

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 9 May 2018

(Extract from book 6)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry (from 16 October 2017)

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Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
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Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Mr Dalidakis, Mr Mulino, Mr O’Sullivan, Mr Purcell, Mr Rich-Phillips, Ms Springle, Ms Symes and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Mr Davis, Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

Standing Committee on the Environment and Planning — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, #Ms Dunn, Mr Elasmarr, Mr Melhem, #Mr Purcell, #Mr Ramsay, #Dr Ratnam, Ms Shing, #Ms Symes, Ms Truong and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmarr, Ms Fitzherbert, Mr Morris, Mr Mulino, Ms Patten, Mrs Peulich, #Dr Ratnam, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Fire Services Bill Select Committee — Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

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

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

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

Electoral Matters Committee — (*Council*): Ms Bath, Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Deputy President:

Mr K. EIDEH

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Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

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Mr L. B. O'SULLIVAN

Leader of the Greens:

Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John ¹	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁹	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona ¹⁰	Northern Metropolitan	RV
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ¹¹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred ⁷	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong ¹²	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 9 February 2018

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals; RV — Reason Victoria
SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs

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Wednesday, 9 May 2018

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

RULINGS BY THE CHAIR

Tabled reports

The **PRESIDENT** (09:35) — I just wish to make a brief statement in respect of reports that we are publishing, reports that we are receiving in both hard copy and particularly this reference which is to digital editions of reports. This stems from the online version of the Ombudsman's report *Investigation of a matter referred from the Legislative Council on 25 November 2015*.

Further to my previous statement on 30 March 2018 in response to Mr Morris's point of order relating to the online version of the Ombudsman's report *Investigation of a matter referred from the Legislative Council on 25 November 2015*, I wish to further update the house on this matter.

Mr Morris alerted the house to the difference between the report available on the Parliament's website and the report that was emailed to members by the Clerk on 21 March. As I explained on 30 March, this occurred due to information technology issues relating to redacting information, and that was in respect of the Ombudsman's office's handling of that report.

The clerks of both houses have reviewed the approach that should be taken when a digital report is conveyed to the Parliament and published in tandem with the tabling of a hard copy and then it is discovered that the digital copy contains technical problems or issues.

When an error is found in a tabled report, the department or agency responsible for its tabling may request the error be corrected via an erratum slip for minor errors or by tabling a report in lieu of the original for more substantive or extensive mistakes.

Where there is an error in a digital report, in that it is different to the hard copy report tabled, the minister or agency head responsible for tabling the report must write to the clerks to request that the file be replaced on the Parliament's website. If the clerks approve the replacement of the file, they will notify all members of Parliament that the digital report has been changed from the original version published online. I again thank Mr Morris for bringing this to the attention of the house and the clerks.

I would indicate obviously with the digital versions, as with the published hard copy reports, that whether or not it will be acceptable for a minor correction will be determined by the clerks but in cases where the mistake is substantial then we would be looking to require that a new report be provided.

Ms Shing — On a point of order, President, for clarification, in relation to the ruling that you have just made around this matter, you are not expressing a view about whether any of the issues raised yesterday in the course of the debate were matters of a substantive or minor/typographical nature?

The **PRESIDENT** — No, I have expressed no view in the remarks that I have made today in respect of the matters yesterday. I have not formed a view on that, but I am hoping that the matter is clarified further by the government. Whilst I fully accept the clarification made by Ms Tierney yesterday in respect of those matters, I think there is also a responsibility for the agency, the department or the minister to provide that clarification as well. But I have not, in this statement today, formed a view on those matters.

PETITIONS

Following petition presented to house:

Drug harm reduction

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that urgent action is required to address an illicit drug market that is increasingly complex and hazardous.

Experts throughout Australia have warned that more deaths are expected if urgent action is not undertaken to implement dynamic and progressive drug strategies, such as drug checking, otherwise known as pill testing.

Australians are among the highest consumers in the world of illicit drugs such as MDMA (often referred to as 'ecstasy') and, in recent years, the international drug market has become significantly more complex and dangerous, and has fundamentally surpassed the capacity of traditional supply reduction (policing) strategies. Adulterants and new psychoactive substances have contributed to an increase in the number of medical emergencies and drug overdose deaths in recent years.

Drug checking is a collaborative inter-agency emergency health service. Technical experts operate technology such as gas chromatography — mass spectrometry (GC-MS) or Fourier transform infrared spectroscopy (FTIR) to provide a detailed analysis of substances. Healthcare professionals working alongside community and social service workers, including harm reduction peer educators can provide better informed health promotion, brief interventions and service referrals. The additional source of data can help paint a clearer

picture of the illicit drug market to inform policy development.

Different international examples of drug checking systems that Victoria could tailor to our own setting include: the Netherlands has the drug information and monitoring system ('DIMS'), administered through the Trimbos Institute; in the UK, 'The Loop' administers multi-agency safety testing; and the nightlife empowerment and wellbeing implementation project (NEWIP), is a collaboration of EU drug checking services that have developed good practice standards.

Drug checking programs have been proven to help reduce both the circulation of dangerous drugs and discourage risky behaviour. They also facilitate increased engagement between recreational drug users and health professionals, providing information and advice that can decrease the risk of overdose and other harm, and referrals for anyone experiencing problems with their drug use. Recent trials in New Zealand and a growing body of scientific evidence from overseas shows that consumers are discerning and choose to discard substances that are impure or misrepresented.

The petitioners therefore request that the Legislative Council call on the state government to work to immediately establish a trial of lab quality drug checking services in Victoria.

For the sake of health and safety it is imperative that the state government act to implement a mixed-model of drug checking services at:

- (1) fixed sites, such as primary health networks (PHN), primary and secondary needle and syringe programs (NSP) and other subscribing health services; and
- (2) mobile or temporary sites such as entertainment precincts and festivals.

A trial could be initiated immediately with police permission using their current discretionary powers. The availability of technology and experts to run a trial are already in existence and would only require the appropriate permissions.

By Ms PATTEN (Northern Metropolitan)
(364 signatures).

Laid on table.

RULINGS BY THE CHAIR

Questions without notice

The PRESIDENT (09:40) — I might just bring another matter to the attention of the house. I was requested yesterday to consider the reinstatement of questions in respect of a question by the Honourable David Davis to the Minister for Small Business. He had received a response from the Minister for Small Business and believed that that response did not actually satisfy the question. The minister is obviously entitled to respond as he sees fit. However, the premise upon which the minister provided this response to Mr Davis is that Mr Davis raised a hypothetical issue and the minister indicated he would

not respond to a hypothetical proposition. My view is that in fact Mr Davis's question did not raise a hypothetical proposition, and therefore on the basis of the minister's answer I would seek to reinstate that question for a further written response. It was a question without notice in this place, so I am seeking a further written response.

Mr Ramsay also sought for me to ask for a further written response to questions without notice that he proposed on 1 May. They were to the Minister for Corrections, Ms Tierney. I have looked at both of those and had the clerks also consider the questions put by Mr Ramsay and whether or not the answer to those questions was satisfactory in terms of being apposite to the question asked, and I am of the view that I should seek a further written response on that as well.

DISTINGUISHED VISITORS

The PRESIDENT (09:43) — I draw the house's attention to the fact that we have a former member in the gallery today. I welcome Amanda Millar.

PAPERS

Laid on table by Clerk:

Confiscation Act 1997 — Report, 2016–17 pursuant to section 139A by Victoria Police.

Crimes (Assumed Identities) Act 2004 — Report, 2016–17 pursuant to section 31 by the Independent Broad-based Anti-corruption Commission.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 49.

MINISTERS STATEMENTS

Mildura abattoir

Ms PULFORD (Minister for Agriculture)
(09:45) — I rise to inform the house of the actions the government is taking to support ongoing and record-breaking jobs growth in regional Victoria, and in this instance particularly in Mildura. Across the state and across regional Victoria there is a jobs boom. This is no accident. Our government is investing in roads, rail, schools and hospitals across the state. We are also backing industry through our Regional Jobs Fund and by slashing payroll tax for regional businesses in last year's budget and again in this year's budget. This jobs growth is not an accident when you invest \$8.5 billion in regional and rural Victoria over three budgets and \$4.3 billion in this year's budget. In the past three and half years close to 60 000 jobs have been created in regional Victoria, and around 80 per cent of those are

full time. That is 11 times the number of jobs that were created under the period of the former government between 2010 and 2014 when those opposite hit the pause button on Victoria and particularly regional Victoria.

But our government is backing all types of industries in every part of our state. I am particularly pleased to take this opportunity to announce that through the Regional Jobs Fund the Andrews Labor government is backing a \$2 million refurbishment and recommissioning of the Mildura abattoir facility. Our government has worked with Meatco over a number of years to secure the overall project, which will create 80 new jobs and generate exports of up to \$32 million per annum. Construction of the facility is underway, and Meatco expects to be operational in the coming months. Meatco plans to process 4000 goats and 2000 sheep per week at the reopened Mildura facility, with carcasses to be supplied directly to Cedar Meats in Brooklyn for export.

Auslan training

Ms TIERNEY (Minister for Training and Skills) (09:47) — I rise to update the house on the funding boost provided to Auslan training in regional Victoria by the Andrews Labor government. For the first time people in regional Victoria will be able to study Auslan qualifications up to diploma level without having to travel to Melbourne, thanks to a new TAFE-led project funded by this government. Recently I announced that an additional \$2.5 million funding boost would be available to enable Melbourne Polytechnic to use the latest digital technology to deliver certificate and diploma courses to more than 400 additional students across Victoria. This funding boost means more people will have access to Auslan training in more locations, particularly in regional Victoria.

Melbourne Polytechnic is the sole provider of government-subsidised Auslan accredited training and leads the Victorian Auslan Training Consortium, with key partners Vicdeaf, deafConnectEd and Monash and La Trobe universities. The Andrews government has also cleared the way for Victorians wishing to undertake both the diploma of Auslan and the diploma of interpreting Auslan streams by removing eligibility barriers for those aspiring to undertake the critical work of Auslan interpreting. It is particularly pleasing that enrolments in Auslan courses have reached historical highs in recent years. This is a testament to the collaborative work of the Victorian Auslan Training Consortium led by Melbourne Polytechnic.

We are making the investments needed to improve access to education and training for all Victorians regardless of where they live and their personal circumstances. The record of this government in relation to ensuring that all Victorians have access to high-quality education and training represents a major achievement of this government.

Horticulture industry

Ms PULFORD (Minister for Regional Development) (09:49) — I am very pleased to inform the house about the Andrews Labor government's commitment to boosting innovation in Victoria's horticulture industry. Victoria's horticulture industry is worth \$2.4 billion a year, and it is underpinned by a world-class reputation for providing premium quality, safe and clean products. Our support through the \$1 million Horticulture Innovation Fund promised before the last election helps grower businesses test and adapt new technologies to boost production, export to new markets and broaden the range of products sold overseas.

Today I am pleased to announce six further projects to be supported with grants totalling \$270 330. They include a grant to Monash University to evaluate the commercial use of a new polycarbonate for vegetable-protected cropping to improve production and quality, a grant to Apple and Pear Australia Ltd for new software to reduce barriers for the commercialisation and adoption of the difference of absorbance meter for improved fruit quality and a grant to the Barengi Gadjin Land Council Aboriginal Corporation to support the investigation of crop pollination by native bees to address production efficiencies within native foods. There are two grants to the Australian Wine Research Institute, one to develop water budgeting and canopy management tools to assist the wine industry to adapt to a changing climate and the other to improve management options for smoke-tainted wines including testing commercial remediation options. The sixth grant is to Nursery and Garden Industry Victoria to support the development of a weed control information package for the management of nursery weeds.

Since the launch of the fund in 2015 a total of 11 horticulture projects across Victoria have been successful, with grants totalling \$511 048. Projects already underway are conducted by a range of organisations and businesses, including the Victorian Seed Potato Authority, Integrity Fruit Pty Ltd, the Plant Biosecurity CRC, Agropraisals Pty Ltd, AD and VR Henry, and the Australian Table Grape Association. More information about this program and the projects

can be found on the Agriculture Victoria website, and I encourage members to let their communities know that applications for the Horticulture Innovation Fund are currently open and close on 30 January 2019. I would like to congratulate all those who have received a grant. It is always wonderful to receive updates on how these projects are going. It certainly confirms for me that the level of innovation we have in our Victorian horticulture industry is world-class.

MEMBERS STATEMENTS

Heathmont College

Mr LEANE (Eastern Metropolitan) (09:51) — Last week I was very pleased to catch up with the principal, teachers and others at Heathmont College to talk to them about recent funding towards Heathmont College for a new competition-grade basketball stadium and gym. Part of that funding will go towards a wellness centre. The conversations I had with the principal, Johanna Walker, and others is that this wellness centre will service a large part of Maroondah where there are a number of sporting associations and facilities. They will all come together, along with Maroondah City Council, to produce something. I think that will actually be a first. I congratulate the Heathmont community, the school and also Maroondah council for looking at facilities that I think are very much needed.

Federal budget

Mr LEANE — I do not want to be all negative about yesterday's federal budget. I think the \$1.57 billion for the north-east link is a fantastic thing. I think Malcolm Turnbull is thumbing his nose at his state Liberal counterparts, but that is something for them to deal with. But I do not know why Tories always want to cut TAFE. I do not know why Tories are the natural enemies of TAFE, and it is a shame. Shame on them.

Live sheep export

Mr RAMSAY (Western Victoria) (09:54) — I would like to make a statement on the current state of the live sheep export trade to the Middle East. I have long been a strong advocate of the live export trade and understand the importance of that market to sheep farmers in Victoria. I have had three tours to the Persian Gulf on live sheep carriers and have seen firsthand the care and welfare of the sheep on board. I fiercely defended the trade as president of the livestock group of the Victorian Farmers Federation (VFF) and again as president of the VFF and as a sheep farmer through the period when animal activists threatened the trade with

their illegal actions and threats to the biosecurity of animals.

I have worked feverishly with the live export industry, the Australian Veterinary Association and the RSPCA to improve the animal welfare codes for live export and advised the Howard government through the *Cormo Express* crisis in 2003, where a sheep ship was rejected to unload at a Middle East port due to a spat between the ruling princes. That culminated in the Keniry livestock export review, which set the Australian standards for the export of livestock.

The latest vision of the treatment of sheep on a live sheep carrier, the *Awassi Express*, owned by Emanuel Exports and managing director Graham Daws, with the overcrowding of sheep in pens and the poor ventilation and high death rates, gives me no confidence that the industry has improved the transport conditions of sheep on sea or is adhering to the animal welfare codes, as it promised it would do. I do congratulate the federal minister for agriculture, David Littleproud, on stating that this trade and specifically this shipment and treatment of animals is totally unacceptable and that — using his words — this is 'bullshit'.

A department review has been triggered, given the high mortality rate of over 2 per cent, and as part of that I am supportive of the Australian Veterinary Association review and conclusions that the live sheep export trade at the very least should not be conducted during the summer months of the Persian Gulf, May to October, and the long-term position may well be a closing down of the trade and farmers being able to replace the live trade of Australia with processed sheep.

The PRESIDENT — Thank you, Mr Ramsay.

Youth leadership

Dr RATNAM (Northern Metropolitan) (09:55) — I had the great privilege of visiting Moreland Primary School recently to speak to their grades 5 and 6 students engaged in a project-based learning task to create their own island country to learn about how societies function. They were also asked to create a system of government and were speaking to current politicians about how our system works. Not surprisingly, they asked about what it was like to be a politician, what motivates and inspires people and how people get to positions of leadership. They tossed up the pros and cons of a constitutional monarchy versus a republic and explored questions about how to create a system free from undue influence and corruption.

Just yesterday I also met a group of youth work students from Victoria University touring Parliament to learn about politics and social change, and a few days before that I met with students from RMIT who were exploring if politics was a career worth aspiring to. All these young people, like the majority of young people, have something big in common: they are passionate and care about the future of their communities and the planet. They want to take part in shaping issues like climate change and housing affordability that will impact young people for generations to come. They do not often like what they see in our current parliaments: pointscoring, bickering and short-sightedness. They want to see their representatives being visionary and compassionate.

Over the last two weeks we have seen state and federal budgets that have largely ignored the plight of young people. No wonder they often feel overlooked and turn away from politics despite wanting to be a part of changing the world. Our world would indeed be a better place if these young people had more opportunities to take part and indeed become our future politicians sooner rather than later.

Northern Victoria Region infrastructure

Mr GEPP (Northern Victoria) (09:57) — I rise to speak on last week's outstanding Andrews Labor government budget. It was a Labor budget to its very core. It delivered on schools, skills, education, jobs and getting things done. I was particularly pleased to see the continued investment in our schools. This budget is delivering more in one year for school maintenance and upgrades than those opposite spent in their entire term. Cardross, Mildura West and Kerang primary schools will all have significant upgrades this year. In fact I was scheduled to visit Kerang Primary School next week, but they are busy doing the 'bricks and mortar' training to have input into the upgrade.

The budget is not just about numbers; it is about getting things done. We have delivered on the Shepparton education plan with \$20.5 million. I was particularly pleased to see the investment of \$500 000 into Ardmona Primary School; principal Jean Varty was delighted. This will make a real difference to their community. Ardmona may not have the greatest footy team in the state, but they have a community to be proud of and will have a school to be proud of at the heart of that community.

Ms Lovell interjected.

Mr GEPP — Ms Lovell should have done a better service for this school in the years that she has been in this place. She has neglected it for such a long time.

Federal budget

Mr GEPP — I also want to highlight this, as last night our federal counterparts to those opposite refused to fund the final year of the Gonski agreement. It will cost Victoria \$700 million. And they have given absolutely no commitment to funding government schools beyond 95 per cent of the school resource standard, whilst funding non-government schools to the full 100 per cent.

The PRESIDENT — Thank you, Mr Gepp.

Federal budget

Mr DAVIS (Southern Metropolitan) (09:59) — I want to make a contribution on the federal budget that came down last night. I think it was a very good budget. I certainly see the merit of many of the tax proposals, and I think a flatter and fairer tax system has many merits. More importantly, today I want to make a contribution about the infrastructure announcements for Victoria and to compliment Malcolm Turnbull, Paul Fletcher and Michael McCormack on the announcements that provide a historic level of infrastructure funding into Victoria.

This includes the important \$5 billion held aside for the airport rail link, which is a critical link for Victoria, and the previously announced regional rail revival money, fourteen-fifteenths of which is federal money and not in fact state money importantly. I note the important announcement for Baxter in the \$225 million that is being set aside for the Baxter extension of the railway line. I compliment Chris Crewther and Michael Lamb for their advocacy for that important project, and Neil Burgess in the Assembly and Donna Bauer as well. Almost half a billion dollars has been set aside for the Monash corridor, providing important transport into that corridor.

This counterposes the wasteful approach of the government here, where even good projects are mismanaged and massively over budget. The obvious example is the Level Crossing Removal Authority, which is now more than \$3 billion over budget on its level crossing removal projects. Nothing stops the responsibility to run projects on budget and on time.

Anzac Day

Mr EIDEH (Western Metropolitan) (10:01) — I recently had the great privilege to attend several Anzac events in Greece. On Anzac Day, 25 April, I attended and laid a wreath at the annual Anzac Day service at the Athens Phaleron War Cemetery. This service was organised by the Australian embassy in Greece. Also in attendance were Richard Dalla-Riva and Kim Wells from the other place, as well as former minister John Pandazopoulos and Steve Georganas, MP, from South Australia, representing the Australian Parliament.

Over 100 dignitaries, including the Minister for National Defence of the Hellenic Republic, the Chief of the Hellenic National Defence general staff and ambassadors and deputy heads from 15 countries, including New Zealand, the United Kingdom, the United States of America, Ireland, France, Canada, Italy, Pakistan, Turkey, Germany, Hungary, Greece and Australia, were in attendance. Many other organisations and individuals also attended the ceremony. Lee Tarlamis led the Australian delegation from Melbourne's Lemnos Gallipoli Commemorative Committee, which included Deb Stewart, the granddaughter of Sister Evelyn Hutt, who served on Lemnos in 1915. In her address Kate Logan, the Australian ambassador to Greece, emphasised the Anzac connection to Greece which began with the role Lemnos played in 1915.

On 20 April I attended and laid a wreath at the unveiling of a new memorial on Lemnos commemorating the Australian pier near Mudros. This pier has great significance to Australia as it was built by Australian soldiers and engineers in March 1915 as part of the transformation of the island into the advanced base for the Gallipoli campaign. The proposal to build this memorial grew out of research conducted by historian Jim Claven, secretary of the Lemnos Gallipoli Commemorative Committee. The memorial was partially funded by the Victorian government. The creation of the Lemnos Gallipoli Heritage Trail was announced at this event by Melbourne's Lemnos Gallipoli Commemorative Committee and the Prefecture of the Northern Aegean. This trail will assist Australians to walk in the footsteps of their forebears who came to Lemnos over 100 years ago.

This year the Victorian government has provided \$5000 in much-needed assistance to Mudros Senior College on Lemnos. This school has actively —

The PRESIDENT — Thank you, Mr Eideh. That one was at least 20 seconds over.

Mother's Day

Mrs PEULICH (South Eastern Metropolitan) (10:03) — I just wish to take the opportunity to wish all our mothers and grandmothers a very happy Mother's Day for the forthcoming Sunday. I have had great delight in joining a number of communities in celebration of this important day, including the community of Our Lady Help of Christian Catholic Churches of Narre Warren, who had a very big shindig the other night to celebrate Mother's Day, as well as the Druze community, a wonderful group of women who indeed espouse all of the very best about our mothers. Two quotes come to mind. The first is, 'A mother is not a person to lean on although often is, but a great mother is a person who makes leaning unnecessary'. And Jackie Onassis once said, 'If you bungle raising your children, I don't think whatever else you do matters very much'. I would also like to take the opportunity to wish my own mother a very happy Mother's Day on Sunday.

Ramadan

Mrs PEULICH — Ramadan is approaching — 16 May through to 14 June — and many members of Parliament will be invited to take part in events. I want to wish the Islamic community all the very best for Ramadan and say Ramadan Mubarak.

Sheikh Al-Afifi

Mrs PEULICH — I also had the opportunity to join the Islamic community at a reception for the recently appointed Grand Mufti of Australia, and indeed it was a great opportunity to join them in celebration of the first Victorian to be appointed as the Grand Mufti. I would like to take the opportunity to congratulate Sheikh Al-Afifi on his appointment following years of work at the Al-Taqwa Islamic College in Truganina. He holds the view that religious leadership and the development of a strong moral framework to guide individuals, families and communities, especially our young people, are critically important to our communities and nation, and I am sure he will do a sterling job.

Cape Paterson Surf Life Saving Club

Ms SHING (Eastern Victoria) (10:05) — I rise today to congratulate the Cape Paterson Surf Life Saving Club. Its president, Dean Manns, along with other advocates, including Kate McLaughlin, have done so much to be able to secure funding totalling \$3.2 million from the Andrews Labor government, alongside \$500 000 from Bass Coast Shire Council and

an incredible \$800 000 raised by the local community. It was wonderful to see Mark 'Doogs' Legg, Kate and so many other life members at the club to announce this additional \$1 million grant to enable this new facility to be built after years of advocacy.

Wonthaggi Secondary College

Ms SHING — It was absolutely brilliant to see the first sod turned at the new Wonthaggi Secondary College — the \$32.5 million new build. It has been waiting for decades and languishing under local members who have done nothing to deliver for the area. It is great to see that finally students will have a place that matches the effort and the endeavour of both the school community and the teachers and staff, and also to see that there will be highball facilities on site that will make this into a real community hub.

TAFE funding

Ms SHING — It has been an absolute breath of fresh air to deliver more than \$60 million in TAFE capital funding for Gippsland, including a new campus at Federation Training's Morwell location, as well as a new build at the port of Sale. For all of their sound and fury, The Nationals and the Liberals simply do not care about TAFE. They do not deliver, and this is as evident as anything when we look at the figures delivered in last night's federal budget. On the other hand we have delivered, and delivered in record amounts, not just for Gippsland but for TAFE students all over the state.

Budget

Ms CROZIER (Southern Metropolitan) (10:07) — Treasurer Tim Pallas and Premier Daniel Andrews can try to con their way to the next election by throwing dollars around like confetti hoping that Victorians will either forget or forgive their rotting ways and the litany of failures of this government. Victorians know only too well that it is this government that has wasted billions of dollars in projects; has introduced 12 new taxes and increased taxes; has seen a blowout in public sector wages costing Victorian taxpayers billions of dollars; has had a litany of scandals that have plagued the cabinet and the backbench; has been beholden to left-wing ideology in so many areas of government administration; and has had one of the most militant unions make unrealistic and costly demands to the highest levels of government, with Daniel Andrews succumbing to being a puppet of the highly contentious Peter Marshall. Victorians have never felt less safe, and of course there is the culture of systematic rotting by Labor MPs.

It should make Tim Pallas blush that while he has had the privilege of being Victoria's Treasurer he has had the good fortune of the port sale, had an increase in GST returns, received \$2 billion for the sale of Snowy Hydro and received record stamp duty as Melbourne's property market booms. Even with that economic fortune, the cost of living for Victorians is rising and life is becoming harder for families. Electricity and gas bills are soaring, all due to the ideologically driven agenda this left-wing government presides over. Who in their right mind would shut down a significant power generator without any contingency plan? Daniel Andrews did. Who in their right mind would not use the abundance of natural resources, such as gas, to assist in driving down household and business costs? Daniel Andrews again refuses to do so. Victorians need to return to safe and sensible government by voting out this rotting government led by Daniel Andrews and by voting in the Liberals and Nationals led by Matthew Guy.

Wangaratta drug rehabilitation services

Ms SYMES (Northern Victoria) (10:08) — Like some of my colleagues today I want to make a contribution on the fantastic Andrews Labor government's budget that was delivered last week. I can say that wherever you live in northern Victoria, it is a Labor budget that delivers on the things that matter: skills, jobs, education, better roads and better transport. It has gone down really, really well in my electorate.

What I would like to focus on today is something that I am particularly proud of and something that has been very much welcomed by the Wangaratta and north-east community, and that is a 30-bed alcohol and other drugs residential rehabilitation centre to be built in Wangaratta. In last year's budget we announced funding for land acquisition, and we have spent the last 12 months identifying appropriate sites for the construction of those facilities in regional Victoria.

Given the people of Wangaratta's passion for addressing the blight of drugs in their community and their willingness to open their arms to those affected, I always thought that Wangaratta was the best community for this centre. It is also really well placed geographically to service much of north-east Victoria. The centre has been welcomed by the community. I would like to say thank you to the newspaper. They have written about drug issues in a really sensitive way with a focus on health, and I think that has led to a good response to this announcement. I would also like to thank the Wangaratta local drug action team and Wangaratta North East Family Support for their commitment in this space.

PRODUCTION OF DOCUMENTS

Debate resumed from 7 March; motion of Mr Davis:

That this house —

- (1) in accordance with standing order 11.01, requires the Leader of the Government to table by 2.00 p.m. on Tuesday, 27 March 2018, a copy of all documents in full, signed by or on behalf of the government of Victoria, concerned with or relating to the West Gate tunnel project, including but not limited to —
 - (a) the West Gate tunnel project agreement without redactions;
 - (b) any other contract, agreement or treaty signed by the current government of Victoria with Transurban PL or any member of the Transurban WGT Co Pty Ltd consortium which seeks to vary, change or alter the tolling arrangements, time periods, charges, indexation or other tolling matter under the Melbourne City Link Act 1995 or which would seek to later vary tolling arrangements under the Melbourne City Link Act 1995; and
- (2) notes that, pursuant to section 15(3) of the Melbourne City Link Act 1995, either house of the Parliament may revoke a variation of the agreement.

Mr DAVIS (Southern Metropolitan) (10:10) — I rise to continue to speak on this motion for the production of documents on the West Gate tunnel. It was commenced in a previous sitting week. I should say that the context of this is that on the same day it commenced, a motion to revoke planning approvals for the West Gate tunnel project was carried, noting that on the very next day the government gazetted an amendment that was identical to the one this chamber had revoked —

Mr Finn — Contempt of Parliament.

Mr DAVIS — It was an extraordinary contempt of the Parliament.

But leaving that aside, the substance of this motion specifically is quite narrow but very important. It is a motion that seeks a series of documents that relate to the tolling deed variations and all of the related documents and analyses around those documents. The chamber has an important role under the Melbourne City Link Act 1995 whereby with those documents and variations of toll arrangements either chamber alone can disallow the arrangements in those toll variations. The act is quite specific: it requires the government to table documents within six days — and the government has not done that — but then it allows a further six days for either chamber alone to disallow a variation. This is in contradistinction, as it were, to the EastLink tolling

arrangements, which require revocation or disallowance to occur through both chambers. But this act is quite specific: either chamber is allowed to disallow a variation within six days of its tabling.

The sad thing here is the government has not provided those documents in full. Some of the West Gate tunnel project agreement documents have been put on a government website — in fact they were put there in the week between Christmas and new year — but there are very significant redactions from those documents. The point I make here is that not only are the documents I seek documents that should be in the public arena in the public interest as a matter of course but importantly the chamber actually has a duty to scrutinise those documents under the Melbourne City Link Act 1995 and make a decision as to whether it will disallow those variations or not. It cannot do that without those documents being made available in full.

I should say that with a normal documents motion these documents would be in the public interest, but there is this added and important duty of the chamber, and that I believe defeats any request by the government for cabinet-in-confidence exemptions. It also defeats any request by the government for commercial-in-confidence exemptions. It is very clear that commercial-in-confidence is actually not a general exemption from the documents powers of the Parliament, which have been well understood to be the powers of the House of Commons in 1856. The case law behind it is also absolutely clear. In particular the Sydney Water case, which went to the High Court, made extremely clear the Parliament’s powers to demand documents and indeed to mete out penalties for those who might obstruct the provision of documents to the Parliament.

I am putting those points on the public record here now because it is actually quite important. The legal opinions that this chamber obtained in the 2006 to 2010 parliaments from very significant constitutional lawyers also back up those powers and make clear that the chambers have those powers — the powers of the House of Commons in 1856 to demand persons and documents and to mete out penalties to obtain them if required. But I would hope that with the passage of this documents motion the government will see it actually has a duty to provide those documents and put them into the public domain, one, and particularly to provide them to the chamber. That would put the chamber in a position to look at the detail of the tolling arrangements.

What is the variation in the deed worth to Transurban? Nobody fully knows that; we do know it is worth an extraordinary amount. Just to put on the record what is

known about the variation, the current arrangement proposed by the government would see the tolls on the existing CityLink roads — not the new road that has been funded in part by this but the existing roads, such as the Tullamarine Freeway, the M1 and the tunnels — increase by 4.25 per cent each year in an escalator over 10 years. That is a compounding arrangement, so I make that 52 per cent in very simple compound arithmetic. If you take \$100, you will have \$152 after a few years on that kind of escalator. There is no way that the CPI will be anywhere near that rate, so this huge windfall for Transurban is the backbone of the government's deal here on this West Gate tunnel.

It will hit those who use the CityLink project — businesses, small businesses and particularly families who use it regularly. This will mean thousands of dollars a year for many families in an extra hit on their family budgets. It is a tax by another name; it will have a huge impact on those families. If you use the CityLink project twice a day, to and from work, and you do that five days a week, you will pay this massive escalator. If you use it on the tunnel, if you use it on the M1 — you might come from Cranbourne; you might drive to the airport to work — you will be clobbered with the full distance of that. You will make those toll contributions but you will derive no benefit from it whatsoever.

This is not actually paying for the toll road that you use, which is a principle that I think most people have some reasonable sympathy for; this is actually paying for a toll road that you do not use. You could be coming in from Cranbourne to the city and you will be clobbered on the way in and on the way out five days a week. You might even come in for the football on the weekend, noting that they are going to disconnect the MCG from Richmond station; you will not be able to go direct to Richmond anymore under the government's new transport arrangements when the new tunnel is completed. But leaving that as a simple aside, the point is that this massive increase in tolls deserves to be fully scrutinised, it deserves to be in the public domain and it deserves to be in front of the chamber, as does the new city access charge that is also part of this arrangement from the government. These all need to be in the public domain, and they all ought to be before the chamber so that it can exercise its statutory rights and obligations under the Melbourne City Link Act 1995.

I should state that given the lapsing of time we need to amend the delivery date, and I propose to circulate an amendment if possible. I move:

In paragraph (1), omit the words 'Tuesday, 27 March' —

obviously that date has passed —

and insert in their place 'Tuesday, 22 May'.

With the chamber's good grace I seek to make that amendment to the motion. I do not imagine people have an objection to making it temporally sensible in the sense that debate has continued past the relevant date.

With those small number of words I reserve any right to very briefly speak later. This is at heart a simple, straightforward documents motion, but in this case it has the added point that the chamber under the Melbourne City Link Act has a responsibility to look at these toll deed variations and make a decision on the basis of the information before it, and it needs to be before it in full to enable it to make those decisions.

Ms TRUONG (Western Metropolitan) (10:20) — I rise to speak to this motion. This motion is not just about secret documents; it is about how confident we the Victorian community can be that the government's number one priority is in fact the public good. Governments need to make difficult decisions about setting priorities, and we expect them to make big calls and have the courage to make determinations on how the public will be best served with the finite resources and public funds at hand. Their relationship with the Victorian community, like any strong relationship, needs to be based on mutual trust and respect.

The government needs to maintain our public confidence by taking us with it on decisions it makes in our name and using our public funds that are shaping the city we live in. It is completely unreasonable for Labor to ask the public to trust it to make decisions on our behalf without first allowing us to be fully informed of the rationale and implications of those decisions. It has given us the business case but it has blacked out key sections. It has given us some traffic modelling but left out the Allard report on what was wrong with that modelling. It has given us the contract with Transurban but critically left out how much of our public money it signs away. Given we are going into an election, given that Labor is asking for another term in government and with the east–west link debacle still fresh in recent memory it is completely unreasonable that the Andrews government keeps these West Gate toll road projects from us.

So what is the situation that makes it so necessary to even have this motion? There are three players in this tragic love triangle: the Labor government, its friends at Transurban and us, the people of Victoria. Victorians went to the polls in 2014 and elected this government on the promise that Labor would be faithful to our needs. Labor had valiantly proved itself to us by

backing angered and activated communities against the disastrous east–west link, putting the public good first.

But in 2015 Transurban said to the Labor government, ‘You need a massive road toll’, and Labor, with a few ex-Labor advisers coincidentally on Transurban’s payroll, said to the people, ‘It’s just what you’ve always needed’. And the people said, ‘Really?’. The Andrews government wrote a business case to explain to us just how much we need this toll road, although by the Labor government’s own modelling the West Gate tunnel will be gridlocked within 10 years of being built.

I have seen this suspect behaviour before in my career as a public servant — when politicians pick a solution, seduced by ego or misplaced loyalties, and proceed to reverse-engineer justification for it. All of a sudden any logic or evidence base becomes inconvenient, as is proper public consultation. The Andrews government finally released a heavily redacted version of the business case in November 2015. The Greens took the government to VCAT to find exactly what was behind those blacked-out sections but the Andrews government said, ‘No, no, no, no. No need for people to read that’.

The Andrews government hired transport expert John Allard to do an independent review of the traffic projections used to justify the West Gate tunnel, but it did not like what he had to say so it kept that report secret too. William McDougall, a senior transport engineer, was removed from assessing the West Gate tunnel project when he personally raised his concerns with the Treasurer, Tim Pallas. Mr McDougall has since stated on the public record that justification for the project is:

... based on flawed traffic modelling and cost-benefit analysis ...

That quote is from the *Age* of 13 August 2017.

At what I imagine would have been some considerable personal cost, given that his job and future work prospects were on the line, Mr McDougall was compelled to get this frank and fearless expert advice to the public. So we have grounds to seek the full picture, to work through all the documents related to this toll road project and make up our own minds. Of course Transurban thinks that this West Gate tunnel project is great. And even though last December the government signed a contract with Transurban, it still matters that the people of Victoria have not had a say in it.

This mega toll road has not been approved by Parliament. This mega toll road has not been to an election. And communities across Melbourne are yet to

be satisfied that the government’s deal with Transurban will not cause more problems for us than they claim it solves. Resident groups have formed within impacted communities, and highly respected urban planning experts, transport engineers and health academics have taken a good hard look at the proposed project, and together we have eked out what we could about this mega toll road and its true impact on our communities and our city.

So what do we know so far about the West Gate tunnel? We know it will not solve truck and congestion problems in the west. We know it will funnel more cars, rather than move people, into and around an already congested CBD. We know the proposal does not have the support of this Parliament. We know that communities across Melbourne are concerned that it will cause more problems, entrench car dependence and shift, rather than solve, pollution and congestion problems across and around our great city. It certainly has not been backed by any evidence-based, thought-through, integrated, future-focused plan for Melbourne’s transport system. In fact Transurban’s toll road will impact our chances of ever being able to move people in masses across our great city with ease and comfort on frequent, reliable, world-class public transport. That is being surrendered to a tolling company whose business model profits from congestion. This is perverse.

No transport or urban planner, no health expert, no local community and no-one who knows a thing or two about protecting and improving quality of life in a city like ours wants this West Gate tunnel. Put simply, it is an expensive mistake and just not how anyone goes about servicing a growing city. How much would the people of Victoria need to pay if this road or the toll extension does not go ahead? Labor is not telling. How much of our public money has the Labor government signed away without our informed consent? We do not know, but we suspect it is in the billions. And where does this Labor government get off underwriting the profitability of Transurban with public money?

The Greens are backing this call for the release of the West Gate tunnel project documents because the Andrews government needs to come clean. The release of the documents in full before November is critical for us to return the power to the Victorian community to determine whether this government can be trusted. The secrecy and avoidance of scrutiny is an affront to our democracy and Labor’s responsibility to transparent and honest governance. Victorians need to know what deals were made and are apparently being honoured in our name. It was wrong when the former Liberal government did this to us with the east–west link, and it

is wrong now that the Labor government is doing this to us.

A 20-minute city, where people can get around where they need to go in 20 minutes, is within our grasp within a generation, but for us to dream big and solve our transport woes for good, the government needs to do the right thing by Victorians and share how it came to commit us to this \$6.7 billion mega road project. The Andrews government need to provide Victorians with all of the information we need to make a sober assessment about whether this is in fact a project we need, whether it has been well thought through, whether it is worth giving up a mass transport Melbourne for, whether it will serve us well for generations and whether they can be trusted with the future of our city.

The Greens are seeing the balance of power as a real and possible outcome of the November election. Everyone here can take this as an indication of how we expect this relationship to work. If you believe a project is what the people of Victoria need — not the corporations, not the politicians, but the actual people — you should be able and willing to stand up and defend it. Show us your maths and your assumptions and prove you have done this in our interests. Especially in this house of scrutiny, in our role as the house of review, we need access to all those documents in order to hold this toll road proposal up to the light.

On behalf of all those Victorians who are yet to be convinced, despite your heavy public relations campaign, mind you, we need to determine if this toll road is anything approximating what the people of Victoria need. If you ignore the public's right to know, you erode public trust in this place. The Andrews government's refusal to release these documents relating to the West Gate tunnel toll road project is a blight on our democracy.

And for future communities and future governments of Victoria, speaking as a past dedicated public servant, the secrecy of these documents keeps us from learning all there is to know about the true implications of projects like this so that we do not make the same mistakes over again. That contract between the Labor government and Transurban says that if the road does not go ahead because it is stopped — say, by democracy — Transurban will be compensated. It says, even though Transurban was meant to hand CityLink back to the public in 2035, that it can keep charging us to use the road until 2045. It says that if this tolling extension is blocked — say, by the public will — Transurban will also be compensated. In other words,

the government is saying to Victorians that if things do not work out for Transurban, we will have to foot the bill.

This motion is ultimately about ensuring that democracy, not vested corporate interests, shapes our city. The Greens will be supporting this motion because we believe in open and transparent government and the public's right to know what decisions are being made in our name.

Mr MELHEM (Western Metropolitan) (10:30) — I also rise to speak on this motion. I note, however, that the government will not be opposing the motion, for the simple reason that what the motion seeks are documents in relation to the contract and various documents regarding the West Gate tunnel. The fact is that all of the documents this motion seeks are already out there in the public domain.

The real purpose of this motion is not what it actually says and not what the words are trying to say. There is only one intention. This motion was put by the Liberal opposition and supported by the Greens to further frustrate the construction and delivery of the West Gate tunnel project. That is the only reason this motion has been put before this house. Remember that this motion, along with the revocation motion, was put before this house some months ago. Let us be clear about it. It is not about searching for information and it is not about searching to scrutinise a contract while singing the song, 'We are putting the lives of Victorians at the forefront, we care about the cost, we care about this, we care about that and we are the champions of consultation' — please, spare me that. This motion is not about that. This motion is about further trying to stop progress. It is no different from the revocation motion which was put before this house to put workers out of jobs.

Fortunately the project has gone ahead, the project is actually going full steam ahead, so it does not matter how many stunts you want to pull in this place. This project is going ahead, it is going full steam and it will be delivered to Victorians by 2022. Whether you like it or not it will be delivered, and I am proud to stand here and support this project and support the work by the Andrews Labor government and by the Minister for Roads and Road Safety, Luke Donnellan, who had the vision to deliver a project that Western Metropolitan Region desperately needs. Geelong desperately needs it, Ballarat desperately needs it and even Bendigo needs it. If we look at the whole western part of Victoria, it desperately needs a second river crossing and widening of the West Gate Bridge to six lanes each way, giving

us another access to the port and another access to CityLink.

Now, I know there is an argument, but I am not sure if it is an argument about which way we fund the project, because I am a bit confused. At one stage they said, 'We don't want the project to go ahead', full stop. They tried to stop the environment effects statement last time, and now we are arguing about what is the best method to pay for the project. So I am a bit confused. You are either supporting the project —

Ms Truong interjected.

Mr MELHEM — At least the Greens are honest and up-front about it, basically saying they do not want it, full stop, and I respect them for that. That is fair enough; at least you are clearly saying you do not want it, full stop. But I am not sure what the other side are arguing about. One minute they want to stop the project, the next minute they are saying, 'We're not sure about the contract you have got with Transurban'. The contract with Transurban — you pioneered that model with the Tullamarine widening. You pioneered that. Part of that contract, the 4.5 per cent adjustment, was quoted by Mr Davis. That was your idea as part of the Tullamarine widening.

Mr Davis interjected.

Mr MELHEM — Sure, we can have a debate. You wanted to have a debate about the West Gate tunnel, and we have got the 2022 date by the way because it has to be subject to a separate piece of legislation that will have to come before the Parliament in relation to a variation to the current Melbourne CityLink Act 1995 to extend the contract by a further 10 years. That debate will be had in the next three years. We would like it dealt with today, but basically that will be dealt with and there will be a debate about whether or not the state will pay for the construction and delivery of the project in full, so there would be no tolling, or whether or not to adopt the current proposition that was put by the Andrews Labor government to extend CityLink. All this information is not secret; it is out there. It was put out to public scrutiny for a long, long time, and there will be debate about whether or not for the whole of CityLink including the West Gate tunnel there will be an extension of 10 years, taking into account the Tullamarine widening, which was commissioned under the previous government. Mind you that is the only project that was commissioned under the previous government. That would be a model where we extend the whole system by 10 years.

There is a third option, and I have not heard you arguing on that. When you are building a toll road you have got to pay for it somehow. There are two ways you can pay for infrastructure. You either pay it from the taxpayers, basically from the Department of Treasury and Finance, or you build a toll road. They normally are similar cost projects that cost about \$5 billion or \$6 billion, and you would be looking at a toll for somewhere between 25 and 35 years if you look at some of the similar projects like EastLink, CityLink and so forth. Yes, a proposition was put and that was another option, but the option the government is proposing, which I think is the right option, is basically combining the Tullamarine widening project and the West Gate tunnel project as one, which means extending CityLink by 10 years.

The interesting thing — talking about the opposition — is the hypocrisy from the other side in putting motion after motion about documentation. I was here for 18 months as part of the last Parliament, and I recall when the Greens party tried to put document motions to seek documentation from the other side. In the response from Mr Davis, who was then Leader of the Government in this place in the 57th Parliament, he did not agree to a single motion. He opposed every single motion.

Mr Davis — That is a lie.

Mr MELHEM — You want to talk about the east-west link? When we sought documentation, how many pages was it? I think it was about three or four pages that were put out about the business case. With this particular project there is a 10 000-page environmental impact statement that was released in 2017, and the actual business case, the full business case, was released earlier than for any other project and was subject to a lot of public hearings.

Ms Truong — It was redacted.

Mr MELHEM — Yes, some information was taken out, and you will do that in any contract. The Greens probably do not know much about it, but there are some areas where it is commercial in confidence, where you want to protect the interests of the state and businesses. In some areas some parts will be blackened, will be taken out of the contract, for commercial-in-confidence matters. That is not uncommon. It is very common in business. When people are bidding for something, you do not want to tell all the bidders what everybody else is doing because you will not be able to get the best price, because if you have got five bidders for a product you want to get from them they will all put the same price

and you do not have competitive bidding. So therefore there is certain information that, yes, will be taken out, but the important stuff is out there and most of the information you are talking about is already in the public domain. You can google it on the internet, so there is no secret.

Ms Truong interjected.

Mr MELHEM — Well, that is the question. Maybe you should actually recognise it in the motion and say, 'It's not enough. We want more. We've got 99 per cent, and we want that extra 1 per cent'. You are not supporting the project anyway, so it does not matter how much information we give you. Your position is not going to change.

The problem with this motion is that it is another tactic by the opposition to further delay the project, but the good news is that the government is determined not to delay the delivery of this project. Over 1200 people as we speak today are working on the project. There is significant progress taking place to dig the portion on Whitehall Street, awaiting the arrival of the boring machine to start digging the tunnel. Preparation to widen the West Gate Freeway is progressing really well. Fences have been put up so construction can start. That is progressing very well. We have got seven piling rigs on the site already, and more will be arriving this week.

I am not sure what else we can do, because I have not heard a single word from the opposition saying, 'If you give us all these documents, we will actually support the project'.

Honourable members interjecting.

Mr MELHEM — No, I have already dealt with you. You might need to go to reading school. There are tens of thousands of documents already on the website, including the contract.

Mr Finn interjected.

Mr MELHEM — Mr Finn, do not talk about dodgy deals. We will talk about your dodgy deal on Good Friday. Do not lecture me about dodgy deals. We had a deal with you on Good Friday, and what did you do? On the most sacred day you broke that deal, didn't you? You are an absolute disgrace. Do not lecture me about dodgy deals. You talk about dodgy, you are the biggest one in this house.

Let us go back to the benefits of this project. One of the big benefits of this project is getting trucks off our roads. That is one of the biggest benefits. The Greens

party, including Colleen Hartland, the former member, along with many other organisations and I were advocating very strongly to ban trucks from residential streets. This project is going to do exactly that. It is going to deliver permanent bans of trucks on Somerville Road, Francis Street, Hyde Street and many streets where it is going to be a permanent ban. It is going to deliver that outcome. Mr Finn talked about Millers Road. Yes, I get it. There are about 30 or 40 houses on Millers Road that will be affected. But guess what? At least I do not play politics. I am up-front with people. Yes, there are going to be more trucks on Millers Road. We will be spending our time talking to the 30 or 40 affected residents on Millers Road to work through that issue.

Mr Finn interjected.

Mr MELHEM — Do not come back with nonsense. This state needs leadership, not politics. You are just playing politics. This project is going to improve travel times for the people in the west and Geelong.

Honourable members interjecting.

Mr MELHEM — Well, I tell you what — I keep hearing from my right here — what we will do is ban cars. It is simple. Let us ban cars. I think we should put a bill in this house that says we do not use cars or trucks on roads in Victoria. Let us ban them all. I would like to see the opposition and the Greens party put a motion for legislation to ban cars in Victoria. It is not going to happen, is it?

Ms Truong interjected.

Mr MELHEM — Well, that is what you are saying. Whether you like it or not, people still want to use cars to travel from point A to point B. Now let us go back to public transport, where there has been a massive investment. The biggest investment in public transport in the history of this state was delivered by the Andrews Labor government, and I do not hear the Greens or the opposition recognising and acknowledging that. If we were just investing in roads and ignoring public transport, I would accept the criticism, but that is not the case here. We have massive investment in public transport. Metro rail is actually happening in reality. It is real. It is not about 'We're going to do it', which is what the previous government, the coalition, said. They dreamed about it and said, 'We might do it one day'. We are actually doing it. We are putting in the money to deliver the metro rail project, railway crossings and new train stations.

We are looking at a massive investment in the Geelong fast rail and the duplication of the rail line between Deer Park and Melton. This budget is looking at phase 2 of the electrification of that line, so we are actually putting massive investment into public transport. It is not as though we are only focusing on one single project, as the previous government decided to do in the second half of their term — they sort of decided to come up with the east–west link. We are actually doing all of those. We are doing public transport investment and also roads.

I go back to the reason why this motion has been put. As I said, we are not opposing the documents motion. The document is already out there in the public domain. There are no secrets about what we are trying to do. There is no secret. We did say what the cost of the project is going to be like. Yes, it was modified when the final project was agreed to. We are actually saying how the project is going to be paid for, so that is no secret at all. Even Mr Davis talked about the escalation. For example, if the escalation was hidden you could say it was something hidden; we actually put it all out there. It is not a big secret. For example, some people may argue about the grand prix or whatever and that we do not know what the costs are going to look like or what the costs are going to be every year. It is there; it is out there. It is not like it is a big secret. I say: just go and read the documentation. Just go and take the time.

Mr Finn — Give it to us and we will.

Mr MELHEM — It is there on the website. We will download it for you. Do you want me to download it for you?

Mr Finn — We will.

Mr MELHEM — I will download it for you, and then you can go and read it. I will not read it for you. You will probably get one of your staff to read it for you if you are having difficulty reading, so they can do that for you.

The design was the subject of a fair bit of consultation about what was the best design we could come up with to deliver the best possible outcome. It features 14 kilometres of new and upgraded walking and cycling paths. That is another great benefit out of this project. We had a missing link on this site in the west. Now that is going to be completed and it is going to be delivered as part of this project.

There are other areas, like industrial and other unused land, in the inner west that will be transformed by the project, with almost 9 hectares of new green spaces and wetlands — and the Greens want to oppose that. That is

another area we are looking at developing as part of this project.

I talked about getting over 9000 trucks off our local roads.

Ms Truong interjected.

Mr MELHEM — Well, yes. They have got to go somewhere. I am sorry; they have got to go somewhere. They have got to go to the warehouses in the western suburbs. Maybe the other option, which has been looked at, is we will have less trucks and we will have more rails to basically cart these containers from point A —

An honourable member interjected.

Mr MELHEM — That is another solution, but we need to look at what is the solution today as well. At the moment that is the solution, and the trucks have got to go somewhere. They cannot simply disappear. We cannot just ban them.

The other option is that if we have no trucks on roads and no cars on roads, nothing moves. You cannot go to work and you cannot deliver anything for industry if you shut everything down. I am sorry; that is not an option. Yes, it has to be a balance between rail and road, and that is the balance we are trying to strike. I think this government is working very hard to make sure we have got that balance, and I think we have got that balance. Yes, there is more to be done on roads and on rail. More work will be done on the north-east link, and that is another vital infrastructure project that needs to be done. Mr Davis probably will have his notice of motion next week about stopping this one as well.

More work needs to be done on the Melbourne Airport rail link. I will be very pleased if the preferred route will be via Sunshine. Sunshine will become a hub connecting regional rail to the airport and also our metro system. That is going to be in my electorate. I think that is another huge investment. I am hoping that the land that will be used for that particular project will be for a route via Sunshine. I think what the Liberal Party is advocating for, for whatever reason, is that it goes to Highpoint. Some investors might be pushing for that because there is a huge piece of land there and they want to get some good money for it — off the commonwealth, I think. I think Sunshine is the perfect solution for the new Melbourne Airport link. That is another great project.

I suppose there will be another motion tomorrow or next week, or the week after or in another sitting

week — a revocation motion or maybe another documents motion; another stunt.

I go back to what I said earlier. If we had not put much information out there, then it would be fair enough that this motion needed to be put in place, because it would be a secret contract that no-one knows about. It is not.

Mr Finn — Dodgy as all get-out.

Mr MELHEM — Well, Mr Finn, the only dodgy thing is you, mate. I will go on to talk about the benefit of this project.

Mr Finn — That wouldn't take long.

Mr MELHEM — It will take about another 37 minutes, Mr Finn, and on your time as well. There will be 70 kilometres of new traffic lanes over 17 kilometres, from Kororoit Creek Road to Wurundjeri Way, and 9 kilometres of new and replacement noise walls. That is another benefit. I think my constituents in the west, in the Altona area and along the corridor of the West Gate Freeway will enjoy a benefit in making sure there is a noise reduction. The latest technology is going to be used to actually reduce noise, which is noise that is currently there because of the freeway. As part of the new design and the widening of the West Gate Freeway we are going to have new noise walls which are based on the technology that was used on EastLink to reduce the noise level for my constituents in the west.

I again want to congratulate VicRoads and the minister for having the foresight to try to get these things right and to have that add-on benefit to the project. I do not hear the Greens, Mr Finn or anyone else praising that because, to be frank, I do not think they really care about the constituents in the western suburbs. They just want to play politics and score political points instead of trying to talk about what is good about this project. You cannot just say the project is no good without actually saying why it is no good. Occasionally it would be good if you said, 'There are some good things about the project, but we can actually improve it', and then we would have more things to look at and maybe further improve the project, but I do not hear that. We are even going to be planting 70 500 trees as part of this project, and I think that is a great thing.

More importantly for my electorate, 110 000 tonnes of steel will be used and 92 per cent of it will be produced in the local area. It is not happening in my electorate, but one of the biggest steel mills in the country in Laverton will be producing that steel. Further to that, there are a number of steel processing plants in the western suburbs where they are processing the mesh

and the rods. They will be processing that steel and that steel will be used on that project. That is great news for the local economy. That is what the Andrews Labor government has put in place — in fact it has enshrined it in law now — mandating the use of local product. That is another great benefit for my constituents in the western suburbs, making sure that we are supporting local jobs. I can go on and on about the benefits of project for the next 30 minutes.

Ms Pennicuik — Really? I haven't heard anything yet.

Mr MELHEM — Well, keep listening. There is a lot of benefit in this project. I cannot see why this project is still being opposed by the opposition and the Greens. You talked about election tactics before an election. Yes, we are going to go to an election in November, and we will be judged on our record. We will be able to tell Victorians, 'Here is what we delivered in four years and here is what we are planning to deliver in the next four years', and they will make a judgement — as they made their judgement in November 2014, when the previous government was judged as having done nothing. It was not believed that they would do anything should they be re-elected for a further four years. That is fact. I trust the electorate. They are intelligent. I do not treat them as dummies who do not understand — 'I know everything; they know nothing'. I do not believe that. I do not subscribe to that. I respect that the electorate actually will judge us every four years. If we are doing a good job, we will be returned. If we are not doing a good job and they agree with the opposition, we will go and swap benches. But I will say to Mr Davis and his colleagues that with the way they are going that is probably wishful thinking.

We talked earlier about the public hearings that were conducted when the project was first announced. At the public hearing in relation to the environment effects statement 40 expert witness reports, 73 project notes and 243 tabled documents were produced and presented to the inquiry and advisory committee to aid their inquiry and assessment of the project. Five hundred and four submissions were considered. It is true to say that not everybody was happy, but the overwhelming majority of people and stakeholders who made submissions are comfortable with the project. Is it 100 per cent? No, it is not. Is it 100 per cent if everyone is happy with the project? That is correct. But all the local governments and all the major stakeholders are supporting the project.

So I do not get why we need to again and again waste time on another production of documents motion. You

cannot even say specifically what you are looking for because the contract is out there. You cannot tell us specifically what you are looking for. Are you looking for the tenure of the contract? It is there. It is 10 years. Are you looking at how the charge is going to be done? Well, it is there. Are you looking at the escalation in the CPI or whatever method is used? It is there. I am at quite a loss. It is not like it is all a big secret.

As I said earlier, there will be another bill which will be put to the house as a separate one to give effect to the contract. It is not like the bill has already passed; it has not. There will be a fair bit of debate. It is highly unlikely this Parliament is going to deal with it. It is more than likely that the next Parliament will be dealing with the bill to give effect to the contract because it does require an act of Parliament to basically extend the lease or the contract with CityLink for a further 10 years. The next Parliament will be dealing with that.

Let me conclude by reminding the house about what the Leader of the Opposition said recently in relation to major infrastructure projects. He said, and I quote:

What Melbourne needs to do is take the politics out of our infrastructure delivery. I mean, there's no more arguing. We need to start getting on with some of these plans to free up traffic congestion.

That was Matthew Guy on Channel 9 News on 20 November 2017. That is what the leader said, but obviously the leader is getting ignored again.

As I said, the government will not be opposing the motion. We believe the motion is pretty much useless because all the documentation you are looking for is already out there in the public domain. You can pull stunt after stunt after stunt, and that is further proof of how irrelevant the Liberal Party has become in recent times.

Basically the Liberal Party in the state of Victoria has become in the last 10 years a do-nothing party — a party that stands for nothing and a party that stands for no investment in infrastructure projects in this state. Basically it is a party that does not believe that we should invest in our infrastructure — in roads, in public transport, in education and in health. Basically they do not believe in anything, to be frank, unlike the Andrews Labor government. We believe in this state. We believe in investing in infrastructure projects. We believe in this project. We believe in the north-east link project. We believe in the metro rail project. We believe in delivering the 50 level crossings project, as we promised and said we would. We believe in delivering in education and health, and we are getting on with it,

unlike you. Basically you want to stymie everything. With those comments, I hope that the opposition will come to its senses and stop the wild-goose chase in trying to stop the project going ahead in Victoria.

Ms SYMES (Northern Victoria) (11:03) —
Following on from Mr Melhem, I certainly do not propose to take a lot of time, but Mr Melhem did raise some concerns about future opportunities that may present themselves to stop this project. Through the Chair, I do not want to necessarily put Mr Davis on the spot if he has not read the letter that I sent to him on Friday, but I thought I would take the opportunity to put it to the house that Mr Davis might be able to respond to that in his summing up.

Obviously I have spoken on this matter a couple of times, and I have pretty much confined my comments to being about a personal interest of mine, which aligns with the interests of the community of Benalla and the north-east and the associated jobs that will be created there due to the West Gate tunnel project. Benalla residents and businesses are very, very excited about the prospect of a precast concrete manufacturing facility to provide the materials for the tunnel project. The facility is expected to create around 400 jobs. I cannot underestimate the level of interest in this project in Benalla. I am getting constant emails from people wondering about when they can apply for jobs and how they can get involved, and particularly from a lot of locals that want to move back home, particularly those in my brother's age group, in their early to mid 30s. A lot of young men who have had to come to Melbourne to take up employment are speaking to him or me, saying, 'Can I come home to Benalla and get a good paying secure job off the back of this concrete plant?'

It was astounding for the Benalla community to have The Nationals in particular vote on a revocation motion to stop the West Gate tunnel. Benalla is my home town, and I am stopped constantly when I am in town by people asking me for an update. Is the project going ahead? What is happening? Why would The Nationals vote against this when they are elected to represent us? There is a lot of angst in town, I can tell you. In relation to the revocation motion I explain how it works and the fact that off the back of that being voted up in the house, the next day the planning minister was able to make the planning approvals for the project to continue. We are all hopeful in town that it will continue. We have the local member telling the community that the tunnel project is going ahead. This is the Assembly member for Euroa. It was reported by the *Benalla Ensign* that:

Ms Ryan said Labor's assertion that the WGT —

West Gate tunnel —

project might not happen is just ‘political games’ ...

So, through the Chair, Mr Davis, if you can give any comfort to the house so that I can convey this to the community of Benalla and the north-east about no further revocation motions or no other strategies that will seek to delay or halt the project, that would be most useful, because there is a lot of concern in town, and it is not being allayed by members on your side. I would really like to make sure that I can give that comfort to them.

Mr DAVIS (Southern Metropolitan) (11:07) — Briefly in reply I will make the following comments. First of all, this is actually not a motion about the West Gate tunnel project itself; it is about the documents associated with it and the proposed tolling —

Ms Symes interjected.

Mr DAVIS — No, let us be quite clear. I am talking through this systematically and just making clear that this is a documents motion. If these documents are provided, the chamber will be in a position to undertake the tasks that are put to this chamber by the Melbourne City Link Act 1995, which allows the house to scrutinise and to make decisions as to whether the variations in toll deeds are in the public interest. We have not seen all of those documents, and I think it is indeed extraordinary that the government has redacted massive areas of the contract agreement. It is I think deeply offensive to the community and to the chamber that those documents are not here and the government is seeking to bump off until 2022 any consideration of toll deed variations.

We know, for example, that Transurban is a massive beneficiary, but we do not know the full amounts. We have not seen the government’s analyses of how Transurban benefits from this and benefits from tolls on existing roads being jacked up year on year, which will smash families across the south-east and in the north of the metropolitan area and indeed many country families, including from northern Victoria, who use access to Melbourne via the Tullamarine Freeway to those areas of the city.

Ms Symes interjected.

Mr DAVIS — Well, I want to be quite clear that there are many people who will be smashed by the massive increase in tolls that is part of this agreement.

Ms Symes interjected.

Mr DAVIS — Well, you may not be aware of the 4.25 per cent escalator every year on the existing toll roads that will hit people from Gippsland, hit people from the south-east of Melbourne and clobber people, massively, from the north of the state as well. So it is in the public interest that all of these documents, without redactions, be made available to this chamber. That would place the chamber in a position to make the decisions it is empowered by statute to make under the Melbourne City Link Act 1995. That would enable this house to act as a protector against the decision by this government to do this unholy deal with Transurban. It is a deal that is hugely clearly in the company’s interests, but no-one has seen the assessments of the full amount that will be collected by Transurban over a lengthy period, even into the 2040s.

The Greens made points about roads more generally, and they are legitimate points that people have different views on, but nonetheless that is not actually the central point of this motion, which is about making sure that these documents are in the public domain.

Ms Symes made points about her correspondence to me. The Premier has made it clear that the project is going ahead no matter what. The Premier has said that, so I think Ms Symes can be quite clear that the Premier has said that the project is going ahead — he has said that is the case — so I am not sure what precisely she is saying. I know that the National Party members and the Liberal members in Northern Victoria Region have strongly advocated for their communities on these matters and on all matters. I am not sure that Ms Symes is actually a person who can claim to be a remarkable representative of Northern Victoria Region. She is a recent member there, and I know that she was slow on many of the issues around the rail corridor to the north-east. It is the federal government that is actually providing much of the money for the rail upgrades that are important in the north-east of the state. The upgrades to Shepparton have been pushed by our side of politics, not by the government’s side of politics.

I must be absolutely clear here: this is a very narrow documents motion. We will seek those documents and we will pursue them because without those documents the public will not have the full facts in front of them, and nor will the chamber have the full facts it needs under the Melbourne CityLink Act 1995.

Amendment agreed to; amended motion agreed to.

LEGISLATIVE COUNCIL REGIONAL SITTING

Ms LOVELL (Northern Victoria) (11:12) — I move:

That this house —

- (1) recognises the significance of the City of Greater Shepparton as one of Victoria's leading regional cities;
- (2) meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019 at 12.30 p.m.; and
- (3) authorises the President to do all things necessary to facilitate the Council sitting in the City of Greater Shepparton.

As I go into my office every day here in Parliament in the corridor that leads to the Government Whip's office, Minister Tierney's office and Minister Dalidakis's office there are posters that very proudly announce the regional sittings of Parliament that have happened in the past. The first of those regional sittings was on 16 August 2001 when the Legislative Assembly sat in Bendigo and the Legislative Council sat in Ballarat. On 30 October 2002 the Legislative Council sat in Benalla. On 17 November 2005 the Legislative Council sat in Colac and the Legislative Assembly sat in Geelong. On 15 and 16 October 2008 the Legislative Council sat in Lakes Entrance and the Legislative Assembly sat in Churchill.

On 6 September 2012 the Legislative Council sat in Bendigo and the Legislative Assembly sat in Ballarat. It was on that day that the then Baillieu government announced that the mineral emblem for the state would be gold, and it was very fitting that that was able to be announced in those two cities that were at the centre of the Victorian gold rush. We look around this chamber and see the amount of gold in it — for those listening in the gallery, the gold in the chamber is actually real gold from the goldfields of Bendigo and Ballarat.

Regional sittings have actually been a feature of every Parliament since the beginning of this millennium, that is until this particular Parliament. I have had the pleasure of participating in the past three regional sittings when the Legislative Council sat in Colac, Lakes Entrance and Bendigo. I have seen the interest and excitement that those regional sittings generated in those communities and also the opportunities that those regional sittings presented for those communities through site visits, meetings, municipal presentations and receptions. They were also an opportunity for schools, social groups and individuals who may find it

difficult to visit Parliament here in Melbourne to attend a regional sitting and observe Parliament at work.

Unfortunately my home town of Shepparton has not been afforded one of these opportunities in the past, and that is why during the adjournment debate on 6 May 2015 I called on Premier Andrews to hold a regional sitting in Shepparton during this term of Parliament. Our local council thought this was a fantastic opportunity and the local press were very enthusiastic about the prospect of the regional sitting. Unfortunately everybody's hopes and expectations were quickly dashed when on 10 June 2015 I received a response from the Premier stating quite coldly that:

My government has no plans to commence a program of regional sittings of the Legislative Council ...

This disappointment turned to some hope in February of this year when Matthew Guy, during a visit to Shepparton, announced that the Liberals, if we are elected to government in November this year, will reinstate regional sittings and that the Legislative Council will sit in Greater Shepparton. This announcement was welcomed locally. The headline in the *Shepparton News* read 'Political opportunity'.

However, what was surprising were the comments by Labor member Jaclyn Symes and Suzanna Sheed in the Assembly, who combined to criticise a regional sitting being held in Shepparton. This was surprising on a number of levels: one, because neither of them had ever experienced a regional sitting so did not know of the benefits that a regional sitting could bring to the city; and two, why would they want to deny this opportunity to Shepparton? Ms Symes is of course a Labor member. Given these regional sittings were originally introduced by Labor, I would have thought that she would have been supportive, but, typically of Labor, she just opposed the idea for the sake of opposing it, without any thought for the benefit that it could bring to the Shepparton community. Ms Symes said in the article that:

... Parliament, on the other hand, was not particularly interactive, but more a spectator sport.

It actually shows that she has very little understanding of what a regional sitting can provide for a town, where people go out on either side of the sitting, have visits and there is a lot of interaction with the community.

But the comments from Ms Sheed were even more surprising. As someone who is supposed to be an Independent, it is surprising how often her comments are aligned with the government. The people of Shepparton have every right to question and be

suspicious of her reason for wanting to deny our community this opportunity. The article says:

Ms Sheed said people in Shepparton were interested in infrastructure, rail, health and education funding, 'rather than polices that are just window-dressing'.

The opportunity to speak to MPs about all of these needs with infrastructure is one of the things that comes out of a regional sitting — not only to speak to the government members and the government ministers but also to speak to the shadow ministers and the opposition members, to speak to the Greens and to speak to the crossbenchers, who may be needed to support something that would benefit Shepparton. Ms Sheed wants to deny Shepparton that opportunity, so the people of Shepparton do have every right to question and be suspicious of her reasons for wanting to deny our community this opportunity. In fact it is looking less and less like Suzanna Sheed is Shepparton's voice in Spring Street and more and more like she is just Daniel Andrews's and Labor's mouthpiece in Shepparton.

Regional sittings have many benefits. The opportunity for the local community to see Parliament at work is just one of these. School groups, Probus groups and individuals can come and see Parliament at work in their own local environment. It is really important that school groups do come and see how Parliament works and also how laws are made. However, over the years I have seen very few schools from Shepparton actually visit us here at Parliament. Wanganui Park Secondary College, the school that I went to, and also Goulburn Valley Grammar School are here on regular occasions each year, but I have not seen much of Shepparton High School — I think they have participated in a couple of Youth Parliaments — and I have not seen McGuire College or Mooroopna Secondary College here at Parliament. I do not think I have ever seen a primary school from Shepparton make it all the way to Parliament here in Melbourne. It is a long way for them to come and it is very expensive for a school excursion, so a regional sitting would be a great opportunity for our local schools to actually see Parliament at work and to see how laws are made.

People in Melbourne have multiple opportunities to visit Parliament. It is relatively easy for Melbourne school groups to get in here, and it is also relatively easy for individuals or Probus groups to come and visit Parliament House. But regional Victorians do not get those opportunities on a regular basis, and it would be a great opportunity if the Parliament were to sit in Shepparton so that the people of Shepparton could have the opportunity of seeing Parliament at work and seeing how laws are made.

Another benefit of having a regional sitting is that the whole of the Parliament is there in those towns. It is not just a cabinet visit or a shadow cabinet visit or the odd minister or odd shadow minister visiting. It is not just the backbenchers who represent those electorates visiting. What a regional sitting of Parliament brings is government members, government ministers, shadow ministers and opposition backbenchers, and also all of the crossbench, so the Greens and the five crossbenchers who sit in the Council would also be in Shepparton.

There are many issues in Shepparton that we would like all members to be aware of, and that is what the regional sitting is about. They are not just about the sitting. There are visits that can be conducted on days either side of the parliamentary sittings. There are also meetings that are organised with local interest groups. There are presentations from local councils and from groups like the Committee for Greater Shepparton. There are civic receptions, where people have the opportunity to get the ear of a member of Parliament. I have learned a lot about other regions by attending this type of event. Certainly when I was a shadow minister I used those opportunities to combine that with my shadow ministerial work and to spend some time in those regions getting to know their issues.

Shepparton would love to be able to engage with the Greens and also the crossbenchers on many of our issues. The Murray-Darling Basin plan is just one of those issues. We very rarely see a Greens member of Parliament in northern Victoria, because they do not have anyone that represents that region, so it would be a great opportunity for irrigators and people in the irrigation industry to engage with the Greens and also with the rest of the crossbench. Our locals would value this opportunity to brief those Greens members and other crossbench members on the impact that the Murray-Darling Basin plan is having on our region and to talk to them about some sensible implementation of initiatives that can achieve the objectives of the Murray-Darling Basin plan without taking further water away from productive use. But Suzanna Sheed and Jaclyn Symes want to deny them this opportunity.

Other issues of importance to our region that could be highlighted to the Parliament are the need for investment in the second stage of Goulburn Valley Health and the need for radiotherapy services to be delivered in Shepparton. Stage 1 of Goulburn Valley Health is just commencing now, but if stage 2 is not committed to before stage 1 is finished, up to \$60 million of money will be wasted in retrofitting older parts of the hospital when that could be invested into stage 2 to have that start straight after stage 1. I

know Goulburn Valley Health would value the opportunity to speak to all members of Parliament about the need for that investment to come sooner rather than later. Radiotherapy patients in Shepparton currently have to travel to Bendigo, Melbourne or Albury-Wodonga for their treatment, and I know that the radiotherapy patients that I speak to on a regular basis would value the opportunity to sit down and talk to ministers, backbenchers and anyone who will listen about their challenges and what it would mean for them to have the investment in a radiotherapy service to be delivered in Shepparton. But Jaclyn Symes and Suzanna Sheed want to deny those radiotherapy patients the opportunity to actually speak with members of Parliament.

Our bypass action group would value the opportunity to meet with all parties and to highlight the need to commence the Shepparton bypass and particularly stage 1, which includes a second river crossing. It will be the commencement of not only a north-south bypass of Shepparton but also an east-west bypass. It will take B-doubles off the main street of Shepparton, the shopping centre, from both the Midland Highway and the Goulburn Valley Highway. It is particularly important to the CBD in Shepparton and to our local council that the bypass is commenced. The bypass action group, local council and the Committee for Greater Shepparton — a whole range of people — would love the opportunity to engage with members of Parliament on the need for that piece of infrastructure, but Suzanna Sheed and Jacklyn Symes want to deny Shepparton that opportunity.

Our basketball association would value the opportunity to speak about the redevelopment of our stadium and to show members the current state of the stadium. This is the last piece of the puzzle that needs to be funded to complete the Shepparton Sports City. Matthew Guy was at sports city on Saturday morning when all of the junior soccer and netball was taking place. He was absolutely astounded at the number of children playing sport in Shepparton on a Saturday. It is fantastic to visit our sporting precinct in Shepparton Sports City and to see that activity taking place. The stadium is very old and tired; it has not changed at all since I was in high school. We need investment in that to see it developed and see more courts incorporated into it. Shepparton is very much a tourism destination in a sporting sense in that we host a number of state-level and national championships and other sports events in Shepparton, and we really need our stadium to be invested in to allow us to continue to do that. But of course Suzanna Sheed and Jaclyn Symes want to deny Shepparton the opportunity to talk to members of Parliament about the need for the redevelopment of our basketball stadium.

The Shepparton aerodrome needs to be relocated, and there are number of groups in Shepparton who would like to talk to members of Parliament about the need for that relocation. But of course Suzanna Sheed and Jaclyn Symes want to deny that opportunity to the people of Shepparton.

The education plan in Shepparton is something that has recently received a small amount of funding in the budget. This is actually an \$80 million to \$100 million project, but it will receive \$20.5 million over the next five years for stage 1. Nobody actually knows what stage 1 means. Our education community is extremely disappointed. They were expecting this to be funded as a single funding opportunity, but no — it has been put on the drip-feed. So it will take five years to receive the \$20.5 million, which is less than one-quarter of the money that they expect will be needed to deliver the full education plan. There will be no new buildings opening until the start of the 2022 school year. It looks like the education plan has been lowered in priority by this government, and the education community is extremely upset about that. There are a lot of parents that are extremely agitated about the education plan. There needs to be a lot more information given to families and to the community in Shepparton about what stage 1 will be and what will happen when the full education plan is funded. At the moment this government is just telling Shepparton what is good for them. They are not consulting with the people of Shepparton, and the people of Shepparton want that opportunity to engage with ministers, backbenchers, shadow ministers and the crossbench, but Suzanna Sheed and Jaclyn Symes want to deny that opportunity to the people of Shepparton.

The Country Fire Authority (CFA) would value the opportunity to talk to all members of Parliament about the impact of Labor's legislation, had it been passed, on volunteer brigades in our region. Also our local integrated brigade in Shepparton is in desperate need of having its fire station relocated. We have the funding for the relocation of that fire station, but we do not have a venue. They would have loved to have been able to engage with members of Parliament, show them some of the identified sites and get someone to focus on actually assisting them to secure one of these sites, because despite all our attempts with the minister, he does not appear to be doing very much to assist the Shepparton CFA to secure their preferred site and get that station relocated out of the CBD. But Jaclyn Symes and Suzanna Sheed want to deny the CFA, the volunteers and the integrated brigade those opportunities to speak with members of Parliament. As I mentioned, the fire station needs to be relocated out of the CBD. The other day we actually had an accident

involving one of the fire trucks and a car in an area of the CBD in which the council wants to reduce the speed limit to 40 kilometres an hour. Even though fire trucks can go at greater speeds than 40 kilometres per hour, the fact that the local government is looking to reduce that area to a 40-kilometre zone shows that it is a busy area and that we really do need to relocate the fire station out of that area.

The redevelopment of the CBD is another big issue for our local government. The council would have valued the opportunity to speak to members of Parliament about the need to redevelop the Shepparton CBD. If people could actually visit Shepparton and see it, they would understand it far better than anyone could make them understand it. I can make all the speeches I like here in Parliament; no matter how descriptive they are, they do not compensate for actually seeing it firsthand. We would love every member of this chamber to come to Shepparton and see our issues firsthand, but Suzanna Sheed and Jaclyn Symes want to deny Shepparton that opportunity.

I have had feedback from the Committee for Greater Shepparton that they are tired of being consulted; they want action. What we see coming out of this government is these regional assemblies where they come into town with facilitated discussions, post-it notes and sticky dots and leave with no action. People are sick of being talked down to by the Andrews Labor government. It is time that the Andrews Labor government gave communities real opportunities to engage with MPs. Certainly regional sittings would do that. Matthew Guy has said that the Liberal Party will give those real opportunities to communities by reinstating regional sittings.

Regardless of what happens at this year's election, I urge all members of this chamber to support the motion that calls for a regional sitting of the Legislative Council to be held on 11 June 2019 in the City of Greater Shepparton. I call on all of you to support that and ensure that no matter who wins government in November we have that regional sitting and that Shepparton is given the opportunity to engage with every member of Parliament in the Legislative Council so that they may have the opportunity to highlight their needs and their wants to all members of Parliament regardless of what party they represent, whether they are in government, in opposition or on the crossbench. I am very pleased to move the motion to have the Legislative Council sit on 11 June 2019 in the City of Greater Shepparton. I urge everybody to support the motion.

Mr Ramsay interjected.

Mr GEPP (Northern Victoria) (11:35) — Thank you for that warm welcome, Mr Ramsay. It is good to see that you are awake after 11 o'clock. That is fantastic. I tell you what: it is a wonderful thing, isn't it? I do not know too many occupations where you can come to work, fall asleep and continue to get paid, but Mr Ramsay has made an art form of it —

Mrs Peulich — On a point of order, Acting President, that is definitely a breach of the standing orders on the point of reflecting on a member. I ask that Mr Gepp be asked to withdraw.

The ACTING PRESIDENT (Ms Dunn) — There is no point of order. The member is in the chamber and of course can bring that to the attention of the Chair.

Mr GEPP — If Mr Ramsay wants to sit there and between snoozes interject, that is all well and good. Let him do it for the next hour. I have plenty of time. I am quite amazed that the member jumped to her feet and moved this motion this morning off the back of her comment earlier. In effect she wants all members of this chamber to take note of Shepparton, which is the only postcode in Victoria that she ever mentions. It is a wonderful place, but of course it is just one of many postcodes in Victoria. When the member threw around the suburb of Mill Park this morning in an interjection, someone said, 'You don't know where it is'. Her response was, 'Well, I don't need to; it's not in my electorate'. But suddenly everybody else in the chamber has to be aware of Ms Lovell's electorate.

One reason I am not surprised, though, about Ms Lovell bringing this particular motion to this place is that as I move around Shepparton, what I have been seeing in a significant way just in the last 12 months or so that I have been in this place is that Shepparton is kicking goals left, right and centre. Do you know that none of it is due to any work or any advocacy being done by Ms Lovell? If someone is suffering from relevance deprivation in the city of Shepparton, it is the member who moved this motion. Shepparton has gone from strength to strength in the last —

Ms Lovell — On a point of order, Acting President, I take offence at the member's comments that I do not advocate for Shepparton. He just said that the only postcode, according to him, that I mention in Parliament is Shepparton. I am a very strong advocate for Shepparton. I find that offensive, and I ask him to withdraw.

Mr GEPP — Further to the point of order, Acting President, I never said that Ms Lovell did not advocate for Shepparton. What I said was —

Ms Lovell — You just did.

Mr GEPP — Well, perhaps Ms Lovell might want to —

The ACTING PRESIDENT (Ms Dunn) — Mr Gepp, I am going to stop you right there. This is not an opportunity to debate. There is no point of order. I think it is a matter of debate.

Mr GEPP — None of the positive changes that have been occurring in Shepparton for the last three and a half years can in any way, shape or form be attributed to Ms Lovell, and what we are seeing here through this motion is the increase in relevance deprivation.

Of course the blood in the water is also smelled by The Nationals. The Nationals are coming after the Liberals in Shepparton, and that in part is what this is about. The Nationals are coming after the Liberals in Shepparton in a big way. They have had the community preselection participation. It is interesting, but I am not sure that there has been any public acknowledgement of the number of votes that were actually cast in that preselection. I would be interested in Mr O'Sullivan perhaps clarifying that at some point, just so we know how many people actually showed an interest in that process.

But nonetheless of course what we see is that The Nationals are coming after the Liberals. If Ms Lovell was the powerhouse that she considers herself to be in Shepparton, she would have put her hand up for the lower house. She would have had a crack. She has been in here trash-talking the member for Shepparton in the Assembly for the last three and a half years. She had the opportunity apparently as the powerhouse of the Liberal Party in Shepparton to put her hand up and take on Ms Sheed head to head, but guess what? She squibbed it. She did not do it. She just could not do it. She could not put up her hand and take on The Nationals, who are coming after the Liberals. The Liberals are concerned; that is all the chatter in town. It is the conservatives that are starting to fracture. I had a number of conversations over the course of the weekend when I was up there —

Mr Ramsay — On a point of order, Acting President, I am actually having some difficulty in seeing that Mr Gepp's contribution has anything to do with the motion at hand. This is about taking the Parliament out to regional Victoria to enable the public to have the opportunity of accessing Parliament in a regional town. Mr Gepp has waffled on ad nauseam, sending us all to sleep, in a contribution that has no relevance to the motion put by Ms Lovell. I ask you to ask him to get back to the motion.

The ACTING PRESIDENT (Ms Dunn) — There is no point of order. Mr Gepp is in fact the lead speaker, so he has a significant amount of time —

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — I ask you not to reflect on my ruling in relation to this. There is no point of order.

Mr GEPP — Gee, it would not take much to put Mr Ramsay to sleep, would it? He has been awake for 7½ minutes, so let us see how long that continues. Ms Lovell, as I was saying, had the opportunity to stand up and say, 'No, Shepparton's my town, and I'm going to ensure that it stays in the hands of the Liberal Party. We're not going to accept the advancements of the National Party', but she did not do it. She just did not do it. She could not bring herself to do it. Of course when the Nats had their conference over the weekend it sent another shiver down the spine of those opposite. You could just hear the chatter of the conservatives around the place on the weekend and the whispering that was going on among people about the level of concern that they have got and the fragmentation of the relationship that is occurring.

I was up there on the weekend and, as I have observed many times over the last 12 months, there is no traction in that place that Ms Lovell considers herself to be the powerhouse of. She wanders around town. She is actually looking for the opening of an envelope, and trying to tag along for a photo opportunity at every opportunity. It does not matter where you are; there she is leaning in and trying to get her head in a photo. That is what she does; she is Miss Photo Opportunity. It does not matter where it is — whether it is GOTAFE, Chemist Warehouse, one of the schools, the sporting precincts or Rumbalara — you can always bank on the photo opportunity queen to try and stick her head in.

Mrs Peulich interjected.

Mr GEPP — I'm front and centre of the photo, Mrs Peulich.

Ms Tierney interjected.

Mr GEPP — That is exactly right. Thank you very much, Minister. As Ms Tierney quite rightly said, I am from the government and we are always here to help. We are front and centre in all of those photographs.

Mr O'Sullivan interjected.

Mr GEPP — In fact, Mr O'Sullivan, you might want to turn up in the place other than at a Nats

conference so they can see who you are. They say, 'Who? Haven't seen him'. The other thing that Ms Lovell is exceptionally good at it is saying one thing up there and then coming here and saying another thing. It is the typical *modus operandi* of the Tories. When she was in government in relation to the list of projects that she has read out, guess what she did? Nada. Nothing. She forgot where Shepparton was. She was not to be seen. She talks about people in the Greater Shepparton City Council as if they are her best mates. Do you know that the first briefing that I got from the Greater Shepparton City Council when I came into this place was that they lamented the fact that between 2010 and 2014 Ms Lovell left them off the map. You left them and they have noticed. They did not miss you. They understand that when you had the economic levers of government at your disposal, you did nothing, and they have not forgotten that.

I want to talk a little bit about regional cabinets. Isn't it amazing that the Leader of the Opposition in the other place has made a commitment that we are going to have regional cabinets and that he is going to reinstate that? Isn't this the same bloke who had a shake-up of his shadow cabinet last year? Guess what portfolio he dumped: regional development. He dropped it from his shadow ministry. He dropped it. It was only after —

Mrs Peulich — On a point of order, Acting President, I would hate for the member to inadvertently mislead the house, as the Leader of the Opposition has committed to actually having a minister for decentralisation on this very topic. So he is completely off the mark and needs to get back to the bill.

The ACTING PRESIDENT (Ms Dunn) — Order! Mrs Peulich, there is no point of order.

Mr GEPP — So we cannot escape the fact that when he had the shadow cabinet shake-up last year he dumped the portfolio. He dumped the portfolio from the shadow ministry, and it was only after Labor shamed them for weeks in this place and in the other that they reinstated it. They reinstated it after they were shamed into doing it. They would have the people of Victoria and particularly the people of regional Victoria believe that they are suddenly going to take their interests back into their bosom and that they are their best friends again, but the people of regional Victoria know exactly what they get from this mob opposite. They get nothing.

I want to talk a little bit about what we do around the place. Of course we know that Victoria's regions are the powerhouses of our state. They furnish our homes; they feed our families; they support our local

businesses, workers and students; and they are the path to our prosperity. Unlike those opposite, we actually care for and nurture regional Victoria. We pump investment and infrastructure into those places because we care. We understand the importance of regional Victoria to this entire state. We do not govern by postcode, unlike those opposite. We do not have an agenda that is just built on cuts. We do not govern just by cuts as per those opposite. Unlike those opposite, instead —

Honourable members interjecting.

Mr GEPP — I do not know why they dislike workers and their representatives so much, but they do. If you need to see who they are, perhaps you should just pop out the front. I understand that there are 300 000 of them in the streets right now protesting against Liberal-Nationals party policy that permeates right throughout the stinking organisations, be it at the state level or federal level. Of course our regions deserve support from a government that works hard to encourage growth and create jobs, but the previous coalition government, as I have said, abandoned regional Victoria. They just dumped it. But we promised when we came to office that we would get regional Victoria back on track, and that is what we are doing. We are getting on with it.

I want to talk a little bit about what we have done over the last three and a half years.

Mr Mulino interjected.

Mr GEPP — I will try. I will give the short version, Mr Mulino. I want to talk about how we have put regional Victoria back on the map, and then I will come back to some of the things that we are doing in Shepparton — some of the things that we have done, unlike those opposite, who when they had the chance did not do anything. We will hear the catchcries about the courthouse in a second, but other than that what did they do?

What a fantastic Minister for Regional Development Ms Pulford is. We did not cut that position from our cabinet. In fact we have poured a lot of time, effort and energy into regional Victoria, and Ms Pulford is the envy of those opposite because she has done more in her time as Minister for Regional Development than probably the last 10 ministers of those opposite. Back in November 2015 we gathered 150 regional stakeholders to talk at Brown Brothers winery in the electorate of Northern Victoria Region to hear the Premier and the minister talk about the Andrews Labor government's vision for regional Victoria. There were a number of

highlights from that, and I want to take a little bit of time to talk about that.

We committed to rural and regional Victorian communities. We outlined a range of new and existing commitments and investments that focused on creating jobs, unlocking new investment and ensuring a brighter future for families and communities. Each and every time since that meeting that we have done anything in regional Victoria, do you know what we have got from those opposite? We have got negativity, every single time. Every single time something is done in regional Victoria by the Andrews Labor government we get negativity from those opposite, but it is not always supported by everybody else in the local community.

I will come back to Ms Lovell before I finish and talk about how her negativity on new initiatives, particularly in Shepparton, just blows up in her face. It just backfires because unlike everybody else she cannot see the growth, the investment and the commitment that the Andrews Labor government has made and continues to make to the great town of Shepparton and many others in regional Victoria. Of course the centrepiece of Labor's approach back in 2015 in our regional statement was a new way to direct the priorities identified by regional communities, so we established regional partnerships. Ms Lovell in her contribution said somehow somebody is trying to stop the people of regional Victoria from talking to cabinet ministers and members of government, that they cannot talk to them and that the member for Shepparton and my colleague Ms Symes are doing everything that they can to stop them, but look we are holding regional partnership assemblies and of course that is the opportunity where stakeholders from local regions come together and talk directly to government about the priority needs of that particular region.

Mr Melhem — How many schools are we building?

Mr GEPP — We will come to all of that, Mr Melhem. We have these regional partnerships which have been going for some time now and a new round has just started up. It is a new way that we are able to direct our priorities because they are identified by the regional communities, and it goes straight into the heart of government decision-making. It is government talking directly to local communities, local businesses in each of the areas, identifying the project needs of those communities and us acting upon them. Guess who is not in that room — and this is where the relevance deprivation kicks in, because they do not know how to communicate and converse with people unless it is on the shirt tails of somebody else. Here is

that photo opportunity again, how can we get in, how can we stick our head into that photo opportunity? How can we take advantage of the hard work of somebody else?

But our message of course — our very strong message and our approach to regional Victoria — has been local communities are in the best place to determine their priorities, and we will engage with them through these regional partnerships. We have been getting families, workers, businesses, local government — the heart and soul of regional Victoria — and they have been coming along and investing their time and their thoughts about regional Victoria. We have been able to capitalise on those things, and that is what members opposite do not like. They do not like it because we are talking directly to regional Victorians. We are sitting down with regional Victorians on a regular basis, listening to the needs that they have, determining our priorities based on those conversations and then getting things done. That is what we are doing. We are not looking for the next photo op because somebody else has been doing the hard work. We are out there doing the heavy lifting with the communities, identifying those priority needs and then getting on with the job. Of course the 2018–19 budget is a clear example of that, and I will come back to that a little bit later, but again what it highlights is that we have been listening through our regional partnership assemblies to people like the cross-border commissioner.

We had the Mallee regional partnership assembly say to us, 'We are in need of a cross-border commissioner. What we need is to address the red tape and the complexity of doing business along the Murray River and the border and down into South Australia. We need a position that can be dedicated to taking the complexity out of doing business in border communities'. We listened to that and we have now funded in this budget a cross-border commissioner. That is just one example.

Mr Davis — You copied us.

Mr GEPP — Mr Davis enters the chamber and starts flapping his gums straightaway, just flap, flap, flap, away he goes. That is just one example where through these regional partnerships we have been able to sit down directly with the communities in regional Victoria, including Shepparton. We are not chasing the next photo opportunity but are actually sitting down with the community and saying, 'What are your needs? What are the projects that you want this government to focus on?'. And we are focusing on those projects and we are getting those things done. We are getting those

things done and we are proud of the things that we are getting done.

Unlike those opposite, we do not drop regional Victoria and say, 'Whoops! We inadvertently left it out of our shadow cabinet. Sorry about that. We hope that you didn't notice', and then it took weeks of us shaming the opposition in this chamber and in the other place. Let us not forget that Mr Walsh in the Assembly was complicit in this. Mr Walsh was complicit, and they dropped it. That is how much they care about regional Victoria — they dropped it. They dropped it like a hot scone, but where was Wendy Lovell at the time? She was looking for the next photo op — 'Where's the opening of that envelope? How can I stick my head in a photo? Where can I ride on the shirt tails of the Andrews Labor government and get my head in a photo for the next edition of the *Shepparton News*?'. That is what she has become good at, but she has forgotten what it takes to be a dinky-di member.

If she were fair dinkum, she would be resisting the advances of the Nats in Shepparton. She would be resisting the advances and putting her own hand up and saying, 'I'll take the Nats on in the lower house', but of course she will not, and why? It is because she is far too comfortable. She is far too comfortable and is happiest to just sit over there and have a snooze with Mr Ramsay.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Aboriginal cultural support plans

Ms SPRINGLE (South Eastern Metropolitan) (12:02) — My question is to the Minister for Families and Children. The Children, Youth and Families Act 2005 includes a provision that the secretary must prepare and monitor the implementation of a cultural plan for each Aboriginal child placed in out-of-home care to maintain the connection of removed children to their community. Minister, what proportion of Aboriginal children in out-of-home care currently have a cultural plan in place?

Ms MIKAKOS (Minister for Families and Children) (12:03) — I thank Ms Springle for her question because it gives me an opportunity to talk about the wonderful investment that our government has been making to support Aboriginal children in our child protection and care system. In fact just yesterday I spoke in this house about the groundbreaking investment that we have made in relation to supporting Aboriginal families and children of \$47.3 million in this

year's state budget to support measures such as that raised by the member — support for more cultural planning and support for the expansion of Australia's first Aboriginal children in Aboriginal care program. In the spirit of self-determination we are making sure that the CEOs of Aboriginal organisations are able to take on legal guardianship for Aboriginal children in care.

I want to take this opportunity to commend the Victorian Aboriginal Child Care Agency, which is in fact the first Aboriginal community-controlled organisation in Australia to take on this very unique responsibility, and I look forward to seeing other such organisations take on a similar role with the funding that has been provided for the future. We are also transitioning Aboriginal children in care to Aboriginal community organisations, and as of the start of this year about 30 per cent of such children had transitioned over to Aboriginal community organisations.

All of these reforms have happened in close cooperation and in partnership with Aboriginal communities and Aboriginal community-controlled organisations through the Aboriginal Children's Forum, which I established in 2015, so I take this opportunity to thank our partners in this work. All of this work culminated in a very important agreement, which I was very privileged to sign on behalf of the Victorian government, the *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement*, which is the first such agreement in Victoria and in fact in our nation, committing all of us as a Victorian government and also Aboriginal community organisations and non-Aboriginal organisations to some very specific actions, including an action plan for the future, making sure that we can continue this very important work.

So I can assure the member that considerable effort and work is undertaken by my department to ensure that these children are supported through cultural plans. In fact this is a legislated responsibility, and through the funding that we have provided in previous years I think 18 cultural coordinators have been employed across the state.

Ms Springle — On a point of order, President, I asked for the proportion of cultural plans that are in place.

The PRESIDENT — The minister to conclude, mindful of the question.

Ms MIKAKOS — As I was explaining, the funding that we have provided has enabled, if I recall correctly, 18 cultural coordinators to be employed across the state to do this work, to provide the cultural plans and to

make sure that these young people can be connected to community and to culture, because we know that that does in fact lead to better outcomes for those children. So the number the member seeks may be one that will require individual cases to be looked at specifically. I will see what data is available, if it is available, to provide a specific response to the member, but I can assure her and the house that our government and my department are providing the supports necessary to put these plans in place.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:07) — I thank the minister for her answer. The Victorian Aboriginal Legal Service in a submission to the Royal Commission into Institutional Responses to Child Sexual Abuse called for an investigation to establish why a large proportion of cultural support plans have not been fulfilled. Has an investigation taken place and have findings on this been published?

Ms MIKAKOS (Minister for Families and Children) (12:08) — Thank you for that supplementary question. I can also advise the member that I am grateful to the former commissioner for Aboriginal children and young people, Andrew Jackomos, for the work that he did in producing two very important reports as a result of Taskforce 1000 that examined these particular issues. It was as a direct result of those reports that we put this investment in place not just in the budget two years ago to fund those additional cultural coordinators, which I mentioned earlier that you did not seem particularly interested in hearing about, but also in the funding that we have provided in this year's budget. So all this work has come together in this groundbreaking agreement that was signed two weeks ago, culminating in record-breaking investment in supporting Aboriginal children and families, is designed to ensure the best possible outcomes for Aboriginal children in the state, and it is work that I certainly hope that we would have agreement on across all political parties.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) (12:09) — My question is for the Minister for Children and Families once again. In December 2017 the minister tabled '... *safe and wanted* ...', the final report of the inquiry into the implementation of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014. The government has responded that it has adopted the majority of the recommendations relating to providing additional resources, training and workforce and improving policy

and practice and is committed to monitoring the impacts of the changes, but the government's response does not clearly outline its position on the specific detailed recommendations made by the commissioner for children and young people. Minister, exactly which of the inquiry recommendations are accepted and will be implemented, which are not supported and which are supported in principle?

Ms MIKAKOS (Minister for Families and Children) (12:10) — I thank the member for her question. I have addressed these issues previously, and I did indicate at the time that we did accept those recommendations in principle, either in part or in full, and in fact a detailed response has been provided to the commission in relation to each of those recommendations. My department continues to work with the commission in regard to these matters. The commissioner, I should also point out, in her comments at the time did acknowledge that it was very early for us to take a considered view of the long-term implications of these changes given that that review occurred only a short time after the provisions had come into effect. This is why we have committed to undertaking a longitudinal study, and the details of that will be finalised very soon.

My department will continue to provide regular updates to the commissioner in relation to the implementation of the recommendations of her report, and I again take this opportunity to thank her for her work. We are putting considerable investment and reform into our child protection and care system to make sure that we can provide children with the supports that they need but most importantly also to refocus the entire system towards more support for vulnerable families so that children do not need to be removed in the first place.

This is why we have put an unprecedented amount of funding in the child and family services system in this year's budget — unprecedented funding of \$858 million — to ensure that we can continue to implement the *Roadmap for Reform* and refocus the entire system towards that greater focus on prevention and early intervention. That is what we will see over time — a shifting of the system so that fewer children will need to go into care and to have these issues around permanency even needing to be considered.

Of course this is an enormous challenge, and there is enormous work that remains to be done in this space — I would be the first to acknowledge that. But certainly the work that has been undertaken in partnership with the community sector and with Aboriginal community organisations around these issues shows there is a very clear understanding that we need to continue to do this

work in a collaborative fashion to make sure that families get that support much earlier on.

Whilst the work that was undertaken by the commission is very important work — a review that I should point out I actually asked the commission to undertake to make sure that we can ensure that there is an appropriate balance in the system in terms of the legislative framework — it is not just about the legislation; it is also about ensuring that the supports are there to ensure that families can have the supports that they need.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (12:13) — Minister, as recommended by the commission, the Victorian government has committed to a longitudinal study to examine the long-term impacts of the permanency reforms. What is the time frame for developing and undertaking this research? I would also be very curious to know when you gave the last update to the commissioner, as outlined in the answer to the substantive question.

Ms MIKAKOS (Minister for Families and Children) (12:14) — I did actually refer to the longitudinal study in response to the substantive question, and the details of that will be released soon. But what I can inform the member is that my understanding is that my department has met with the commissioner in recent weeks to give her a progress report in relation to the implementation of these specific recommendations. That is something that I have asked my department to do in relation to each and every one of the commission's reports. They do meet with the commissioner regularly. They do provide her with updates in terms of progress in relation to each of the reports that the commission has handed down, because we do value the work that the commission adds. Unlike those opposite who have political cracks at the independence of the commission, we value —

The PRESIDENT — Thank you, Minister.

Kangaroo pet food trial

Mr PURCELL (Western Victoria) (12:15) — My question is to Minister Jennings, representing the Minister for Energy, Environment and Climate Change. This year has been a great year for kangaroo breeding in western Victoria, and particularly south-west Victoria. Kangaroos are currently in plague numbers, causing a hazard to motorists and also reducing farm productivity.

A kangaroo pet food trial was introduced in 2014 and extended in 2016 to include the shires of Glenelg and West Wimmera, and it was recently extended again. The objective was to use kangaroo carcasses as pet food. It worked by tags being issued to landowners allocating the number of kangaroos to be culled. It is estimated that 30 jobs have been created through this, and it has been a great initiative, even though poorly managed, with tags being issued extremely late. I ask the minister: what measures are in place this year to ensure that tags are issued to landowners in a more timely manner?

Mr JENNINGS (Special Minister of State) (12:16) — I thank Mr Purcell for his question. I am going to need the advice of my colleague to be able to specifically answer the question. I was asked a question about a month ago about this matter, and at that point in time it was clear that an evaluation was being undertaken in relation to the successes or some of the challenges in relation to that program and what impact it might actually have on employment, what impact it may actually have on managing kangaroo numbers in the south-west and how it can actually support greater community outcomes.

That evaluation then led my colleague to the conclusion that a one-year extension of the trial was warranted. I know that there are some stakeholders that have actually said one year may be not enough, but in fact for probably the reasons you have indicated in your question there may be some valid reasons in terms of what the evaluation showed that would warrant that there is in fact continual work in trying to improve the performance of the trial that would probably underpin that decision. I am going to need some specific advice from my colleague to be able to answer this issue about tagging, release of tagging and how it works with the trial. I will take some advice from the Minister for Energy, Environment and Climate Change.

Supplementary question

Mr PURCELL (Western Victoria) (12:18) — I thank the minister for his answer. The program, by all reports, is a very successful one and works extremely well. I would ask the minister whether he can also assess whether the program could be made permanent rather than just extended on a temporary basis.

Mr JENNINGS (Special Minister of State) (12:18) — In terms of that determination, I will totally rely on my ministerial colleague for that advice.

Firearm regulation

Mr BOURMAN (Eastern Victoria) (12:18) — My question today is for the Minister for Police, represented by Minister Tierney in this place. The overregulation of recreational shooters is a tag team affair by both state and federal governments. There are numerous memorandums of understanding, task forces, joint systems and information-sharing forums to regulate those that are not doing the wrong thing. As part of being a recreational shooter we have to be licensed and ask for police permission to buy another firearm. Sometimes this involves both state and federal bodies, as a B709 form must be obtained from a state police force before the Australian Border Force will allow the importation of a firearm. Obviously this will necessitate communication between border force and Victoria Police.

The licensing and regulation division (LRD) of VicPol have for some time now stopped taking phone calls on Wednesdays, we have been advised, because they need to catch up on their work. What I did not expect is LRD will not even take phone calls from other law enforcement agencies, even border force. My question is: will the minister work with the Chief Commissioner of Police and ensure that if LRD are not in a position to take calls from their end users, who pay premium costs for licensing, then LRD will at least be able to take calls from law enforcement agencies?

Ms TIERNEY (Minister for Training and Skills) (12:19) — I thank the member for his question — a question that is for the Minister for Police in the other place, Lisa Neville. I will refer that matter to her, and she will respond within the guidelines.

Supplementary question

Mr BOURMAN (Eastern Victoria) (12:20) — I thank the minister for her answer. I will reiterate: even though I do not believe a lot of LRD's functions are necessary, we do have the best registry in the country by far, but it is not perfect as there have been ongoing issues. My supplementary question is: will the minister ask the Chief Commissioner of Police to conduct a holistic review of the operations of LRD to address, amongst other things, resourcing so that they are able to give us comfort that their operations are efficient, effective and beyond reproach?

Ms TIERNEY (Minister for Training and Skills) (12:20) — Again I thank the member for his question — one that deals with the commissioner, the minister, communications with LRD and resources. I will refer that matter to the minister.

Electorate office budgets

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:20) — My question is to the Special Minister of State regarding the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017, which the minister has introduced, which empowers the Clerk or the Secretary of the Department of Parliamentary Services to investigate the use of allowances and electorate office budgets and impose penalties on MPs for misuse. Will the provisions in that bill allow the Clerk or Parliamentary Services respectively to retrospectively investigate the red shirt rorts matter and impose penalties on MPs involved?

Mr JENNINGS (Special Minister of State) (12:21) — Those provisions, in their current form in the house, have not been drafted for retrospective application, but in fact when the bill comes to this chamber and we deal with that matter in committee perhaps we can tease it out there and actually see what your view is on that subject.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) (12:22) — I thank the minister for his response. But, Minister, why is the government seeking to impose a 25 per cent penalty on the misdeeds of other MPs while rejecting paying a penalty for the misdeeds of its own MPs?

Mr JENNINGS (Special Minister of State) (12:22) — Your supplementary question does not follow from my answer.

Major event ticketing

Mr ONDARCHIE (Northern Metropolitan) (12:23) — My question is to the Leader of the Government. Yesterday the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 passed this house. During the committee stage Minister Dalidakis was unable to furnish a list of the 70 people and organisations that were consulted or that contributed towards the drafting of the bill. Minister, can you now confirm that Mr Michael Gudinski is one of those promoters that was consulted or contributed towards the drafting of the bill?

The PRESIDENT — I call the minister, Mr Dalidakis — Mr Jennings, sorry.

Mr Jennings — On a point of order, President, given that there was a state of confusion, perhaps you might want to reflect upon whether it is appropriate for

this question to be asked of me in the form that the question was written and perhaps provide some guidance to the house about the appropriateness of referring it to me.

The PRESIDENT — Can I have some guidance as to why you have directed this to Minister Jennings?

Mr ONDARCHIE — It is to the Leader of the Government because yesterday in the committee stage —

The PRESIDENT — I know it happened in the committee stage. What I want to know is why you have sent this question there.

Mr ONDARCHIE — Well, it is related to the supplementary question as well.

The PRESIDENT — But I do not have the supplementary question.

Mr ONDARCHIE — I have not had a chance to ask it yet, but I am asking the Leader of the Government as the senior minister in this place.

The PRESIDENT — I am at a loss, Mr Ondarchie, as to why this would come under the responsibilities of Minister Jennings.

Mr ONDARCHIE — President, I am happy to redirect it to the minister himself.

The PRESIDENT — To Mr Dalidakis?

Mr ONDARCHIE — Correct.

The PRESIDENT — I would find that more appropriate because, as I said, I do not see that Mr Jennings has any responsibility in respect of that legislation, and I am not sure that he would know who was consulted in any sense. I will allow the question to be put to Mr Dalidakis instead of Mr Jennings. Mr Ondarchie, could you repeat it, please.

Mr ONDARCHIE — My question is to the Minister for Small Business, representing the Minister for Tourism and Major Events in the other place. Minister, yesterday the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 passed this house, and during the committee stage you were unable to furnish a list of the 70 people and organisations that were consulted or that contributed towards the drafting of the bill. Minister, can you now confirm that Mr Michael Gudinski is one of those promoters that was consulted or contributed towards the drafting of the bill?

Mr DALIDAKIS (Minister for Small Business) (12:26) — I thank the member for their question and the opportunity to reconfirm the information that was provided to this chamber yesterday during the committee stage. At no stage did I look to renege on my duties in this place or mislead this chamber about actions that I would undertake. In fact on many occasions during the committee stage, whether it was to Mr Ondarchie or to his colleagues, I reconfirmed that I would take that on notice. It is not something that I was able to furnish the opposition with at that point in time, because they asked for a list of the stakeholders that had been consulted with. During the committee stage I did provide in an answer that 70 stakeholders had been canvassed over a 12-month period for their views, an exhaustive process, to ensure that their views and their industries were represented in the legislation.

Again, one of the things that I said to the opposition at the time was that in order for us to be able to provide that information, given that the consultations were not necessarily made public in the way that we have done in other forums when submissions are provided and available publicly to be read and viewed by people whenever they see fit throughout that process, we would need to go back to the minister responsible in the other place and that that minister would then need to have discussions with the stakeholders about whether they were happy for their names to be furnished to the opposition in response to that question.

So what I indicated was in fact that we were not trying to equivocate about providing that information but we would have to go through a process in order to be able to ascertain whether those stakeholders were comfortable with their names being released. That is what I said. I took the question on notice in good faith. Just as I have done for Mr O'Donohue with other bills that I have represented and just as I have done for Mr Davis with other bills that I have represented in this place, where I have not been able to provide answers during a committee stage and where I have needed to go back to the minister in the other place to do that, I have committed myself to that course of action. There is no course of action that has changed from yesterday to today that is anything else in that answer. I will continue to seek that advice from the minister in the other place. It will take some time. I cannot provide a date by which this information —

Mr Ondarchie — On a point of order, President, it was a very narrow question. The minister was not asked to provide the whole list. It was not asking him to go through an elongated process to compile a list. That is something he dealt with yesterday. It was a very narrow

question to confirm whether Mr Gudinski was one of the promoters involved — very narrow.

The PRESIDENT — I am certainly aware that it was a narrow question. No doubt the minister is also aware. He does have some time to complete his answer.

Mr DALIDAKIS — Thank you, President. Again, I think probably more so than in any other answer I am being completely apposite to the question that was asked of me. But what I can tell you is not narrow is the definition of ‘pair’ — that is not narrow — but we will not go into that discussion at this point in time.

But what I again will indicate to you, President, is that should Mr Gudinski be one of those stakeholders — and I have no knowledge of whether he was or was not, but should he be one of those stakeholders — then the process which I have ascribed to occur will be applied to him, as it would be to any promoter or other stakeholder that will or will not have been consulted. But given that the portfolio is not a portfolio that I have direct responsibility for, obviously that process will take time and I will, I dare say, be asked by you to take this on notice and refer it to the minister in the other place, and I dare say that the minister will indicate as well that it will take some time to go through this exhaustive list of 70 stakeholders that were consulted.

A process has been committed to, and on this side of the chamber when we commit to do something — in fact when we promise to do something, when we ask for a pair or when we say we will conduct ourselves in a certain way — we will do that.

The PRESIDENT — I am sure that using Google will find one name fairly quickly, and it will be two days.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:31) — Minister, thank you for your response and your commitment to follow this up with the minister in another place and respond to us in writing. Minister, you also stated yesterday that the consultation phase for this bill was over a 12-month period before the first reading in the Legislative Assembly, which occurred in November last year. Can you also confirm that during that consultation phase of the bill Mr Gudinski donated \$20 000 to the Victorian Labor Party?

Mr DALIDAKIS (Minister for Small Business) (12:31) — The thing about being a member of Parliament and being in this place, of course, is that we are afforded parliamentary privilege. What we have just seen by the member is one of the nastiest slurs that can

be made. It is a slur not just against Mr Gudinski; it is a slur against the government. It is a slur. It is an attempt to say and imply that if money was provided through a donation, somehow that interfered in the course of good public policy. Now, I have no knowledge —

Mr O’Sullivan interjected.

Mr DALIDAKIS — I will take up that interjection from the member for Fitzroy over there, Mr O’Sullivan, because he claimed that I am somehow a rorter. I would like for you to say that outside the chamber. Say that outside the chamber, Mr O’Sullivan, and let us see how far you go. Of course we all know that just like Mr Ondarchie —

The PRESIDENT — Thank you, Minister.

GOTAFE

Mr O’SULLIVAN (Northern Victoria) (12:33) — My question is to the Minister for Training and Skills. Minister, the investigation into GOTAFE by John Watson was due to you by the end of April. Has the report been received, and if so, what are the recommendations of that investigation?

Ms TIERNEY (Minister for Training and Skills) (12:33) — I do thank the member for his question. This government does welcome scrutiny to improve training quality in the vocational education and training sector, and as I have previously advised the house, I ordered an inquiry in February this year to get to the bottom of the problems identified by the Department of Education and Training. The final report has now been received by the department and me, and its findings are under consideration, Mr O’Sullivan, and I look forward to saying more about this very shortly.

Supplementary question

Mr O’SULLIVAN (Northern Victoria) (12:34) — Minister, will the full report by Mr Watson now be publicly released?

Ms TIERNEY (Minister for Training and Skills) (12:34) — I thank the member for his question. As I said, I am considering the report and I will be making an announcement shortly, and in those considerations I will take on board that question.

Prisoner social media access

Mr O’DONOHUE (Eastern Victoria) (12:34) — My question is to the Minister for Corrections. Minister, you stated today in a written response that Corrections Victoria staff monitor social media relating

to selected prisoners. There has clearly been a massive breach of the Corrections Act 1986, with Craig Minogue messages being widely distributed on Twitter. It is clearly unacceptable, and the public needs to have more information and confidence that Corrections Victoria and you as the minister are actively managing such a notorious police killer. So I ask: was Craig Minogue one of the selected prisoners being monitored?

Ms TIERNEY (Minister for Corrections) (12:35) — I thank the member for his question. Indeed I am going to give a response which is consistent with what I said yesterday in terms of raising these issues about this particular prisoner actually fuelling the work of this particular prisoner, so I think it is only proper and sensible for people not to give further air to this issue. In terms of who is or is not monitored in the prison system, that is a matter of prison security.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:36) — Minister, further in your written response you stated that prisoners do have the right to communicate with approved persons by mail and telephone, provided that it complies with the requirements of the Corrections Act. Minister, this has clearly been a breach of the Corrections Act, so I ask: how many other breaches of the Corrections Act have been identified in relation to communication with approved persons?

Ms TIERNEY (Minister for Corrections) (12:36) — Again, this question essentially was asked yesterday as well, and as I advised the house, I have asked Corrections Victoria to investigate what is occurring in respect to this, not just in terms of this particular case but in terms of other cases as well, and I am sure that I will receive that information shortly.

Dhurringile Prison

Mr O'DONOHUE (Eastern Victoria) (12:37) — My question is to the Minister for Corrections. Minister, earlier this year a prison officer at the Dhurringile Prison had their employment terminated following allegations the prison officer was bringing drugs into the prison and selling drugs to prisoners. There are other allegations of serious misconduct by this officer. Minister, when were you first briefed regarding this alleged behaviour?

Ms TIERNEY (Minister for Corrections) (12:37) — I thank the member for his question. What I can say is that I can confirm that a staff member at Dhurringile Prison resigned in February following a series of

allegations of misconduct, and Corrections Victoria were unable to provide further comment at that time.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (12:37) — Minister, the Dhurringile Prison has experienced many issues under your watch — from the prisoner who escaped, robbed a local supermarket and returned to the prison without the knowledge of prison authorities to the revolving door of general managers and now these allegations of serious criminal behaviour that you have confirmed today in your substantive answer by a then Dhurringile Prison officer. Minister, what is your plan for the Dhurringile Prison to bring these shocking situations under control?

Ms TIERNEY (Minister for Corrections) (12:38) — I thank the member for his question. I think it is absolutely ridiculous that the member opposite can ask these questions given what happened at Dhurringile under his watch. The incidents that have occurred at Dhurringile since I have been minister have actually been analysed and researched, and there have been corrective plans and actions put in place.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:38) — There are six written responses to questions on notice: 12 553–4, 12 562, 12 645, 12 649, 12 652.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:39) — In respect of today's questions, regarding Ms Springle's first question and indeed her second question to Ms Mikakos, I seek written responses to both the substantive and supplementary questions. Whilst Ms Mikakos gave us an overview of many of the initiatives that were being taken, the specific questions posed by Ms Springle were not answered in those answers. That is one day, by the way, for both of those. Mr Purcell's question to Mr Jennings involves a minister in the other place, so both the substantive and the supplementary questions, two days. Mr Bourman's question to Ms Tierney involves a minister in the other place, both the substantive and the supplementary questions, two days. Mr Rich-Phillips's question to Mr Jennings, just the supplementary question, one day. Mr Ondarchie's question to Mr Dalidakis, the substantive question, two days. Mr O'Sullivan's question to Ms Tierney, both the

substantive and the supplementary questions, one day. Mr O'Donohue's first question to Ms Tierney, the supplementary question, one day. Mr O'Donohue second question to Ms Tierney, both the substantive and the supplementary questions, one day.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (12:40) — I have been asked by Ms Wooldridge to seek a further written response in respect of question on notice 12 520. The question was to Ms Pulford, and having perused the answer I am of the view that while some information was provided in response to that question the specifics were not addressed in any of the parts of the answer, therefore I would seek to reinstate that question.

Dr Carling-Jenkins — On a point of order, President, I just wish to raise that I had questions on notice directed to a minister in the other place relating to ambulance call-out data, questions 12 293 to 12 310. I have not received answers to those questions yet. I did receive unrelated answers, so I think there may have been a glitch in the minister's office in relation to those questions.

The PRESIDENT — Have you raised that with the minister that it was put to in this place originally? Have you raised that issue with one of the ministers in this place?

Dr Carling-Jenkins — No, they were directed to the Minister for Health, so the minister representing the Minister for Health.

The PRESIDENT — Ms Mikakos, those questions from Dr Carling-Jenkins were directed to the Minister for Health, numbers 12 293 to 12 310, and they were first published in November 2017. At this stage she has not had an answer.

Ms Mikakos — On the point of order, President, I am not aware of any correspondence to the Minister for Health from the member in relation to the matter as per the standing orders, but I will endeavour to follow these issues up with the relevant minister.

The PRESIDENT — Thank you.

CONSTITUENCY QUESTIONS

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:42) — The matter that I wish to raise is probably for the attention of the Attorney-General, and it is in relation to concerns about the impact of sky rail on privacy. In particular there was a recent incident where children at the Noble Park Aquatic Centre were photographed and those photographs were posted on Facebook. There are other examples where the privacy of individuals has been compromised as a result of sky rail, and I would like to ask the Attorney-General: what measures will be taken, or can be taken, to protect the privacy of individuals impacted by sky rail, especially as it highlights, for example, the potential for the privacy of children to be compromised?

South Eastern Metropolitan Region

Ms SPRINGLE (South Eastern Metropolitan) (12:43) — My constituency question is to the Minister for Sport. The government's announcement of record investment in the AFL, and specifically in women's football, will provide an important and much-needed boost for women's football in Melbourne's suburbs, but many small suburban clubs are feeling short-changed by the announcement. The fact is that there are not enough facilities to meet demand for playing space, and many of those clubs lack basic facilities for hygiene and training. The Fountain Gate junior football ground at Max Pawsey Recreation Reserve, Narre Warren, lacks toilets and changing rooms on the main oval, and the kids playing at the ground have to walk 70 to 80 metres to use the toilets in the middle of training sessions. While that may be acceptable for adults, 80 metres is genuinely too far for the very young children who are training at this oval. Minister, what provisions will be made for community sports upgrades as part of the boost to AFL funding and how will these be prioritised?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (12:44) — My constituency question relates to a section of the Glen Waverley rail line that is within my Southern Metropolitan Region electorate. It concerns three level crossings: the Toorak Road level crossing near the M1 freeway, which is on the government's list of level crossings to be removed; the Tooronga Road level crossing; and the Kooyong station-Glenferrie Road level crossing.

Now, the government has commenced, as I understand it, some planning for these crossings, not just the crossing at Toorak Road. I understand that elevated rail is being contemplated for these crossings, and I would be very concerned, and so would the City of Stonnington and residents in the area, if a sky rail was planned for these crossings. Nobody had an inkling of this prior to the state election, and I would seek an assurance from the Minister for Public Transport that no sky rail will be constructed at these level crossings.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (12:45) — My constituency question is for the Minister for Roads. The Resolve Rosanna Road community group that represents residents along that road in my electorate have concerns regarding the past and future of Rosanna Road as an over-dimensional route. My question is: on what evidence basis and risk assessment was Rosanna Road selected by VicRoads in 2016 to become an over-dimensional route, and will the minister release this evidence base or risk assessment to the public? Given that, will Rosanna Road continue to be an over-dimensional route following the construction of north-east link, and will Rosanna Road residents get any relief from the over-dimensional loads prior to the opening of the north-east link, if indeed it is built?

Western Victoria Region

Mr MORRIS (Western Victoria) (12:46) — My constituency question is directed to the Minister for Police, and it relates to policing within the Ballarat police service area. Shockingly, since the election of the Andrews government there has been a 9.95 per cent full-time equivalent reduction in the number of police on the beat in Ballarat despite the massive increase in violent crime that we have seen in Ballarat, including a 165 per cent increase in home invasions and a massive spate of police car rammings, as well as other crimes such as car theft skyrocketing as well. So the question I ask is: will the minister ensure that, at the very least, policing in Ballarat is better resourced so that the same number of police are on the beat as there were in November 2014?

Northern Metropolitan Region

Dr RATNAM (Northern Metropolitan) (12:47) — My question is for the Minister for Planning. I recently met with residents from the Parkville Gardens area who are very concerned about the government's revised plans for the Commonwealth Games precinct in Parkville. There is a long history to this project, with a

master plan developed over a decade ago. A carefully staged series of plans, stages 5 to 12, are currently underway. In 2017 residents were shocked to learn that landowners, developers and Major Projects Victoria had applied to essentially double the height of the buildings from 11 to 20 storeys without proper consultation, justification or infrastructure planning for this neighbourhood.

The Parkville Gardens precinct has inadequate public transport, no community meeting spaces or halls, very little sustainable transport infrastructure and few open spaces that are now not overshadowed for most of the day by very tall buildings. My question is: what will the government do to provide more public transport, bus shelters, sustainable transport infrastructure, community spaces, open space and public and affordable housing at Parkville Gardens given the significant increase in dwellings now proposed?

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:48) — My question is to Minister Tierney, the Minister for Training and Skills. The question I want to pose to her is in relation to the reopening of the Glenormiston agricultural college in south-west Victoria. The government heralded this wonderful new relationship with the Volume Group, under Dean Montgomery, and South West TAFE to provide education in horticulture, agriculture and other things. The government indicated through the minister that there would be enrolments of at least 150 students, with students being accommodated at the college and taking up a number of those courses provided by South West TAFE. I am interested to know from the minister how many students are actually active in seeking courses or are involved in courses provided by South West TAFE at Glenormiston college and how many are actually being accommodated there.

Northern Victoria Region

Ms LOVELL (Northern Victoria) (12:49) — My question is for the Minister for Education. Orrvale Primary School on the outskirts of Shepparton currently has an enrolment of 403 students. Despite being one of the most popular primary schools in Shepparton, Orrvale is forced to cap its annual enrolments each year due to the lack of available land to build more infrastructure to cater for more students. The lack of space and facilities is also affecting the school's ability to deliver their desired education programs, with classes unable to go outside if a physical education class is in progress. It also hinders sport being played during lunch and recess.

With the school's long-term enrolment figure being 376 to 400 students, Orrvale Primary School is entitled to an additional 1.17 hectares of land to increase its site to 3.2 hectares. The owner of the land adjacent to the school is willing to negotiate and sell 1.86 hectares of land to the department. With the state budget including funding for acquisition of land for schools, my question is: will the minister give a commitment to fund the purchase of 1.86 hectares of land for Orrvale Primary School?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:50) — My constituency question is to the Minister for Small Business. I have received representations from a small business operator gravely concerned about the impact of the West Gate tunnel project on his business and businesses around him in Footscray. He informs me that the tunnel authority and John Holland are proposing to remove all street parking along the southern side border of his property for four long years without providing suitable alternative arrangements. I am sure the house can fully understand the detrimental impact such a move would have on any business. I ask: will the minister go in to bat for small businesses in Footscray before they are forced to the wall by the West Gate tunnel project?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (12:51) — My constituency question is to the Minister for Public Transport in the other place, and it follows a conversation on Monday with some residents of Middle Park who are concerned about the government's plan to remove two tram stops in their narrow street and replace it with one super tram stop. They want to support greater access for people who use wheels for various purposes — wheelchairs, scooters, prams and so on — to get onto public transport. They are concerned about the size of the super tram stop and the impact on traffic flow and parking in their very narrow street.

One of the residents drew to my attention the model of trams that is used in the city of Toronto in Canada, where, based on the pictures I saw, trams are used with quite a sophisticated system of built-in ramps that can be extended by passengers by just using a button within the tram to exit the tram. These trams are also designed with secure places where wheelchairs and so on can be secured within the tram. So the question that I ask on behalf of my constituents is: has the government considered this option for enabling greater disability access to trams?

Sitting suspended 12.53 p.m. until 2.03 p.m.

LEGISLATIVE COUNCIL REGIONAL SITTING

Debate resumed.

Mr GEPP (Northern Victoria) (14:04) — I was talking about regional Victoria and the work that the government has been doing through its regional assemblies. I think it is worthwhile spending a little bit of time talking about the community-based work that we have been doing, which has been setting the priorities and informing the decisions of the Andrews Labor government. More than 2000 people attended nine regional assemblies last year, so despite the claims earlier by those opposite that there is no opportunity for members of the community to converse with —

Honourable members interjecting.

Mr GEPP — Here we go again; it did not take Snap, Crackle and Pop over there long, did it?

We will continue to consult with the community. The assemblies that we held between June and October last year were in Swan Hill, Wodonga, Horsham, Sale, Bendigo, Seymour, Creswick, Geelong and Portland. Each of them had a unique feel, and they were all marked by strong attendance from local communities. They were also attended, of course, by Labor government ministers, local Labor MPs and mayors. In fact there were 44 ministerial appearances at the assemblies, with ministers there to listen to locals and understand their concerns and importantly understand their hopes for their particular regions.

As well as those formal assemblies, several partnerships held mini-assemblies — round tables that dove into the myriad of issues that were put forward by local communities. We did that in towns such as Leongatha, Lakes Entrance, Echuca, Ballarat, Castlemaine, Alexandra, Nagambie, Broadford, Colac and — wait for it — Shepparton. We went to Shepparton. On top of that there were over 700 online engagements with preassembly surveys and questionnaires. I think those sorts of numbers and that sort of outcome exceeded even the hopes and plans of the Minister for Regional Development when she put this idea forward and it was adopted as Labor Party policy to ensure that we connect with the local communities around the state. Each of the partnerships gathered a variety of information from the assemblies through pre-engagement and post-engagement work as well as year-round consultations. Those consultations

and discussions fed into our budget work and our decision-making.

To illustrate the point, last year the Andrews Labor government, as a result of listening and acting upon these regional assemblies and regional partnerships, invested over \$4 billion in regional infrastructure, health, education and transport issues that were identified as high priorities by the regional communities. Unlike the proposition which the opposition have put before us — they simply want to govern for regional Victoria and in particular Shepparton on 11 June next year — we govern for regional Victoria every day of the year. That is evidenced by our investment in regional Victoria following on from those very important meetings that we held right around the state.

One other very important fact — and later today we will be dealing with regional rail as Mr O’Sullivan has got something on the notice paper — is that over the past two years, as a result of these regional assemblies, the Andrews Labor government has added 432 new passenger services across V/Line’s network. We are getting on with it. We are getting things done. In contrast we should have a look at the work that was undertaken by those opposite when they were in office —

Mr Leane interjected.

Mr GEPP — Well, Mr Leane, unfortunately they did do a bit, but none of it was positive. Do you know that \$1.2 billion in TAFE was cut by those opposite, resulting in 22 campus closures and the sacking of 2500 TAFE workers, who were put out of work by those opposite? I do not know what they have got against regional Victorians and workers in regional Victoria, but their actions speak volumes for the sort of disregard that they have for regional Victorians and those who want to utilise the TAFE system to further their education and ensure that the skills that they are obtaining are matched up with jobs at the end of it.

We should also look at the other things that they did or did not do during the course of their period in office. When Tony Abbott was the Prime Minister and his government was particularly taking a meat axe to Victorian hospital funding, somewhere in the order of \$820 million, which resulted in something in the order of almost \$4 million in cuts —

Ms Lovell — On a point of order, Acting President, I draw your attention to the member’s contribution and the point of relevance. He is now talking about federal funding for the health system in Victoria. That is really

nothing to do with this motion, which is about a regional sitting of the Legislative Council in the City of Greater Shepparton.

The ACTING PRESIDENT (Mr Morris) — I do note that Mr Gepp is the lead speaker and there has been some wideranging debate. I do not uphold the point of order, but I certainly encourage Mr Gepp to come back to the motion more specifically.

Mr GEPP — Health funding is very relevant to regional Victoria. Where were the regional coalition MPs when Tony Abbott was taking a meat axe to hospital funding, which resulted in places like Mildura and Swan Hill losing millions of dollars in hospital funding? Where was Mr Crisp, the member for Mildura in the Assembly? Where was Mr Walsh, the member for Murray Plains in the Assembly? They were nowhere to be found. But now, suddenly, they are the friends of regional Victoria, they would have us believe. But when they were in office they did nothing and when their federal counterparts were taking the meat axe to health funding in regional Victoria they stood idly by and did nothing. They did absolutely nothing, and yet they would have us and regional Victoria believe that they came into this place and suddenly they were the great champions of regional Victoria.

What did they do about unemployment in regional Victoria when they were in office? We know that youth unemployment under the mob opposite rose to 15.8 per cent. It spiked at 15.8 per cent just when they were turfed out of office. Now it is down to 9.2 per cent. We have cut youth unemployment by 6.6 per cent, and it is continuing to fall —

Mr Ramsay — I think you might have rorted your way into office, by the way.

Mr GEPP — I note Mr Ramsay’s interjection. Of course he would interject because they hate jobs. They do not want growth. They do not want progress. They do not want development. Whenever we talk about anything positive, it is ‘Chirp, chirp, chirp, cheep, cheep, cheep’. That is what we get from that corner of the chamber every time. You can read him like a book. It is not hard. It is a pretty simple read, I have got to say; it is a very simple read. The minute that you talk positive action, what do we get from Mr Ramsay? Division, negativity. That is what we get every time. That is why he is sitting over there, and that is where he belongs. He is sitting where he belongs —

Mr O’Sullivan — On a point of order, Acting President, I was just wondering whether it might be

possible that Mr Gepp make some reference to a regional sitting in Shepparton. Even just once would be good. We would be happy with just one reference to having a regional sitting of Parliament in Shepparton. Just once would be enough.

The ACTING PRESIDENT (Mr Morris) — Whilst not upholding your point of order, Mr O’Sullivan, I have been listening a little more closely and I would certainly encourage Mr Gepp to come back to the substance of the motion.

Honourable members interjecting.

Mr GEPP — I would say to Mr O’Sullivan and those others who have not been in the chamber throughout my contribution that during the introduction of my contribution I talked about the fact that I would be concentrating on a wider regional perspective before coming back to talk about Shepparton in particular. I also talked about Shepparton in particular and some of the antics of my friend opposite in terms of her photobombing, but we will come back to that because there is more to say on that matter.

In terms of the particular budget announcement this year and the efforts that we have gone to as a government to enact and put in place the things that regional Victorians have been talking to this government about over the past two years through our regional partnerships agreement, we have had deep engagement with the community, and those regional partnership assemblies will be starting up again. In fact as part of that program there was one held last week in Kyneton.

Other things that the government did last year in relation to responding to the specific needs of regional communities outlined to us through that engagement was the development of a business case for the Networked Grain Centre of Excellence in the Wimmera Southern Mallee region to increase western Victoria’s reputation as a centre for agricultural innovation and the Munarra Centre for Regional Excellence in the Goulburn Murray to plan for a state-of-the-art Indigenous sporting, cultural and educational precinct. In fact we followed that up with a \$23 million investment in the 2018 budget. There is funding for Shipwreck Coast early works to upgrade this much-loved attraction. In the north-east there is a cycling optimisation project to increase cycling tourism potential. There is the Robinvale community hub for the development of multipurpose facilities, including a community library. There is the Swan Hill riverfront development to revitalise the heart of Swan Hill and the

Gippsland destination management plan to bring more tourism and more jobs to Gippsland.

Our regional partnerships have also shared in seed funding to help them identify new priorities and make sure local residents have their say. A further \$45 million is going towards the Connecting Regional Communities program in direct response to all nine regional partnerships for better digital infrastructure. We know that digital connectivity —

Mr Ramsay — On a point of order, Acting President, I have noted your rulings on points of order over the time that you have sat in the chair, and I respect the decisions you make. I have to say that Mr Gepp’s contribution is now launching into the budget and the budget papers, and I understand that that bill will be coming before us possibly tomorrow. We are talking about a regional sitting in Shepparton. I appreciate that you say he is the lead speaker and he has broad scope for his contribution, but seriously we are now nearly 45 minutes into his contribution and he has rarely spoken relevantly to the motion at hand. So I do think you need to rule that this point of order be upheld and direct him purposefully to the motion at hand, and that is about a regional sitting in Shepparton. He might even like to advise us whether he actually supports regional sittings of Parliament, because as yet he has not made mention of the position of the government in respect to this motion. I suppose he will windbag his way through to it at some point when we finally —

The ACTING PRESIDENT (Mr Morris) — Thank you, Mr Ramsay.

Mr GEPP — On the point of order, Acting President, Ms Lovell in her contribution when moving the motion particularly went to the Leader of the Opposition and the opposition’s policy for the holding of regional cabinets so the opposition can be more connected with the community to inform government decisions. I would have thought us doing the very same thing and me responding to that is appropriate and within order.

Mr Mulino — On the point of order, Acting President, in relation to the matters raised in contributions before Mr Gepp, but also in what can only be described as intemperate and unruly interjections constantly from those opposite, there have been many assertions that those on this side do not care about the regions and assertions that we have not undertaken investment in the regions. Mr Gepp is responding directly to points raised in the other lead speech and to the constant heckling from those opposite.

The ACTING PRESIDENT (Mr Morris) — Thank you, Mr Mulino. I do acknowledge that there has been wideranging debate, and whilst being sympathetic, Mr Ramsay, to the point that you have made, I will not uphold the point of order but will once again encourage Mr Gepp to come back to the substance of the motion being debated.

Mr GEPP — Thank you, Acting President —

Honourable members interjecting.

Mr GEPP — The muppets are in town. Of course in responding to the motion before the house it is absolutely appropriate for the government to demonstrate how it is connecting with regional communities and how it is responding to the needs of regional communities in a variety of ways. Yes, we will be dealing with the budget tomorrow, but I do want to talk about the key investments that we have made in the 2018–19 budget that are relevant to all regional partnership regions, and as a result of those consultations that have —

Ms Lovell — On a point of order, Acting President, the member is now flouting the request from the Chair that he come back to the motion and he has continued to talk about budget allocations. I think that it is probably about time that we did go to the point of relevance and that you rule that the member must come back to the motion and not just draw him back to the motion.

Ms Mikakos — On the point of order, Acting President, I have been listening to Mr Gepp's contribution, and I do think that his very fine contribution is directly on point, because the contribution he is making points out that we are a government that is getting things done for regional Victoria, and regardless of a regional sitting or not we are making a very significant contribution to the services that regional Victorians require.

Mr Finn — On the point of order, Acting President, I can understand Mr Gepp as a relative newcomer to this house not understanding how the system works, but Ms Mikakos has been here for a very long time. In fact it seems like she has been here for an eternity, and she should —

The ACTING PRESIDENT (Mr Morris) — Mr Finn, thank you.

Honourable members interjecting.

Mrs Peulich — On a point of order, Acting President, obviously you need to rule on Ms Lovell's

point of order, but Mr Gepp's interjection crossed the line. It is unparliamentary and it is offensive. It does not require a member to take offence for it to be withdrawn. If you consider it to be unparliamentary, he should be asked to withdraw and apologise.

The ACTING PRESIDENT (Mr Morris) — I will deal with the matters as they have been drawn to my attention. The first is the point of order which Ms Lovell began with regard to relevance. I just make the point that with regard to relevance particularly on such motions that there is often very wideranging debate, particularly with the lead speakers, who do have a period of time to make their contributions. However, I once again encourage Mr Gepp to come back to the substance of the motion. I do note that I have not yet heard Mr Gepp, since I have been in the chair, refer to either the regional sitting or to Shepparton. He may have done so in passing, but I do not recall it to this point. That is the initial point of order by Ms Lovell, which I will not uphold.

However, Mr Gepp, on the matter raised by Mrs Peulich, I am advised that the word you used was unparliamentary, and I seek a withdrawal.

Mr GEPP — Thank you, Acting President. I am not sure which word Mrs Peulich is referring to.

The ACTING PRESIDENT (Mr Morris) — Mr Gepp, I just asked that you withdraw.

Mr GEPP — If it is about the reference to Mr Finn being a grub, I withdraw.

The ACTING PRESIDENT (Mr Morris) — Thank you, Mr Gepp.

Mr GEPP — This contribution about what the government is doing for regional Victoria is very relevant because it is in the context of the conduct of regional cabinets and regional meetings of the Legislative Council in places like Shepparton and others. It is important that the government is able to demonstrate to regional Victorians how today it is connecting with regional Victorians and how it is listening to the concerns of regional Victorians and responding to them.

Of course the biggest illustration of that most recently has been through the budget, where all of the things that I am about to talk about came through conversations that were held at the regional partnership assemblies, where we are connecting with those local communities. Whether it is the \$941 million that we just allocated for better regional roads across the state, the \$333 million for regional road restoration, the \$261 million for

regional road upgrades, the \$229 million for continuing Towards Zero and providing safety upgrades to our regional road network or the \$100 million for grants to rural —

Mr Finn — On a point of order, Acting President, the member continues to flout the Chair's rulings. I suggest to you very strongly that you direct him to return to the motion and indeed speak on the motion that he has not referred to at any stage in the last 50 minutes or so. It is quite extraordinary. I also suggest to the member that if he wants to talk about Labor's policy on various matters, he should move a motion on that and he can speak about it until the cows come home.

The ACTING PRESIDENT (Mr Morris) — Order! Having listened to Mr Gepp I believe that he did actually mention a regional sitting in Shepparton — straight after my last ruling, which I was very pleased to hear I might say, Mr Finn. I will not uphold the point of order because Mr Gepp did do as I asked and has spoken on the substance of the motion. Mr Gepp, I will ask you once again to continue.

Ms Mikakos — On a point of order, Acting President, I am concerned at the constant chatter during the course of each one of your rulings, and this has been particularly from members on your own side of the house. I do think it is demonstrating some considerable discourtesy to whoever is in the chair, as they are entitled to make their ruling without interruption and commentary from members. I particularly have noted that it has come from members of the opposition. I think that members need to be mindful of the fact that they are demonstrating discourtesy to the Chair. I make the point that regardless of who is in the chair — which political persuasion — the proper functioning of this chamber, the conventions of which those opposite seem to now be throwing out of the window —

The ACTING PRESIDENT (Mr Morris) — Thank you, Ms Mikakos.

Mrs Peulich — On the same point of order, Acting President, I am sitting here several metres from any other colleague. I have not shouted, and I find Ms Mikakos's comments offensive and they reflect on all members. If she has an issue with a particular member, she ought to frame her point of order correctly, but she is, in taking her point of order, doing exactly what she has been criticising. She has been filling up time with nonsense.

The ACTING PRESIDENT (Mr Morris) — Order! Thank you for that, Mrs Peulich. I might say that I think there have been some elevated emotions and voices in the house thus far this afternoon. Ms Mikakos, whilst I have been making rulings I have heard interjections from both sides of the house. It has not just been from one side. I concur that it is difficult to manage the running of the house when there are interjections constantly throughout debate, but that is not just from one side or the other but from both. I note that Mr Gepp still has a number of minutes to continue. I will not uphold the point of order, but I ask Mr Gepp to continue and encourage other members to perhaps make their views known through the speakers list rather than by interjection.

Mr GEPP — Thank you, Acting President. Here I am, just trying to make a small contribution to a debate about a community in my electorate and demonstrating how we on this side of the house govern for them and everybody else in regional Victoria every day of the year. We do not plan just to govern for them at a regional Legislative Council meeting on 11 June. Can you imagine people lining up for tickets to that one? You could not stop them, especially if they are watching the tape today. The place would come to an absolute standstill.

Of course we do govern for the people of regional Victoria every day, including those in Shepparton, which is why we will continue with our model of consultation with regional communities as we have been doing for the past couple of years. We get thousands of people through the door. We get a plethora of ideas. We understand what the needs of the community are. They interact directly with ministers. This is not through staff, but directly with ministers who sit at the table and talk to members of the community — families, businesses and community leaders — about the things that matter to them. Then those things are turned into good, positive, strong outcomes for the community through mechanisms such as the budget. Of course those opposite, and particularly —

Honourable members interjecting.

Mr GEPP — I think Ms Lovell doth protest too much, because I can guarantee you that when I am up in Shepparton announcing yet another budget initiative you can be assured of one thing — lurking there somewhere will be Ms Lovell, especially as the flashbulb is about to go off. The photobomber will appear yet again, to try to take credit for another government initiative. I refer to the *Shepparton News*, where state MP the member for Shepparton from the

other place, Ms Sheed, welcomed \$20 million in the upcoming state budget towards improved roundabouts on a key city freight route. It was applauded by the CEO of the local council and it was applauded by the mayor. Guess who was the only person in Shepparton to talk it down? Every opportunity she gets, she talks the place down.

Ms Lovell — On a point of order, Acting President, the member is now completely misleading the house because I have not made one comment on the money for the roundabouts. Not one comment — so he is misleading the house.

The ACTING PRESIDENT (Mr Morris) — Thank you, Ms Lovell. I am sure, as you well know, that is a matter of debate, and we have now got it on *Hansard*. I would encourage Mr Gepp to continue and to continue a little closer to the motion rather than on specifics of the current budget.

Mr GEPP — Of course it does not stop there. The opposition in response to initiatives that we have been making, positive contributions in Shepparton, are always talking them down. They are always against them. They are negative, but then they come into this place so that they can say something positive on *Hansard*. Then they run back to the electorate. It is like this tennis match that goes on, and it is all about relevance deprivation because those opposite know that at the end of the day everything that we have done for Shepparton over the last three and a half years and the things that we will do over the course of the next six months will have nothing to do with them. They have absolutely nothing to do with them and any advocacy they claim that they have been making, because they are irrelevant in the scheme of things. They know it and we know it, so we are committed to continuing our close work with regional communities right across this great state, whether it is in northern Victoria, eastern Victoria or western Victoria and all parts in between.

We will continue to meet with those communities at our regional partnership assemblies. My colleague and I in northern Victoria, Ms Symes, will continue to be out on the beat talking to those local communities and coming back in here and talking to our ministers and talking to the government about the variety of issues that are affecting our communities, and we will ensure that those things are acted upon. As the Andrews Labor government has been doing for three and a half years now, we are getting on with the job — we are getting things done. We do not just talk about it, as per those opposite. I do not support the proposition, because we govern for all Victorians every day of the year and not just one.

Debate adjourned on motion of Mr O’SULLIVAN (Northern Victoria).

Debate adjourned until later this day.

CHARITABLE ORGANISATION TAX EXEMPTION

Ms PATTEN (Northern Metropolitan) (14:37) — I move:

That this house notes that —

- (1) many for-profit businesses are avoiding certain Victorian taxes by claiming charitable status, despite not engaging in objectively charitable work;
- (2) principally, the businesses engaged in this avoidance are owned by religious institutions and take advantage of the charitable head of ‘advancement of religion’ to receive charitable tax exemptions despite operating as for-profit businesses and not carrying out objectively charitable works;
- (3) the definition of charity for the purposes of Victorian statute should be redefined to protect genuinely charitable organisations and ensure that for-profit businesses pay their fair share of Victorian taxes;
- (4) none of the above refers to the genuine charitable works of religious-run organisations or the usual activities conducted at a place of public worship;

and calls on the government to adopt into Victorian law the exposure draft of the Charities Amendment (Charitable Purpose) Bill 2018 as a modern and fair solution to this issue.

I am very pleased to rise to speak to my motion, and this motion does come out of the bill that I second read into the chamber a few weeks ago, which was deemed to be not suitable to be debated in this chamber. While I accept the decision, I do not necessarily agree with it.

Last night the federal Treasurer in his federal budget speech stated that honest and fair businesses and taxpayers are being ripped off by those that think they are above paying tax. We know that one in five of Australia’s largest companies are not paying tax, and we have seen scenarios in recent years where 17 of the top 50 companies in Australia have paid no corporate tax. This type of tax avoidance costs the Australian budget something like \$3.5 billion a year — an extraordinary sum that organisations like Oxfam are at pains to point out translates to lost services that actually cost people their lives.

My motion speaks to a different kind of tax avoidance, but I believe its consequences are the same. Right now many for-profit businesses are avoiding taxes by claiming charitable status despite not engaging objectively in charitable works. Principally the

businesses engaged in this avoidance are owned by religious institutions and take advantage of the charitable head of 'advancement of religion' to receive charitable tax exemptions despite operating as businesses, not charities. You have to ask the question: why?

Of all registered charities in Australia, 37.4 per cent of them report advancement of religion as their charitable purpose, being by far the biggest single category, and this category is far less tangible than other charitable purposes. Relieving sickness and raising funds for disaster relief are much more concrete activities than the advancement of religion. As a consequence of this ambiguity this category is one of the most easily abused.

As I mentioned in my second-reading speech for the Charities Amendment (Charitable Purpose) Bill 2018, Sanitarium, the religious-owned manufacturer of Australia's iconic breakfast cereal, Weet-Bix, sells more than 1.4 billion Weet-Bix every year but as a consequence of its charitable status pays no company tax. Sanitarium's owner, the Seventh-day Adventist Church, has acknowledged it has moved millions of dollars generated by this, as they call it, group 1 entity offshore, resulting in a scenario where they are not a genuine charity and the tax savings that they have received are not even kept in the country of manufacture. I do not think this represents the expectations of the community about what charity is today, and Sanitarium is an example I highlight. There are many more engaged in similar conduct utilising the same loophole. This is why in this motion I move to redefine the definition of charity to protect genuine charitable work and crack down on for-profit businesses taking advantage of tax exemptions that they do not deserve.

Let us be clear: we have businesses obviously, we have not-for-profit organisations that are afforded significant tax concessions and then we have that very privileged category of charity. I came across quite a nice definition of charity yesterday: only some types of organisations are recognised as charities; charities are a type of non-profit organisation; and not all non-profit organisations are charities, but all charities must be not for profit. That is not the case here or in Australia. Charities should be exactly that — charitable. This motion really simply seeks to ensure that businesses operate as businesses and charities operate as charities. It does not attack religious organisations or the fantastic work that so many of these organisations do for our community. It is designed to prevent tax avoidance by certain businesses.

Exactly how much tax has been avoided is very hard to quantify. I have asked the new Parliamentary Budget Office to cost out the proposals that I have raised in this motion. That has not been completed yet, but a commonly cited estimate from 2009 suggests that religious tax exemptions cost Australia \$31 billion in tax revenue per year. We know from the recent Victorian budget paper 5 that we forgo land tax revenue on land used by charitable institutions at an estimate of \$245 million, and that is for the 2018–19 financial year. The further category titled 'Assessment on a single holding basis for land owned by charities' is assessed at \$19 million.

Now, what pertains to legitimate charities and places of public worship I cannot say for certain yet, but I hope to be able to reveal that to the chamber when the budget office has finished with its investigation, but as Fairfax revealed recently when it published its investigative report into the wealth of the Catholic Church, it holds assets in Victoria valued at more than \$9 billion. This makes it the largest non-government landholder in the state. As I have mentioned before, these landholdings reportedly include banks, superannuation funds, insurance companies, news services, telecommunications providers and commercial properties that include offices, residences, car parks, conference centres, tennis courts, mobile phone towers and a restaurant. So it is clear when considering this list that the state could be forgoing considerable revenue that should be properly collected.

I think it is also really unfortunate that, in granting these businesses charitable status on the grounds of advancement of religion, we also permit them to discriminate against employees, against customers and against anyone through the exceptions in Australia's and Victoria's anti-discrimination laws.

Again, I want to state categorically that what I am proposing does not apply to the genuine charitable works of religious-run organisations or the usual activities conducted at a place of worship. I have had correspondence to my office that would indicate that some members of this house have been misinterpreting — to be generous — or misrepresenting the bill and my motion, so let us just get through that. Is this an attack on religious institutions? Absolutely not. This proposal is not an attack on religious organisations or, as I stated before, the great work they do. Instead it seeks to redefine what a charity is and to crack down on for-profit businesses taking advantage of tax exemptions — for-profit businesses that claim to be charities despite not engaging in any objectively charitable work like disaster relief or helping the needy.

Will places of worship have to pay land tax? No. My plan will not impose land tax on places of public worship. In fact they will be protected by a special exemption codified in my plan. Now, opponents of this bill again have misrepresented this widely. My second-reading speech for the bill made it very clear that protections were to be provided for places of worship. Buildings used exclusively as a place of worship would not have to pay land tax. To suggest that this means that land tax exemptions will not apply to other community activities at churches, temples, synagogues and mosques is to misunderstand the rules of the statutory interpretation. I use the word 'exclusively' to prevent people saying, 'I'm tax exempt for my place of worship, which happens to be my home' or 'which happens to be my office' or 'which happens to be my holiday home'. The word 'exclusively' is to protect those places of worship. Categorically it is not the intention of this plan to impose land tax on the usual activities at places of worship, and I note that in making this statement it is the only way, if this legislation was successful, that it could be interpreted by a court.

Regarding payroll tax, the thresholds of \$650 000 per year that will be introduced in July this year will still protect local congregations. 'Will churches be taxed for their community contributions?', I have been asked. No. None of the amazing charitable work done by religious institutions will be affected. Genuine charitable work, including the charitable work performed by religious institutions, should be tax exempt and will remain tax exempt under this plan. Removing 'advancement of religion' as a charitable status does not prevent religious institutions from maintaining their ordinary charitable purposes. Let me reiterate that religious institutions and organisations engaged in advancing health; preventing and relieving sickness, disease or human suffering; advancing education; advancing social or public welfare; relieving the poverty, distress or disadvantage of individuals or families; caring for and supporting the aged; caring for and supporting individuals with disabilities; caring for, supporting and protecting children and young individuals; or assisting the rebuild after a disaster will all remain tax exempt under my proposal.

We need to modernise the sector to clarify and align the concept of charity in Victorian law with 21st-century expectations. From my perspective this modernisation starts with increased transparency and accountability. The secretive nature of religious organisations was highlighted by Fairfax in their investigation into the wealth of the Catholic Church, just as it was highlighted in the royal commission and the Betrayal of Trust inquiry before it. Once an organisation is a registered

charity in Australia, it has no obligation to provide annual reports and as a result is not publicly accountable for its activities.

I just want to have a look at the Australian Christian Lobby as an example. It was registered as a charity in 2012. There is no transparency around the operation of the organisation. They were registered as a charity under the 'advancement of religion' definition. There is no transparency around the operation of their organisation. They have always withheld their financial reports because they can. The annual information statement that they provided shows that they had a gross income of around \$4 million, that they spent about \$1.6 million on staff and that there was \$2.147 million spent on other expenses. That is it. That is all the information we have received, and that is all that is publicly available. In the absence of these disclosure obligations, these so-called charities are free to act secretly.

When we consider what a charity is, a dictionary would tell us it is an organisation set up to provide help and raise money for those in need. A political lobbyist, which is what the Australian Christian Lobby is, does neither of these things. The fact is that it is a lobbyist, and that is clear. That is its name. On its 'Who we are' page it says:

The Australian Christian Lobby is a grassroots movement of over 100 000 people seeking to bring a Christian influence to politics.

We want to see Christian principles and ethics accepted and influencing the way we are governed, do business and relate as a society ...

principles and ethics like we saw on Good Friday! Clearly this is not objectively charitable work. They are not feeding the poor. They are not raising money for disaster relief. They are political lobbyists by their own definition. Now, I have no problem with the Australian Christian Lobby operating as a lobby group or even operating as a not-for-profit lobby group, but I do not think that they are a charity.

We can be so much better as a state and as a nation. I think we should lift the secrecy around the financial reporting of charities. Let us ensure charities are actually charities. Let us have our businesses pay the taxes they do to directly assist the community. There is nothing stopping these businesses from donating their money to charities. My motion is one piece in this puzzle, but I think it is an important one, and I am pleased to start the dialogue on this. I hope it will be an important step to reform. I do not think it is a radical proposal either. It reflects changes that have been made in places like the UK and Canada and many European

countries. It is simply a proposal to clarify and align the concept of charity in Victorian law with 21st century expectations. I honestly look forward to hearing from others, and I commend this motion.

Mr MULINO (Eastern Victoria) (14:52) — I thank the previous speaker for her contribution and for raising this issue. This is a complicated issue. I think all tax matters end up being complicated because tax is inherently in practice a series of complicated trade-offs on empirical questions. I do not want to go into some broad dissertation on tax, but I do think it is worth very briefly saying at the outset that I believe almost invariably when we look at both taxes that are raised and the exemptions around existing taxes, we deal with a number of criteria. They can include issues such as fairness and administrative efficiency. More often than not a relevant question for imposing a tax is how easily collected it is and the compliance issues in practice. There are questions around the economic incidence of taxes, which I believe are often not well understood. There are issues around the economic efficiency of taxes which relate to matters that again are often not well understood. The economic efficiency of taxes in a sense goes to the economic distortions that a given tax creates in raising a specific amount of revenue. Then there is the behaviour change that taxes often result in or indeed that exemptions from taxes result in.

The reason I raise all of this is that both taxes and exemptions from taxes often involve a series of judgements on a number of these criteria and sometimes trade-offs amongst those criteria. Sometimes we try and raise an amount of revenue or allow for exemptions to allow for certain behaviour to be encouraged or not, while having to acknowledge that there are often trade-offs between different elements of those criteria. There are others of course, including the way in which taxes or exemptions have an impact upon different people, involving such issues as fairness, the need for government to raise revenue and so on.

The second thing I wanted to raise at a more general level is that tax concessions are in a sense just as important as tax revenue. They are two sides of the same coin. Tax concessions are a way that we as governments at all levels routinely try to benefit certain groups or encourage or discourage certain types of behaviour. Again I want to put on the record that tax concessions are a widely used public policy tool, and indeed in crafting tax concessions I think one ought to — and I think governments do — take into account a lot of the criteria that I just outlined when it comes to different mechanisms for raising revenue.

I will flag at the outset that we will not be supporting this motion, and I am going to outline in my contribution my understanding of the current exemptions under state law. I think to some degree it might differ a little bit from Ms Patten's understanding. I think Ms Patten and I probably might agree on some of the trade-offs that governments face in this area, although we might disagree in the way in which to handle some of those trade-offs. But I do want to put on the record some of the definitions that are actually used in our state tax legislation, because I think it is critical for us to have an agreed evidentiary base, as it were, for this discussion.

I might say that I am going to focus on the bill itself, because for me that is the crux of this motion. If it were to be passed, it is essentially calling for the government to consider this bill or indeed adopt it. I will focus my comments on the bill, and I think in doing so we will deal with the various components of the motion itself.

I do want to say that in Victoria — and I will go into this in a little bit more detail in a moment — commercial activity is already ineligible for payroll tax or land tax charitable exemptions. This is not an empirical question that we could probably debate the details of, but I want to lay that broad principle out there. I will make some more detailed references in a minute, but that is the broad principle upon which the current state approach to payroll and land tax is levied.

I will get on to this in a moment in the second part of my speech, but I also believe that this bill will change in quite a fundamental way the tax status of religious organisations. I do want to flag that before looking at something so profound. I think that an issue like that would warrant much more detailed examination and consultation with the community. I do want to lay out a couple of the reasons why I believe the exemption that exists at present is something that the community has supported for a long time and still does.

As I flagged, I want to make some comments about the way in which the exemptions in the current law actually operate. Currently there is no definition of 'charity' in state tax acts, and therefore charities rely upon the common-law definition. Under common law, a charity that has a charitable purpose includes a purpose — and there are a number of different heads — for the relief of poverty or the advancement of education or other purposes beneficial to the community. From Ms Patten's contribution, those are all heads that she would be comfortable with. The common-law definition of 'charity' also includes the advancement of religion, and I think that is a head for which she has more trouble supporting an exemption. The

common-law definition does include a number of the heads which she has flagged.

The state approach to defining 'charitable purpose' differs from the federal approach, which is more prescriptive. It provides heads of charity, and in doing so recognises the advancement of religion. Even though the federal government's approach to defining 'charitable purpose' is more prescriptive, I think it is worth noting that it does explicitly acknowledge the advancement of religion.

It is worth stepping back for a moment. Another key objective of taxation and tax exemptions in the Australian context is that generally, all other things being equal, one would try to achieve consistency and harmonisation in one's approach to taxation between jurisdictions at the same level of government — so between states and between different levels of government. I think it is worth noting that the approach that we adopt is broadly consistent with that which is adopted in other state jurisdictions. Notwithstanding the fact that we rely on a common-law definition and the federal approach is more prescriptive, there is broad consistency there.

Charitable institutions, including religious institutions, are exempt from payroll tax, but only where the wages are paid to persons engaged exclusively in work of a charitable or religious nature for the institution. Payroll tax is an input tax, and the exemption therefore does not cover any commercial activity to protect economic principles such as competitive neutrality.

When it comes to land tax, currently charitable land tax exemptions only apply to land used exclusively for charitable purposes. Again that includes of course, based upon my earlier definition, the advancement of religion. It includes vacant land owned by a charity and declared to be held for future charitable use or on land leased for outdoor public use, such as sport and cultural activities, with all proceeds applied exclusively for charitable purposes.

Land used or leased for commercial purposes is not exempt from land tax, even if the profits are used to fund the charitable activities of the organisation. It is important for me to put on the record these core principles of the current application of land tax. Land bought by charitable institutions is exempt from land transfer duty regardless of the intended use of the land. This is because the duty exemption focuses on the status of the transferee as a charity. They are key applications. I think it is important to note that commercial activity is not currently the beneficiary of exemptions. I will make a couple of additional

clarifications. Under payroll tax, wages are exempt only if the worker is engaged exclusively in charitable or religious activities. This exemption does not cover any commercial activities.

With regard to some of the specific entities that have been raised, I am obviously not in a position to and I do not think it is appropriate for me to comment on particular companies, but I can say entities such as Sanitarium in Victoria would not receive payroll tax exemptions for wages paid to workers or land tax exemptions for premises — so entities such as those kinds of operations. That clearly follows on from the definitions and the scope of the exemption in relation to payroll tax and land tax that I outlined earlier. Charities that buy land and use it for commercial operations can on occasions be exempt from land transfer duty as this exemption applies to the entity as a charity. That is a debate that the community might want to have, but I think it is critical to stress that when it comes to payroll tax and land tax the exemption is clearly ring-fenced from commercial operations.

Before making a very brief set of observations around the broad policy objectives, I also want to make some brief comments on reporting obligations. While we have been debating this matter I have been googling the Australian Charities and Not-for-profits Commission website. Due to my poor googling capabilities, I do not have a great deal of detail to add at this stage, but I can certainly table it later. In a previous guise as an adviser I was involved in a government that helped to create this organisation, and I fully support greater transparency for not-for-profits and charities. I would just say that under that organisation there are annual reporting obligations. They do have different levels of obligations depending on the size of the organisation, so the most onerous reporting obligations are for charities dealing with more than \$1 million. I think that makes total sense. It is a risk-based approach. As I said, I did not manage to get down to the exact minutiae, but there are definitely financial components included in those reporting obligations. I support that. I think it is an exaggeration to say that there are not any reporting obligations. There certainly have been some moves in recent years to increase transparency in this area.

I just want to add a couple of comments in relation to one of the policy areas that I think is going to be the key area of difference here, I suppose, which is whether or not the advancement of religion should be sufficient as a head to benefit from an exemption from payroll tax, land tax and stamp duty. I think this is an important debate. It is important to recognise that the community for a long time has wanted to reflect the importance that religious entities have in our community, and not

necessarily just because of what one might call concrete charitable works. I mean that in a positive way — the ones which produce direct tangible benefits. I think Ms Patten is capturing that notion by the use of the term ‘objective’.

But I think amongst large parts of our community there is definitely still a sense of community that arises from the furtherance of religion — and I use that term very, very broadly. I do not necessarily use it to include just traditional religions; I use it to incorporate spiritual organisations and a whole raft of different things. I certainly do not think it is government’s place to be prescriptive here, but there is definitely a sense of community that many people feel arising from that. For some people there is a sense of moral guidance and purpose that can be achieved through this, and there is value for many people in our community. This raises the question: is a tax exemption for that specific head appropriate to include in the list of heads? At the moment it is in the heads of the common-law definition that Victoria applies. It is in the commonwealth legislation. I think it is a valid head and it should remain, but Ms Patten is raising an interesting debate. Let us have that debate. I think the community would broadly want that to remain within the concept of a charitable purpose. Religion, spirituality and the organisations that further that — as I said before, I use both of those concepts in their broader sense here — play a role in many people’s lives, and I believe many people would want to continue to benefit from the organisations that further those.

Of course this also raises difficult questions around the inherent interlinkages and the fact that the charitable actions of a lot of these organisations and their religious activities — their pure observance activities — are often so deeply intertwined that it could often be very difficult to separate them in a simple way. This is also one of the reasons why the definition has evolved as it has. For so many people their religious observance is actually intertwined with their actions — for some. For others their religious observances are more of a pure act. I do not claim to be an expert on this, but certainly there is a whole spectrum here of ways in which different people see the kinds of charitable acts that Ms Patten would describe as objective. For many people these are inherent in religious observance. I just foreshadow that I imagine it could become very, very tricky to separate those matters neatly and exclude one of those heads.

I believe that head is in there because that reflects community values. I think from a public policy perspective it remains a sensible range of scope of the exemptions that I outlined earlier. I also think that there

would be all sorts of more technical matters that one might want to consider, such as the fact that we would then be out of sync with other levels of government and we would be out of sync with other jurisdictions. It would create a lot of unintended consequences, potentially. This again goes to the very inherently complicated nature of tax reform.

Since the previous decade Victoria has sought to harmonise payroll tax provisions, but of course harmonisation in a federal system is something we are constantly trying to achieve right across the board, and there are very strong reasons why we seek to do that, so I think for us to go on our own would be potentially very problematic. I see that as a secondary issue to the more important issue for me, which is the public policy matter — that is, the exemption for the furtherance of religion alongside the more concrete or ‘objective’ actions. But I do think it is worth noting that this is yet another example of the ease with which one can find oneself creating unintended consequences when one changes taxes.

I would simply say that this is an important debate. I believe that the current settings of the exemptions do not provide for commercial operations to benefit from payroll tax or land tax concessions. I think that is fairly clearly set out in the definitions. Finally, I just reiterate that I do believe that the definition that we use and which is used in other jurisdictions is a sensible one and reflects community values. For those reasons, I will not be supporting this motion.

Mrs PEULICH (South Eastern Metropolitan) (15:11) — I have pleasure in speaking on this motion and indicating at the outset that the opposition will be opposing it. We oppose it for a number of reasons, which certainly would be of no surprise to anyone. Number one is that we believe in the importance of religious freedom, and it is a part of our party platform. Without religious freedom in society we do not have democracy, and without religious freedom we do not have multiculturalism — concepts that all sides of politics have time and time again claimed to subscribe to. You cannot take away religious freedom and expect to remain a society that believes in multiculturalism or a society that believes in freedom. Indeed the lack of religious freedom is the very issue that has led to the demise of the communist bloc, and often people associate religion with that freedom which they have been denied.

I share that history. I was born under communist Yugoslavia. I remember being baptised in secret. I am not a regular churchgoer, but I believe firmly in religious freedom, and for me it represented all of those

things that we were denied — the freedom to think, to believe, to speak and certainly to engage in the democratic process.

I cannot understand Ms Patten's obsession with destroying religion and also that of other members as well, including the Greens — their absolute aversion to religion. I find it inconceivable, and I see this motion as nothing more than yet another Trojan Horse that Ms Patten is choosing to ride as a way of getting her agenda up, which is not inconsistent with the agenda that many communists have. If you destroy family and you destroy religion, you have got a blank canvas and you can do whatever you like with it.

The Trojan Horse for Ms Patten is Sanitarium, which ostensibly is a company and a business. I do not know what the business structure is of Sanitarium and other profit-making businesses she referred to that are avoiding taxes by claiming charitable status. My only comment to her is to say — despite, of course, claiming that it is objectively charitable work — and my call on Ms Patten is indeed that if there are bodies that engage in objectively charitable work, or perhaps if she has concerns that these bodies are improperly registered as charities, this should be taken up with the Australian Charities and Not-for-profits Commission (ACNC) rather than pursued through a motion before Parliament.

The consequences of this I think were described by one of the speakers at a gathering in this chamber — and I will come back to that in a moment — Mark Sneddon. Mark Sneddon is a former Crown counsel, advisings, to the Victorian Attorney-General and is currently a partner at Holley Nethercote lawyers and Sneddon Legal and an adjunct professor at the Monash University law school. Now, I know whose opinion I would be taking. I would be taking his opinion, rather than Ms Patten's opinion, on this.

Again, like Mr Mulino, I am basing my comments very much on the bill we saw here that the President advised was unconstitutional. I will quote Mr Sneddon, who spoke in this chamber at a gathering which was convened by the Victorian Parliamentary Friends of Faith Communities and attended by the Jewish community, including the *Australian Jewish News*, which ran a very good article on this very issue and the bill — I would certainly recommend that people have a read of that — quoting the Jewish Community Council of Victoria president, Jennifer Hubbert, a member of the ALP who rails against the intent of the bill and outlines some very dramatic consequences for the Jewish communities, including Jewish schools. We also had members of the Islamic community and we had the

Islamic Council of Victoria represented here. Of course they are enormously concerned about the implication of this. Francis Moore from the Catholic archdiocese also addressed this gathering. We also had the Buddhists and the Hindus, and they are all of a similar mind in relation to this.

I will come to a number of points that I want to make, but first and foremost the bill seeks to do three things, apart from attacking the Catholic Church, which again Ms Patten seems to be absolutely obsessed about. There are some activities that all of us should condemn, no matter where they occur. Whether it is in the Catholic Church, whether it is in the Anglican Church or whether it is in the government services, there are activities that have occurred that should never, ever be condoned and no-one should ever turn a blind eye to. But Ms Patten's absolute obsession with and railing against the Catholic Church, claiming that it holds 37 per cent of the assets of charitable organisations across Australia, fails to acknowledge that Catholic churches —

Ms Patten — On a point of order, Acting President, Mrs Peulich is misrepresenting me. I at no point said that the Catholic Church had 30 per cent of the charities.

The ACTING PRESIDENT (Mr Purcell) — There is no point of order.

Mrs PEULICH — Thank you, Acting President. The Catholic Church in Victoria runs 495 schools owned by the community, with 220 000 students. Often it is not just Catholic schools but every other independent religion that move into the interface areas that are poorly served by the government when it comes to schools. They do say that they purchase land — they anticipate where the growth is going to happen — and some of that land eventually is sold off because growth may take it in a different direction. But if they were not there, there would be very dramatic consequences. Indeed the consequences for the government, if you took out the religious sectors from education and from running hospitals, would be dramatic. We could not afford the level of education funding per student that we currently have if it was not provided by the independent and Catholic school sector.

Do I believe in choice of education? Yes, I do. I believe in the mixed economy of education. I believe that those who want to make additional financial contributions should have the opportunity of doing so, because it does benefit the rest of taxpayers. They are also taxpayers. The choice should be facilitated. They are

taxpayers, and their students deserve our support. In addition to that of course there are hospitals that are run by religious organisations that meet a very, very important health need. The question that Ms Patten needs to answer is: if indeed these types of activities lose their charitable status, which schools and hospitals in her electorate does she want closed? Can she give us a list of which schools and which hospitals she wants closed? Because that is indeed what would happen. Is it a radical proposal? You betcha. It is a very radical proposal indeed.

The bill seeks to do three things: one, it seeks to remove the advancement of religion as a charitable purpose for charity law; two, it expands the concept of disqualifying purposes that will take charities outside the law of charity; three, it removes tax exemptions that go further than the stated purpose of the bill. Let me just talk about the first one, about the removal of the advancement of religion as a charitable purpose.

I have the advice of Mark Sneddon, who, as I said before, is an adjunct professor of law at Monash University and former Crown counsel, advisings, to the Victorian Attorney-General. He argued here in this chamber that:

The original charitable purposes in English have never been cut back since they were codified in the Statute of Elizabeth in 1601 (and the purposes of advancing religion was a charitable purpose in the common law before 1601). The bill however will take one of these purposes out and there is no policy justification for doing this.

The impact of the bill if passed will be quite significant under trusts law.

In general, trusts must end at most 80 years after their creation at which time the property in the trust must vest. Charitable purpose trusts can continue in perpetuity.

Funds and property held on trust for the benefit of a mosque or synagogue or for the training of priests or imams can continue to be held in perpetuity for that purpose. Once the advancement of religion is no longer a charitable purpose in Victorian law, a trust for the advancement of religion becomes subject to the rule against perpetuities and must vest at 80 years.

Ms Patten — There is an exception in the bill for trusts. You have not read the bill, Mrs Peulich.

Mrs PEULICH — This is the advice of an adjunct professor of law at Monash University, and I am sorry, Ms Patten, but I would prefer to take his advice than yours when it comes to law. He went on to say:

There are thousands of charitable religious purpose trusts in Victoria. If charities for the advancement of religion are no longer charitable because of this bill, what happens to the funds and property currently held in those trusts?

For those trusts that have run past the perpetuity period of 80 years, the assets of the trusts are required to vest. Who do they vest in? How is that done?

The bill provides no answers as to what happens in this situation.

According to Mark Sneddon:

The bill creates a mess without providing answers or even thinking about some of these key questions.

There will be perverse consequences under the Victorian Charities Act.

Important powers of trustees of charitable trusts are set out in parts 1A & 1B of the Charities Act. If the bill is passed, the trustees of religious purpose trusts will not have these powers anymore because they are not charitable trusts.

The power of the Attorney-General to investigate the conduct of religious advancement trusts will end because the trust is no longer a charitable trust.

The powers of the Supreme Court in relation to charitable trusts will not apply to religious advancement trusts because they are no longer charitable.

There are other non-obvious consequences. Because the bill changes the definition of charitable purpose for all Victorian laws, it affects the meaning of the term charity in every Victorian act —

not just this one but every Victorian act —

For example, provisions about local government rates or services in relation to charities in the Local Government Act will no longer apply to religious advancement trusts.

He went on:

To say this bill is half-baked is a compliment.

The bill will create a profound inconsistency in the law of charity in Australia.

The federal Charities Act retains advancement of religion as a charitable purpose.

Every other state and territory retains advancement of religion as a charitable purpose.

What is going to happen to a charity that operates in Victoria and which is also registered under federal charities law? For Victorian law, assets will vest but not under federal law.

How will the ACNC regulate charities operating in Victoria that are religious charities if this bill gets up?

If indeed that is what Ms Patten is calling for. According to Mark Sneddon:

Restriction of tax exemptions is much greater than advertised.

The bill goes vastly further than the stated purpose of Fiona Patten, MLC, when introducing the bill which is to tax commercial businesses operated by religious charities.

If the bill comes in and you are a big enough charity like Sanitarium, you will move outside Victoria. The bill in removing tax exemptions for religious bodies does not limit the removal to commercial businesses operated by a religious body.

A religious organisation doesn't have to be running a commercial business to lose your tax exemption under the bill.

And this is the most disturbing part. If, for example, you take bookings in your church hall for weddings or funerals or if there was a car park shared between a school and a church, the church could lose its charitable status overnight and be eligible for the payment of millions of dollars for tax exemptions that have been granted in the past. In addition to that, if a charitable institution backs a particular political candidate, they could deem themselves to lose that charitable status virtually overnight.

This is a way of financially and politically nobbling any organisation that is against the very perverse agenda that Ms Patten continues to advocate: the establishment of drug injecting rooms, the establishment of a euthanasia regime, the legalisation of LSD and the legalisation of ice, and of course she thinks that bikie gangs are hard done by. That is why these institutions, which I guess are the defenders of values, are Ms Patten's target, and she chooses to use her considerable clout with this government in order to get her own way. At the end of the day Ms Patten probably does not even mind whether this motion is voted on or not, because she intends to use her power to pursue that agenda.

My greatest concern is that if this government were returned, and if it was a minority government that relied on the support of people like Ms Patten and the Greens to form government, this indeed would become law, this would be a reality. I give a big shout out to our faith communities out there — our religious organisations, religious schools, Catholic and independent schools and Jewish schools — and say there is no greater threat to your existence than people like Ms Patten and the Greens.

Mark Sneddon goes on to say:

All religious institutions will pay payroll tax and land tax and stamp duty regardless of whether they run a commercial business unless they fit within an exemption.

There is a mismatch between the stated purpose of the bill and its actual effect.

One exemption to the proposed application of land tax to religious bodies is to exempt places used exclusively for public worship. But most land occupied by churches, mosques, temples and synagogues is not used exclusively for

public worship (e.g. it is used for community groups, new mothers' groups, men's sheds, dances, religious administration, youth groups et cetera) and so the exemption in practice may be illusory.

They are the very considered thoughts of an eminent and well-respected lawyer who we had the privilege of hearing from.

In addition to hearing from Mr Sneddon, we also heard from Francis Moore, who is the executive director, administration, of the Catholic Archdiocese of Melbourne. Again, it was a very considered presentation — nothing over the top. Before I quote from his notes, which he has made available, I go back to Ms Patten's claim that the charitable assets of, say, the Catholic Church lack transparency and accountability. If you are running a school or you are running a hospital —

Ms Patten — Schools are exempt from the bill.

Mrs PEULICH — Well, not according to high-level legal advice, including from Ms Huppert, who was a member of this chamber. Was she a lawyer, Mr Jennings? I think she was. She says — and this is out of the *Australian Jewish News (AJN)*:

A bill introduced into the Victorian Parliament to remove tax exemptions from charities that advocate religion has come under fire from the Victorian opposition.

The article goes on to set the scene:

Jewish Community Council of Victoria ... president Jennifer Huppert said shules would be affected because 'by its very nature, a synagogue is a community centre'.

Expressing her concern, Huppert told the *AJN*, 'It would have a significant detrimental impact on a number of Jewish communal institutions because of its very narrow view of what a religious institution is and what a place of worship is. It doesn't recognise the fact that for many religions, including Judaism, a place of public worship is more than that'.

Ms Huppert is eminently respected in the Jewish community.

Similarly, Mr Francis Moore said:

Not only would the administration of several church bodies have to gear up for such applications —

he is talking about increased regulatory burden —

resources within organisations such as the State Revenue Office would need to devote scarce administrative resources to analysing these applications.

In among such increases in red tape are the national charities that would be faced for the first time in a decade with different treatment of charities for tax exemptions in New

South Wales and Victoria. Harmonisation was a major advance in tax administration in the 21st century.

He went on to say, under the question, ‘How far does the bill reach?’:

Then there is the wording of clause 1F(1), which states:

- (1) The definitions of *charitable purpose*, *charity* and *disqualifying purpose* apply for the purposes of this Act and any other Act.

Reference to ‘any other Act’ potentially covers an unknown number of acts and subordinate legislation.

The application of a blanket change to definitions leads to uncertain consequences not just for taxes and fees payable but also to changes to administrative processes within church institutions to ensure compliance.

Under ‘Unclear motivation of the bill’, he said:

For some of us examining the bill, there is confusion over whether ‘commercial activities’ are the main bone of contention for the proponents of the bill or whether there is a more general concern with religion per se.

And dare I say it, I believe that is very much the case.

There is also an outstanding article written by the Melbourne Catholic Church, which simply recounts the debate that occurred in this chamber, and I point members to that and say that I am gratified to hear that the government plans to not support the motion. But we have heard those undertakings from the government in the past. They said they would not bring in euthanasia, they said they would not bring in drug injecting rooms and they reneged on both of those. I have no faith in the government’s undertakings. I welcome the fact that they are going to vote against this motion.

Mr Jennings — Clearly we can rely on the other side!

Mrs PEULICH — Well, I think if it was up to you, Mr Jennings, you would be voting with the Greens and Reason Victoria. But we know where the Greens and the Reason party stand, and for them religion is a target. In my view, if you are targeting religion and religious institutions, you are actually targeting democracy, you actually do not believe in multiculturalism and you do not believe in choices. With those few words, I certainly thank opposition members for strongly coming to the defence of our religious organisations and religious freedom.

Dr RATNAM (Northern Metropolitan) (15:31) — I am pleased to speak on this general business motion, and I thank Ms Patten for bringing this matter to the attention of the house. At its essence this motion seeks to tighten up tax exemptions claimed as charitable

when conducted by for-profit businesses that do not engage in charitable work. The Greens agree with this in principle.

Taxes serve a number of purposes. The main purpose of a tax system is as a redistribution mechanism. Taxes raise revenue for the government of the day to spend on delivering services to the community. Taxes are not just the price for a civilised society but the very foundation of any society that seeks to ensure people can live their best lives. The tax system is also used to encourage certain behaviour and serve as a disincentive for other types of behaviour. As a matter of principle tax exemptions should be very limited and they must serve a public good, otherwise the rationale of the tax system is undermined.

Tax exemptions for charities acknowledge that the work charities do is for the public good. They act as an encouragement to do work needed by the community. As a general rule charities are not-for-profit organisations, focused on providing a charitable purpose which benefits the community or a particular section of the community — people in need of care, for example. When tax exemptions are available to for-profit businesses that do not engage in charitable work it undermines the reason for these exemptions. The contentious part of this motion is that it is religious organisations that use charitable status to avoid taxes for their for-profit business activities. Ms Patten has provided a number of examples in her contribution of the types of activities the motion and the bill seek to curb, including for multimillion-dollar commercial enterprises, as she outlined.

Religious organisations provide a great deal to our community and, when engaged in charitable work, should be able to avail themselves of the tax exemptions available to other not-for-profit charitable organisations. A great deal of the social services provided in the state are provided by organisations linked to a religion. History shows us that religious organisations have been essential in providing relief from poverty and have fed and sheltered the homeless, educated children, provided health care and generally provided support and care for people doing it tough. Mosques, churches, synagogues and other religious places run programs for young people, offer support to elderly people and engage in various other forms of community work. I volunteered for years with the Margaret Oats Collingwood soup van, which is auspiced by St Vincent de Paul. Its work providing a social connection to people in and around Collingwood is so vital and exemplifies the very best in us, and it highlights the role of many of our religious and charitable agencies.

The Greens do not see this motion or the bill referenced in it as taking away from the charitable role played by religious organisations in our community. However, as a secular country it is worth asking the question, as this motion does, whether it remains appropriate for the advancement of religion itself to remain a charitable purpose, with the tax exemptions that apply as a result.

In Australia the High Court has held the definition of religion to be:

... the criteria of religion are twofold: first, belief in a supernatural being, thing or principle; and second, the acceptance of canons of conduct in order to give effect to that belief, though canons of conduct which offend against the ordinary laws are outside the area of any immunity, privilege or right conferred on the grounds of religion.

The question is whether there are sound public policy grounds for the public to subsidise religious organisations as so defined through the tax system or whether such subsidies should be linked to a more defined public purpose. It is a question being asked in similar jurisdictions, as outlined in Ms Patten's contribution, around the world as countries revise their laws surrounding charities. In the UK, for example, they have removed the presumption that the advancement of religion is a charitable purpose, and now religious organisations need to demonstrate:

... an identifiable, positive, beneficial moral or ethical framework that is promoted by religion which demonstrates that the religion is capable of impacting on society in a beneficial way.

It is also a live discussion in Canada, where the Senate of Canada is holding an inquiry into the charitable sector.

There are most definitely important issues to be explored on this question. Many religious organisations are notoriously secret with their financial affairs. It is now on the public record how parts of the Catholic Church designed their finances to avoid liability for alleged sexual assaults by priests. The findings of the recent Royal Commission into Institutional Responses to Child Sexual Abuse have justifiably garnered the attention of the public on the role of institutions and the rules that govern how they operate, so it is timely and relevant for our parliaments to consider the principles that Ms Patten's motion seeks to highlight and redress. Transparency is essential when organisations receive beneficial treatment from the government.

Another element in this debate is that religious organisations continue to be exempt from anti-discrimination laws, effectively receiving public funding and tax exemptions while often not adhering to

accepted community standards and laws for acceptance and inclusion.

Separate from the question of religion there are a number of important provisions in the exposure draft of the Charities Amendment (Charitable Purpose) Bill 2018 that are worthy of the government's support. In particular, defining 'charitable purpose' along the lines of the federal charities legislation is a clear improvement. The draft bill from Ms Patten picks up the relevant definitions from the commonwealth legislation, such as defining 'charitable purpose' as including advancing health; advancing education; advancing social or public welfare, including relieving poverty and caring for the aged, people with disabilities or children and young people; advancing culture; promoting reconciliation, mutual respect and tolerance between people; promoting or protecting human rights; preventing or relieving the suffering of animals; and advancing the natural environment. These are contained as charitable purposes in the federal act.

After many years of debate and discussion and numerous reviews, federal legislation was enacted to provide clarity on the definition of 'charitable purpose' rather than relying on the common law. Victoria could do with a similar degree of precision in defining 'charitable purpose' for the purpose of our taxation laws. We note that the definition in the bill explicitly includes advocacy as part of the definition of 'charitable purpose'. This is a very important clarification. The work of charitable organisations in advocating for policy change is essential to their broader mission. Charity is not just about picking up the pieces but also about supporting reform to stop things falling apart in the first place. This provision of the bill is important as it prevents political interference in determining which organisations receive the benefits of being charities.

The Greens support in principle the intent and essence of this motion. We believe the government should take seriously the draft bill circulated by Ms Patten. It is not perfect, but it is worthy of continued debate and discussion, and we welcome it.

Dr CARLING-JENKINS (Western Metropolitan) (15:39) — I rise this afternoon to speak vehemently against this motion, which is a misconceived and frankly bigoted attack on the irreplaceable contribution that Christian, Jewish and other religious bodies make to the welfare of the people of Victoria. I wish to acknowledge and thank Mrs Peulich for her comments on religious freedom and the links this has quite clearly to this motion, which seeks to undermine freedom of religion in our state. Ms Patten's motion claims that

religious bodies are engaged in tax avoidance. This is not true. The exemption from state taxes for charities is longstanding and deeply rooted in common law. It is because this exemption is part of the law that those intolerant towards religion are seeking to remove the exemption insofar as it applies to the advancement of religion. I wish to also acknowledge and thank Mr Mulino for his contribution around tax contributions and exemptions. It was a well-articulated argument around taxes that are used against this bill and bills such as this.

I return to a discussion on the historical roots of state exemptions, which is a fascinating field of study. The lead case in the definition of ‘charitable purposes’ under the common law is *Commissioners for Special Purposes of Income Tax v. Pemsel*, decided by the House of Lords back in 1891. The question at issue then was whether rent from land dedicated by trust to the purpose of ‘maintaining, supporting and advancing the missionary establishments among heathen nations of the Protestant Episcopal Church’, known by the name of *Unitas Fratrum*, or *United Brethren*, better known as the *Moravians*, was exempt from income tax as being for a charitable purpose. Some of the lords at that time favoured the Scottish position that took the narrowest possible view of charity as, and I quote, ‘the relief of persons from physical privations or suffering arising from poverty, and that it goes no farther’. However, the majority concurred with Lord Macnaghten’s view. After giving examples of charities with aims other than relieving poverty, such as protecting children from cruelty or rescuing shipwrecked sailors, he went on to say:

Nor am I prepared to say that the relief of what is often termed spiritual destitution or need is excluded from this conception of charity. On the contrary, no insignificant portion of the community consider what are termed spiritual necessities as not less imperatively calling for relief, and regard the relief of them not less as a charitable purpose than the ministering to physical needs; and I do not believe that the application of the word ‘charity’ to the former of these purposes is confined to those who entertain the view which I have just indicated. It is, I think, constantly and generally used in the same sense quite irrespective of any belief or disbelief in the advantage or expediency of the expenditure of money on these objects.

I also wish to refer to the work of Peter Stevens, the Victorian state director for FamilyVoice Australia, who usefully commented:

We believe that the comfort, counsel, support, motivation and encouragement provided by religious organisations to the wider community proceeds from a broad concept of charity that relates to enriching the community in various ways, and such activities fully justify the charitable status which is currently granted to those ministries.

Religious activity is to be recognised as charitable even if it does not directly provide food for the hungry or shelter for the homeless, for example, because life is greater than material need.

The relational and personal support provided to individuals, families and communities in fact helps to alleviate the dysfunction which produces such problems as hunger and homelessness in developed nations.

It needs to be understood that the motivation for religious bodies to be engaged in the material side of charity — health care, shelter for the homeless and so forth — is profoundly rooted in specific religious beliefs. Christians like me, for example, take inspiration from scripture such as Matthew 25:35–36, in which at the Last Judgement Christ said:

... I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.

Indeed as Christianity spread throughout the world it brought to an end widespread practices such as infanticide. It was Christians who led the movement for the abolition of slavery and in India for the abolition of sati, or the sacrifice of widows. Christians did so precisely because their religious beliefs taught them to see every single human being, without exception, as inherently valuable.

The motion refers to ‘objectively charitable works’ and to ‘genuine charitable works’ and seeks to contrast these with the ‘advancement of religion’. However, the ‘exposure draft’, as the motion calls it — or rather the bill introduced to this house and then ruled unconstitutional — which the motion urges us, rather oddly, to call on the ‘government to adopt into Victorian law’, sets out a very extensive definition of ‘charitable purposes’. These include some quite intangible activities such as advancing culture, including promoting or fostering culture and preserving Australian heritage.

The bigotry in seeking to remove ‘advancement of religion’ from the scope of charitable purposes while explicitly including similar types of activities, such as ‘advancing culture’, is patently obvious. For example, a group whose purpose is to promote African culture such as dancing may be a charity unless, of course, the dancing is part of religious worship.

As Mark Sneddon from the Institute for Civil Society, who was extensively quoted by Mrs Peulich, stated in summary on this bill:

The bill seems to not be thought through. It will create a profound mess in the law of charity ...

...

To say this bill is half-baked is a compliment.

The bill promoted in this motion purports to continue to exempt from land tax a 'place of public worship', defined as 'a building or place that is open to the public for attendance and used for the purpose of religious worship by a religious group'. However, the exemption would only apply in relation to a place used extensively as a place of public worship.

Ms Patten — Exclusively.

Dr CARLING-JENKINS — Exclusively. Thank you, Ms Patten. You are right; I read that wrong. It should be used exclusively as a place of public worship.

Jewish Community Council of Victoria president Jennifer Huppert expressed the concerns of her community about this narrow provision. She has said shules would be affected because, in her words:

... by its very nature, a synagogue is a community centre.

She also said:

It would have a significant detrimental impact on a number of Jewish communal institutions because of its very narrow view of what a religious institution is and what a place of worship is. It doesn't recognise the fact that for many religions, including Judaism, a place of public worship is more than that.

Perhaps Ms Patten could address such concerns in her right of reply —

Ms Patten — I have. As I stated in my contribution, Ms Carling-Jenkins, I said 'exclusively'.

Dr CARLING-JENKINS — It is Dr Carling-Jenkins, thank you, Ms Patten. The longstanding exemption of charities from various taxes is a realistic, pragmatic recognition by the state that it is not in a position to take care of all the needs of the community, either physical or spiritual. The role of civil society is indispensable and irreplaceable. The state's role is not to second-guess the merits of particular charitable efforts but to foster and indeed facilitate a climate in which a wide variety of charities can flourish. This motion seeks to narrow the field of recognised charitable activities based on a narrow view that seeks to exclude the advancement of religion as a charitable purpose.

As Dan Flynn from the Australian Christian Lobby stated:

The capacity of churches and faith communities to provide generous support to the Victorian community should not be

eroded by this bill or others in the future. The advancement of religion by churches, mosques and synagogues should continue to be recognised as a charitable objective in the state of Victoria.

In closing, let me return to Pemsel, in which Lord Herschell said:

There is no common consent —

so right from the 1800s there was no common consent —

in this country as to the kind of assistance which it is to the public advantage that men should render to their fellows, or as to the relative importance of the different forms which this assistance takes. There are some who hold that even hospitals and almshouses ... discourage thrift, and do upon the whole harm, rather than good. This may be an extreme view entertained by few, but there are many who are strongly convinced that doles, and other forms of beneficence, which must undoubtedly be included, however narrow the definition given to the term 'charitable purpose', are contrary to the public interest; that they tend to pauperise and thus to perpetuate the evil they are intended to cure, and ought to be discouraged rather than stimulated.

It is common enough to hear it said of a particular form of almsgiving that it is no real charity, or even that it is a mischievous form of charity. I think, then, that a purpose may be regarded by common understanding as a charitable purpose, and so described in popular phraseology, even though opinions differ widely as to its expediency or utility.

The mover of this motion is perfectly entitled to her personal view that the advancement of religion is neither expedient nor useful. However, that is no reason for this house to replace the common-law definition of 'charitable purpose' with a new statutory definition, very broad in its terms, except adamant in its exclusion of the advancement of religion as an acceptable charitable purpose. I will not be supporting this motion, and I urge the house to reject it.

Mr FINN (Western Metropolitan) (15:49) — As Mrs Peulich said in her very worthwhile contribution, this is a radical motion but it is not a new motion.

Ms Patten interjected.

Mr FINN — Ms Patten might think that she is a trailblazer in this area, but this is not new. Ms Patten is merely the latest voice in a long tradition that goes back in this country 100 years, maybe even more, going back to the days of the war on the Catholic Church, when Daniel Mannix was leading the Melbourne church. It goes back to the sectarianism of the 1940s and 50s that split the Labor Party asunder, a split that the Labor Party has still not entirely recovered from.

Indeed the spirit of Joan Kirner is within this motion. We well remember that before she entered this

Parliament, before she entered this house and then the other place and became Premier, Joan Kirner was a vehement opponent of Catholic education. She was a spokesperson for an organisation called the Council for Defence of Government Schools, or DOGS as they were known back in the 1970s. She led the charge against government funding for Catholic schools at that time. So when I say that what Ms Patten is putting forward today is nothing new, it is absolutely true. There is nothing new in what she is putting forward.

What is new is that in this world today there is a growing anti-religious zealotry that is probably spreading across the world. There is an organised push that hates religion. It hates God.

Mrs Peulich — It's called communism.

Mr FINN — Well, it is more than communism, because I know many people who would not regard themselves as communists. I do not think Ms Patten would regard herself as a communist, but certainly she may well regard herself as being part of the grouping that I am referring to now. I am talking about people who are against Christianity, they are against Judaism, they are against Islam, they are against most organised religion. Indeed, as I say, this is an international war on religious freedom, and we are seeing it every day. Here we have it come before this house today. This is bigotry in its purest form. It is sad, but it is something that some of us have put up with for some years now and I anticipate that we will have to put up with it for a while longer. That is a battle that I do not shirk from and it is a battle that we will face and a battle that we will win.

This motion is all about attacking the church. It is trying to present, I suppose, a human face to that bigotry to which I refer, because the mover of this motion is referring to her respect for the various charitable dealings of the church. The thing is that if you attack a church or a religion — whether it be the Catholic Church, the Uniting Church, the Anglican Church, Judaism, Islam, whatever it might be — and you wish to create a situation where that religion faces difficulties, then those good works that we are talking about are going to evaporate.

This argument that we have heard of late from so many different atheists — and that is their own religion, of course; we should not forget that — is something they have to explain in putting forward proposals such as this. They have to explain where the sorts of good works that the churches currently perform are going to come from if the churches are forced to the wall or forced into financial hardship.

Ms Patten got very excited about reading the *Age*. It is very rare that anybody does get excited about reading the *Age*, but Ms Patten did. The *Age* report talks about how much the Catholic Church is worth. The sorts of figures that she was talking about, I do not know whether they are true or not — it was in the *Age*, as I said, so there is a fair chance that they are wrong. But the fact of the matter is that that is not cash in its pocket. We are talking about schools, we are talking about hospitals, we are talking property across Melbourne, across Sydney and across various places. It is very rare for any reasonably sized city not to have some sort of property owned by the Catholic Church, by the Uniting Church, by the Anglican church, by the Lutherans or by quite a number of the non-Christian religions — the Jewish faith in particular but also increasingly Islam in this country.

Yes, they are worth money. If these properties were liquidated, they would be worth a fortune, but they will not be. If you were to liquidate them, if you were to sell them up to pay tax, can I just ask one question: where would those hundreds of thousands of kids go to school? What would happen tomorrow if every Catholic or Jewish or Anglican school closed down and all of those kids had to find places in the government system? What would happen? The system would collapse. It is as simple as that.

Can you imagine, Acting President, if we had a situation where St Vincent's Hospital, the Mercy hospital or the Epworth hospital — how many hospitals do you want me to quote that are based in a religion? — were to close? What if they were to be liquidated to pay tax? Where would those people who are currently relying on those hospitals go to receive —

Ms Patten — On a point of order, Acting President, I would ask Mr Finn to go back to the motion, because the motion has nothing to do with schools and it has nothing to do with hospitals. They are exempt under this exposure draft.

Mr FINN — On the point of order, Acting President, this motion is about taxing churches. Now, churches do run hospitals and they do run schools. They run a whole range of services and clearly a tax on churches is going to impact on the schools and a whole range of social welfare programs as well.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Ms Patten. There are some points that you have raised in regard to relevance, but you will have the opportunity in your reply to discuss those. I ask Mr Finn to continue.

Mr FINN — Thank you, Acting President. Of course we talk about the churches and we also talk about some of the welfare agencies. We talk about the St Vincent de Paul Society, which is an organisation which serves not just Australia but much of the world and is a place where so many get support on a regular basis. We have Anglicare, we have UnitingCare and we have the Red Cross and the Red Crescent and various charities and welfare agencies based in religion. If you tax the churches, if you tax religion, it is going to impact on how they deliver their services. You cannot get away from that, and that is unfortunately something that clearly Ms Patten does not quite get. That is very unfortunate indeed.

We talked before about the Catholic education system, the Jewish education system and the Anglican education system. For them to be denied the support of government, of the taxpayer, would be totally wrong, because those parents who send their children to those schools are, nine times out of 10, taxpayers too. They deserve the same rights as every other taxpayer in this country. Of course they are actually subsidising the government system. There are so many arguments against the proposal that is behind this motion. I could go on for quite some time, but I will not, Acting President, you will be pleased to hear.

I fully understand where Ms Patten is coming from, because she knows that the churches are the main opponents of many of the views, if not all of the views, that she espouses. If she can get the organised religions out of the way, she will have a free run at just about anything she likes. I can totally understand where she is coming from, and if I were in her position, I would probably do exactly the same thing. I am not blaming her; I fully understand what she is attempting to do and how she is attempting to remove opposition. None of us like opposition, but certainly on this occasion, to be charitable, she has probably bitten off just a little bit more than she can chew, I think it would be safe to say.

Needless to say, I will be opposing this motion, as indeed the opposition will be opposing this motion. I think it is a dangerous proposal and one that has wideranging ramifications that go way beyond anything that Ms Patten may suggest it does. It is something that people of goodwill should be very, very wary of, because once we go down this path there is no coming back, and it will cause permanent and irreparable damage to a system that has served this country well for well over a century. So I will be opposing this motion. I wish Ms Patten well in her endeavours to paint certain people in various lights, but I will still be defending them nonetheless.

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

Debate adjourned until later this day.

LEGISLATIVE COUNCIL REGIONAL SITTING

Debate resumed from earlier this day; motion of Ms LOVELL (Northern Victoria):

That this house —

- (1) recognises the significance of the City of Greater Shepparton as one of Victoria's leading regional cities;
- (2) meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019 at 12.30 p.m.; and
- (3) authorises the President to do all things necessary to facilitate the Council sitting in the City of Greater Shepparton.

Mr O'SULLIVAN (Northern Victoria) (16:03) — It gives me great pleasure to rise to support Ms Lovell's motion in relation to the holding of a sitting of state Parliament in Shepparton on 11 June 2019, next year. Obviously that will be a year when the Labor Party will not be in government, because Mr Gepp made the comment that the Labor Party has no interest in holding any regional sittings, which is a pity. It just goes to prove that this is probably the most Melbourne-centric government we have ever had in this state. That is a pretty big claim because there have been plenty of them over the journey, but I think without doubt this is the most Melbourne-centric government we have seen.

What is interesting is that when this motion was debated the government sent out the most junior member of Parliament that they have in this chamber to speak to this motion. I would have thought that they might have rolled out some bigger artillery, like the Minister for Regional Development or something like that, to speak on this motion, but unfortunately they did not. They sent Mr Gepp out to speak on it. In terms of Mr Gepp, he raved on for nearly an hour, and it was probably one of the most painful speeches I have actually had to listen to in this chamber. What I find most intriguing about Mr Gepp is that it made him sound like he was an absolute hero for regional Victoria, and that is clearly not the case.

I was interested to look at Mr Gepp's Twitter account in December of last year. There was a photo there of Mr Gepp standing on the wharves with a couple of unionists, and he was protesting about how proud he was to stand alongside his union brothers in arms at that particular rally. What I found most galling, as did

everyone in northern Victoria, was that the reason that strike was actually taking place was that those workers who had formed that picket down at the wharves were stopping prime agriculture from being exported out of Victoria. What was even worse was that most of that product was actually from Northern Victoria Region, our own electorate. There were pears, there were apples and there were a whole range of other fruits from the horticultural industry that were sitting on the docks rotting. They were sitting there rotting. What was happening was that those pears and apples and all of the other horticultural products were sitting on the wharves going to waste and rotting. That was actually about money that goes into the pockets of the farmers.

And what did Mr Gepp do? He was in government. He was in a position of being able to influence the government to turn around that strike and let that produce leave our ports, which would result in money going back into the pockets of farmers. But what did Mr Gepp do? Did he represent the interests of his constituents of Northern Victoria Region or did he represent the interests of the unionists in Melbourne? I will let anyone have a wild guess as to what he did. He stood shoulder to shoulder with the unionists and did not care about that produce going to waste that came from our electorate up in Northern Victoria Region.

What I found even more galling was that just a couple of months later Mr Gepp was up in Shepparton having his photo taken at the SPC factory, saying how great it was that the factory up there was 100 years old. What an absolute hypocrite that he would have those photos taken. He was holding a pear in one of his hands at the time, yet only a couple of months earlier he had been happy for them to go to absolute waste and rot on the wharves in Melbourne while he supported his union mates. I do not think Mr Gepp should come in here and lecture us about how committed this government is to regional Victoria. That is not the case.

Honourable members interjecting.

Mr O'SULLIVAN — I can hear the Minister for Agriculture making plenty of comments across the chamber. I have one other question to ask the Minister for Agriculture: how many times have you had a ministerial meeting outside of Melbourne? I am guessing it is zero, but I am happy for you to tell me that that is not the case and that you have had one in Shepparton or you have had one in Mildura or you have had one down in the Latrobe Valley. I am happy for you to tell me that is not the case, but I am guessing that you have not even had a ministerial meeting outside of Melbourne.

I am asking you the question: have you? Have you had a meeting?

Honourable members interjecting.

Mr O'SULLIVAN — Has there been a ministerial meeting in terms of the cabinet outside of Melbourne? I doubt there has.

Ms Pulford — Yes, there has.

Mr O'SULLIVAN — Well, I am pleased to hear it, because you do not hear anything about it, and this government rarely goes out into the regions to actually understand what is going on in the state. By having the Parliament go out into the regions, and in the case of this motion go out to Shepparton, what would happen is that the Parliament — and it would be good for all the members — would go out and listen to the issues, listen to the people and take what happens inside these chambers out into the regions so they can see it firsthand for themselves rather than us just staying in Melbourne all the time. It is something that we have done previously when we were in government. We took the Parliament out to Ballarat and Bendigo. I think it has been to a whole range of other areas as well. People who have been here longer than me would remember that, and all of them say how valuable that has been on each occasion that it has been done.

It is really disappointing that this city-centric Labor government will not take up the opportunity to take the Parliament — everything that is great about Parliament — out to the regions to let country people actually see firsthand what happens here. It just again shows how city-centric this government is. We all know that Daniel Andrews is the Premier for Melbourne. He is only interested in what happens inside the metropolitan train tracks. We see time and time again how they throw money left, right and centre — wasting a lot of money as well — but do not do much out in the regions.

Regional Victoria gets a pretty raw deal out of this government, but in just six months the people of Victoria will be able to have their say in terms of who they want to represent them after the November election. I have no doubt that they will make a decision that will make it pretty clear that they want the coalition — the Liberals and The Nationals — back in government, and I look forward to the time when we can get proper representation for everyone who lives in this state, not just the people who live in Melbourne.

Ms PENNICUIK (Southern Metropolitan)
(16:11) — I am very pleased to speak on this motion moved today by Ms Lovell, requesting:

That this house —

- (1) recognises the significance of the City of Greater Shepparton as one of Victoria's leading regional cities;
- (2) meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019, at 12.30 p.m. —

which is a very precise time and not a usual time for a sitting of the Council —

and

- (3) authorises the President to do all things necessary to facilitate the Council sitting in the City of Greater Shepparton.

I am pleased to say that I do recognise the City of Greater Shepparton as one of Victoria's leading regional cities. Although I have not been to Shepparton recently, I have been there many times in the past and it is a great regional city. Of course many of our regional cities are great regional cities. I will just take a bit of time to respond to Mr O'Sullivan, who seemed to think that just because a member represents a metropolitan area for some reason they never go to the regional areas and do not know anything about regional areas. I visit the regional areas of this state quite often and have done so all my life and I know a lot about many of them, probably a lot more than he would perhaps assume and certainly more than he does assume.

The most recent regional sitting that the Legislative Council undertook was in September 2012 when the Legislative Council went for one day to the City of Greater Bendigo for a regional sitting. We really moved the whole of the Legislative Council to Bendigo and the Legislative Assembly to Ballarat at the same time. I looked at the Parliament's website, which says that on that particular day the Council conducted normal parliamentary business. To some extent it did in that there was question time, there were members statements et cetera, but the actual business that we conducted on the day was, firstly, a motion that gold would become the state mineral emblem, and that motion was also moved and debated in the Ballarat sitting of the Assembly.

It was followed by a motion noting the strong support provided to Bendigo and Northern Victoria Region by the Baillieu government. During debate on that motion my former colleague Mr Barber raised a lack of public transport, with buses stopping at 6.30 p.m. and few if any available on weekends or Sundays in the City of Greater Bendigo and that there had been no increase in

V/Line services either under the Baillieu government. Those two motions were not what I would call the usual business of the Parliament. I would have thought they were quite unusual motions. We debated those motions, we had members statements, we had questions and we had the adjournment.

That was not very many years after the disastrous market contestability policy was introduced by the Brumby government, the folly of which that government was warned about and which we can all see now. At that time Bendigo TAFE was facing a \$9 million budget cut under the Baillieu government and had lost 100 staff and 39 courses, and the Kyneton campus had closed, so we were not really on the same page with the Baillieu government's 'strong support' in the motion put up by the Leader of the Government at the time, Mr Davis. So it was not what I would call a normal day in terms of the parliamentary business that was conducted that day. That was just one day on which we moved the whole Council, all the Council staff, Hansard and everyone else up to Bendigo.

The other regional sitting that I attended was at Lakes Entrance on 15 and 16 October 2008. The first motion on that day concerned the closure of the wholesale fish market. We also debated a motion on the timber industry in East Gippsland, and we were in East Gippsland. It was quite weird I think that we were actually in Lakes Entrance. It is not really a regional town of the standing of, for example, Shepparton, Bendigo or Geelong. It is more a tourist town.

Ms Lovell — Nevertheless it is important.

Ms PENNICUIK — An important town, but I would not call Lakes Entrance a regional centre; probably Bairnsdale is more like the regional centre in that area of the world. We discussed the timber industry in East Gippsland, and again Mr Barber pointed out that half of the timber that was being logged in East Gippsland at the time was going to woodchips and out through the Eden chipmill in south-east New South Wales. He raised the point, which we continue to do in this place, that tourism is really the future for that area.

Mr Kavanagh, who was a member of the Parliament at the time, put forward a motion on government services, and there was a documents motion calling for health reports debated on 15 October. On the adjournment I raised for Minister Allan the issues of the pay and conditions of TAFE teachers who were under contracts and the increased TAFE fees for courses. On day two the Greenhouse Gas Geological Sequestration Bill 2008 was introduced but not debated. We did debate the Energy Legislation Amendment (Retail Competition

and Other Matters) Bill 2008, and again my colleague Mr Barber raised issues that we are still talking about today, which are the prices of electricity and the problems you have with faux competition in what is actually a natural monopoly — and things have got a lot worse. He talked about how retailers went around harassing people, knocking on their doors and trying to get them to change from another retail company to their retail company with all sorts of offers to people who did not really understand how the energy retail business operates. We are still dealing with those issues today.

We also debated the Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008 and the Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008 on those days. One of the issues we raised was that we should look at legislation for its impacts on local government, and since then of course we have had rate capping and more and more impacts on local government from state legislation. The other bill we debated that day was the Racing and Gambling Legislation Amendment Bill 2008.

Ms Hartland moved to refer it to the Legal and Social Issues Committee but that was not supported. That was among the more than 50 bills the Greens tried to refer to the Legal and Social Issues Committee during the time of the Baillieu-Napthine governments and the leadership of Mr Davis, and the government refused to allow any of those bills to go to the committee. The only references that went to our three standing committee were references from the government. That is in a nutshell what happened at those regional settings that I attended. I know there have been some others. The Legislative Council has also visited Ballarat, Benalla and Colac, but they were before my time.

In principle I actually think regional sittings are a good idea and I think perhaps they could happen every second year — in the first and third years of a four-year term would be good. However, my experience of them is that, for the effort that everyone goes to to move the Parliament to a regional centre and staff the Parliament et cetera, not enough has been gained out of them. I think it would be different if the Parliament moved for a full three days, like a week's sitting, and an awful lot more effort was put into involving the community — really involving the community — in that visit through meetings with MPs and with parliamentary forums about how Parliament works. All sorts of things could be done.

None of these things were done on the two occasions I attended a regional sitting, and I think that was a lost opportunity. They need to be conducted with a lot of forethought, planning and involvement of the local community. I know Ms Lovell mentioned local

schools, but there was not much visitation from local schools at either of those events; in fact the public gallery at the Bendigo sitting was virtually empty most of the time. So if that is the model, then I do not support that model. If you are going to move the Parliament and the staff for one day, you might as well move them for a full week, because in fact —

Ms Lovell — It is for a full week.

Ms PENNICUIK — I am reading the motion and it does not tell me that it is for a full week.

Ms Lovell — Commencing on that day.

Ms PENNICUIK — The word 'commence' is not there. It says 'meets and sits' on 'Tuesday, 11 June 2019'.

Ms Lovell — The commitment is for the three days.

Ms PENNICUIK — The motion does not say three days; it mentions one day. I would not support one day. I think it would be a good idea for the first and third years of a parliamentary session to do this. I think it would involve the community more, as long as that is what it does, and it really sets out to do that in a proper, engaging and comprehensive way.

Mr Gepp spoke at length about community cabinets et cetera. Community cabinets are fine, but a community cabinet is not the Parliament. The Parliament is a different thing from a community cabinet.

Mr Jennings — One works and the other barely does.

Ms PENNICUIK — Taking up the interjection of the Leader of the Government, it would be true to say that what I am putting here is the ideal situation, which is to move the Parliament for a week and involve the local community in as full a way as possible. That is not what this motion says. This motion proposes that the Parliament:

meets and sits in the City of Greater Shepparton on Tuesday, 11 June 2019, at 12.30 p.m.

It does not even say for how long. I think my main problem with the second part of the motion is that I cannot see how we can agree to a motion before an election in November 2018, suggesting that there be a sitting in the following Parliament — which will be a different Parliament — and authorising the President, when we do not know who the President will be in the next Parliament. Perhaps we could authorise or request the President who is sitting now to do something, but I

am not sure if we could for a future unknown President. So I have a few queries about whether this motion is able to be agreed to by this house at all.

Even if technically the Clerk or the President say we could, I feel that it would not be correct for this Parliament to suggest that on this particular day the Parliament will move, even though, as I have said, I support the idea in principle of full and comprehensive regional sittings involving the community and allowing them the opportunity to really learn how Parliament works. That has not happened, as I said, on the two occasions that I have attended regional sittings, even though there were some good things attached to both of them. There was some community engagement. I am not saying there was none, but it was not anywhere near as much as it could have been. So I think both of them were a lost opportunity in that regard. I am not sure we are even able to agree to this motion.

Mr RAMSAY (Western Victoria) (16:27) — I rise to speak to Ms Lovell's motion 522 and do want to take the opportunity to deal with parts of her motion:

- (1) recognises the significance of the City of Greater Shepparton as one of Victoria's leading regional cities ...

Well, I approve and so endorse. It is a leading regional city, as both Ms Lovell and other speakers on this side have said, particularly in relation to the importance of the production, processing and export of agricultural product, of which I have some knowledge, Mr Jennings. There is no doubt that in northern Victoria there is a bounty of potential agricultural produce, made more so by the fact that there is and hopefully will continue to be access to a reliable water supply. We have heard some of that discussion in other parts of this building over the last 24 hours.

I did want to congratulate Ms Lovell for her advocacy for Shepparton. I know, as an upper house member representing a number of lower house electorates, that Ms Lovell has been unstinting in her role as an advocate for and supporter of Shepparton in making sure that we are aware of the importance of that region to this chamber and to the public. I congratulate her for the work she has done in providing a new courthouse, works at the Numurkah Hospital, youth foyers, the horticultural restructure, and I could go on.

Ms Lovell — We saved SPC.

Mr RAMSAY — Yes, I am getting to that, actually. We have also had the announcements by the coalition with respect to eight new train services and new trains, which is part of a \$633 million package announced by

Matthew Guy a month ago. As Ms Lovell has correctly reminded me, we can go back a number of years to when SPC, one of the most significant processing plants in Shepparton, was at significant risk. Due to the very strong advocacy of Ms Lovell, the then Premier, Dr Denis Napthine, made a significant announcement of funding to support that company when it was in need.

While there may well have been some criticism, certainly not from us but from others, of picking out different industries to support, we now see that very small investment bearing significant fruits in employing a large number of people in growing that business. I might add that is a business that my family had very strong connections to as my aunt was a Fairley and part of the family that were the founders and general managers of that company many years ago.

I might also add that Ms Lovell's legacy is to provide to us in the Liberal Party a very strong Liberal candidate for the seat of Shepparton in the Assembly in Cheryl Hammer. I did have the opportunity to meet her the other day, and I must say she is an exemplary candidate for the region and has very strong community ties, a very strong network within that community and is certainly doing the hard work carrying on from Ms Lovell in making sure that all the issues are put in the public arena in relation to priorities for that region, as well as the local government priorities. I wish Cheryl well in her work as the Liberal candidate for Shepparton and congratulate her on the hard work she is doing, but also Ms Lovell for bringing this motion forward.

We have an opportunity to talk about not only Shepparton and its importance in the north of Victoria but also other smaller towns which are all linked in that region. Equally, it is a broad motion and allows us to talk about, as other speakers have, the importance of investing in regional Victoria generally. I was really pleased to see that the federal government, in its budget last night, made significant announcements on infrastructure in Victoria. A large part of that is in road and rail infrastructure.

I call on the state government to start matching some of the announcements and funding partnerships that the federal government announced last night, which it is looking for the state government to support in regional areas, particularly in the areas of road and rail. I am sure Ms Lovell — when given the opportunity to talk about the budget, whether it is this week or in the next sitting week — will talk about some of the projects that were not in the state budget that she has been strongly advocating for over a number of years. We will be

calling on the state government to make certain commitments, as we will when we roll out our election commitments and our policy commitments in that area.

I want this motion to go through, so I do not intend to speak much longer other than to reinforce the fact that a motion like this is important as part of it talks about the recognition of the importance of regional Victoria. As Mr Gepp tried to say, but he did not quite get it out, we acknowledge the fact that regional Victoria is important because we have a shadow minister specifically for decentralisation, which will allow population growth in regions and areas like Shepparton, and also a shadow minister for western Victoria — I am sorry, I mean regional Victoria —

Ms Shing — A Freudian slip there, Mr Ramsay.

Mr RAMSAY — I am so used to representing western Victoria, Ms Shing. You know that, so when I talk about regional Victoria I immediately go west. But that is why we have a shadow minister for regional Victoria that takes a more holistic approach.

Ms Shing interjected.

Mr RAMSAY — But I am going north this time, Ms Shing, to talk about the attributes of northern Victoria. Having a specific shadow minister for regional Victoria as well as decentralisation as well as agriculture ties up nicely with what we are trying to do as a coalition, with policies to move that congested population that is coming on a yearly basis into Melbourne out into country areas and regions like Shepparton.

Paragraph (2) of the motion talks about the sitting of the Parliament in Shepparton next year. This is a commitment we made to move Parliament into regional areas over the next term. It is important. I was part of the last Parliament when we sat in Bendigo and the Assembly sat in Ballarat — two very important regional cities, Mr Morris, in which you have played a significant role, certainly in Ballarat as mayor and other things. It was a real opportunity for regional Victorians to see the workings of Parliament and also to have direct contact with members of Parliament and those who are directly connected to the Parliament.

A regional sitting also creates an economy almost of its own in spending in regional Victoria. As we know, when you move Parliament to country areas, you also move staff and other resources that obviously will invest in that city or town over that period of time that the Parliament is there. It is not only when it is sitting; obviously there is preparation work both before and after. Local communities do benefit from the fact of

having a regional sitting of the Parliament, and there is no doubt there is a significant benefit in doing so. Again I congratulate Ms Lovell for bringing this motion forward. It gives us the opportunity to talk about the importance of regional sittings and the commitment of the coalition to do so if elected in November.

Paragraph (3) of the motion is probably more administrative. Ms Lovell has called for the authorisation of the President to do all things necessary to facilitate the Council's sitting in the City of Greater Geelong — sorry, I meant Shepparton.

Mr Jennings interjected.

Mr RAMSAY — I am so used to talking about Geelong too, Mr Jennings. My hope is, Ms Lovell, perhaps we will go to Geelong one day. It is not quite as regionally —

Mr Jennings — I hope the candidate you were talking about before is not the candidate for Geelong.

Mr RAMSAY — No, but it does give me an opening, Mr Jennings, to talk about the wonderful candidate for the seat of Geelong in the Assembly, Freya Fidge, who is the daughter of a past mayor, Mayor Fidge.

Mr Morris — And granddaughter as well.

Mr RAMSAY — And granddaughter; that is true. There have been two generations of mayors in that family, which is very well respected. Of course Freya is doing a wonderful job as the Liberal candidate, as is I might say Brian McKitterick, a serving policeman who is standing for the Assembly seat of Bellarine, doing another fantastic job as the candidate for Bellarine. He actually knows and understands some things about law and order which I suspect the Minister for Police is somewhat missing.

But I am digressing because, as I mentioned in my summary, Ms Lovell has called on the President to make provision for this sitting to be held in the City of Greater Shepparton. It will be a real treat and benefit for the region to have a parliamentary sitting, and I congratulate her on bringing this motion forward to the chamber today.

Ms BATH (Eastern Victoria) (16:37) — I rise to throw my support behind Ms Lovell's motion, which looks to celebrating a parliamentary sitting in Shepparton when we get into government in 2019 for the first parliamentary sitting. On a point of clarification, the policy of the Liberals and Nationals is that there would be four parliamentary sittings, two for

each chamber across two sittings, and they would be in the locations of Mildura and Shepparton, which this particular motion is about, and Warrnambool and the Latrobe Valley.

Ms Shing — That is not what the motion says.

Ms BATH — Taking up Ms Shing's point of interjection, it was quite interesting that three-quarters of Mr Gepp's contribution in this Parliament was nothing to do with this particular motion. Mr Gepp has a very interesting idea on what it is to support his electorate. On the one hand Mr Gepp professes his devotion to the northern region — and Shepparton is a major town there — and on the other hand, prior to this debate, he was down on a picket line some months ago celebrating the fact that unions are picketing on the wharves and not enabling produce from across Victoria, including milk from Gippsland —

Ms Lovell — Milk from Shepparton.

Ms BATH — Milk from Shepparton as well, Ms Lovell, and also fruit from the Goulburn Valley was not able to leave the docks and was decaying on the docks. Mr Gepp was down there with his photos celebrating that fact. So I think they were very hollow words that Mr Gepp was issuing earlier on today. I also think it is very indicative of what the Labor Party does so well and so very poorly at the same time, which is to play not the ball but quite often the man. In this case it happened to be a female member of Parliament who he kept referring to. On a number of occasions I think he also called her by her first name, which is inappropriate.

Ms Shing interjected.

Ms BATH — Ms Shing, if you would like to get up and make a contribution, you are welcome to do so, but I will continue with some of the comments that have been issued by Mr Gepp in relation to Webb Dock. In fact I will read something that was in relation to him that says:

Please mass send this to everyone in his electorate to show his weak ...

I think it says spineless, but my glasses might not read that well. It continues:

This post has been removed from his page interestingly! Hide coward hide!

I think it is very disingenuous for Mr Gepp to say how much the Labor Party is embracing Shepparton when at the same time unions are holding up produce when it is vital for those farmers to get their produce out and into international markets.

In terms of the historical context, we have had regional sittings right across this great state of ours, in Bendigo and Ballarat back in the early 2000s, Benalla in 2002, Geelong and Colac. I know Mr Ramsay is very near and dear to that space because I know he loves to just talk about Geelong at the moment, which is fantastic. There was also Lakes Entrance and Churchill in my patch, two most fantastic locations. It would have been an amazing event to be down at Lakes Entrance and to experience that crisp, clean air and the smell of salt. I hope people were able to engage in some great gastronomy down there back in 2008. The Parliament was also in Bendigo and Ballarat in 2012. Interestingly at the last regional sitting in Ballarat in 2012 the then opposition leader in the Assembly Daniel Andrews remarked:

The regional sitting program is a wonderful program, and I congratulate the Premier for continuing the efforts of previous governments.

Then he scrapped them in this term of government.

I will just continue on for a little bit. In terms of Shepparton, I know it is a fantastic location. Indeed only last weekend I was in Shepparton for our National Party conference, which was really well attended. I note that Ms Lovell also attended with the Leader of the Opposition, Matthew Guy. Wonderfully we were also able to introduce our candidate for the Assembly seat of Shepparton at the forthcoming election, Mr Peter Schwarz, who is a great advocate for our area and a very passionate man who has lived in that region for all of his life. He is certainly going to be a strong and keen representative in the forthcoming election.

In summing up, I think it is very important that we get out into our regions. There are many people who just look inwardly at Melbourne, like the city-centric and city-focused MPs. It is very important that they understand that rural and regional people have careers that they want to engage in, that they produce great commodities that we can sell domestically and internationally, that we have wonderful medical expertise down in that space and we need to attract more, and that we have great students that need to engage in the democratic process by being involved in a parliamentary sitting. I think it is very important that people get out and see outside their internal Melbourne electorates.

It is interesting that only last sitting week Minister Pulford tweeted, 'Focused in on Melbourne, heading to Melbourne'. She said, 'Look at the skyline. Look at all the cranes'. This is a member who is supposed to live in country Victoria, a member who is the Minister for Agriculture, and all she was looking at

was city-centric and city-focused. We need to have our MPs going out into the country and understanding some of the trials and struggles but also the celebrations of living in the country. So I endorse Ms Lovell's motion, and I hope that once we have been to Shepparton we can extend it into those other fantastic locations and go into the Latrobe Valley as well and really engage in that community consultation, that community experience of democracy and get in touch with our rural people. This is certainly a good and significant way to do that.

Ms SHING (Eastern Victoria) (16:45) — I rise to speak in relation to the motion moved today proposing a regional sitting. In doing so I would like to pick up on a number of the things which have been themes throughout the presentations from those opposite. They relate, amongst other things, to picking through the entrails of Twitter feeds, talking about occasions when members have been in Melbourne, referred to Melbourne or had cause to interact with Melbourne and talking about how the Andrews Labor government has done, in their words, 'nothing or little for regional Victoria', whilst then immediately turning to say that in fact everyone should come to regional Victoria because of all of the great things that happen there. Then we saw an episode of what appeared to be blatant campaigning for coalition candidates across various regional electorates in the upcoming state election, with components of their curriculum vitae, their family histories, their connections to the areas and related details and sundry items about their lives.

If this is the snapshot of what we have to offer as far as a regional sitting is concerned, I would feel deeply, deeply saddened by the quality of contribution that would be put to the public in the context of a greater level of local participation in parliamentary democracy. If this is what the opposition has to offer by way of substantive engagement in the process of parliamentary democracy, people are sure to be left not only underwhelmed but reasonably questioning the expenditure of taxpayer money for these purposes and potentially quite mortified that the politicians they rely upon to do the work in their communities are in fact chewing up valuable time at great expense to the taxpayer in order not just to do these things as part of their job in their parliamentary role but go and do those things locally in a community — potentially on the basis of being able to see the regions.

I think Ms Bath talked about crisp, clean air and the smell of salt in Lakes Entrance; I think Mr O'Sullivan talked about juicy, delicious pears in Shepparton; and we have had people talk about all sorts of produce. Do you know what? That is what our Wander Victoria

campaign is doing. It is telling people to get out into the regions. That is in fact what our four record budgets have delivered in the context of not just \$8.5 billion over the past three budgets but a further \$4.5 billion in this budget. What we have seen is unprecedented growth in engagement. What we have seen is this government delivering engagement in the regions in areas which have for too long been taken for granted by the coalition. They are actually receiving an in situ engagement that is real and substantive and meaningful, in a way that a parliamentary formality can never achieve.

What we see is people doing work, without expectation of a microphone or *Hansard* or salutations or standing orders, and getting on with identifying problems and opportunities, addressing them, resolving them, and then leaving people to get on with their lives whilst not being bothered by politicians. Because ultimately, and I hate to break everyone's bubble around here, people do not want to spend their lives thinking about politicians doing the work of Parliament when fundamentally much of the work done in Parliament is procedural and is about an exchange of political ideas that is often — too often — something that strays into the area of campaigning.

For anyone doubting that, just check out what those opposite have said today in the course of the contributions. You see the number of times candidates' names are mentioned, the number of times there is bragging around what happened under previous governments and the number of discussions in relation to why it is that specific areas are better — when the bottom line is: people who represent their constituents and do so effectively should be out in their corners of the world at every single opportunity that they have, to not just understand and represent their own constituents but bring those ideas back to government and back to their parties and have those ideas advocated for, advanced and formulated within a broad network of ideas of policy creations and of investments.

Our actions speak louder than the words of those opposite, and to date our investment in regional Victoria has been unprecedented. These are not just empty words. This not just the sound and fury of people saying and claiming and complaining and moaning that Labor has not done anything for regional Victoria. These are substantive benefits and advantages conferred upon people living in regional communities which deliver in a way that no empty words from a politician talking into a microphone can deliver in a substantive way.

This motion seeks to create an impression, and nothing more. It seeks to give the illusion of engagement, which again at least is consistent in relation to what the Liberals and The Nationals deliver for regional Victoria when they are in government. Again, you will note that I, unlike so many others, have not mentioned any candidates' names because this should be about engagement with parliamentary democracy. It is a shame that yet again we have been a self-fulfilling prophecy here this afternoon in debating this motion and it is why regional sittings of the nature proposed by the motion should not proceed. On this basis I cannot think of any better reason than to invite people to look at *Hansard* from this afternoon to see what would be required — the time, the effort, the expense — to actually deliver something which would in effect amount to little more than the sound and fury of those who are there for a quick, cheap three-word slogan, without ever having the expectation of delivering.

Ms LOVELL (Northern Victoria) (16:52) — I thank those people who have contributed to the debate on the motion this afternoon. I particularly thank Mr O'Sullivan, Mr Ramsay and Ms Bath for their very detailed and thorough contributions that showed a true understanding of regional Victoria and the benefits that a regional sitting could provide to the City of Greater Shepparton and has provided to other regional centres.

Mr Gepp's appalling contribution was straight out of the Shaun Leane school of talking waffle and talking rubbish. I think Mr Gepp has been sitting next to Mr Leane for far too long. Talking about people liking photo opportunities, we have heard from Ms Bath about Mr Gepp's photo opportunity when he was down at Webb Dock on 8 December supporting the blockade down there that was hurting both fruitgrowers and dairy farmers in northern Victoria, with quite a lot of their produce just rotting in containers on the dock because they were not able to get it off the dock. But did Mr Gepp care? No; he supported the unions. In fact his Facebook post said, 'Webb Dock rally with comrades'. Well, the answers that he got on Facebook said it all, with people calling for this particular Facebook page to be distributed throughout his electorate widely so people could see how he did not support the electorate, and a number of people were saying, 'Shame, Labor, shame'.

Last Sunday Mr Gepp did set his GPS and toddle up the highway to Shepparton with his wife for a Legacy luncheon, where he delivered a really embarrassing contribution as the guest speaker. There were more ums in Mr Gepp's speech on Sunday than Gayle Tierney uses in question time, which is really quite an achievement. During his contribution today he spoke about everything

but the regional sitting and he spoke about everywhere but Shepparton. He spoke about Robinvale, he spoke about Swan Hill, he spoke about Gippsland. He does not even know where Shepparton is unless his GPS has been set. It is a pity he does not understand the difference between a regional cabinet and a regional sitting. Ms Pennicuik picked up on that point.

Mr Gepp, after his photo opportunities, came up for the 100th anniversary of SPC and tried to claim that it was the Labor government that provided the \$22 million rescue package. That raised a few eyebrows, because people in Shepparton actually know who provided that package. Ms Pennicuik spoke about the inconvenience for the Greens to go to Bendigo for the last regional sitting. But her contribution was a little bit confusing because she spoke of the value of regional sittings but then she questioned whether they really achieved anything. Then there was Ms Shing's contribution. She sat in her seat while Ms Bath talked about regional sittings in Lakes Entrance saying how great it was but then spoke about why we should not give Shepparton the same opportunity.

Both Labor members who spoke today have never been to a regional sitting to see what benefits do come from those regional sittings. Ms Shing said actions do speak louder than words — and they certainly will speak louder than words if she votes against this motion this afternoon. I would ask all members not to deny Shepparton the opportunity to have a regional sitting in our city, and I urge all members to support this motion.

House divided on motion:

Ayes, 20

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr
Crozier, Ms	Patten, Ms
Dalla-Riva, Mr (<i>Teller</i>)	Peulich, Mrs
Davis, Mr (<i>Teller</i>)	Purcell, Mr
Finn, Mr	Ramsay, Mr
Fitzherbert, Ms	Rich-Phillips, Mr
Lovell, Ms	Wooldridge, Ms
Morris, Mr	Young, Mr

Noes, 20

Carling-Jenkins, Dr	Mulino, Mr
Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms (<i>Teller</i>)	Pulford, Ms
Eideh, Mr (<i>Teller</i>)	Ratnam, Dr
Elasmar, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms

Motion negatived.

Business interrupted pursuant to standing orders.**STATEMENTS ON REPORTS AND PAPERS****Department of Treasury and Finance: budget papers 2018–19**

Mr MORRIS (Western Victoria) (17:04) — My statement on reports and papers contribution is on the state budget papers 2018–19. Can I begin by saying what a terrible budget for western Victoria this budget is. We know — and it has been put on the record just this afternoon — that the Labor Party does not care for or about regional Victoria. There is no better evidence of this than the vote that has just taken place, and also the lack of funding for western Victoria in this budget.

We know that the Labor Party has never cared and still does not care for or about country or regional Victorians, nor does it care about the infrastructure contained in regional Victoria. It is only in an election year that the Andrews government is dragged kicking and screaming into putting any funding into regional roads. Those opposite scrapped the \$160 million country roads and bridges program, which was a great program that received broad support across the community. It provided \$1 million of funding to the 40 smallest councils in Victoria — \$1 million a year, each and every year — to ensure that the massive amount of road infrastructure that local councils are responsible for could be maintained to a standard that would be acceptable to the community. By cutting those funds, and by placing a rate capping regime on local councils, the Labor government has ensured that regional and rural roads will degrade.

Travelling around the electorate of Western Victoria Region you cannot miss this fact that they have been degraded and continue to degrade. I would be remiss if I did not point out that it was the Premier who pork-barrelled the majority of those funds when he launched the country bridges program to fund a number of bridges within and near his own Assembly seat of Mulgrave — not exactly a country seat in the view of the majority of people.

Within the budget there was a lack of funding for a range of schools, one being Ballarat High School — a great school with great students and great staff doing an excellent job but not being appropriately resourced by this government. Similarly Mount Clear College is a great school with staff who are doing amazing things. It is not receiving anywhere near the funds it requires.

I suppose the biggest failure of this government's budget, for Ballarat in particular, was the funding of

Ballarat Base Hospital, which in effect has been put on the never-never. Beyond 2022 is when the vast majority of the funds that have been announced in this budget will be spent on Ballarat Base Hospital. It is far too far away. This funding should be brought forward to ensure that service for the people in Ballarat, and let us not forget that the Ballarat hospital services not only the Ballarat community but a lot of western Victoria as well.

Along with the funding of Ballarat Base Hospital being too far in the future, we also have an inexplicable error in this budget, which the government claims was an error, with regard to the prison that was announced for Bacchus Marsh. It is an indictment of this government that they could draft a budget and just ignore the fact that Bacchus Marsh has been listed as the locality for a new prison. I have been on the record as being very clear on the fact that the minister responsible does owe the Bacchus Marsh community an apology for saying that they were going to get a prison. Let us not forget that this government have form on announcing prisons out of the blue. Who could forget the youth prison that was announced for Werribee? After thousands of people protested, the government backflipped on that particular plan and relocated it. So the minister clearly owes the Bacchus Marsh community an apology, and I certainly hope that will be forthcoming very soon.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mrs PEULICH (South Eastern Metropolitan) (17:09) — I am making a few further remarks on the Victorian Ombudsman's *Investigation of a Matter Referred from the Legislative Council on 25 November 2015*, tabled in March 2018, more commonly known as the red shirts rorts exposé. I have read a fair bit of commentary about the magnitude of the rort and the fact that the defrauding of the Department of Parliamentary Services through the signing of forms for staff who were not working under the direct supervision of that member in their own electorate was apparently calculated as totalling \$387 842, and that excludes an investigation into participation of ALP members in the lower house.

Obviously some of those members have retired and some of them have benefited by being appointed to various bodies, therefore continuing the rort. But I think what needs to be placed on the record is that the rort is not just the \$387 842. It is also not just the \$1 million-plus authorised by the Attorney-General to pay for litigation to stop the Ombudsman's investigation, which I would have thought would have been a direct conflict of interest given that Mr Pakula,

my local member — the member for Keysborough in the Assembly — was indeed directly involved in that rort. I would have thought that his job, for one, should have been on the line. In actual fact he should not be in Parliament any longer. People have lost their jobs for far less than that. I note, for example, that Mr Herbert departed because his dogs, Ted and Patch, secured a couple of free rides in his ministerial car. That \$1 million-plus figure does not count the time in kind that was spent by government officials working within the bureaucracy.

What that opens up of course are all the benefits that the rorting has secured. The then Leader of the Opposition's salary was upgraded to a Premier's salary. The then Deputy Leader of the Opposition's salary was upgraded to a Deputy Premier's salary. Mr Jennings, Ms Pulford, Ms Allan, Mr Carroll, Mr Dalidakis, Ms D'Ambrosio, Mr Donnellan, Mr Eren, Mr Foley, Ms Hennessy, Ms Hutchins, Ms Kairouz, Ms Mikakos, Ms Neville, Mr Pakula, Mr Pallas, Mr Scott, Ms Tierney and Mr Wynne all became ministers in part because of those rorts.

Mary-Anne Thomas became the Cabinet Secretary because the rort enabled her to secure a seat with a very slender margin of votes. The chair of the Public Accounts and Estimates Committee gets an additional loading of \$94 856 — that is Mr Danny Pearson. The Government Whip in the Assembly, Ms Bronwyn Halfpenny, gets an additional \$41 500 because this rort has secured her this opportunity. Mr Carbines, Ms Graley, Ms Green and Ms Knight, Mr Lim, Mr McGuire, Ms Spence, Ms Thomas, Ms Ward and Ms Williams in the Assembly and Mr Leane, Mr Mulino and Ms Shing were all able to secure additional payments as parliamentary secretaries as a result of that rort — 13 of them. The chair of the Scrutiny of Acts and Regulations Committee, Lizzie Blandthorn, gets an additional \$65 216 loading.

The Speaker in the Assembly is on \$409 060. He would not be the Speaker if Labor had not been able to benefit from that rort. The Deputy President is under investigation. The Deputy Speaker is currently Maree Edwards. The previous Deputy Speaker, Don Nardella, railed against people for fictitious and fabricated misdemeanours that he called rorts, yet he is still here. The joint select committee chair and the joint investigatory committee chairs are all beneficiaries of these rorts. In addition to that, four new members — Nick Staikos, Sonia Kilkenny, Paul Edbrooke and Tim Richardson in the Assembly — were all elected as a result of the biggest electoral heist in Victoria. In the Assembly seat of Bentleigh the rort secured \$1 609 299 in four years of salaries.

The Ombudsman's report excludes a number of matters — for example, as I said before, the participation of Assembly members in this particular scam. The costs exclude the rents of offices and the benefits of ministerial staff, such as advisers, ministerial offices, ministerial cars, drivers and petrol — let alone all of those benefits they have been able to secure and deliver to their mates. This is the biggest rort in history, and further action needs to be taken.

Ombudsman: investigation of matter referred from Legislative Council on 25 November 2015

Mr RAMSAY (Western Victoria) (17:14) — I also wish to make some comments in relation to the report *Investigation into a Matter Referred from the Legislative Council on 25 November 2015*, dated March 2018, from the Victorian Ombudsman. In doing so I just want to refer to some comments made by the Ombudsman, Deborah Glass, in her foreword. I was not going to raise this tonight, but I am because two sitting days ago in questions without notice I asked the Minister for Corrections about an electorate officer of hers back in 2014 and the work that he did both as an electorate officer and as a campaign worker as part of the red shirts brigade, Labor's community network campaign or whatever it was called. In relation to that question — and the President has reinstated the question and asked for a further response from the minister — the minister said that the Ombudsman said in the report 'that members of Parliament involved in the staff pooling arrangements acted in good faith and derived little or no personal benefit from the use of parliamentary funds in this way', and then she rattled on about other things not related to the question. I find that quite a strange answer.

If Labor members truly believe that everyone acted in good faith, that there was little or no personal benefit and that the employment of those people complied with the code of conduct under which we work in relation to electorate staff, I find it strange that the Labor Party saw fit to pay back the \$388 000 but still take no responsibility for the misuse of funds through that campaign. Also, Mr Jennings has since muddied the waters by suggesting that in fact no-one quite knows what the figure is and it could have been less or it could have been more but that given the Ombudsman cited that figure, that was the figure the Labor Party worked on. But that is not what the Ombudsman said in the report. That is why I wanted to raise it tonight, because I note it is not only Ms Tierney who has used this defence in response to the questions that we have raised, particularly regarding the 21 MPs named in the report.

For me personally, regarding the region I represent, the report clearly indicates that Mr Eren in the Assembly misused his electorate staff by having them work for the Labor Party red shirt campaign and Ms Neville in the Assembly also directly benefited from that misuse of funds. Ms Tierney, as we know, is also named in the report for misusing her electorate staff by redeploying them into a political party campaign.

The commentary that I want to flag in particular is that of Deborah Glass. In her foreword she says:

It was a picture of a well-organised campaign by the ALP to recruit and deploy full-time field organisers in the run-up to the 2014 Victorian state election, of which 21 were employed part time as electorate officers ...

She then goes on to talk about the figure I cited — \$388 000 of Parliament funds. The Ombudsman clearly articulates that not only was there an artifice in respect of the misuse of funds but it was a well-organised campaign to deploy electorate staff officers of these 21 ALP members to a political party campaign. But apparently Ms Tierney, Mr Eren and Ms Neville, who were all implicated in this rorting, fraudulent, corrupt campaign, are using the defence that they acted in good faith. That to me is in total contrast to the Ombudsman's report and the commentary in the foreword. Even the Premier, Daniel Andrews, stood up and provided the same defence, yet it is clearly shown — and hopefully the Privileges Committee of this house will be able to broaden out and articulate the exact terms under which they were acting — that they were not acting in good faith at all. In fact it was fraudulent behaviour.

Does Ms Symes want me to keep talking?

Ms Symes — Yes.

Mr RAMSAY — Why?

Ms Symes — I am just getting some stuff organised.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Mr Ramsay.

Mr RAMSAY — Fancy me questioning the opportunity to keep talking about rorting by the Labor Party. Ms Symes, you gave me the perfect golden chalice, and I have stuffed it up. As I was saying, there is no doubt, as the Ombudsman has clearly said in her report, that 21 Labor MPs were rorting their electorate office allowances by having their staff paid for by the —

Ms Symes — She doesn't use the word 'rorting'.

Mr RAMSAY — I beg your pardon?

Ms Symes — She doesn't use the word 'rorting'.

Mr RAMSAY — She does use the word 'rorting', but not in so many words.

The ACTING PRESIDENT (Mr Purcell) — Thank you, Mr Ramsay. That will do.

Mr RAMSAY — She does not say —

The ACTING PRESIDENT (Mr Purcell) — Thank you, Mr Ramsay.

LONG SERVICE BENEFITS PORTABILITY BILL 2018

Statement of compatibility

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

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006 (Charter)*, I make this statement of compatibility with respect to the Long Service Benefits Portability Bill 2018.

In my opinion, the Long Service Benefits Portability Bill 2018 (**Bill**), as introduced to the Legislative Council, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill establishes a scheme for the portability of long service benefits in certain industries to enable workers in sectors typically characterised by high rates of contract and casual labour to qualify for and retain long service entitlements when moving between jobs in the same industry. Industries covered by the Bill are the community services sector, contract cleaning industry and security industry.

The Bill establishes the Portable Long Service Benefits Authority to administer the long service benefits scheme in covered industries, make payments of long service benefits and resolve certain disputes. All employers in covered industries will be required to register with the Authority and to provide regular reports to the Authority on their workers' entitlements to long service benefits.

A worker in a covered industry will be entitled to long service benefits in accordance with the applicable covered industry schedule, which outlines what constitutes recognised service, how payments are to be calculated and what periods of absence will be considered days of service. Authorised officers appointed by the chairperson of the Authority will be responsible for monitoring compliance with the Bill and regulations.

Human rights issues***Right to privacy***

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Obtaining and publishing personal information on registers

Division 1 of Part 3 of the Bill requires the Authority to keep an 'employers register' and a 'workers register' for each covered industry. Part 3 of the Bill sets out the application processes for employers and workers to be included in the relevant register, the information to be included in each register, and the process for crediting service in a register.

Clause 12 makes it compulsory for an employer for a covered industry to apply for registration within the required period. Once registered, a range of information about the employer will be included on the employers register for the relevant industry, including the person's name, trading name and ABN (if any), the address of the person's principal place of business, and certain other information relevant to the person's registration. Registered employers have an ongoing obligation to notify the registrar within 14 days of any change in the information provided to the registrar under Part 3, including whether the employer has ceased to be an employer for a covered industry. Any person may inspect the employers register and obtain a copy of an entry in the register, on payment of the prescribed fee.

Workers for covered industries may apply to be registered as a worker. If an eligible employee does not apply for registration within three months of either the commencement of clause 18, the industry becoming a covered industry or the person becoming an employee of the employer, the person's employer must apply on their behalf. The registrar also has the power under new section 21 to register a person as a worker without an application, if the registrar becomes aware of information indicating that the person is, or was, a worker for a covered industry. Information kept on the workers registers will include the person's name, address and date of birth, the person's total ordinary pay, number of days of credited service, entitlement to long service benefits and details of long service benefits already taken. Unlike the employers register, the entry for each worker in a workers register may only be inspected by that worker or a person acting on their behalf.

The information collected by the registrar is limited to information necessary for or relevant to the determination of the applications and ongoing implementation of, and compliance with, the long service benefits portability scheme. Further, the publication of information about employers on a publicly accessible register serves the important purpose of promoting transparency and assisting current or future employees to access their long service entitlements under the Bill. Information on the employers register will principally be of a business nature and not of the type in relation to which persons electing to engage in a regulated industry would have an expectation of privacy. To the extent that the right to privacy is relevant to the information collected and published

by the registrar under Part 3, I consider that any interference with that right is lawful and not arbitrary.

Information sharing

Under clause 28, registered employers are required to provide quarterly returns to the Authority, containing the name of each worker who performed work for the employer in the relevant quarter and their total ordinary pay and number of days of work. Failing to do so is an offence.

Clause 52 provides that the Authority may disclose information in relation to an employer's compliance with the Bill to specified Victorian or commonwealth government entities for the purpose of the performance of a function of the entity. Information in relation to a worker's credit for service and long service benefits may also be provided by the Authority to a reciprocal Authority for the purpose of the performance of a function of the Authority under the Bill or a function of the reciprocal Authority under a corresponding law.

Further, clause 76 permits the Minister to enter into a reciprocal agreement with the Minister of another State or Territory who administers a corresponding law in relation to long service benefits. The agreement may provide for the exchange of information about credit for service and entitlements to long service benefits between the Authority and the reciprocal Authority.

The information shared pursuant to clauses 28, 52 and 76 may include some limited personal information about workers and employers and therefore engages the right to privacy under section 13 of the Charter. However, any interference with the right to privacy occasioned by information sharing under the above provisions will be lawful and not arbitrary. These provisions serve important functions of ensuring accountability and compliance with the portability scheme and other laws, and enabling workers based in other states and territories to access their long service entitlements under reciprocal arrangements. The information must be shared for the purpose of the performance of a function of the relevant entity. Finally, I note that members of staff of the Authority and others are prohibited from making improper use of any information acquired in the course of their duties to obtain any advantage.

Compliance and enforcement powers of authorised officers

Division 3 of Part 6 of the Bill provides for the appointment of authorised officers and the powers of authorised officers to monitor compliance with the Bill and the regulations. For the purpose of monitoring compliance, an authorised officer may require a person to provide any information or documents in the person's custody or control. Such a requirement must be made by written notice, giving the person a reasonable period to comply. Failure to comply with this notice without reasonable excuse is an offence. An authorised officer may inspect, make copies of and take extracts from any document produced.

The powers of authorised officers under the Bill are subject to a number of safeguards. Authorised officers must produce their identity card for inspection prior to exercising a power under the Bill, and at any time during the exercise of a power if requested.

Authorised officers are subject to the Authority's directions in the performance of their functions and may only request information or documents for the purpose of determining

whether there has been compliance with the Bill. Further, clause 64 protects the confidentiality of information acquired by an authorised officer by prohibiting authorised officers from giving such information to any other person except to the extent necessary to monitor compliance with the Bill and the regulations, and in certain, confined circumstances. Another protection is the explicit preservation of the privilege against self-incrimination, with a limited abrogation in relation to the production of documents required to be kept under the Bill (discussed below). This means that it will be a reasonable excuse to refuse or fail to produce documents or provide information if doing so would tend to incriminate the person.

In my view, while the exercise of these compliance and enforcement powers may interfere with the privacy of an individual in some cases, any such interference will be lawful and not arbitrary. As noted above, the purpose of the powers in clause 62 is to ensure that employers in covered industries are complying with their obligations under the Bill and that workers in these industries receive the long service benefits to which they are entitled. It is reasonable that registered employers and workers can be required to produce information and documents for compliance purposes.

I note that the provisions above may also engage the right to freedom of expression under section 15 of the Charter, which may include a right not to impart information. However, in my view, these provisions enable appropriate oversight and monitoring of compliance with the Bill, and are reasonably necessary to protect workers in covered industries. Therefore, to the extent that the freedom of expression is engaged, these provisions fall within the exception to the right in section 15(3) of the Charter, as reasonably necessary to respect the rights of other persons.

Right to property

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

Where a document is produced in response to a request under clause 62, discussed above, clause 63 provides that the authorised officer may retain the document for the period necessary to monitor compliance with the Bill and the regulations. This power engages the right to property in section 20, but does not limit it. In addition to the safeguards mentioned above in the context of the right to privacy, further limitations on the power apply. Documents may only be retained for the period necessary to monitor compliance with the Bill and must be made accessible to the person otherwise entitled to possession to inspect, make copies or take extracts from it.

To the extent that clause 63 could be considered to deprive a person of property, any such interference will be appropriately confined and tailored to ensuring compliance with the Bill. I therefore consider these provisions to be compatible with the right to property under section 20 of the Charter.

Presumption of innocence

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right in section 25(1)

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

Prosecution of offences under the Act

Under clause 65, it is an offence for an employer to take adverse action against a worker because the worker is entitled to long service benefits, seeks to exercise that entitlement, makes an enquiry as to their entitlement to long service benefits, or applies to the Authority for a determination as to the taking of long service leave. This is analogous to section 340 of the *Fair Work Act 2009* (Cth), which prohibits a person from taking adverse action against another person because the other person has a workplace right, exercises a workplace right or proposes to exercise a workplace right. It is also consistent with relevant protections under the *Equal Opportunity Act 2010*.

In a proceeding for an alleged contravention of clause 65, the employer bears the onus of proving that the adverse action taken against a worker was not actuated by any of the four reasons above. This is consistent with the rebuttable presumption in section 361 of the *Fair Work Act*, which states that where an application is made alleging that a person took adverse action for a particular reason or with a particular intent, it is presumed that the action was taken for that reason or with that intent unless the person proves otherwise.

This reversal of the onus of proof is a long-standing feature of the freedom of association and unlawful termination protections in the fair work regime and recognises that, in the absence of such a clause, it would often be extremely difficult, if not impossible, for a worker to establish that an employer acted for an unlawful reason. It is appropriate for the employer to bear the burden of proof in these circumstances because it relates to evidence which will be peculiarly within their knowledge. Further, the standard of proof will be on the balance of probabilities, which the employer will be able to discharge if there was a legitimate reason for the action.

Clause 28 makes it an offence for a registered employer to fail to provide a quarterly return to the Authority within the time allowed. In a proceeding for an alleged contravention of clause 28, clause 74 provides that a certificate signed by the registrar stating whether the registrar had allowed the person an extension of time or whether the person had given a quarterly return to the registrar on or before a particular date, is evidence of the matters certified. Clause 74 may be relevant to the right to be presumed innocent in section 25(1) of the Charter, to the extent that it requires a person to contradict that evidence if they consider it to be incorrect. However, in my view this does not limit the right to be presumed innocent. The purpose of this provision is to streamline prosecutions and to ensure that cost and delay are not increased by requiring evidence to be led about matters of timing. The matters that can be certified are non-controversial, and an accused may still lead evidence to the contrary challenging the evidence that is certified.

'Reasonable excuse' exceptions

Two provisions in the Bill create offences that contain a 'reasonable excuse' exception, which may be seen to place an evidential burden on the accused.

Under clause 67 of the Bill, it is an offence for a person to make, without reasonable excuse, any false or misleading statement in, or any material omission from, a long service record. Clause 68 of the Bill makes it an offence for a person to fail to comply with a notice to produce documents or provide information under clause 62 without reasonable excuse.

By creating a 'reasonable excuse' exception, the offences in clauses 67 and 68 may be viewed as placing an evidential burden on the accused, in that they require the accused to raise evidence of a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge, the burden shifts back to the prosecution to prove the essential elements of the offence. I do not consider that an evidential onus of this kind limits the right to be presumed innocent, and courts in other jurisdictions have taken this approach.

Deemed criminal liability for officers of bodies corporate

Clause 72 provides that if a body corporate commits an offence against certain provisions, including clauses 65, 67 and 68 referred to above, an officer of the body corporate also commits that offence if the officer authorised or permitted the commission of the offence, or was knowingly concerned in any way (by act or omission) in the commission of the offence. This is relevant to the presumption of innocence as the provision may operate to deem as 'fact' that an individual has committed an offence based on the actions of the body corporate. Under clause 72, officers may rely on a defence that would be available to the body corporate if it were charged with the offence and bear the same burden of proof as the body corporate in doing so.

As discussed above, some of these offences contain reverse onus provisions. In my view, it is appropriate to extend these offences and reverse onus provisions to officers of bodies corporate. A person who elects to undertake a position as an officer of a body corporate accepts that they will be subject to certain requirements and duties in relation to workers, including a duty to ensure that the body corporate does not commit offences. In my view, clause 72 does not limit the right to the presumption of innocence as the prosecution is still required to prove the main elements of the offence — that is, that the officer authorised or was knowingly concerned in the commission of the offence. Courts in other jurisdictions have held that protections on the presumption of innocence may be subject to limits particularly in the context of compliance offences. Further, any limits imposed by the relevant reverse onus provisions are justifiable for the reasons set out in relation to those provisions above. Accordingly, I am satisfied that this provision is compatible with the right under the Charter to the presumption of innocence.

Right to protection against self-incrimination

Section 25(2)(k) of the Charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

The right in section 25(2)(k) of the Charter is relevant to clause 69, which provides that it is not a reasonable excuse for a person to refuse or fail to produce a record or document that the person is required to keep under the Bill. This is therefore a limited abrogation of the privilege against self-incrimination because a document required to be produced may contain evidence that would tend to incriminate the person with respect to certain offences under the Bill.

The privilege against self-incrimination generally covers the compulsion of any information or documents which might incriminate a person. However, the application of the privilege to pre-existing documents is considerably weaker than that accorded to oral testimony or documents that are required to be brought into existence to comply with a request for information. I note that some jurisdictions have regarded an order to hand over existing documents as not engaging the privilege against self-incrimination. The primary purpose of this limited abrogation is to facilitate compliance with the scheme by assisting authorised officers to access information and evidence that may be difficult or impossible to ascertain by alternative evidentiary means. Taking into account the protective purpose of the Bill, there is significant public interest in ensuring that employers for covered industries are operating in compliance with the provisions of the Bill and the regulations.

Any limitation on the right in section 25(2)(k) that is occasioned by the limited abrogation is directly related to its purpose. The documents that an authorised officer can require to be produced are those necessary for the purpose of monitoring compliance with the Bill or regulations. Importantly, the requirement to produce a document to an authorised officer does not extend to having to explain or account for the information contained in that document. If such an explanation would tend to incriminate, the privilege would still be available. Further, clauses 67 and 68 of the Bill create an obligation for employers for a covered industry to keep a written record for each worker, and to produce it to an authorised officer upon request. The duty to provide those documents is consistent with the reasonable expectations of persons who employ workers eligible for long service benefits. Moreover, it is necessary for the Authority to have access to documents to ensure the effective administration of the scheme.

There are no less restrictive means available to achieve the purpose of enabling authorised officers to have access to relevant documents. To excuse the production of such documents where a contravention is suspected would allow persons to circumvent the record-keeping obligations in the Bill and significantly impede authorised officers' ability to investigate and enforce compliance with the scheme. Any limitation on the right to protection against self-incrimination is therefore appropriately tailored and the least restrictive means to achieve the regulatory purpose.

For the above reasons, I consider that to the extent that clause 69 may impose a limitation on the right against self-incrimination, that limitation is reasonable and justified under section 7(2) of the Charter.

Right not to be punished more than once

Section 26 of the Charter provides that a person has the right not to be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. Where an employer for a

covered industry has been found guilty of failing to apply for registration within the period required by clause 12, the court may order the employer to apply for registration and to pay the Authority the amount that would have been payable had the person complied with the Bill. Clause 59 provides that if an employer for a covered industry has been found guilty of an offence and has failed to pay a levy in relation to a worker, the court may order the employer to pay the worker for any shortfall.

Further, where a person who is not an employer has been found guilty of a specified offence, such as failing to provide a quarterly return to the Authority and taking adverse action against a worker, and the worker has received less than they were entitled to as a result, the court may order that person to compensate the worker for the difference. In each case, the order for payment will be in addition to imposing a penalty for the offence.

The right not to be punished more than once has been interpreted as applying only to punishments of a criminal nature and does not preclude the imposition of civil consequences for the same conduct. I do not consider the consequences under clauses 12 or 59 to be punitive so as to engage section 26. Their purpose is not to punish the convicted person, but to put the worker in the position that the worker would have been in but for the employer's breach. These provisions are therefore targeted at, and consistent with, the purpose of establishing the long service benefits portability scheme.

Accordingly, I am of the opinion that clauses 12 and 59 are compatible with the right in section 26 of the Charter.

The Hon. Gavin Jennings, MLC
Special Minister of State

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act 1975, be incorporated into *Hansard* on motion of Ms TIERNEY (Minister for Training and Skills).

Ms TIERNEY (Minister for Training and Skills)
(17:23) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

It has often been said in this house that long service leave is a benefit that all workers should enjoy, as a reward for long and faithful service, and to allow workers to take a break from their jobs and spend time with their families.

As Members are aware, many workers, through no fault of their own, are never able to enjoy long service leave. This is because of the nature of the industry they work in.

Ordinarily, when a business transfers from one owner to another, the service the employee had with their first employer transfers, on the sale of the business, to the new employer. This is mandated in the state's default long service leave legislation, the Long Service Leave Act 1992, as well as long service leave legislation in all other Australian jurisdictions.

However, with contract cleaning, community services and security, there is typically no transfer of business. What occurs instead is that the client, for example, the building owner, terminates a contract to provide a service, for example, cleaning or security, with employer A. A new contract is then entered with employer B to provide the same service. The security guard or cleaner typically will continue in their role, albeit with a new employer. Unfortunately for that worker, they do not retain their service with their previous employer as there has been no transmission of business. The practical effect of this is a security guard or cleaner could work in the same location, doing the same job their entire working life, but never serve the minimum period of seven years with the 'one' employer.

The community services sector has some different characteristics, but experiences a similar overall outcome the same. Typically, in the community services industry, an employee may be engaged by a service provider, and that service may transfer or the employee may change services. This means that the employee is then engaged by an alternative service provider, ostensibly performing the same work. The employee will lose continuity of service as there has not been a transfer of business in the strict legal sense as defined in the Long Service Leave Act 1992.

The Bill before you will address this anomaly for workers in the contract cleaning, security, and community services sectors.

This will not be the first time that the Victorian Parliament considered the situation of workers who miss out on long service leave due to the contract or project nature of the industry they work in. In 1953, the then Minister for Labour, the Honourable Archibald Fraser, in introducing the Factories and Shops (Long Service Leave) Bill said, and I quote, "The Bill does not cover any employee who, by virtue of his calling, may have served under a number of employers over a period of twenty years." That is one problem which Parliament will have to tackle at some future time."

The problem identified by the then Minister was addressed, at least with respect to workers in the building and construction industry, in 1975, through the Building Industry Long Service Leave Act. Workers in this industry have access to long service benefits, and because all jurisdictions provide portability of entitlements, it does not matter where you perform the work.

There have been some developments since then.

The Pre-School Teachers and Assistants (Leave) Act 1984 was introduced to provide a portability of leave entitlements to a limited group of employers/employees. Whilst not proclaimed, the relevant sector has adopted a 'custom and practice' application of the portability described in that act.

A Bill, the Community Services Long Services Leave Bill 2010 was introduced into Parliament but did not proceed beyond the second reading speech.

In 2015 the Victorian Parliamentary Economic, Education, Jobs and Skills Committee commenced an inquiry into the portability of long service leave entitlements. The committee recommended that the Victorian government commission studies into the creation of portable long service leave schemes for the contract cleaning and security industries, and

also found merit in re-examining a portable long service leave scheme for the community services sector.

The Victorian Government has acted on those recommendations and following extensive consultation with industry stakeholders, a Bill to provide portability of entitlements to those workers most in need has been developed.

The Bill in detail

I now turn to consideration of the Bill in detail.

The Bill establishes a new statutory authority, which will be responsible for managing the portable scheme.

There will be a Governing Board of up to nine persons, appointed by the minister. The Board will comprise at least one representative of an employee association with members in a covered industry, at least one representative of an employer association with members in a covered industry, as well as a Chairperson and Deputy Chairperson. The Chair and Deputy are to have no interest in any of the covered industries. The Registrar, as Chief Executive Officer, is a non-voting member of the Governing Board. The Board as a whole will be required to have relevant experience, for example, in financial management or governance.

Board members will be paid in accordance with Government guidelines.

The Chairperson will serve as the employer under the Public Administration Act 2004.

The scheme will apply to nominated 'covered' industries. Initially, these will be specified to be the contract cleaning, community services, and security industries. The legislation will be drafted in such a way as to allow for other industries to be included in the scheme in the future, should the Government so determine.

An employer for a covered industry will be required to register themselves, their employees, as well as contract workers, and failure to register will attract a financial penalty.

Employers will be required to provide a quarterly return that includes required information and an employee or contract worker will have access to their record.

The levy payable by an employer will be a percentage of the ordinary pay paid or payable by employers to employees. The levy will be set by the Governing Board, and may not be more than 3 per cent.

A worker in the contract cleaning or security industry with at least seven years' service will be entitled to apply to their employer for either a period of leave. If granted, the worker then applies to the Authority for a payment. Should the employer reject the application for leave, the worker may seek a review by the Authority.

Workers in the contract cleaning and security sectors will be entitled to long service leave on the same basis as workers in other industries. That is, they will receive a period of leave, with a payment in lieu only available on leaving the industry, or in the case of death. Cashing out of a leave entitlement is not permitted.

The Bill has a number of different provisions relating to the community services sector that I will address shortly.

Service in the contract cleaning or security industries of up to 12 months before the commencement of the act is to be recognised. This needs to be seen in the context that some of the workers have worked in these industries for decades without ever having received long service leave. Due to the well-established long service leave arrangements in the community services sector, other than portability this prior recognition is unnecessary. If twelve months retrospectivity was provided this would mean that community sector workers would be paid twice for one year of their service. These industries have been anticipating the scheme for many years and it is expected that take up will be stronger. This does not mean that the levy will apply retrospectively. In setting or adjusting the levy the Governing Board will have to take future liabilities into account and limited retrospectivity will be one factor considered.

The period of long service leave will be calculated as 1/60th of the period of employment, available after seven years' service, consistent with the arrangement in the Long Service Leave Bill 2017.

Cashing out of long service leave entitlements by employees in the contract cleaning and security sectors will only be allowed on exiting the industry.

For workers in the contract cleaning and security sectors, the definition of 'ordinary pay' will include shift allowances, but not overtime payments. This reflects current industry practice, as well as how the annual leave entitlement is defined in the modern award.

The rate to be paid to the worker is the rate of pay at the time that leave commences.

An employee will be able to go up to four years without working in the industry before their continuity of service is interrupted, although they would not be credited with any service during this period.

There is scope for recognition of service in other jurisdictions with similar arrangements, subject to the negotiation of an agreement with those jurisdictions.

The Bill includes penalties for certain acts and omissions, such as failure to provide returns, failure to register, and providing false information. The penalties in the Bill are consistent with those proposed in the Long Service Leave Bill 2017 and consistent with Sentencing Act principles.

Different arrangements for the community services sector

This Bill establishes different arrangements for the community services sector to that of the cleaning and security industries. It is necessary for a different arrangement to apply due to the operation of the Commonwealth Fair Work Act 2009, and to the different industrial instruments that apply in the community services sector.

For a worker in the community services sector, the application for payment will be made directly to the Authority as these organisations have different funding arrangements.

The scheme will apply to contract workers in the security and contract cleaning industries. The use of individual contractors is not prevalent in the community services sector for

community services work so contract workers are not included within scope for that sector at this time. However, to allow for possible changes in the industry in the future, specific provision will be made in the Bill so that contract workers can be brought into the scheme by way of Regulations at a later time.

There were several Awards and Enterprise Agreements in place across the community services sector that prescribed long service leave entitlements when the FW Act came into operation and those entitlements were preserved under the terms of the FW Act. Pursuant to section 109 of the Commonwealth Constitution, where employees have an award-derived or agreement-derived entitlement to long service leave preserved as part of the national employment standards under the Fair Work Act, any state law that is inconsistent with these awards or enterprise agreements is inoperative to the extent of any inconsistency between state law and commonwealth law. The practical effect of this is that some employees in the community services sector would not be able to benefit from a Victorian government portable long service leave scheme.

The problem was recognised in the Community Services Long Service Leave Bill 2010. In the explanatory memorandum to clause 2 of the Bill (the commencement provision), it was noted that the Bill had no commencement date. For the Bill to operate in respect of all employees it was necessary for the commonwealth government to amend the operation of the Fair Work Act. The Bill therefore could not commence until after the necessary amendment to the federal Act.

It is now apparent that the Commonwealth has no intention of providing a legislative solution to this problem.

A solution is for the Victorian Government to legislate a scheme that provides for a payment to workers, in lieu of leave. This is the arrangement in the construction industry CoINVEST scheme.

This model has been found to be constitutionally valid.

This problem does not apply to the contract cleaning and security sectors because of the different awards and agreements operating in those industries.

There will also be a different arrangement for the community services sector in regards to the calculation of ordinary pay. The definition of 'ordinary pay' for that sector will not include shift allowances, as they are not included when calculating LS for workers covered by a federal award or agreement that includes LS benefits. Further, the 2010 Bill did not include shift allowances.

Independent contractors and for-profit organisations will not be included in the community services scheme as they are not a feature of this industry. An exception will be made for for-profit organisations involved in the disability services sector.

Summary

Workplace laws have generally evolved since 1975. We now have equal pay for work of equal value, parental leave, enterprise bargaining, and anti-bullying protections. Little progress, however, has been made in addressing the problem identified way back in 1953 by then Minister Fraser. This Parliament now has that opportunity.

Section 85(5) of the Constitution Act 1975

Ms TIERNEY — I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why a provision in the bill alters or varies section 85 of that act.

Clause 79 of the bill states that it is the intention of clause 58 of the bill to alter or vary section 85 of the Constitution Act 1975.

Clause 58(1) establishes the jurisdiction of the industrial division of the Magistrates Court to hear certain matters, including applications for the recovery of moneys, disputes over the taking of leave, and prosecutions for alleged breaches of provisions of the legislation. Clause 58(2) provides that this jurisdiction is exclusive.

The reason for limiting the jurisdiction of the Supreme Court in this instance is to ensure that the industrial division of the Magistrates Court serves as the primary body for determining matters under the portable long service benefits legislation.

The right of any party to appeal to the Supreme Court on a question of law from a final order of the industrial division of the Magistrates Court is enshrined at clause 58(3)(b) of the bill.

I commend the bill to the house.

Debate adjourned on motion of Mr ONDARCHIE (Northern Metropolitan).

Debate adjourned until Wednesday, 16 May.

JUSTICE LEGISLATION AMENDMENT (ACCESS TO JUSTICE) BILL 2018

Statement of compatibility

Ms TIERNEY (Minister for Training and Skills) 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 Justice Legislation Amendment (Access to Justice) Bill 2018 (the Bill).

In my opinion, the Bill, 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 will implement recommendations of the 2016 Access to Justice Review accepted by the Government, and make certain other changes to Victorian laws, to increase access to justice for Victorians, and ensure that the most disadvantaged and vulnerable in our community receive the support they need when engaging with the law and the justice system.

Human rights relevant to the Bill

Amendments to improve user access to VCAT and the Courts

A number of provisions in the Bill promote the right to a fair hearing (section 24(1)), by helping more people in Victoria to access legal assistance services, and by improving user access to the Victorian Civil and Administrative Tribunal (VCAT) and the Courts. Section 24(1) of the Charter provides that a party to a civil proceeding has the right to have a proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Support persons and assistance to people at VCAT

Division 3 of Part 10 of the Bill amends the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act) to allow for a support person to assist a party to a VCAT proceeding. The support person could be a family member or friend, or a person with appropriate cultural or social knowledge, who attends VCAT proceedings in order to provide emotional or other support to a party. The support person must not be a party, or represent a party, in VCAT proceedings.

Division 2 of Part 10 of the Bill amends the duty in the VCAT Act for the Principal Registrar (and VCAT staff) to provide assistance to people engaging with VCAT. The revised duty is a positive duty, and applies to parties and potential parties throughout VCAT proceedings. Such assistance could include providing general information and assistance to help people understand VCAT's processes and procedures, and how and where to get more help if needed. Assistance would exclude the provision of legal advice, and would not impact the impartiality or neutrality of the Tribunal, or fairness to other parties.

The amendments recognise that many people participating in VCAT proceedings, including self-represented litigants, experience some form of disadvantage, and seek to provide some mechanisms to ensure that those parties can participate in VCAT proceedings effectively and in a meaningful way. The amendments will result in fairer hearings.

Enabling persons other than VCAT members to conduct compulsory conferences

Division 4 of Part 10 of the Bill amends the VCAT Act to enable VCAT to nominate a person (in addition to Tribunal members and the Principal Registrar) to conduct compulsory conferences in relation to any VCAT proceedings. Compulsory conferences are a form of alternative dispute resolution that is provided by VCAT to assist parties, by way of a private informal meeting, to identify key issues and resolve their dispute prior to a final hearing.

To the extent that the amendments promote the early resolution of disputes, the amendments promote the right to a fair hearing (section 24, a component of which is an implied right to a reasonably expeditious hearing). The amendments will improve the efficiency and cost effectiveness of VCAT

proceedings, by enabling VCAT to expand the use of compulsory conferences across VCAT and, in turn, promoting the early resolution of disputes.

Section 24(1) of the Charter also requires that the court or tribunal is 'competent, independent, and impartial'. The amendments might engage this element of the right to a fair hearing, as they broaden the pool of people who can conduct a compulsory conference. The procedure that is adopted by VCAT for determining who could be nominated by the Tribunal or Principal Registrar would need to comply with the requirements of the Charter. The procedures for determining who would be nominated would be developed by VCAT, and could involve consideration of the nominee's knowledge, skills, experience or qualification. In addition, for matters in the Planning and Environment List at VCAT, the nominated person will also be required to have sound knowledge of, and experience in, planning or environmental practice in Victoria. The nominated person does not constitute the Tribunal, and cannot make formal orders or directions.

Making the enforcement of orders simpler

Division 5 of Part 10 of the Bill makes a range of amendments to the VCAT Act to simplify the process for enforcing VCAT orders, including:

- removing onerous requirements in the VCAT Act for parties to file documents in the Courts before warrants and other Court processes can be sought, and providing that a person may enforce a monetary order of VCAT as if it were an order of the relevant court;

- enabling VCAT to re-open a proceeding in order to review an order, and make further orders, where there are problems with enforcing or complying with the order; and

- clarifying when a failure to comply with an order constitutes contempt of the Tribunal, and enabling all presidential members of the Tribunal to exercise VCAT's contempt powers.

The reforms will make it easier for people to recover money, property or services that they are owed under a VCAT order and will, in turn, promote the right to a fair hearing (section 24). These amendments will also promote property rights (section 20), which provide that a person must not be deprived of their property other than in accordance with law.

Service of documents via email

Division 6 of Part 10 of the Bill amends section 140 of the VCAT Act to facilitate the electronic service of documents on parties, and potential parties, to VCAT proceedings. The amendments will enable a document to be served on a person by sending it to an electronic address, which, pursuant to the rules of the Tribunal, are applicable to that person.

These amendments might engage the right to a fair hearing (section 24) and the right to privacy (section 13, relating to the unlawful or arbitrary interference with personal information and correspondence). The rules of the Tribunal will prescribe the manner of determining a person's electronic address and would need to be fair and consistent with a person's right to a fair hearing under section 24 of the Charter and their right to privacy under section 13 of the Charter. The person's email address for service would be limited to an electronic address specified in the new section 140(2A).

Division 6 of Part 10 also amends section 141 of the VCAT Act to deem that a document is taken to have been served on a person by electronic communication at the time that the communication was delivered. To ensure that this provision is consistent with the right to a fair hearing, the Bill includes a safeguard that enables the Tribunal to find that the communication was not served until it was capable of being retrieved.

Reducing financial barriers to accessing the Courts

Two additional amendments in the Bill will promote the right to a fair hearing (section 24(1)), as they seek to reduce financial barriers to people being able to access, and have their matters heard in, the Courts.

Parts 5 and 8 of the Bill will amend the *County Court Act 1958* and the *Magistrates' Court Act 1989* to enable different fee levels to be prescribed in regulations for different classes of proceedings, and for different classes of court users (such as corporations, individuals or concession card holders). These provisions will give the courts the power to set lower fees for Victorians experiencing disadvantage, particularly financial disadvantage.

Part 4 of the Bill will amend the *Civil Procedure Act 2010* to set out the factors that a court may have regard to when considering whether to make a protective costs order (that is, an order to fix or cap recoverable costs in advance). Consistent with the common law approach, the factors will include: an applicant's ability to pay costs; the undesirability of forcing the applicant to abandon the proceedings; and whether there is a public interest element to the case. This amendment will provide clarity and guidance on the circumstances in which such orders are appropriate, and will facilitate public interest cases that test and clarify important points of law that a person might not have continued due to the risk of an adverse costs order.

Amendments to remove unfair discrimination against trans and gender diverse Victorians

Amendments to the *Births, Deaths and Marriages Registration Act 1996* (BDMR Act) promote the following Charter rights:

right to equality (section 8(2)), which provides that every person has the right to enjoy their human rights without discrimination;

the right to privacy (section 13), which provides that a person has the right not to have their privacy or family unlawfully or arbitrarily interfered with; and

the right to protection of families and children (section 17), which provides that families are the fundamental group unit of society and are entitled to be protected by society and the State.

The BDMR Act permits an unmarried person who is 18 years of age or more, whose birth is registered in Victoria and who has undergone sex affirmation surgery, to apply to the Registrar of Births, Deaths and Marriages for the sex recorded in their birth registration to be altered. The Registrar must make a decision on the application, and refuse the application if the person is married. In effect, the unmarried application rule requires the person to choose between a birth certificate that reflects their sex, and the maintenance of the legal relationship with their spouse, even where that relationship is

ongoing. Such a choice can have financial and emotional consequences for the people involved.

Part 3 of the Bill amends the BDMR Act to remove the requirement for a person to be unmarried in order to apply to the Registrar to alter their recorded sex. By repealing this requirement, trans and gender diverse Victorians will be able to have their identity reflected on their birth certificate or in a document acknowledging their name and sex, regardless of their relationship status.

The amendments promote the right to equality and for every person to enjoy their human rights without discrimination in section 8(2) of the Charter by removing unnecessary and discriminatory barriers for people who are trans and gender diverse who seek to apply to the Registrar to alter their recorded sex on their birth certificates or for other documents acknowledging their identity. The removal of the requirement to be unmarried also promotes the right to protection of families in section 17, as a person will no longer need to divorce their spouse in order to obtain a birth certificate that reflects their sex. It also promotes the right to privacy in section 13, as a person seeking to alter their recorded sex will no longer be required to disclose their relationship status in their application.

Amendments to fees for assessment of overseas-obtained qualifications

Division 3 of Part 7 of the Bill amends the *Legal Profession Uniform Law Application Act 2014* to enable the Victorian Legal Admissions Board (VLAB) to charge a fee for assessment of overseas obtained qualifications (which is distinct from the general admission fee). The purpose of VLAB's assessment is to determine whether a person who has completed academic or practical legal training requirements for admission in a foreign jurisdiction requires additional academic qualifications or practical legal training before that person can be admitted in Australia.

This amendment might engage the right to equality (section 8(2)), as it provides for a separate fee to be charged to people who have obtained qualifications in a foreign jurisdiction. If this amendment were considered to amount to a limit, it is my view that any limit will be reasonable and justified under section 7(2) of the Charter. The fees enable VLAB to recover its reasonable costs and expenses in assessing legal qualifications obtained in a foreign jurisdiction, and, if the amendment was not made, it could place budgetary pressure on VLAB. VLAB previously charged this fee under the now repealed *Legal Profession Act 2004*. The fee is not made on the basis of a personal attribute, but on a person's place of study. Whilst this might have a greater impact on people from different countries, it is not unreasonable to require a small fee for VLAB's assessment process, particularly as the purpose is to maintain the high standards of qualification in legal practice in Australia.

The Hon. Gayle Tierney, MP
Minister for Corrections

Second reading

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

Ms TIERNEY (Minister for Training and Skills) (17:26) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Background on the Access to Justice Review

In 2015 and 2016, the Victorian Government undertook a review into access to justice, which was aimed at reducing the barriers to dispute resolution and improving access to legal assistance services. The Access to Justice Review was undertaken by the Department of Justice and Regulation, with the assistance of Crown Counsel, Melinda Richards SC, and the former Chair of the Queensland Legal Aid Commission, Rachel Hunter.

The Review found significant goodwill and dedication among institutions and service providers in the justice system and the legal assistance sector, despite the many challenges the system faces. It also found that some important enablers of the system are weak: there is a lack of data, poor technology in many parts of the system, under-resourcing of legal assistance and related services, and services that are not sufficiently integrated.

The Review proposed strategic responses — better information, more integrated services, better use of technology and stronger governance — to enhance access to justice through a systemic approach. The Review made 60 recommendations for improvements to access to justice in Victoria, focused in particular on the need to improve: legal information; flexible and integrated services; the use of technology; and leadership, governance and links within the legal assistance sector.

The Government agreed, or agreed in part, to 57 of the 60 recommendations. In its response to the Review, the Government announced \$34.7 million in new funding to help disadvantaged Victorians better access legal advice, support and information. The package was in addition to the \$103.7 million provided to enhance the justice system and legal assistance services that was announced in the Victorian Budget 2017–18.

The Bill will implement 16 recommendations from the Review, and make miscellaneous amendments to other justice legislation. Together, the amendments will increase access to justice for Victorians, and ensure that the most disadvantaged and vulnerable people in our community receive the support they need when engaging with the law and the justice system. Specifically, the Bill will enable Victorians to get information about a legal problem more quickly, use processes that resolve their disputes as fairly and quickly as possible, and, if they are disadvantaged or vulnerable, have better access to legal advice and assistance.

Improving people's access to legal aid

Victoria Legal Aid, community legal services, the private legal profession, and Aboriginal legal services all play an important role in delivering complementary services to help disadvantaged Victorians access legal assistance services, and to advance equality, fairness and justice across our state.

The Bill makes a number of amendments to the Legal Aid Act to ensure that legal assistance services are responsive to the

legal and related needs of the community, and that government funding is used as effectively and efficiently as possible.

Greater coordination of legal aid and legal assistance information

The Review found that the legal assistance sector lacks coordination and operates in silos, creating significant challenges for the effective and efficient use of resources. Currently there is no one entity with a full picture of funding flows or service offerings in the sector, which inhibits coordination of services and good planning for the allocation of public funds.

The Review found that while VLA has taken on, or been given, some coordination functions for the legal assistance sector, it has lacked a clear mandate from government for such a role, and therefore, the appropriate structural supports have not been put in place.

The Bill provides VLA with a clear mandate to coordinate, and undertake strategic planning for the provision of legal aid in Victoria. In performing this coordination role, VLA will consider how the legal assistance system operates as a whole, and how services could better complement one another, with the ultimate aim of reducing unmet legal need across Victoria. This formal oversight role will help to ensure that legal aid is provided in the right ways, in the right places, and to those who need it most, in order to maximise the value of the Government's investment in the sector.

The Bill also provides VLA with a formal role in coordinating the provision of legal assistance information at the State-wide level. In performing this function, VLA will work closely with the community legal sector, using its expertise and local knowledge to understand and determine the best way to provide and expand legal assistance information. The Bill maintains the role of community legal services in developing legal assistance information. It acknowledges community legal services' unique ability to harness their invaluable local knowledge, expertise and community connections to tailor and target legal assistance information at the local level.

In recognition of the importance of self-determination, and the independence of Aboriginal Community Controlled legal service providers in advancing access to justice for Aboriginal Victorians, Aboriginal legal services will not be subject to VLA's strengthened coordination role.

Better collaboration through a Collaborative Planning Committee

To support VLA's coordination role and drive genuine collaboration across the sector, the Bill establishes a new Collaborative Planning Committee. The Committee will provide strategic, evidence based advice to the VLA Board about legal and related community needs, the provision of legal aid, and VLA's coordination functions. The Committee will be representative of the legal assistance sector, the Law Institute of Victoria, the Victorian Bar, the Victoria Law Foundation, and the Department of Justice and Regulation. Representatives from Aboriginal legal services will be invited to participate on the Committee, to ensure that the legal needs of the Victorian Aboriginal community are considered, and that mainstream legal assistance providers deliver culturally appropriate services.

Advice from the Committee will inform the VLA Board's decision making about the allocation of resources for the effective and efficient provision of legal aid. The Committee will be able to make recommendations to the VLA Board. Upon request, the VLA Board will be required to respond to the Committee with any action that has been, or will be, taken in relation to the Committee's recommendations. This process will increase the transparency of funding decisions, and ultimately increase sector acceptance of the tough decisions that need to be made in an environment of pressing demand and finite resources.

Also related to VLA's new coordination function and the allocation of resources, the Bill includes a number of safeguards to increase the transparency of resources allocated to community legal services. These include a requirement that the VLA must include in its annual budget the total amount that it will pay community legal services in a given financial year, and discretionary power for the Attorney-General to require VLA to pay no less than a specified amount. These amendments recognise and promote the important role of community legal services in the mixed model of service delivery.

Improving accountability, and increasing transparency through robust reporting requirements

The Review recommended a number of changes to enhance VLA's accountability for its strategic resource allocation decisions and to balance its coordination role.

The Bill requires VLA to prepare, and submit to the Attorney-General for approval, a four year strategic plan. The preparation of a strategic plan will facilitate consultation between VLA and the Attorney-General on government priorities for legal assistance services to the community, and ensure the alignment of service delivery with agreed priorities.

VLA receives significant government funding to pursue the objectives of the Legal Aid Act. To enhance VLA's accountability for the allocation of public money, the Bill also requires VLA to prepare an annual corporate plan that outlines VLA's budget (including the allocation of funding for community legal services), priorities, intended achievements and activities each year. Annual corporate plans would be consistent with the relevant strategic plan. The development of an annual corporate plan will facilitate dialogue between VLA and the Attorney-General about priorities and plans for the year ahead, and what VLA can reasonably do within the budget allocated to it. VLA will report back to the Attorney-General and the public on its pursuit of the annual corporate plan each year, through VLA's Annual Report.

Both plans will be made available to the public on VLA's website.

To improve the transparency of VLA's operations, the Bill requires VLA to prepare and publish quarterly reports on its website. The quarterly report will outline VLA's financial and service delivery performance, by reference to indicators specified by the Attorney-General. As VLA already provides reports with much of this information to government, this measure will deliver greater transparency without imposing an undue burden on VLA. The quarterly report will also provide an opportunity for VLA to update the sector on developments and decisions that affect the sector.

These measures will provide for structured engagement about priorities for legal assistance services to the community, and enhance VLA's accountability for its strategic resource allocation decisions. The Bill will reduce opportunities for perceptions of conflict to arise, foster greater trust amongst the service providers, and support collaborative operations across the entire system.

Strengthening the governance of VLA

To support VLA's coordinating and planning role the Bill strengthens the skills base of the VLA Board so that it has the appropriate skills mix to fulfil its statutory duties.

At least two Board members will have skills and experience in a relevant area of legal practice — one in criminal defence, and one in another area of law relevant to VLA's work. At least one member of the Board will be required to have experience in public management. The requirement for one Board member to have experience in financial management will also be retained. These arrangements reflect the importance of having a good understanding of government financial and performance management, and the important relationship between an agency and its responsible Minister.

The Bill also clarifies the role of the Board and reporting lines by removing the position of Managing Director from the Board, and renaming the "Managing Director" as the "Chief Executive Officer" (CEO). The CEO will have responsibility for VLA's day to day operations, thus achieving a clearer distinction between the CEO role and the strategic oversight of VLA by the Board. The Bill gives the Board the power to appoint the CEO, with the approval of the Attorney-General. These new arrangements will also align VLA's governance structure with modern best practice in government boards.

The Bill strikes a balance between the need for strong sector leadership to ensure that services are coordinated and responsive, and a clearer mandate from government with appropriate transparency and accountability measures. It establishes formal mechanisms for collaboration within the sector, to inform sound decisions about resource allocation. In doing so, these reforms will improve system-wide co-ordination and integration to better meet legal need in the community, and promote greater efficiency and effectiveness in the allocation of public resources.

Strengthening the access to justice evidence base

The Review found that, in order to improve the justice system, Victoria needs better research and data about the legal needs of Victorians and how to meet them. The Review recommended that the Victoria Law Foundation, an organisation that has focussed on education and information about the law and the legal system, be reshaped into a centre of excellence for data analysis, research, and evaluation on legal need, access to justice, and civil justice.

The Bill gives effect to this recommendation by:

specifying for the first time the object of the Victoria Law Foundation — to "contribute to the development of a justice system that meets the legal and related needs of the Victorian community by improving knowledge and information about the Victorian justice system";

amending the Victoria Law Foundation's functions to expand and prioritise its research function; and

expanding the membership of the Foundation to ensure that it includes research expertise, and to include members from Victoria Legal Aid and the Courts Council.

These changes will equip the Victoria Law Foundation to pursue its new role in 2019.

Although the Foundation will have a new and essential role in the justice system, the Government is also pleased to support the Foundation to continue its valuable work in plain language training and educating the public about the justice system through schools, community programs and Law Week.

Improving people's access to VCAT

The Victorian Civil and Administrative Tribunal (VCAT) plays a key role in Victoria's civil justice system by providing a contemporary, accessible, efficient, and cost-effective mechanism for people to resolve their disputes.

However, the Review found that some proceedings in VCAT have become too complex, and that disadvantaged Victorians continue to experience barriers to accessing justice.

To enhance VCAT's ability to deliver timely, affordable and accessible dispute resolution services to Victorians, the Bill includes reforms that will reduce the complexity, and improve the user experience, of Tribunal proceedings. The Bill also makes amendments regarding the appointment of acting deputy presidents and senior members, to ensure continuity in senior VCAT roles.

Removing barriers to resolving small civil claims

VCAT plays an important role in resolving small civil claims and enforcing consumer rights. Special rules apply to hearing and determining small civil claims at VCAT — for example, VCAT generally will not allow a party in a small civil claims proceeding to be represented.

To reflect the increase in the market value of goods and services since 1998, the Bill amends the definition of 'small claim' in the *Australian Consumer Law and Fair Trading Act 2012* to increase the threshold amount for small civil claims at VCAT from \$10 000 to \$15 000. This amendment will enable the more streamlined process for determining small civil claims at VCAT to apply to any civil claim under \$15 000. The change also aligns with the new VCAT fee regulations that came into operation in 2016.

The amendment will only affect proceedings in VCAT, and not consumer and trader disputes in Victorian courts, or in other States and Territories.

In addition, the Bill amends the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act), to allow parties to small civil claims to request written reasons for a VCAT decision within 14 days of a member giving oral reasons. Currently, parties to small civil claims must request written reasons for a VCAT decision before a matter is heard or at the hearing. This change will give parties to small civil claims the same amount of time to request reasons as parties to other proceedings at VCAT.

Expanding alternative dispute resolution at VCAT

The Bill also makes amendments to the VCAT Act to expand the range of people who can conduct compulsory conferences

at VCAT. A compulsory conference is a form of alternative dispute resolution that is provided by VCAT. People have an opportunity to discuss options to resolve their dispute through a compulsory conference, with the assistance of a Tribunal member or registrar, in private, prior to a formal hearing. Most cases listed for a compulsory conference are settled and do not require a formal hearing.

Currently, these conferences are only conducted by Tribunal members or the Principal Registrar. To enable more widespread use of compulsory conferences across VCAT, the Bill enables the Tribunal to nominate a person, such as an accredited mediator, to conduct compulsory conferences. For compulsory conferences relating to proceedings under planning laws, the person who conducts the compulsory conference will also need to have sound knowledge of, and experience in, planning or environmental practice in Victoria.

These amendments will improve the efficiency and cost-effectiveness of VCAT proceedings and, in turn, promote the early resolution of disputes.

Making it easier for parties to navigate proceedings

The Bill also makes a range of amendments to the VCAT Act to make it easier for people to access and navigate VCAT proceedings.

For example, the Bill clarifies that a person can be supported by another person, such as a family member or friend, who can provide emotional support to a party during proceedings. This is in addition to a person being able to use an interpreter or advocate.

The Bill also places a positive duty on the Principal Registrar to provide assistance to parties and potential parties to VCAT proceedings. This duty does not extend to the provision of legal advice.

Facilitating the service of documents at VCAT

VCAT is also embracing digital technologies to provide more accessible services to its users.

To support VCAT's enhanced digital services, the Bill amends the VCAT Act to facilitate the electronic service of documents on parties, and potential parties, to VCAT proceedings. The amendments will enable a document to be served on a person by sending it to a person's electronic address, in accordance with the rules of the Tribunal. The amendments will also deem that electronic service occurs when the communication is delivered, while allowing the Tribunal to find that the communication was served at a later time, if that communication was not capable of being retrieved at the time it was sent.

Online technologies provide a faster and more reliable way to contact people than ordinary post.

Simplifying the enforcement of VCAT orders

The Bill also makes a range of amendments to simplify the process for enforcing VCAT orders:

first, the Bill removes onerous requirements for parties to file documents in the courts and provides that a person may enforce an order of VCAT as if it were an order of the relevant court;

second, the Bill enables VCAT to re-open a proceeding in order to review an order, and make further orders, where there are problems with enforcing or complying with the order; and

third, the Bill clarifies when a failure to comply with a VCAT order constitutes contempt of the Tribunal, and enables all presidential members of the Tribunal to exercise VCAT's contempt powers.

Reducing financial barriers to people accessing the Courts

Protective costs orders

The Bill amends the *Civil Procedure Act 2010* to set out the matters that a Court may have regard to when considering whether to make a protective costs order. Such orders fix or cap a party's liability for costs in advance to protect the party from an adverse costs outcome, and are often made in public interest cases that are designed to test and clarify important points of law, particularly for marginalised and disadvantaged people.

The courts already have the power to make protective costs orders, and, traditionally, have relied upon a list of criteria identified by the Court of Appeal. Setting out the common law criteria for protective costs orders in legislation will provide clarity and guidance on the circumstances in which such orders will be considered appropriate.

Flexible fee levels in the County Court and Magistrates' Court

The Bill expands the fee regulation-making powers in the *County Court Act 1958* and the *Magistrates' Court Act 1989*. This change will bring the fee regulation-making powers for these courts into conformity with other jurisdictions. For example, the Bill provides that regulations may be made to set fees for different classes of proceedings and different classes of court users; to provide for the payment of fees in advance, and the consequences of failure to pay a fee; and to allow fees to be reduced, waived, postponed, remitted or refunded.

The existing provisions constrain the capacity to amend the court fee structures in a way that takes account of the actual costs of different steps in litigation. Facilitating a more flexible structure for court fees will increase access to justice, support reforms to court operations, and enhance efficiency.

Increasing access to funding for legal assistance

The Bill makes two amendments to the *Legal Profession Uniform Law Application Act 2014* to increase funding to legal assistance services. The Bill:

increases the amount of funding that may be paid from the General Account of the Public Purpose Fund to the Legal Aid Fund from 35 per cent to 40 per cent. Money from the Legal Aid Fund is then used to make payments in, or in connection with the provision of legal aid (among other things); and

amends the Victorian Legal Services Board's grant-making power, enabling it to make a grant payment for innovative improvements to access to justice, without limiting the Board's general discretion.

Removing barriers for married people seeking to alter the record of their sex

The Bill amends the *Births, Deaths and Marriages Registration Act 1996* (BDMR Act) to remove the current requirement for a person to be unmarried in order to make an application to alter the record of their sex in their birth registration, and therefore what appears on their birth certificate. This requirement was included in the BDMR Act to prevent the creation of a same-sex marriage through the registration of one spouse's change of sex.

Following reforms to the *Marriage Act 1961* (Cth) to facilitate same-sex marriage and associated amendments to the *Sex Discrimination Act 1984* (Cth), a refusal by the Victorian Registrar of Births, Deaths and Marriages after 9 December 2018 to alter an official record of a person's sex because the person is married will breach the Commonwealth law's prohibition on discrimination on the grounds of marital or relationship status.

By removing the requirement for a person to be unmarried, the Bill ensures that a person does not need to divorce their spouse in order to have a birth certificate that reflects their sex.

Other matters

The Bill also makes minor amendments to the *Legal Profession Uniform Law Application Act 2014*, and the Legal Profession Uniform Law which is a Schedule to that Act and that has joint effect in NSW. These changes:

establish an exception to the general prohibition on a law practice operating or promoting a managed investment scheme, in respect of a scheme that is connected with or related to the business structure, ownership or operation of the law practice (such as a profit-sharing arrangement); and

reinstate the Victorian Legal Admissions Board's power to charge a fee to recover its reasonable costs of assessing overseas qualifications.

Conclusion

In conclusion, I would like to thank all those individuals and organisations who contributed to the Review, and to the development of this legislation.

The amendments in this Bill will help break down the barriers for many Victorians, particularly those who face significant disadvantages, so that they can access legal services and support when they need them. A justice system that supports the most vulnerable in our community and gives the disadvantaged better access to legal services means a fairer, safer Victoria.

I commend the Bill to the house.

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

Debate adjourned until Wednesday, 16 May.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) — I move:

That the house do now adjourn.

Shepparton education plan

Ms LOVELL (Northern Victoria) (17:27) — My adjournment matter is for the Minister for Education, and it is regarding the Shepparton education plan and the government's recent announcement that the current site of Shepparton High School will be the site of the future single-site secondary school. The action that I seek from the minister is that the minister work with stakeholders to ensure an appropriate traffic management plan, an onsite school bus interchange and adequate staff car parking are funded and included in the project and also that the minister demonstrates the government's commitment to the plan by committing the remaining funding needed to build the planned new one-campus secondary school.

As the minister knows, the Shepparton education plan has been trumpeted as an initiative that will transform public education in Shepparton. The plan will see the four secondary colleges — Shepparton High School, McGuire College, Mooroopna Secondary College and Wanganui Park Secondary College — merge to form one new single-campus school. I have been advised by the education sector in Shepparton that the new school is expected to cost between \$80 million and \$100 million. The expectation of the education community was that a figure in that vicinity was to be announced in last week's budget.

The people of Shepparton and I are extremely disappointed that we received a paltry funding commitment in last week's state budget of just over \$20 million, nowhere near enough to complete the single-site school. It is for stage 1. Even worse, the commitment is on a drip feed, with only \$500 000 to be funded in 2018–19 year and the remaining not available until 2021–22, so we will not see anything really new happening in Shepparton until the 2022 education year, and then it will only be stage 1. How long is it actually going to take to complete this school? The proposed \$20 million to be delivered over the next three years is approximately a quarter of the total cost of the new school.

Despite the headlines, the Andrews Labor government's commitment to the Shepparton education plan is viewed in Greater Shepparton as being quite pathetic and has left Shepparton's educators extremely disillusioned. Greater Shepparton City Council have

also conveyed community concerns of the need to establish a traffic management plan for the area around the Shepparton High School site. Community concern has also been raised regarding the establishment of an onsite school bus interchange and appropriate staff car parking. There are a lot of other community concerns around lack of consultation and what the education plan will mean for Shepparton, both amongst parents and students and also amongst educators.

The action I seek from the minister is that the minister work with stakeholders to ensure an appropriate traffic management plan, an onsite school bus interchange and adequate staff car parking are funded and included in the project and also that the minister demonstrates the government's commitment to the plan by committing the remaining funding needed to build the planned new one-campus secondary school.

Eastern Metropolitan Region sporting clubs

Mr LEANE (Eastern Metropolitan) (17:30) — My adjournment matter is directed to the Minister for Sport. In raising my adjournment matter I would like to congratulate him on the record amount of funding that is available to local sporting clubs. In that vein, the action I seek from the minister is that, seeing as there are a number of funding streams available for local sporting clubs, including funding for female changing facilities and also good funding streams around lighting and other useful things that clubs have been asking for, the minister please ask his department to hold an information session in Eastern Metropolitan Region so that a number of local clubs can talk directly to the department about how they might successfully apply for these funds. That would be very much appreciated, considering this is a request that I have had from a number of local clubs.

Murray-Darling Basin agreement

Ms DUNN (Eastern Metropolitan) (17:31) — My adjournment matter tonight is for the Minister for Water. Over the past two weekends there has been an exceptional pair of segments on *Background Briefing*, the ABC's investigative journalism radio show and podcast. The pair of segments is called 'Best laid plans' and focuses on the environmental crisis facing the Murray-Darling system and problems in the design and implementation of the Murray-Darling Basin plan. Walkley Award-winning Sarah Dingle is the journalist that filed the report, and Ms Dingle has done an exceptional job. It truly is investigative journalism at its best and is yet more proof as to why the Australian Broadcasting Corporation is so critical to public life in Australia and why it is absolutely disgraceful that the

federal coalition has yet again cut its funding in yesterday's budget.

In her report Sarah Dingle reveals that regarding the sustainable diversion limit adjustment projects that were subject to disallowance by the commonwealth Senate there is next to no data publicly available to prove that the projects are worth the billions of dollars that are set to be invested in them. The Senate made an official order asking the Murray-Darling Basin Authority (MDBA) to hand over documents explaining why they approved these projects. The authority missed the deadline but did eventually release some documentation. However, the documents show that the MDBA requested that the states flesh out their proposed projects with supporting evidence and business cases, and then the correspondence ends. The states did not respond to the authority with the evidence.

To quote the answer from Phillip Glyde, CEO of the MDBA, to questioning from Sarah Dingle:

The bit that is missing is the interaction with ... the final interaction with the states where the projects, in order to be approved, have to be amended, changed et cetera, as we required ... that's the part of the information that isn't there ... The other information ... is the responsibility of the state governments. They have that information.

This level of secrecy is unacceptable for this set of projects that will change the way water is managed across the Murray-Darling Basin. The Victorian public have a right to now know what is planned and why these projects are being so strongly backed by the Victorian government.

The action I seek is that the Minister for Water release the full, unredacted business cases and any supporting scientific data for the sustainable diversion limit adjustment projects in Victoria or jointly implemented by Victoria and any other basin jurisdictions.

Ambulance service payment guidelines

Ms WOOLDRIDGE (Eastern Metropolitan) (17:34) — My adjournment matter tonight is for the Minister for Health, and the action I seek is that the minister undertake a review of the ambulance services payment guidelines as they relate to inter-hospital transfers when the sending facility is a day hospital. As part of that the minister needs to meet with Day Hospitals Australia to work with it to resolve the myriad of problems and inconsistencies reflected in the department's July 2016 *Ambulance Services Payment Guidelines*.

Day Hospitals Australia represents 49 private outpatient and overnight clinics in Victoria which provide Victorians with a wide variety of minor surgical procedures. These clinics form an integral part of the fabric of our healthcare system. They reduce pressure on inpatient facilities and deliver timely, convenient procedures to patients, often at a lower cost. This gives Victorians choice and often reduces the length of waitlists for the same procedures in the public system.

The issue has arisen out of changes to the ambulance services payment guidelines and a lack of transparency around the Ambulance Victoria billing process. I have been advised that clinics are now responsible for payment if patients are transported from the clinic to a public hospital or emergency department. Day Hospitals Australia has repeatedly raised concerns that this leaves it in a position where it is responsible for paying for patients who arrive at a clinic but are too unwell for treatment so an ambulance is called, or for patients who while at the clinic develop a condition unrelated to their treatment and once again an ambulance is called. In these instances the day hospital is the one being charged the cost of the transfer of the patient. Day Hospitals Australia has reported receiving conflicting advice from Ambulance Victoria, the department and the minister's office.

Ambulance Victoria has conducted a clinical review of some of the outstanding accounts that have been accumulating at some of the day hospitals, and I have been advised that upon detailed assessment a good proportion of the bills were subsequently waived. With Ambulance Victoria threatening debt collection to some day hospitals, the minister cannot continue to wash her hands of this issue. Therefore I request that the minister commit to a review of the guidelines and in the process meet with Day Hospitals Australia to provide clarity to resolve the concerns of these clinics and get this matter sorted once and for all.

Sewa Australia

Ms SPRINGLE (South Eastern Metropolitan) (17:36) — My adjournment matter is for the Minister for Multicultural Affairs. Sewa in Victoria is part of an international not-for-profit organisation inspired by the philosophy of service before self, grassroots philanthropy and volunteerism. In Victoria Sewa has chapters located in Dandenong, Clayton, Camberwell and Point Cook, with an associated chapter in Prahran.

One of Sewa's flagship projects is the Indian senior citizens forum, which aims to support and connect Indian seniors who at an advanced age migrate to Australia to live with their families here. As part of that

work Sewa has identified two key priorities to support that cohort: English language training to assist with community integration and engagement, and IT training to assist with day-to-day tasks like banking and service access. Sewa's Indian senior citizens forum meets monthly and would provide an excellent forum for delivery of these programs. Unfortunately many members have difficulty travelling to these meetings, which are held in various locations around Melbourne. These meetings provide an important opportunity for social interaction and inclusion, but as a volunteer organisation Sewa is extremely limited in its capacity to facilitate transport.

Sewa is a small organisation but it provides a vitally important service. Its asks are modest. Sewa is aiming to secure funding for English language and information technology training as well as a shuttle bus to help members attend training and meetings. Will the minister meet with Sewa to look at options for funding these important services, which could be met by a very modest financial commitment?

Broadford Football Netball Club

Ms SYMES (Northern Victoria) (17:38) — The matter I wish to raise tonight is similar to Mr Leane's matter in that it is for the attention of the Minister for Sport in the other place, John Eren. Unfortunately my adjournment matter is not as positive as Mr Leane's. The reason for my adjournment matter stems from the extraordinarily inaccurate, unfounded and damaging claim made in the Parliament today by the member for Euroa in the Assembly.

I was not privy to the comments that she made.

However, they were tweeted by Brendan Donohoe and allege that the Broadford Football Netball Club is close to closing. As a Broadford local and as a parent of two little Auskickers involved in that football netball club I was quite surprised by those comments. I have been working with that club on its master plan and its facilities for the future, and as far as I am concerned it is a club that is going from strength to strength. I contacted the club and I asked, 'What do you think about these comments?'. They are furious. They are very concerned that a member who has been elected to represent that community in this Parliament is making such damaging claims.

The action that I am asking of the minister is that in order for the member for Euroa to fully understand the nature of the record funding that we have provided to community sports infrastructure across the state as part of the 2018–19 budget and the record investment in regional sporting clubs and associations, including for

girls and women to access modern and fit-for-purpose changing rooms, he provide the member with a very clear breakdown of the funding streams that are available to clubs such as Broadford, which of course I have already done. It may actually be handy for the member to have such information.

I would much appreciate it if the member for Euroa were a little bit more informed. I think she should take the steps necessary to ensure that she is not responsible for further damaging the reputation or morale of country clubs because of the lack of information that perhaps she has. If it is furnished to her, I hope we can avoid such damaging comments in the future. Perhaps it might be courteous if the member were to apologise to the club.

Fairness Fund

Mr FINN (Western Metropolitan) (17:40) — I wish this evening to raise a matter with the Minister for Public Transport. It is a very serious matter. It is a matter that has been raised with me by a number of taxi operators in my electorate. It is a very sad — heartbreaking in fact — situation that many of them find themselves in. Indeed it is a tragic — and I use that word advisedly — situation that many find themselves in, because such is the financial difficulty caused as a result of the changes that the government has introduced to the taxi industry that taxi operators have tragically taken their own lives. By any stretch of the imagination that is absolutely beyond all comprehension, and I offer my sincere condolences to members of the families of those who are no longer with us.

The problem that has been raised with me is the Fairness Fund. The Fairness Fund, as I understand it, was established to assist taxi operators who are going through exactly the financial difficulties that we are speaking of. Perhaps it might be better if we change the name to the 'unfairness fund', because it seems to me from what I have been told that it is exceedingly unfair. It is not coming to the party in terms of supporting those who desperately need it. It is not doing the job that it was established to do. This has caused, as I say, an enormous amount of pain and an enormous amount of suffering to taxi operators and their families around Melbourne and across Victoria and certainly a number in my electorate. It is something that I believe is of paramount importance. There needs to be an urgent review of the operation of the Fairness Fund. We need an urgent review of the Fairness Fund and —

Honourable members interjecting.

Mr FINN — Yes indeed, Mr Davis. It is very sad indeed. I have been deeply, deeply moved by some of the stories that I have heard, and I think it is time that the minister reviewed the operation of the Fairness Fund. That is what I am asking her to do this evening, to ensure that these people, many of whom are now almost living in poverty, are in fact given a fair go.

Petitions

Ms PATTEN (Northern Metropolitan) (17:43) — My adjournment matter is for the Special Minister of State. The action I seek relates to the petitions that we receive in this house. As you know, in 2016 we agreed to e-petitions. This had been a long process; I think it started in 2005 when this issue was first discussed. As I presented a petition this morning it occurred to me: what happens after we table that petition? Absolutely nothing.

Honourable members interjecting.

Ms PATTEN — Very, very little happens. It is tabled, it is put into *Hansard*. I take it from Mr Davis that possibly the minister may be made aware of it.

Mr Davis interjected.

Ms PATTEN — The petitioner is not written to, Mr Davis. The petitioner and those that petition are not notified. There is no action really for them. Having just been on the Electoral Matters Committee study tour to Canada, I have been thinking about how we engage with our community and the lack of trust that our community has in us at the moment. How can we better engage our community? Petitions are one way of directly engaging with us but I do not think we give them the importance that we should.

The action that I am seeking from the government is to introduce a mandatory government response to petitions when a certain threshold of petitioners is met. This would not be for single-person petitions, but when a threshold is met I would like to see those petitioners notified and the government respond to the petition. The petition may be duly noted, but Scotland has a Public Petitions Committee where every petition is considered. Those petitions may be referred to a joint house committee or a standing committee. Those petitions may actually be referred to the house for greater debate on the floor. Those petitions are taken as important communications with the house.

I feel we should be taking greater notice of the petitions that this house receives, so the action that I seek from the Special Minister of State — as Special Minister of State but also as the Leader of the Government — is

that he enacts a process where petitions can be responded to, noted or actioned on once they have been tabled.

Eastern Victoria Region public transport

Ms BATH (Eastern Victoria) (17:47) — My adjournment matter for this evening is for the Honourable Jacinta Allan, the Minister for Public Transport, in the other place. The action I request from her is that she review the process where a member of Parliament can request politely, respectfully and constantly to meet with somebody from Public Transport Victoria (PTV) about issues in their electorate but over an eight-month period be unable to gain access to anybody at all, either locally or in Melbourne. I would like to her to review the process by which eight months can go by and to resolve this with a positive outcome for my constituents. It is me who has been requesting this. A sceptical person, at this point in time, would feel that the minister is just kicking the can down the road and will not enable me to have access to anybody to speak about issues in relation to public transport in Eastern Victoria Region.

I will detail a couple of my experiences over the last eight months. On 3 October of last year I telephoned to request a meeting with PTV in Traralgon. On 13 October I emailed to meet with the local PTV Traralgon person. On 16 November I had a phone call from that local representative informing me that I actually have to go through the minister's office to seek permission. On 17 November I wrote to the minister requesting a meeting with PTV to discuss local issues. Two months later I got a response saying that I needed to contact the Transport for Victoria regional network planner, and they gave me the name of that person. On 2 March I sent an email requesting to meet at an available time. It went on and on and on and on. There were other members of the coalition who wished to speak and I thought it might be appropriate to have a combined meeting, but after a little while that was knocked on the head.

I related my issues. They are very simple issues around public transport within the Latrobe Valley and direct access transport options for the Federation Training TAFE campus in Newborough. They include transport between Sale and Maffra and opportunities for additional daytime midweek services; transport between Traralgon, Rosedale and Bairnsdale and connecting services with trains in our area; and transport links between Latrobe Valley and South Gippsland and interacting with those corridors and trains. This is not rocket science. This is the purview of the minister, and it is very disappointing that she has

not responded and has been obstructionist. I ask her to resolve this issue and enable me to bring my constituents' issues to a member of Public Transport Victoria.

Bus contracts

Mr DAVIS (Southern Metropolitan) (17:50) — My matter for the adjournment tonight is for the attention of the Minister for Public Transport, and it concerns metropolitan bus services in particular. This house and indeed the other house, and indeed the community through the rallies that have been run by the Bus Association Victoria, have heard at length about the concerns that those in the bus industry have with the government's proposals. The renewal of contracts is contingent on the government's requirement that all assets be compulsorily acquired at the end of the contract, and that means buses, it means depots, it means intellectual property and potentially it means part of the workforce as well.

Many of the family-owned bus companies of course have been in operation for many decades and are not happy that they will lose their family-run bus operations. The minister has locked in with a very arrogant, I might say, and very nasty approach, which has seen the government push back at the bus companies. I have separately raised in this house my concerns about the behaviour of the bureaucracy in its approach to these negotiations and the threats that have been put out by parts of the bureaucracy.

I note that last week in the other chamber the minister told the bus association that they were wrong and the campaign of misinformation needed to stop. She also told the Liberal and Nationals members in the lower house that they could go and knock themselves out with respect to joining rallies about the concerns that people have. I pay tribute to the work that has been done by the individual bus companies and particularly the bus association, with the 45 buses that were circling Parliament House last week. Certainly there were country buses as well as city buses, although the first phase of this is only city buses, but there was a belated and only partly believable communication to country bus groups to say, 'Don't you all worry; you'll be fine'. I think the minister needs to have a serious rethink. No-one believes that communication — no-one at all.

The minister needs to have a rethink, and what I am calling on her today to do is to take stock of the situation, to talk to the Minister for Small Business, to talk to her other colleagues in cabinet and to revisit this and actually negotiate directly with the bus association and negotiate an outcome that is fair to the community,

fair for taxpayers and fair for commuters. That negotiation needs to start now, and she should ring the bus association immediately.

Arthurs Seat Eagle

Ms PENNICUIK (Southern Metropolitan) (17:53) — My adjournment matter is for the Minister for Energy, Environment and Climate Change, and it relates to the Arthurs Seat chairlift, which is now known as the Arthurs Seat Eagle. I first raised this issue in February 2016 on behalf of residents who were concerned about the adverse impacts on native vegetation landscapes and the local amenity that the sky lift would have. VCAT at the time decided it did not have the jurisdiction to look at these works and was unable to carry out a full assessment of the impacts of the proposal. I also raised then that Parks Victoria had not conducted any consultations or discussions and had not shared information with the local community, and VCAT confirmed that no feasibility study, no market research and no cost-benefit analysis or return-on-investment analysis had been conducted by Parks Victoria.

Nevertheless, the project went ahead, and there were a number of conditions that Parks Victoria was meant to oversee that the developer was meant to comply with. These include a stakeholder meeting that was set down in the VCAT conditions and was meant to take place and has not taken place after 12 months of operation. There is lots of greening work still to do, and it seems like the overflow car park is being used first instead of the second car park. The overflow car park is closer to the development. It was supposed to still be a garden area, but they use it in preference to the second car park. An interpretive centre at the top station has not been implemented, and an interpretive wall at the lower station has not been done. Parks Victoria has not completed its transition of garden works at the top station. Parks Victoria took away the children's playground near the barbecue area, and that has not been replaced.

In addition, the children's school bus stop in the afternoon was never returned to its original position in the car park near the top station. This has meant that children now get off the bus on a very unsafe part of the road on the corner of Pindara and Arthurs Seat roads or alternatively in the Seawinds Gardens. Also the development is serving coffee and wine in throwaway plastic cups and glasses, and there is no separation of rubbish and recycling on the site.

There are a lot of conditions that have not been complied with by the developer, so the action that I

request of the minister is that she ask Parks Victoria, her department or whoever it is that is responsible to make sure the conditions that the developer was meant to comply with are actually complied with. Roads are another example where there are conditions that road builders are meant to comply with, and they never do and no-one ever enforces them, and here is a case where conditions need to be enforced.

Ballarat level crossings

Mr MORRIS (Western Victoria) (17:56) — My adjournment matter is for the attention of the Minister for Public Transport, and it relates to the traffic chaos that occurred today in Ballarat. It occurred due to the fact that every level crossing in Ballarat and beyond was down for a period of approximately 3 hours between about 1.30 and 4.30 p.m. today. One could imagine that having all of these level crossings down for that period of time would cause significant disruption to motorists and indeed just to the general function of the City of Ballarat. I hear from some reports that this may have occurred due to a cable of some description being cut, but I do believe that further investigation is required to ensure that a scenario such as this does not occur again.

Ballarat is of course a large and growing city with well over 100 000 people now living within the City of Ballarat. To have this type of inconvenience and chaos occur within the city is completely unacceptable, and the minister really must act to ensure that this does not occur again. The action that I seek from the minister is that the minister launch an investigation into how it is that all of these level crossings were able to be locked to open for this period of nearly 3 hours in Ballarat today and to report back the findings from this investigation to the Ballarat community along with steps to ensure that this type of incident does not occur again to inconvenience the large regional city of Ballarat.

Caulfield–Clayton rail link

Mrs PEULICH (South Eastern Metropolitan) (17:58) — I wish to raise some matters for the attention of the Minister for Public Transport, Ms Jacinta Allan, in another place. Can I first of all at the outset say congratulations to the federal government for its very substantial commitment to infrastructure and transport infrastructure in particular in Victoria given what this will mean for commuters certainly across my region as well. This includes the \$5 billion towards building a rail line to Melbourne Airport, but in particular the matter that has been raised with me by the Liberal candidate for Mulgrave, Maree Davenport —

Mr Morris — She's a very good candidate.

Mrs PEULICH — She is a very good candidate who is working very, very hard and making sure that the community has access to their member rather than having someone who takes them for granted until we are in election mode. She is working very hard, and it is great to see her taking up many issues on behalf of the local community.

One of those issues that has been raised with her and with me by various stakeholders is the \$475 million commitment made by the federal government to begin construction of a rail link to Monash University. I also welcome the \$225 million commitment to extend suburban rail services from Frankston to Baxter by electrifying the line two stops further south.

The issue of the link from Caulfield, potentially through to Rowville, is to ensure there is a process that considers all of those options in an open and accountable way so that we do not end up squandering the money as we have seen, for example, with the east–west link money, with \$1.3 billion spent not to build a road, and also that we do not end up with a product that the community does not want, like sky rail. Indeed we want to ensure that we take in all of the stakeholders, and there are many in this area. We have got the synchrotron, we have got the Monash employment cluster, we have got Monash University and we have got Monash Health. There is a lot of activity to link up, and there is a great opportunity to get it right.

What we need is an indication from the minister of what process will be put in place to ensure that all of the options and outcomes are considered so that the community and all of those key stakeholders can get the benefit of this great support from the federal government, which contrasts starkly with the \$3 million from the Daniel Andrews government that was put towards a study. There is a real chance now for us to actually get some real outcomes, but what we do need is that open, accountable and inclusive process and consideration of all of those options, with time lines, so that this money translates into better transport outcomes for the south-east.

Responses

Ms TIERNEY (Minister for Training and Skills) (18:01) — There were 12 adjournment matters raised this evening, and I will start from the most recent. Mrs Peulich referred a matter to the Minister for Public Transport calling for community consultation on transport projects. Mr Morris referred a matter to the

Minister for Public Transport requesting an investigation into level crossings and incidents that occurred in Ballarat today. Ms Pennicuik's matter was directed to the Minister for Energy, Environment and Climate Change and relates to the compliance with conditions by the developer, asking the minister to ask Parks Victoria or any other bureaucracy that is involved to enforce compliance. Mr Davis raised a matter with the Minister for Public Transport in relation to metropolitan bus services. Ms Bath raised a matter with Ms Allan in relation to seeking greater access to Public Transport Victoria. Ms Patten referred a matter to the Special Minister of State in relation to better engagement with petitioners to the Parliament. Mr Finn's matter was to the Minister for Public Transport and seeks a review of the Fairness Fund.

Ms Symes referred a matter to the Minister for Sport seeking the minister outline to the member for Euroa in the Assembly the funding available to sporting clubs and wanting that to occur so that the member does not continue to undermine the local sporting club, Broadford Football Netball Club. Ms Springle referred a matter to the Minister for Multicultural Affairs in relation to a community organisation, Sewa, that looks after the interests of senior Indians. She was seeking support for two projects — an IT training project and a language literacy project — as well as funding.

Ms Wooldridge referred a matter to the Minister for Health seeking a review of the ambulance service guidelines. Ms Dunn referred a matter to the Minister for Water in relation to full business cases for projects connected to the Murray-Darling Basin plan. Mr Leane referred a matter to the Minister for Sport seeking local community information sessions so that sporting clubs know how to apply for funding. Ms Lovell referred a matter to the Minister for Education seeking the minister's involvement in the Shepparton education plan, in particular seeking that the minister work with stakeholders on traffic management plans.

I have written responses to adjournment debate matters raised by Ms Bath on 21 February 2018 and Ms Lovell on 29 March 2018.

The PRESIDENT — On that basis the house stands adjourned.

House adjourned 6.04 p.m.

