set out in section 17 of the charter act.

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

**Recognition and equality before the law**

Section 8 of the charter act is relevant to clause 4 of the bill. Section 8 of the charter provides that a person has the right to recognition as a person before the law, and the right to enjoy his or her human rights without discrimination.

Clause 4 of the bill provides for recurrent funding for non-government schools and ensures that they receive a minimum of 25 per cent of the average per student state recurrent funding of students in government schools.

Currently funding for non-government schools in Victoria occurs through administrative arrangements rather than legislation. Actual funding to non-government schools has been above 25 per cent since 2012 due to a decision to maintain funding at previous levels (2012–13) and the *Heads of Agreement between the Commonwealth of Australia and the State of Victoria on National Education Reform* funding requirements for 2014.

The objective of legislating a percentage is to provide certainty for the non-government schools sector over the minimum total amount of funding that will be provided by the state. Conversely it is arguable that the proposed bill effectively benefits students at non-government schools.

As a general rule, section 8 is to be considered when a policy draws a distinction between people or groups based on one or more of the protected attributes in the Equal Opportunity Act 1995 (Vic) (EOA) where this may result in less favourable treatment to some people or groups.

The distinction that may be drawn is between government and non-government school students. This distinction occurs because of parental choice of schools and is not based on any attribute protected by the EOA. Therefore, there is no discrimination within the meaning of section 8 of the charter. Furthermore, the distinction drawn between government and non-government schools for the purposes of funding arrangements does not affect enjoyment of any of the substantive rights in the charter. Therefore, the proposed bill does not engage or limit the right of a person to enjoy his or her human rights without discrimination.

Therefore, in my view, the proposed bill is compatible with the right of a person to enjoy his or her human rights without discrimination.

**Protection of families and children**

Section 17(2) of the charter act provides that every child has the right, without discrimination, to protection that is in his or her best interests and is needed by reason of being a child.

The ETR act provides a legislative framework for a quality education system in Victoria. The general purposes of the ETR act are beneficial, in that it provides a framework for the provision of education, instruction and training, to Victorian students and the broader community. Many of the measures within the ETR act are protective measures

that operate to ensure the delivery of education services in the interests of students and the community. The ETR act operates to create an educational environment that protects children and students and that promotes their health, safety and wellbeing.

In this sense, ETR act generally supports the protection of families and children (section 17 of the charter). Accordingly, I consider the proposed bill, which amends the ETR act to enable funding for non-government schools, is clearly related to this purpose, and is consistent with and further supports the rights protected by section 17 of the charter.

Hon. Steve Herbert, MLC  
Minister for Training and Skills

*Second reading*

**Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr HERBERT (Minister for Training and Skills).**

**Mr HERBERT (Minister for Training and Skills)** — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

This bill amends the Education and Training Reform Act 2006 to deliver on the government's 2014 election campaign promise to provide long-term recurrent funding certainty for non-government schools.

This bill is the first step of many in the government's ambition to make Victoria the education state, an education state that will provide the best educational opportunities for all Victorians from early childhood to school to adult learning.

Education changes lives. It is central to building a strong and inclusive society and economy. Education is linked to improved health and wellbeing and stronger civic engagement. Education provides the foundation skills that are crucial to access better paying and more rewarding jobs. Education builds the adaptive capacity all workers will need as Victoria's economy continues to change.

More than ever before, the cohesiveness of our communities and the success of our economy is dependent on ensuring that every individual can develop their potential, capitalise upon their talents and participate fully in society and work. We have a social and economic imperative to ensure that Victoria has a robust and inclusive education system.

Victorian educators already have a lot to be proud of. Victoria has a strong performing education system, both in outcomes and equity. We have schools in every sector that perform well. And we have significant strength in areas such as problem solving and computer and information literacy.

Meeting the challenges that our children, young people, and adults will face as the economy and society continue to change requires continued improvement. Preparing

Victorians to thrive and adapt to change is the challenge that we embrace.

Victoria's improvement on international measures has either slowed or stalled relative to other jurisdictions outside Australia. We do not have enough high performers. And there remains a clear link in Victoria between disadvantage and poor educational outcomes. Students from low socio-economic backgrounds do not perform as well as those from higher socio-economic backgrounds, and for many Koori people, the achievement of key learning and development outcomes remains behind the rest of the community. There are also gaps in learning outcomes in rural and regional Victoria, and between girls and boys in maths and science.

As minister, I will be a minister for all students to ensure the education state provides for all students, in all schools, in all sectors. Challenges in education performance are found in all our schools and sectors.

To deliver on our vision of the education state, we need to address disadvantage, support our schools and teachers to excel, and ensure our education services create real pathways to further education and work.

We will do more to address disadvantage. An equitable system supports every Victorian to achieve to the best of their ability, regardless of background, disability or the school they attend. A focus on disadvantage will inform our approach to funding, to ensure that resources flow where they are most needed to overcome the educational challenges associated with disadvantage. A focus on disadvantage will inform the way we support teachers and schools because we know that to make significant improvements, we need high-quality teachers with the capabilities to respond to the diversity of learning needs in every classroom.

We will do more to support our schools and teachers to excel to support every child in every classroom in every school. Victorian teachers and support staff give their all, but there is only so much they can do. Principals and teachers should feel part of a system that supports them to succeed — through local regional support, through professional development, and through the best advice on leading educational strategies based on local and international evidence.

We will do more to ensure our education services create real pathways to further education and work. We will provide stronger connections between school and the world of work through the establishment of new tech schools to give our secondary students a head start on a hands-on vocation.

This bill is one of many election commitments that will build education in Victoria — commitments that will see students able to access high-quality teaching wherever they live, families better supported to afford educational expenses, schools better equipped to cater for students with special needs, and every government primary and secondary school upgraded or modernised.

This bill will deliver on our election commitment to provide funding certainty for non-government schools. Non-government schools are an important part of Victoria's education system with over one-third of

Victorian children studying at a Catholic or independent school. No matter their philosophy, parents and students deserve certainty regarding the public funding provided to their school. Funding certainty will provide a strong foundation for our joint endeavours to lift educational outcomes in every school, in every sector.

The bill guarantees that total state funding to non-government schools is at least 25 per cent of the recurrent funding available to government school students on a per student basis. This provides certainty to non-government schools that growth in state funding for government schools will also flow through to growth in state funding for non-government schools. For the first time in Victoria, this bill will mean funding for non-government schools will be part of the Education and Training Reform Act 2006.

The bill will also establish the general principle that determines how the amount of state funding for government schools is calculated, from which the funding for non-government schools is derived. The broad principle is that funding which directly supports the teaching, learning and welfare of students attending government schools is included. The bill will also clarify that various categories of funding are excluded from the calculation. In doing so, this bill makes clear that funding which directly supports students in government schools is counted and linked to funding in non-government schools. If the bill is passed, I will make a ministerial order, to be reviewed annually, that will provide a greater level of detail of the categories of funding to be included, thereby increasing certainty for the sector.

Importantly, the bill will also ensure that funding continues to be allocated to individual non-government schools on the basis of student need. It means that we will continue to provide those students and schools with the highest levels of need with higher levels of funding. This will enable us to continue to work for a more equitable education system by ensuring that funding and need are aligned.

The bill respects and preserves existing administrative arrangements between the government and non-government sector regarding non-government school funding, so that there will be no disruption or change for the sector in relation to its implementation. The bill enables system authorities, such as the Catholic Education Commission of Victoria, to continue to receive funding on behalf of their constituent schools and distribute it as they see fit, continuing to respect their autonomy. Existing funding arrangements affecting timing of payments, usage of census dates, determination of the quantum of funding, calendar year calculations and payment of GST will continue to operate and will not be affected by the bill so that school budgets can continue to be set with certainty.

The bill retains the minister's flexibility to enter into further agreements regarding funding for non-government schools, so long as the minimum linkage of 25 per cent is retained.

Another key initiative contained in this bill is the creation of a School Policy and Funding Advisory Council, with representatives from the independent, Catholic and government school sectors. The advisory council will make a significant contribution to improving consultation between all school sectors, not only on funding, but on

other cross-sectoral issues. The council creates a forum for discussion on regulatory, policy and funding issues that affect all sectors. The council will provide advice to me on those issues as required. As the minister for all students it is important that all sectors are part of an ongoing discussion as to how we make Victoria the education state.

I commend the bill to the house.

**Debate adjourned for Mrs PEULICH (South Eastern Metropolitan) on motion of Ms Wooldridge.**

**Debate adjourned until Thursday, 19 February.**

**BUSINESS OF THE HOUSE**

**Sessional orders**

**Debate resumed from earlier this day; motion of Mr JENNINGS (Special Minister of State):**

That until the end of the session, unless otherwise ordered by the Council —

- (1) The following sessional orders be adopted, to come into operation with immediate effect:

1. Time limit for lead speakers

For the purposes of standing order 5.03, and subject to any agreement to the contrary, additional time provided for other lead speakers does not apply in relation to a party that has advised the President that it is in a coalition arrangement with another party.

2. Notices of motion

Standing order 6.01(2) to (5) is suspended and the following will apply:

(2) Notices of motion —

- (a) given by ministers; and  
(b) making an order for the production of documents in accordance with standing order 11.01 —

must be read aloud to the house at the time allocated for notices of motion in accordance with standing order 6.01(1).

- (3) Notices of motion given by members who are not ministers must be given in writing by lodging a copy with the Clerk in accordance with this sessional order.  
(4) Copies of all notices of motion, whether they are required to be given verbally or in writing, must be provided to the Clerk prior to notices being called by the President in accordance with standing order 6.01(1).

- (5) A notice of motion will be printed on the notice paper. Any notice of motion or part of a notice of motion which, in the opinion of the President, contains material not in conformity with the standing orders may be omitted from the notice paper by order of the President.

3. Questions without notice and ministers statements

Standing order 8.04 is suspended and the following will apply:

- (1) Questions without notice may be asked at the time prescribed by standing order 5.02 when any business before the Council will be interrupted.  
(2) Only non-government members may ask oral questions without notice under standing order 8.01(2).  
(3) Subject to the allocation of speaking rights by the President in accordance with standing order 12.06, after an oral question without notice, and any related supplementary question under standing order 8.05, any minister may seek the call to make a statement of up to 2 minutes to advise the house of new government initiatives, projects and achievements.  
(4) The time allocated for questions without notice will be until the number of oral questions (not including related supplementary questions) that have been answered and the number of ministers statements under this sessional order have been made reaches a combined total of 10.

4. Constituency questions

- (1) At the conclusion of questions without notice and ministers statements, up to 10 members may ask ministers an oral question relating to a constituency matter.  
(2) The time limit for each member asking a constituency question is one minute.  
(3) Answers to constituency questions must be given to the Clerk in writing within 30 days of the question being asked.  
(4) A copy of the answer will be given to the member who asked the question, and all answers will be incorporated in *Hansard*.

5. Content of answers

- (1) All answers to questions without notice must be direct, factual, succinct and relevant.  
(2) The President may determine that an answer to an oral question without notice or supplementary question is not

responsive to the question, and may accordingly direct the minister to provide a written response to the question and lodge it with the Clerk by 2.00 p.m. on the next sitting day. A copy of any response provided under this sessional order must be given to the member who asked the question and printed in *Hansard*.

- (3) The President will determine the adequacy of a written response to a question provided under this sessional order. The President may determine that a written response does not appropriately answer the question and may direct the minister to provide another written response and lodge it with the Clerk by 2.00 p.m. on the next sitting day. A copy of the further response must be provided to the member who asked the question and printed in *Hansard*.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council, will have effect notwithstanding anything contained in the standing orders or practices of the Council.
- (3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

#### Ms WOOLDRIDGE's amendments:

- (1) Omit proposed sessional order 2 relating to notices of motion.
- (2) In proposed sessional order 3 relating to questions without notice and ministers statements —
  - (a) in the heading omit 'and ministers statements';
  - (b) omit paragraph (3); and
  - (c) omit all words and expressions in paragraph (4) and insert —

'The time allocated for questions without notice will be until a total of nine oral questions (not including related supplementary questions) have been answered.'

- (3) Insert the following new sessional order —

'[ ]. Ministerial statements

After standing order 5.14(6) insert:

- (7) At the conclusion of formal business, and prior to statements by members under standing order 5.13 (where applicable), up to five ministers may make a ministers statement, of up to 2 minutes per statement, to advise the house of new government initiatives, projects, and achievements.'
- (4) In proposed sessional order 5 relating to content of answers, in paragraphs (2) and (3) omit '2.00 p.m.' and insert '11.45 a.m.'

#### And Ms PENNICUIK's amendments:

- (1) Omit —

'That until the end of the session, unless otherwise ordered by the Council —

- (1) The following sessional orders be adopted, to come into operation with immediate effect:',

and insert —

'(1) That the following proposed sessional orders be referred to the Procedure Committee for consideration and report by 17 March 2015:'.

- (2) Omit paragraphs (2) and (3).

**Ms SYMES** (Northern Victoria) — For many, the workings of Parliament, its processes and procedures, can be mundane and innocuous matters not worthy of note or bother. But one should look at the circus of the last Parliament, with its revolving door in the offices of both Speaker and Premier, and the chaos that featured so extensively in the other place.

The Andrews Labor government, like the Bracks government before it, is not afraid to invest time and energy in identifying and adopting improvements to the workings of the Parliament. The Bracks government did not shy away from reforms to the workings of Parliament, and the legacy of this is something of which every Labor member can be truly proud. The historic legislation it introduced in 2003 — providing for reform of the Legislative Council, fixing four-year terms and abolishing the Council's power to block supply — was innovative and ambitious, and it delivered better outcomes for the people we are elected to represent. Similarly, the Andrews Labor government's proposed reforms to sessional orders intend to achieve better democracy, more efficient legislative processes and genuine accountability and responsibility, especially of the executive. Labor's changes will help Victorians trust their Parliament again.

I want to take the time to reflect briefly on Dorothy Dixers. I recall the day I started as an adviser. It was 2005, and it was a sitting day. Apart from Youth Parliament 10 years earlier, and the odd tuning in to question time in the federal Parliament — yes, Mr Jennings, I added to the ratings on occasion — I was relatively unfamiliar with the processes of the Parliament. I had never heard the term 'Dorothy Dixer', and it was part of my orientation. I thought it was some kind of cricket term. Actually I think it is, but I know a little bit more about Parliament now than I do about cricket.

The longer you work in and around government and Parliament, the more terms such as Dorothy Dixers become second nature. You know what they are, and you know their purpose. But describing a Dorothy Dixers to someone who does not know what it is makes you question the purpose of a Dorothy Dixers. People ask me about question time. In describing it I say, 'It's backwards and forwards from opposition to government questions, and the ministers are normally aware that the government questions are coming and just answer them'. It sounds ludicrous to people, and when you think about it, it is ludicrous, so I am very supportive of Labor's proposals to change the system by removing Dorothy Dixers and getting on with the business of informing Victorians about important government priorities and what we are doing to make this state better, fairer and representative of the people who elected us here.

I want to reflect on promises. The Labor government is committed to implementing its election promises. The abolition of Dorothy Dixers and the other amendments to sessional orders proposed in the motion will implement the government's election commitments. These proposed changes to sessional orders are of course overdue. Ms Shing referred to former Premier Ted Baillieu's response in the leaders debate in 2010. The ABC panel of journalists asked questions about a range of things, including priorities and aspirations. Then ABC journalist Josephine Cafagna asked Mr Baillieu about dignity, Parliament and question time. Ms Shing quoted the exchange. It is indisputable that anyone who listened to that conversation would have thought the Baillieu government would have abolished Dorothy Dixers, if not in its first week in government, at least during its four years.

This week I have observed nearly every member of the Liberals in this place scream, 'Broken promise!', from across the chamber. Yesterday we had hours of debate about the release of documents that the government has committed to releasing. It seemed like a waste of Parliament's valuable time. Spending a day debating the release of documents that are going to be released — —

*Honourable members interjecting.*

**Ms SYMES** — We will ask the public what it thinks about this.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Give the member a go!

**Ms SYMES** — As others have reflected, the government is more than happy to talk continually about the east–west link.

**An honourable member** — And the side deal.

**Ms SYMES** — Of course — and the side deal. As I said, the government will release the documents and fulfil this election commitment because the government honours its promises. The broken promise about abolishing Dorothy Dixers remains a mystery to the Labor government.

That only non-government members may ask oral questions without notice is indeed a gift to current opposition members, who, after proving to be poor and inadequate as a government that Victorians were glad to be rid of after 29 November last year, will need all the help they can get to try to muster themselves into some semblance of an effective opposition. This proposal gives them at least a leg-up.

Labor ministers are not shying away from the responsibilities of their portfolios. They are not seeking the protection of prepared responses. Labor ministers are confident and assured in their portfolios. Labor's package is historic in terms of reform, and it will mark an end to the previous years of chaos and dysfunction in the state Parliament.

**Mr BARBER** (Northern Metropolitan) — I do not wish to add to Ms Pennicuik's words. I rise for the purpose of moving an amendment to Ms Pennicuik's amendments, that being:

For amendments (1) and (2) substitute —

'After paragraph (3) insert —

“(4) The Procedure Committee is required to consider and report on the foregoing sessional orders and other matters by 17 March 2015.”.

**Mrs PEULICH** (South Eastern Metropolitan) — I will make a very brief contribution to the debate. I preface my comments by saying that I have been in Parliament for 18 years, so I am possibly one of the longest serving members. I do not know how long Mr Jennings has been here. I have had 10 years in the Assembly and 8 years in the upper house — in government, in opposition, in government and again in opposition.

I have seen every trick in the book pulled and every attempt made to have the rules of the game manipulated. At the end of the day we are talking about what rules will apply to how we play this

game, which is a very responsible one. The reason we have been elected is to represent our constituencies and our parties and to implement the policies we have been battling for. Even though you may be on the losing side, even though you may not be forming government, you have still been elected to represent some platform and also to hold the executive government to account.

Firstly, the prospect that no member of Parliament should be able to give notice of a motion on the fly on their feet is an absolutely abhorrent proposal. What it means is that the government can orchestrate a string of notices of motion. Ministers have departments, advisers and other staff coming out of their ears who can do all that work for them. They can prepare a whole bunch of motions which may be targeting a particular party, a particular policy or whatever, and no-one on this side — whether they are members of the micro-parties or of the opposition — would have an opportunity to respond. That is absolutely abhorrent to the concept of democracy in a democratic Parliament. It is an attempt by an overlord to entrench an overlord's advantage.

Secondly, there is the notion of getting rid of Dorothy Dixers and replacing them with ministers making statements of up to 2 minutes to advise the house of new government initiatives, projects and achievements. If, hypothetically, a government minister has presided over some serious matter that deserves serious probing by the opposition and the Parliament during question time, the momentum and that role could be curtailed and diffused by having a line of ministers — the proposal does not say just one minister — getting up and making 2-minute statements on other issues, which would make an absolute mockery and farce of question time.

Lastly, the whole prospect of introducing constituency questions is veiled as somehow improving opportunities in democracy. It is of course simply a process of asking a question. You may as well write directly to the minister and not consume any more parliamentary time, because the minister will not need to respond. He will have the bureaucrats draft the answers. He will probably not even read them, because a staffer will read them for him and vet them, and he will just sign off on them. This is an outrageous proposal. It ought to be voted down. It is an absolute ruse. It is an attempt by a Labor government, whose members know every trick in the book of how to undermine, corrode and destroy democracy, to entrench an overlord's advantage, which would of course destroy the

legitimate role of this chamber as a house of review and a chamber in which members hold the executive government to account and also represent our constituencies. I certainly hope the minor parties will vote this motion down.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Before I call Mr Finn, given it is late in the day and we are nearing the end of this debate, I ask that members be allowed to make their contributions in silence. Then we will be able to go home.

**Mr FINN** (Western Metropolitan) — Given the pained expression on Mr Jennings's face when my name was called, I will make this brief, out of Christian charity to the Leader of the Government. I must apologise to new members of this house, particularly to crossbench members, because they will not be aware of what this Parliament is usually like. What the Parliament is usually like is not what they have seen this afternoon, because in the almost 16 years I have been in this Parliament I have never seen the outrageous arrogance the Labor Party has displayed this afternoon.

Here is a bloke who is on exceptionally good terms with himself, it has to be said. He gets up here, and as far as he is concerned democracy is about 'winner takes all'.

**Mr Jennings** — On a point of order, Acting President, as you well know, you encouraged the house to listen to Mr Finn in silence. Mr Finn may be quick, but he may also be abusing the fact that we are trying not to respond when he is acting in a very provocative way. For the good working order of the chamber, as you were trying to bring our attention to, I would encourage you to give him some direction.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I must say I have some sympathy with Mr Jennings's point of order. The volume of Mr Finn's contribution was rising almost to a crescendo level and he was almost inviting some interjection by those opposite. I appreciate the member's passion and his need to make a very short contribution.

**Mr FINN** — The depth of my feeling about this place and about the Parliament is such that when somebody threatens it, particularly in the way that Mr Dalidakis did earlier, it pretty much sickens me — —

**Mr Dalidakis** interjected.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I ask Mr Dalidakis not to interject and to allow Mr Finn to finish his contribution. I ask Mr Finn to speak to the motion at hand.

**Mr FINN** — Acting President, I am responding to what I heard in this Parliament this afternoon. We have heard from a government that believes it can do anything. We were told about mandates. We were told about how the people of Victoria have spoken and how because the people of Victoria have given the government a mandate it can do whatever it likes. Let me tell you, Acting President, that if you look around this house, there is no such mandate for the government to do whatever it likes. In fact it is the smaller of the two major parties. We have representatives from right across the political spectrum — and I do mean right across the political spectrum — so there is no mandate for the government to come in here demanding to do whatever it likes.

I was not going to speak in this debate this afternoon, but I was so appalled by what I heard that I thought I would enter the chamber and put in my 2 cents worth. We heard Ms Shing talk about how the last Parliament had dissent. What a dreadful thing to have dissent in a Parliament! Ms Shing should give it a rest. It is not the old Soviet Union. I know there are a few over there who would love to return to those days, but dissent in a democracy is a very good thing. That is the reason — for that reason alone in fact — we should be rejecting some of the proposals put forward by the government today.

I will leave it there, but I have to say that I have never in all the years I have been in this Parliament heard a government that has started off — particularly new members — displaying such gross arrogance in the face of the will of the people. If you want to talk about the will of the people, it is this chamber which is the more democratic of the two. This is the one that more accurately reflects the will of the people, so those opposite should not come in here lecturing us about what is happening in the other house and have us then bow down to what they do over there and do it over here. It does not work that way. It will not work that way. I will not allow and we will not allow — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I ask Mr Finn to hold his breath for a minute. Mr Dalidakis is not in his place, so he cannot interject. If he wishes to make a contribution, he should sit in his place and put himself on the speakers

list. Ms Shing cannot interject as she is not in her place. Again, if she wishes to interject or make a contribution, she should put herself on the speakers list and sit in her place. I understand Mr Finn was summing up.

**Mr FINN** — I am indeed summing up, Acting President. Mr Dalidakis and Ms Shing learnt a valuable lesson from you just a moment ago, and it is the first of many, because they may have a great deal to learn in this place as they go along.

What we are debating here today is an important thing in any democracy, being the right of people — the right of everybody — to get up in the Parliament and have their say. Members opposite do not seem to care about that. We do. That is the difference between the two sides.

**Mr JENNINGS (Special Minister of State)** — My responsibility at the end of this very long, arduous day at the end of a fairly arduous week is perhaps to try to defuse the time bomb we have before us in terms of the debate on some of our proposals, to try to focus on where we might move after we deal procedurally with the items before us and to concentrate on the opportunity available to us to establish a Procedure Committee that is representative of the house and can consider in a calm, rational, dispassionate way the issues that have been very vexed between us during the course of today's debate. The government is happy to arrive at that end point. If we can focus on some goodwill and a reasonable landing on the matters that have divided us with great passion and aggression today, then I will be happy. In fact the Parliament will function better if we can arrive at that point.

We have heard a lot of rewriting of history from various members' vantage points — a lot of rewriting of history. Our opportunity here is to make a contribution that people in the future agree on, to find a reasonable and respectful way of doing business, one which is accountable and consistent with undertakings that were made, which is the premise of the sessional orders we put forward in the Parliament. We specifically said we would do this, and we are doing it. The sessional orders may not be in a form that members like; they might have a range of other expectations they want to place on them, but in this instance we are trying to deliver exactly what we said we would do.

In a few minutes we are going to divide on the acceptability to the Legislative Council of what the government committed to and what it is trying to implement. There will be some swings and

roundabouts in what will be acceptable to the chamber and what will be deferred by the chamber for consideration by the Procedure Committee. The spirit in which the government will vote on these matters is to vote either silently or acceptingly on issues that we think are reasonable approaches to amend our sessional orders. If we think they are unreasonable, we will vote against them.

At the end of the day we will accept what we think are reasonable propositions and that wherever we land we will take time out to establish a representative Procedure Committee. I hope on the Parliament's next sitting day the chamber will agree on the structure of the Procedure Committee, because until the last hour we did not have great confidence that a representative Procedure Committee would be established by this chamber. Our confidence has been enhanced in the last hour. That is a matter we should take collective responsibility for because it is left up to us.

I conclude my remarks by saying the government will oppose some changes to the sessional orders suggested by the Leader of the Opposition, so we will vote against some of the things we do not agree with. We will accept some of the propositions, and we accept their fundamental premise to defer consideration of the sessional orders and adopt a Procedure Committee on the understanding that no further sessional orders will be entered into or agreed to by the chamber until that committee has had an opportunity to consider them and report back to the chamber on 17 March. That is the government's intent, and I hope that intent is shared across the chamber.

**The PRESIDENT** — Order! That concludes the debate. I therefore propose to put the various motions before the house in sequential order. I will put Ms Wooldridge's amendments first. There are four questions to be resolved. Then I will put before the house an amendment proposed by Mr Barber. That amendment is not in respect of the substantive motion moved by Mr Jennings but is in respect of the amendment moved by Ms Pennicuik. Having resolved that I will then move on to Ms Pennicuik's amendment and a vote on that. At that stage we will move to adopt Mr Jennings's motion, presumably based on his right-of-reply on the basis the motion is as amended but not necessarily amended by all the amendments I will put to the house. That is obviously to be resolved. I will put Ms Wooldridge's amendment 1, which is to omit proposed sessional order 2 relating to notices of motion.

### House divided on Ms Wooldridge's amendment 1:

*Ayes, 24*

Atkinson, Mr	Morris, Mr
Barber, Mr	O'Brien, Mr
Carling-Jenkins, Dr	O'Donohue, Mr ( <i>Teller</i> ),
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	Patten, Ms
Davis, Mr	Pennicuik, Ms
Drum, Mr	Peulich, Mrs
Dunn, Ms	Purcell, Mr ( <i>Teller</i> )
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Hartland, Ms	Springle, Ms
Lovell, Ms	Wooldridge, Ms

*Noes, 16*

Bourman, Mr	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr ( <i>Teller</i> )
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Herbert, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr	Young, Mr ( <i>Teller</i> )

### Amendment agreed to.

### House divided on Ms Wooldridge's amendment 2:

*Ayes, 24*

Atkinson, Mr	Morris, Mr ( <i>Teller</i> )
Barber, Mr	O'Brien, Mr
Carling-Jenkins, Dr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	Patten, Ms
Davis, Mr	Pennicuik, Ms
Drum, Mr	Peulich, Mrs
Dunn, Ms	Purcell, Mr
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Hartland, Ms	Springle, Ms ( <i>Teller</i> )
Lovell, Ms	Wooldridge, Ms

*Noes, 16*

Bourman, Mr ( <i>Teller</i> )	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr
Eideh, Mr ( <i>Teller</i> )	Pulford, Ms
Elasmar, Mr	Shing, Ms
Herbert, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr	Young, Mr

### Amendment agreed to.

### Ms Wooldridge's amendments 3 and 4 agreed to.

### Mr Barber's amendment to Ms Pennicuik's amendments agreed to.

### Ms Pennicuik's amended amendment agreed to.

### Amended motion agreed to.

**The PRESIDENT** — Order! Just as a matter of information or clarification for members, with the house having passed Mr Jennings's motion, these sessional orders as amended in today's proceedings are now in place, so they will apply next sitting week. At the same time these sessional orders will be referred to the Procedure Committee, which will make a report. It may recommend a variance to the sessional orders or it may simply endorse them. Next sitting week we will consider another proposal from Ms Wooldridge in respect of further sessional orders changes.

## ADJOURNMENT

**Ms MIKAKOS** (Minister for Families and Children) — I move:

That the house do now adjourn.

### Shepparton central business district

**Ms LOVELL** (Northern Victoria) — The matter I raise today for the Minister for Regional Development concerns the revitalisation of the Shepparton central business district. The action I seek is that the Andrews government match the former government's funding commitment to the Shepparton CBD revitalisation project. The community-led Make Shepparton Greater campaign has highlighted the Shepparton CBD revitalisation as one of the top five priorities for this area, citing the need to transform Shepparton's CBD into a modern, lively and desirable retail and lifestyle precinct.

In its election campaign the coalition committed \$2.5 million to support ongoing improvements in the Vaughan and Maude street precinct, which consists of four subprojects. The \$2.5 million election commitment followed on from an earlier coalition government investment from the Regional Growth Fund of \$700 000 to support stage 1 works in Vaughan Street, which were completed in December 2013. The remaining subprojects are the Maude and Vaughan street bus interchange, improvements to Maude Street between Vaughan Street and High Street, and the Maude Street mall redevelopment. For regional towns and cities like Shepparton to remain strong and prosperous we need the city centres to be attractive to both local residents and visitors to the area, which the CBD revitalisation aims to do and which the coalition investment would have helped to achieve.

The expected direct benefits from the completed Shepparton revitalisation include: the creation of

approximately 1300 full-time equivalent (FTE) construction-related positions over the lifetime of the project, and approximately 400 new permanent FTE jobs across retail and office-based activities; increased business and economic prosperity for existing small to medium size businesses in the CBD, with turnover in the CBD estimated to increase by \$240 million over 10 years; improved retail diversity in the CBD; the diversification of Shepparton's employment base; the provision of new commercial office development opportunities in the CBD; increased community engagement; improved access to public transport within the CBD; raised commercial property values and rental returns for premises located in and around the CBD; and improved appeal and livability to attract more residents, visitors, businesses and investors to Greater Shepparton.

The action I seek of the minister is for the Andrews government to match the former coalition government's funding commitment to the Shepparton CBD revitalisation project.

### Fruit fly

**Ms SYMES** (Northern Victoria) — My adjournment matter is for the Minister for Agriculture. The matter I raise is about seeking support for the Victorian horticulture industry to continue to undertake eradication activities to manage Queensland fruit fly outbreaks in the greater Sunraysia and Goulburn Valley areas.

The Queensland fruit fly outbreak has the potential to devastate crops and damage the industry in regions across northern Victoria. Ensuring that there are programs to eradicate this pest and suppress the outbreaks that are occurring is of critical importance to farming families and the industry as a whole. I ask that the minister give our farming communities and industries the certainty they need that a Victorian Labor government has their interests and needs at the forefront of its plans for strong, robust regional success stories that are not impeded by the lack of government vision or support that was so much a feature of the previous Liberal-Nationals government.

Labor understands the value of our multimillion-dollar horticulture industry and appreciates the need to protect our regions and support farming communities in responding to the challenges they face. Rumour has it that another pest from Queensland, known as Newman, has been approached to fly in and wreak havoc on the

communities of the federal electorate of Indi. I urge the minister to also do whatever is possible to respond to the threat of this pest in regional Victoria.

### **Horne Street–Gap Road, Sunbury**

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Roads and Road Safety. It concerns the roundabout at the corner of Horne Street and Gap Road in Sunbury. It should be pointed out — and I am sure that anybody who has visited Sunbury in recent times would be aware — that Sunbury is no longer a country town. It has not been a country town for quite some time. In fact, when I first went to Sunbury some almost 40 years ago, Sunbury was a small town; it was a town of a little under 10 000 people. There was a big cricket ground opposite the school that I attended. That is now occupied by a very large shopping centre, and half the property of the school that I attended is now housing.

Over recent years in Sunbury we have seen a huge population boom, and Sunbury now has in excess of 40 000 residents. Many people from the Macedon Ranges visit Sunbury to shop, given that it has a large shopping centre. Sunbury is very much the regional heart, if you like, of the Macedon Ranges. Needless to say, the number of vehicles on Sunbury roads is significant and has increased enormously over the last 10 or 15 years.

That brings me to the point of this adjournment matter this evening. The roundabout that I mentioned earlier on the corner of Horne Street and Gap Road needs to be replaced. We need traffic lights at that intersection. I have travelled through that roundabout on many occasions, and on many occasions I have taken my life into my hands, as indeed have many others who have attempted it. It is a miracle that so many vehicles get through without collecting another car. That causes great problems on Horne Street, and on Gap Road for that matter, for people who are exiting and entering businesses in that area.

I ask the minister to take what I have said tonight into consideration. I can assure him that the overwhelming majority of people in Sunbury are very keen for this roundabout to be replaced with traffic lights. I ask the minister to direct VicRoads to investigate this as a matter of urgency, and hopefully we will see traffic lights at the intersection before very long.

### **Marine search and rescue services**

**Mr EIDEH** (Western Metropolitan) — My adjournment matter today is for the Minister for Emergency Services, the Honourable Jane Garrett, and concerns marine rescue services in Victoria and the Economic Development, Infrastructure and Outer Suburban/Interface Services Committee report which I tabled in this house in October last year. The report indicates that the marine rescue sector in Victoria has been severely under-resourced, despite the continuous increase in demand for its services. It also found that the sector is facing a serious lack of statewide regulations and a governing body to monitor the sector and other mounting pressures including federal vessel and crew certification laws and the increasing financial burdens which have resulted in local fundraising efforts to meet this demand.

Recreational boating in Victoria has significantly increased in popularity, with there being nearly 173 000 registered powered vessels across the state and an estimated 40 000 unregistered recreational vessels. Unlike other state emergency services, such as the Country Fire Authority and the Victorian State Emergency Service, marine rescue services in Victoria do not have a central governing body.

In addition to this, the inquiry also found that marine rescue services in Victoria do not have access to legislative and regulatory protections to safeguard their work, as the Country Fire Authority and Victorian State Emergency Service do. Unsurprisingly the increase in the number of registered vessels has been matched with an increase in marine incidents, by 24 per cent over 2012–13.

The report tabled a total of 43 recommendations, and within these are three key recommendations. They are: the introduction of an accreditation system for all volunteer marine search and rescue (MSAR) units, which would focus on the suitability of MSAR vessels, equipment and volunteer training and would be supplemented by an annual self-audit and random external audits; changes to the existing governance arrangements for the sector, which are aimed at providing the state's MSAR volunteers with a stronger voice; and a formal consultation process for consideration by the state's MSAR volunteers on the option of forming a single statewide organisation.

With this report having been tabled last year, I ask the current Minister for Emergency Services: when will the government implement these much-needed recommendations?

### Industrial hemp

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Agriculture and Minister for Regional Development, the Honourable Jaala Pulford. I welcome the minister to her new role and look forward to working with her to develop an agricultural policy that will serve farming communities into the future, and I offer that support on the basis that I believe the Labor Party does not have an agricultural policy.

My original matter was to request the minister to take action and assist farmers in my region who are suffering from drought-like conditions with low rainfall figures not seen since 2006, but my parliamentary colleague Louise Staley, the member for Ripon in the other place, has ably raised the matters of concern in areas of drought classification, access to concessional loans, rate relief and water security, and a long-term policy of drought preparedness.

My matter tonight is in relation to Victorian farmers having the opportunity of growing industrial hemp, which is also known as Indian hemp, for a food source — a food source high in protein and omegas. Australia is the only country that specifically prohibits hempseed being sold as a food, and this position is stifling the growth of an industry and preventing a viable cropping alternative for farmers. To the credit of the previous coalition government, farmers were given the opportunity to grow poppies commercially under regulated conditions and have them processed in Victoria. The addition of industrial hemp, which is an annual crop requiring no herbicides or pesticides and minimal water, and which is not recognised as a drug through the United Nations Single Convention on Narcotic Drugs, 1961, should be easily accommodated. In fact hemp is used in products as diverse as car parts, clothing and building materials. There is strong market demand for hempseeds, with potential grower returns of over \$4000 per metric tonne for organic, cleaned hempseed.

Food Standards Australia New Zealand has recommended hempseed be sold as food in Australia, but unfortunately the Australia and New Zealand Ministerial Forum on Food Regulation has delayed a decision due to marketing issues and the concerns of law enforcement bodies. The action I seek from the minister is for her to be a strong advocate like her predecessor, the Honourable Peter Walsh, in championing new opportunities for Victorian farmers to grow crops like industrial hemp and poppies with

the appropriate safeguards and for her to work with her national ministerial colleagues to progress the growing of industrial hemp as a food and as an alternative crop for Victorian farmers.

### Kindergarten funding

**Mr MELHEM** (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Families and Children, the Honourable Jenny Mikakos. The matter relates to the provision of 15 hours of kinder per week, the funding for which is currently split, with 10 hours being funded by the state government and a further 5 hours by the commonwealth government. However, the federal government has not committed to funding the additional hours beyond December 2014, which in turn has caused some confusion — I will call it a headache — and uncertainty for a lot of parents and kindergartens. They do not know whether or not the 5 hours will be reinstated and therefore they are not able to make any plans for 2015 and beyond.

The action I seek is that the minister advise me of what she is doing to lobby the federal government to restore funding for its share so that kindergartens and parents in my electorate in the western suburbs of Melbourne can finalise their plans for 2015 and beyond to deliver a much-needed service for our children as our children deserve better, and we expect better for them.

### Country racing

**Mr O'BRIEN** (Eastern Victoria) — The matter I have on the adjournment tonight is for the Minister for Racing, Martin Pakula, and it relates to a report released this week entitled *Victorian Country Racecourse and Training Facilities Infrastructure Plan*. It is a good overview plan for the country racing industry but is of great concern to those of us in Gippsland as well as those in other areas of the state because it will lead to the downgrading of a number of clubs. Under the plan put forward by Racing Victoria and Country Racing Victoria, we will see Stony Creek lose training facilities funding along with Bairnsdale, and Stony Creek and Traralgon will lose a race each, which is of great concern to people in Eastern Victoria Region.

I am asking the minister to intervene in this matter and ask Racing Victoria and Country Racing Victoria to review their decision because it is not in the best interests of racing in this state or our communities in eastern Victoria. In particular Stony Creek is of concern, as it is the only professional club in South

Gippsland; the other race clubs are stretched out along the Princes Highway. There are proposals to upgrade and expand a number of race meetings at Pakenham, but Stony Creek is to lose a race meet — reducing its races from five to four — and that is a concern for South Gippsland. There are a couple of lines in this plan that are particularly pertinent to the concerns I have:

It is considered that a reduction in small racetracks across the state would impact racing's marketability ... and provide limited economic benefit to the industry, given the small amount of funding required to operate these venues.

I agree wholeheartedly with that statement. We are not talking about a lot of money in a multimillion-dollar industry, and I think the benefits of maintaining Stony Creek and Bairnsdale as training venues would outweigh the limited cost savings involved.

The document goes on to say:

... country racing is an integral part of the sporting life and cultural traditions of people in regional Victoria ...

Clubs foster social cohesion through their events and facilities and provide benefits to a broad range of individuals and community organisations.

That is true. It is particularly true of Stony Creek. We will see the Stony Creek Cup run in about two or three weeks time, on the long weekend in March. That is one of the main events on the South Gippsland social calendar. We would like to see the Stony Creek facility maintained as a training venue but also the full complement of race meetings held at that place. I ask the Minister for Racing to intervene and to ask the industry to reverse these changes and ensure that country racing, including at small clubs, remains strong well into the future.

### **Cage fighting**

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter is for the Minister for Families and Children, Ms Mikakos. I am glad that Ms Mikakos is in the chamber this evening. I am not sure if she will be able to provide the advice I am seeking, but I will be very grateful to receive it in due course.

Earlier this week I asked a question of the minister on the risks of cage fighting to Victorian families and children. I believe I did not receive a satisfactory answer, so I raise this same important issue here this evening. The minister is well aware that she has legislative responsibility for the Child Wellbeing and

Safety Act 2005, in which the first fundamental principle of the act is:

... society as a whole shares responsibility for promoting the wellbeing and safety of children ...

I took the advice of her colleague Mr Somyurek and searched the internet via Google for references to cage fighting and children. Mr Somyurek is quite the expert on Google, as we have heard this week. I was alarmed to find in an article in the Mirror online an outline of the disturbing effects on children of cage fighting. Experts described it in that article as barbaric. Similarly, in the US, where kicking and punching above the collarbone are banned, strangling in cage fighting bouts is allowed for children, some as young as six years old. I find this abhorrent. I believe this issue is relevant to the minister's portfolio, and the action I seek is for her to provide advice on Labor's policy of legalising cage fighting so that the Victorian community can be assured that cage fighting will not be a risk to the wellbeing and safety of Victorian children.

### **Salvation Army youth street team**

**Mr O'DONOHUE** (Eastern Victoria) — The matter I raise this evening is for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett. I think we would all agree that the Salvation Army does a remarkable job in so many ways and in so many spheres, helping so many people in need. In my previous role it was a privilege to get to know Major Brendan Nottle of the Salvation Army and to spend some time with him and his remarkable team of volunteers who run street teams in the Melbourne CBD on Friday and Saturday nights in particular but at other times as well. What these volunteers do is go out late at night to help people who may find themselves in trouble, may have had too much to drink and may have lost contact with friends. In this day of modern communication who do you ring if you lose your mobile phone and you are from out of Melbourne? One night when I was out with Brendan and some of his volunteers we met a young lady who was in such a situation. She had lost a mobile phone, she was from out of town and had no-one to turn to and nowhere to go. That is where the Salvos help.

The Salvation Army also helps the police with their job, because when the police find someone who is in need they can call on the Salvos street teams, who will then come to the aid of the person and allow the police to get back to doing what they need to be

doing — responding to and preventing criminal activity.

Before the election the coalition government planned to invest \$400 000 to expand the concept of street teams, in partnership with the Salvos, to Ballarat, Geelong, Bendigo and Frankston, and potentially into other areas in the future as well. This is an election promise that the coalition made that I would gladly see the Labor government take up and copy, because it is a fantastic initiative. The street teams, led by a remarkable individual in Brendan Nottle, do a remarkable job, and the ability to expand and use the existing framework and all the Salvos infrastructure by contributing this money to expand this project to other locations where similar sorts of issues exist would be a great win for those communities and a great win for Victoria. I urge Minister Garrett and the Labor government to adopt this coalition policy. As I said, it is an election promise that I would warmly welcome Labor adopting.

### Responses

**Ms MIKAKOS** (Minister for Families and Children) — Ms Lovell raised a matter for Ms Pulford, Minister for Regional Development. It related to funding issues to do with the Shepparton CBD revitalisation project, so I will refer that matter to the minister for response back to her.

Ms Symes raised a matter for Ms Pulford, Minister for Agriculture, and it related to measures to eradicate Queensland fruit fly in the Sunraysia district and the Goulburn Valley. I will refer that matter to the minister for response back to her.

Mr Finn raised a matter for Mr Donnellan, Minister for Roads and Road Safety. It related to a roundabout on the corner of Horne Street and Gap Road in Sunbury and specifically to a request for VicRoads to investigate the installation of traffic lights at the roundabout. I will refer this matter to the minister for response back to the member.

Mr Eideh raised a matter for Ms Garrett, Minister for Emergency Services, and it related to a report tabled last year regarding marine rescue services. The member referred to a number of unregistered vehicles and his concerns about incidents. He specifically requested that the minister consider the recommendations in that report, so I will refer that matter to the minister for response back to the member.

Mr Ramsay raised a matter for the Minister for Agriculture. It specifically related to the request that Victorian farmers have an opportunity to grow industrial or Indian hemp. He asked the minister to work with her national ministerial colleagues in this regard. I will refer this issue to the minister for response back to the member.

Mr Melhem raised an issue for me. It related to the lack of certainty for kindergarten funding of 15 hours per week beyond the end of this year. I can assure the member that this government is very supportive of the Council of Australian Governments reforms that have been in place now for a number of years. The introduction of the 15 hours of kindergarten was an achievement of a previous Labor government, working with a previous federal Labor government, as were other national reforms in early childhood education, particularly as they relate to children attending preschool.

We recognise that a quality early childhood education provides children with the best start to life. The member specifically asked me to advise him on what actions I am taking to lobby the federal government in this regard. I can assure him that I have written to my federal ministerial counterparts, ministers Ley, Pyne and Morrison, about this issue. I am yet to receive a response on this issue. There have of course been ministerial changes in the federal government during the period since we took office, but I am disappointed that to date we have not had a response. I am certainly urging them to respond to this issue because, as the member mentioned, we have kindergartens in our state that have already started to plan for next year. They wish to be able to budget and to organise their rosters and timetabling for next year, but they are unable to do so with any certainty until we have this matter resolved.

I note also that Mr Leane raised a similar issue in yesterday's adjournment debate. Both members have a deep interest in and concern about this issue. I know from discussions I have had with preschools around this state, including the Brunswick East preschool that I attended with the Premier earlier this week, that staff, management and parents are very concerned about it. They are supportive of the Victorian government's efforts to raise this issue with the Abbott government and to seek greater certainty.

Ultimately what we are seeking is a new national partnership agreement with the federal government around the issue of 15 hours of funding. It is my understanding that when the national partnership agreement was first signed several years ago the

intention was that there would be an ongoing commitment by the federal government to this issue. We are seeking that the federal government provide an ongoing commitment to Victoria's children.

In respect of the matter raised by Mr O'Brien for Mr Pakula, Minister for Racing, it related to an infrastructure plan that has been put together by Country Racing Victoria and Racing Victoria. He specifically referred to the potential impact of this infrastructure plan on his electorate and in particular Stony Creek and racing in Bairnsdale and Traralgon. He sought the minister's intervention to ask the industry to reverse these changes. I will refer this matter to the minister and ask him to respond directly to the member.

I refer now to the matter raised with me by Ms Crozier. It related to the issue of cage fighting, which Ms Crozier also raised with me in question time a few days ago. Ms Crozier referred to some articles; she did not say what publication they were from in the United Kingdom — —

**Ms Crozier** interjected.

**Ms MIKAKOS** — Okay. Ms Crozier put forward a point of view, and I know there are a range of views in the community around this particular issue. In fact there are a range of views even in the Liberal Party on this particular issue, as was evident the other day. As I said to the member the other day, the issue of the regulation of cage fighting, which is a form of mixed martial arts, is a matter that falls under the portfolio responsibilities of the Minister for Sport, Mr Eren.

However, I point out to the member that mixed martial arts contests are already legal in Victoria and that last year, under the former government, 67 mixed martial arts contests were held as part of Victorian licensed promotions. The difference is that currently they are held in boxing rings. What is proposed is a change to the enclosure to provide greater safety for the contestants. Instead of having a boxing ring, they will have a different type of enclosure when they are participating in this sport.

**Ms Crozier** interjected.

**Ms MIKAKOS** — Ms Crozier is suggesting that the change in the enclosure will somehow have an impact on children in this state. I point out to Ms Crozier that children under 18 years of age are prohibited by the Professional Boxing and Combat Sports Board from participating in professional bouts of any combat sport, including mixed martial arts. As

to the further issue of regulation, that is a matter the Minister for Sport will be developing. As the member knows, this was an election commitment of the government, and it is committed to implementing all its election commitments. If the member has any further queries in regard to this issue, I suggest she take them up with the Minister for Sport, who is the relevant minister.

I refer also to the issue raised by Mr O'Donohue for the Minister for Consumer Affairs, Gaming and Liquor Regulation, Ms Garrett. He referred to the very good work that Brendan Nottle does with the Salvation Army and a particular program the previous government had in place. He asked that the minister consider the continuation of this program. I will refer that issue to the minister, who will respond to the member in due course.

**The PRESIDENT** — Order! On that basis, the house stands adjourned.

**House adjourned 5.49 p.m. until Tuesday, 24 February.**