

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 10 June 2015**

**(Extract from book 8)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

The Honourable ALEX CHERNOV, AC, QC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education . . . . .	The Hon. J. A. Merlino, MP
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment . . . . .	The Hon. J. Allan, MP
Minister for Industry, and Minister for Energy and Resources . . . . .	The Hon. L. D’Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports . . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Training and Skills . . . . .	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water . . . . .	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections . . . . .	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade . . . . .	The Hon. A. Somyurek, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Kairouz, MP



**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas, Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. A. MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

The Hon. M. J. GUY

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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

<sup>1</sup> Resigned 2 February 2015

<sup>2</sup> Elected 14 March 2015

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

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

**Standing Orders Committee**— The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

## Joint committees

**Accountability and Oversight Committee** — (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.  
(*Council*): Ms Bath, Mr Purcell and Ms Symes.

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

**Economic, Education, Jobs and Skills Committee** — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Perera and Ms Ryall.  
(*Council*): Mr Elasmr, Mr Melhem and Mr Purcell.

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

**Environment, Natural Resources and Regional Development Committee** — (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward. (*Council*): Mr Ramsay and Mr Young.

**Family and Community Development Committee** — (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish and Ms Sheed. (*Council*): Mr Finn.

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

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

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

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

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



# CONTENTS

## WEDNESDAY, 10 JUNE 2015

### CONDOLENCES

*Hon. John Hamilton Simpson*.....1821, 1822

DISTINGUISHED VISITORS.....1822, 1829, 1831, 1865

ABSENCE OF MINISTER.....1829

### QUESTIONS WITHOUT NOTICE and MINISTERS

#### STATEMENTS

*Legislative Council Government Whip* .....1829, 1830

*Ministers statements: education funding* .....1830, 1831

*Minister for Small Business, Innovation and Trade* .....1830, 1831, 1832, 1834, 1835

*Ministers statements: Melbourne Metro rail project* .....1832

*Political donations*.....1833, 1834

*Ministers statements: housing affordability*.....1834

*Ministers statements: whooping cough*.....1835

### SUSPENSION OF MEMBER

*Member for Burwood* .....1833

### CONSTITUENCY QUESTIONS

*South-West Coast electorate* .....1836

*Yan Yean electorate* .....1836

*Euroa electorate* .....1836

*Narre Warren South electorate* .....1836

*Evelyn electorate* .....1837

*Geelong electorate*.....1837

*Shepparton electorate* .....1837

*Dandenong electorate* .....1837

*Ringwood electorate*.....1837

*Carrum electorate* .....1838

### ENERGY LEGISLATION AMENDMENT

#### (PUBLICATION OF RETAIL OFFERS) BILL 2015

*Introduction and first reading*.....1838

*Statement of compatibility*.....1877

*Second reading* .....1877

### ASSOCIATIONS INCORPORATION REFORM

#### AMENDMENT (ELECTRONIC TRANSACTIONS)

##### BILL 2015

*Introduction and first reading*.....1838

*Statement of compatibility*.....1880

*Second reading* .....1880

### ROAD SAFETY AMENDMENT (PRIVATE CAR

#### PARKS) BILL 2015

*Introduction and first reading*.....1838

*Statement of compatibility*.....1881

*Second reading* .....1882

### PLANNING AND ENVIRONMENT AMENDMENT

#### (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

*Introduction and first reading*.....1838

*Statement of compatibility*.....1885

*Second reading* .....1886

### ADOPTION AMENDMENT BILL 2015

*Introduction and first reading*.....1839

*Statement of compatibility*.....1889

*Second reading* .....1890

### PETITIONS

*Grovedale bus services* .....1839

*Jetty Road, Rosebud* .....1839

### HEALTH PRACTITIONER REGULATION NATIONAL

#### LAW AMENDMENT (MIDWIFE INSURANCE

EXEMPTION) REGULATION 2015 .....1840

### SCRUTINY OF ACTS AND REGULATIONS

#### COMMITTEE

*Annual review 2014*.....1840

*Alert Digest No. 6*.....1840

### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

#### *Victorian Auditor-General's Office financial*

*audit* .....1840

DOCUMENTS .....1840

### JUSTICE LEGISLATION AMENDMENT BILL 2015

*Council's amendments* .....1841, 1899

ROYAL ASSENT .....1841

APPROPRIATION MESSAGES .....1841

### BUSINESS OF THE HOUSE

*Program* .....1841

### MEMBERS STATEMENTS

*George Seitz*.....1844, 1847

*Ferntree Gully electorate fundraising event*.....1845

*Choco Bean Cafe*.....1845

*Knox Basketball*.....1845

*Knox Business Conference* .....1845

*Wantirna South Junior Football Club* .....1845

*Ron Palmer* .....1845

*Footscray education precinct*.....1845

*Disability services* .....1845

*Eritrean independence anniversary* .....1846

*Essendon Youth Council* .....1846

*Women's Information and Referral Exchange*.....1846

*Forest Hill College*.....1846

*Sameway Charity Fun Walk* .....1846

*Forest Hill electorate schools*.....1846

*Regional rail link*.....1847

*Government performance* .....1847

*Stonnington Young Local Leaders* .....1848

*Niddrie electorate ministerial visit*.....1848

*Minister for Families and Children* .....1849

*Family violence* .....1849

*Gippsland South electorate schools* .....1849

*Hadfield Park, Wallan* .....1850

*Lily Morrow* .....1850

*Karen Picone* .....1850

*Ryan Jans*.....1850

*Moyhu Central*.....1851

*Weekend Fit for a King* .....1851

*King Valley Art Show*.....1851

*Ski season*.....1851

*Sydney Road, Brunswick, cyclist safety* .....1851

*Caulfield South Primary School*.....1851

*Angus Baranikow* .....1852

### STATEMENTS ON REPORTS

#### *Public Accounts and Estimates Committee:*

*budget estimates 2015–16 (hearings*

*alert)*.....1852, 1853, 1854, 1855

#### *Public Accounts and Estimates Committee:*

*Victorian Auditor-General's Office financial*

*audit* .....1856

# CONTENTS

---

## GRIEVANCES

<i>Government performance</i> .....	1857, 1863, 1867, 1873
<i>Liberal Party performance</i> .....	1860, 1865
<i>Level crossings</i> .....	1870
<i>The Nationals performance</i> .....	1875

## JUDICIAL ENTITLEMENTS BILL 2015

<i>Second reading</i> .....	1890
-----------------------------	------

## PLANNING AND ENVIRONMENT AMENDMENT (RECOGNISING OBJECTORS) BILL 2015

<i>Second reading</i> .....	1901
-----------------------------	------

## ADJOURNMENT

<i>1st Warrandyte/Park Orchards Scout Group</i> .....	1913
<i>Calder Freeway noise wall</i> .....	1913
<i>Sandringham electorate legal services</i> .....	1914
<i>Mernda and Doreen Diwali festival</i> .....	1914
<i>Australian Adventure Festival</i> .....	1915
<i>McClelland College</i> .....	1915
<i>Challenge Family Violence</i> .....	1916
<i>Pascoe Vale bus services</i> .....	1916
<i>Toorak Road, Camberwell</i> .....	1917
<i>Regional rail link</i> .....	1917
<i>Responses</i> .....	1918

**Wednesday, 10 June 2015**

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

**CONDOLENCES**

**Hon. John Hamilton Simpson**

**Mr ANDREWS (Premier) —** By leave, I move:

That this house expresses its sincere sorrow at the death of the Honourable John Hamilton Simpson and places on the record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Niddrie from 1976 to 1988 and Minister of Public Works from 1982 to 1983, Minister for Property and Services from 1982 to 1985 and Assistant Minister of Transport and Minister of Labour and Industry from 1983 to 1985.

John Simpson — or Jack as he was known — was in every respect a family man who put his community first, and he lived and breathed Melbourne’s west. He was a proud chairman of his local school council, a proud player for his local footy and cricket clubs and an even prouder member for Niddrie. As one journalist put it, in the sort of description that each and every member of this place should envy:

Jack Simpson is a local boy through and through! —

complete with an exclamation mark.

Jack left school at 15 and later became a qualified French polisher. He spent some 20 years managing the family retail furniture store in Moonee Ponds, and in between he played for the great Essendon Football Club for three glorious years, during which the Bombers made three grand finals, and won two, under the great ‘King Richard’, although in Jack’s own memorable turn of phrase he played 94 games short of his century. On his stints in the league and with two association clubs, he said, ‘I talked my way into them and played my way out of them’. But he rightly earned his stripes as a member of Essendon’s golden era — and what an era it was. There was always a bit of the footballer in Jack Simpson — this 1.91-metre ruckman who, and I quote, ‘could get brushed aside if the wind was blowing heavily from the north’.

Jack joined the Labor Party in 1961, entered Parliament in 1976 and quickly got a reputation. They called him ‘Jovial Jack’ and ‘Jester Jack’. He was known for his blunt interjections in Parliament — none of which, I am sure, are recorded in *Hansard* and none of which, I fear, are fit for print or repetition today. But he was loved by all members on both sides of the aisle. He entered cabinet as the Minister of Public Works and Minister of

Property and Services; he would later become Minister of Labour and Industry as well as Assistant Minister of Transport. He was a natural choice for these portfolios because he got things done — an important quality then and now — but he never lost his own priorities. They were always in the right place.

Jack was a dedicated family man. He was an avid golfer — I could go on, but I will not. When he became a minister he said he could no longer spend weekends on the course. His handicap drifted from a respectable 13 to 19 — I do know the feeling.

Jack did not have a comprehensive formal education, but he was a comprehensive advocate for it. Soon after becoming a minister, Jack returned to his old school, Essendon Technical School, to announce major works. How proud that must have made him feel. He recognised the fundamental importance that education can have in a working person’s life.

At a time when it was not as universally celebrated as it is today, Jack believed in our multiculturalism — our unity in our diversity. He described it as the great strength of his local community. He counted all cultures among his friends. He always worked hard to ensure that migrants, particularly older Victorians, felt more included in our great Australian family. He was even proud to have the honour of being the no. 1 ticketholder for the Italian Community of Keilor Association. He said:

I’ve been to America, Canada and the United Kingdom, and witnessed their ... —

multicultural —

policies in action.

I don’t say they do not work, but ... they do not hold a candle to ours in Australia — particularly Victoria — and most certainly in the Niddrie electorate.

I never had the great honour of meeting Jack, but I have met plenty of men and women just like him. They are Labor’s quiet heroes — people who put the community before themselves, their principles before their promotion. They are concerned about where we are headed but they never lose sight of where we have come from. Jack Simpson not only led the way but he knew how to bring people with him and how to get things done.

On behalf of the Victorian government and the Victorian Labor Party, I thank Jack Simpson for his service to this place, our party and our state. I offer condolences to his family, friends and colleagues, and I wish him peace in rest. I am sure that all those close to

him take some small measure of comfort from knowing that those of us who sit in this place and in these high offices at this time reflect so kindly upon a person of principle and action.

**Mr GUY** (Leader of the Opposition) — I rise on behalf of the Liberal-Nationals coalition to make some remarks in respect of the passing of the Honourable John H. Simpson. Jack Simpson, as he was known, was born in Essendon on 8 February 1929 to Helen and William. His father was a local furniture retailer. That furniture store was to play a big part in Jack's life. Seeing the work behind pressures of running a family store clearly defined many of the policy beliefs he brought to this Parliament.

Educated at Essendon North State School and Essendon Technical School, Jack left school at 15 to become a rouseabout — a jack-of-all-trades, as it is known — at shearing sheds and wool retailers, before following his father into furniture retailing, starting as a French furniture polisher until 1955 and from there taking over his late father's Moonee Ponds furniture store until 1976. When looking at the earlier part of Mr Simpson's CV, I felt as if I was reading about a prospective Nationals politician. Clearly shearing sheds were something Jack was very passionate about.

While I personally do not know much about Mr Simpson, I know he was a keen follower of the Victorian Football League. As the Premier said, Jack was a member of the Essendon Football Club, and he often made the comment that he was 94 games short of making a century. He was a key player between 1949 to 1951.

In 1958 Mr Simpson married his sweetheart, Joyce, with whom he had four daughters: Andrea, Janet, Brenda and Debra. It was at this time that Jack became active in politics, joining the Australian Labor Party in 1961. He was highly active in local Labor politics, eventually winning the seat of Niddrie in 1976, which he represented until 1988. In 1976 the electorate of Niddrie had many components to it: established areas, growing suburbs and some of the old market garden remnants of Melbourne's north-west. It was a vastly different seat from the very urban one we see today. Jack Simpson championed everyone in all areas.

As an MP, Jack held a long interest in public infrastructure, on which he ruminated at length in his maiden speech, and in 1977 he was rewarded for his interest by becoming the shadow Minister for Public Works. He moved to the police and emergency services portfolio in 1979. When John Cain won government in 1982 Jack became the Minister of Public Works. He

remained in this position until 1983 when he became the Minister of Property and Services.

In 1983 Jack became the Assistant Minister of Transport and Minister of Labour and Industry until the 1985 election, after which he stepped down from the frontbench to serve his final term devoted to the electorate which he loved so much. From the backbench, Jack Simpson championed the Cain government's extension of shop trading hours on Saturdays, which he was able to do via his history of working in his family's small furniture business.

Alternatively named 'Jovial Jack' or 'Jester Jack', Mr Simpson was also a keen parliamentary punter. At one stage I am told he offered odds and pedigrees on the Liberal leadership, including lengthening the eventual Premier, Lindsay Thompson, out to 9:2. I await to see if the current member for Niddrie will match the punting abilities of not just Mr Simpson but also Mr Hulls.

In his later years Mr Simpson became a member of the board of the Small Business Development Corporation and a trustee for the Melbourne Cricket Ground. He remained dedicated to the Labor Party in his adopted state of Western Australia. He wrote to newspapers many times to ensure they gave positive media coverage to causes in which he believed so passionately.

I pay my respects to Mr Simpson's family and acknowledge the work he did for so many, particularly in the seat of Niddrie. I offer my condolences to Jack's family on his passing.

**Debate interrupted.**

## DISTINGUISHED VISITORS

**The SPEAKER** — Order! I acknowledge in the gallery a former Speaker of this house, Judy Maddigan.

## CONDOLENCES

### Hon. John Hamilton Simpson

**Debate resumed.**

**Mr CARROLL** (Niddrie) — I rise to make a contribution to the condolence motion in honour of John Hamilton Simpson, otherwise known as Jack. He was affectionately known as Jack, Big Jack, Jester Jack and Jovial Jack, or as the Premier said, the man who would introduce himself as 'Jack, 94 games short of a century for the Essendon Football Club'. He was recently described as a salesman, a showman, a

raconteur, a politician, a sportsman, a businessman and a larger-than-life figure. The Moonee Valley *Weekly Review* recently editorialised on Simpson:

Niddrie residents loved Simpson and he drew a huge personal vote. ... Simpson had an engaging personality, an enormous sense of humour and made few enemies, a rarity in politics. Sadly, few of his type now serve in our parliaments.

As the current state member for Niddrie, I very much enjoy reading the tributes to Jack Simpson. Unfortunately I never got to meet Jack in person, as he and his wife of 57 years, Joyce, retired to Kalbarri in Western Australia to be closer to their daughters. I did, however, build a rapport with the man through his letters and the odd phone call of advice from the old master. When I won preselection on the night of 21 February 2012, within 48 hours I had a letter sent to my home from Jack in Kalbarri. Apart from his congratulations, he also took it upon himself to advise me that he was a relentless fundraiser and that quiz nights were his specialty if I ever needed them. He advised me in his correspondence that he ran a very successful mystery raffle with the mystery prize being the two cannons at Queens Park in Moonee Ponds. The winner only had to go down and collect them.

My last piece of correspondence from Jack was last year. I had sent him a copy of my budget reply, knowing that his four daughters had attended Aberfeldie Primary School, where as the Premier said, he was president of the school council, and as many people would have heard yesterday, it was a primary school that the Honourable Joan Kirner also attended when she grew up in Essendon. The budget reply was heavily focused on education, and there were commitments to my electorate by the then Leader of the Opposition and the then deputy leader, in particular a commitment to a \$10 million redevelopment of the Essendon Keilor College. Jack likened my campaign for the Essendon Keilor College to his own campaign for Aberfeldie Primary School. In his letter to me he wrote:

I have clear recall of making constant representation to the then Liberal Minister for Education, the Honourable Lindsay Thompson, about the appalling conditions of the boys toilet block, year in year out ...

In the letter he said he had threatened to do something if it was not fixed. He said that essentially it got fixed and a plaque was erected naming it 'The Simpson Toilet Block'. He also said:

As the TV advert says —

Ben —

'Keep on keeping on. Your efforts will be rewarded'.

A common trait I shared with Jack was that we were both lifelong locals, having been born and raised in our local communities. I was perhaps Jack's youngest constituent at the age of one in 1976 when the electorate of Niddrie was created and Jack became its first member. He was born in Essendon on 8 February 1929 to parents William and Helen, who were furniture retailers in Moonee Ponds. He was the second oldest child to Bill, with siblings Bob and Betty to soon follow. It is nice to have Bob, his brother, here in the gallery. As the Premier and the Leader of the Opposition said, Jack was educated at local schools, including at Essendon North Primary School and Essendon state school. He left school at the age of 15. He spent three years as a rouseabout in shearing sheds around Victoria, and he then became a fully qualified French polisher. He has said of those three years as a rouseabout roughing it up in the outback that he got what he considered to be a great education, but more importantly an appreciation of human nature, which he felt was an essential skill for public life.

As has been said, he played 94 games short of a century for the Essendon Football Club. In an interview with the *Herald* on 8 April 1982 he went some way to describing his short time at Essendon, explaining that he was the only league footballer who talked his way into the team and played his way out of it.

He was, as the Premier said, of large stature for those days being 1.91 metres tall and weighing 75 kilograms. In those six games he achieved a lot. Unbelievably from 1949 to 1951 he played alongside greatness and, although not playing in the premierships that Essendon won in 1949 and 1951, he managed to get himself into the premiership photos, which says a little bit about the man. As a forward pocket, he played alongside the legendary John Coleman, and he managed to suffer the wrath of the legendary goal kicker with the words, 'Get out of my way, Simpson, or I'll do something to you'. He was also lucky to be a fill-in ruckman assisting the legendary Dick Reynolds.

Beyond football, Jack played cricket with Essendon and once took 11 wickets for 1 run. I am reliably informed that the one run came from a slips catch being dropped. In golf, as the Premier said, he had a handicap of about 13.

After his father's death he took over the family business in Moonee Ponds, a job he held for some 20 years from 1955 to 1976. The furniture store on Mount Alexander Road became an epicentre for Niddrie and Essendon politics. In fact before he entered Parliament Jack would often be seen holding court with the then mayor of Essendon, Cr Ian Blair, at the shop. A big problem

for customers was that Jack was more interested in talking politics than selling furniture. Often when he saw a customer walk in he would tell the mayor, 'Duck! Duck! I want to get on with the story of our politics'. He never really wanted to be in the furniture business for a long time, and with the encouragement of his wife, Joyce, he joined the West Essendon branch of the Australian Labor Party in 1961. Within a few short years he had become the state member for Niddrie. He entered the Parliament on the back of the Hamer government's crushing win of 52 of the 81 Assembly seats in 1976, which was the largest victory the Liberal Party had ever seen. It was a dark time for the Labor Party, but Jack would cite his greatest achievement in this place as cutting the huge majority enjoyed by the Liberals during the 1970s.

A famous Speaker of the United States House of Representatives, Tip O'Neill, once said, 'All politics is local'. This was something Jack Simpson practised. He believed that a politician's success was directly tied to the person's ability to understand and influence the issues of their constituents. This is something that Jack loved practising — he loved his electorate and the people of Melbourne's north-west. In fact in 1979 the Hamer government and the then Minister for Transport, the Honourable Robert Maclellan, were keen to upgrade the Tullamarine Freeway alongside Essendon Airport and they wanted to remove the safety line. However — and the current roads minister might want to take note — due to the weight of local pressure the government begrudgingly relented. The government then did not want to turn up to the opening, so Jack — always on message with the road safety campaign — organised the lemonade and managed to get a front-page story by opening the new lane along the western section of Essendon Airport, such was the gravitas he held with the local press. He also managed to increase his margin in the electorate of Niddrie during his tenure from 2 per cent to double figures.

In his inaugural speech on 27 April 1976 Jack touched on some of the issues that were close to his heart, one of which was the Niddrie quarry. In the *Keilor Messenger* of 23 April 1985 he said that he had a big dream for the Niddrie quarry. It was a dream that had begun in Canada. With his wife, Joyce, Jack visited the beautiful Butchart Gardens near Victoria on Vancouver Island, where he saw firsthand how a former quarry site could be turned into a picturesque setting with waterfalls and scenery. He said:

It appals me to think that Niddrie quarry could end up as a tip instead, and I will fight tooth and nail to see that this does not happen.

His dream would be fulfilled by the third member for Niddrie, the Honourable Rob Hulls, who was sometimes referred to locally as 'Jack Simpson with a law degree'. The Bracks government would eventually create the Valley Lake estate, which is something I know all members on this side of the house and all Labor members who have represented the people of Niddrie are very proud of — although there is still, as Bob has reminded me, no Simpson Street, so I still have my work cut out in that respect.

Jack Simpson was also very keen to increase the livability of the local constituents. He once described Niddrie and some of its suburbs as 'transport slums'. However, standard-gauge and broad-gauge lines do run through the electorate — the east Albion line. Jack was very keen to see what could be done with the right investment in this line. In fact, in his inaugural speech he outlined how:

Here I am today, making my maiden speech, advocating something which was presented to a minister almost 50 years ago. I was not even born then. With great respect, Mr Speaker, you were probably in knickerbockers.

With the right investment we can increase livability for the people of Niddrie.

On his parliamentary career, Jack said in the *Age* of 9 May 1980:

I don't mind if I'm even on the backbench — I just want to see a Labor government in this state — that is what I'm about.

As I highlighted earlier, his favourite recollection of his time in this place was cutting the Liberal Party's majority. In the *Age* of 3 January 1983 he said:

When I first went in there, I couldn't see how we were ever going to win. It was 52 to 21. I certainly didn't want to spend the rest of my time in opposition, and I knew the talent we had wasn't going to stay sitting on opposition benches. And it's one thing to put in a lot of work, and get no result, but the results came when Pauline Toner won Greensborough, and then David Williams in Ballarat, and then came 1979, when we needed about 9 per cent swing and we got 7. I was super confident then that we would win government at the next election.

Perhaps Jack's best role was in exposing the housing commission land deal scandals that would come into play in some of the later years of the Hamer government, and which were the subject of a board of inquiry and a royal commission between 1977 and 1981. With John Cain, Steve Crabb, David White, Ian Cathie and the Simpson charm he would go down to the titles office and access more information than he could have believed he would get his hands on. After the 1980 election the team was instrumental in work

which led the Hamer government to admitting that a further 100 land deals were suspect and its consequent decision to set up the Frost royal commission. He went on to become the Minister of Public Works from 1982 to 1983 and later the Minister of Property and Services.

Although he exposed the former government in relation to some of the malfeasance that occurred, unfortunately for Jack his personality also led him into some trouble. He perhaps came the closest to having a Watergate scandal when as public works minister he made an impromptu visit to the then press rooms in Treasury Place when told that the lavatories were not working in the building. Jack got to the nearest phone to ring his department. The phone rang out, and just as he was about to go up and answer the phone himself a humble public servant answered to inform him that they had sprung the leak and indeed it was from the minister's private bathroom.

Jovial Jack courted controversy with a front page headline in the Sunday papers on 21 October 1982, 'Lady MPs rally to Jack'. In part it reads:

Mr Simpson admitted in Parliament yesterday that he had given Mrs Sibree 'a peck on the cheek' in the members dining room ...

He subsequently apologised, explaining that he had been in a celebratory mood that night with the release of an opinion poll showing support for the Labor Party at 55 per cent with the Liberal's popularity at only 33 per cent. Soon followed the headline 'He's the Jack of hearts!', with former Hansard staff interviewed about Jack describing him as 'a ray of sunshine', 'an absolute scream' and 'a real comedian'.

I want to record my appreciation at being able to follow in the footsteps of people like Jack. It is an honour to stand in this place as the fourth member for Niddrie. In many respects his inaugural speech all those years ago covered some of the issues I am currently fighting for.

His wife, Joyce, of 57 years was a real companion. He said:

I used to play golf, often on Saturdays and Sundays, but now I'm locked at home with my good lady, reading, reading, reading. You've heard of the family that prays together stays together. Well now it's the family that reads together stays together.

I offer my condolences to Joyce, to Jack's brother Bob and to the extended family. To daughters Andrea, Janet, Brenda and Debra, I say that your father was very proud of you and I know he has left a remarkable legacy in the electorate of Niddrie, a tradition I hope I can follow. Condolences and Vale Jack Simpson.

**Mr WALSH** (Murray Plains) — I rise also to speak on the condolence motion for John Hamilton Simpson. I congratulate the current member for Niddrie for doing such a great job in his contribution on a previous member for Niddrie. We always learn more about members who we do not know personally when we listen to condolence motions, and the member for Niddrie did him proud.

As has been said, John Hamilton Simpson was born in Essendon and lived there all his working life until retiring to Western Australia to be closer to his family. He left school early, at 15 years, and spent some time as a roustabout in shearing sheds and wool stores. Obviously that work did not appeal to him for the rest of his life. My sense is that having left school early his father probably sent him away to learn some life skills, which has been talked about, and which you would in shearing sheds. He came back to Essendon and learned to be a French polisher and, as has already been said, on the death of his father he took over the family furniture store in Moonee Ponds.

A lot has already been made of his football career with Essendon and then with Williamstown and with Brunswick. My understanding of that time is that there was quite significant rivalry between the Victorian Football League (VFL) and the Victorian Football Association (VFA). I would imagine that swapping from one to the other was probably not something he did lightly, but if it meant getting a game, perhaps that is why he did it. There were those in the VFA who felt they were better footballers than those in the VFL at the time, so it would have been an interesting time, as is the case when you change football clubs.

I note that in Jack's inaugural speech, a contribution to the address-in-reply, he talked about a lot of things in his electorate. He talked about the issue of Essendon Airport, the Tullamarine airport and noise with planes coming in and out over the top of his electorate. He also touched on the fact that, at that time, there was a trial being approved for the Concorde aircraft to fly into Melbourne. It is interesting how times change, is it not? I do not think the Concorde aircraft is even in service anymore. I do not believe it did many flights to Melbourne as part of that trial.

As has been mentioned, Jack talked about the issue of quarry dust in his electorate. He talked about the issue of water quality and the Greenvale Reservoir and the fact that at the time there were high bacteria levels in the reservoir. The effective way of treating that is with doses of chlorine, and he said that a lot of people were bringing drinking water into the electorate because they did not like the taste of the water that was being

provided by Melbourne Water. On being elected he went and met with Melbourne Water about trying to resolve that particular issue.

The majority of Jack's contribution to the address-in-reply was around the issue of public transport for his electorate. If you go back and read people's contributions on the address-in-reply when they first start in this place and you think about what things are topical and being talked about at the moment, you realise that a lot of the things they talked about are still topical. No doubt that is why we still all have a job being members of Parliament: to come here and advocate on behalf of our communities. As Jack spoke about, as his particular part of Melbourne grew so did the need for public transport and services in that area, and that is still the case as Melbourne continues to grow. I imagine we have quite a few members in this place who will continue to work on behalf of their communities as Jack did on those issues.

Jack had the opportunity to serve as a minister. I think everybody who comes into this place and gets the opportunity to serve as a minister appreciates the trust that is put in them by the people of Victoria who sent them here and in particular the trust that is put in them by the government of the day to serve in the ministry. As someone who was very keen on those issues of public works, to be able to have the opportunity to be a minister in that area no doubt would have been an important part of Jack's life at that time.

I notice that in the Warrnambool *Standard* there was an obituary notice about Jack. It talks about the members of his family and finishes by saying 'We have lost the CEO of our family'. Obviously he was viewed very strongly by his family as being the patriarch of the family — Big Jack, as he has been described.

On behalf of the Liberal-Nationals coalition I offer my condolences to Jack's family. He was obviously someone who was very proud to represent his community in this place, and he did that well, going by the contributions that have been made, particularly by those on the other side, who knew him a lot better than I did. My condolences to his family.

**Mr PEARSON** (Essendon) — I rise to acknowledge the great life contribution Jack Hamilton Simpson made in this place and to the broader Labor movement. To some extent it is a sad day because it is yet another day where we acknowledge the passing of a legend of the Labor movement. In one sense it is particularly profound because we are acknowledging the contributions people made at a time when Labor had no real chance of being in government in this state.

Labor was on the way to losing nine straight elections when people like Jack Simpson and Joan Kirner joined the party.

When Jack arrived in this place the Labor Party was hopelessly outnumbered. I remember talking with David White in those times, and he talked about the caucus being full of shellbacks — people who had given up the fight, who had given up hope and who were only interested in the lurks and perks that came with being a member of Parliament. They were not interested in doing the hard work and the task that was required in order to be a viable opposition and to improve their chances of being in government. Jack was one of those people who understood what was required and got on with it.

I worked as a staffer in the other place in the mid-1990s with the now member for Melton. At that stage there were 10 opposition members in the upper house and 34 members of the government, and it was hard. It was extremely difficult being hopelessly outnumbered, but we were always looking for people who were prepared to have a go. People fell into two broad categories. There were those who wanted to front the cameras, lead the charge and be in the story, and we absolutely needed those people to prime the attack. But we also needed people behind the scenes who were working diligently as members of the team and who were happy to do the grunt work and the hard yards. For every story that was run in opposition there were countless hours of tedious, hard, grinding work. There was no glory in it. There was no glory going through the land titles office looking for titles in an effort to expose what had happened. Jack did that. He did the hard work and the hard yards. He was happy to be a member of a team and to share that work amongst the other members of the team.

These were tough times for the Labor Party, and people like Jack played a critical role in making Labor relevant to the community and ensuring that the party was seen as a viable alternative government and was propelled into government in 1982 — not just falling over the line, but having a very solid working majority on the floor of this place. That sustained us for three consecutive elections. The member for Niddrie made an outstanding and elegant contribution this morning. He fulsomely outlined Jack's great contributions. I cannot add more to what the member for Niddrie said, but I think days like today are important.

Leaving politics aside, we all want to do the best for our parties so that we can do the best for our communities. We are always looking for talented people who are prepared to do the hard yards to make sure that our

party is relevant and that it has the capacity to advocate for our communities and make a strong contribution in the event that we are lucky enough to form government. Jack Simpson did that. I am delighted to join this debate. Vale, Jack Simpson.

**Ms THOMSON** (Footscray) — It is an honour to rise to condole John Hamilton Simpson, or Jack Simpson as everyone knew him. I actually knew Jack Simpson. I might be the only one left in this place who did. I admit I was young when I knew him; I was a member of Young Labor at the time. Jack was larger than life in every single way. He was a big man of impressive stature. He had a loud voice. When he was in the room you knew it, and you knew it when he left, because he would leave a void.

Jack left school at the age of 15 to work in the wool industry and later in his father's furniture shop in Moonee Ponds. During this time the then struggling Labor Party lost another election. Jack sat in front of the television and started a familiar rant. 'What's wrong with them?', he said. 'They couldn't sell ice-cream in the Sahara Desert'. Fed up with his idle ravings, his wife, Joyce, yelled, 'Gosh, you talk a lot'. Shocked, Jack retorted, 'I'll show you. I'll join the Labor Party'. So in 1961 Jack got into action and joined Labor's West Essendon branch, and his future achievements stemmed from there.

Everyone in Niddrie knew Jack Simpson, and Jack Simpson probably knew just about everyone in Niddrie — he was that kind of personality. He was down to earth and committed to his work, but he certainly did not take himself too seriously. We talk about 'Jester Jack', but understand this: he could make an interjection and create a debate in which he really took it to his opposite numbers, but it was always done with the best of intentions. It was always done with an element of good humour, and I have never heard a better interjector than Jack Simpson.

The first time I came across Jack was when Young Labor members were out letterboxing — I do not remember for what — and we came into Parliament late one night. Everyone had dispersed. The chamber was empty, and Jack Simpson got to his feet to speak. Suddenly everyone came out of the dining room and out of their offices to hear him speaking in the chamber. That is how much people enjoyed Jack's debates in the Parliament. He had a running sparring match with Liberal member Robert Maclellan.

Not only did those sparring matches occur in the Parliament, but I remember going to Jack's office here at Parliament House — in the chookhouse — and

seeing that they kept the sparring match going by fax machine. There was a competition to see who could continue the joke and deliver the best one-liner, and the faxes were put on the wall in Jack's office here at Parliament House. Jack was a man who was much respected and much loved across the chamber and throughout the Parliament, but he was a serious man as well. He was serious about delivering for people who needed to be looked after and serious about delivering for his electorate, and he seriously wanted to see a Labor government elected.

In 1976 Jack was joined in the Parliament by John Cain, Jr, Evan Walker, David White and Steve Crabb, and together they mounted a campaign saying, 'We have to be in government. It's not good enough just to be here to enjoy the life of Parliament House; we have to be in government if we want to look after the people we represent'. They strove to do that, and together Steve Crabb, David White, Jack Simpson and John Cain, Jr, before John became the leader of the party, set about ensuring that that occurred.

From that, the Housing Commission land deals scandal, which was referred to eloquently by the present member for Niddrie, became a very desperate bid by these men to find the truth. In those days nothing was online. If you wanted to find anything out, you had to search through the papers yourself. You would have to find the links and chase them down, and they did that. I remember Jack talking about how they would go down to the titles office and stay there from the time it opened until the time it closed, scouring every document and looking for the links to where things were hidden, and they found them. They found them and exposed them, which ultimately led to a royal commission.

I am privileged to have known Jack Simpson. I will tell a story. I found two stray kittens. One I named Hawkie, because I really admired Bob Hawke and this little kitten was a bit of a leader of the pack of the two. The other one was up to mischief, and he was called Simmo. From my point of view, that summed up Jack Simpson. He was a larrikin, but he had a heart of gold and made a real commitment to the people whom he represented, both in Niddrie and in this Parliament, and to his responsibilities as a minister for the people of Victoria. Vale, Jack Simpson. To his family — to Joyce and to Bob — and to all those who loved him: he was an amazing man, and I am very privileged to have known him.

**Ms GREEN** (Yan Yean) — Like the member for Footscray, I also knew Jack Simpson, who died peacefully in Perth on 19 May, aged 86 — 14 short of a century. Jack Simpson was a shearer, like my

grandfather. I take issue with the Leader of the Opposition — Jack Simpson's is not a National Party pedigree; his is a Labor Party pedigree if ever I heard one. He was like my grandfather, my uncles and my cousins. He was a French polisher and a furniture maker, just like my uncle, Herb Jenkins, who had a shop up the road in Airport West, and they knew each other.

It would seem odd that a long-haired kid like me from the bush would have had anything in common with Jack Simpson, but I was seconded from the Ministry of Transport's personnel office to the reception desk for the then Minister for Transport, Steve Crabb. It was quite amazing for me to see the ministers of the day going in and out. They were the ministers in the first Labor government I had known in my life. The minister, Steve Crabb, was quite a shy person and, with that thick Scottish brogue, was often hard to understand, so it took me a lot longer to get to know him. But Jack Simpson was not like that at all. He would always stop for a chat, and that is where we found out we had so much common ground — in particular my being a lifelong Essendon supporter. That running joke of him playing 94 games short of a century was often heard; it was one of the first things he told me about. I note one of the quotes from a local paper, a paper that I think does not exist anymore. The current member for Niddrie might say that I am wrong, but an article in the *Community and Real Estate News* states:

The state member for Niddrie and former Essendon footballer extraordinaire, Jack Simpson, is outraged ...

The Essendon District Football League report in last week's *Community and Real Estate News* credited his VFL career with Essendon as being '96 games short of 100'.

'I in fact played six games — not four', Mr Simpson said last week.

Mr Simpson, who has now settled down to a more restrained but no less hectic job as public works property and services minister in the Victorian government, fears that the slip on his games tally may affect any payments still due to him from Essendon's provident fund.

He said the *Community and Real Estate News* report on his games tally was 33 per cent out — a major discrepancy that would not be tolerated if it occurred in government figures.

'Jovial Jack' played his six — not four — games for Essendon in the halcyon years of 1949 to 1951, as a big ruckman.

As other members have mentioned, in the *Herald Sun* he was referred to as the 'Jack of hearts'. This was the sort of man that I knew as a 20-year-old kid from the country. I am sure Hansard find it very amusing that they were quoted in what was then the *Sun*:

Joyce Cunningham was even more glowing in her praise of Mr Simpson.

'He was a ray of sunshine', she said.

'He was a real favourite and everybody liked him.'

Peg Hillier said Mr Simpson was 'an absolute scream'.

She said: 'I have waltzed up the corridor with him on more than one occasion. He is a real comedian.'

The *Age* also reported on 5 May 1986:

... he is the de facto leader of the vociferous group of Labor backbenchers known to both sides of the Legislative Assembly as the Simpsonettes and whose vocal style is not dissimilar to that of the members' stand at Windy Hill during a close game.

There must be something about us Essendon supporters. I think the member for Melton might fit that description.

Yesterday, the Simpsonettes threw a party for their spiritual leader to mark his 10 years as MP for Niddrie. The bash was graced by such notables as the Premier, Victoria's pale and interesting health minister, David White, and Steve Crabb, the Minister for Rubbing Out the BLF. All were invited on the condition that they regale the gathering with a story, which had to have at least a slim basis of truth, about the life and times of Jack Simpson. What the stories were we do not know, but it is more than likely that the Crabb tale has to be translated. The bunfight was a surprise party, and Jack Simpson was tricked into attending by being told that it was an affair for the Friends of the Zoo. This was, of course, not entirely inaccurate.

This Parliament has this week said goodbye to two greats — two greats who grew up in the western suburbs, who were Labor through and through and who served together in the Parliament. Both were greatly respected, both were great Bombers, and I was privileged to have known Jack Simpson. Farewell, Jovial Jack.

**The SPEAKER** — I too wish to pay tribute to Jack Simpson. Jack began his parliamentary career in 1976 as the member for Niddrie. His contribution to the state of Victoria was tremendous, especially as the Minister of Public Works, the Minister of Property and Services, the Minister of Labour and Industry and the Assistant Minister of Transport. I did not know Jack Simpson, but I do know that today's multiculturalism and inclusion is the legacy of many great Australians. Jack Simpson was one of them, and I am grateful to him. My sincerest condolences to Jack's family for their loss.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

**ADJOURNMENT**

**Mr ANDREWS** (Premier) — I move:

That, as a further mark of respect to the memory of the late Honourable John Hamilton Simpson, the house now adjourn for 1 hour.

**Motion agreed to.**

**House adjourned 10.20 a.m.**

**The SPEAKER took the chair at 11.22 a.m.**

**DISTINGUISHED VISITORS**

**The SPEAKER** — Order! I wish to acknowledge in the gallery a former Speaker of this house, Alex Andrianopoulos. Welcome.

I also wish to acknowledge Ron Wells, a former MLA for Dromana and MLC for Eumemmerring. Welcome.

I would like to acknowledge in the chamber today Lorena Pizarro. Lorena Pizarro is a human rights activist and currently president of the Association of Relatives of the Detained and Disappeared in Chile. She lived in Australia as an exile from the Pinochet dictatorship, arriving in 1988. She returned to Chile when the dictatorship ended.

Lorena is here on an Australian tour to highlight the importance of seeking justice for human rights abuses in Chile and to lend her support to the campaign for the extradition of Adriana Rivas, which has been requested by Chile's Supreme Court. Adriana Rivas is accused of the aggravated kidnapping of seven people in Chile during the Pinochet dictatorship as well as fleeing Chile whilst on bail. I want to assure you, Lorena, that this great nation is built on the good tradition of upholding justice and respect for the law. I quote the French historian and philosopher Voltaire: 'I disapprove of what you say, but I will defend to the death your right to say it'.

Lorena, I welcome you to this Parliament. Bienvenida al Parlamento de Victoria.

**ABSENCE OF MINISTER**

**Mr ANDREWS** (Premier) — I advise the house that the Minister for Environment, Climate Change and Water is absent from the house for this sitting week. As a consequence the Minister for Local Government will have responsibility for her portfolios.

**Business interrupted under sessional orders.**

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Legislative Council Government Whip**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Given that Labor MP, Cesar Melhem, and the Premier's adviser, John-Paul Blandthorn, have given directly contrary evidence under oath to the Royal Commission into Trade Union Governance and Corruption, I ask: who does he have confidence in, his adviser or Mr Melhem?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Mr Melhem resigned as whip in a telephone conversation with me on Monday evening. That was the appropriate thing for him to do in his interests and in the interests of his family, and indeed in the government's interests, because this is a government that will not be distracted by the sorts of ridiculous games that those opposite — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Opposition and government members will allow the Premier to respond in silence.

**Mr ANDREWS** — It is interesting that those opposite would laugh. They would laugh at investment in schools, they would laugh at investment in hospitals, they would laugh at investments in ambulance services. They would laugh at you actually keeping the promises we make to the Victorian community. They would laugh at lower unemployment and increased investment. They would laugh at the removal of level crossings, the construction of Melbourne Metro — —

*Honourable members interjecting.*

**Mr Guy** — On a point of order, Speaker, in relation to relevance. It is a very simple question: who does the Premier have confidence in, his adviser or his MP Cesar Melhem?

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

**Mr ANDREWS** — As I was indicating, Mr Melhem has resigned as the whip. Mr Blandthorn has attended, as any witness should if requested, the royal commission and has participated as a witness, nothing more or less than that. The government will remain focused on delivering on each and every one of the commitments it has made because it is the confidence of the Victorian community that is most important — a confidence shown by the Victorian

community in our plan, in our agenda and in our commitment to getting on and delivering it.

**Mr R. Smith** — On a point of order, Speaker, I refer you to sessional order 11(2), which says that the Speaker may determine if an answer to an oral question is not responsive. I put it to you very clearly that the Premier did not say which of the two he had confidence in, and I ask, as is outlined in sessional orders, that you ask for a written response by 2 o'clock tomorrow.

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

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask the Premier, given that Julia Gillard stood Craig Thomson down from the Labor caucus for alleged union impropriety until that investigation concluded, will the Premier now do the same with Cesar Melhem?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his supplementary question. Mr Melhem, a member in the other place, has resigned as the whip. That was an appropriate thing for him to do in his own interests, in the interests of his family and as he focuses on his role and the fact that he has to account for himself at the trade union royal commission.

The interesting point here, and the clearly obvious point, is that the royal commission is underway, it is ongoing — it is costing Australians hundreds of millions of dollars. The Leader of the Opposition is not the royal commissioner; no-one in this place is. We ought to allow it to simply run its course, and when findings of fact are made, when that process is concluded, then we ought to deal with those matters at that time. That would be the appropriate way to go, as opposed to these ridiculous, far-fetched comparisons from someone who is in no position to provide probity lectures to anyone.

**Ministers statements: education funding**

**Mr ANDREWS** (Premier) — I am delighted to inform the house that in full delivery of our commitment to not only invest in kinders, schools and TAFEs but also make Victoria the education state, the Deputy Premier, who is also the Minister for Education, and I, together with the Minister for Families and Children and Minister for Youth Affairs, Ms Mikakos; the Minister for Training and Skills, Mr Herbert; and the Parliamentary Secretary to the Deputy Premier, the member for Narre Warren South, today attended the State Library of Victoria, a historic institution at the

centre of learning, knowledge and understanding in the state, another facility that is being invested in by this government in full delivery of its election commitment.

The reason for our visit was to begin an important community consultation involving actually listening to teachers, listening to parents, listening to students, listening to education unions and listening to everyone across our state as to how we might build a better education system for the future. This comes on the back of \$4 billion in investment — the biggest education investment this state has ever seen and something that has stunned those opposite into silence. They have not got much to say about that, because the future of our kids has never mattered to those opposite. That is why they cut and they closed and they were at war with their own workforce. Whether it is a kinder in the smallest town in our community, a school on the growing fringes of our capital city or a TAFE college — no matter where it is — this government will honour each and every one of its commitments. We will deliver for the future of our economy and communities, for students, for families and for our future. Be in no doubt about this: we will ensure that Victoria is the education state.

**Minister for Small Business, Innovation and Trade**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier now inform the house: has a formal written complaint been lodged against Minister Somyurek by his chief of staff?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. To submit that this was anything other than a proper formal complaint is completely wrong and utterly wrong. This matter has been handled appropriately, and I would say to anyone who would perhaps have it that matters like this be dealt with quietly, that matters like this be hushed up, that matters like this not be dealt with in a proper contemporary way, that this is not 1965, it is 2015. When a member of staff in any workplace, and when a Victorian woman in any circumstance, makes a complaint against a superior or an employer, then those matters should be handled appropriately. I say to anyone opposite: if they have an alternative way in which they would like these matters handled, then they should get up and outline it for us, because I will not, and —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Malvern and the member for Hawthorn.

**Mr ANDREWS** — I will not, this government will not and I expect the vast majority of Victorians will not settle for anything other than that when serious complaints are made, they be dealt with seriously. Every woman in this community is entitled to that, and every woman, as far as I am concerned and if I have got anything to do with it, will be treated exactly that way. If the Leader of the Opposition or any other member has a different way to handle complaints like this, then they ought to outline it, but I again say that the notion that this matter has not been dealt with in a perfectly formal and correct way is completely and utterly false. The independent Secretary of the Department of Premier and Cabinet is conducting an appropriate investigation of these matters. I will take the Leader of the Opposition right back to points I made when last we met. Every Victorian has the right to feel safe and be safe at work, and central to that is a proper, formal complaints process, and it is exactly that proper, formal complaints process that has been followed from the start — the very start — in this matter.

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

**The SPEAKER** — Order! I warn the member for Malvern again. Members will allow the Leader of the Opposition to ask a supplementary question.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Given that the Premier still will not confirm if a formal written complaint has been lodged against Minister Somyurek, on what grounds does the minister remain formally stood down?

**Mr ANDREWS** (Premier) — Again I thank the Leader of the Opposition for his question. Clearly the Leader of the Opposition was not listening last sitting week, and he did not listen to the last answer I gave. The proposition that the Leader — —

**Mr Guy** interjected.

**Mr ANDREWS** — The Leader of the Opposition can get angry and loud, but ultimately he is wrong. His submission is wrong. I cannot be any clearer than that. A serious complaint was made, it has been formalised and it is being appropriately investigated. The submission, the allegation, the inference, the claim — —

*Honourable members interjecting.*

**Mr ANDREWS** — The loud and angry but wholly incorrect Leader of the Opposition can keep asking me about these matters, but they will be dealt with properly

and appropriately. Every employee in every workplace should expect nothing less.

**Questions and statements interrupted.**

**DISTINGUISHED VISITORS**

**The SPEAKER** — Order! I inform the house that Honourable Hussein Mar Nyuot, member of Parliament and South Sudan's opposition spokesperson for humanitarian affairs, is in the gallery. We welcome you, sir.

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Questions and statements resumed.**

**Ministers statements: education funding**

**Mr MERLINO** (Minister for Education) — I rise to inform the house of the next important step in delivering the education state, with the release today of the education state consultation paper — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Kew. I ask members to allow the Deputy Premier to make his statement in silence.

**Mr MERLINO** — The education state consultation paper is made possible by the single biggest boost to education funding in the state's history, which not only sets out to repair the damage caused by those opposite but fulfils our obligations under the Gonski national agreement for 2015, 2016 and 2017. As well as delivering on many election commitments, the budget importantly allocates \$1.4 billion in additional funding over the forward estimates. Over the coming two months we will be consulting with students, parents, teachers, principals, education professionals, community groups, businesses, TAFEs and universities to gather their input on how we will deliver the \$1.4 billion in additional funding.

We have a good education system in Victoria, yet there are many challenges that we face. The legacy of four years of those opposite — \$1 billion cut out of education, a capital program cut in half, a government that went to war with teachers three times — —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 7 in relation to ministers statements, which says they are 'to advise the

house of new government initiatives, projects and achievements'. The minister is now debating the statement. I ask you to bring him back to complying with the sessional order.

**The SPEAKER** — Order! I uphold the point of order. I ask the Deputy Premier to come back to making a statement.

**Mr MERLINO** — We are in the business of repairing the damage that those opposite did to our education system over the last four years. Student outcomes have stalled. Fewer students are achieving at the highest academic levels. There is disengagement among students in years 7 to 9. There is a persistent gap in retention rates between rural Victoria and metropolitan Victoria. The education state will deliver — —

**Mr Hodgett** — On a point of order, Speaker, I ask the minister to table his ministers statement because we have doubts as to who authored it, and we believe it is written on SDA letterhead.

**The SPEAKER** — Order! The Deputy Leader of the Opposition is a senior member of this house, and he understands that that is not a point of order. I warn him.

### **Minister for Small Business, Innovation and Trade**

**Mr PESUTTO** (Hawthorn) — My question is to the Premier. Given that the Premier has relieved Minister Somyurek of his ministerial duties but not his ministerial salary, effectively making him the Minister for Nothing while on full pay, I ask: will the Premier now ask his Minister for Nothing to hand back the extra ministerial salary he is receiving while not doing a minister's job?

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Essendon. Questions and answers will be heard in silence.

**Mr ANDREWS** (Premier) — I thank the member for Hawthorn for his question. Fancy this — there are dozens of them over there who collected a ministerial salary for four years and did nothing.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair will not accept interruptions of this nature from government members or opposition members. The Premier will respond to the question.

**Mr ANDREWS** — I was just drawing to attention that important point — that there are some who for four long years drew a salary and did nothing, or nothing good, for the people of this state. Mr Somyurek has been stood down from his ministerial duties while a proper investigation of allegations made against him is conducted. That is the appropriate way to go. Again, if those opposite have a different suggestion to make, they ought to make it, but I would have thought it would be hypocritical to make criticism about payment, being stood down and how much you did or did not do by a group of people who in historic terms were rejected by the people of Victoria for having been well paid while doing absolutely nothing for four long years.

*Honourable members interjecting.*

### *Supplementary question*

**Mr PESUTTO** (Hawthorn) — Given that Minister Somyurek, now the minister for nothing, is being paid \$2362 per week on top of his parliamentary salary — more than the average Victorian earns in a week — can the Premier detail what his code of conduct says about ministers receiving full pay while not undertaking their jobs?

**Mr ANDREWS** (Premier) — Again I thank the member for Hawthorn for his question. I simply make the point that a proper process is being followed; a proper investigation is being undertaken. The nature of a proper process is one in which there is due process afforded to all parties. I would have thought the former in-house counsel to the former government, who was a busy man in his former life — there were many things to be focused on; many payouts to be made, many deals to be done, many cover-ups to be run — —

**Mr Carbines** interjected.

**The SPEAKER** — Order! I warn the member for Ivanhoe.

**Mr ANDREWS** — A proper process is being followed here. It is as simple, as obvious and as plain as that.

### **Ministers statements: Melbourne Metro rail project**

**Ms ALLAN** (Minister for Public Transport) — I am delighted to inform the house of new works on that fabulous Melbourne Metro rail project. We care about the Melbourne Metro rail tunnel and we know those opposite certainly did not. That is why last week I was thrilled to be joined by the Lord Mayor of Melbourne, Robert Doyle, on the corner of Swanston and Victoria

streets, the very first geotechnical work site along the Swanston Street part of the tunnel.

This is important work, which can only take place this quickly because of the \$1.5 billion that we put down in last month's budget to get moving as soon as possible on this important project. Community consultation is also underway. There are many people who live, work and own businesses along the 9-kilometre route of this project, and they deserve appropriate consultation and information about the project along the way. There is a new website and a Twitter account associated with the project, and 100 000 newsletters have already been delivered along the route. People are being informed through pop-up sites throughout the CBD.

This project will benefit every passenger on every line, every day. We are very clearly a government that is committed to investing in public transport, in stark contrast to those opposite. But I am pleased to report a glimmer of light from the Liberal movement. There was a small but encouraging sign last week from the commonwealth Assistant Minister for Infrastructure, who said if you have more effective public transport networks that people can rely upon, that will bring additional value to the development around transport hubs. That is exactly what the Melbourne Metro will do: bring development to the city and improve the reliability of public transport. We look forward to the Liberals getting on board with this project.

### Political donations

**Mr HIBBINS** (Prahran) — My question is to the Premier. Will the Premier act to improve integrity in our political system and ensure there are no conflicts of interest with or perceptions of undue influence by property developers over government decision-making by banning developer donations to political parties?

**Mr ANDREWS** (Premier) — I thank the member for Prahran for his question. I would direct him to some very important commitments that we made to each and every Victorian in the lead-up to the election last year about strengthening our often complex and not altogether workable integrity framework as it stands and as we inherited it from the previous government. We made commitments around those matters, and we will deliver on them in full.

In terms of donations to any political party, they will be declared in full accord with Victorian law and the relevant law of the commonwealth of Australia. There are further provisions in relation to public funding and various obligations that are important for every political party for it to be a registered political party. All of those

measures and all of that framework should be adhered to in full.

It seems, though, that in his question the member is submitting that the only people in any democracy who make donations to any political party are people with development interests. That is simply not right. These one-out policy propositions that I do not really think have been thought through — —

**Mr Watt** interjected.

**The SPEAKER** — Order! I warn the member for Burwood.

**Mr Watt** interjected.

**Questions and statements interrupted.**

### SUSPENSION OF MEMBER

#### Member for Burwood

**The SPEAKER** — Order! Under standing order 124 the member for Burwood will withdraw from the chamber for a period of an hour.

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

### QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

#### Political donations

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — There is a framework and commitments to improve and enhance the process, and they will be delivered in full. I might just say — and again it is just a matter of fact that the history of our nation will show — that the biggest donation in the history of our nation was made to the Greens political party. If my memory serves, there were at least questions raised about when it might have been declared. I will not go any further because again I am going off my memory, but I do not know that those in the Greens political party are in any position to be lecturing anybody, anywhere on transparency, on integrity or on donations. They seem to be doing quite well for themselves in donations, public funding and lots of other things. They are much more a political party than the movement they would have us all believe they are. We have made commitments, and the member for Prahran and all his fellow travellers can be in no doubt that we will deliver on them in full.

*Supplementary question*

**Mr HIBBINS** (Pahran) — If the Premier will not act to ban developer donations, will he act to increase transparency of political donations by implementing a real-time political donations register so voters know who is donating to political parties before they vote?

**Mr ANDREWS** (Premier) — I will resist the temptation to say that the question is a bit hypothetical: what if this, what if that? How much money did the Greens political party get in the biggest donation in our nation's history? We will not be lectured to by those who have no credibility on these things and who sit on the sidelines as commentators and nothing more. We have made commitments, Speaker, and each and every one of them will be delivered. Be in no doubt about that. Neither you nor any member of this house, including the Greens political party, should be in any doubt at all. Each and every one of the integrity commitments we made will be delivered.

**Ministers statements: housing affordability**

**Mr PALLAS** (Treasurer) — I rise to update the house on the progress of the housing affordability task force in making buying a home more affordable for Victorian families. Housing affordability is one of the most complex and, might I say, urgent public policy issues confronting modern Australia. Home ownership is slipping beyond the reach of our young families. The median price for a house in Melbourne today is \$688 000 — nearly nine times the average wage. In 2005 it was \$330 000 less than that. Yesterday's national housing finance figures showed that nearly one in six home loans issued in April went to a first home buyer.

The Andrews government is committed to looking at this issue properly. We are also increasing supply, with the Housing Industry Association projecting a record 60 000 housing starts this year. That is three times more than in New South Wales. But sadly this is yet another area where positive reform is being stymied by inconsistent messaging and glib one-liners from the federal government. At the last Council on Federal Financial Relations, the federal Treasurer said he was 'alarmed at the inability of young people to be able to access the housing market in a way they previously have been'. But apparently this is no longer the case; he is no longer alarmed. The federal Treasurer's comments yesterday suggest that he thinks the problem has gone away. In fact he said:

The starting point for a first home buyer is to get a good job that pays good money ... then you can go to the bank and you can borrow money ...

If only it were that easy in the real world. Perhaps he would have our young people go to work at Ford or Holden momentarily.

The Andrews government understands the challenges that young people face when seeking to start out. We are going to make it easier for them in the long term.

**Minister for Small Business, Innovation and Trade**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Given that there is sworn testimony surrounding the actions of former Government Whip Cesar Melhem, contradicted by a ministerial adviser from the Premier's own office; the loss of key staff from the offices of Minister Hutchins, Minister Garrett and Minister Neville; the close involvement of Minister Eren's office with cage fighting proponents; and the standing down of Minister Somyurek and investigation into his office —

**Mr Foley** interjected.

**The SPEAKER** — Order! I warn the Minister for Housing, Disability and Ageing.

**Mr GUY** — I ask: will the Premier now extend his capability review from just Minister Somyurek's office to all ministerial offices?

**Mr ANDREWS** (Premier) — It is always good to be lectured about probity by Mr Ventnor over there and by Mr Office of Living Victoria sitting next to him. How much was paid out to those Ventnor developers? That is what we would like to know. How many millions of dollars because this one over here did a deal around a kitchen table? We may not be able to answer that today, but we will get an answer to it no doubt.

*Honourable members interjecting.*

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

**Mr R. Smith** — Thank you, Speaker. The Premier may well — —

**The SPEAKER** — Order! I have not called the member for Warrandyte yet.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte is entitled to raise a point of order and to be heard in silence.

**Mr R. Smith** — Thank you, Speaker. I am glad you say that I am able to raise a point of order because the Deputy Premier actually told me to shut up. Clearly you are the only one who thinks so. Is that the sort of language that the Deputy Premier of the state uses? ‘Shut up’ — is that what you say?

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte knows very well that a point of order is a point of order. He ought to make it directly, succinctly and relevantly, or I will ask him to sit down.

**Mr R. Smith** — The Premier was clearly debating the question. He may well want to distract from the dysfunction within his government, but he needs to answer the question that was asked.

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

**Mr ANDREWS** — Those opposite have more front than Myers. In any event, this government will deliver on every one of the commitments it made — repairing the damage that was done to our hospitals, repairing the damage and the underinvestment in our schools, repairing the damage and the underinvestment in our TAFE system and making sure that in each and every one of the areas that defines state politics, because they define the quality of life, the opportunities, the advancement — —

**Mr Clark** — On a point of order, Speaker, the Premier is now debating the question. I ask you to bring him back to answering the question, which related to extending the inquiry into ministerial office dysfunction.

**The SPEAKER** — Order! I call the Premier to come back to answering the question.

**Mr ANDREWS** — I am asked about what the intentions of the government are. Our intentions are to continue investing in the things we were elected to do — improving hospitals and schools; getting rid of deadly, congested level crossings; getting on and building Melbourne Metro; as well as making sure we get this state back to work. Each and every one of the commitments we made will be delivered in full because this is a government which is true to its word and one that acts and gets on with it. That is what is most important.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Given the Premier’s refusal to extend the capability review but that deep-seated dysfunction is clearly spread right across the government, I ask: how can the Premier now demonstrate to his own backbench that the standing down of Minister Somyurek was nothing more than a factional hit?

**The SPEAKER** — Order! I advise the Premier to respond to the question insofar as it relates to government administration.

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. It has never been my practice, in all my time in public life, to attack people who make complaints. That is what this question is: it is an attack against someone who has made a complaint that has been formalised and is being appropriately investigated.

*Honourable members interjecting.*

**Mr ANDREWS** — I again say to the Leader of the Opposition that his question shows all Victorians that his attitudes are from the 1950s or 1960s, not from 2015. They do him no credit whatsoever, and he ought be ashamed if it is his submission that it is fair game to attack people who complain — women who dare to complain — when they are, as they see it, inappropriately treated. I reject that, and I again say that this questioning reflects very poorly on the Leader of the Opposition.

**The SPEAKER** — Order! The Premier’s time has expired.

**Ministers statements: whooping cough**

**Ms HENNESSY** (Minister for Health) — I rise today to provide information about a new program that started on 1 June, and that is the implementation of one of the Andrews Labor government’s key election commitments.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will allow the minister to make her statement and be heard in silence. I require all members of this house to respect the minister.

**Ms HENNESSY** — As I was saying, the Andrews Labor government is delivering on one of its key election commitments, and that is the reintroduction and expansion of free whooping cough vaccines for

parents. Whooping cough is a serious, contagious, respiratory illness. It is particularly dangerous for babies, and alarmingly 1 in 200 babies who get whooping cough will die. We have seen and heard from parents recently who have told heart-wrenching stories of their babies contracting whooping cough, some with the most tragic of consequences.

The best way to protect against whooping cough is by vaccinating babies and their mums and dads against the infection. I was delighted to mark the first day of World Immunisation Week by announcing that the Andrews Labor government would be reintroducing the parents' whooping cough vaccination program from 1 June. The vaccine became available last week from immunisation providers. Not only have we reintroduced this important lifesaving program but the Andrews Labor government is expanding it to include all pregnant women from 28 weeks gestation and their partners.

This is an important reintroduction of a program that was cruelly cut by those opposite when they were last in government. In 2014 notifications of whooping cough increased by almost 60 per cent. This increase shows why we need to invest in the prevention of whooping cough. We are very proud that we have delivered on our election commitment. We think it is critical to the health and wellbeing of not just babies but also their parents and our community.

## CONSTITUENCY QUESTIONS

### South-West Coast electorate

**Dr NAPHTHINE** (South-West Coast) — (Question 284) My constituency question is to the Treasurer. I refer to budget paper 5, table 4.2, which shows that the Andrews Labor government is proposing to collect \$628 million from the fire services levy (FSL) in 2015–16. This is a 7.2 increase in collections from Victorian home owners, businesses and farmers. While the property-based fire services levy introduced by the previous government is certainly a fairer and more equitable system than the old insurance-based system, there is a very real concern across Victoria that the Labor government is proposing to collect an extra 7.2 per cent in FSL. I ask: how does the Treasurer reconcile this large increase in FSL collections with a CPI increase of only 1.3 per cent and his pre-election promise not to increase government taxes and charges by more than CPI? I ask the Treasurer to guarantee that home owners, business operators and farmers in my electorate will not be adversely affected by this massive increase.

### Yan Yean electorate

**Ms GREEN** (Yan Yean) — (Question 285) My constituency question is to the Minister for Roads and Road Safety. For some time there has been a need to improve road safety at the Plenty Road, Wallan Road and Laurel Street intersection in Whittlesea, particularly with Whittlesea Primary School located at this intersection next to the Anglican church and with Whittlesea Secondary College and the Country Fire Authority fire station nearby on Laurel Street. VicRoads has been investigating safety options, as I understand it, to address accidents at this intersection, with options including either a roundabout or traffic signals. There is strong community support for the installation of traffic signals, and I have previously tabled a petition to this effect in this Parliament.

Four years of zero road upgrade funds for the Yan Yean electorate has strangled our road network. Could the minister advise what community consultation is planned and provide any further information about road safety plans for this Whittlesea intersection?

### Euroa electorate

**Ms RYAN** (Euroa) — (Question 286) My constituency question is for the Minister for Emergency Services. I refer to the \$1.2 million commitment made by the coalition government to acquire land to build a new Country Fire Authority station at Broadford. The volunteer brigade has about 50 members, and it has been serving the community for more than 80 years. Each year the brigade responds to about 160 callouts, which is growing as a result of traffic on the Hume Freeway, but it has one of the oldest stations in the state. I ask: has the minister discussed the need for a new station at Broadford with the Country Fire Authority, and does she intend to meet with the brigade to discuss its needs?

### Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) — (Question 287) My question is to the Minister for Education and concerns the Andrews Labor government's outstanding Breakfast Clubs program. I was thrilled to see \$13.7 million provided in the budget earlier this year, and I know that members of many local school communities were just as excited. In fact, many have already contacted my office to discuss how they could take part in this wonderful program. In my electorate seven schools are already operating breakfast clubs and many others would be interested in starting their own.

The minister and I visited Hampton Park Primary School just last year. Its wonderful principal, Leonie King, told us both how very important its breakfast club is for disadvantaged local families. Many rely upon the clubs to ensure their children start their day in the best possible way. The government's program will ensure that they have the energy and the concentration to make the most of every day at school. I understand that the program will fund 500 breakfast clubs, and I know that many local schools, their students and parents would benefit from knowing how they may apply for funding through this much-needed program. It will make a big difference to our young people if they can start their day with a full tummy and get on with learning.

### **Evelyn electorate**

**Mrs FYFFE** (Evelyn) — (Question 288) My question is to the Minister for Education. I refer to an article from this week's *Lilydale & Yarra Valley Leader* headed 'Only "home" at school'. It tells of a disturbing increase in the number of students, many of whom are primary school aged, who are either running away from home or forced to leave home prematurely because of difficult family circumstances. It is based on a study by Swinburne University. Given that many of the students remain enrolled at school, the Department of Education and Training arguably can play a bigger role in student outreach than the Department of Health and Human Services. Students are more likely to approach teachers and school staff when trust has already been established. Given that the study relates to young people who also reside in the Minister for Education's electorate, I ask: what new action will the minister consider taking to reverse the growing trend of young Victorians sleeping rough and couch surfing in the Yarra Ranges?

### **Geelong electorate**

**Ms COUZENS** (Geelong) — (Question 289) My constituency question is for the Minister for Local Government, and it is in regard to the electoral structure of the City of Greater Geelong Council. Many constituents have raised their concerns about the electoral structure of the city council after the previous Liberal government rushed through some poorly thought out reforms. The people of Geelong are keen to see a review of the current structure and be able to contribute their views and ideas for reform. I note that the Victorian Electoral Commission will be reviewing the electoral structure of the City of Greater Geelong Council. I ask the minister to update the house on the purpose of the review and what opportunities constituents will have to be involved in the process.

### **Shepparton electorate**

**Ms SHEED** (Shepparton) — (Question 290) My question is to the Minister for Public Transport. The Grain Logistics Taskforce recommended the reopening of the Shepparton to Dookie rail line to enable the annual production of 120 000 tonnes of grain to be transported by train rather than truck directly to port. Will the minister advise what steps have been taken or are anticipated within government to reinstate the 28-kilometre rail line that was suspended in 2007 during the severe drought and has been called for by the Dookie rail group, GrainCorp and the Rail Freight Alliance?

### **Dandenong electorate**

**Ms WILLIAMS** (Dandenong) — (Question 291) My constituency question is for the Minister for Sport, and it relates to funding for local sporting clubs. I have a number of local sporting clubs that require funding assistance for a range of infrastructure projects, from clubroom upgrades to new pitches. I note the minister's budget commitment to establish the \$100 million Community Sports Infrastructure Fund, and I note that it is designated as being to help local clubs across the state with the much-needed building of facilities and upgrades of sporting grounds.

This announcement has captured the attention of many of my local sporting clubs and has been received with some excitement. For example, the Dandenong City Soccer Club is looking to construct an additional soccer pitch to help it address player capacity issues. Soccer is a hugely popular sport in the Dandenong area among both boys and girls, and I think it is fair to say that our local facilities are not keeping pace with the growing demand. Clubs regularly contact me to tell me that they are having to turn kids away as they just do not have the grounds to field additional teams. Can the minister advise what the time lines are for funding applications so I can advise Dandenong City Soccer Club and other local sporting clubs?

### **Ringwood electorate**

**Ms RYALL** (Ringwood) — (Question 292) My constituency question is to the Minister for Education. Why is the minister refusing to fund the vital science, technology, engineering and maths centre for Norwood Secondary College in addition to the sports and performing arts stadium?

### Carrum electorate

**Ms KILKENNY** (Carrum) — (Question 293) My constituency question is for the Minister for Roads and Road Safety. Can the minister provide an update on the Labor government's much-needed commitment to ease congestion at the Thompson Road and Frankston-Dandenong Road roundabout in Carrum Downs? As the minister knows, congestion at this roundabout continues to be a daily problem for residents in my electorate. During the morning peak period queue lengths on the south and east approaches exceed 500 metres and on the north and west approaches during the evening peak period queues can exceed 1 kilometre. Unfortunately the Liberal government ignored residents' pleas to improve the roundabout, failing to allocate any funds for its improvement. I know the local community is very keen to hear about the plans and the progress of works at this roundabout, and I ask the minister to provide an update for them.

### ENERGY LEGISLATION AMENDMENT (PUBLICATION OF RETAIL OFFERS) BILL 2015

#### *Introduction and first reading*

**Ms D'AMBROSIO** (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes.

**Mr WAKELING** (Ferntree Gully) — I ask the minister for an explanation of the bill.

**Ms D'AMBROSIO** (Minister for Energy and Resources) — The bill requires energy retailers to publish information on gas and solar feed-in tariff offers to a nominated website. At the moment the website publishes only electricity tariff offers.

**Motion agreed to.**

**Read first time; by leave, ordered to be read second time later this day.**

### ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015

#### *Introduction and first reading*

**Ms GARRETT** (Minister for Emergency Services) — I move:

That I have leave to bring in a bill for an act to amend the Associations Incorporation Reform Act 2012 to facilitate the making of applications and other transactions under that act through the use of electronic (digital and online) media, to reduce the reporting requirements of smaller associations and for other purposes.

**Mr NORTHE** (Morwell) — I ask the minister to give a brief explanation of the bill.

**Ms GARRETT** (Minister for Emergency Services) — The bill is about making it easier for smaller associations to do their transactions in this electronic age through online communication.

**Motion agreed to.**

**Read first time; by leave, ordered to be read second time later this day.**

### ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015

#### *Introduction and first reading*

**Ms GARRETT** (Minister for Emergency Services) — I move:

That I have leave to bring in a bill for an act to amend the Road Safety Act 1986 to abrogate any entitlement to a preliminary discovery order against the corporation for the purpose of the recovery of private car park fees and for other purposes.

**Mr R. SMITH** (Warrandyte) — I ask the minister for a brief explanation of the bill.

**Ms GARRETT** (Minister for Emergency Services) — This is an outstanding bill that will protect tens of thousands of Victorians each year from private car park operators gaining their personal details and harassing them with debt collection letters for dodgy fines.

**Motion agreed to.**

**Read first time; by leave, ordered to be read second time later this day.**

### PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

#### *Introduction and first reading*

**Mr WYNNE** (Minister for Planning) — I move:

That I have leave to bring in a bill for an act to amend the Planning and Environment Act 1987 to provide for a new system for levying and collecting contributions towards the

provision of infrastructure and to make a related amendment to the Subdivision Act 1988 and for other purposes.

**Mr CLARK (Box Hill)** — I ask the minister to provide a brief explanation of the bill and an elaboration on the long title.

**Mr WYNNE (Minister for Planning)** — This bill very much mirrors a bill that was introduced into the house by the previous government. There are some slight amendments to it, which the member will pick up in the debate, but it brings a level of certainty to how developer contribution levies will be enacted going forward. I would be looking forward to the support of the opposition for this bill.

**Motion agreed to.**

**Read first time; by leave, ordered to be read second time later this day.**

## ADOPTION AMENDMENT BILL 2015

### *Introduction and first reading*

**Mr PAKULA (Attorney-General)** — I move:

That I have leave to bring in a bill for an act to amend the Adoption Act 1984 by repealing provisions relating to contact statements and for other purposes.

**Mr PESUTTO (Hawthorn)** — I seek a detailed explanation of the bill.

**Mr PAKULA (Attorney-General)** — I say to the member for Hawthorn that he will get a detailed explanation at the second reading of the bill. At the first reading I will provide a brief explanation, and the brief explanation is that the purpose of the bill is to amend the Adoption Act 1984 to remove the provision for adult adopted persons to make contact statements about their wishes for contact with their natural parents and remove the offence associated with the breach of a contact statement.

**Motion agreed to.**

**Read first time; by leave, ordered to be read second time later this day.**

## PETITIONS

**Following petitions presented to house:**

### **Grovedale bus services**

To the Legislative Assembly of Victoria:

The petition of concerned citizens of Victoria draws to the attention of the house that Grovedale bus route 20 has been

replaced by bus route 40 and no longer travels along Pioneer Road between Burdoo Drive and Surf Coast Highway. As a result many residents, particularly the elderly, are unable to access bus services.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews government to change the proposed bus route 40 back to the previous route travelled by bus route 20.

**By Mr KATOS (South Barwon) (198 signatures).**

### **Grovedale bus services**

To the Legislative Assembly of Victoria:

The petition of concerned citizens of Victoria draws to the attention of the house that Burleigh Drive, Hansen Avenue and Perrett Street in Grovedale are narrow roads that are not designed or constructed for buses. The buses have created safety concerns for local residents and have also caused property damage.

The petitioners therefore request that the Legislative Assembly of Victoria call on the Andrews government to change Grovedale bus route 40 to remove buses from Burleigh Drive, Hansen Drive and Perrett Street, Grovedale.

**By Mr KATOS (South Barwon) (86 signatures).**

### **Jetty Road, Rosebud**

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Nepean points out to the house the extremely dangerous traffic conditions at the intersection of Jetty Road, Rosebud, and the terminus of the Mornington Peninsula Freeway.

The petitioners therefore request that the Legislative Assembly of Victoria, in accordance with the VicRoads Point Nepean Road study, urgently approve funding for the Jetty Road overpass in order to relieve the congestion on local roads at the current terminus of the Mornington Peninsula Freeway.

**By Mr DIXON (Nepean) (354 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for South Barwon be considered next day on motion of Mr R. SMITH (Warrandyte).**

**Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).**

**HEALTH PRACTITIONER REGULATION  
NATIONAL LAW AMENDMENT  
(MIDWIFE INSURANCE EXEMPTION)  
REGULATION 2015**

Ms HENNESSY (Minister for Health), by leave,  
presented report.

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

**Annual review 2014**

Ms BLANDTHORN (Pascoe Vale), by leave,  
presented report, together with appendices.

Tabled.

Ordered to be published.

**PUBLIC ACCOUNTS AND ESTIMATES  
COMMITTEE**

**Victorian Auditor-General's Office financial  
audit**

Mr PEARSON (Essendon) presented report,  
together with appendices.

Tabled.

Ordered to be published.

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

***Alert Digest No. 6***

Ms BLANDTHORN (Pascoe Vale) presented *Alert  
Digest No. 6 of 2015* on:

**Alcoa (Portland Aluminium Smelter)  
(Amendment) Act Amendment Bill 2015**  
**Children, Youth and Families Amendment  
(Restrictions on the Making of Protection  
Orders) Bill 2015**  
**Delivering Victorian Infrastructure (Port of  
Melbourne Lease Transaction) Bill 2015**  
**Judicial Entitlements Bill 2015**  
**Justice Legislation Amendment Bill 2015**  
**Planning and Environment Amendment  
(Recognising Objectors) Bill 2015**  
**Victoria Police Amendment (Validation) Bill 2015**

**Wrongs Amendment (Prisoner Related  
Compensation) Bill 2015**

together with appendices.

Tabled.

Ordered to be published.

**DOCUMENTS**

**Tabled by Clerk:**

Auditor-General:

Operational Effectiveness of the myki Ticketing  
System — Ordered to be published

Delivering Services to Citizens and Consumers via  
Devices of Personal Choice: Phase 1 — Interim  
Report — Ordered to be published

*Crown Land (Reserves) Act 1978:*

Order under s 17B granting a licence over Sandringham  
Beach Reserve

Orders under s 17D granting leases over:

Brighton Beach Oval

Cheltenham Park

Sandringham Beach Park

Wunghnu Public Park and Recreation Reserve

Ombudsman — Investigation into allegations of improper  
conduct by officers of VicRoads — Ordered to be published

*Planning and Environment Act 1987* — Notices of approval  
of amendments to the following Planning Schemes:

Ballarat — C164

Banyule — C93

Cardinia — C184

Glen Eira — C107, C131

Greater Geelong — C306

Indigo — C70

Kingston — C146

Macedon Ranges — C108

Melbourne — C227

Port Phillip — C104

Warrnambool — C73 Part 1

Wyndham — C192, C214

Yarra — C189

Statutory Rules under the following Acts:

*Constitution Act 1975 — SR 39*

*Criminal Procedure Act 2009 — SR 40*

*Magistrates' Court Act 1989 — SR 41*

*Supreme Court Act 1986 — SRs 38, 39, 40*

*Subordinate Legislation Act 1994:*

Documents under s 15 in relation to Statutory Rules 38, 39, 40, 41.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 24 February 2015:

*Credit (Commonwealth Powers) Act 2010 — Division 15 of Part 3 — 1 June 2015 (Gazette S122, 26 May 2015)*

*Education and Training Reform Amendment (Funding of Non-Government Schools) Act 2015 — Whole Act — 1 July 2015 (Gazette S133, 2 June 2015)*

*Gambling Regulation Amendment (Pre-commitment) Act 2014 — Sections 32, 33 and 34 — 20 June 2015 (Gazette S133, 2 June 2015)*

*Gambling and Liquor Legislation Further Amendment Act 2014 — Sections 3, 5, 8, 25, 26, 27, 28, 29, 30, 31, 35 and 36 — 20 June 2015; s 42 — 1 July 2015 (Gazette S133, 2 June 2015).*

## JUSTICE LEGISLATION AMENDMENT BILL 2015

*Council's amendments*

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

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

### ROYAL ASSENT

**Message read advising royal assent on 2 June to:**

**Crimes Amendment (Repeal of Section 19A) Bill 2015**

**Regional Development Victoria Amendment (Jobs and Infrastructure) Bill 2015**

**Sentencing Amendment (Correction of Sentencing Error) Bill 2015.**

### APPROPRIATION MESSAGES

**Messages read recommending appropriations for:**

**Delivering Victorian Infrastructure (Port of Melbourne Lease Transaction) Bill 2015**  
**Judicial Entitlements Bill 2015.**

## BUSINESS OF THE HOUSE

### Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 11 June 2015:

Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015

Judicial Entitlements Bill 2015

Planning and Environment Amendment (Recognising Objectors) Bill 2015

Statute Law Revision Bill 2014

Victoria Police Amendment (Validation) Bill 2015.

In making a few short remarks on the government business program which has just been outlined to the house and which will hopefully be supported during the course of this debate, I also note that in addition to the five bills that have been listed there remains on the program the take-note motion on the 2015–16 budget. Given the restrictions on time, it is unlikely that that will be brought on this week, but I understand that members are still interested in speaking on the budget, and that will be considered as part of the potential program for the next sitting week.

As was entirely appropriate, yesterday was devoted to a range of superb contributions to the debate on the condolence motion in tribute to former Premier Joan Kirner, and again this morning we had a debate on another condolence motion for former Labor Minister Jack Simpson, which has taken a number of hours away from the time available in our program for the consideration of bills. That is why there have been some issues around being able to consider the budget take-note motion. That is not possible this week, but government members will endeavour as efficiently as possible to progress the five bills I have outlined.

I also thank opposition members for their support in allowing the bills that were first read just prior to this debate to be second read later this day to allow the smooth progress of legislation through this Parliament. With those few short remarks, I commend the motion to the house.

**Mr CLARK** (Box Hill) — The opposition will not be opposing the government business program. It is a tight program. In particular we expect that there will be considerable debate, probably from members on both

sides of the house, on the Planning and Environment Amendment (Recognising Objectors) Bill 2015 and the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. Nonetheless, we recognise that yesterday the house appropriately devoted its time to expressions of condolence in relation to the late Premier, Joan Kirner, and this morning for former minister Jack Simpson. In those circumstances the opposition is willing to accommodate the consideration of these bills this week.

However, I do make the point that there seems to be a considerable lack of enthusiasm on the government's part for debating its own budget. The Leader of the House did make provision for a take-note motion last week, which was entirely appropriate and in accordance with the arrangements that have been made in previous years. She also referred in her remarks to considering, to use her term, the desire of members to make contributions on the budget in framing the next week's sitting program.

I do want to make the point — as was made when this side of the house was in government by the member for Brighton, who was then Leader of the House — that it is important that those members who want to, be able to make a contribution on the budget. There are around 16 members on this side of the house who have still not had an opportunity to make a contribution to the debate on the budget and wish to, and I imagine and expect that a considerable number of members on the other side of the house in their capacity as local members would also want to make contributions. Opposition members believe it is important that time be set aside for those members who want to to make a contribution. We are happy for that to be held over until the next sitting week given the matters that have arisen this week, but I emphasise that on this side of the house at least we regard setting aside time to debate the budget and for all members who wish to, to make a contribution as being important.

Indeed I should say it is surprising that the government seems so disinterested in standing up on its side of the house to extol the virtues of and defend its own budget. Certainly the member for Malvern very effectively exposed the failings and shortcomings of the budget in relation to the substantial cuts to capital funding, the broken promises that were involved and the black holes in terms of purportedly committed projects that were not funded. It may be that — —

**Mr Pearson** — On a point of order, Acting Speaker, and I seek your guidance on this matter, this is a very narrow debate about the government business program. It is not an opportunity for the manager of opposition

business to relitigate his concerns or issues that he has with the government's budget. I ask you to draw him back to the debate.

**Mr CLARK** — On the point of order, Acting Speaker, it is a longstanding practice that in speaking to the government business program either the manager of opposition business or other opposition spokespersons may canvass the merits of different matters that are or may be brought before the house, and that is what I have been doing.

**The ACTING SPEAKER (Ms Ward)** — Order! I ask the member for Box Hill to continue to focus on the point at hand.

**Mr CLARK** — For the reasons I have given, opposition members believe that a lot needs to be said about this budget, and it is disappointing that government members seem to have a singular lack of enthusiasm for doing so. I reiterate that we on this side of the house believe it is very important that sufficient time be set aside in the next sitting week for those members who wish to to make those contributions. Opposition members accommodated the government during the last sitting week and again this sitting week, and we believe it is fair and appropriate that those members who want to contribute to the debate on the budget have the opportunity to do so in the next sitting week.

**Mr CARBINES (Ivanhoe)** — I am pleased to make a contribution in support of the government business program, and I am pleased to hear that the opposition will not be opposing it. Picking up on some comments made by the manager of opposition business, I certainly took my opportunity to make a contribution on the debate on the 2015–16 budget, and I know many of my colleagues have done so as well. In fact in many of the debates that have taken place so far — for some of which I have been Acting Speaker — there have been many occasions when government members have followed one another in speaking on the budget papers because there were no members of the opposition willing and available to speak on them.

I note that the manager of opposition business is keen to ensure that there are opportunities for some of his colleagues to speak to the budget, and I welcome that. I look forward to hearing their commentary on support for the government's investment in the south-eastern suburbs, in Melbourne Metro and in Viewbank College in the electorate of Ivanhoe, with funding of \$11.5 million. I look forward to hearing from members of the opposition about the government's investment in

TAFE, hospitals and education, with record funding in education and education capital right across this state.

I look forward to the opportunity provided to discuss the government business program, as it was outlined by the Leader of the House, despite the fact that we have also taken the opportunity in the past day and a half to acknowledge the significant contributions made by the Honourable Joan Kirner and the Honourable Jack Simpson. It has been an opportunity to hear from members across this house about contributions those public figures made to life in the Victorian community.

It is also appropriate to commend the member for Niddrie on the contribution he made on the condolence motion for his predecessor. There is an opportunity for members to learn not only something about the contributions that people like a former Premier, former minister and former member for Niddrie made but also something more about those who have come before us, to take note of the high expectations and standards we continue to set for each other and to take note of the great work that has been done by others in this place. It is appropriate that we have taken some time to adjourn and reflect on those matters, which of course has led to the fact that we have not had as much time to get to the day-to-day business of the house, and particularly to the orders of the day and the bills mentioned by the Leader of the House.

I am particularly interested in the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015, which relates to several commitments the government made at the election. It is particularly important that we give further confidence to the community about its engagement with and the role of the Victorian Civil and Administrative Tribunal (VCAT). We are getting to a point where people are losing confidence in some of the planning processes and tools that are available to them. A further discussion on the matters in that bill will be important for residents in my electorate of Ivanhoe. I look forward to a further opportunity to debate those matters.

The bill picks up on a range of commitments the government has made that VCAT will deal with the objections and concerns of members of the community in a way that gives them greater confidence rather than the feeling that VCAT is a game of Russian roulette for residents who seek to maintain the character of their neighbourhood or to have development that is respectful of the investments families have made to live in a community that maintains the character of their neighbourhood. It is important to have the opportunity to debate these very welcome reforms in this place this

week. I commend the remainder of the program to the house and look forward to the ongoing debate.

**Mr CRISP (Mildura)** — I rise on behalf of The Nationals in coalition to speak on the government business program. The Nationals are not opposing the program this week. There are a number of bills on the program. The Judicial Entitlements Bill 2015 will help sort out some administrative matters around salaries, allowances and conditions for members of our judiciary. The Planning and Environment Amendment (Recognising Objectors) Bill 2015 takes into account the way the Victorian Civil and Administrative Tribunal works and the number of objectors involved. The Victoria Police Amendment (Validation) Bill 2015 will tidy up issues around some drug and alcohol assessments that have been made. It is a retrospective bill but it is important in closing a loophole.

However, we do have some concerns about the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. Our members are looking forward to going through some of these concerns. In fact although we do not oppose the government business program, we will oppose this bill. Our concerns are regarding the protective orders in it, and I think there will be a lengthy debate on the bill. The Statute Law Revision Bill 2014 is housekeeping.

I notice that the member for Ivanhoe is now in the chair, but in his contribution I think he may have been confused between what we know as the budget bill, the Appropriation (2015–2016) Bill 2015, and the parliamentary bill, the Appropriation (Parliament 2015–2016) Bill 2015. It is my recollection that we did not miss a call during the budget bill; however, the government chose to filibuster the parliamentary bill. I counsel the member to perhaps take some advice from *Hansard* — and I am happy to be corrected — that he may have been misleading in his observations. With those comments, I am happy to conclude that we are not opposing the government business program.

**Mr PEARSON (Essendon)** — I am delighted to join the debate on the government business program. I welcome the comments made by the manager of opposition business in his contribution and reiterate the comments made by the Leader of the House about the opposition's willingness to allow the resumption of second-reading debates on some bills later today to facilitate the smooth passage of that legislation. There is a fairly significant legislative agenda before us today.

There are bills on the program that fulfil Labor's election commitments last year, particularly in relation to the Planning and Environment Amendment (Recognising Objectors) Bill 2015 and the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. There are also a number of bills on the program which would broadly fit within the category of the general operation of government that you would normally expect to see on any given sitting week.

The reality is, though, that we have had significant matters before the house in the form of the passing of a former Premier and the passing of a former minister, and it is appropriate that the contribution of a former Premier be duly acknowledged. The most appropriate way is for all members who wish to make a contribution to make that contribution and that the house adjourn to respect and acknowledge the great contribution that has been made by a former Premier. It is also appropriate that the contribution of a former minister is acknowledged, and that is what we saw this morning with the condolence motion on the passing of Jack Simpson. In both cases the house operates at its best when all members can leave politics aside and recognise the contribution that former members have made. When you do that, a significant amount of the time for the house to consider the government business program is taken up.

I take up the point made by the manager of opposition business about the budget. Obviously there will be further opportunities for members to make a contribution on that motion for those who have yet to make one. But you have to prioritise things and our first priority was to acknowledge the legacy of a former Premier, the Honourable Joan Kirner, AC, as well as the contribution made by Jack Simpson. The second order of priority is to get on with the job of dealing with the bills before the house, as members would expect us to do and as we have done in the past. As the former government allowed in taking note of the budget, there will be an opportunity for members to make a contribution in the next sitting week.

The government has a full agenda this week, as you would expect. It is a healthy balance between getting on with the job of delivering the things that we said we would do in the course of the election campaign as well as dealing with issues that arise from time to time for the efficient administration of the state. That is what you would expect from any responsible government and it is entirely consistent with the way in which a responsible, newly elected government would conduct itself. For those reasons, I commend the government business program to the house.

**Mr HIBBINS (Pahran)** — I rise to speak on the government business program. The Greens will not be opposing the program in this instance. Yesterday it was entirely appropriate that we had a day to offer our condolences on the passing of former Premier Joan Kirner and again this morning for a former member for Niddrie.

The Greens do not have any amendments to the bills on the program, but some of the bills would have been worthy of going into the consideration-in-detail stage, particularly the Planning and Environment Amendment (Recognising Objectors) Bill 2015 and the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015. I remind members that it was a government commitment to make the consideration-in-detail stage a standard feature of bills and it is unfortunate that the government is not fulfilling that commitment. With the limited time frame for us to go through the bills, when are we ever going to get to general business? The poor member for Burwood has 100 notices sitting on the notice paper. When are we going to get to them?

We have an unusual practice in this house of not having time dedicated to general business, which is unfortunate. The other day I wrote to the Premier, saying that it would be timely for us to pass a motion in support of marriage equality, a notice for which is standing in my name on the notice paper. Unfortunately we do not have time dedicated to general business in this house and I do not think we will ever get to it. I encourage the government to provide more time for its bills so that we can go into the consideration-in-detail stage to meet its election commitment, and to seriously consider having time allocated for general business to allow members to put forward private members bills and to debate motions. With that, we will not be opposing the government business program, but we do have concerns about it.

**Motion agreed to.**

## MEMBERS STATEMENTS

### George Seitz

**Ms HUTCHINS (Minister for Local Government)** — I rise to acknowledge the passing, last Friday, of George Seitz. George migrated to Australia as a 15-year-old in 1956. Before he entered politics he was a sheet metal worker and a teacher at St Albans Technical College for many years. George also served his country as an Army reservist. George was elected to Parliament as the member for Keilor in 1982. His life was politics and the ALP. George was renowned for

working morning until night seven days a week. It even involved visiting people in their homes if they could not come to him. No event was too small for him to attend and he always had his camera in hand.

George served as a Labor Party whip during the 1990s, and served eight terms before retiring in 2010. As an immigrant, George was always a vocal advocate for the needs of migrant communities. He knew the difficulties faced by migrants and he knew that, because of language and cultural barriers, they often were not able to speak for themselves, so he did it for them. In his final speech to Parliament, George said:

... I have enjoyed the banter, argument and controversy with the media and my colleagues, because it was always about policies and I never took it personally. To me it was policy ...

George was fiercely proud of the working-class western suburbs he represented. He fought hard and advocated for the expansion of the Western Ring Road and for many vital services in health and education, including his long advocacy for the establishment of Victoria University.

**The ACTING SPEAKER (Mr Carbines)** — Order! The member's time has expired.

### **Ferntree Gully electorate fundraising event**

**Mr WAKELING** (Ferntree Gully) — I would like to take this opportunity to congratulate the Ferntree Gully Junior Football Club, the Ferntree Gully Netball Club and Chicks for Charity Foundation on their recent fundraising event to assist the Humphrey and Richards-West families, who have been devastated by cancer diagnoses. It was a well-attended event and I congratulate all those involved on giving for their local community.

### **Choco Bean Cafe**

**Mr WAKELING** — I had the pleasure recently of joining my wife and other locals at the opening of Choco Bean Cafe in High Street Road, Wantirna South. It was a great event. I congratulate Ron and Hillary and the staff at Choco Bean for everything that they do. It is great to see another local business starting up in Wantirna South.

### **Knox Basketball**

**Mr WAKELING** — Recently I had the pleasure of chairing the annual general meeting of Knox Basketball, the biggest basketball organisation in Victoria, if not Australia, with nearly 10 000 members. Congratulations to Sue McMillan, the chair, and Stephen Walter, the CEO, who do a wonderful job.

### **Knox Business Conference**

**Mr WAKELING** — I congratulate Knox City Council on a well-organised 2014 Knox Business Conference. The guest speaker was the Minister for Small Business, Innovation and Trade, Adem Somyurek, just 12 hours before he was assassinated by the Premier. It was a well-organised event, and I congratulate Mr Somyurek on his speech.

### **Wantirna South Junior Football Club**

**Mr WAKELING** — Finally, I would like to congratulate the Wantirna South Junior Football Club on its life members night. Congratulations to Bruce Beaton and committee members.

### **Ron Palmer**

**Ms THOMSON** (Footscray) — I would like to congratulate Mr Footscray, Ron Palmer, on his 90th birthday. I have mentioned Ron Palmer before in this house. He is the man who is everywhere in Footscray. Whether it be the Footscray band, Footscray West Rotary or sporting clubs, wherever there is an organisation in Footscray, Ron Palmer has been a part of it. Ron has been suffering from ill health lately. I wish him and Marjorie all the best. Congratulations on his 90th birthday from not only me but everyone in Footscray, who want to say thank you for his great contribution.

### **Footscray education precinct**

**Ms THOMSON** — I also take this time to say how pleased I am to be able to rise to speak on this, the day that the education state consultative process has commenced. It was launched today by the Premier and our education ministers. In Footscray we are looking forward very much to the work that will be done on the education precinct in Footscray and the bringing together of communities to talk about what an amazing precinct it can be. It will provide education from preschool through to post-graduate education and will include the University of the Third Age. It is a truly unique opportunity to create an education centre of excellence that deals with everyone throughout their life cycle. I am proud to be part of a government that can have this kind of future vision of what our community can look like.

### **Disability services**

**Ms RYALL** (Ringwood) — On 17 September 2014, as the then chair of the Family and Community Development Committee, I tabled in this house the committee's report on its inquiry into the social

inclusion of Victorians with a disability. On 14 April this year the government's response was tabled. Like many Victorians with a disability and their families, I eagerly looked to see what recommendations had been adopted and what Victorians with disability could look forward to to improve social inclusion across a range of areas of their life.

The response included the following:

The inquiry recommends strategies to reduce inequality and promote inclusion in areas such as employment, education, community awareness, housing, the built environment, elected life, technology and social connectedness. It also proposes new ways to define, measure and monitor social inclusion in these and other areas.

I was very dismayed to then read:

The inquiry highlights important issues related to the national disability insurance scheme (NDIS). The next State Disability Plan 2017–2020 will incorporate Victoria's transition to the NDIS and a continued role for the Victorian government in enabling people with a disability to participate and contribute to social, economic and cultural life.

It is now 2015, and to leave Victorians with disability to the side until 2017–20 and not act on those recommendations is an insult and slap in the face to vulnerable Victorians, who need this government to act on these recommendations now. Shame on the Andrews government.

### **Eritrean independence anniversary**

**Mr PEARSON** (Essendon) — I rise today to congratulate the Eritrean community on celebrating its 24th anniversary of independence. Recently I was afforded the great honour of attending this celebration in North Melbourne as the representative of the Minister for Multicultural Affairs, along with Labor's candidate for the federal seat of Melbourne, Sophie Ismail. I was particularly honoured to be the only representative of the state or federal Parliament. The night was a great celebration of Eritrean culture. There were exhibits of clothing, cooking utensils, Eritrean music and wonderful Eritrean food. Congratulations to Yasir Mahmud and Ibrahim Hajj for organising a great event.

### **Essendon Youth Council**

**Mr PEARSON** — I would also like to thank the recent participants in the inaugural Essendon Youth Council. The council offers an opportunity for young people in the local community to have their say on the issues that matter most to them. We had a great conversation around a diverse range of topics, such as how young people can get experience working in retail

and about youth mental and sexual health as well as drugs. I would particularly like to thank the following participants: Regan May, Amy Gibb, Finley Andrews, Jett Fogarty, Declan Butler, Laura Cecchini, Jack O'Connor, James Webster, and Nathan Ratnam.

### **Women's Information and Referral Exchange**

**Mr PEARSON** — Finally, I would like to congratulate WIRE on the work it performs in our community. WIRE stands for Women's Information and Referral Exchange and has been around for 30 years. WIRE is often the very first point where women reach out to seek information on how to leave an abusive relationship. The information provided is informative and factual. I would particularly like to thank Rachael Bausor, the CEO of WIRE, and Julie Kun, the deputy CEO. I encourage all members to learn more about the great role that WIRE performs in our community.

### **Forest Hill College**

**Mr ANGUS** (Forest Hill) — Last week I had the pleasure of attending the Forest Hill College annual school production, this year entitled *Welcome to the Family*. The production was written and directed by talented year 12 student Jason Ekonomides. I congratulate Jason on his great work, as well as all the students and staff who were involved in this production. It was a very clever, well-acted and well-produced production, and I wish Jason all the best with his future creative pursuits.

### **Sameway Charity Fun Walk**

**Mr ANGUS** — Earlier this week I had the great pleasure of attending the second annual Sameway Charity Fun Walk. The walk raised funds for the Salvation Army and was attended by an even larger crowd than last year. Once again it was a beautiful Melbourne winter's day, which provided good conditions for walking and added to the success of the event. I congratulate Mr Raymond Chow and his team from Sameway, together with all the volunteers who worked hard to organise and conduct this very worthwhile and successful event.

### **Forest Hill electorate schools**

**Mr ANGUS** — The recent state budget was extremely disappointing for Victorians, including residents of the Forest Hill electorate. The budget papers show that this is the highest taxing government in Victoria's history, yet the residents of Forest Hill have missed out. In particular, the students of Forest

Hill schools have missed out on much-needed funding to address infrastructure needs.

Leading up to the 2014 election, the coalition had pledged to continue fixing up local schools following 11 years of neglect under Labor. In particular the coalition government last year committed \$4.5 million to upgrade Vermont Primary School, \$1.8 million to upgrade Orchard Grove Primary School and \$434 000 to upgrade Highvale Primary School. The records show that in the 11 years of the previous state Labor government there was virtually no capital investment in schools in the Forest Hill electorate. During the four years of the last coalition government an investment of \$4.8 million was made in capital funding and over \$2.2 million in maintenance funding in Forest Hill schools. This was needed to address the \$420 million school maintenance backlog inherited by the previous state coalition government after 11 years of neglect and underinvestment by Labor.

**The ACTING SPEAKER (Mr Carbines)** — Order! The member's time has expired.

### Regional rail link

**Mr EREN** (Minister for Tourism and Major Events) — I am proud to inform the house today that Labor is again delivering for regional Victoria through the biggest passenger rail project in Victoria's history. The \$3.65 billion regional rail link project was commenced under Labor and is being delivered under Labor. Dedicated lines for regional trains will deliver improved services to and from Melbourne for Geelong passengers.

In Geelong we will have four additional p.m. peak services — two to Geelong and two to Wyndham Vale station. These increases in peak-hour services are an added bonus on top of the new metropolitan Geelong–Melbourne train service that starts in a few days time. The newly released V/Line timetable shows there will be trains to Melbourne almost every 10 minutes in the morning peak and to Geelong at similar frequency in the afternoon rush. Between the peaks, trains will run every 20 minutes in both directions, as promised before last year's state election, and Geelong bus timetables will correlate to the train schedule for the first time.

These moves will encourage more people to use trains and buses. Public transport is a key issue because just building roads is not going to cut it. We want people to get out of their cars and take public transport. Of course people need a level of confidence in the system, and hopefully we will build that up over the next couple of

years. What people will see is frequent, reliable services that are up to modern standards. The timetable starts operating on 21 June when the \$3.6 billion regional rail link opens. On top of improving these regional services, the government will be investing \$257 million in 21 V/Locity trains — —

**The ACTING SPEAKER (Ms Edwards)** — Order! The minister's time has expired.

### Government performance

**Mr MORRIS** (Mornington) — It is six months since Daniel Andrews was elected Premier of Victoria. The early signs were not good, but in the last three weeks government in this state has degenerated into fiasco. This is a total and absolute failure of a government.

First it was the Minister for Small Business, Innovation and Trade, dismissed summarily but apparently still being paid as a minister of the Crown despite carrying no responsibilities. Then it was the budget debate, which was guillotined after only a handful of hours, sidelined by an exercise in finger-pointing. How often in this state has a government been too ashamed to debate its very first budget? Never, I would suggest, but it is hardly surprising given the boost in public sector wage costs and the return to deficit that will occur if all commitments are actually met.

Has the Premier been out spruiking his claimed achievements? Has he been selling the budget? Has he provided any proof to back his claim that he is getting on with it? No. For the past week the Premier has been in hiding, presumably in his Treasury Place bunker — seven days without a doorstep interview, seven days without a press conference, seven days of silence while allegations of impropriety swirl around, and seven days of unanswered questions about the actions of his senior advisers. For seven days the Premier has been missing in action. Finally, the Government Whip in the upper house has been banished, but he is not too far away and is no doubt eager to make a comeback, just like Minister Somyurek. Finally this occurred, when the Premier could not hide from Parliament anymore.

Some may ask: how long are the Parliament, the media and the people of Victoria going to be treated with contempt by this Premier? I suggest that the real question is: how long will the right stand for it?

### George Seitz

**Ms KAIROUZ** (Kororoit) — It is hard to express in words the sadness I feel at the loss of George Seitz, a former member for Keilor, who passed away on Friday,

5 June. George was a true friend and confidant, and his warmth, generosity and good humour are qualities which will endure in my memory. I have lost a friend, an inspiration and a mentor.

At this time I feel for his wife, Elenor, and children, George and Lisa. It is a sad irony that this place saw more of George in the last three decades of his life than did his loving family. Born in 1941, George migrated to Australia as a young boy in 1956. He became a member of the Australian Labor Party in 1971 and in 1982 was elected to represent the Keilor district. George served as whip while in opposition during the 1990s and was a capable committee chair during his service.

Like anyone in politics, he had his share of opponents. To me, George was a loyal friend and someone who demonstrated his love of the western suburbs and its people with energy and commitment. George always had a happy smile, and you knew he was not in politics for himself. He was in it for the person in the street who needed help or who needed someone in a position of power to listen to their story and perhaps right a wrong. George was a humble man with simple wants and needs. Above all, he was a man who lived his life to benefit others.

If politics is the art of persuasion, George was truly a politician. Some saw a backroom factional player; I saw a man who communicated, who persuaded and who brought together competing views and found a way forward that each person in the discussion could abide. George touched my life deeply, and I will be forever grateful for that. Go with God, George. Rest in peace.

### **Stonnington Young Local Leaders**

**Mr HIBBINS** (Prahran) — The Young Local Leaders program is a community engagement initiative hosted by the City of Stonnington Youth Services and supported by YMCA Victoria. The program aims at equipping young people aged 14 to 19 with the skills and passion needed to be change makers in their communities, and it will culminate in a significant youth-led community project. Over the past three months the young leaders have undertaken youth leadership development sessions, learning about interpersonal and group dynamics and team work. I was able to attend a session to share my journey to a leadership position, and I listened to the participants' presentations about issues that were important to them.

After spending a weekend away at a YMCA camp site at Lake Dewar, the young leaders chose youth mental health and an art exhibition as their topic of focus for this year, to raise awareness of the impact of mental

health on our younger population. I want to congratulate and thank Ella McNeeney, Francesca Dickinson, Zoe Cato, Kendrick Young, Yimming Wei, Henry Zhang, Daniel Yuan and Jerry Jin for their participation in the Young Local Leaders program and their commitment to our local community.

### **Niddrie electorate ministerial visit**

**Mr CARROLL** (Niddrie) — I was pleased last week to join the Minister for Housing, Disability and Ageing, who is also the Minister for Equality and the Minister for Creative Industries, on a visit to my electorate which covered his wide range of portfolios. We visited the Incinerator Gallery, the Western Autistic School in Niddrie and the cohealth organisation to explore the arts, education and community health facilities available to residents. I was joined at the Incinerator Gallery by the minister, the member for Essendon, and the CEO and the mayor of the City of Moonee Valley. The gallery is urgently in need of federal funding, or it will be at risk of falling behind. Designed by Walter Burley Griffin and Marion Mahony Griffin, the architects who designed Canberra, it is the last of its kind in Victoria and it is heritage listed.

We also visited the Western Autistic School in Niddrie to speak about the national disability insurance scheme, discussing with staff the implications of the scheme and the funding and support available for students. Giving every child a fair go is a fundamental principle that I stand by, and I will continue to support the efforts of the Western Autistic School.

Finally, we met with staff and patients at cohealth. We had a very productive discussion about the current government's practice of a human rights based approach, which provides a foundation for cohealth's approach to consumer co-design. I received a letter thanking the minister for his visit, and I thank him for his visit to our local community. Lyn Morgain, the chief executive, said:

Thank you for the time you committed to visiting cohealth and the opportunity to discuss issues that concern cohealth and our consumers. Your strong advocacy for your electorate was evident in the program that you had developed for the minister's visit.

She also said:

cohealth is grateful for your continued support of our services and advocacy about issues which concern our consumers.

Lyn Morgain asked me to pass on cohealth's appreciation to the minister.

## Minister for Families and Children

**Mrs FYFFE** (Evelyn) — We all know that any new government takes credit for projects started and funded by the previous government. We mutter and complain, but we accept that to the winner go the spoils. So when my local council sent me an invitation several weeks ago to attend and participate in the turning of the sod by the Minister for Families and Children at the children's centre at Chirnside Park last Thursday, I accepted that I would be playing second fiddle, even though I had lobbied hard for it and supported the community. In 2012 I even got \$1.3 million towards the project from the former minister — or, I should say, from the former and very tough Treasurer, the member for Malvern.

Anyway, Acting Speaker, you can imagine how upset, hurt, offended, angry and disbelieving I was when I received an embarrassed call from the council saying the minister instructed that I was not allowed to speak. How arrogant and rude that a minister of the Crown, Jenny Mikakos, would be so full of self-importance as to issue such a disrespectful order. The minister then had the gall not to turn up, instead sending a parliamentary secretary.

This contrasts strongly with the actions of the Deputy Premier, who, when for personal reasons I could not attend a local function, not only gave my apologies but also took the time to say how much I supported that organisation and how disappointed I was not to be there. Minister Mikakos should be counselled to cease her arrogant, bullying demands and also to follow the precedent of previous ministers, who at functions always acknowledged elected members in their speeches. She needs strong counselling.

**The ACTING SPEAKER (Ms Edwards)** — Order! The minister's time has expired.

### Family violence

**Ms RICHARDSON** (Minister for Prevention of Family Violence) — The Royal Commission into Family Violence is now well underway, and written submissions close on 29 May. I thank all MPs who have made written submissions to the royal commission on behalf of their constituencies. In my own electorate of Northcote, representatives from a number of local agencies participated in a round table to discuss concerns unique to our area.

I take this opportunity to thank those who participated in the round table, as their views formed the basis of the submission to the royal commission from my local contributors: Bridget Dwyer and Lorraine McBride

from Darebin Community Legal Centre; Helen Riseborough from Women's Health in the North; Teneille Summers from the City of Darebin; Phil Cooper from the Victorian Aboriginal Community Services Association; Sharon Clark from Berry Street; Mark Spriggs, who leads Victoria Police's northern family violence unit in my area; Trish O'Donohue from Women's Information, Support and Housing in the North; and Charmaine Farrell from the Northern Centre Against Sexual Assault. They all provided insights into the challenges facing my community in respect of family violence.

Obviously many of the concerns raised at the round table are shared across communities; however, the discussion highlighted how increasing house prices and rents in the inner city are impacting on families and their ability to respond to family violence. The group also identified the increasing number of seniors who are impacted upon by family violence and also that services across the state are not well tailored to meet the needs of this group.

Thanks again to all the roundtable participants for their ongoing work — —

**The ACTING SPEAKER (Ms Edwards)** — Order! The minister's time has expired.

### Gippsland South electorate schools

**Mr D. O'BRIEN** (Gippsland South) — After a month locked up here with Parliament sitting and the Public Accounts and Estimates Committee hearings, last week it was a pleasure to get out and visit a number of schools in Gippsland South, including Yarram Primary School, a great school that has been waiting for some time now for necessary funding to replace its outdated 1950s-era buildings, which have been patched up and refurbished over the years. The Nationals in government last year delivered funding for the design and development works that are now in progress. I have written to the Minister for Education asking him to ensure that this preparatory work is completed in time — this year — to ensure that the school can be considered for full funding in next year's budget. It is a great school, and I heartily encourage the minister to ensure that this project gets up and running and that there is funding in next year's budget for the rebuild of the school.

While in the region I also had time to visit Woodside Primary School, a great school led by principal Anne Morris and a small number of teachers. I was treated to an impromptu concert by the students in the music

section, led by teacher Saul Stainer. It was a fantastic performance they put on for me.

I also had the chance to visit Nambrok Denison Primary School, a great school in a rural part of my electorate which has a great community garden. It is seeking funding at the moment for a new outdoor classroom and cooking area to enable students to learn more and take advantage of the community garden they have. I have also written to the minister seeking support for that project. I hope he will be able to deliver some funding for both of these important projects.

### **Hadfield Park, Wallan**

**Ms GREEN** (Yan Yean) — I am pleased that there have been two indications recently that the Andrews Labor government is putting jobs and services first in the iconic country town of Wallan, which is in a growth corridor and which will host some of the great population increase in Melbourne's outer north. Recently the Minister for Local Government met with the mayor of Mitchell Shire Council, Rodney Parker, and me in that jewel in Wallan's crown, Hadfield Park, and had a look around at how some of the \$50 million that the Andrews Labor government allocated to its Interface Councils Infrastructure Fund could be utilised in this park. The Wallan revitalisation project has also received \$1.5 million, which will be matched by the council, for stage 1 of the Wallan structure plan. It will also include the development of a business incubator.

In relation to what the interface funds could be used for in the Wallan township, I know the council is committed to providing a water play facility to go with the playground that is already in Hadfield Park. I was pleased to see one of these in operation in Bright last weekend, and it would be a fabulous addition to Hadfield Park in Wallan. I wish the council well, and I will support any funding applications.

### **Lily Morrow**

**Ms McLEISH** (Eildon) — The story of Marysville's Lily Morrow is remarkable and definitely worth informing the house about. For many years now 12-year-old Lily has been performing at local events and wowing audiences with her talent. At the end of last year Lily made the cut for *K-pop Star* — Korea's equivalent to *Australia's Got Talent* and the like. It only got better for Lily, who continually impressed the judges and made it to the last four, gaining an enormous fan base. Lily is the youngest performer to have made it that far. What a fabulous effort!

Lily recently returned to her home in Marysville for a whirlwind three weeks before heading back to Korea to take up a traineeship, which is similar to a recording contract, with JYP Entertainment, a South Korean entertainment company. Parents Bruce and Jinhee are so proud of her achievements. For me it has been a delight watching Lily's progress over recent years as she continues to mature. She is now a lovely little entertainer. She is a driven, brave young lady, and I wish her all the best for the future.

### **Karen Picone**

**Ms McLEISH** — I was delighted to see Karen Picone, controller at the Healesville State Emergency Service (SES), awarded an Emergency Services Medal in the Queen's Birthday honours. Karen is a great recipient and a wonderful community volunteer. Being an SES volunteer and unit controller is not easy, but Karen does not shy away from hard work. She has turned out to some terrible events, including the Black Saturday bushfires, floods, horrendous traffic accidents and storm damage incidents. She manages to undertake her SES role whilst running her own transport company. What a wonderful role model she is for women and her SES crew. I congratulate Karen; she certainly deserves it.

### **Ryan Jans**

**Mr J. BULL** (Sunbury) — I rise with great sadness and great love to reflect on the extraordinary life of my best mate, Ryan Trent Jans. Ry would not care much for the sixth President of the United States, but John Quincy Adams once said, 'If your actions inspire others to dream more, learn more, do more and become more, you are a leader'. Ry was indeed a leader.

We first met when I was 14. Mum introduced us thinking that we might hit it off, and we did. Our friendship grew throughout our teens and together we became young men.

Though life often throws us challenges along the way, Ry certainly copped more than his fair share. He had cerebral palsy and he spent his life in a wheelchair, often relying on his wonderful family and carers to complete the simplest of tasks, though he was fiercely independent. There was no challenge too great for this tough, smart and funny man.

I want to take this opportunity to pay my greatest condolences to his family: Karen, Lauren, Norm and Bomber. I would also like to acknowledge the respect, care and genuine kindness shown to Ry and his family

by the wonderful staff at the Austin Hospital. Their dedication and tireless work was much appreciated.

The communities of Sunbury and Riddells Creek have been deeply touched by Ryan's passing. He taught so many that no challenge was too great, no day could not be borne and that laughter was always the best medicine. He was the best of men and will be greatly missed. Vale Ryan.

### **Moyhu Central**

**Mr McCURDY** (Ovens Valley) — I offer my condolences to the member for Sunbury on losing his best friend.

Well done to members of the Moyhu community following the opening of Moyhu Central, a community store in the small town's main street. The community shop has opened in the old bank building. I visited the store over the long weekend, and I was most impressed with the handmade garments, jams and a whole host of other food. Moyhu is a can-do community, as was demonstrated earlier this year when it hosted the Great Victorian Bike Ride.

### **Weekend Fit for a King**

**Mr McCURDY** — The King Valley certainly put on a Weekend Fit for a King over the long weekend, with thousands of people enjoying fine wine, food and King Valley hospitality. It is estimated that more than 3000 people visited the King Valley over the three days. About half of the visitors came from Melbourne, 40 per cent came from the north-east and the remainder came from destinations like Canberra. Well done to all the local wineries and businesses, as well as Wines of the King Valley led by Alison Lloyd. I visited a handful of these wineries myself and urge everyone to take the time to visit the King Valley. It is simply a magnificent piece of Victoria.

### **King Valley Art Show**

**Mr McCURDY** — The King Valley Art Show was again a tremendous success, with about 1000 people viewing the range of artwork. Almost 400 artworks were on display, representing all kinds of styles, mediums and themes, including water colours, oils and printmaking. The art show has gone from strength to strength since it started in 2007 thanks to the commitment of the King Valley Art Show committee, currently led by president Anita Laurence, and a range of sponsors. We are fortunate to have this hardworking committee in our community.

### **Ski season**

**Mr McCURDY** — The alpine region is set for a bumper ski season, with new snow on the ground. I attended the opening of the season at Mount Hotham this weekend with various other members of Parliament. We had a great deal of fun. There was a great turnout and plenty of enthusiasm for the coming months.

### **Sydney Road, Brunswick, cyclist safety**

**Ms GARRETT** (Minister for Emergency Services) — On 27 February our community experienced a tragic event when the life of a local Brunswick resident, Alberto 'Albie' Paulon, was taken in a horrific accident as he was cycling on Sydney Road with his partner. Cycling is a very important part of the Brunswick community, with our area having one of the highest proportions of cyclists in the country. It was extremely heartwarming and very healing to see thousands of community members support those directly affected by Albie's death through a show of solidarity with the Ride for Albie on 6 March.

The Andrews government is committed to making cycling safer for all. To this end I can advise the house of improvements that have occurred on Sydney Road. They include eight speed humps on side streets; six have been completed, with two to be completed by next month. New green bicycle lanes at intersections between Brunswick Road and Albion Street will be completed by the end of this month. These are just some of the works currently being undertaken, which include the installation of electronic signs and the removal of a number of car spaces from Sydney Road. This is just part of the \$1.6 million allocation by the Andrews government and the Minister for Roads and Road Safety. VicRoads and the minister are to be commended for their commitment to the safety of all road users in Brunswick. My electorate office and I are having ongoing discussions with local bike users, the council, bike groups and peak bodies to make sure we make our roads even safer.

### **Caulfield South Primary School**

**Mr SOUTHWICK** (Caulfield) — Recently I had the pleasure of hosting year 6 students from Caulfield South Primary School. Each year I speak to them about politics and give them a challenge to write to me about an issue they face. Justin Cole, their teacher, takes this very seriously. He too has indicated his interest in politics. Students May, Nick, Luca, William, Hayley and Zakhar wrote to me on the issue of graffiti. They spoke about its impacts on their community, where it is

a huge problem. The coalition government invested \$10 million to reduce graffiti under its anti-graffiti plan. This led to the removal of 2 million square metres of graffiti across Victoria, which is equivalent to almost 100 MCGs.

I also received a letter from Gabrielle Gruskin, who wrote to me about homelessness in Victoria. I share Gabrielle's concerns and believe there is a lot of work to be done to help those people without roofs over their heads. This issue has been brought to light by the St Vincent de Paul Society's annual CEO Sleepout to be held on 18 June. This year its goal is to raise \$10 million across Australia. I have put my hand up to take part in order to raise some funds and to highlight this huge problem. Thank you again to all those Caulfield South Primary students for their letters. I look forward to receiving more from that school in the future.

### Angus Baranikow

**Mr SOUTHWICK** — I also wish to thank year 10 student Angus Baranikow from Camberwell Grammar School, who assisted me last week by doing work experience in my office.

## STATEMENTS ON REPORTS

### Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)

**Mr PEARSON** (Essendon) — It is a pleasure to rise today to make my first statement on a committee report in this Parliament. I refer to the Public Accounts and Estimates Committee report entitled *2015–16 Budget Estimates Hearings Alert Report*. This year marks the 120th anniversary of the committee in this Parliament. We are a newly established committee; we got together in about April. We went through 56 hours of hearings or thereabouts on the budget estimates. It was almost akin to developing some form of Stockholm syndrome — we became quite fond of each other after spending two weeks locked up for extended periods.

Having said that, this report provides a very good overview of the estimates process and complements the budget papers. It is particularly useful from the point of view of looking at some of the higher level economic forecasts. Members will find that the online version of the report includes hyperlinks so they can look at the transcripts. They can also look at the presentations provided by all ministers, including the Premier.

I was particularly interested in the Treasurer's contribution. When the Treasurer appeared before us he

made mention of the fact that we are looking at a \$1.2 billion operating surplus in 2015–16 and that is predicted to grow to \$1.8 billion in 2018–19. The Treasurer's contribution focused around the fact that one of the reasons the former government was able to obtain significant operating surpluses was expenditure growth was held back at 2.5 per cent on average each year.

What the government sought to do in its budget was to take into account inflation and population growth and to make sure that service delivery was not compromised in that process. When the Treasurer appeared before us — and members can read his transcript as well as his presentation — he talked about making sure that you have expenditure growth at the more sustainable level of 3 per cent. That is important because you need to make sure that your expenditure growth does not exceed your revenue projections. The Treasurer was able to outline to the satisfaction of the committee that we are looking at revenue growth of about 3.4 per cent, which will enable the government to deliver on its election commitments.

The other point to take from the Treasurer's presentation was the fact that we are looking at reducing net debt from its June 2014 peak of 6 per cent of gross state product to 4.4 per cent by June 2019. This is a responsible level of debt because we are capable of servicing it at those levels. The Treasurer also pointed out that we are looking at significant capital expenditure of \$5.2 billion this year moving to \$6.5 billion next year, which is well above the average of \$4.9 billion delivered over the previous 10 years. I think it is important that we have this level of investment in critical capital infrastructure to take into account population growth and the fact that for the best part of a decade Melbourne has been growing by between 1000 and 1500 people a week.

From that point of view the Treasurer's presentation was particularly knowledgeable and insightful. Slide 2 looks at significant operating budget surpluses throughout that time. I would encourage members of the house to look at this report. If members have a particular policy area of interest, they will find the presentations provided by ministers quite insightful and knowledgeable. If you supplement that with the transcripts, coupled with the budget papers, it really provides you with a wonderful opportunity to develop a deeper insight into and understanding about public administration under this government and in this state. From that point of view it was really good.

I want to thank the members of the committee for their involvement and assistance. The government was well

represented on the committee, with the members for Oakleigh and Eltham from this place as well as Ms Shing from the other place, who according to the member for Gippsland South made 600 points of order in about 56 hours. I think that was a bit harsh. I am sure it was probably no more than 590. It was an outstanding contribution, and Ms Shing was ably assisted by the members for Eltham and Oakleigh. I also want to acknowledge the great contribution made by the deputy chair, the member for Mornington, as well as the members for Gippsland South and Kew.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16 (hearings alert)**

**Ms STALEY** (Ripon) — I also rise to speak on the report of the Public Accounts and Estimates Committee (PAEC) on its inquiry into the 2015–16 budget estimates. I too look to this report and the transcripts for some insights into and understanding of the operations of the government. I was very interested to see the transcript from Thursday, 21 May, when the Minister for Small Business, Innovation and Trade appeared at PAEC. Before I even get to the transcript, I think it is very telling that this transcript is marked as unverified. The then minister — now Minister for Nothing — has not managed to verify the transcript of his presentation. When we look at what is in that presentation and the questions he was asked, I suppose it is not surprising that he does not want to verify that he performed so badly when he appeared before the committee.

He started, as most ministers do, with a presentation. He managed to take up quite a deal of his allocated time with that pre-scripted presentation. I wonder though who wrote that presentation, because we have seen quite a bit of media reporting that suggests it was the briefing for this appearance at this committee that led to the incident the minister has been stood aside for. So it is of great interest to see just how appallingly he performed at PAEC.

I draw the attention of the house to a question that was asked by the deputy chair of PAEC, the member for Mornington. He asked the minister:

... can you advise the committee of the additional cost to your department and your agencies of the grand final eve 2015 public holiday, both in dollar terms and as a proportion of base funding?

Despite having this rephrased in a number of ways to assist the minister to understand the question — the transcript is worth reading on this — the minister failed to answer that question. He failed to answer it because he did not understand it. Then we had the member for Mornington follow it up with:

Minister, can you advise the committee of the reason for the decision to declare grand final eve a public holiday, and who was the person who made the decision?

As part of a very long and rambling answer to this very direct question, Minister Somyurek said it was:

... to allow more Victorians, especially those in regional areas, to participate in grand final celebrations ...

I represent a regional area, and I can absolutely tell you that this grand final eve holiday is the most talked about public holiday by the small business people of the Ripon electorate. They are unanimously opposed to it. I hasten to tell the house that the schoolchildren of Ripon are not hiring buses to come down to Melbourne on the Friday to participate in this Melbourne-centric grand final holiday. This holiday has been put into the budget, but we do not know how much it is costing, because the minister could not answer that question. When asked why we have it, he says it is for regional areas. The minister clearly has not been to regional areas if he thinks they support this public holiday. This public holiday is of no interest to those running small businesses in regional areas and in fact comes at a great cost to them.

I suggest that members have a really good look at this transcript, because it is a gem. There are plenty of gems in there, where Minister Somyurek was just unable to answer a question despite repeated assistance from Ms Shing from the other place. She tried repeatedly to get the minister to go to his advisers. He just ignored her. She tried over and over again. I add that it is perhaps not surprising that there is so much dysfunction if this is indicative.

**The ACTING SPEAKER** (Ms Edwards) — Order! The member's time has expired.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16 (hearings alert)**

**Ms WARD** (Eltham) — Like the member for Essendon, this is my first opportunity to stand and speak on a committee report. What a delightful occasion to be able to speak on a report by a committee of which I am a member. Being in the Public Accounts and Estimates Committee (PAEC) estimates hearings was a very interesting experience. It could be fun; we certainly enjoyed ourselves. We certainly learnt a lot being on this committee. We learnt a great deal about parliamentary processes. We learnt a lot about the budget papers, about how to read a budget paper and how to process information, which is invaluable for people in our role.

I congratulate my colleagues on embracing the opportunity to have a comprehensive look at the budget and to have gone about it in a very systematic and professional way. I, like the member for Essendon, think that over the two weeks we had together we experienced a bit of Stockholm syndrome. It was really good to have that opportunity to work through things with those opposite and get to know each other and have a little bit of congeniality as well as conduct a very thorough and rigorous scrutiny of the budget papers.

What was really good to see, and what was very positive to see, was that we had ministers who knew their stuff. We had ministers who performed really well. We had ministers who could respond comprehensively to the questions that were directed at them. There were ministers who knew what they were doing and there were ministers who were proud of their budget. They were proud of their budget and proud of what they were delivering for this community. In particular the Minister for Education was very proud of this budget and very proud of the work that he and this government are putting into making this state the education state. It was great to see how thorough he was across his portfolio and how passionate he is in his commitment to education.

I am of course particularly happy about the things that are happening in my own electorate. I have got money for my schools. I have got money to reopen Greensborough TAFE, which unfortunately closed a couple of years ago. Why did it close? Because the mob opposite has no commitment to education and training.

It was also very good to see the absolute commitment of the Minister for Education to Gonski after four years of seeing nothing happen in this state. The money was hidden. Principals could not find Gonski money. I had principals coming to me saying, 'I've looked through it. I think we've got about \$1.70 per kid'. They had to scratch around to find it. We still do not know where this money has gone or what those opposite have done with it. But what we do know — because it is in the budget papers — is that this government is going to deliver Gonski. This government is going to keep funding Gonski until 2017 — full funding. Schools have that security; they know exactly what they are going to do and how they are going to use that money. It is going to make their schools better. They are going to use it to make this state the education state. People on this side of the house know that education is a fundamental platform in helping people get ahead. It is a fundamental platform in helping people get the better jobs federal Treasurer Joe Hockey thinks they so desperately need in order to buy a house.

**An honourable member** — Not Joe!

**Ms WARD** — Not Joe! I also welcome the commitment to asbestos removal in schools, which is fantastic. I am sure many people in this house have spoken with their schools about issues regarding asbestos, its removal and how expensive it is.

Before I finish I want to talk about a forum that was held in my electorate a couple of weeks ago with the Salvation Army. The Salvation Army representatives spoke about the needs of local families who are struggling with costs for their kids. In the budget papers we see that there is going to be funding allocated to schools for students who need help with camps, sports and excursions, as well as the affordable school uniforms program. We learnt in the budget papers that this will help 25 000 kids a year, which is just fantastic. This is really needed. The families I met a couple of weeks ago are doing it tough. School is expensive; high school is expensive. This money will really help kids in need. I am absolutely thrilled that this government has the compassion and the nous to not only make this the education state but also to make sure no kids are left behind.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16 (hearings alert)**

**Mr McCURDY** (Ovens Valley) — I am delighted to rise to make a contribution on the 2015–16 Public Accounts and Estimates Committee budget estimates report, as did the member for Eltham. However, we may see things in a different light on this side of the chamber. I will get to that in a moment when I talk about the education state, because it is clearly not an education state that this government is trying to achieve. It should say in brackets 'Provided you live in Melbourne'.

Page 6 of the report talks about agriculture. The Victorian Farmers Federation in its comments on the budget said simply that it is disappointing for regional Victoria and for all of our communities. The abolition of the wild dog bounty and sunseting of the fox bounty in the near future are of enormous concern to the people in my electorate. In Myrtleford, Everton and Whitfield they are quite disappointed that those bounty programs are being wound down and let go, given the inroads into the problem that have been made in these different areas. This government simply does not care about farmers, some of whom have land adjoining national parks and government land. In fact the shadow Minister for Agriculture, who is in the chamber right now, was with me in Whitfield just recently talking with many of the constituents. For a small community, we had a huge

turnout of people wanting to talk about these issues which they know they are missing out on in the budget.

Page 8 of the report is where public transport comes in. I am certainly not surprised that the minister has decided to conduct a study of regional networks and how public transport works there. Studies are what this government is very good at. But it is unnecessary, because from where I sit in my electorate the deficiencies in public transport are clear. The north-eastern rail corridor is absolutely appalling. The former federal Labor government spent \$270 million on this rail track, and the current federal government is spending \$134 million to fix it up. It is quite disappointing that there is no rolling stock for our line in the budget. In fact when people from my electorate see *Puffing Billy* they think it is the V/Locity train, because that is as close as they get to seeing anything from the modern era. Buses are substituted for trains on a regular basis. The Minister for Public Transport needs to get out and have a look at what is going on in our regions, particularly in the north-eastern corridor, rather than simply employing stalling tactics to put off the inevitable, which is to increase rolling stock on our line.

At page 11 the report turns to the Department of Education and Training. This is where I take the member for Eltham to task for her comments about the education state. As I said earlier in my contribution, provided you live within the boundaries of Melbourne, or can see it from your electorate, you are probably in fairly good shape; otherwise you know it is going to be difficult to win some money. She reeled off a number of schools in her electorate that are going to receive funds this financial year. I note that Wangaratta High School was not on that list. Of course it is not in her electorate; but it is not on my list either, because sadly we did not receive any funding for stage 3. Yarrawonga College P-12 did not receive funding. There are education needs in my community that have been overlooked. The Appin Park Primary School needs staffroom upgrades.

In particular I mention the Wangaratta District Specialist School, to which the coalition committed nearly \$750 000 to get more land and begin the process of upgrading. In the last four years its enrolment has increased from 80 students to 131 students. It is absolutely bulging at the seams, and it is important that if we are going to be the education state, we must consider all Victorians and not just those who reside within view of Melbourne. Although we were not successful, I will certainly be making a case for ensuring that our communities are treated equally in what the government is calling the education state. It is

one thing to say it, but another to deliver on it, and that means delivering for all Victorians.

**An honourable member** — Will there be a numberplate?

**Mr McCURDY** — There will be a numberplate that demonstrates that, but it is not just a case of talking about it, it is also a case of doing it.

### **Public Accounts and Estimates Committee: budget estimates 2015–16 (hearings alert)**

**Mr DIMOPOULOS** (Oakleigh) — It gives me pleasure to speak on the report of the Public Accounts and Estimates Committee (PAEC). As other speakers have said about their participation, I enjoyed the opportunity of being on this integral committee, which provides the opportunity for Parliament and the community to conduct in-depth scrutiny in relation to budget expenditure. Contributions from ministers and some departmental officials were very helpful in revealing a whole range of matters. As the member for Essendon said, the macro-economic landscape was very important, and it was great to see a Labor government with just as strong a handle on these key aspects of the fundamentals of the budget as it has on other budget commitments.

In the electorate I represent level crossing removals featured, as did Amsleigh Park Primary School and the Huntingdale bus interchange, but more broadly a commitment has been made of \$81 million to support the Royal Commission into Family Violence, \$148.6 million for new custody officers to free up police officers, and we also heard about small and discrete but still important projects such as the restoring of the Coroners Court death review unit, which was disbanded a few years ago. Obviously the education state got a big mention, and I agree with the member for Eltham that, generally speaking, the ministers performed very well. I do not say ‘performed’ in a trite sense, but I mean it genuinely in relation to the way they exposed the intricacies of the budget.

Every opposition seeks to score points in the PAEC process, but this was such a good budget. I am not saying Labor governments always bring down good budgets, but this Labor government absolutely does, and because of that there were no king hits. As much as the members for Mornington, Kew and Gippsland South tried — and they did a good job — there were no king hits to find. It was a good budget, the ministers’ answers were thorough and robust, and in a sense it has been a clear run for the community and the Parliament to understand the budget without facing any successful

scaremongering in relation to it. I found it a useful process in a whole range of areas. I now know discrete little things that I never thought I would know about different portfolios, which is excellent — and it enhances the role of our job as local members of Parliament.

I will address some criticism made about Dorothy Dixers by government MPs during the contribution of the member for Gippsland South. I must say that if you were in that room for the two-and-a-bit weeks, you could not help but notice the amount of backroom dealing done by the opposition members of the PAEC team. They were literally rushing past witnesses in order to get to the back of the room and obtain instructions from Inga Peulich from the upper house or whoever else was there. At different stages they were also receiving instructions from shadow ministers. It was far more coordinated than anything I have seen on the government side in terms of the budget, but I do not begrudge that. Coordination and teamwork are important, but if you are going to do it, do not then cast aspersions on the other side.

Having said all that, I agree with the lovefest that has been PAEC for us this year. It was like a Big Brother house, with some budding romances in there, but obviously in a very platonic sense. I would go so far as to say — and I am not just referring to opposition members but also The Nationals and the Greens — that I would not mind having a drink with the entire PAEC team at some point. I say that to demonstrate to the community that people can work together in this house to achieve things, with slightly different motivations but working together nonetheless.

I thank Valerie Cheong, the executive officer, and her team. They were very good. We also got intimately acquainted, whether they realise it or not, with the Hansard reporters, because they were on the same table, as opposed to in this place where they are a bit more removed. A lot of people contributed a lot of time — public servants, well-meaning political officers, and a whole range of others as well as journalists. I think it was a productive process, and I look forward to next year.

### **Public Accounts and Estimates Committee: Victorian Auditor-General's Office financial audit**

**Mr MORRIS** (Mornington) — I am pleased to speak on a Public Accounts and Estimates Committee (PAEC) report, but not the one that has featured in most contributions today. Rather, I wish to comment on the report tabled earlier today on the appointment of a

person to conduct the financial audit of the Victorian Auditor-General's office. As members are aware, PAEC has a range of issues it needs to address. It is a multifaceted committee. Obviously we look at the estimates and spend a fair bit of time on them, and that is often the main press that the committee receives. The committee also acts as a public accounts committee and undertakes special references, one of which came to this house a few weeks ago. However, one of the most important things the committee does involves its relationship with the Victorian Auditor-General and the coordinating role it plays in making sure the work of the Auditor-General is in sync with Parliament.

The Auditor-General is an independent officer of the Parliament, and that is provided for in the state constitution, but that does not and should not mean that the office-holder operates in isolation, and certainly it does not mean that they operate without scrutiny and without transparency. An important part of the role the committee has is the interaction with the auditor and his or her office. The committee has interaction in terms of the performance audit plan that is tabled every year before the end of June. It also has a role in the development of the performance audit specifications for individual performance audits. However, most importantly, every four or five years we make recommendations for the two houses to commission a performance audit, and every three years, a financial audit. The financial audit is undertaken annually, but the auditor is appointed for a period of three years. The report before the house fulfils that function.

Normally the financial auditor would be appointed for three years, and that process is an extended tender process. It takes three-plus months to conclude, but unfortunately, given the exceptionally late appointment of the Public Accounts and Estimates Committee for this Parliament, that was not able to occur. I am not reflecting in an adverse way on my colleagues on the committee, but I am consciously reflecting adversely on the government for failing to appoint this committee in a timely manner.

Normally the committee is appointed within a few sitting days of the Parliament first meeting. If you go back, you see that in Parliament after Parliament, regardless of which side was in office, that appointment has occurred, but for some reason in this case the government delayed and delayed, which meant that the committee was unable to go through the appropriate tender process for the appointment of the financial auditor for the next 12 months. In saying that, I certainly do not reflect adversely on the person who has been recommended to fulfil the role. He has done it for the last three years, and in the view of the committee he

has done a very professional job. In fact the report describes it as ‘professional and exemplary’, and he certainly has satisfied the requirements of his previous contract. However, an appointment in this way is a second-best option.

In terms of the technicalities, the committee investigated whether a reappointment of this particular auditor would meet with standards, and particularly APES 110, which sets a limit of seven years for key audit personnel. This will be the fourth audit that Mr Bradby has undertaken, so it certainly was not a problem in that regard. The remuneration is also identified in the report — a further \$37 950 on top of the \$111 760 that has already been paid for the services thus far for the three years. This report fulfils the legislative requirement for the next 12 months, and I certainly look forward to having the opportunity in the next year to undertake a comprehensive process and make a further appointment.

## GRIEVANCES

**The ACTING SPEAKER (Ms Edwards)** — Order! The question is:

That grievances be noted.

### Government performance

**Mr PESUTTO (Hawthorn)** — Today I grieve for the people of Victoria, who were promised good government — accountable government. They were promised integrity. They were promised the highest standards, but we are seeing that that is not what is being delivered.

It has taken just six months, but the verdict is now in. We have a soap opera. We do not have a government. It is a joke. It is a circus. I do not know what best characterises this government. There are so many options. It is an embarrassment of riches. Is it *MasterChef*, where if you make a meal of it you get booted off the show, like the Minister for Small Business, Innovation and Trade, Adem Somyurek, or like a member for Western Metropolitan Region in the Council, Cesar Melhem? Is it *The Biggest Loser*? If you lose the most friends, if you lose the confidence of the Premier, you get booted off? Or is it *The Killing Season*? Better still, is it *The Sopranos*, where you walk respectfully down the road to the office of one Michael Donovan? He is Don Michael Donovan, the godfather of Shop, Distributive and Allied Employees Association (SDA) politics. You must go to his office and pay homage. You genuflect before Mr Donovan, and you ask for his blessing.

What happens at these meetings at Mr Donovan’s office? Do you go in there and kiss his hand? Do you bring some roses? Do you give him a kiss on the cheek? What happens at these meetings? Victorians just want to know what they are getting. They are getting a government of intrigue, of infighting, and it is not the opposition saying this; it is members on the other side of the chamber who are saying it.

Let us look at the latest script from *The Sopranos*, written by guest scriptwriter James Campbell of the *Herald Sun*. In an article today on the goings-on inside the Labor Party, he talks about a pilgrimage of Labor MPs to the office of Michael Donovan, the powerbroker of SDA politics. He says he is the one who authored the public holiday proposal that the Premier brought in without even consulting his cabinet colleagues or his party colleagues. He thought a way to get Victorians back to work is to give them a holiday. Well done, Premier Andrews!

Let us look at what some members of the government have been saying. They say, as quoted in the article:

Labor figures who have raised concerns about the extent of Mr Donovan’s influence say government policies to make Easter Sunday a public holiday and give a multimillion-dollar funding boost to Catholic schools were driven by his union, which has 50 000 members in Victoria.

They say the revelation of the emails — which cover a two-year period and reveal who is at the heart of the Donovan-aligned right-wing faction — strengthen the claim that small business minister Adem Somyurek was dumped as part of a political hit.

That sounds like it is straight from *The Sopranos* or *The Killing Season*. What else do we have? An ALP insider familiar with the SDA meetings described the atmosphere at these meetings at Mr Donovan’s office as ‘cult like’, with Mr Donovan holding court while everyone else listens to his opinions on the issues of the day. One Labor insider says that he is a ‘Stalinist Stalinist’. I am not sure what that means! He does not brook any opposition, the Labor figure said.

It is not us making these accusations. They are coming from the other side of the chamber. That has got to be a worrying sign for the Premier. Despite all the government’s attempts at careful media management, nothing is concealed about the hatred, which is on full display. It ought to worry all members on the other side of the chamber that there is no consistency in the application of policies and procedures. So, if you get in the way of traffic, you are road kill and there is no one to look after you. I will say more about that later on.

In relation to the legislative program — and this is the worst thing; it trumps everything — it is like a Salada

biscuit: there is nothing in it. There is nothing in the legislative program. Let us look at these ideas and the proposals which have come forward in the short time that this party has been in government. Let us look at the western distributor. This is Transurban coming to a desperate government. In the context of the government having cancelled the east-west link contract and not having a major infrastructure project, Transurban comes with this rolled-gold proposal. No one knows anything about it. All we know is that it will cost a motza. Do you know what Transurban reminds me of? When Kerry Packer bought the Nine Network back from Bond, he said, 'You only get one Alan Bond in your lifetime'. Transurban has this Labor government — the Labor government of a lifetime!

What about the foreign stamp duty and land tax surcharge? What a great, well-thought-out idea that was. Even your own cabinet is divided on it. You have not even spoken to your membership. I refer to the great speech by the Treasurer — —

**The ACTING SPEAKER (Ms Edwards)** — Order! The member for Hawthorn should speak through the Chair.

**Mr PESUTTO** — Of course, Acting Speaker. I refer to a speech by the Treasurer a couple of weeks ago, when he talked about Labor Party members despairing at this policy. What else do we have? We have a legislative program which really is an argument, if you like, for why the member for Box Hill should continue to receive his former ministerial salary. All the bills which seem to be coming through — certainly in my shadow portfolio — are the product of hard work by the member for Box Hill, but this government claims them as its own. Its members do not have any ideas of their own. The truth is that this new government has already lost its way.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Edwards)** — Order! The member for Hawthorn should be able to continue without assistance from the member for Essendon.

**Mr PESUTTO** — No, he is of assistance! The reason that this government, which is only six months old, has already lost its way is that the Premier himself has not set the culture, the tone or the standards to drive good outcomes. Instead he is more focused on the internal operations of the Australian Labor Party than on the interests of the Victorian people. Let us just look at what has happened in the last week or so. There is a royal commission underway into trade union

corruption, and the now former Government Whip in the Council, Mr Cesar Melhem, appeared before that royal commission for a second time. He was there to respond to very serious allegations that he had used his position as general secretary of the Australian Workers Union (AWU) to sacrifice the entitlements of his members for annual payments to his union, to prop up membership numbers and to enhance his power base inside the ALP.

The evidence from a number of people and sources overwhelmingly shows that in the case, for example, of Clean Event, a company that had casual employees, the AWU under Mr Melhem's leadership did not go into bat for around \$6 million of entitlements for those casual employees in return for — what? You would think it would be for something grand, but it was for \$25 000 a year to pay for memberships. How about that? It is all class: \$6 million in employee entitlements sacrificed for \$25 000 a year. It was all about enhancing Mr Melhem's influence in the party. Is he an influential person? He is a very influential person. Do members want to know how influential? Let us have a look.

In 2013 there was a vacancy in the upper house, so naturally Mr Melhem submitted an application form. That form was co-signed by a number of supporters. Do members want to know who they were? Let us go through them. This is the application form for endorsement as an Australian Labor Party candidate and member of Parliament, because Mr Melhem was to go straight into the upper house. Let us run through the list of Labor luminaries: Bill Shorten — very good; Ben Davis — the current secretary of the AWU; wait for it, Steve Bracks — former Premier of this great state; Luke Donnellan; Anthony Carbines; Nazih Elasmari; Robin Scott; Marlene Kairouz; Michael Donovan — —

**The ACTING SPEAKER (Ms Edwards)** — Order! The member for Hawthorn should refer to members of Parliament by their correct titles.

**Mr PESUTTO** — I will, Acting Speaker, I am sorry. I was quoting the names as they appear, but I am happy to do that. There is also Michael Donovan, Jane Madding and the Attorney-General, the member for Keysborough. We have a gentleman who has very powerful friends in the ALP, so powerful they were prepared to lend their support and vouch for the integrity, the probity and the suitability of Mr Melhem to be a member of the other place.

What do we have? We have a royal commission, and Mr Melhem did a number of things. He gave evidence to respond to allegations that he had sold out his

workers. Do members know what he did? He blamed a senior adviser to the Premier, Mr Blandthorn. He said he was the one behind it. I will read some quotes from the transcript. The questions are being asked by counsel assisting, Mr Stoljar:

Q: Is this your position ... so I understand it: you're saying this arrangement —

the \$25 000 arrangement —

was organised by Mr Blandthorn. This is your evidence, is it?

A: Mr Blandthorn was the main negotiator and he kept me briefed, but in relation to the day-to-day negotiation and various changes, Mr Blandthorn had the carriage of it and I wasn't involved in the details ...

That is what Mr Melhem says throughout his evidence. I want to put a question: what do the words 'bom-bom, bom-bom' mean? I will tell members: it is the sound of a witness throwing another witness under a bus — that is, Mr Blandthorn.

Mr Melhem was asked point-blank if he had spoken to Mr Blandthorn:

Q: Have you had any discussions with Mr Blandthorn ...

He said:

A: I would have had discussions with him recently, yes ...

Q: When was the last time ...

A: ... a few weeks ago ...

...

Q: Can you give me a date?

A: No, I can't give you the exact date ...

Q: What was the purpose of the discussion?

A: Oh, basically ... just work matters, nothing to do with this.

...

Q: Did you ask him about the evidence he might give in the commission?

A: Absolutely not.

What unfolded over the next couple of days was a train wreck. Mr Blandthorn appeared and totally contradicted what Mr Melhem had said, and Mr Ben Davis — Mr Melhem's replacement at the union — did likewise. I will go to what Mr Blandthorn said, and I should say that Mr Blandthorn gave very convincing evidence — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Edwards)** — Order! If the members for Mordialloc and Gembrook would like to have a conversation across the chamber, I would suggest they go outside.

**Mr PESUTTO** — Mr Blandthorn was asked about that conversation:

Q: When did you last speak to Mr Melhem?

A: I received a phone call from him on ... 22nd of last month.

...

Q: Was this a call on your mobile?

A: Yes, sir.

Q: Doing the best you can, what did Mr Melhem say?

A: Mr Melhem asked me — he wanted to speak about the upcoming royal commission on three matters. The call lasted less than a minute. I did not want to engage, so I sort of said to him, 'Mate, I can't really talk now. I'm in a meeting. I don't want to be talking on the phone.' He then said —

that is, Mr Melhem said —

'Look, you know, if the AWU's struggling to pay your legal bills, there is a fund with the Attorney-General's office', or something. I said —

Mr Blandthorn said —

I really can't be talking about this. I've got to go back to my meeting'.

As I said, Mr Blandthorn was a very convincing witness. Now we have a dispute between Mr Melhem and Mr Blandthorn that with all the sophistry in the world cannot be reconciled. I will say that this is a complete betrayal not only of the members but of the role of unions in this country for decades. We would all agree that for decades unions have been given special rights and privileges under our workplace relations system. Those rights and privileges have survived changes of government. In return for that you have a great responsibility to use those powers for the purposes for which they are conferred. When you use them for the purposes for which Mr Melhem allegedly used them, there is no possible excuse, according to Mr Blandthorn, I should say to the member.

I grieve for the people of Victoria. We have this Mr Melhem situation following the standing down of Mr Somyurek, who was stood down in the absence of detailed written allegations in circumstances where for many months it was alleged that certain behaviour was

taking place. What I would say in conclusion in relation to the investigation into Mr Somyurek and the capability of his office is that no-one should forget that the Premier himself is the employer. He is not just the head of state and not just the Premier; he is the employer with a non-delegable duty of care to look after his staff and all ministerial staff, and it is incumbent upon him to instruct both Peter Allen and His Honour Justice Michael Strong to extend their investigations into the role of the Premier's office, given that he was the employer.

### Liberal Party performance

**Mr FOLEY** (Minister for Housing, Disability and Ageing) — I rise in the grievance debate to grieve for the people of Victoria given the failures of the once-proud Liberal Party and its internal wars over its own future, its own view of the world as it collapses into a Tory rump with its contributions to many issues reflecting how out of touch it has become with the people of Victoria.

I will use a couple of instances to highlight the reasons I grieve for the people of Victoria given the shallowness of those opposite. I grieve for this once great party of Robert Menzies, the party dedicated to standing up for the forgotten people, the party that once boasted of its broad church. Now, when we look at a couple of issues in particular, we see how the Liberal Party has become increasingly captured by a narrow clique of unrepresentative groups across the community.

I will focus briefly on what is apparently the Leader of the Opposition's new-found progressiveness, looking at the issue of support for people from the LGBTI community across the state, at the Liberal Party's position on renewable energies and at a number of other issues. I quote from yesterday's *Age* newspaper, which states:

Conservative government MPs say same-sex marriage is not inevitable and have warned Tony Abbott that he faces a savage internal backlash over the issue, likening it to the devastating split over the ETS, which cost Malcolm Turnbull the Liberal leadership in 2009.

In that article, an unnamed Liberal Party MP is quoted as saying:

If you put this to a ballot in the party room, this does not get up.

You see from this story and from this general approach, as those opposite seek to approach LGBTI rights, just how much the fringe, conservative elements within the Liberal Party have sought to stop the progress on this issue. The federal Minister for Social Services, Scott

Morrison — who has leadership aspirations but admits he is a long way behind both of the other leadership aspirants in Canberra, Malcolm Turnbull and Julie Bishop — has previously tried to undermine the rights of those in the LGBTI community but is now calling for a federal plebiscite on the issue. What he is saying is that somehow or other there is no longer a need for the federal Parliament to consider whether it supports marriage equality or a conscience vote on this issue. Indeed those within the Liberal Party want to deny LGBTI rights on marriage equality.

We can see that this view is not restricted to just Liberal members in Canberra. It very much permeates the contributions of members of the opposition in Victoria. Just yesterday we learnt that within the Liberal Party there are a range of concerns at both the state and federal levels. Yesterday we saw the unfortunate example of a Liberal member of the West Australian Parliament who questioned the contributions of a transgender child. I understand this person, Mr Abetz, in the West Australian Parliament, is the brother of Eric Abetz. The quote was about an 8-year-old transgender girl running in a race over there:

... take her in the bush and shoot her, because there was no hope for her.

This kind of offensive behaviour from those in the Liberal Party at both the state and federal level reflects some deep-seated divisions among those opposite. However, Mr Peter Abetz, the Liberal MP in Western Australia, says these things with no fear that his offensive comments would in any way have him disowned by his colleagues.

These matters are of concern in relation to how the Victorian opposition goes about framing its position, which we will look forward to testing in the very near future when it comes to these issues about the place of LGBTI people in our community. Contrary to recent reporting, the Victorian opposition has clearly marked down where the Liberal Party sees equality issues. The Leader of the Opposition in this state has clearly put his stake in the ground here, not in the backgrounding he has provided to newspapers but in the way in which he votes. We need look no further than when he voted to repeal the equal opportunity legislation that the Brumby government had put in, thereby providing a green light for Victorians to discriminate against LGBTI people and other minorities for their sexuality and gender status and for no other reason. He follows in the footsteps of his apparently small-l liberal leader, former Premier Ted Baillieu. Ted, a former architect, was Premier at the time the Victorian government legalised the discrimination of LGBTI people in this state, and he

was Premier at the time the Victorian government sought to tear down the Victorian wind industry in this state, an industry that was a vital contributor to renewable energies and that created jobs in the regions. The current Leader of the Opposition, as the then Minister for Planning, was Mr Baillieu's chief point guard in that regard. As the wrecker of the wind industry, the Leader of the Opposition oversaw the destruction of jobs across regional Victoria through certain laws — laws that this government has now committed to re-establishing in a more appropriate way.

These laws were decried across the state in 2011. They destroyed the then burgeoning wind industry and set back jobs, particularly in the region. They allowed other states to steal a march on us here in Victoria, and they cost our economy millions of dollars. But most importantly they cost precious modern manufacturing jobs that were sustainable for the future. A great number of these jobs were lost in the electorate of the member for South-West Coast, and even when he became Premier, he showed no desire to undo the damage that had been done by the then Minister for Planning, who is now Leader of the Opposition.

Why did these laws stay? These laws cost jobs in the electorate of the former Premier and in the electorates of other opposition members in this place who represent the regions. These were the jobs of the future, and they were also jobs that would have helped to protect our environment in a sustainable way through renewable energy. Those opposite do not believe the science when it comes to the truth of climate change, which is a term the former government's Minister for Putting Cows in Parks would not allow to be used in his climate change policies. The words 'climate change' were banished from the lexicon of the former Victorian government and certainly its policy documents, which were pretty thin to start with. The modern Liberal Party, the opposition that sits over there, is not modern. It is full of climate change deniers, and it is full of those who seek to deny the reality of how we should go about building the future jobs and future progressive nature of this community. Members of the Liberal Party would seek to set us back many years, leaving us with a carbon-based economy and leaving us in a 1960s social frame.

It is unfortunate to have to create a caricature of a member of this Parliament, but these views are best reflected in the contribution of a member for Western Metropolitan Region in the Council, Mr Finn, who sees himself as subservient to no-one. His fringe group holds sway within the Liberal Party. His actions have been extremely disappointing and offensive to so many people. His contributions to rejecting science, to

rejecting equality and to rejecting the values of a modern society are reprehensible. It is sad that this continues to be the case in 2015 and that the Liberal Party refuses to take action against him.

When it comes to denying climate change, hindering the establishment of wind farms and creating ill-informed job-destroying policies, those opposite take things to a new height. Mr Finn and his supporters have captured the attention of the leadership of those opposite. The Liberal Party has supported the offensive commentaries and offensive remarks of Mr Finn within the Parliament. Mr Finn's remarks are not slips of the tongue. They are deliberately calculated attacks on some of the most vulnerable people in our society. They reflect a deep mainspring of thought among those opposite.

This is reflected in the comments of the former Attorney-General, who other than driving through the changes to roll back equal opportunity and human rights legislation has shown himself on more than one occasion in this place and outside it to be someone who holds offensive views when it comes to LGBTI people.

I will not go into the full history, but some very offensive comments, such as those of Mr Finn and the member for Box Hill, have been made that sum up these views well. We do not seek to give those contributions another airing, but they reflect that this notion that somehow the Leader of the Opposition is a progressive Liberal leader is a fraud and that whether it is Mr Finn or his good friend, as Mr Finn continually referred to the now Leader of the Opposition, they reflect that deep-seated conservatism.

I do not know if the Leader of the Opposition has a private Facebook account, but if he does he will see that Mr Finn's comments on Facebook and his many outrageous posts there would be instrumental in the forming of this view. One might think that a person, in trying to project himself as pro-life, might at least be consistent. Mr Finn has repeatedly proposed reintroducing the death penalty in this state, not just for murders but for other crimes, including basic, straightforward and sad but victimless drug crimes — yet we have not heard a peep of rebuke from the Leader of the Opposition or any other leader.

The 2014 election campaign revealed how captive the Liberal Party is to these extreme elements within its organisations. Let us just think of a few. Jack Lyons, who was the candidate for Bendigo West, resigned after racist and sexist comments he made on social media were made public. He had referred to the local Chinese water garden as 'ching chong gardens', stating:

'Ladies first' is just a nice way of me saying 'Let me look at your butt while you walk in front of me'.

He initially sought to defend these comments:

They're jokes, mate ...

... I'm a normal Aussie living life and enjoying it.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Ryall)** — Order! Members of the government!

**Mr FOLEY** — Then there was Aaron Lane — —

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Albert — —

**Mr FOLEY** — The candidate for Western Victoria Region — —

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Albert Park! I say to the member for Albert Park that I am calling order to the rest of the government members. Without assistance!

**Mr FOLEY** — Pardon me! Aaron Lane, a candidate for a Western Victoria Region seat in the Council, a former Young Liberal president and a fellow at the Institute of Public Affairs, resigned before he could be sacked for his homophobic comments. John Varano, a candidate for the seat of Sydenham, resigned before being sacked over allegations of having assaulted his wife. His website still lists him as being a member of the Institute of Public Affairs, and he even tweeted last week something along the lines of:

Matthew Guy — A socially progressive liberal.

I wonder what that is about. Then there was Nitin Gursahani, a candidate for the seat of Thomastown, who was disendorsed after he was found bringing a porn star to Australia in the week of the election. Then there was Scott Harrison, campaigner for the Lara and Bellarine candidates and vice-president of the Deakin University Liberal club. He resigned from the Liberal Party after photos emerged of him posing in a Nazi salute in front of a swastika. He had been previously been appointed a reverend in the Church of Creativity, committed to a racial holy war. And there was Don Coulson, Ted Baillieu's senior private freedom of information adviser, who was running a porno ring out of the Premier's office. Then there was the Leader of the Opposition's own staff member, who was deregistered following allegations of inappropriate behaviour with students.

Members will notice that all of these instances involve men and all of them involve them magically resigning or being sacked just as these revelations come under public scrutiny. They do not seem to go through a battery of questioning or scrutiny within the culture of the Liberal Party. Where are all the women in the context of this great party we supposedly have opposite us here? They are not getting through the system. They number just six in the chamber. Six in the chamber when it comes to women! I add that there are very few who lost in the last election in terms of Mr Kroger's comeback, as he sees this as a significant issue for him.

Female candidates in the Liberal Party need look no further than Ms Wooldridge, a member for Eastern Metropolitan Region in the other place, who was run out of this place by those opposite, particularly the member for Kew, and who used her support for women's rights to make choices about their health and about reproduction as a point against her. And those opposite pretend they are progressives in this regard!

In this regard, too — in relation to the role of women — those opposite belonging to the Liberal Party should look no further than the members of The Nationals as a guide to how they should conduct themselves. The Nationals have shamed the Liberal Party in terms of the promotion of women not just in their ranks but in their front bench — and into safe seats. Who would have thought the historic allies of the Labor Party in the first half of the 20th century in this place would show the Liberal Party up as the Tory rump it has become. The Nationals are the champions of women in the regions and women in the future and have shown just how out of touch the Liberal Party has become and how unrepresentative the Liberal Party has become. So let us have none of this nonsense that the Leader of the Opposition leads some sort of progressive — —

**The ACTING SPEAKER (Ms Ryall)** — Order!

**Mr FOLEY** — Let us get it straight — —

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Albert Park — through the Chair.

**Mr FOLEY** — Without reflecting on the Chair — —

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Albert Park!

**Mr FOLEY** — The Leader of the Opposition is nothing other than a fraud when it comes to dealing with — —

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Albert Park! Most members show respect for the Chair and for the standing and sessional orders of this house. I have called the member to order on a number of occasions, and I expect the member to adhere to those protocols.

### Government performance

**Mr WALSH (Murray Plains)** — I rise to join the grievance debate. I grieve for all Victorians, but I particularly grieve for country Victorians. I grieve because we have a dysfunctional government that is only interested in infighting, in factional deals, in rewarding factional mates and in being given its marching orders by its union mates. This is only six months into the government. The people I talk to in country Victoria just shake their heads in wonder — six months in and it has come to this! We have an absolutely dysfunctional government. We know that eventually Labor governments end up like this, but it usually takes a few years, maybe even a couple of terms. With this one it has already happened in six months.

It is good to look at what the Labor platform in 2014 said. It said governments must also be honest and transparent. How much honesty and how much transparency is around this government at the moment? How often do we see Michael Donovan up here giving the marching orders to the government? How often do we see ministers going to the Construction, Forestry, Mining and Energy Union (CFMEU) and the other places where they get their marching orders? There is not much honesty and transparency around this government.

Decisions should not be made in the shadows. They should not be made in the shadow of union officers; they should be made out in the open. Communities should always be consulted and the powers of the Parliament and the government should never be abused. What we have seen so far is an absolute abuse of parliamentary process. We have had one minister stood down, we have had a Government Whip who has resigned, we have had a royal commission where there is contradictory evidence being given by the whip and upper house member and a senior staffer in the Premier's office. There is absolute dysfunction in that office.

The Premier talked about honouring every election commitment. What was one of the key commitments before the election? There would be no compensation for the east-west link contract. The Leader of the Opposition said, 'We will not be paying compensation

for the east-west contract. The contract is not worth the paper it is written on. We will not have to pay compensation'. That was a hand-on-the-heart statement from the now Premier, saying he would not pay compensation for the east-west contract.

What happened? It is \$640 million later, and still growing, Victorian taxpayers money is being spent by this government not to build anything. It is \$640 million — and the figure is growing — not to build anything. The people of country Victoria who drive on roads that are very poor in places say to me, 'We have spent \$640 million to build nothing and all we want is a few hundred thousand dollars to gravel our road'. It just defies logic that the Premier, with his hand on his heart, would say as an election promise that there would be no compensation paid and then we spend \$640 million — a figure that is still growing.

On top of that, in an absolute insult to country Victorians, is the demise of the country roads and bridges program. This great program is now gone.

*Honourable members interjecting.*

**Mr WALSH** — It is sometimes unruly to respond to interjections. I remind the member for Macedon — —

**The ACTING SPEAKER (Ms Ryall)** — Order! It is unruly.

**Mr WALSH** — I remind the member for Macedon that such actions have brought down a government. Labor members could have put money into it if they believed in it. This is not about us. This is about this government and what it is doing for country Victoria. There is no country roads and bridges program. There has been a 10 per cent reduction in country roads funding. Not only has the government spent \$640 million not to build anything at all, but also money has been taken away from particular country road projects.

The Premier is reported in an article in the *Herald Sun* on the state budget as denying that the government had given IOUs to unions that helped to elect Labor last year. He said:

We made open, transparent commitments to the community.

I cannot see that and the people of country Victoria cannot see that. They just shake their heads and say, 'After six months it has come to this'. The Premier might tweet, as he did recently, when he said:

We're putting people first. We're getting on with it. And we're bringing Victorians with us.

I am afraid the people I talk to in country Victoria do not want to go where the Premier is going. They are ashamed of what is happening in Victoria and about the fact that after six months it has all come to this.

One of the other core promises made by this Premier and this government was that there would be no increases in taxes and no increases in fees above the CPI. But what did we have in the budget? We had a 7.2 per cent increase in the fire services levy. I am not exactly sure what the CPI is at the moment, but I am sure it is not 7.2 per cent. Every householder, every small business, every farmer in Victoria is going to pay that 7.2 increase in the fire services levy.

I come back to the issue of the Premier saying that the government has no IOUs. This 7.2 per cent is all about an IOU to Peter Marshall and the United Firefighters Union of Australia (UFU). This is all about payback to the UFU, involving pay increases and extra firefighters. It is a payback to all of those fireys who went out in their make-believe uniforms. They doorknocked, they manned polling booths, they manned pre-polling booths, and they abused people who wanted an opportunity to cast their vote, as is their right in this democracy. Those voters were intimidated by those people.

The other thing I find intriguing about the fire services levy debate and the payback to the UFU is the fact that during this debate I have not heard one Labor minister mention the word 'volunteers'. Those opposite have never mentioned the word volunteers. I have not heard that word pass the lips of a minister on the other side of the house. They will talk about the firefighters and they will talk about the UFU, but they do not talk about the volunteers. It is the volunteers who are the heart of the Country Fire Authority (CFA) — —

**Ms Green** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order!  
The member for Yan Yean is using inappropriate language in the house.

**Mr WALSH** — It is the volunteers who are the heart of the CFA in this state. They give up their time — —

**Mr Edbrooke** interjected.

**Mr WALSH** — The member for Frankston might laugh. He is a firey and he might laugh about the volunteers, but we on this side of the house care about the volunteers. The member for Frankston might laugh about the volunteers, but we are not laughing about the volunteers. They deserve praise for what they do to

keep Victorians safe. They deserve a CFA that functions and cares about them. They do not deserve union representatives on the CFA board and union domination of the board. They do not deserve that sort of decision-making. They do not deserve that sort of care by the organisation that is there to look after them.

At some point in the future, as part of this payback to Peter Marshall and the UFU, there will be more union influence on the CFA, and that will be to the detriment of our volunteers. It is more about payback to union mates than it is about caring for volunteers.

We have heard many comments about the education state, and I listened with interest to the member for Eltham during her contribution on committee reports. I also listened to comments by the member for Ovens Valley, and his comment was the most telling of all. This may be an education state, but it is certainly not an education state in country Victoria. It is only an education state if you live in Melbourne. We may end up with numberplates that say 'The education state', but for the people of quite a few communities around country Victoria those numberplates do not mean anything; they are just hollow words from a Melbourne-centric government.

In the seat of Mildura, the member is still struggling to get the money to finish the Merbein school, which is a Building the Education Revolution school that was started with promises that it would be finished. It is still not being funded, and neither is the Robinvale school. In the seat of Lowan the process for the Warracknabeal school was started by us in government. We gave that school money for planning, but there is no capital in the forward estimates. In the seat of Euroa are the Benalla and Seymour schools. In the seat of Gippsland South the Korumburra school is desperately in need of money. Across the boundary into the seat of Bass, in Wonthaggi a school was promised money by the Labor candidate during the election campaign, but what has happened? No show. It is another broken promise, and the list goes on.

In Gippsland East the East Gippsland Specialist School is desperately in need of more money. The number of students has gone up. In my electorate not only did Kyabram not get any funding for its upgrade, but the minister tried to take away the year 9 portable so those kids would be disadvantaged into the future. I went to a public meeting in Kyabram, and no-one in that room would have said Victoria will be the education state. The deputy mayor of the Campaspe shire volunteered to chain herself to the building so it would not be taken away. That is the sort of commitment there is in that community. In Kyabram they do not think this is an

education state. It is the same in Echuca, with the merger of the southern, western and specialist schools. It is the same in the seat of Ovens Valley, with the Wangaratta District Specialist School, which went from an enrolment of 80 students to over 130 students over the last four years. It desperately needs some money. In Wangaratta this is definitely not an education state, and the list goes on.

The key is lobbying. We obviously need to talk to Michael Donovan so we can get money for those particular schools. If we talk to Michael Donovan, we might get money for those schools into the future because apparently he has a say in everything that happens.

Looking at the budget, 2.9 per cent of the government's capital spend on infrastructure is in country Victoria, but 25 per cent of people live in country Victoria. Where is the equity in that? There is absolutely no equity in that. I grieve for all those people who are missing out in country Victoria. There is just 2.9 per cent of capital spending for 25 per cent of the population. There is something wrong with the maths on that side of the table. The country roads and bridges program and the Putting Locals First Fund are gone, and there is a 24 per cent reduction in Regional Development Victoria funding and a cap on rates. People will severely miss out in country Victoria.

I will finish quickly on the sale of the port of Melbourne, which is a key piece of infrastructure for the people of Victoria, particularly for the food and fibre industry. It is our gateway to the world for exports. It is a critical piece of infrastructure in this state, and we want to make sure that it remains the best port in Australia. I am devastated that I hear people on the other side of the house asking why we need to have the best port in Australia and why it matters. It leaves me cold that people on the other side of the house would think that way about the port of Melbourne. It is a key piece of infrastructure. As country Victorians, as food and fibre producers and as exporters, we do not want to see 800 per cent increases in fees at the port of Melbourne just to fatten it up so the government can sell it and get more money to spend in Melbourne. We want to see the port being competitive for future generations.

**Grievances interrupted.**

## DISTINGUISHED VISITORS

**The SPEAKER** — Order! I acknowledge in the gallery three special friends. To Reverend Naotunne Vijitha Thero, the chief Buddhist monk of the

Keysborough Dhamma Sarana Buddhist Temple, I extend special appreciation because he visited my mother when she was very ill in Sunshine Hospital and, through meditation, helped Mum recover. I thank him. I also acknowledge Reverend Dorowwe Gnanarathana Thero, a resident monk of the Keysborough Dhamma Sarana Buddhist Temple. Last, but not least, I acknowledge Reverend Kataluwe Sugathasiri Thero, who is visiting from Galle, Sri Lanka. Welcome to the Parliament of Victoria.

## GRIEVANCES

**Grievances resumed.**

### Liberal Party performance

**Ms THOMAS** (Macedon) — I rise to join my colleague the Minister for Equality, the member for Albert Park, in grieving for the state of the Liberal Party in this state of ours. The once great Liberal Party has been brought to an absolute rump by the infiltration of complete conservatives and flat-earthers. It is like a Tea Party outfit these days.

Before I speak on that, I will also grieve for the state of The Nationals. We just heard from the Leader of The Nationals. In 1999, when Steve Bracks was able to form government in Victoria, the then leader of the National Party, Peter Ryan, did the right thing by his party and by country people by getting out of the coalition and taking some time to focus on what the National Party stood for. He took time to work out what it believed in and what its role in the coalition was. The Nationals are in lock step with the Liberal Party, which has no interest in the disadvantaged communities of regional Victoria, and that is why the Labor Party is now the party that best serves the interests of regional Victoria.

I will also speak about the puff piece in the *Sunday Age* in which the Leader of the Parliamentary Liberal Party is seeking to recast himself as a liberal Liberal. The message the Leader of the Opposition took to the country retreat where the party went for some good old-fashioned team building was:

If the coalition was to have any chance of being competitive at the next poll in 2018, it needed to modernise and reboot. That meant everything ...

This is still the case, and it is a real challenge for the Liberal Party. It is in the best interests of the whole of Victoria that the Liberal Party take the time to reboot. The first step it must take is to ensure that it has a more representative party. Can you believe it is 2015 and the

Liberal Party has only six women sitting on the benches in this house?

As I noted yesterday, if not for The Nationals, what would be the state of the coalition? Who would have thought The Nationals would prove to be the progressive wing of the coalition by bringing more women into this house? Getting some diversity onto the opposition benches is an absolute must. With respect, I suggest to the Leader of the Opposition that one way to do this might be to have a good look at the departure lounge in the second row. Some of those members have been here for many years. It is time for them to move on and it is time for the Liberal Party to preselect more women. Of course this is a challenge, and no-one knows that better than the member for Kew, who is in the house. We know how difficult it was for the former Premier, Dr Napthine, to find a seat for his most senior female cabinet minister. Could he find a spot in the Legislative Assembly for the most senior female cabinet minister? No, he could not, because the young bucks out in Kew had done the numbers and there was no way they were going to let a well-respected minister — —

**Mr Richardson** interjected.

**Ms THOMAS** — No, she was not going to get a seat in this place. She had to go to the other place, and that is where she went.

Meanwhile women in the Liberal Party have fought long and hard to get preselected, and we know that there are some women MPs in this house as well as in the other place from the Liberal Party. They have demonstrated their credentials, both professionally and in this house, but where are they? They are on the back benches and most likely they will remain on the back benches.

Here is a tip for the Leader of the Opposition. Is it not time for the member for Box Hill, the manager of opposition business and shadow Minister for Industrial Relations, to move on? He has been in this place for 27 years. How do his views fit with the Leader of the Opposition's aspirations for the Liberal Party to be a credible force in 2018? Less than one year ago the member for Box Hill was scheduled to welcome to Melbourne an extreme right-wing event, the World Congress of Families. Let me remind you, Acting Speaker, of the speakers list for that event: Angela Lanfranchi, a woman who was promoting discredited claims of a link between abortion and breast cancer; Larry Jacobs, who looks to Vladimir Putin, no less, as a hero.

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

**Quorum formed.**

**Ms THOMAS** — As I said, on the speakers list was Larry Jacobs, a man who looks to Vladimir Putin as a hero because of Russia's draconian anti-LGBTI laws. Also on the list was Danny Nalliah, the man who blamed the Black Saturday bushfires on Victoria's abortion laws.

**Mr Nardella** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Melton will refrain from using such language.

**Ms THOMAS** — These were the speakers at a conference that the member for Box Hill was going to open. The response of the then Premier was nothing short of pathetic. Indeed he tried to argue that the member for Box Hill's welcoming of the conference to Melbourne was consistent with the government's tourism agenda to attract people to Melbourne.

The member for Box Hill, the former Attorney-General, is also well known for his views on what he quaintly calls homosexual practices. I will not mention those practices except to say that they are none of my business and they are none of his business either. My suggestion to the Leader of the Opposition is, in the best interests of the Liberal Party and the Victorian people, that he start clearing the decks of those members of his frontbench whose views hark back to the repressive days of old and are totally out of step with his ambition to lead a progressive Liberal Party.

Returning to the World Congress of Families, another well-known invitee was none other than that other well-known Liberal member, Bernie Finn, a member for Western Metropolitan Region in the other place. As we heard yesterday, including in the fine words from the member for Ripon, the late Joan Kirner was at the forefront of the campaign to give women the right to control their own bodies and their fertility. Many women from all sides of politics have campaigned long and hard for women to have control of their bodies and reproductive rights. The decriminalisation of abortion in Victoria in 2008 was an important reform that women from across all political groupings had fought hard to achieve.

What did Bernie Finn, a man who still enjoys the confidence of the Liberal Party, say? He said:

In this day and age, no, I don't think there is any acceptable reason for having an abortion ...

In years gone by when they needed to kill the baby to save the mother then it might have been acceptable, but in today's world I think that's a very 1950s argument.

If there is any person who holds a 1950s position, it is Bernie Finn. His comments are extremely offensive to me and to many women and men across this state. He went on to say:

I think many rapists and particularly paedophiles use abortion as a defence, they use it as a way to destroy the evidence ...

I've spoken to a number of women who have been raped and then had abortions and they told me that from their point of view having an abortion was like being raped a second time.

I don't think abortion is acceptable under any circumstances and I don't see why we should be killing babies for the crime of the father.

It is time that this man was disendorsed by the Liberal Party. If the Leader of the Opposition is true to his word and if he wants to be a liberal Liberal, which would be good for all of us and good for Victoria, then he needs to get rid of some of his members who have extreme views.

On a lighter note, in the last sitting week the member for Mount Waverley made some rather curious observations in his members statement. He first used his time to congratulate McDonald's in his electorate and he later spoke in defence of parents being able to hit their children. He also said:

... I highlight my concerns regarding a proposal to restrict bedtime stories being read by parents to children. The ABC has questioned whether parents should read to their children before bedtime, claiming it could give some kids an unfair advantage over less fortunate children. I reject this bizarre left-wing nonsense from the taxpayer-funded national broadcaster ...

If the member for Mount Waverley had bothered to listen to the program or read the transcript, he would have discovered that the ABC show discussion was on *The Philosopher's Zone*, where academic philosophers Adam Swift and Harry Brighouse, mounted a nuanced, intelligent and philosophical defence in favour of the family. But it was not in the interest of the member for Mount Waverley to actually listen to the broadcast. As I said, if he had bothered to do that, he would have discovered that the authors were arguing for the family. It is why this government has policies in place to strengthen families and strengthen early childhood education. We will ensure that children from disadvantaged backgrounds do not miss out, particularly if they are in circumstances that mean they are not in a loving family. I must say, reflecting my

own views, that a loving family may be comprised in a number of different ways.

It is in the interest of all Victorians that the Leader of the Opposition does seek to rebuild a liberal Liberal Party. He needs to clear out the deadwood. He also needs to watch the Greens as they make inroads into traditional Liberal Party territory. Again, I mention the member for Kew, and indeed the member for Hawthorn. Both of them should look at their backs at the next election. The Leader of the Opposition has a big task ahead of him to have an electable opposition in place by 2018. The departure lounge, as we know, is a large one. Many years of service have been given to the Parliament by some members on the other side, but it is time for them to hang up their boots and head off to the departure lounge.

It is time the Liberal Party sought to much better represent the people who support its ideology. We need to see more women and more people from diverse backgrounds being preselected by the Liberal Party. It is in all of our interests for there to be a liberal Liberal Party, but I am afraid I see no chance of this happening in the near future. The extreme right wing has a stronghold in the Liberal Party. We see that in Liberal members' recent contributions in this house and we saw it in the business program enacted during their time in government. The community can be assured that we on this side of the house will be working every day to govern for all Victorians, and we will present a progressive and united front.

### Government performance

**Mr T. SMITH (Kew)** — I thank the member for Macedon for her gratuitous advice about the great party of the moderate mainstream, the Liberal Party of Australia. It is a party I am proud to represent as the youngest member of the parliamentary Liberal Party.

**Ms Thomas** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Macedon has had her turn.

**Mr T. SMITH** — I learnt from a great quote from Kim Beazley Snr from some 40 years ago:

When I joined the Labor Party, it contained the cream of the working class. But as I look about me now, all I see are the dregs of the middle class.

The battler prince and princesses of the union movement — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Ryall)** — Order! I ask the members for Macedon and Eltham to desist.

**Mr T. SMITH** — We are all told every day how bad the Liberal Party is for working people, but how does Labor stand up for working families? Its 1921 platform says:

The Australian Labor Party is a democratic socialist party and has the objective of the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields.

Members opposite should not lecture us about the exploitation of working people. You utter frauds!

**The ACTING SPEAKER (Ms Ryall)** — Order! Through the Chair.

**Mr T. SMITH** — A member for Western Metropolitan Region in the Council, Cesar Melhem, paid money to get more members into the Australian Workers Union to focus on his own preselection designs. What about Kathy Jackson, for the love of God! Do not lecture us about exploiting workers when you have cretins like Kathy Jackson, Craig Thomson, John Setka, Michael Donovan and Tony Sheldon in your ranks. You hypocrites! You utter frauds! Do not lecture us. The battler prince and princesses indeed!

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Kew will address his remarks through the Chair.

**Mr T. SMITH** — I will not be lectured to by members opposite about the state of the Liberal Party when there are these frauds and crooks in the union movement influencing the Labor Party. Members opposite should not lecture me. I have only been here six months, but I have seen these hypocrites in action. In fact I saw them on ABC TV last night. *The Killing Season* indeed.

I remember my first job as an intern with 2UE in the Canberra press gallery. This was during the time depicted by *The Killing Season* at the end of 2006, and I remember it very well. There I was in the gallery, as those two idiots, Kevin Rudd and Julia Gillard, plotted and schemed to knife that good man Kim Beazley, who is still our ambassador to the United States. I watched them loiter, plot and scheme, as only you people can, with your degraded factions and your — —

**The ACTING SPEAKER (Ms Ryall)** — Order! Remarks should be made through the Chair.

**Mr T. SMITH** — I do not know what you stand for anymore. I watched this unfold and I thought, 'This won't work' — and sure enough, it did not. We had this on display on TV last night. I really enjoyed watching it because at the heart of it is the fundamental dysfunction of the modern Labor Party. Its members have absolutely no idea what they stand for. They have this amorphous understanding of working people, 'We stand for working people'. You exploit working people through the union movement, that is what you do, first and foremost.

**The ACTING SPEAKER (Ms Ryall)** — Order! Through the Chair.

**Mr T. SMITH** — They cannot even tell me what they stand for. It depends on which faction they are in, whether they are in the right, the Shop, Distributive & Allied Employees Association (SDA) or whatever — you need a degree to work out the factions, I have to tell you. It is actually quite interesting to watch. In fact, when I retire from politics, I am going to write a PhD thesis on Labor Party factions. I find it very intriguing.

The killing season may well be coming to Melbourne. Yesterday the Premier was almost rolled on a vote for a whip. At 31 to 27 he almost lost it. It is unbelievable. They are so moribund and debased of values, they have almost stuffed it in six months. In six months they have got to the point where the Premier is so unpopular he was almost rolled on his choice of whip.

**Mr Richardson** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Mordialloc!

**Ms Ward** interjected.

**The ACTING SPEAKER (Ms Ryall)** — Order! The member for Eltham!

**Mr T. SMITH** — If I may, we have a situation where the Premier of Victoria questionably does not have the numbers in his own party room. He almost did not get his choice for whip. Or is it his choice? I am not sure. Is it Cardinal Wolsey's choice, the choice of that man who lurks in the other place, who pulls the strings of you all, who loiters around — that Gavin Jennings, the Special Minister of State? You see him lurking around the building, 2 feet from the overlord, passing and cursing you all. You all hate him. I know that for a fact. Yesterday he almost lost the Premier a vote. It was very, very interesting to watch.

**An honourable member** interjected.

**Mr T. SMITH** — Indeed. He is behind you lot. You do not like him very much.

*Honourable members interjecting.*

**Mr T. SMITH** — We move to the Deputy Premier. The poor little fella; I feel a bit sorry for him today. I think he has only three votes in the party room now. The SDA is so small now that all that props him up are three votes. I suspect he is not long for this world politically. He looked a bit green around the gills today, and we were a bit worried. Every time he turned his back to his colleagues, we were saying to him, ‘Mate, watch out. They’re coming for you’ — because they are coming for him. We know that. He is in real trouble.

We have a Deputy Premier with three votes and we have a Premier who almost lost a vote for the lowly position of upper house whip. Honestly, the Labor Party is in crisis. This dysfunction has dragged at the heart of this government, and government members do not know what to do about it. So what do they do? They start panicking. We saw a panicked performance today in question time by the Premier, who got angry. It was interesting to see; we have not before seen the Premier stressing and getting angry.

**Mr R. Smith** interjected.

**Mr T. SMITH** — Indeed, he got very sweaty at that press conference about Adem Somyurek. I move on to the crisis of the non-minister, Adem Somyurek. What is the legal status of a stood-down minister? From what we can gather, he is a minister who does not do anything, does not access his office and does not get a car, but is paid a ministerial salary. I would have thought that that is a waste of money — not that the Labor Party cares about wasting other people’s money. Fancy having a minister return to the Parliament when he was in the position of being stood down, sitting in the chamber but not administering anything? It is extraordinary. I have never seen anything like it. No-one can possibly tell me that it is normal or feasible to have a minister of the Crown stood down whilst Parliament is sitting and then have him in the building, walking around with his phalanx of supporters. He is probably out there now, having a great time. I would be having a great time if I were being paid as a minister but doing nothing. This is so embarrassing for those opposite.

Minister Somyurek’s performance at the Public Accounts and Estimates Committee (PAEC) hearings was pretty embarrassing, I must say. Obviously we know why — because he clearly was not briefed very

well, as the story goes. It was an absolute train wreck. His performance was so bad that we started laughing. We could not help ourselves, it was so embarrassing. Clearly he had not been briefed, and that is some of the commentary that is coming from some of his supporters. Some of his supporters have been fairly active in the press. On 24 May an unnamed Labor source said:

This is clearly a political attack on Adem, and the Premier’s got no choice but to do something about it.

Again, in the *Herald Sun* of 28 May, on the inquiry’s terms of reference, it was reported:

‘When I saw that I knew this was a hit’, one MP said earlier this week.

Then in the *Australian* of 29 May this was reported:

‘This is beginning to stink more and more’, the MP said. ‘People are shocked; I am outraged. There are lots of long faces and people are thinking: “Who’s next?”’.

Then there was my absolute favourite. A *Sunday Age* article states:

These people seem to think that they won government alone ...

that is, McLindon, the Premier and Mission Control —

They’re not engaging and we’re finding out more about the situation from questions the opposition are asking in Parliament rather than the leader himself.

Members of the questions committee can take a degree of responsibility for that. My friend the member for Warrandyte, who does an outstanding job on these matters, is here.

How embarrassing for those opposite, to find out in question time what is going on with their stood-down minister — because their leadership will not tell them. Cardinal Wolsey in the upper house will not tell them, as he loiters about, plotting and scheming and getting them all. He is not a very nice man, is he? They are all smirking, Acting Speaker. They know it is true. They do not like him. We do not like him much either. One of the things he did at PAEC was refuse to tell us just how much his extraordinary machinery of government changes have cost the taxpayer. It was pretty simple question.

**Ms McLeish** interjected.

**Mr T. SMITH** — Extraordinarily expensive — and that is the point, so aptly put by my friend the member for Eildon. This government has within six months

become so internally focused its members have actually forgotten about the people of Victoria.

We have a government that has two major projects, a rail project and a road project. One is a Transurban press release the invoice for which it has sent to Tony Abbott to pay. That is all the western distributor is at the moment. For the other one, the Melbourne Metro rail tunnel, its funding matrix apparently is one-third, one-third and one-third. To the best of my knowledge, no passenger rail project entirely in Melbourne has ever been funded by the federal government. Regional rail had a large freight component, which obviously brings commonwealth funding. Melbourne Metro rail, which is a purely passenger rail project, would struggle, I suspect, to gain federal funding from either side of politics in Canberra. So we have a \$9 billion funding gap for the Metro rail tunnel.

*Honourable members interjecting.*

**Mr T. SMITH** — A \$9 billion funding gap — and that is Labor's signature project. We have this dysfunction in the heart of the factions, which is clearly purveying itself across government because its major projects are unfunded. We asked on a number of occasions during the budget estimates process when these projects will begin and how they will be funded and ministers could not answer the questions. If I were a Labor backbencher, I would be beginning to become worried. I will tell them why: their leadership does not care about them, they clearly do not appear to be talking to them, they find out more about what is going on in the world when we tell them about it in question time, they have got projects that —

**Mr Nardella** interjected.

**Mr T. SMITH** — No, no, it is the coalition, my friend. Don is not paying enough attention. He needs to pay more attention in question time.

We have projects that are unfunded. We have farce, disharmony and disunity at the very heart of the government, but the most important aspect of this is that it has only taken six months. It has only taken six months and government members are all sitting there saying, 'How have we let this happen? How have we let this happen to ourselves in only six months?'. There is the Somyurek debacle and the Melhem debacle, the underfunded projects and the United Firefighters Union scandal, and this is only going to get worse as all of Labor's stakeholders queue at the door for their 30 pieces of silver for what they did during the campaign. This is a sorry state of affairs for a brand-new government.

We look to the government for leadership. The people of Victoria look to the government for leadership, and at the moment all they are getting is dysfunction and disunity. We heard the Minister for Health on Neil Mitchell's program. It was a train wreck. It was one of the worst interviews I have ever heard. The government came in with this great plan because apparently the ambulance service was in complete disarray yet it has not even appointed a new board or CEO. You would have thought that would be fairly high on the agenda.

In the last moments of my speech I would like to comment on one thing in my electorate of Kew and that is the Chandler Highway bridge. We have sought project management and traffic management plans on a number of occasions now from the Minister for Roads and Road Safety, and none have been forthcoming. As the member for Kew I am very concerned about how that project will work around Kew Junction and High Street, Kew, given the traffic concerns we currently have.

### Level crossings

**Mr DIMOPOULOS** (Oakleigh) — I rise to grieve for the people of Victoria and specifically for residents in the federal seat of Higgins, which overlaps the electorate of Oakleigh, who have a federal member who appears to be deluded. The federal member for Higgins is the new Sophie Mirabella of Australian politics.

This state government has been incredibly proactive in working for the removal of level crossings, so imagine my surprise when I saw a letter to residents in my community received last week about the level crossings. Was the letter from the federal member for Higgins congratulating the Labor government in Victoria for getting on with level crossing removals? No, it was not. Was it congratulating us for announcing 17 of the first 20 to be done over the next four years? No. Was it congratulating us for committing to nine level crossing removals on the Dandenong line? No. Was it congratulating us for ordering 37 new trains and our 50 per cent local manufacturing content rules? No.

The letter is one of the most misleading pieces of literature I have ever read. It is misleading to the extreme. There are blatant lies. It is probably just delusional — no research, no idea, no connection with reality. It is fantasy, fearmongering and fiction. I was so taken by the fiction that I thought we should set up a local competition for the best piece of fiction writing and call the award the O'Dwyers. That is how ridiculous it is. One of the reasons people do not trust politicians —

**Mr Nardella** — The Sophie O'Dwyers.

**Mr DIMOPOULOS** — Yes, the Sophie O'Dwyers. It is because of rubbish like this. I feel that I need to address this in a very formal setting, hence my contribution to this grievances debate in the state Parliament.

Here are the facts. Before the 2010 election the Liberal Party, the then opposition, proposed one level crossing removal in my community and that was Murrumbena. It was just the one. I have to give it to them: if you were going to pick one in my community, it would be Murrumbena, but that is all they did. The previous government chose one and started off with the best of intentions. I imagine that really came from the department rather than the ministers, but the residents waited and waited. Nothing happened. There were lots of press releases and parliamentary speeches, and in November 2013 — three years after the announcement — Labor announced Project 10 000 and the removal of 50 level crossings. Six weeks after that, just before Christmas 2013, the then coalition government announced a contract to start planning for the Murrumbena level crossing removal.

I will just take you back, Acting Speaker. Before the 2010 election the coalition committed to removing the Murrumbena level crossing. For three full years in government it did nothing. Then in December 2013, after Labor had announced a comprehensive policy, the coalition started planning for this level crossing removal. In March 2014 it said, 'Look, the private sector has approached us with a proposal for a \$2.5 billion Cranbourne-Pakenham project'. That was an unsolicited bid, so it was not even the coalition's idea. The coalition started with one level crossing removal and it took it until six months before an election to propose something that was not even its idea.

The Premier then came to Carnegie and Murrumbena stations twice in the few months before the election with TV crews in tow. I thought, 'Oakleigh must be a marginal electorate, because the Premier is here twice telling us about his public transport credentials, waving documents about the commitment to remove the Murrumbena and Carnegie level crossings'. We then come to October 2014. Before this the community would have been excused for thinking, 'The Napthine government is actually doing something'. Unfortunately before the election the then Minister for Public Transport issued a press release, so this is a government press release, not some journalist's interpretation. The press release is from October 2014 — before the election — and from the then

Minister for Public Transport, the member for Polwarth. After all that hype over four years, with announcements, the Premier's visits, and a whole range of other things, it says:

... we need to ensure every component delivers the best outcome for Victoria.

I have no problem with that, or where it says we need to ensure 'best value for money'. It goes on to say:

We expect that we will be in a position to sign contracts in mid-2015 —

this is something that started at the beginning of 2010 —

subject to the evaluation processes demonstrating the project represents value for money.

That is almost five years for just Murrumbena and then Carnegie. On the other hand, we are committing to the removal of 20 level crossings over four years.

The minister goes on to say:

Infrastructure completion is expected around 2019 subject to the outcome of the competitive tender process.

So contracts are to be signed by 2015 and project completion is expected by 2019. Adding to that, an excellent article by Adam Carey in the *Age* in October last year said:

A multibillion-dollar plan to upgrade the Dandenong railway line is in disarray after the Napthine government said on Friday it would not sign contracts with the consortium delivering the project until next year.

The government's admission that it could not commit to the project before November's election puts in doubt a string of promised improvements to Melbourne's busiest railway corridor ...

I have read from both the former minister's press release and the *Age*. Contracts were never signed, and a completion date was set way beyond the next term of government.

Coming back to the piece of fiction that passes for a letter from the federal member for Higgins, she says that Labor has scrapped the project. Yes, we scrapped the opposition's project for four level crossing removals and two station upgrades that was nowhere near being signed. I was with the Premier, the Minister for Public Transport and the member for Bentleigh on platform 2 at Carnegie station when we announced 9 level crossing removals, 4 station upgrades, 37 new trains, 50 per cent local content manufacturing, signalling projects and a whole range of other things. We abandoned the former government's poor project and private bid and replaced

it with our own. Kelly O'Dwyer ignores that completely.

**Mr Nardella** — She's the Sophie Mirabella of Higgins.

**Mr DIMOPOULOS** — She is the Sophie Mirabella of the federal Parliament. The interesting thing is that when you write a good piece of fiction, you have to try to retain some semblance of reality. Even Colleen McCullough's *Masters of Rome* series had a basis in reality — the history of Caesar and Cleopatra. This woman has no connection with reality, so in terms of fiction her letter is a poor piece of fiction. For example, she claims in her letter to my community that the previous government funded and committed to removing nine level crossings. That is absolute rubbish. The former minister's own press release clearly said it was only removing level crossings at Koornang Road, Carnegie; Murrumbeena Road, Murrumbeena; and two in Clayton. That is four level crossings. She cannot even get the information right.

She said that work was to commence this year, 2015, which is inconsistent with the minister's press release of the time, and that work was to be completed by 2018, which is again inconsistent with the minister's press release, which clearly said 2019. It is not even a good piece of fiction. She says, 'Labor can't say exactly what they will do'. I do not know whether this woman is living in a bubble or whether she is spending too much time in Canberra or at the Q&A studios in Sydney — 10 appearances at last count. But she is a member of Parliament in my community, the community we both have the pleasure of serving, and she does not even take the time to understand the electorate.

On 31 March the Premier went to her electorate and very clearly announced the Labor Party's commitment to the removal of nine level crossings, yet there is no reference to that in her letter. Of course it is a political letter; I do not suggest she should reference it in glowing terms, but she should at least reference it as the reality. It was in all the papers and even on ABC television. We have spoken about it countless times in this Parliament, and I have mailed the electorate about it twice.

To show the level of angst in the community about this poor piece of fiction, I refer to Ms O'Dwyer's Facebook page, where she has also been running this campaign. I am going to pick just 2 out of the 48 comments posted in response to her ill-conceived piece of fiction. One is from a man called Julian. It says:

Kelly, stop misconstruing, you know exactly how this works. The forward estimates show TBC —

this is in response to her claim that the money is not in the budget —

because the tendering process for the line crossings is occurring now. The exact figure won't be known until the projects are tendered and contracted. You shouldn't have to have that explained to you, you should be explaining that to your constituents. Let's come back at the May 2016 budget after the contracts have been finalised and priced, then there will be a clearer amount of the 6 billion estimate to look at. You are choosing to mislead your constituents at best and lie to them at worst ... Deliberately partisan and an enormously disappointing use of your time.

Another gentleman, Steve, made one simple comment: 'Your pants are on fire, Kelly'. In my view that is quite an accurate reflection on the character of the federal member for Higgins.

To come back to the facts, there is \$2 billion to \$2.4 billion in the Victorian budget for Labor's commitment to remove nine level crossings on the Cranbourne line. We clearly say, both in the Premier's press release and in the budget documents, that it will be starting in 2016 and finishing in 2018. The incredible thing about this letter to my community from the federal member for Higgins, Kelly O'Dwyer — the Sophie Mirabella of the federal Parliament — is that she put it out in the week after we announced expressions of interest in the project. We have not just said we are going to do something; we have actually announced a tender process to the private sector. A week after that tender process was announced she chose to put out a letter saying we have dumped the project. Had she waited one more day, she would have received the *Caulfield Glen Eira Leader* and read the following comments from the mayor of Glen Eira, Jim Magee, in an article headlined 'On the level, crossings will go':

The mayor's got his feet up drinking champagne at this news ...

We've now got a commitment to do all seven level crossings in Glen Eira.

In fact it is nine level crossings across the whole line. If the federal member for Higgins were serious about representing her community, I do not know why she would not also be celebrating — perhaps not publicly; she is a politician from the other side of politics. But she should at least not misinform her community, when everybody else understands the reality. All she had to do was some basic research. She could have looked at my website, my Facebook posts, my contributions to debate in this chamber, the *Age* or the local *Leader* newspaper. She is either completely oblivious to what is going on in her electorate or completely mischievous.

I am onto her. I think I know what she is doing. The letter attaches a petition calling on our community to sign it to get the level crossings done. These are the level crossings that are already out to expressions of interest in the private sector. Understanding that her side of politics — albeit that she is in a different Parliament — has not done this, she wants to claim some credit. She is saying, ‘Please fill this petition out’. She will then present it, and when we do it — and we are doing it already — she will say, ‘Look, I did it for you. It was not the Andrews government’. We would be unlikely to take notice of a petition from her anyway.

The reality is that we are doing it, but she wants a piece of the action. My advice to the federal member for Higgins is: please call me. It is very nice of her to speak to me at public functions and festivals, but when it comes to serious matters of policy and projects, she seems to find it hard to reach me. I am very happy for her to call and ask me questions, and I will clarify exactly what our agenda is and what we are doing.

This is such a significant matter, and I do not believe we should play politics with an issue that has caused such anxiety in the community. When I was doorknocking during the campaign — and I doorknocked close to 2500 houses in the Murrumbidgee area — the biggest issue was level crossings. With that kind of angst in the community, the federal member is playing politics in a very underhanded way, and I do not think that should be the case on this issue. She should just accept that the government got in, it was elected by the people to deliver projects, this project has already gone out to the private sector for tender, and she should just applaud that, even if it is quietly in the privacy of her own office. She should not write to the community and raise a whole range of misleading statements to upset people.

The member does not have a very good benchmark to go by. She is a member of a government that has not delivered on one election commitment, so why would she look at this government and think that we would deliver? But I can tell her that we are different, and I quote the Prime Minister, Tony Abbott, who said, ‘No cuts to education, no cuts to health, no changes to pensions, no cuts to the ABC or SBS’. But in fact all of those promises have been broken. That is the benchmark the federal member for Higgins has. The people of the Oakleigh electorate elected a Labor member because they do not buy her narrative about politics. I get where she is coming from, but the community does not come from that angle. I am not amused, the community is not amused, and I ask the

federal member for Higgins to stay out of my community if she is not going to be constructive.

### Government performance

**Ms STALEY (Ripon)** — I rise to grieve for good government in Victoria. We are only six months in and, I will quote the *Age* rather than the *Herald Sun*, as Josh Gordon said today, the government is spending more time talking about itself than the rest of Victoria. Six months! It is always like a game of Monopoly when a Labor government is in office. They collect things and then eventually they get the ‘Go directly to jail’ card. But you do not expect it to be within six months and you do not expect Josh Gordon to be the one belling the cat on this issue. We are reminded of the Premier’s oft-repeated phrase in the last term of Parliament that a party that cannot govern itself cannot govern the state. It is so soon for that phrase to come home to haunt him.

Not only is this government dysfunctional, as evidenced by the matters concerning the Minister for Small Business, Innovation and Trade, Adem Somyurek, and Cesar Melhem, a member for Western Metropolitan Region in the Council, but governing in terms of introducing viable, workable, well-thought-out legislation is clearly beyond it. We have had the Back to Work Bill 2014. The government said its first bill was very important, but it was shell legislation. All it said was that the minister will come up with some guidelines. Great. We did not know whether they will get them in time and we have not seen much about them, and I will be very curious to see how many businesses actually apply for this funding given how it was put together.

Then we had the State Taxation Acts Amendment Bill 2015. We had to have two members of the Labor Party read into *Hansard* a whole lot of guidelines that they had to submit to fix a problem. They said, ‘Oh, dear! We put some legislation up but it catches all these people we didn’t want it to catch! So instead, we will have no oversight of who the Treasurer gives dispensation to’. There is no oversight. The potential for poor outcomes is enormous.

However, as I sat through this grievances debate I was interested to hear the member for Albert Park, the Minister for Equality, stand up in this place and seek to lecture my party for our broad church of views. I have a particular interest in the Shop, Distributive and Allied Employees’ Association (SDA). My particular interest is that had the Labor candidate for Ripon been successful, the SDA’s representation in this place would have gone from three to four, so I do take some

notice of the SDA and I note that they are still stuck on three.

**Mr Nardella** — You just want an invite.

**Ms STALEY** — Speaking of that, members opposite are very keen to lecture those of us on our side of the house for having a broad church. We have always had a broad church of views, yet the SDA's influence, which is of course both deep and profound, does not just run to inflating union membership lists or payments that disadvantage its workers. The other thing it does is put a number of MPs in this house for whom the whole purpose of EMILY's List is the opposite. I do not hear the women of EMILY's List getting up and asking, 'Why are the SDA MPs still allowed in here? Why are they here?'. They are very happy to lecture my party on having a broad range of views on social issues — —

**An honourable member** — Like the IPA?

**Ms STALEY** — I am very proud to have worked for the Institute of Public Affairs (IPA) for a number of years, as you know. Bring it on. But the Labor Party does not like it. The left women and the left members of the ALP do not like it when the same thing is said to them. They are very happy to say, 'It is terrible we have these conservatives in the Liberal Party. It is really terrible'. But what about their own conservatives? They have had EMILY's List for 30 years and it has been very successful at getting women into Parliament, and I congratulate EMILY's List for that. However, those women are very happy to sit in the same party room as members of the SDA.

As I continue to grieve, I come back to the other faults of this government, particularly in relation to country Victoria. I cannot list them all but I will look at what the government has done so far and I will start with the lease of the port of Melbourne. My electorate is a major grain growing, wool growing and wine export region. A lot of Victoria's grains and the wine lake come out of Ripon. We use the port all the time, and having cheap access to the port is of great importance to the exporters of Ripon and to the Victorian economy. Yet the government is jacking up the port prices, making it uncompetitive for people to export from Victoria, so that it can fatten the pig for sale.

As has been pointed out, I come from the IPA and have no problem with asset sales, but government members do. The point of asset sales is, amongst other things, to improve competition. It does not improve competition when you lock away the port for up to 75 years so we cannot have the port of Geelong, Bay West or any of

the other options put forward because we will lock out the port of Melbourne, just so we can get a larger amount of money to fund level crossing removals in Melbourne. That is the other thing of course. It is Victorian country exporters who have built the value in the port of Melbourne over many years — over decades and decades — yet not 1 cent from this city-centric government is coming back to country Victoria for the infrastructure that it needs.

In fact it gets worse. The government has cut the country roads and bridges program. All of those small roads that just need to be graded, that locals might like one day to have some asphalt on, are missing out. Councils cannot afford it. That program was incredibly important to councils. In the Ripon electorate the allocation for the country roads and bridges program was \$28 million over four years, so that is \$28 million that has been ripped out of Ripon by this government.

Another area this government has cut which is of direct importance to country people is the Rural Capital Support Fund. That fund allows country hospitals to obtain the key pieces of equipment and small infrastructure items that they otherwise could not afford. What has this government done? It has just cut the program; it is not there anymore. The Labor government does not care about people outside Melbourne. It does not care about the health of country Victorians. That is very clear from the cuts to the Rural Capital Support Fund.

What else has this government done that is impacting on country Victoria? There is the AFL Grand Final eve holiday. That is of no benefit whatsoever to country Victoria. Country Victorian students do not come to Melbourne for the grand final, and they certainly do not come for the parade. Country businesses get no benefit at all from this. Yet what does this government do? It has a thought bubble. It thinks, 'We'll have that'. We heard here today that the other holiday that has been brought in was the brainchild of Michael Donovan. There is the SDA again. The government has gone back to the SDA — all roads lead to the SDA! For a faction with only three people in it, it is doing pretty well. The rest of the Labor Party needs to wake up and say that there is a bit of a disproportionate influence here. Why is it that other factions have 20 people or more in them — although the factions are moving so often these days, who can tell? — and the SDA has only three, but the SDA gets all this influence? The rest of the Labor Party members have been sold a pup here. They turn up to their faction meetings, they do the right thing and stick with the team, and the SDA has all the influence. The SDA seems to get it all its own way.

I would be acting on that. I am not sure why the Deputy Premier deserves to hold a job with only three people in his faction. If I was in the Labor Party, which thankfully is never going to be the case, I would be thinking very carefully about why such a small group of people has such a large amount of influence over the Labor government. That is the important thing. It is an outside influence on Victoria's government. We have seen it with Adem Somyurek, and we have now seen it with Cesar Melhem.

This is not ending well for members of the Labor Party. We are only six months in, and it has come to this. We have desperation from the members of the government. Government members have nothing positive to say. Instead they come into this place and try to lecture Liberal Party members on their traditions and history. This government does not want to talk about its achievements, because it has not got any. It is ripping itself apart.

I note that the Premier is so unpopular that when he goes to Strangers Corridor to have a coffee, nobody comes and sits with him. He sits by himself! Does nobody opposite want to sit with the Premier? Does no backbencher want to get in his ear and say, 'Premier, have I got a project for you'? Obviously not. The Premier drinks his coffee by himself. It has come to this only six months in. As we have been reminded, we have three and a half more years of this. The government is not going to improve. Can I give government members a tip? Usually you do the best you can to start with!

I really do grieve for Victoria. I grieve for what we will see over the next three and a half years. How many more ministers and party officials will fall? How many more intrigues will we have? How many more coffees will the Premier have by himself, because he does not have any mates? How many more factional realignments will we have?

We deserve to have a proper government — a government that is considered, that thinks about what it is doing and that governs for all of Victoria. What we do not need is a rabble that is far too interested in its own machinations and what it does in its own little groups. We can all see what is happening. We walk down Strangers Corridor and Labor Party members are all in their little huddles, asking who is doing what. They are on the phone — —

**Mr T. Smith** — Writing numbers on napkins!

**Ms STALEY** — It goes on and on and on. Yet Labor Party members come here and try to put it back

on us, because in the end they know that they have nothing good to say. Instead, they say, 'Well, let us have a look at the Liberal Party'. As government members have reminded us, and as I reminded the house in my inaugural speech, the people of Victoria gave my party a job for four years, and that is to be the opposition. That is our job, and that is what we are doing. The fact that we are doing it well obviously causes the government some pain. We will continue to do it well, because that is what we have been put here for.

### The Nationals performance

**Mr NARDELLA** (Melton) — Today I grieve for the failure of The Nationals to look after country Victoria in the four years of the previous government. Before I start, I note that there has been some discussion about *The Killing Season*. I want to produce a new series. I want to put some money into *The Zombie Season*, where the massacre of Premier after Premier, of government after government, over only four years is the main theme. Dysfunction, disunity and backgrounding is the theme of *The Zombie Season*. I look forward to the Liberal Party and The Nationals funding this series for the ABC in the very near future.

Let us get back to the main issue at hand. Let us get back to The Nationals, where, because of its incompetence and, its bootlicking to the Liberal Party, it has lost its party status, lost its seat of Shepparton to an Independent and lost its way. It has lost its way within this Parliament to in any way, shape or form represent country and rural Victorians in this state. It had the opportunity of the century to represent its constituencies, but what did we get instead? We got the Office of Living Victoria (OLV). What a black hole, where money went in and the corrupt people got contract after contract. The Nationals' aficionados and mates got contract after contract and the gravy train just got bigger and bigger through the Office of Living Victoria. How much do members think Peter Coombs, the chief scientist, got in his contract? I can tell members it was \$1.5 million.

**Mr Edbrooke** interjected.

**Mr NARDELLA** — I can tell the member for Frankston that it was \$1.5 million, and that was over two years. He was the architect of The Nationals water policy before the 2010 election, so he got looked after.

How much do members think Simon Want, an ex-Howard government adviser, got? What was he worth? He was worth several hundred thousand dollars for his position. He got a payment to be liaison officer,

for liaison services between the Office of Living Victoria and the office of the then Minister for Water, then the member for Swan Hill and now the member for Murray Plains. Simon Want was paid money to walk from one office to the other office and say, 'Peter, I am going to give you a report, give me money, because I am in a payola', and that is what The Nationals is all about. The two top executives were ex-Nationals advisers.

In relation to James Lantry, what a tawdry situation we find ourselves in with \$9.5 million spent on consultants, contractors and agency staff. Those were people with connections with senior management figures within OLV. What a corrupt body it was, and it was overseen by then Minister for Water, now the member for Murray Plains, who suppressed information being released. The *Age* of 1 July 2014 reports that it would have 'caused stress or anxiety'. If you are throwing money down a hole — some \$9.5 million — of course it would cause the people who were getting those brown paper bags stress and anxiety, and yet the minister did not want to release the contracts.

The then minister had weekly briefings from OLV about staff positions, but they were located outside the department. They had a really good bloke who was running the department at the time, Chris Chesterfield, but he was moved on by the then minister because he was asking too many questions. He was trying to bring accountability to OLV but he was moved on because of the tensions with the minister's office. He is an honourable man and a respected public servant. There were tensions with Mike Waller, who replaced Chris Chesterfield, and then Simon Want went in there as well.

The Auditor-General revealed in a report that \$22.5 million from an environmental levy fund paid by Victorians through their water bills went to the Office of Living Victoria. What did they get for that? Did they get more water? Did they get better services? Did they get anything at all? No, it was about jobs for the boys, jobs for The Nationals. Members have only to look at another report by the Ombudsman to see that.

Now I come to Covino Farms. If one wants to spend \$1.5 million in grants to a regional area or business, one would expect to create hundreds of local jobs. If you were a member of The Nationals who cared about your community, you would want to create local jobs if you were putting in that amount of money. But no, members of The Nationals do not believe in local jobs. They do not believe in local people or local families having the opportunities that everybody else has. This grant to Covino Farms went to international people who

were flown in to pick up country jobs and keep out local people and local families. The *Four Corners* program on ABC TV exposed The Nationals, under its then leader, the Honourable Peter Ryan, for this fraud.

Covino Farms were exposed for worker exploitation and unsafe work practices. We had a situation where Covino Farms employed 100 foreign workers, and this was supported by The Nationals. There were no local workers involved whatsoever. The foreign workers were underpaid, and these matters and allegations were brought to the attention of the department and have been investigated by the commonwealth. What did the members of The Nationals in this state do? Did they undertake their own investigations? Did they withdraw the money? Did they stop the exploitation? No. These people, including the Honourable Peter Ryan, amended these contracts just before the last state election in August 2014 so that they indicated that an employee does not need to be an employee and can in actual fact be a contractor so that this exploitation could continue. Labor has had to clean up the mess of those opposite. The Minister for Agriculture and Minister for Regional Development, Jaala Pulford, has put the grant on hold until these matters are fixed up.

Let us talk about the rural gas expansion program. It was a big-ticket item for The Nationals. It was going to revitalise country Victoria. It was going to be the difference between what the Labor Party did and what The Nationals did for rural and country Victorians. Let us see how it went. The coalition was in office for four long, dark, wasted years. The Nationals went all out. Its members worked overtime. They took the golden shovel in hand and worked overtime to make sure that their 14 priority projects — these gas extensions — got off the ground. They put on the overalls, the safety boots and the hi-vis vests to work on these 14 priority projects in towns.

Let us look at how many they completed. Did they do the 14? No. Did they do 13? No. Did they do 12? No. Did they do 11? No. Did they do 10? No. Did they do nine? No. Did they do eight? No. Did they do seven? No. Did they do six? No. Five, four, three, two — bingo! They did one! They did Huntly. In their four years in government, they did only one of these priority projects — those four long, dark years. This was the party for the country. Every question time we had to put up with it. We had Dr Evil there in the front. He would put his little finger to his lip like this, and he would say, 'There's \$1 billion in the Regional Growth Fund'. The previous government completed only one of these priority gas projects.

Let us have a look at what Labor did. We put in place the program in 2003. For seven years — from 2003 to 2010 — we completed a number of these projects. I will not go through all of them. Did we do one every year? No. Did we do two every year? No.

**Mr Pearson** — Was it three?

**Mr NARDELLA** — It was not three every year. Was it four every year? Bingo! We completed over four of these projects every year. We provided gas extensions for country Victorians because we care about rural and country Victorians. On average, over those seven years we completed 4.8 of these gas extensions every year. We went all out in making sure that we looked after country Victoria.

Who could forget the time The Nationals spent money to find the big black cat? Who could forget the hunt for the big black cat? Guess what? They did not find it. It is a myth. Members of the former government went looking for a myth and spent money on a myth. They did not find the myth. That is how useless The Nationals are.

If members want a direct example of how The Nationals let down country Victoria, they should go to Horsham College, where for four years the previous government did nothing. Members should look to the Morwell school regeneration project, where the former Labor government had done the master planning, and the coalition government did nothing for four years. Members should go to Gippsland, where the previous coalition government, in its incompetency, shut down the Princes Highway for five months. Members should go down to Gippsland, where for three out of the four years the coalition was in government, the railway line was closed down because the coalition did not do the maintenance.

What did the former government do for irrigation projects? Nothing. There is nothing members opposite can show to country Victorians. There is no \$2 billion food bowl irrigation project. That was a project of the former Labor government. The Wimmera–Mallee pipeline was ours. Members opposite are just hopeless.

**Question agreed to.**

**ENERGY LEGISLATION AMENDMENT  
(PUBLICATION OF RETAIL OFFERS)  
BILL 2015**

*Statement of compatibility*

**Ms D'AMBROSIO (Minister for Energy and Resources) tabled following statement in accordance**

**with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015.

In my opinion, the Energy Legislation Amendment (Publication of Retail Offers) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

**Human rights issues**

There are no human rights protected under the charter act that are relevant to this bill. I therefore consider that this bill is compatible with the charter act.

The Hon. Lily D'Ambrosio, MP  
Minister for Energy and Resources

*Second reading*

**Ms D'AMBROSIO (Minister for Energy and Resources) — I move:**

That this bill be now read a second time.

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

The Energy Legislation Amendment (Publication of Retail Offers) Bill 2015 will amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to require energy retailers to provide details of their gas retail and solar feed-in tariff offers to an internet site nominated by the Minister for Energy and Resources. The bill expands on an existing obligation that requires retailers to provide details of electricity offers to an internet site nominated by the minister.

For competition in the energy retail market to be effective, product information needs to be available and accessible. If this doesn't occur, information asymmetry will exist and consumers will be disadvantaged. This is a market failure, and a barrier to accessing an essential service. Therefore, governments have a vital role in ensuring consumers can easily access information regarding product offerings in the energy retail market.

Labor governments in Victoria have always led the way in providing information to consumers about the energy market. We initiated the YourChoice website, which was Victoria's first government-driven energy comparator and information website. Through this website, Victorians were given access to a range of information regarding the energy retail market, including pricing offers, names and contact details of participating retailers.

Through this bill, we will again improve the information available to Victorians regarding the energy retail market. We will expand the current government energy price comparison website to include gas retail prices and feed-in tariff offers. At present, this website only allows consumers to compare retail electricity offers available to them.

To facilitate the expansion of this website, this bill amends the Gas Industry Act 2001 to require licensed gas retailers to provide details of published gas retail tariffs, terms and conditions to an internet site nominated by the Minister for Energy and Resources.

This bill also amends the Electricity Industry Act 2000 to require licensed electricity retailers to provide details of general renewable energy feed-in tariff terms and conditions to an internet site nominated by the Minister for Energy and Resources. General renewable energy feed-in tariff offers are available to persons who own small electricity-generating facilities using renewable energy sources such as solar, wind, hydro and biomass.

By requiring gas retail offers and feed-in tariff offers to be provided for publication on the government's energy price comparison website, we will ensure consumers are able to compare energy offers available to them through an independent, easily accessible price comparator service. This should drive competitive behaviour in these markets, and produce more positive outcomes for consumers.

In addition to these legislative measures, the Andrews Labor government will enhance the functionality and accessibility of the website. In particular, greater efforts will be made to ensure all segments of the Victorian community can utilise the website effectively. These enhancements will help all energy consumers to make better, more informed choices regarding their energy bills.

I commend the bill to the house.

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

**Ms D'AMBROSIO** (Minister for Energy and Resources) — I move:

That the debate be adjourned until Tuesday, 23 June.

**Mr CLARK** (Box Hill) — I wish to speak on the question, and I wish to speak against the proposal. The customary practice is that debate on bills be adjourned for two weeks. We believe that is appropriate on this occasion also. It has been the practice under successive governments for many years that a standard two-week adjournment period be observed, and no good reason has been given for departure from that on this occasion. As I indicated during the course of debate on the government business program, our view is that time should be provided during the next sitting week for members on all sides of the house who have not yet made their contributions on the budget to make those contributions. We believe it is appropriate that those contributions be made on the Tuesday of next sitting week. Looking at the opposition speakers alone, there will be about 4 hours worth of contributions. In addition to that, we assume there will be further contributions from government members and others who may wish to contribute. As I understand it, there are also the Justice Legislation Amendment Bill amendments from the other place which need to be considered.

We believe there is no good reason to bring forward debate on this occasion. Were there a good reason, we would be prepared to consider it, because we are certainly not adopting the same approach of mindless obstruction that the current government's members did when they were in opposition. On this occasion, however, particularly given the equivocation the Leader of the House has displayed in relation to opportunities for members to make their contributions on the budget, and given the logical sequencing of events and the opportunity that Tuesday week provides for all members — certainly all members on the opposition side — who want to make their contributions on the budget, we can see no good reason to adjourn the debate for other than the full two weeks.

I need hardly remind the house that when the government was in opposition, the Leader of the House, when she was manager of opposition business, took strong exception to the adjournment of debates on bills of less than two weeks. I refer, for example, to what she said in relation to the Health Services Amendment (Health Innovation and Reform Council) Bill 2011 when she referred to the need for consultation with stakeholders. She also suggested that the proposal that there be less than a two-week adjournment was yet another example of the then government not being able to manage the legislative program.

The Leader of the House or other government members may say that there have been two condolence motions this week which have come up unexpectedly, and that is certainly true, but a well-run government legislative program ensures that there are a number of bills being brought forward to the house and available in sufficient time so that when unexpected matters occur legislation is available. Indeed it is the case that two weeks is the minimum period of adjournment, and often there is a longer period of adjournment, and that, of course, allows additional time for the public and the opposition to study bills and to consult and form a view. Unless there is good reason to the contrary, two weeks should be the accepted minimum period, and we do not believe on this occasion that there is good reason. We do not believe the fact that there have been condolence motions earlier in the week is a good reason, because, firstly, the government should have had a fuller legislative program in the first place, and secondly, and importantly, the appropriate business for this house to engage in next sitting Tuesday is to complete members' contributions to the budget debate. There is adequate business to be dealt with on the next sitting Tuesday without adjourning this bill one day short, and for that reason the opposition opposes the motion.

**Mr PAKULA** (Attorney-General) — In support of the motion moved by the Minister for Industry, I would make a couple of points. As the manager of opposition business is aware, whilst he is right to say there is customarily a two-week adjournment, it is also customary that these bills are introduced on the Tuesday of the sitting week. That was not open to the government on this occasion, because the house quite appropriately determined that yesterday would be set aside for the condolence motion for former Premier Joan Kirner. As a consequence, these bills, rather than being introduced yesterday, are being introduced today. It is still quite appropriate, though, for this Parliament to have open to it the opportunity to debate these bills from the commencement of the next sitting week, commencing Tuesday, 23 June.

The manager of opposition business said there needed to be an appropriate period for consultation. He is asking the house to seriously accept the proposition that by debating these bills potentially on Tuesday, 23 June, rather than Wednesday, 24 June, there will somehow be less opportunity for there to be appropriate consultation. He well knows that between now and the next sitting week briefings will be provided to the opposition in the normal way, and there will be opportunity for these matters to be dealt with and for the consultations to occur in the normal way. For the opposition to seek to deny the government the opportunity to debate these bills from the commencement of the next sitting week simply because Parliament yesterday chose to appropriately show respect to a former Premier — —

**An honourable member** interjected.

**Mr PAKULA** — It is not irrelevant, Acting Speaker, because these bills would have in the normal course of events been introduced yesterday. The opposition is now seeking to take advantage of the fact that yesterday this house chose to appropriately pay respect to a former Premier and to leave the house in consequence without an appropriate amount of business to conduct on 23 June. I ask the chamber to support the Minister for Industry's motion and to defer this matter until 23 June.

**Mr KATOS** (South Barwon) — I rise to oppose the motion of the Minister for Industry and to support the position put by the manager of opposition business. We have matters that can be debated on the next sitting Tuesday. There is the take-note motion on the 2015–16 budget papers. Sixteen Liberal members on this side of the house have not yet spoken on the budget and are very eager to speak on it. I know the member for Shepparton, who was in the chamber before, has not spoken on the budget either. There are 17 members on

this side of the house to speak on the budget. Sixteen members represents 4 hours of debate, so 17 represents 4 hours and 15 minutes of debate to be had. From my discussions with the Government Whip I know there are many members on the government side who also wish to have their say on the 2015–16 budget papers. There is therefore adequate subject matter to debate on the next sitting Tuesday, 23 June.

Yesterday's condolence motion has really nothing to do with what is happening here today. Normally bills are first read on the Tuesday and then second read on the Wednesday. That is the normal procedure of the house; we do not do second-reading speeches on the Tuesday. What is happening is that the government does not have its legislative program in order. The member for Bendigo East made the same comments when she was in opposition with regard to the Health Services Amendment (Health Innovation and Reform Council) Bill on 24 March 2011.

If we did not have any subject matter to debate on the coming Tuesday — there was nothing that could possibly be debated before the house — and the Leader of the House came to the opposition and said 'We need to put this bill up for debate in 13 days. We will come to you and seek an agreement. We will do this because there is nothing else to debate on that Tuesday', I could understand that position being put forward. But, as I said, 16 members of the Liberal Party wish to have their say on the budget. They wish to scrutinise the budget. The member for Shepparton, I am sure, will wish to scrutinise the budget and say what is in it for her electorate. That is the issue.

We have an adequate number of matters to debate next sitting day, Tuesday, 23 June. That day should be set aside to debate the budget and give members on both sides of the house the opportunity to have their say with regard to it. They should have the opportunity to put their views and the views of their electorate on the budget. That is what we should be doing next Tuesday.

I support the motion moved by the member for Box Hill and manager of opposition business to oppose the adjournment of this bill for 13 days.

#### **House divided on motion:**

*Ayes, 44*

Allan, Ms	Kairouz, Ms
Blandthorn, Ms	Kilkenny, Ms
Brooks, Mr	Knight, Ms
Bull, Mr J.	Lim, Mr
Carbines, Mr	McGuire, Mr
Carroll, Mr	Merlino, Mr
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr

Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Hibbins, Mr  
Howard, Mr  
Hutchins, Ms

Pallas, Mr  
Pearson, Mr  
Richardson, Mr  
Richardson, Ms  
Sandell, Ms  
Scott, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 37*

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

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

**Motion agreed to and debate adjourned until Tuesday, 23 June.**

**ASSOCIATIONS INCORPORATION REFORM AMENDMENT (ELECTRONIC TRANSACTIONS) BILL 2015**

*Statement of compatibility*

**Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) 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 Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015.

In my opinion, the Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The bill will make a number of amendments to the Associations Incorporation Reform Act 2012 (AIRA) to enable the majority of transactions and notifications under that act to be conducted electronically. The bill will also simplify annual reporting requirements for small incorporated associations under the AIRA by removing the requirement that they lodge with the registrar of incorporated associations a copy of their annual financial statements when they lodge their annual statement form.

**Human rights issues**

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

There are no human rights protected by the charter that are relevant to the bill.

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

The bill does not limit any human rights protected by the charter.

Jane Garrett, MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation

*Second reading*

**Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I move:**

That this bill be now read a second time.

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

This government is committed to supporting the many thousands of community groups that make up Victoria's 38 000 incorporated associations. In providing a modern regulatory system, it is important that we continue to reduce red tape and the compliance burden. The Associations Incorporation Reform Amendment (Electronic Transactions) Bill 2015 will achieve this outcome by enabling incorporated associations to conduct the majority of their business with Consumer Affairs Victoria online.

At present, incorporated associations must lodge their annual statements via a paper-based post-in system. This requirement is out of step with the way Victorians commonly conduct their business in the 21st century. Accordingly, the Victorian government is continuing to move our services forward through the provision of digital and online solutions.

As part of the government's digital strategy, Consumer Affairs Victoria has introduced 'myCAV', a streamlined online system for incorporated associations. This bill is an essential part of implementing the myCAV system. It will simplify reporting obligations and save time for incorporated associations across the state.

The bill will enable incorporated associations to pay their annual renewals online, using a faster and more secure method. For those organisations wishing to pay by other means such as by cheque, there will also be the ability to pay the fee for an online transaction at any Australia Post outlet.

Incorporated associations will also be able to change their rules and provide other notifications to the registrar of incorporated associations online, such as notification of the appointment of a new secretary.

Another useful feature of the new myCAV system is that through their myCAV account, secretaries will have ongoing access to their current registered rules of association and to an electronic copy of their certificate of incorporation. Previously, if mislaid, copies of these documents were only available upon application to the registrar and after payment of a prescribed fee.

The bill will also simplify the annual reporting requirements for in excess of 30 000 small, tier 1 incorporated associations, by removing the requirement that they attach a paper copy of their financial statements when they lodge their pro forma annual statement with the registrar. I note however, that tier 1 associations will still be required to prepare annual financial statements, submit them to members at their annual general meeting and will continue to be required to retain copies of their financial statements for a period of seven years.

This reform will mean that reporting obligations for all tiers of Victorian incorporated associations will now be substantially consistent with the annual reporting requirements for charities registered with the Australian Charities and Not-for-profits Commission and for companies limited by guarantee registered by ASIC. It will eliminate the need for associations registered with both the commission and Consumer Affairs Victoria to produce multiple annual reports and will facilitate the exchange of information between state and commonwealth regulators.

The bill also includes a range of minor and technical amendments to facilitate the online transaction system.

Honourable members should also note that this initiative represents the first stage of an ongoing ICT transformation program at Consumer Affairs Victoria that will progressively move the wide range of business registration and licensing schemes administered by Consumer Affairs Victoria to the online environment. The myCAV account has been specifically designed to serve as a platform which will enable consumers and business stakeholders to conduct a wide range of transactions.

Consumer Affairs Victoria has developed a comprehensive communications plan for these reforms and will be implementing broad communication activities including direct email and letters to all incorporated associations, education resources including video tutorials, updated web content, regional presentations including tailored presentations to culturally and linguistically diverse community groups, general stakeholder communication and information sessions, electronic newsletters, stakeholder articles and social media.

This is an important initiative and I am proud to observe that Victoria is the first state or territory regulator of incorporated associations to reduce the compliance burden on not-for-profit associations by introducing a streamlined online transaction system.

I commend the bill to the house.

**Debate adjourned on motion of Mr NORTHE (Morwell).**

**Debate adjourned until Wednesday, 24 June.**

## **ROAD SAFETY AMENDMENT (PRIVATE CAR PARKS) BILL 2015**

### *Statement of compatibility*

**Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) 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 Road Safety Amendment (Private Car Parks) Bill 2015.

In my opinion, the Road Safety Amendment (Private Car Parks) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

This bill amends the Road Safety Act 1986 to abrogate the entitlement of a person to obtain a preliminary discovery order against the Roads Corporation for the purpose of recovering private car park fees.

#### **Human rights issues**

##### ***Restricting discovery of documents for purpose of recovery of private car park fees***

Clause 3 of the bill inserts new section 90R into the Road Safety Act 1986 to abrogate the entitlement of a person to obtain a preliminary discovery order for the purpose of the recovery of private car park fees. An order is considered to be for this purpose if the order is sought to assist the applicant to ascertain the identity or whereabouts of a person sufficiently in order to commence proceedings against them to recover private car parking fees. In practice, these orders are sought by private car park operators.

While this amendment will support the right to privacy in section 13 of the charter act for registered owners of vehicles, it is relevant to the fair hearing rights of private car park operators under section 24 of the charter act. While the majority of private car park operators are incorporated and cannot claim protections under the charter act, there is potential that this amendment may affect the fair hearing rights of natural persons wishing to commence proceedings for recovery of car park fees.

##### ***Right to fair hearing (section 24)***

Section 24 of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right to a fair hearing includes equal access to the justice system and ensures that no person is deprived, in procedural terms, of their right to claim justice, or is excluded from the court process. New section 90R has

the effect of removing the ability of persons, including an operator of a private car park, to obtain information, by way of preliminary discovery, as to the identity of a possible wrongdoer (i.e. a customer who has allegedly breached the car park's terms and conditions) from a government authority that has no connection with the alleged wrongdoing. It is arguable that this amendment does not, in any event, affect the right to fair hearing, as the amendment does not directly restrict access to a court. Relevantly, the New South Wales Court of Appeal, when upholding the validity of similar amendments made to preliminary discovery laws in New South Wales, found that there was no fundamental common-law right to obtain information by way of preliminary discovery in such circumstances. At best, it can be viewed that the amendment has an indirect effect of restricting a person's access to court, by removing an avenue for an operator to obtain the required information necessary to initiate proceedings for recovery of damages, which may constitute a limit on the right to fair hearing.

However, it is my view that any resulting limit is reasonable and demonstrably justified. The right to access a court process, encompassed by the fair hearing right, is not unlimited and courts have generally recognised categories of exclusion from court processes where there is a legitimate interest in restricting the rights of access to a court.

The amendment addresses a significant consumer protection issue relating to industry practices of recovering car park fees. It is current practice for certain operators, if a customer breaches the terms and conditions of the car park, to issue that person with a notice which constitutes a claim for liquidated damages but is often mistaken by consumers for an infringement notice. If the penalty is not paid, the operator then seeks a preliminary discovery order to ascertain the identity of the owner of the registered vehicle subject to the breach, and issues a series of letters of demand requiring payment of the amount owed, plus an additional claim of liquidated damages. Recent decisions of the Supreme Court and the Victorian Civil and Administrative Tribunal have found:

consumers either do not understand the nature of the letter of demand, believing it to be an infringement notice that must be paid, or are misled by car park operators; and

that the liquidated damages of car park operators are unenforceable, as the damages are in excess of the loss suffered and have no link to the actual losses suffered by the car park operator.

While certain operators are lodging bulk requests for preliminary discovery, very few matters actually proceed to court. Further, liquidated damages are being claimed by some operators for alleged minor breaches of the car park's terms and conditions, such as parking incorrectly over a line or placing the ticket on the wrong part of the vehicle's dashboard. Accordingly, it is my view that there is a legitimate interest in restricting the ability of private car park operators to issue demands for excessive liquidated damages from customers which, if contested by the customer, are likely to be declared unenforceable by a court or tribunal.

The amendment will be limited in scope and will not affect the recovery of amounts payable under the terms and conditions of a contract that it is in writing and signed by the relevant parties. It will also not affect an operator's right to

bring proceedings against a customer whose identity is known. As the claims for liquidated damages in this context are of questionable enforceability and rarely proceed to court, and the majority of operators affected by this limit will be corporations, it is my view that this amendment will constitute a minor limit on a person's right to fair hearing.

In light of the persistent consumer protection issue, I am satisfied there is no less restrictive means to protect the interests of consumers. Accordingly, I am satisfied that the amendment is compatible with the right to a fair hearing in section 24 of the charter act.

Jane Garrett, MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation

### *Second reading*

**Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I move:**

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under sessional orders:**

This bill will meet the government's commitment to protect Victorians from the unfair and misleading practices of some private car park operators. It will achieve this by amending the Road Safety Act 1986 to restrict the ability of private car park operators to obtain the names and addresses of vehicle owners from VicRoads to recover private car park fees.

A number of car park operators operate under a business model whereby customers are required to estimate the amount of time they will stay on entry to the car park, buy a ticket for the appropriate period, and then display it on their dashboard.

If a customer either fails to obtain a ticket, or parks for longer than the period they paid for, an inspector employed by the car park operator may place a notice on the vehicle's windscreen. The notice looks similar to an infringement notice, but is actually a claim for liquidated damages.

Where a customer does not pay the amount specified in the payment notice, the car park operator can obtain a preliminary discovery order in the Magistrates Court requiring VicRoads to disclose the name and address of the registered owner of the vehicle in question. The car park operator will then write a series of letters of demand, demanding that the customer pays the amount owed, plus an additional late payment fee.

Alternatively, a customer may not receive a notice claiming liquidated damages, but instead first find out about a claim when they are sent a letter of demand from the car park operator demanding payment.

Additionally, it is common practice for the car park operators to onsell the debts to debt collection agencies. These agencies will proceed to write similarly threatening letters of demand to the car park customers.

These practices have given rise to a number of matters of significant public concern.

The actions of these car park operators amount to an abuse of court process. The rules of preliminary discovery, as set out in

the relevant court rules, allow applicants to seek information to assist in identifying a person against whom they wish to commence proceedings. However, some car park operators are using the preliminary discovery process not as a genuine preliminary to a potential court proceeding, but instead to support a business model of posting mass demands to customers and relying on a proportion of them paying.

On average, car park operators are requesting the details of over 50 000 vehicles per year. In some instances, car park operators are using single applications to request the details of over 1000 vehicles. It is impossible for a court to properly assess whether a potential cause of action exists in relation to each of these applications. In practice, only an extremely small number of these disputes actually result in car park operators commencing civil proceedings in a court.

Additionally, there is a risk that the uncontrolled release of information under preliminary discovery could undermine the community's confidence in the ability of the government to protect their personal information. It also has the potential to affect the integrity and accuracy of data held by government agencies because customers may become reluctant to update their records knowing that it may be released to private companies.

Lastly, these practices raise significant consumer protection issues. Recent decisions of the Supreme Court and the Victorian Civil and Administrative Tribunal have found that the liquidated damages the car park operators are seeking are unenforceable. This is because the damages being sought do not reflect the actual losses suffered by the car park operator, and should more properly be categorised as a penalty. These decisions have also found that consumers either do not understand the nature of the letter of the demand, believing it to be an infringement notice that must be paid, or are otherwise being misled by car park operators.

In addition, there have been cases of incorrect vehicle registration information being provided to VicRoads. This has resulted in car park operators sending letters of demand to the owners of vehicles that were not involved in the alleged breach. There have also been cases of car park customers receiving payment notices for trivial breaches of a car park's terms and conditions, such as placing the ticket on the wrong side of the vehicle's dashboard, or customers not receiving letters of demand until nearly two years after the alleged breach.

In order to address these significant concerns, the bill will amend the Road Safety Act 1986 to restrict the ability of private car park operators from obtaining the names and addresses of vehicle owners from the VicRoads registration database. It will do this by abrogating the right of a person to obtain a preliminary discovery order from a court for the purposes of recovering private car park fees.

This amendment will inhibit the practice of car park operators abusing the process of preliminary discovery to support a dubious business model of posting mass demands to customers for liquidated damages that have been found to be unenforceable.

Preliminary discovery for the purposes of recovering private car park fees under a written contract signed by both parties would be exempt from this restriction. The purpose of this exemption is to enable private car park operators to commence legal proceedings in relation to breaches of

long-term, commercial, parking agreements. Such proceedings may involve legitimate claims for significant sums of money.

This is a simple and worthwhile reform.

I commend the bill to the house.

### **Debate adjourned on motion of Mr NORTHE (Morwell).**

**Ms GARRETT** (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I move:

That the debate be adjourned until 23 June.

**Mr CLARK** (Box Hill) — I place on the record that the opposition believes that debate on all these bills should be adjourned for two weeks for the reasons I indicated previously. Opposition members do not intend to divide on this motion, but I want to place on the record that we do not see any reason to abrogate the normal practice.

**Ms ALLAN** (Minister for Public Transport) — Very briefly, this is an absolute contrivance and nonsense from the opposition, which understands well that the condolence motion that happened yesterday contracted our opportunity to introduce bills and move second readings in the normal way. It is a complete nonsense for the opposition to be contriving this confected outrage that, for the want of one day on a couple of bills, it will divide. I suggest it exposes more about the fact that opposition members are too lazy to get themselves ready for these debates a full 24 hours earlier than they normally would. They were lazy in government, and they continue to be lazy in opposition. This motion deserves to be passed.

**Mr SOUTHWICK** (Caulfield) — I rise to oppose the motion. Again we see a government just spinning the wheels. It is rushing things through without proper allowance for scrutiny. There is no opportunity to do things properly. There has been a protocol in this house over a number of years that gives the opposition two weeks, which allows for briefings to get the necessary information and allows for scrutiny. This protocol is not being followed by this government. It is rushing things through, and it has not provided an opportunity to talk on a most important bill. One would think the budget is the key element the government would want to talk about, yet it has shuffled it straight under the table and has not allowed it to be debated in the house. There are still 16 members who have not had the opportunity to speak on the budget. Instead the government is trying to rush through its business program.

The laziness referred to by the Leader of the House is in fact that of the government itself. If it did its work, it would have had these bills prepared in time to bring them before the house and allow for the two weeks that are necessary to conform with the protocol that has stood for many years in this house. Instead from this government we see absolute laziness and an attempt to hijack the protocol of the house, which allows the opposition to do its job of keeping the government to account and doing what the public expects the opposition to do — that is, to ensure that proper scrutiny is done on the bills brought before the house. That is not what we see here; we see a hijacking of this legislation.

It is an absolute disgrace that one bill after the other is being brought before the house and that the protocol of two weeks, which has existed for many years, is being thrown out the window. It is an absolute lack of respect to the people of Victoria, and it gets in the way of ensuring that this government is held to account. I stand with my colleagues in suggesting this is absolutely inappropriate and in opposing this motion.

**Mr M. O'BRIEN** (Malvern) — It is disappointing that the cooperation the opposition has demonstrated to the government this week in relation to the management of the house has been thrown back in the opposition's face by the intemperate conduct of the Leader of the House. Once again the Leader of the House cannot help herself. She sought and received the cooperation of the opposition to ensure that when this bill was introduced and first read the opposition did not object to it being second read today.

The standard practice and protocol of this house is that a bill is introduced and first read and then not second read until the following day, so the idea that the condolence motion of this house yesterday had anything whatsoever to do with the fact this bill is being second read on a Wednesday is absolute garbage. In the normal course of events, without a condolence motion, the bill would have been introduced and first read in the house on the Tuesday and then second read on the Wednesday, with a normal adjournment of two weeks for full consideration. For the Leader of the House to claim otherwise is absolute garbage.

The cooperation we have shown is being thrown back in our faces, so why on earth would we bother cooperating with this government and its shambolic ability to run its legislative program? Every time we try to meet the government halfway, we get it thrown back in our faces, because we have a Leader of the House who just does not get on with people. She never takes the chance to acknowledge that the opposition is being

fair and reasonable and then to accept that and treat the opposition with a bit of courtesy, respect and grace. We do not get that from this Leader of the House. If government members think they will get any cooperation from us if this is the attitude we get — —

*Honourable members interjecting.*

**Mr M. O'BRIEN** — The Leader of the House can mock, but I remind her that the government does not control the upper house. We have more votes than the government has in the upper house. Whatever the government wants to do, it can use its numbers to crunch things through this house without appropriate debate, but I give it this guarantee: it will not be so lucky when the legislation reaches the other place. Government members will reap what they sow. If they treat this chamber with discourtesy and disrespect, it will come back to haunt them.

To hear the hypocrisy of the Leader of the House! I remember when she was the manager of opposition business in the previous term of government, and any time a courtesy was sought, it was always rejected. We saw the stamping of the feet, the hissy fits and the blowing hard all the time. She was the absolute worst person to deal with. You would think now that she is the Leader of the House she might realise that having the respect of the opposition might make her job easier and help the government. But, no, this Leader of the House is too petty to put the government's interests first. She is more interested in trying to score cheap political points and throwing back in the faces of opposition members the courtesy that we have extended.

It is disappointing that not only will the opposition not have two full weeks to properly scrutinise this bill, as is the custom and practice of this house, but that by her action the Leader of the House is making it difficult for those on this side of the house to give the government any cooperation or flexibility in the future. I would urge government members to consider that it is not in their interests to have as Leader of the House somebody who does not get on with people. It is not politically clever because notwithstanding that the government might have the numbers in this house, it does not have the numbers in the other place. More to the point, many things in this house require leave. I would urge members of the government to consider whether they have the best person for the job as Leader of the House.

**Mr CRISP** (Mildura) — I rise to oppose the motion on the grounds that it is the custom of the house to adjourn debate for two weeks. It may only be one day less but it could be the slippery slope towards ending

what has been the longstanding principle of allowing time for adequate debate preparation. I have been in this house when such requests have been made before, and when the government was on this side of the house, there was one heck of a commotion about it. It is interesting to note that what goes around comes around. Here we are again being asked to extend a courtesy that in the past was not offered and was not debated.

I am opposing this motion because of the principle that when you get to August it is too long after the fact to debate the budget. Those 16-odd members, and possibly the member for Shepparton, need to contribute to the debate about the budget prior to the winter break. August is months after the fact.

In some respects this may have been able to be negotiated. The coalition may have been amenable to some negotiation to let the bill through in exchange for a guarantee that there would be a significant amount of time set aside on the Tuesday to do the work on the budget. Instead we are going to go through this process. In reference to the 13-day period and some of the customs of the house, I believe that even if these bills had been first read yesterday, as is the custom of the house, they would have needed to have been second read today, so we still would have had this problem regardless of the house spending time yesterday on a condolence motion, which is what this house does and something I support. However, this is a problem that would have occurred whether or not the house paid tribute to the former Premier.

As I said, we could be on a slippery slope. Thirteen days will turn into 12 days; 11 days will turn into one week or will turn into 'later this day'. The government should have and could have been better organised. The former Attorney-General, the member for Box Hill, left plenty of bills behind for the government to put on the program. It was only a matter of pulling out some of his work, rebadging it and putting it up in previous weeks in order for there to be plenty on this program.

This house should not have to compromise its principles because of the sloppy work of those on the other side of the chamber. For that reason, The Nationals oppose this motion.

**Motion agreed to and debate adjourned until Tuesday, 23 June.**

## PLANNING AND ENVIRONMENT AMENDMENT (INFRASTRUCTURE CONTRIBUTIONS) BILL 2015

### *Statement of compatibility*

#### **Mr WYNNE (Minister for Planning) 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 Planning and Environment Amendment (Infrastructure Contributions) Bill 2015.

In my opinion, the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The purpose of the Planning and Environment Amendment (Infrastructure Contributions) Bill 2015 is to amend the Planning and Environment Act 1987 to introduce a new system for levying contributions towards the provision of infrastructure in priority growth areas.

#### **Human rights issues**

Section 20 of the charter (property right) is relevant to the bill. Section 20 establishes a right not to be deprived of property other than in accordance with the law.

The new infrastructure contributions system enables an infrastructure levy to be imposed over land in exchange for the ability to develop the land in a manner that creates the need for the provision of new or improved infrastructure. The powers and requirements for imposing an infrastructure levy are clearly prescribed in clause 4 of the bill and do not provide for an arbitrary interference with property.

Clause 4 of the bill provides that an infrastructure levy may only be imposed through an infrastructure contributions plan applying to the land. The plan must form part of the planning scheme and, therefore, is subject to the publicly contestable planning scheme amendment process. The bill also provides for the minister to issue detailed directions about the preparation and content of a plan.

Clause 4 of the bill also sets out when the levy is payable, to whom it must be paid, how the levy may be spent, and the responsibilities of the persons collecting the levy and providing the infrastructure.

As an infrastructure levy may only be imposed in accordance with the legislative scheme set out in clause 4 of the bill, in my view the bill is compatible with section 20 of the charter.

Hon. Richard Wynne, MP  
Minister for Planning

*Second reading*

**Mr WYNNE** (Minister for Planning) — I move:

That this bill be now read a second time.

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

Development contributions play an important role in delivering essential infrastructure to local communities, like roads, parks and local sporting facilities. Development contributions help ensure that when new communities arrive, essential works, services and facilities are in place to meet their needs.

The existing development contributions system has been in place since 1995. In that time it has become uncertain, costly and a barrier to new development in Victoria. Stakeholders are concerned about the rising costs associated with preparing development contributions plans, the rising levies imposed by those plans, and the lack of clear rules on infrastructure items that may be funded by levies.

There has been incremental creep in the scope and standard of infrastructure being funded under the existing system, and a shift in the extent of cost recovery expected from levies toward full cost recovery. This has contributed to increased levies over time.

The complexity and rising costs associated with preparing development contributions plans has also contributed to rising levies and put the existing system out of reach of many rural and regional councils.

In 2013 a Standard Development Contributions Advisory Committee completed a detailed review of the existing system. After extensive consultation with local councils, developers, peak industry groups and other stakeholders, the committee put forward a new system for setting and applying development levies and made various recommendations about how it should work.

It is clear that reform to the existing system is needed. Accordingly, this bill introduces a new system for levying development contributions under the Planning and Environment Act 1987.

The new system, which is to be called the infrastructure contributions system, is based on the principles that developers, local government, state agencies and other stakeholders share the responsibility for funding infrastructure and levies are a contribution towards infrastructure provision.

The new system has three key components: an infrastructure levy; a preset list of 'allowable' infrastructure items that may be funded through the levy; and an infrastructure contributions plan that details the levy payable and the infrastructure items being funded.

The infrastructure levy is made up of two parts: a standard levy and (where appropriate and justified) a supplementary levy.

The standard levies are preset levy rates that may be used to fund transport, community and recreation infrastructure and public land provision. The rates will be set so they provide an appropriate contribution for basic and essential infrastructure.

There will be different standard levy rates for different types of development in metropolitan and non-metropolitan areas.

In particular circumstances, the infrastructure levy may also include a supplementary levy to fund infrastructure that cannot be adequately funded from the standard levy. The use of a supplementary levy, and the rate at which it is set, will need to be justified in each case. A ministerial direction will set out when supplementary levies may be used and the level of justification required.

Under the new system, the standard and supplementary levies may only be used to fund infrastructure items selected from a preset list of 'allowable items'. Allowable items will be defined for each development setting and will include transport, community and recreation works, services, facilities and land.

Central to the operation of the new system is an infrastructure contributions plan. This enables an infrastructure levy to be imposed and provides the justification and basis for imposing the levy. Among other things, it sets out the levies payable, the types of development to which the levies apply and the infrastructure items being funded.

The new infrastructure contributions system will deliver a number of benefits.

Firstly, the time and cost involved in preparing a contributions plan will be significantly reduced. By presetting standard levies, councils will no longer need to cost and provide detailed justification in the plan for the levy amounts. A defined list of allowable infrastructure items provides certainty about what constitutes basic and essential infrastructure and also reduces the need for detailed justification about why particular infrastructure items are required.

Secondly, by providing more clarity up-front about the levy amounts and types of infrastructure that may be funded in a particular setting, there is less potential for infrastructure 'scope creep', developers will have greater certainty about project costs, and councils will be able to forward plan for infrastructure provision more effectively.

Thirdly, by making the process of preparing a contributions plan more efficient, this will reduce the cost to developers of holding land pending the completion of the plan.

Fourthly, by providing a simpler and less costly mechanism for levying contributions, the new system puts this important funding source within reach of rural and regional councils experiencing significant growth.

Finally, setting standard levies that provide a reasonable contribution to an acceptable standard of infrastructure will ensure that levies do not escalate faster than costs.

The important tests of need, nexus, equity and accountability will apply in the system and are reflected in various provisions of the bill relating to the imposition, collection and expenditure of levies under the new system.

That is a brief overview of the reforms. I will now discuss the key provisions of the bill for the new system, in the order in which they appear in the bill.

Part 2 of the bill introduces part 3AB into the Planning and Environment Act 1987 to establish the new infrastructure contributions system.

The bill enables the new system to be used anywhere in Victoria. However, initially the new system will be used in greenfield growth areas and strategic development areas, in both metropolitan and non-metropolitan areas, followed by Melbourne's CBD. Greenfield growth areas include areas on the periphery of urban areas that will accommodate urban growth. Strategic development areas are sites or precincts that provide development opportunities close to public transport and other infrastructure.

Proposed section 46GA inserts new definitions for key terms used in the bill.

Proposed section 46GB provides the power for levying contributions under the new system. Contributions may be levied by including an infrastructure contributions plan in the planning scheme, and those contributions may be used to fund works, services and facilities. They may also be used to recover the reasonable costs that a planning authority has incurred in preparing an infrastructure contributions plan, up to a certain level.

Proposed section 46GC prevents the use of an infrastructure contributions plan to levy contributions for the provision of state infrastructure in growth areas where the growth areas infrastructure contribution scheme applies.

Proposed section 46GD provides that the infrastructure levy may consist of a standard levy, a supplementary levy or both.

As I have mentioned, the standard levy rates will be set so they provide an appropriate contribution for 'basic and essential' infrastructure. The rates will be set in a minister's direction made under proposed section 46GF.

Councils will be responsible for prioritising the infrastructure needs of their community, within the 'budget' set by the standard levy. Infrastructure items that may be funded by a standard levy are likely to include parks, roads, community facilities, public realm improvements and sporting facilities.

The information requirements for an infrastructure contributions plan are set out in proposed 46GE. Among other things, a plan must set out the area to which it applies, the infrastructure items to be funded through the plan, the types of development to which the levy applies, relate the need for the infrastructure to the development, and specify the levy amounts. To become operational, the plan must be incorporated into the relevant planning scheme.

Proposed section 46GF establishes a broad head of power for the minister to issue directions on the preparation and content of infrastructure contributions plans. This power will be used to define where the new system may be used, the types of development that may be levied, the kinds of infrastructure that may be funded, and how much of the infrastructure levy may be spent on certain classes of infrastructure items. Planning authorities must comply with these directions.

Proposed section 46GG sets out the requirements for collection of the infrastructure levy. The levy becomes payable when a person seeks to develop their land. In the case where a planning permit is required for the development, any permit issued must include a condition setting out when the levy must be paid.

Proposed section 46GH enables a collecting agency to secure payment of an infrastructure levy and to accept, with the agreement of the relevant development agency, 'works in kind' in part or full satisfaction of payment of the levy.

Proposed section 46GI sets out the responsibilities of councils that collect levies or receive funds under the new system. A council must keep proper accounts, ensure it forwards any levy to the relevant development agency (where it is acting as a collecting agency), and use any funds it receives as a development agency in accordance with the relevant infrastructure contributions plan. Provisions for reallocation or refund of unspent funds are also included.

Proposed sections 46GJ and 46GK set out similar responsibilities and requirements for other agencies that act as a collecting agency or a development agency.

Proposed section 46GL provides for a collecting agency to recover a levy as a debt due to that agency.

The reforms in this bill will provide a simpler, less costly and more effective system for levying contributions in Victoria.

I commend the bill to the house.

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

Mr WYNNE (Minister for Planning) — I move:

That the debate be adjourned until Tuesday, 23 June.

Mr CLARK (Box Hill) — I rise to speak against the motion to adjourn the debate and in particular to echo the remarks made by the member for Malvern in response to the quite contemptuous remarks from the Leader of the House when a similar question was debated in relation to the previous bill. As the member for Malvern rightly pointed out, earlier today the Leader of the House came to see me in my role as manager of opposition business and asked for the second readings to be allowed to proceed, by leave, later this day. In the circumstances of the condolence motions yesterday and today that was something that I, on behalf of the opposition, considered reasonable. The request put the government in exactly the same position it would have been in if yesterday had been a normal sitting day, with notice given of the first reading of the bill and the second reading being ordered for the following day, as is required by standing and sessional orders.

The Leader of the House is completely wrong to suggest that an adjournment period short of the normal two-week period has anything to do with yesterday's condolence motion or today's condolence motion. The Attorney-General is wrong in what he said earlier this afternoon for exactly the same reason. Like the member for Malvern, I find it particularly galling that when the opposition tries to be reasonable to accommodate a sensible proposal from the government, it gets snubbed;

there is no reciprocation. Without any notice whatsoever the government moved for a shorter adjournment period and then expected the opposition to go along with that.

It is not just a question of the government's contemptuous attitude towards this house and towards other members that is relevant here. As I said in relation to the first of these debates, there is no good reason for these bills to be adjourned until the Tuesday of the next sitting week given that the logical and sensible sequence of business in the next sitting week is to complete members' contributions on the budget. Every day that passes is another day since the budget was delivered. The debate on the budget should be completed in a timely manner, but as I said earlier today, the government seems intent on doing anything other than talking about its budget.

The government can form its own attitudes as to whether it wants to allow its members to speak on the budget, but as far as opposition members are concerned, we want to be able to stand up and put forward points of view on behalf of our electorates. We want to put under public scrutiny the wide range of concerns we have about the budget that was delivered to the house. It is appalling that the government does not recognise the importance of that opportunity, and it seems intent on taking every opportunity it can to prevent those contributions being made. Indeed in the previous sitting week we saw the government bring on, without any notice, a ministerial motion on health funding. It is an important matter, but it was not a time-critical issue, and it was not an issue that should have taken up the time of the house. The last sitting week should have been devoted to contributions on this state's budget. Likewise, the earliest available opportunity should be afforded in the next sitting week for that debate to occur.

As I said earlier, given the condolence motions that the house quite properly turned its attention to yesterday and today, the opposition accepts that this week there is other legislation to be dealt with, and for that reason it is appropriate for the budget debate to be concluded in the next sitting week. But there is no good reason whatsoever for that debate not to conclude on the next sitting Tuesday, and therefore there is no good reason debate on this bill needs to be adjourned until the next sitting Tuesday. Accordingly, the opposition opposes the motion.

**Ms HENNESSY** (Minister for Health) — We support the motion for the reasons outlined by the Leader of the House in her previous contribution.

**Mr CRISP** (Mildura) — I rise again to oppose the practice of adjourning debate on a bill until 23 June rather than for two weeks. I also note that two bills are already listed on the notice paper for Tuesday of the next sitting week. My experience in this house is that that is about as much work as we generally get done on a Tuesday, so I am not sure why we need to have three bills listed on the notice paper. This government has been very good at filibustering when it needs to.

This is yet another opportunity for the government to constructively debate the two bills listed for that day. I note that for that week we have the port of Melbourne lease transaction bill to be debated. That is certainly one that The Nationals will want to speak on, so there will be considerable demands on the time available for debate in that week as well. Again there will be three bills that we may have to rush through because this government cannot organise its time on a Tuesday appropriately to make room for the port of Melbourne bill. Again, this is democracy being rushed and therefore denied.

This government could have and should have been better organised with a business program appropriate for the house. I certainly do not support the motion before the house to further erode the principles of this house. The Nationals do not support the motion.

**Mr KATOS** (South Barwon) — I also rise to support the member for Box Hill and oppose the motion that debate on the bill be adjourned for 13 days instead of two weeks. As I have said before, now we have two bills and the take-note motion on the budget to be debated. Why can the member for Polwarth not elucidate — —

**Mr Mulder** — An outstanding member.

**Mr KATOS** — He is an outstanding member. Why can he not have his say on the budget? Why can the member for Hawthorn, the member for Box Hill and the member for Hastings not have their say on the budget? It is very clear that for some reason the government does not want to have the budget debated. We on this side have members who want to debate the budget, and I know that the member for Shepparton wants to debate it as well. Why can the government not get its act together? Bills could have been second read last sitting week. The point is that we have subject matter for debate on Tuesday, 23 June. The take-note motion could be debated on that day. That would allow members to have their say on the budget for their communities.

It seems that members of this government are too preoccupied with factional goings-on and have taken their eyes off providing good government for the people of Victoria. Members on this side want to get up and talk about the budget. They want to talk about how it affects their communities, and that is what should be done next Tuesday. I oppose the motion to adjourn the debate until 23 June.

### House divided on motion:

#### *Ayes, 44*

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

#### *Noes, 37*

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

### Motion agreed to and debate adjourned until Tuesday, 23 June.

## ADOPTION AMENDMENT BILL 2015

### *Statement of compatibility*

#### **Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Adoption Amendment Bill 2015.

In my opinion, the Adoption Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The purpose of the bill is to amend the Adoption Act 1984 to remove the provision for adult adopted persons to make contact statements about their wishes for contact with their natural parents, and remove the offence associated with a breach of a contact statement.

#### **Human rights issues**

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

##### *Presumption of innocence*

Section 25 of the charter sets out rights in criminal proceedings, including the right of a person charged with a criminal offence to be presumed innocent until proved guilty according to law.

The offence for contact in contravention of a current contact statement set out in section 127A of the Adoption Act 1984 contains an exception which places an evidential burden on the accused person who wishes to rely on the exception, which engages the right to the presumption of innocence. The offence is being removed by the bill, and proceedings will not be able to be commenced on or after the day of commencement of the bill. Accordingly, the Adoption Act as amended by the bill will be more compatible with this right.

##### *Freedom of expression*

Every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, pursuant to section 15(2) of the charter.

This right is relevant as currently adult adopted persons are allowed to regulate contact by lodging a contact statement specifying the type of contact, if any, they wish to have with a natural parent. These wishes about contact must be disclosed to a natural parent before they are provided with identifying information about the adult adopted person, and it is an offence to breach a current contact statement where no contact is specified. This could impact on a natural parent's freedom to seek, receive and impart information from or to their adult adopted child. As the bill removes the contact statement provisions and offence, but retains the right of natural parents to receive identifying information about their adult adopted child, the Adoption Act will be more compatible with the right to freedom of expression.

*Privacy*

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with under section 13 of the charter.

The bill engages the right to privacy, by removing the ability of an adult adopted person to regulate contact with a natural parent by lodging a contact statement. Currently the contents of a contact statement must be disclosed to a natural parent before identifying information about the adult adopted person is provided to them, and it is an offence for a natural parent to breach a current 'no contact' contact statement.

However, adult adopted persons, like all persons affected by adoption, are able to have a statement of wishes about contact with, and release of information to, natural parents and other relatives recorded on the adoption information register established under section 103 of the Adoption Act 1984. In practice, the contents of the 'statement of wishes' of an adopted person recorded on the register are disclosed to a person who applies for information about that adopted person. It is unlikely that the removal of the offence will lead to more instances of unwanted contact, given there have been no proceedings for a breach of a contact statement commenced to date. Thus the right to privacy of an adult adopted child is not unlawfully or arbitrarily interfered with by the bill.

The Hon. Martin Pakula, MP  
Attorney-General

*Second reading*

**Mr PAKULA** (Attorney-General) — I move:

That this bill be now read a second time.

**Speech as follows incorporated into *Hansard* under sessional orders.**

This bill repeals the one-sided provisions of the Adoption Act 1984 in relation to 'contact statements' that entitle an adult adopted person to lodge a contact statement to specify the contact they wish to have with their natural parents in relation to their adoption.

The bill will also repeal the associated criminal offence, whereby a natural parent who knowingly contacts or attempts to contact the adopted person in contravention of a 'no contact' contact statement commits an offence, with a penalty of 60 units.

Contact statements were introduced in 2013, as part of a series of amendments to the Adoption Act following the Victorian parliamentary apology in 2012 for past adoption practices. Although those amendments enabled access, for the first time, for natural parents to identifying information about their adopted adult child without the adopted person's consent, the amendments criminalised contact by a natural parent with their adult adopted child contrary to a 'no contact' contact statement.

Contact statements were justified on the basis that they were in line with recommendation 15 of the Senate Community Affairs References Committee's 'Commonwealth Contribution to Former Forced Adoption Policies and Practices'.

As is clear from the text of that recommendation, the 2013 amendments failed to strike the right balance: the Senate committee did not recommend the introduction of contact statements, but simply a scheme, available to all parties, for regulating contact.

It is also clear from the provisions of the Adoption Act that the 2013 amendments were unnecessary: Victoria already had a scheme for recording contact wishes between all parties to an adoption — the adoption information register, a longstanding, non-punitive, non-discriminatory and effective mechanism.

Under this bill, all adopted people will retain the right to lodge a statement of wishes on the adoption information register.

By singling out natural parents for unequal treatment before the law, the 2013 amendments lost an opportunity to end the paternalistic and discriminatory approach to natural parents. As one affected natural parent stated in 2013, the amendments were 'one-sided and completely against the spirit of the apology'.

This bill will ensure adult natural parents and adult adopted children are treated equally at law, thereby — finally — renewing and fulfilling 2013's lost opportunity.

I commend the bill to the house.

**Debate adjourned on motion of Mr PESUTTO (Hawthorn).**

**Debate adjourned until Wednesday, 24 June.**

**JUDICIAL ENTITLEMENTS BILL 2015**

*Second reading*

**Debate resumed from 27 May; motion of Mr PAKULA (Attorney-General).**

**Mr PESUTTO** (Hawthorn) — I am very pleased to rise to speak on the Judicial Entitlements Bill 2015. I am also very pleased to advise that the opposition does not oppose this bill. We are very supportive of it. As with a number of bills that have been brought before this house in recent months, it picks up on some very good work led by the former Attorney-General, the member for Box Hill, who is now the manager of opposition business in this place. It is a very important bill that touches upon the independence of the judiciary. Most importantly of all, it consolidates a number of statutes that govern the determination and application of provisions that relate to judicial entitlements. This is always a very sensitive area, not least because we have people of enormous distinction who serve in our courts in various capacities but also because the determination of their entitlements and the circumstances in which they are to be applied must be consistent with the principle of the independence of our judiciary. I think

that is something everybody in this house can support and collectively pursue.

This bill substantially picks up on the Judicial Entitlements Bill 2014, and for the most part it appears to be identical. There are a couple of differences toward the end: parts 7 and 8 of the current bill differ from parts 7, 8, 9, 10 and 11 of the 2014 bill. As I will mention in a moment, those distinctions are not such as to give us any reason to believe that the bill should not be supported.

Going back to when the 2014 bill was introduced to this house, the then Attorney-General, the honourable member for Box Hill, made an important point, which I am pleased to note his successor has also acknowledged in the second-reading speech, that 'judicial independence is a fundamental element of the rule of law'. The then Attorney-General went on to explain that it is vital that judicial officers, including judges, registrars, reserve judges and associate reserve judges, are able to exercise their powers impartially and according to law. The independent determination of appropriate entitlements for judicial officers is an important tenet of that independence.

As an aside, we should also bear in mind that people who are appointed to our judiciary in whatever capacity as judicial officers are typically people, as I said earlier, of enormous distinction. They are people who have enjoyed very successful careers. That is why they are often looked upon to serve on in our courts. For the most part, they are people who have not agreed to accept appointment as judicial officers for the money. It is a credit to those who are appointed to the judiciary that they do it for the most part because of their love for the law and their wanting to serve their community as part of our judicial system. They certainly do not do it for the money. If there ever were somebody who served on our benches for the money, coming from a very lucrative career as most of them do, their motives would be inscrutable to say the least. It says something about those people who serve on our benches that they do not do it for the salaries. They do it as a calling because of their training, their experience as seasoned jurors, what they want to do to enhance access to justice and ensure the application of clear, concise and readily applicable to laws in our state.

We believe the bill before the house is something that supports the sentiments I have just expressed, which are based upon those expressed by the former Attorney-General, the member for Box Hill, and his successor, the Attorney-General. As I said, it

institutes a consolidated statutory framework for the determination of salaries, allowances and conditions of service for judicial officers. Presently the determination of those salaries and entitlements is conducted across eight different pieces of legislation: the Judicial Remuneration Tribunal Act 1995, the Judicial Salaries Act 2004, the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Coroners Act 2008 and the Children, Youth and Families Act 2005. As you can see from that catalogue of statutes, there seems to be no good reason of public policy or any other good reason to maintain such a disparate legislative framework for the determination of judicial conditions of employment and salaries.

The bill consolidates the provisions around the determination of salaries and entitlements into a single piece of legislation, although it is important to point out that, as I am advised, this does not extend to provisions relating to pension entitlements. Under the bill there will be no change to existing mechanisms for determining judicial salaries. The salary of a judge of the trial division of the Supreme Court will still be linked to that of a Federal Court judge. The other Victorian judicial salaries will continue to be paid as a percentage of the salary of a Supreme Court judge, which is something I will touch on in a few short moments. The bill creates a Judicial Entitlements Panel, as with the 2014 bill, and this will replace the Judicial Remuneration Tribunal. The panel will have a similar jurisdiction, structure and process to the Judicial Remuneration Tribunal that it replaces.

Importantly, as I will go on to say in a little more detail in a moment, the Judicial Entitlements Panel will be able to make own-motion recommendations to the Attorney-General in relation to conditions of service of judicial officers, including allowances and leave entitlements. The bill requires the panel to make its first own-motion report as soon as practicable and in any event within nine months of its establishment. The panel's report on an own-motion recommendation must be tabled in Parliament within 10 sitting days of the Attorney-General receiving that report. The Attorney-General will be required to provide a statement to Parliament as to whether an own-motion recommendation of the panel will be accepted, varied or not accepted. If the Attorney-General intends to vary or reject an own-motion recommendation, the statement must give reasons.

The panel will not be able to make own-motion recommendations in relation to salaries, pensions or superannuation arrangements for judicial officers, but

the Attorney-General will have the power to request an advisory opinion from the panel about any matter related to the terms and conditions upon which judicial officers, judicial registrars and non-judicial members of the Victorian Civil and Administrative Tribunal (VCAT) are appointed. The advisory jurisdiction of the Judicial Entitlements Panel is intended to be quite broad and it is not intended to be restricted to conditions of service about which the panel can make own-motion recommendations. The Attorney-General will have a discretion about whether to implement panel recommendations following an advisory opinion and will not be required to provide reasons to the Parliament in response.

The bill also amends the Constitution Act 1975 and the court acts that relate to judicial entitlements. As I said earlier, there is reference to the Supreme Court Act, the County Court Act, the Magistrates' Court Act, the Coroners Act and the VCAT act. These amendments will clarify that in addition to salary and allowances judicial officers will also be entitled to conditions of service. The provisions in the Constitution Act 1975 and the court acts authorising payments from the Consolidated Fund by special appropriation will be amended, among other things, to include all judicial officers. In general terms, by consolidating provisions governing judicial entitlements into a single piece of legislation we believe the bill will achieve greater clarity in this area.

I want to refer to just a few provisions in passing. Clause 5 of the bill makes clear that:

A Supreme Court Judge is entitled to be paid a salary at the same rate as the salary of a Federal Court Judge payable from time to time.

Subclause (2) provides that:

A judicial officer (other than a reserve judicial officer) specified in Column 1 of the salary table —

which I will come to —

is entitled to be paid a salary at the percentage of the salary of a Supreme Court Judge specified for that judicial officer in Column 2 of the salary table.

The table contained in clause 5 of the bill makes it clear that judicial officers other than Supreme Court judges will be entitled to a percentage either greater or less than 100 per cent of the salary of a Supreme Court judge. The chief justice, for example, earns a salary calculated at 112.86 per cent of that of a Supreme Court judge. An associate judge of the Supreme Court who is the senior master receives 89 per cent of a Supreme Court judge's salary. The Chief Judge of the County

Court is entitled to receive the same salary as a Supreme Court judge. The Chief Magistrate is entitled to receive 86.64 per cent of the salary of a Supreme Court judge. A magistrate other than a Chief Magistrate or deputy chief magistrate will receive 69.29 per cent. We can see the basic structure there. Those who are excited enough to read the debate on this bill when the *Hansard* is published will be able to see how the salaries of our judicial officers are determined.

The Judicial Entitlements Panel is set out in clauses 15 and 16 of the bill. Clause 16 notes that the functions of the panel, as I said earlier, are to make own-motion recommendations to the Attorney-General, to provide advisory opinions to the Attorney-General in relation to the entitlements of judicial officers and to provide advisory opinions to the Attorney-General in relation to any matter relating to the terms and conditions of office.

I note that the bill before the house adds a further ground that was not contained in the 2014 bill and with which we do not cavil. That is, as I am advised, clause 17(4)(g), which provides that a person who has been found guilty or been convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence will not be eligible for appointment as a member of the Judicial Entitlements Panel. I also note the provisions contained in clauses 25 and 26 of the bill relating to own-motion recommendations and the Attorney-General's obligations once he receives a report, and advisory opinions, which are set out in clauses 27 to 29 of the bill.

As I indicated earlier, there are some differences from the 2014 bill relating to the structure of parts 7 to 11 of that earlier bill. Briefings and further inquiries have satisfied us that those differences do not entail any substantive changes to the spirit, intention or, for all intents and purposes, operative provisions of the 2014 bill. I am pleased to be able to say that the coalition does not oppose this bill. It is a good bill, we are very supportive of it, and we wish it a speedy passage through the Parliament.

**Mr CARROLL** (Niddrie) — It is my pleasure to rise to speak on the Judicial Entitlements Bill 2015, and I note that the member for Hawthorn, the shadow Attorney-General, has outlined that the opposition supports the bill. Indeed in a previous role the member for Box Hill worked towards achieving this legislation, and the former member for Niddrie and a former Attorney-General, the Honourable Rob Hulls, also had a long history in terms of increasing transparency for judicial entitlements and ensuring that our judiciary

operates independently and that we have the best people at the forefront.

As the member for Hawthorn stated, often the judiciary is composed of a variety of people from a variety of backgrounds, many of which are lucrative. Many of them give up all sorts of lines of work. They see it as a calling in terms of practising law and a calling to be on the bench, and that is something we need to support. Essentially today we are introducing the framework for determining judicial entitlements into the 21st century.

The bill supports judicial independence by creating a modern statutory framework for determining the salary, allowances and conditions of service of judicial officers. Judicial independence is a fundamental element of the rule of law. Adequate and secure remuneration, including non-salary entitlements, is a key component of judicial independence. Legislative provisions relating to judicial salaries and entitlements are currently scattered across eight different pieces of legislation.

We sometimes forget that people on the bench are just normal workers doing their day-to-day jobs. When I was researching the bill I came across an article by Steve Butcher dated 21 July 2007 and headed, 'Magistrate's year off sick raises issues'. It was the case of a magistrate who spent more than a year on sick leave, which, according to Chief Magistrate Ian Gray, highlighted the inadequacies in entitlements for the judiciary. The magistrate at the centre of the matter was Jeanette Maughan, who took 158 days sick leave and had not worked at all that particular year. She was on full pay until she retired. Ms Maughan, 68, appointed a magistrate in November 1990, is believed to have suffered from chronic fatigue syndrome, a debilitating condition characterised by extreme exhaustion. If a magistrate remains certified as unfit for work and produces medical certificates, they remain on sick leave for a period at the discretion of the Chief Magistrate.

We have come a long way from the situation when magistrates and people on the bench were taking sick leave and there was no framework around how it operated. Both sides of politics have come a long way since then in tightening up the system. Indeed the former member for Niddrie, when he was Attorney-General, went so far in his progressive reforms as to ensure that de facto partners were given the same access rights to pensions. Back in 2005, Farah Farouque, the social affairs editor of the *Age*, wrote a piece about some new laws that the Bracks government introduced to ensure that de facto spouses involved in heterosexual relationships with members of the judiciary could also get pension entitlements. We have

come a long way, and this bill strengthens many judicial entitlements.

Essentially the bill clarifies the circumstances in which prior service in certain pensionable offices, such as the Director of Public Prosecutions (DPP), will be recognised for the purpose of determining the sabbatical long service leave entitlements of those appointed to judicial office. This recognition will be consistent with the approach to recognition of prior service in other judicial offices. The bill also repeals the Judicial Remuneration Tribunal Act 1995 and the Judicial Salaries Act 2004 and consolidates the provisions governing the determination of judicial salaries and non-salary entitlements into a single piece of legislation. The consolidation of these provisions into a single act will make the legislative framework for judicial entitlements more consistent, more streamlined and easier to access.

Under the bill there will be no change to the current mechanism for determining judicial salaries. The salary of a judge of the trial division of the Supreme Court will continue to be linked to that of a Federal Court judge, and the other Victorian judicial salaries will continue to be paid as a percentage of the salary of a Supreme Court judge.

I want to talk a little about the panel. There is often a real need for independence in regard to salary increases. The bill creates the Judicial Entitlements Panel to replace the current Judicial Remuneration Tribunal. This is a critical reform. There has been no capacity to review judicial entitlements since the Judicial Remuneration Tribunal ceased to have any members back in February 2011. The panel will have similar jurisdiction, structure and processes to its predecessor. It will make own-motion recommendations to the Attorney-General in relation to the conditions of service of judicial officers, including allowances and leave entitlements.

Given that the judicial remuneration tribunal has not been constituted since 2011, the bill will require that the panel make its first own-motion report to the Attorney-General as soon as practicable and within nine months of establishment. Thereafter the panel must make an own-motion report to the Attorney-General at least once every four years. Essentially the time lines enabled in the legislation will ensure own-motion recommendations are fully considered and dealt with in a transparent and timely manner. The panel will not be able to make an own-motion recommendation in relation to the salaries, pensions or superannuation arrangements of judicial officers. This reflects that these entitlements can be amended by legislation but

cannot be amended by an entitlement certificate issued by the Attorney-General. However, the Attorney-General will be able to request an advisory opinion about any matters related to the terms and conditions upon which judicial officers, judicial registrars and non-judicial members of the Victorian Civil and Administrative Tribunal are appointed.

Before I conclude, I want to summarise why I think the bill is important. Clarifying the circumstances in which prior service in certain pensionable offices, such as the DPP, and ensuring that long service leave arrangements and any other entitlements in relation to judicial office are transparent and accountable is critical. The bill provides for the consolidation of the governing judicial entitlements into a single piece of legislation, which will bring a lot of clarity and transparency into this area. The bill also significantly improves the processes for the determination of judicial entitlements by providing clear and appropriate time frames and establishing an electronic register of relevant documents.

Clarifying the position regarding the recognition of prior service for long service leave will help with certainty for members of our judiciary in terms of planning for their futures. Essentially both sides of Parliament have had a long history in this area. The member for Box Hill has worked with Court Services Victoria, as has the member for Oakleigh, who is not in the chamber at present. Ensuring that our judiciary is up to scratch in terms of entitlements, transparency and accountability is critical.

Pleasingly, much consultation took place before the bill came before the house. The Chief Justice, the Chief Judge, the Chief Magistrate, the President of the Victorian Civil and Administrative Tribunal as well as the President of the Children's Court of Victoria and the State Coroner were consulted. There was widespread consultation, which was welcomed, and everybody could see the need to bring judicial entitlements and the framework for them into the 21st century.

The bill's coming into operation will be a staged process. The following will come into effect on the day after the bill receives royal assent: amendments updating the circumstances in which the remuneration of judicial officers and judicial registrars is funded by special appropriation from the Consolidated Fund; amendments to address inconsistencies and gaps in the provisions governing when service in prior office counts as service in a judicial office; and amendments to the Judicial Remuneration Tribunal Act clarifying the circumstances in which judicial officers can be paid out leave entitlements on resignation, retirement or

death, and validating specific past practices and payments in relation to leave entitlements. The remaining provisions in the bill will come into operation on a date to be proclaimed.

It is great that the bill has come before the house. It has had a long lead time. Back in 2014 a lot of work was done on this legislation, and it has been welcomed by both sides of Parliament. It is a step in the right direction, and I wish the bill a speedy passage through the house.

**Mr McCURDY** (Ovens Valley) — I am delighted to make a contribution to debate on the Judicial Entitlements Bill 2015 and to follow on from my colleague the member for Hawthorn, who did an exceptional job in covering this bill. I will follow up on a few of the points he made. He certainly made mention that we will not be opposing this bill and that the purpose of this bill is to establish a framework primarily for setting the salaries and conditions of service for judicial officers. The bill is substantially similar to the bill that the coalition introduced last year, which was second read but did not make it through this place before the November election.

I will cover some of the main provisions of the bill, as we heard from the member for Niddrie. Part 3 establishes the Judicial Entitlements Panel to replace the Judicial Remuneration Tribunal. Part 4 provides for recommendations and advisory opinions for the Judicial Entitlements Panel. Although the Attorney-General will be required to respond to the panel's recommendations, this is still only an advisory group. Clause 53 puts provisions in place to validate long service leave entitlements for certain judges based on the recognition of prior service.

As I mentioned, the coalition is not opposing this bill, because it is similar to the bill introduced by the former Attorney-General, the member for Box Hill. It is introduced last year. It is fair to say that we all agree that judicial independence is a fundamental element of the rule of law. The member for Box Hill went on to explain that it is vital that judicial officers exercise their powers impartially and according to law. The independent determination of appropriate entitlements of office for judicial officers is an important part of judicial independence. Furthermore, the bill before the house supports those sentiments by instituting a consolidated statutory framework for the determination of salaries, allowances and conditions of service for judicial officers.

Presently the determination of judicial salaries and entitlements is conducted across eight different pieces

of legislation. These include the Judicial Remuneration Tribunal Act 1995, the Judicial Salaries Act 2004, the Supreme Court Act 1986 and many others, including the Coroners Act 2008. This will remove a lot of that complication. Under the new legislation there will be no change to the current mechanism for determining judicial salaries. The salary of a judge of the trial division of the Supreme Court will still be linked to that of a Federal Court judge, and other Victorian salaries will continue to be paid as a percentage of the salary of a Supreme Court judge. I think that is a fair system.

The bill creates a Judicial Entitlements Panel to replace the Judicial Remuneration Tribunal. The panel will have a similar jurisdiction, structure and process to the tribunal. It is important to note that the panel can make own-motion recommendations to the Attorney-General in relation to certain conditions of service of judicial officers, including allowances and leave entitlements. The bill requires the panel to make its first own-motion report as soon as is practical and within nine months of its establishment. The panel's report of own-motion recommendations must be tabled in Parliament within 10 sitting days of receipt by the Attorney-General.

Again, that is common sense. However, the panel will not be able to make own-motion recommendations in relation to salaries, pensions or superannuation arrangements of judicial officers, but the Attorney-General will be able to request an advisory opinion about any matter related to the terms and conditions upon which those officers or non-judicial members of the Victorian Civil and Administrative Tribunal are appointed. They are the checks and balances that are in place. The advisory jurisdiction of the panel is intended to be broad and not restricted to the conditions of service about which the panel can make own-motion recommendations, but the Attorney-General will have discretion about whether to implement recommendations following an advisory opinion and will not be required to provide reasons to the Parliament in response.

The bill also amends the Constitution Act 1975 and the court acts that relate to judicial entitlements. Amendments will clarify that, in addition to salary and allowances, judicial officers are also entitled to conditions of service, which is fairly straightforward. By consolidating these provisions governing judicial entitlements into a single piece of legislation the bill should achieve far more clarity in this particular area. Without any further ado, given that, as I mentioned, the member for Niddrie and the member for Hawthorn have covered this bill in a fair amount of detail, I think I will leave it there. I commend the bill to the house.

**Mr PEARSON** (Essendon) — I am delighted to join the debate on the Judicial Entitlements Bill 2015. As was outlined in the member for Niddrie's earlier contribution, the bill creates a modern statutory framework for determining the salaries, allowances and conditions of service of judicial officers. As many members would know, judicial independence is a fundamental element of the rule of law, and adequate and secure remuneration, including non-salary elements, is a key component of judicial independence.

In preparing for this contribution today, I looked at other jurisdictions and the way in which they determine an appropriate level of remuneration for judges. What was interesting was that the US Congress determines the salary of US judges, which I do not think is the way to go. Our model is more based on the British experience, as you would expect. In the case of the UK, there is a Review Body on Senior Salaries, which provides independent advice to the Prime Minister, the Lord Chancellor, the Secretary of State for Defence, the Secretary of State for Health and the Home Secretary on the pay of senior civil servants, the judiciary, senior officers of the armed forces, certain senior managers in the national health scheme and police and crime commissioners and chief police officers. What we are looking at doing in this piece of legislation is adopting a similar, more streamlined approach.

It was interesting to think about how this came about. How in the case of the UK did they come up with the idea of having a Review Body on Senior Salaries? I was drawn to an article by the Right Honourable Lord Justice Brooke from the Court of Appeal in England. He wrote a piece called 'Judicial independence — Its history in England and Wales'. While I am not an Anglophile by inclination, I am attracted to how this came about.

Lord Justice Brooke mentioned that between 1674 and 1688 there were only 12 judges in England — four in each of the common courts. What was happening at that period of time in English history was that the monarchy was bridleing at the notion of parliamentary independence. What the monarchy sought to do was to extend the royal power by trying to control the judiciary. Charles II — bearing in mind that there were only 12 judges in England at any one given point in time — in the last 11 years of his reign sacked 11 of his judges, while his brother, James II, sacked 12 judges in three years. The House of Stuart was really trying to maintain power at the expense of Parliament by dispensing with justices if they were unhappy with their rulings, and so it was an extension of their power.

It is interesting that Lord Chancellor Jeffreys gave a speech at the time when Sir Edward Herbert was appointed the Chief Justice of the Court of the Kings Bench — again this is going back to the 17th century — and there is an interesting quote which gives some sense as to the way in which the monarchy regarded the judiciary. Chancellor Jeffreys said:

Be sure to execute the law to the utmost of its vengeance upon those that are now known, and we have reason to remember them, by the name of Whigs; and you are likewise to remember the snivelling trimmers —

a trimmer was a personality who was committed to no particular political party from either side and who would join either side out of expediency —

for you know what our Saviour Jesus Christ says in the Gospels, that they that are not for us are against us.

That is quite interesting to think about. The way in which the monarchy regarded itself enabled it use the judiciary as an appendage of the monarchy to extend its power. Invariably this long constitutional conflict was all about power and the way in which the monarchy could express itself. After James II abdicated, a parliamentary committee in the House of Commons drew up a Heads of Grievances to be presented to the new King.

**Ms Edwards** — You love your history!

**Mr PEARSON** — Indeed! The document contained the following items:

... for making judges' commissions quamdiu se bene gesserint; and for ascertaining and establishing their salaries, to be paid out of the public revenue only; and for preventing their being removed and suspended from the execution of their offices, unless by due cause of law.

Those sentiments led to the establishment of the Act of Settlement 1701, which has been in place ever since. What we are looking at here is having this level of independence which goes back to those times in 1701.

To some extent it is reflected in the fact that there had been instances in the 17th century of corruption. Francis Bacon was Lord Chancellor in 1621, and he was found guilty of judicial corruption. It was seen, in part, that it was because he was effectively using his office for financial gain. Subsequently in 1641 the House of Commons ordered John Pym to include in the Grand Remonstrance a clause attacking the buying and selling of judicial office as being:

... among the causes and remedies of the evils of this Kingdom ...

What was happening at that time was the recognition that if there is a judiciary which is subservient to the will of the king, if there is a judiciary that can basically be summarily dismissed at will and if its members are not properly paid, then effectively there is a poor administration of justice, and you have a situation where you get judges looking at trying to garner further payment from this avenue of selling judicial favours. That led to the Act of Settlement 1701 and to those further changes.

The bill before us today is an attempt to improve the way in which we deal with the administration of judicial salaries and entitlements. We are looking at reducing the number of pieces of legislation from eight down to one, and that is going to streamline the process. Again, as members will know, in many of my contributions I have talked about the importance of streamlining and trying to have harmonisation to make it easier for people when they come to Victoria, when they come to Australia, to have an appreciation of the way in which we govern ourselves. If you ask someone who has newly arrived to try to understand the way in which the judiciary functions in Victoria, and you have to point them to eight separate pieces of legislation, it makes it difficult for them to understand. We are part of a global economy, and we are going to play a key role in the Asian century, and so having one simple piece of legislation that addresses these issues is important. It is important that this legislation will make the relevant law more consistent, easier to access and more streamlined.

As has been indicated in some of the previous contributions, the salary of a judge of the trial division of the Supreme Court of Victoria will continue to be linked to that of a Federal Court judge, and other Victorian judicial salaries will continue to be paid as a percentage of the salary of a Supreme Court judge. Having transparency about the way in which justices are remunerated is really important to make sure that it is clear. The Judicial Remuneration Tribunal has not been constituted since February 2011, and the bill requires the Judicial Entitlements Panel to make its first own-motion report to the Attorney-General as soon as practicable, and within nine months of establishment. It is important to try to pick up where we have left off, and certainly February 2011 is well over four years ago, as members would realise, and there is a need to make sure that the work is commenced and conducted.

It is also about making sure that there is a degree of rigour. The panel must also make its own-motion report to the Attorney-General at least every four years. Again, I think it is important that there is some level of oversight and rigour, and obviously it is important to

have the respective independence of a separate, stand-alone authority that reviews, but equally there must be a degree of oversight so that people behave responsibly.

The panel's report on an own-motion recommendation must be tabled in Parliament within 10 days of receipt by the Attorney-General. It is important to have that level of rigour and robustness, to have the capacity to make sure that an Attorney-General has to advise the Parliament as early as possible about what has been proposed rather than have a situation where a report could be buried and sat on so that time lines lapse.

It is also important that the Attorney-General be required to provide a statement to the Parliament as to whether an own-motion recommendation of the panel is being accepted, varied or not accepted. A statement must be given outlining the reasons for a decision. This bill continues the work of the government of trying to streamline and harmonise, trying to reduce the regulatory burden and trying to make things simpler and easier for people to understand, but it also stays true to the Act of Settlement of 1701, and it makes sure that we have that independence of the judiciary as you would expect.

**Mr HIBBINS (Prahran)** — I rise to speak very briefly on behalf of the Greens on the Judicial Entitlements Bill 2015. The bill outlines how allowances and conditions of service for judicial officers are determined. In doing so, it makes sure that that is consistent with the principles of judicial independence.

A number of things remain the same in this bill. The mechanism for determining judicial salaries will continue to be linked to that of judges of the Federal Court. There will be a number of reforms, including primarily the creation of a Judicial Entitlements Panel, which will replace the Judicial Remuneration Panel. Also the bill makes a number of clarifications through amendments to the Constitution Act 1975 and the court acts. The Greens will be supporting this bill.

While we are looking at judicial entitlements, I take the opportunity to raise another important matter in relation to the judiciary. Victoria still does not have a judicial commission. New South Wales has had one since 1987. We would certainly welcome the government looking into the establishment of a commission that, like the Judicial Commission of New South Wales, has the power to examine complaints about the ability and behaviour of judicial officers and to assist the courts to ensure consistency of sentencing. We acknowledge the dedication and the commitment of the majority of our

judicial officers in meeting high standards, but we believe a judicial commissioner would provide an important mechanism for investigating those judicial officers who fail to meet those standards and would assist in increasing public confidence in the administration of justice. With those points, as I said, I indicate that the Greens will be supporting this bill.

**Mr THOMPSON (Sandringham)** — I am pleased to make a contribution to the debate on the Judicial Entitlements Bill 2015, and I acknowledge the contributions of earlier speakers, who have highlighted different aspects of the bill. The main purposes of the bill before the house are to modernise the processes and structures for determining salaries, allowances and conditions of service for judicial officers in a manner that recognises and maintains judicial independence, to repeal the Judicial Salaries Act 2004 and the Judicial Remuneration Tribunal Act 1995, and to make consequential and miscellaneous amendments to other acts.

There are a number of interesting features of the bill. In his second-reading speech the Attorney-General indicated that the bill:

... supports judicial independence by creating a modern statutory framework for determining the salary, allowances, and conditions of service of judicial officers.

He also noted:

Judicial independence is a fundamental element of the rule of law. Adequate and secure remuneration, including non-salary entitlements, is a key component of judicial independence.

Legislative provisions relating to judicial salaries and entitlements are currently scattered across eight different pieces of legislation.

A number of years ago I had occasion to attend a conference of the Australasian Institute of Judicial Administration, and a paper was given by Michael O'Mahoney, a former president of the Law Society of Ireland, which outlined nine categories of judges, drawing on the observations of an 1890s advocate. The article covered descriptions of the gentle judge; the quiet judge; the pragmatic judge; the witty judge, where the litigants were concerned at the preposterous spectacle of their highly paid counsel engaging in courtroom hilarity; the lawyer judge, where the parties cannot see what is on his mind until near the end of the judgement and perhaps not even then; the intrusive judge; the impatient judge; the authoritarian judge; and the intellectually challenged judge, who is without deep talents or judicial learning and whose lack of capacity to hear is combined with a lack of capacity to comprehend.

While that might be a description of members of the Irish judiciary in the 19th century, it is not a reflection on the calibre of judicial appointments in Australia today. In fact we have a long record of people of outstanding capability being appointed to the Supreme Court in this state, and there are a number of people who have gone on from this particular chamber to serve in a high judicial office as a judge of the Supreme Court. There is the case of George Higinbotham, a former member for Brighton, who after a 15-year period of tenure in the Victorian Parliament went on to become the Chief Justice of Victoria.

Another person I am aware of who served in this place and later went on to serve on the Supreme Court bench for a period of time is James Stephen. Mr Stephen's family forebears include people who were involved in the Clapham sect, members of whom were supporters of the abolition of slavery in the early stages of the 19th century in England. The Stephen family came out here as lawyers. There was Sir George Stephen and his son James Stephen, both of whom became members of the Victorian Bar and built up practices. I believe Sir George Stephen became a Queen's Counsel at the age of 77, also in Victoria. His son James Wilberforce Stephen, having served in this place as the member for St Kilda, went on to serve on the Supreme Court bench.

What is axiomatic in a bill of this nature before the house is the notion of independence. When a matter goes before the courts a judge, whether they be a member of the Supreme Court or County Court, or a magistrate must have independence and a tenure that is based not upon the fiat of government but on a term of service that enables them to, without fear or favour, adjudicate upon a case.

The bill before the house endeavours to draw together a number of provisions in eight separate pieces of legislation that might help better define non-salary entitlements into a single piece of legislation and consolidate the provisions governing the determination of judicial salaries where there is a linkage to federal provisions in particular categories. The opposition does not oppose the bill.

**Mr BURGESS** (Hastings) — It is a pleasure to rise to make a contribution to the debate on the Judicial Entitlements Bill 2015. The bill establishes a framework for determining the salaries, allowances and conditions of service for judicial officers. The bill is substantially the same as the bill that was prepared by the previous government. In an unusual way this bill has probably been given the biggest tick any legislation can get: it has had one government prepare it and the

following government introduce it. That is quite a plaudit for this particular bill.

It is an important bill, and, arguably, it is one of the most important bills, because if you can buy a judge, you can own justice. Therefore it is very important that we establish in this house that we have total and absolute independence for our judiciary. The bill does precisely that by putting at arm's length the ability to set the conditions, wages et cetera of our judicial officers from the Parliament and from people who would otherwise want to have some sort of input into that.

Part 3 of the bill establishes the Judicial Entitlements Panel to replace the Judicial Remuneration Tribunal. Part 4 provides for recommendations and advisory opinions from the Judicial Entitlements Panel, which will not be binding, although the Attorney-General will be required to respond to the panel's recommendations. Clause 55 inserts provisions to validate sabbatical and long service leave entitlements of certain other judges based on the recognition of prior service.

The coalition does not oppose this legislation. As I say, it is an advantageous way for this type of legislation to come to the house, with the consent of both parties. The terms of the bill are quite similar to those of the bill prepared by the previous government, and that is one of the reasons, obviously, the opposition will not be opposing it. As the Attorney-General in the last government said, judicial independence is a fundamental element of the rule of law. That is certainly the case. It would be difficult to find anything more fundamental than having the independence of your judicial officers, because that really is where it gets done — in front of the judges, in the courts. Achieving influence over a judge, be it through this process or some other process, skews justice for everybody — for not just the people before the court at the time but for the people coming after and for anybody who is going to be touched by any of the judgements tainted by that sort of action or that sort of influence. It is therefore really important that the independence of the judiciary be established very clearly and up front, before anything else is done, and this legislation does precisely that.

The bill before the house supports the main sentiments of the previous government's legislation by consolidating a statutory framework for the determination of salaries, allowances and conditions of service for judicial officers. Currently the determination of judicial salaries and entitlements is conducted across eight pieces of legislation, those being the Judicial Remuneration Tribunal Act 1995, the Judicial Salaries

Act 2004, the Constitution Act 1975, the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Coroner's Act 2008 and the Children, Youth and Families Act 2005. The legislation before us will consolidate the provisions around the determination of judicial salaries and entitlements into a single piece of legislation. As was pointed out by the member for Essendon, this is a desirable way for the legislation to be, which means this area of law is more easily understood and cannot be confused by anybody, including the judicial officers themselves and the public. It is important that these sorts of things are very clearly understood.

Under this mechanism, there will be no change in the determination of judicial salaries. The salary of a judge of the trial division of the Supreme Court will still be linked to that of a Federal Court judge, and the other Victorian judicial salaries will continue to be paid as a percentage of the salary of a Supreme Court judge. The bill creates a Judicial Entitlements Panel to replace the Judicial Remuneration Tribunal. The panel will have a similar jurisdiction, structure and process to that of the tribunal. The panel will be able to make own-motion recommendations to the Attorney-General in relation to conditions of service of judicial officers, including allowances and leave entitlements. The bill requires the panel to make its first own-motion report as soon as practical and within nine months of establishment.

The panel's report of an own-motion recommendation must be tabled in Parliament within 10 sitting days of receipt by the Attorney-General. The Attorney-General will be required to provide a statement to Parliament as to whether an own-motion recommendation of the panel will be accepted, varied or not accepted. If the Attorney-General intends to vary or reject an own-motion recommendation, the statement must give reasons. The panel will not be able to make an own-motion recommendation in relation to the salaries, pensions or superannuation arrangements of a judicial officer, but the Attorney-General will be able to request an advisory opinion about any matter related to the terms and conditions upon which judicial officers, judicial registrars and non-judicial members of the Victorian Civil and Administrative Tribunal are appointed. The advisory jurisdiction of the panel is intended to be broad and not restricted to the conditions of service about which the panel can make own-motion recommendations. The Attorney-General will have a discretion about whether to implement panel recommendations following an advisory opinion and will not be required to provide reasons to the Parliament in response.

The bill also amends the Constitution Act 1975 and court acts that relate to judicial entitlements. Amendments clarify that in addition to the salary and allowances, judicial officers are also entitled to conditions of service. The provisions of the Constitution Act and the court acts authorising payments from the Consolidated Fund by special appropriation will be amended to include, among other things, all judicial officers. By consolidating provisions governing judicial entitlements into a single piece of legislation, as I said before, this bill will achieve its second major goal, which is to create clarity in this particular area of law. As I said earlier, the major goal of this legislation is to ensure the continued independence of our judicial officers. Again, as I said earlier, it would be difficult to find a more palatable way to introduce legislation such as this than to have one government prepare the bill, which was the case, and to have the following government, even though it is of a different colour, introduce it, which is also what has occurred here.

Very clearly both sides of Parliament support the independence of our judiciary, which is a very important aspect of our rule of law, and this piece of legislation does a very good job of achieving that. I commend the bill to the house.

**Debate adjourned on motion of Ms HUTCHINS (Minister for Local Government).**

**Debate adjourned until later this day.**

## JUSTICE LEGISLATION AMENDMENT BILL 2015

### *Council's amendments*

#### **Message from Council relating to following amendments considered:**

1. Clause 1, page 4, after line 24 insert—  

“( ) to amend the **Firearms Act 1996** to lower the minimum age for participation in paintball activities from 18 to 16 and make other amendments to the requirements imposed on operators of paintball ranges; and”.
2. Clause 2, line 34, omit “and Part 7” and insert “, Part 7 and Part 16”.
3. Clause 2, page 5, line 2, omit “subsection (6), Part 7 comes” and insert “subsections (6) and (7), Part 7 and Part 16 come”.
4. Clause 2, page 5, after line 6 insert—

“( ) If a provision of Part 16 does not come into operation before 1 July 2016, it comes into operation on that day.”.

**Legislation Amendment Act 2013 and the Firearms Act 1996**’.

5. Clause 18, page 14, line 3 omit “regulations.” and insert “regulations.”.

**Ms HUTCHINS** (Minister for Local Government) — I move:

6. Clause 18, page 14, after line 3 insert—

That the amendments be agreed to.

“(1A) If a fee or charge for services provided by the Tribunal of a kind not referred to in subsection (1) is payable, the principal registrar, on application, may reduce, waive, postpone, remit or refund the fee or charge if the principal registrar considers the payment of the fee or charge would cause the person responsible for its payment financial hardship or on any other prescribed ground in the regulations.”.

**Mr PESUTTO** (Hawthorn) — I only wish to make a few very brief comments on this bill. The coalition does not oppose these amendments which have been made by the Council. I just want to note that the first of the amendments — and there are three in essence, although there are a number of technical and consequential changes being proposed — relates to the ability of the principal registrar of the Victorian Civil and Administrative Tribunal (VCAT) to reduce, waive, postpone, remit or refund certain fees on the grounds of financial hardship or any other prescribed grounds.

7. Clause 18, page 14, after line 8 insert—

‘(4)

In section 132(2) of the **Victorian Civil and Administrative Tribunal Act 1998**, after “subsection (1)” insert “or subsection (1A)”.

The second substantive amendment relates to an amendment to the Firearms Act 1996 which essentially spares licence-holders the obligation to provide a full set of fingerprints where persons are employed solely for the purpose of officiating at paintball games. The other amendment reduces the minimum age for participation in paintball activities from 18 to 16, and I want to comment briefly on that.

8. Clause 56, after line 18 insert the following Part heading—

**“Part 16— Amendments to the Firearms Act 1996”  
NEW CLAUSES”**

The amendments to the Firearms Act are sensible. They reduce red tape and are consistent with a proposal by the previous government, which brought a bill before this house to do precisely what is proposed by these amendments — that is, to lower the minimum age from 18 to 16 and to relieve certain persons of the need to provide a full set of fingerprints where people are employed solely for the purpose of officiating at paintball games. They follow up on amendments proposed but never passed in the last Parliament.

9. Insert the following New Clause to follow clause 56—

**“AA Requirement to notify Chief Commissioner of persons employed in business or change of nominated person**

(1) For section 75(4)(b)(ii) of the **Firearms Act 1996** substitute—

“(ii) subject to subsection (5), a full set of the person’s fingerprints.”.

(2) After section 75(4) of the **Firearms Act 1996** insert—

“(5) A notice under this section is not required to be accompanied by the person’s fingerprints if the person is employed solely for the purpose of officiating at a paintball game.”.

The change relating to the power of VCAT to reduce, waive or make other changes relating to fees is not opposed by the opposition in the interests of this bill passing speedily through the house. We maintain that the bill as introduced was sufficient in its language to provide relief for people suffering hardship, but, as I said, in the interests of allowing this bill to pass through the house speedily we do not oppose the amendments made by the other place. I wish the bill a speedy passage.

10. Insert the following New Clause to follow clause 56—

**“BB Non-prohibited persons who are exempt from requirement to hold a licence under Part 2**

In Column 1 of item 6A of Schedule 3 to the **Firearms Act 1996**, for “18 years” substitute “16 years”.

**Mr CRISP** (Mildura) — I will make some brief comments to support the comments made by the shadow Attorney-General, the member for Hawthorn, in relation to the amendments to this bill. In the interests of getting this legislation out there I think it is very wise counsel from the shadow Attorney-General

**AMENDMENT OF LONG TITLE**

11. Long title, omit “and the **Road Legislation Amendment Act 2013**” and insert “, the **Road**

to not stick on a couple of these amendments relating to the Victorian Civil and Administrative Tribunal despite the fact that the bill as introduced probably was sufficient to deal with hardship. As he said, we need to get on and get this bill passed.

The amendments to the Firearms Act 1996 are interesting. We support the amendment relating to people involved in paintballing not having to provide fingerprints and the amendment providing that the minimum age for people participating in paintballing be lowered from 18 to 16. That is reasonable given that those who enjoy paintballing seem to be predominantly younger people. These amendments will mean that a wider group of people will be able to take part in this activity.

With those brief comments, The Nationals are very happy to support these amendments from the Legislative Council and wish the bill a speedy passage.

**Motion agreed to.**

**PLANNING AND ENVIRONMENT  
AMENDMENT (RECOGNISING  
OBJECTORS) BILL 2015**

*Second reading*

**Debate resumed from 27 May; motion of Mr WYNNE (Minister for Planning).**

**Mr BROOKS** (Bundoora) — It is a pleasure to rise and contribute to the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. This is a great piece of legislation that was a commitment of the Labor Party in the run-up to the last election, and I should in this very early part of my contribution —

**Mr Clark** — On a point of order, Acting Speaker, the honourable member has taken the call but my understanding is that copies of the bill are circulated before a speaker is called. As you would expect, the opposition would wish to seek the call once copies of the bill have been distributed.

**The ACTING SPEAKER (Ms Halfpenny)** — Order! My apologies. The house will pause while copies of the bill are circulated.

**Mr CLARK** (Box Hill) — This is a bill to amend the Planning and Environment Act 1987 to provide for the Victorian Civil and Administrative Tribunal (VCAT) and councils as responsible authorities — indeed always as responsible authorities — to have regard to the number of objectors to permit applications

and to consider whether a proposed use or development may have a significant social effect.

The key to the bill is in clause 4, and the explanatory memorandum sums it up quite well. It indicates that clause 4 inserts a new section 60(1B) into the Planning and Environment Act 1987 to provide that, for the purposes of section 60(1)(f) of the act, the responsible authority must, where appropriate, have regard to the number of objectors in considering whether the use or development may have a significant social effect. The section being amended, section 60(1), sets out the matters that the responsible authority must consider before it decides on an application for a permit or an application to amend a permit.

A separate list of matters that a responsible authority may consider is set out in section 60(1A) of the act. The specific provision referred to by proposed section 60(1B) is paragraph 60(1)(f) of the act, which specifically requires the responsible authority to consider:

... any significant social effects and economic effects which the responsible authority considers the use or development may have.

I make the point that, while paragraph 60(1)(f) refers to both social and economic effects, the amendment in relation to having regard to the number of objectors relates only to a significant social effect. The explanatory memorandum goes on to point out that the sections proposed to be inserted into the act:

... recognise, as was recognised in *Stonnington City Council v. Lend Lease Apartments (Armadale) Pty Ltd* [2013] VSC 505, that the number of objectors may be a relevant fact (together with other facts) that indicates that a proposed use or development may have a significant social effect.

I add as an aside that the other noteworthy provision of the bill is in clause 3, which makes a number of exceptions to the general principle set out in clause 4. Those exceptions relate to what are commonly referred to as the VicSmart reforms that were introduced by the former Minister for Planning, who is now Leader of the Opposition. It is welcome that the government, through these amendments in the bill, recognises the merits of the reforms the former Minister for Planning, now Leader of the Opposition, introduced.

In terms of the substance of the amendments made by this bill, this is yet another phony promise made prior to the election by the current government. It was a promise that falsely raised expectations amongst many in the community, and given those expectations raised in the community by the Labor Party ahead of the election, the community will find they have been let

down by the bill that has been brought to the Parliament.

By way of one example I refer to the Tecoma McDonald's issue, which received a great deal of attention. On 20 October the then shadow Minister for Planning, Mr Tee, and the now Minister for Education visited Tecoma and met with those who were opposed to that development. One of the websites involved with that protest, the Burger Off website, reports on that visit under the headline 'Another huge win for our campaign — VCAT to be reformed if Labor elected'. It says:

Today the community turned out for another big win, a campaign announcement by local MP James Merlino and shadow planning minister Brian Tee that if elected planning and VCAT legislation will be reformed. At a gathering near the site in front of a huge crowd Brian Tee remarked 'These changes to VCAT will be Tecoma's legacy'.

Further down the same web page it reports:

Labor supported the Tecoma residents in their fight against the McDonald's proposal. In Parliament James Merlino called on Minister Guy to intervene to 'ensure that the number of objections to a proposal are given appropriate weight at VCAT hearings'. He described VCAT's decision as 'disgraceful' and 'in no way reflects the views of the community or Yarra Ranges Shire Council'.

The *Age* newspaper of 20 October reported:

No McDonald's in the Dandenong Ranges campaign spokesman Garry Muratore said the fast food giant would have never been granted permission to build in tranquil Tecoma if the volume of community opposition had been taken into account.

A similar sentiment is being peddled with the bill that has now been introduced to the Parliament, and the *Star Community Ferntree Gully Belgrave Mail* online edition of 2 June again quotes Mr Muratore. It says:

Mr Muratore said if these changes were in place during the Tecoma McDonald's appeal, it would have definitely changed the outcome.

'VCAT commissioners would have had to take on board the massive public opinion involved in this protest. 92 per cent of people in Tecoma were against it. They would have had to have rules for us', he said.

It is quite clear the Labor Party and the member for Monbulk have preyed upon and exploited the residents of Tecoma by falsely raising their expectations with the promise that was made and about the legislation that was brought to the Parliament, telling them they had achieved a victory whereas in fact this measure gives them nothing at all. One might say it is like the 13th chime of the clock that gives the lie to everything that has gone before it, but given the number of false

chimes of the Labor clock, it is probably more accurate to talk about it being the 14th, 15th or 16th chime of the clock that undermines the credibility of anything the Labor Party might say.

The key to the falsity of the representations that have been made to the community lies in the fact that the key element of the Tecoma case about taking into account the number of objections in the VCAT ruling on that case had already been overruled by the Stonnington case I referred to earlier in respect of taking account of the numbers of objectors. I quote from the judgement of Justice Emerton in that case, starting at paragraph 68:

This is not to say that evidence of the extent of resident opposition to a proposal will never be a relevant consideration in a planning matter. It may be relevant as a salient fact giving shape to a significant social effect in some circumstances, but its status as such must be established in each case. This depends on identifying the significant social effect resulting from the proposal to which objection has been taken and linking resident opposition to that effect. In other words, it is insufficient to merely assert that any particular number of objections must be taken into account on the question of significant social effects.

It would be an error for the tribunal to hold that there was a blanket prohibition on taking account of the extent of community opposition to a development or that the number of objections could never be a salient fact giving shape to the matter of social impact or social effects. However, in this case the tribunal made no error in declining to have regard to the extent of community opposition as evidenced by the raw number of objections.

What the Stonnington decision held was that, if anybody were to say there was a blanket prohibition on taking into account the number of objections, they would be wrong, and that was the matter in the Tecoma decision that was overruled by the Stonnington decision. What Her Honour has said is that evidence of the extent of resident opposition may be relevant as a salient fact.

Let us compare how the bill and the Labor Party's policy line up against the situation as it stood following the Stonnington case. I quote from the Labor Party policy of last year:

Locals feel they have no say in the future of their own neighbourhood. Labor will also amend the act so that, where appropriate, the Victorian Civil and Administrative Tribunal ... must take into account the weight of community opposition to planning proposals.

However, Her Honour had already said that a responsible authority could take account of the numbers of objectors, so we have a situation where the law already was that a responsible authority may have regard to the number of objectors. The bill now says it must, where appropriate, have regard to the number of

objectors. If you say a responsible authority may take into account the number of objectors, that means as a matter of law that the responsible decision-maker ought to take that factor into account where it is appropriate, which means they are in error if they fail to take it into account, which is in effect exactly the same as saying the responsible decision-maker must take that matter into account where appropriate.

We have gone from 'may' to 'must (where appropriate)', but as a matter of law those two specifications are indistinguishable. At the end of the day what the number of objections taken into account relate to is evidence of whether or not there is a social effect. There has been no change to the actual law which the tribunal needs to reach a conclusion on, and there has been no substantive change in the manner in which the tribunal can inform itself by having regard to the number of objectors.

To suggest that this legislation would make any change in relation to the Tecoma case ignores the decision of the Stonnington case and has raised false expectations within the Tecoma community, and indeed within many other communities across Melbourne. Accordingly, there are going to be many bitterly disappointed residents, many of whom were given false expectations by the Labor Party before the election. When those residents see what the Labor Party is actually delivering, they will realise it is not delivering anything like what they were led to believe prior to the election would occur.

In these circumstances the opposition is not opposing the bill, as it is simply reflecting the Stonnington decision, but we highlight that while the Labor Party may seek to trumpet this bill as being a major change or as a victory for residents of Tecoma or other parts of Melbourne, the real changes that have occurred to the law in this area are as a result of the Stonnington decision and the amendments that were made to the act by the previous government to relocate the provisions requiring economic and social effects to be taken into account, which indeed, to be fair, the burgeroff.org website acknowledges.

The opposition does not oppose this bill. Yet again it is a classic demonstration of how the Labor Party raises expectations in opposition and then does something entirely different in government.

**Mr BROOKS** (Bundoora) — It is a pleasure to be able to join the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. As opposed to those opposite, who pour scorn on objectors' rights to be heard in the planning process and

belittle this piece of legislation, I think it is very important legislation. It is the Parliament saying to the councils as responsible authorities and to the Victorian Civil and Administrative Tribunal (VCAT) that they must, where appropriate, take into consideration the number of objectors. Rather than relying on one particular VCAT case, it is important that this Parliament as a legislature pass this bill to send a very clear message to councils and to VCAT that the number of objectors is an important consideration in these matters.

For too long I have seen people who are affected in a negative way by planning applications feel that their voices have not been heard. I saw that happen in a number of high-profile cases, but it also happens in small, everyday planning applications. We need to remember that a planning application for a proposed development, even a small one, can have a significant impact on someone's life. It is not about process; it is about people. It is about people who might lose a little bit of sunlight in their backyard due to the two-storey development next door or people who might be impacted day and night by noise from a commercial development that is too close to a residential area.

There is an important balance to be struck between on the one hand promoting development that is sensible and provides jobs and on the other hand protecting people from the negative impacts of planning. If both the number of objectors and the substance of their objections are not taken into account by councils and the appeals tribunal at the relevant time, we are failing the very people we are supposed to be protecting.

This is a good bill. I think the criticisms offered by those opposite are simply sour grapes because they know that when they were in government, and the Leader of the Opposition was the planning minister, skyscraper after skyscraper was approved. I am sure it was pretty much a tick and flick approach in the planning office. People have recognised that the friends of the developer are sitting on that side of the house. I cite one example from my own electorate, which I have mentioned in this house previously. An application was lodged for a 10-storey development adjacent to Bundoora Park on Plenty Road. My local community was outraged. Residents expected a development on the site, as it was an old restaurant site, but there were over 600 objections to the proposal. These objections were from people in the general area who were concerned not because they were immediately impacted themselves but because they did not want that beautiful regional park in Bundoora to be spoiled by a 10-storey development.

Despite requests for the former planning minister, now the Leader of the Opposition, to take an interest in this site, particularly given that it was in his electorate in the northern suburbs of Melbourne, we heard complete silence. The minister did not even bother to talk to the residents who were impacted. Those residents will be glad that they now have a government that says it is important to note how many people are objecting to a planning development application.

I will repeat my earlier comment that the previous Labor spokesperson for planning, Brian Tee, should be commended on his work in developing a whole range of planning policies that we took to the election, including this particular one. Of course that great work has been carried on by the Minister for Planning in bringing forward this legislation.

I want to touch on another issue which I suppose provides a counter to the argument that the number of objections should be looked at, which is the argument around the substance of objections. It is important to recognise that we may have situations where the number of objections is important and other situations where there might only be a very small number of objections — perhaps only one objection — but the considerations about the substance of the objection are still vital in the planning process.

I want to talk about a planning approval given by a council in my electorate. In September 2012 Banyule City Council approved a large seven-storey development in Greensborough despite it being in a precinct with building guidelines restricting developments to five storeys. The interesting thing about this development was that the site was partly owned by one of the Liberal councillors from Banyule City Council, and it was only when the *Saturday Age* newspaper exposed the deal in the run-up to the state election that the councillor indicated that he had gone back and changed the records around his ownership of the site. That was a fairly dodgy-looking arrangement where a council approved an application outside of the guidelines. The proposed development went to VCAT with only five objectors, and, strangely enough, VCAT was scathing in its assessment of that application. We do not know how a councillor's mate's development proposal got through the council process.

Interestingly enough, just last night an application for a nine-storey development on the same site went through council. We have gone from seven storeys to nine storeys in a precinct that has a guideline limit of five storeys. You might well ask: how does a Liberal-dominated council approve an application for a nine-storey development when VCAT has already

rejected a seven-storey development? I can tell you how. It is because the council is changing the guidelines in that area to suit developers so that applications can go through. That is outrageous. There are connections between those councillors and the developer of that site. This is an issue to which I am going to be paying close attention and to which I will be drawing the attention of the relevant ministers, because changing planning guidelines to benefit developers without proper community consultation is not good planning policy.

There is only one objector to the application in a commercial zone I just mentioned. That is a sign that over time people become worn down through the planning process. They go to an appeal, then they have to come back and lodge objections to another planning application and then they have to trot off to VCAT again. Slowly but surely some developers wear down good people who just want a fair go. There are real questions to be asked about the behaviour of councillors on Banyule City Council, particularly those Liberal-aligned councillors who are pushing these things through. We need to be very mindful of these processes. As I said, transparency is a key thing, in particular that people's voices are heard. People want to be able to express a view and know that the number of objections put forward and the strength of feeling around a planning issue is taken into account when the matter goes before VCAT.

The two examples I have given — the application adjacent to Bundoora Park in my electorate which was approved by VCAT some years ago and the one which has just been approved by Banyule City Council and which may or may not be appealed — demonstrate that it is important for the tribunal and responsible authorities to have regard to both the number of objectors and the substance of those objections. It is critical that the planning system is transparent and that people are consulted in the development of planning guidelines that affect them and their community. In some cases that happens really well, but, as in the examples I cited, there are other cases where that is not happening. As a Parliament we need to ensure that we send a clear message about those key principles.

This bill does just that. It is a very good example of saying to VCAT, councils and the community that we think those voices are important. We reject the views put forward by the lead speaker for the opposition, who seemed to reject the views of concerned people. I do not know much about the application for a McDonald's restaurant at Tecoma, but I know that people in my community are passionate about the area they live in and I am sure the people in Tecoma are just as passionate. I would support my community 100 per

cent on those sorts of issues because they do not want to see their area changed in a negative way. They want to see development that is appropriate to the area, development that creates jobs and does so in a way that protects the amenity of the community where they live.

We live in a wonderful city in a wonderful state. We need to protect that. We do not need to see development that detracts from that. This bill helps to ensure that the voices of people are heard. As I said, it sends a clear message to VCAT and planning authorities that significant community opposition to a development must be taken into account. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I will make a brief contribution to the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. I can tell by the tenor of the debate and from the number of my colleagues on this side of the house who are lining up to speak that this is a particularly important issue in the suburbs. That is not to say that it is not an important issue in country parts of the state, but planning issues and these decisions are more prevalent in the suburbs of Melbourne. The bill has been put forward as giving effect to a Labor Party election commitment, although I am not sure that it actually does that, and the member for Box Hill pointed that out quite well in his contribution.

A Labor pre-election commitment from October 2012 says:

An Andrews Labor government will give communities a fair go at VCAT and a real voice in the planning process.

Labor will amend the Planning and Environment Act so that, where appropriate, the Victorian Civil and Administrative Tribunal (VCAT) must take into account the extent of community opposition to planning proposals.

The changes would see significant community opposition — such as that in response to Tecoma McDonald's or Prahran's Orrong Road Towers — formally taken into account.

The statement makes Labor's usual criticism of the Liberals — 'Locals aren't getting a say' — and continues:

Labor will give locals a fair hearing, because they know what's best for their street and their suburb.

It won't appease a noisy minority, but it will recognise a community standing together.

That last sentence is quite interesting because often what we are talking about in these sorts of situations is indeed a noisy minority.

In the pre-election period Labor gave, as it often does, the impression that it was supporting a particular community or cause but, as the member for Box Hill pointed out with respect to the Tecoma McDonald's in particular, it does not in fact do that. In opposition Labor gave the impression of, 'We are right with you and we're going to make changes that will make your issue easier; you will get your way', but I do not believe this bill necessarily does that.

I believe we need to be very careful with objectors. I must say that when I first heard that the title of this bill included the words 'recognising objectors' it concerned me. In country areas we are often faced with a process when a development is proposed — whether it is a housing development, a new industry or any other sort of development in the country — that almost immediately there are objections to it. Often the objectors are justified. Certainly it is a case of making sure that you consider your own perspective on these things.

Currently it is proposed to establish a broiler farm at Toongabbie, in the electorate of Morwell and just outside my electorate. In principle the farmland around places like Toongabbie is a perfect place for a broiler farm, but I must say that when I put myself in the position of people in the area, if this were to be proposed only a few hundred metres from my boundary, of course I would have a different perspective on the proposal. While we need to ensure that objectors get a fair say, I am cautious about the prospect of noisy groups having more say in these debates than is necessary.

I know from my own experience in the past about the growing use of clicktivism, where a large number of objectors to or opponents of a particular issue can simply click and register their objections. I appreciate that that is not necessarily going to happen following the passage of this bill. Raising a formal objection to a proposal is more complex than that, but it is a concern that potentially with this bill being passed a large number of people who are not really very interested in a particular development could be mobilised on an issue and could hold sway over it.

I am concerned about not only the complexity this bill will add to the process but also the additional costs relating to delays in building and planning approvals and in particular the legality of it. We could see developers — the people who are making investments to build things and create jobs — potentially facing greater hurdles and, as the member for Box Hill has mentioned, without addressing the issues that the

people of the area, as in Tecoma, for example, are concerned about.

When we talk about the noisy minority or a significant number of objectors, that does not necessarily mean that a small number of objectors is not important. I cite an example from the past in my own electorate of Gippsland South — that is, the Bald Hills wind farm. Under the previous government no wind farm turbines could be sited within 2 kilometres of a home. There were only a small number of objectors to the Bald Hills wind farm because there are only a small number of farms around the area. They have no less right to make their objections plain. I think it is a concern to simply say that weight of numbers should have influence over these decisions.

The Bald Hills wind farm decision did not get much publicity because it was made over the Christmas period, early in the government's term. In my opinion the previous Minister for Planning made a good decision. The proponent of the Bald Hills wind farm had permits which dictated where various turbines could be placed, but a number of the turbines were moved substantial distances from where the original permit said they should be. Two were well over 150 metres away from their original approved site. There was a technical legal argument over the definition of 'micro siting'. If a company has approval to put a wind turbine on a particular piece of land and then finds that that place is rocky or that the soil is poor and not stable and it is impossible to build it there, the company should be able to move the turbine. But in this case the turbines were, as I said, more than 150 metres — I think one was closer to 250 metres — away from their original approved site.

The then Minister for Planning did the right thing. He approved the turbines that were genuinely micro sited but he said no to the two that were more than 150 metres away from their original site. The company had really thumbed its nose at the process, had gone ahead and built the turbines and was seeking retrospective approval. The then Minister for Planning said, 'No, you cannot do that. You need to take those down and put them back where they were to be'. Within less than two months of the Labor Party coming to government, that decision was overturned.

I know the Minister for Planning is in the chamber at the moment. I am not blaming him for overturning the decision, because he was not in the chair at the time; there was an acting minister. The community around Bald Hills was particularly concerned by that decision because it flew in the face of the decision made by the previous Minister for Planning and it allowed the

company to effectively go ahead and do whatever it liked. That was certainly a concern and not a good start for Labor in the planning sphere in country areas.

I note that one of the focuses of the government has been on creating jobs. It is all about jobs. Everything it is doing is creating jobs, supposedly. This bill will only create more red tape for businesses — for those willing to develop land, to develop medium-density housing and to develop industries and businesses — and will delay the process further and add more cost and more time to the process. I have a significant concern in that respect.

As the member for Box Hill has pointed out quite well, the government has not done a great job in drafting this bill and it will not necessarily achieve the ends that the objectors around the place might expect it to deliver, but given that this was indeed an election commitment, we will not be opposing the bill.

**Mr CARBINES** (Ivanhoe) — I am really pleased to have an opportunity to contribute to the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. As with many matters in planning, I might start from the end and work my way forward. I quote from the media release headed 'Ivanhoe set for sustainable and vibrant growth':

Minister for Planning Richard Wynne has approved the implementation of the *Ivanhoe Structure Plan*, delivering council and the local community certainty and guidance on the future development of housing and economic activity in the Ivanhoe area.

This is a salient point which relates very closely to community confidence in the Labor government's election commitments that have been brought forward by the Minister for Planning in this bill. In 2012 the *Draft Ivanhoe Structure Plan* was put out in the Ivanhoe community. I remember that we wrote to everybody throughout Ivanhoe and the surrounding suburbs of Eaglemont and East Ivanhoe. We made it very clear that we considered the community consultation was not satisfactory and said that the plan should be rejected. The previous speaker on the government side, the member for Bundoora, eloquently outlined a range of concerns that we have about the way that Banyule City Council laws deal with planning applications in our local communities. He gave some very good but disturbing examples of how those matters are being dealt with.

In relation to the *Draft Ivanhoe Structure Plan*, at the time we wrote to the council. The draft plan was scrapped and the council went back to the drawing board. I remember going to a community meeting in

the Uniting Church hall in Seddon Street to hear the community's concerns about the *Draft Ivanhoe Structure Plan* the council had put out. On page 1 or page 3 of the *Heidelberg Leader* there was a photo of Cr Jenny Mulholland standing with a big photo of the draft structure plan for Ivanhoe. A failed preselection candidate for the Liberal Party in Ivanhoe, she was quoted as saying how great the *Draft Ivanhoe Structure Plan* was. That structure plan was binned after the community meeting in the Uniting Church hall in Seddon Street. They passed around the bucket for gold coin donations to help with the community campaign in Ivanhoe to fight the council on the *Draft Ivanhoe Structure Plan*.

People in the Ivanhoe community are a pretty talented bunch of people who make great contributions to the community. You can pass the bucket around for a few gold coins, but you will soon get people putting their hand up and saying, 'I'm a planner', 'I'm a barrister', 'I'm a doctor', 'I'm a lawyer', 'I'm a community activist', 'I'm a nurse', 'I'm a teacher', 'I live in this community', 'My parents lived in this community', 'My grandparents lived in this community', and 'I'm prepared to do more than just put a dollar coin into an ice-cream bucket to contribute to secure the neighbourhood character of my community. I'm prepared to stand up and do a lot more. I'm prepared to put my reputation, time and family commitments on the line to make sure that council understands the Ivanhoe structure plan needs to reflect the Ivanhoe community's views in relation to planning policy in the north-east'.

The Ivanhoe structure plan draft was dumped not long after that meeting, and we went through a very detailed consultation process over the proceeding couple of years. In the course of attending many of those consultation meetings, I saw the engagement by and knowledge exhibited by local people in the Ivanhoe electorate, particularly people who have invested and bought into property throughout Ivanhoe, East Ivanhoe, Eaglemont and Heidelberg, who understand that we are a stone's throw from the CBD. We can see it from our lounge rooms and front verandas.

We have fantastic public transport: six train stations in the Ivanhoe electorate. We have community village shopping centres in Eaglemont, East Ivanhoe, Ivanhoe, Heidelberg, Rosanna and Macleod, and the mall at West Heidelberg. What is important is that it is a great place to live that is close to the city. We have Deakin University on the doorstep. We have great schools. We have two great hospitals on one site. The previous government sought to flog off and privatise them, but the minister at the time lost his seat over that issue. The

Labor government under former Premier Steve Bracks then built two new hospitals on one site.

It is a great community, but that means developers come into that community and feel that they should make top dollar at the expense of the social infrastructure the community has fought for in terms of great schools, like Ivanhoe East Primary School, Ivanhoe Primary School and many others. Community members have struggled and fought to make sure that they get great social infrastructure that benefits the community, which they pay for via their taxes. But developers from out of town came in and put forward some hideous developments. They had never fought for the community infrastructure. They had never paid for it in our local community, but they felt they could leverage off it for personal, private gain, and the community said no. And the Ivanhoe community is not one you want to mess with. You want to understand, support and advocate for it; so we made sure that Banyule City Council dumped that Ivanhoe draft structure plan.

The council went back out to the community. I went back out there with members of the community and listened to them on Saturdays, Sundays and weeknights, and we heard more about what they needed done. Our concern was that interim planning guidelines needed to be established as protection when the *Draft Ivanhoe Structure Plan* was essentially going to be adopted by the council. We needed to make sure that interim planning guidelines were in place, so that developers could not come in and decide they would make a quick buck by making sure they got in under the old rules. We needed to make sure that there were interim planning guidelines in place, so we campaigned in Ivanhoe to the previous government and the Leader of the Opposition, who at the time was Minister for Planning — he was the minister responsible for the Ventnor payout, which Victorian taxpayers had to pay out because that was important in keeping secret details of dodgy deals he had done with former planning minister Robert Maclellan.

**Mr Morris** — On a point of order, Acting Speaker, I have displayed a fair degree of tolerance. The member's contribution has barely mentioned the bill in passing. None of the substance of his contribution has addressed the bill at all. Could you ask the member to return to the bill, rather than running an excursion either around his electorate or on other matters.

**Mr Donnellan** — On the point of order, Acting Speaker, the member was being very relevant. It was all about planning and issues in relation to planning, and I have noticed members previously have had a very wide

berth and gone far and wide in their endeavours. I would encourage you to consider that in your deliberations.

**The ACTING SPEAKER (Ms Blandthorn)** — Order! There is no point of order.

**Mr CARBINES** — To the previous government's credit, it adopted interim planning guidelines in response to a strong community campaign in Ivanhoe. What was important was that we needed to make sure that the Ivanhoe structure plan as affirmed by Banyule City Council was adopted by the then government and put into force to protect the neighbourhood character of the Ivanhoe electorate. This relates to the bill quite succinctly and clearly, because planning policies exist in local communities with neighbourhood character guidelines. Structure plans exist across Heidelberg, Ivanhoe and other locations that I will fight for in East Ivanhoe, Rosanna and Macleod. This is all about empowering local communities to make sure that the structure plans are in place that give very clear guidelines to developers and the community.

Structure plans let developers know what is acceptable in a community and let communities know what they can go to fight and advocate for at the Victorian Civil and Administrative Tribunal (VCAT). VCAT and councils need to take account of these. People are sick and tired of fighting planning applications from developers and sometimes from councils, and feeling as though it is Russian roulette, feeling as though they do not really know whether all the hard work they do on the internet in their own private time to understand neighbourhood character guidelines and structure plans is worthwhile. These are very dense, detailed and complicated matters that people commit themselves to understand and advocate for so that they can best represent the interests of their community and respect the services they have fought for, or that previous generations of their family have fought for. They have then had developers circle, thinking that they can do whatever they like in local communities, after those communities for generations have fought for the services they have that add value to their homes and build communities.

The changes proposed by the Andrews Labor government are all about acknowledging what communities have said: they want greater confidence in what VCAT does and a greater voice in the objections they raise. This bill goes a long way to doing that, and I commend it to the house.

**Ms SANDELL (Melbourne)** — I rise to affirm that the Greens in this house will support the Planning and

Environment Amendment (Recognising Objectors) Bill 2015. However, I take this opportunity to raise a few concerns that we have and ask the minister kindly to clarify a few aspects of the bill.

The Greens are of course in favour of more effective and genuine community participation in the decision-making around the planning process. If we want to sustain a truly livable city, we need to empower communities to be involved in decisions about their city and about what they want the city of the future to look like. The lived experience of residents and communities is so important. It can provide some crucial insights into the potential impacts of a development, and of course those voices should be heard.

My concern is that this bill does not take many meaningful steps to address this need for the community's voice to be heard. Simply asking the responsible authorities to take note of the number of objectors, and only in some circumstances, does not really go to the heart of what the Greens believe are some of the problems with the planning process. As others have mentioned, it could simply falsely raise people's hopes and expectations and indeed create more confusion for residents and responsible authorities, particularly councils. Real, meaningful change, as I believe was promised by the Labor Party before the election, would mean properly looking at some of the failings of the current planning system — things like, for a start, reinstating notice and appeal rights for residents in the capital city zone, who have greatly diminished rights to know what is proposed to be built in their suburbs, where and when, and a restricted ability to participate in the decision-making process around planning in their neighbourhoods.

There is no good reason for this fundamentally anti-democratic restriction except to fast-track developments by circumventing the voicing of community opposition, which can eat into the social licence of a project and raise questions that can be uncomfortable for developers and governments. As we know, it is often the same developers which have poured thousands of dollars into the coffers of both the old parties in order to secure favourable outcomes for their developments. As long as political parties take donations from property developers, it will be in the interests of those political parties to keep the community quiet and to favour the big end of town over the interests of local residents who are fighting to keep their city livable. Really meaningful change to the planning system would start with banning donations from property developers. It is not an onerous task. It is not a hard thing. Even our colleagues in New South Wales have been able to do it. It is time Victoria

stopped indulging in the mutual back-scratching that goes on between property developers and the Liberal and Labor parties.

Those issues aside, I have some questions for the minister in relation to the operation of this bill. On the face of it, it does not seem that it will do too much apart from give some community groups the false impression that they may be listened to more than they have been in the past. I could perhaps be a little bit cynical about this, but it seems to be a policy concocted to win the votes of those opposed to a certain development in the electorate of Prahran, unsuccessful as Labor's bid for that seat was. But it would be unfair and really untruthful of this government to get residents' hopes up that they will have more say in the planning system than they really do. In fact, as we have heard, one of the reasons that this bill is before the house is that the Labor Party wants to curry favour with residents of Tecoma, who opposed an inappropriate McDonald's in their town. But if we look at the substance of this bill, if it had been in place during the Tecoma campaign, it does not look like it would have made any difference at all.

As I mentioned, it does not look to us like this bill really addresses some of the fundamental problems with the planning system. But even though it looks like it will not do much, we need to be totally sure that it will not have unintended effects and be used against the interests of the community. It says community objections must be taken into account 'where appropriate', but what does 'where appropriate' actually mean? Is the objective to consider appropriateness in the context of the relevant planning scheme? This would seem sensible, but I do not want to assume, and I would like some clarification from the minister on this point. The bill offers no clarity about where this new requirement to consider the number of objectors will actually intervene. Will objections only be considered if they relate directly to social impact? What about environmental impact? Will the number of objections be considered when they relate to the environmental impact of a development, or do we say that these types of objections do not count?

Of course the Greens support the right of communities to oppose inappropriate and uncontrolled development, but equally we cannot allow a small, unrepresentative group with vested interests to prevent appropriate and necessary community infrastructure like wind farms, mosques, safe injecting rooms, health clinics or public and social housing. What if a council or government decides — and I dearly hope they do — to build new public and social housing in an area, but a small, noisy, unrepresentative group does not want a group of people

from a lower socio-economic class to live in their suburb? What if a noisy minority opposes a mosque simply due to its own prejudices? What about a wind farm? We know fossil fuel companies have been known to create fake community groups to oppose wind farm developments, and we need to know if this bill will impede the development of new renewable energy projects. Will this bill allow these types of really beneficial community infrastructure to be stopped?

I would like to hear from the minister about whether he will exempt certain types of development if they have a clear and beneficial social purpose, and if so, which types of developments will be exempt from this new requirement in the bill. Will he confirm that the applicable planning schemes will remain the core standard for decision-making by responsible authorities despite this new provision? I would also like to ask the minister to assure everyone that this provision will never be used as a reason to expand the areas where developments are exempt from notice and appeal rights for residents. This would surely be a perverse effect at cross-purposes with efforts to increase community participation in the decision-making process. We need some more clarity. We need to know whether this bill will have any effect, and if it does, we need to know that it will be an improvement and that it does not create further loopholes or encourage interference based on narrow vested interests in planning processes against the community's interests.

I also sincerely hope that this bill is only the first move on the part of the government to address planning reform overall. Dipping a toe in the ocean here really needs to be a precursor to diving in; this cannot be all there is.

The Greens have a very powerful vision for a livable Melbourne, and we know that planning reform is a central part of making that vision a clear reality. When Melbourne has higher densities than New York, Hong Kong or Tokyo, but a fraction of their population, it is time to look very hard at our planning process overall. As I have said, the no. 1 priority is banning developer donations, and we hope that if the government is serious about listening to the community, it will also reinstate third party notice and appeal rights in the capital city zone. But they are just a few of our suggestions, and it does not stop there.

We need to take the politics out of planning. We need to return control of large-scale developments over 25 000 square metres to councils as the responsible authorities with the expertise and holistic view of their communities. We need minimum apartment standards — and I do understand that I am digressing,

which I thank the minister for — to stop profit-hungry developers building floor upon floor of shoddy apartments, with no natural light or proper ventilation. We need these approved before the minister signs off on any new skyscrapers, and especially for developments such as Fishermans Bend, so that it does not fall victim to some of the problems we have seen in Docklands. Although there are some great apartments in Docklands, it also has many unsafe, unlivable apartments that are now having to be retrofitted or indeed are unfit for people to live in.

I also call on the minister to urgently review the residential zones in the city of Melbourne. The zoning recommended by the City of Melbourne and by the Residential Zones Standing Advisory Committee was rejected by the previous Minister for Planning in favour of higher densities and more development, yet the current minister has not fulfilled his promise to revisit this decision. These decisions have been revisited for other councils but not yet for the City of Melbourne, so on behalf of my residents, I ask him to do so urgently — and of course we absolutely need to get rid of the Melbourne City Council gerrymander, which sees businesses given two votes whereas residents are only given one. It is fundamentally undemocratic.

**The ACTING SPEAKER (Ms Blandthorn)** — Order! The member will confine her remarks to the bill.

**Ms SANDELL** — The Greens support the rights of local communities to oppose inappropriate developments. However, I am worried that the bill will not do that and instead is a token attempt by the Labor government to convince the community that it is listening, but it will not give residents much more say at all. Our other concerns are now on the record also, and we will continue to seek assurances from the government prior to the bill passing in the other place that it will not be used to derail considered and holistic approaches to planning, or be used as a substitute for actual and necessary reform of our current planning system.

The Greens welcome the opportunity to work with the Andrews government to fix the more fundamental flaws in the system I have outlined, and I very much look forward to working with the government on reforms that will make a real difference to our city and ensure that Melbourne continues to be the most livable city in the world.

**Mr LIM (Clarinda)** — I rise this evening to speak on the Planning and Environment Amendment (Recognising Objectors) Bill 2015. It would be remiss of me not to mention that I draw my remarks in part

from personal experience, especially during the last election campaign because a new section of the old Bentleigh electorate has now been incorporated into the new Clarinda electorate. I have learnt about the problems firsthand, and I know that the present member would be experiencing the same thing — that is, that people in that area, particularly in the suburb of Bentleigh, have been very concerned about the inappropriate development that was allowed to take place. Every second door I knocked on in that new area came up with the same complaint that the minister and the government at the time ignored their objections and their concerns and ignored their angst. We see the result of that angst and those objections in the context of this bill. People have transferred their anger into votes for the new member for Bentleigh, and almost everything I say tonight underlines what has occurred and what I have experienced.

The bill amends the Planning and Environment Act 1987 to ensure that, in considering a planning proposal, the extent of community objection or response to the proposal is more adequately considered. This will happen when responsible authorities, or the Victorian Civil and Administrative Tribunal (VCAT), consider the number of objectors to a particular proposal and whether the proposed use would have a significant social effect. This new criterion will be considered in addition to other matters that are normally considered as part of a planning proposal, including any significant economic and environmental effects that may occur as a result of a planning approval.

The bill amends section 60 of the Planning and Environment Act 1987 to ensure that the responsible authority has regard to the number of objectors when considering whether a proposed plan will have a detrimental social effect. The bill will also amend section 84B in a similar manner, but it will relate to VCAT. The current law states that a responsible authority must have regard to: the relevant planning scheme, the objectives of planning in Victoria, all objections and other submissions which it has received and which have not been withdrawn, any decision and comments of a referral authority which it has received, any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development, and any significant social effects and economic effects which the responsible authority considers the use or development may have.

Other things a responsible authority may have regard to are the demand for community facilities and services, community safety and amenity, and the needs of certain

sections of the community, such as the elderly. From my doorknocking days, I can see that people find the infringement on their quality of life to be very hurtful, and that is why they transferred their anger at the ballot box, such that they returned Labor to office.

There is not currently a requirement that the number of objectors to a planning proposal is properly acknowledged or considered. This ignores the logic that a large quantity of objectors would imply that there is a large community backlash against and concern about a particular proposal and that due consideration must be given to the objections and the reasons for them. A decision-maker may review an objection and consider whether the objection relates to relevant planning considerations or whether there will be significant social effects on the community and any evidence to support this. A large number of objectors raising similar concerns may suggest that a significant portion of the community may be adversely affected by a planning approval. However, the bill and its amendments do not diminish the weight of a solitary objector or their contentions.

The bill is of particular interest to me following the enormous community response to planning proposals in my electorate. A proposal to develop a concrete crushing facility in my electorate was received by Kingston council following the expiration of the temporary protection against the new development of concrete crushers or materials recycling facilities. A further proposal has been lodged to develop a materials recycling and transfer substation within my electorate. The company behind the application is seeking to renew its existing lease, which is about to expire. The community response and objections to these two proposals in my electorate have been absolutely overwhelming. The rage and disbelief that these facilities can be considered for development or continued in what we consider as our green wedge has been very loud and clear.

I have received more than 700 representations in response to a petition that was sent out. This is an ongoing fight in which my electorate and I have joined forces to bring the matter to the attention of the local council and also to the minister. I want the hundreds of objections by constituents in my electorate to be appropriately recognised and acknowledged, and this bill is very much in keeping with those wishes. I commend the bill to the house.

**Mr MORRIS** (Mornington) — I am pleased to join the debate on the Planning and Environment Amendment (Recognising Objectors) Bill 2015, notwithstanding that the name is probably a bit of a

misnomer because the bill does nothing of the sort; rather, it adds complexity to the planning process. I make those comments, and my subsequent comments, in the light of having spent six and a half years as a member of the Mornington Peninsula Shire Council and five as a member of the Western Port Regional Planning and Coordination Committee. So I am not making these comments in the absence of experience. Probably hundreds, if not thousands, of applications were considered over that time.

Throughout much of the period since 2000 we have had performance-based schemes. These are very different to the old prescriptive schemes. To add to that confusion we had the introduction of Melbourne 2030 as well. While the intent of Melbourne 2030 was entirely reasonable — to increase redevelopment rather than simply development on the urban fringe — the outcome was very different. It meant that applications could be made for almost any scale of development on almost any site.

In my part of the world a lot of people who had been used to the certainty that we had before have over the years become worn down, have opted out and have ceased to protect their neighbourhoods. Some government members have made similar comments, and I certainly agree with those. I guess where I disagree is that this bill will make any difference to that situation.

There is another matter that also needs to be raised, which is that the situation changed substantially under the previous government. We were determined to put more certainty back into the planning zones, and we did that. In fact the cases that are frequently referred to in connection with this, and that the former shadow minister referred to in his initial press release, well and truly predate the reform of the residential zones.

It is interesting to look at the history of this bill. It is interesting to go back. The member for Box Hill referred to the press release of 20 October last year from a then member of the upper house, Mr Brian Tee, then the shadow planning minister. I think he is the only minister or shadow minister who has been a member of the Construction, Forestry, Mining and Energy Union (CFMEU). Thankfully, and probably in the interests of good planning, Mr Tee was not successful at the election.

When you go back and look at the situation that was prevailing at that time, you see it was the Tecoma McDonald's application. Mr Tee went out there with the now Deputy Premier, and they said that they would, in government, amend the Planning and Environment

Act 1987 so the Victorian Civil and Administrative Tribunal (VCAT) had to take into account the extent of community opposition to planning proposals. Then Mr Tee and the current Deputy Premier met with locals at Tecoma and said that anywhere where there was significant community opposition, such as Tecoma and the Prahran Orrong Towers development, under their proposed changes those things would not go ahead and that had those changes been in place at the time, things would have been very different.

Interestingly, there was not a word or a mention of social effects in that media release. In fact the only mention we saw of the term 'social effects', which now features quite prominently in the bill, was in a report by Henrietta Cook in the *Age* that largely repeated the information in the Labor media release, filled in the back story in terms of the two developments and then talked about how under current law social effects must be taken into account. Reference to social effects was entirely absent from that initial media release.

Then we had a media release from the now Minister for Planning, who is thankfully not a member of the CFMEU, and it draws an interesting contrast in terms of what Labor is now saying it promised. It refers to the supposed 'key election commitment', then it says that it will require VCAT, where appropriate, to recognise the social impacts a future development may have. Community views will not outweigh planning rules, but the community's voice will be given consideration.

There is a long history in terms of community views being taken into account or not taken into account. In relation to the Stonnington application I referred to, the Prahran one, there was a VCAT decision in June 2012 and the order was made in July 2012. There was a 67-page determination on that. Then there was a further judgement in the Supreme Court on 19 September 2013. That report addressed the issues pretty well. Admittedly this was a very big development. It was 19 buildings of between 2 and 12 storeys, consisting of 448 apartments and 18 townhouses. It was a real monster by any scale that you might consider.

The council appealed the VCAT determination on three grounds. The relevant one for this bill was whether the extent of resident opposition to the proposal, as evidenced by the number of objections received, was an irrelevant consideration. The judge addressed that issue extensively and looked at previous considerations with regard to gaming machines and other matters where similar issues were raised. He concluded that in his view the tribunal's refusal to take into account the extent of community opposition was entirely right and entirely consistent. That is repeated in both cases. He

effectively made the point about the distinction between the Romsey case and this one.

The judge quite rightly said it would be an error for the tribunal to hold that there was a blanket-type prohibition, but he concluded that in this case the tribunal made no error in declining to have regard to the extent of community opposition. Interestingly, though, in the judgement he also said the planning act:

... does not expressly require the number of objections to be taken into account, as it could have done. It would have been a simple matter for the legislature to so provide.

It would have been a simple matter for the legislature to so provide; that is exactly right. It could have been done, but the Parliament did not and nor will the Parliament do that in this case. The bottom line with this bill is that while there are extra words inserted in the planning act, the practical effect is absolutely zero, because the words that are inserted in the act do not override any normal planning considerations.

The effect of this bill is simply to raise further the hopes of people who have previously had their hopes raised, but it will take a while for the effect to work through the tribunal, and those people will again find that this is nothing but a cruel hoax. It is a measure that simply adds extra words to the Planning and Environment Act 1987. It adds extra complexity in terms of planning applications, and in that case it is certainly not a job-generating measure. It will impact, probably not enormously, in terms of the number of planning applications that are considered.

The bill does nothing to protect the interests of the community, whether you are talking about Tecoma, whether you are talking about the Stonnington case or whether you are talking about any of the many other issues that have been raised by every member who has spoken on the issue. The bill will do absolutely nothing in terms of protecting the interests of those residents. It is a bill that is at best vague. It is a bill that is at best unclear. It adds to complexity, it creates false hope and it adds costs to the industries, and the outcome of the bill will be a planning system that is driven by the legal system to an even greater extent than is currently the case.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

### 1st Warrandyte/Park Orchards Scout Group

**Mr R. SMITH** (Warrandyte) — The issue I raise today is for the attention of the Minister for Youth Affairs, and the action I seek is for her to fund the scout hall for the 1st Warrandyte/Park Orchards scouts at Stiggants Reserve in Warrandyte. I am very proud to have been the Minister for Youth Affairs and to have been part of the only government in this country that supported scouts to the degree that our government did. Over the course of our term we contributed \$5 million towards the scouting movement and the girl guide movement to renovate and refurbish a number of facilities right across the state. Many dozens of scout halls were refurbished in order to provide more access for disabled scouts and to make sure that there were many opportunities for young leaders to be accommodated in the scout halls.

Not only did we spend a lot of money on refurbishing the scout halls but we also helped the scout movement to attract people from culturally and linguistically diverse backgrounds. We wanted to encourage new Australians, people who have come to our country, to get involved in a movement whose values that we, as a government, supported and shared — values such as community spirit, mateship, being able to work with each other and cooperation. The scouting movement raises young leaders in our communities, and we wanted new arrivals to our country to be part of that as well. In addition to those very important values, we put aside money to help scout leaders understand when scouts were suffering from depression or other issues so that they could identify that and deal with it.

I was very proud to be part of a government that supported scouts, and I find it appalling that the Andrews Labor government has completely abandoned scouts. Coming to office off the back of a successful four years when funding was available and scouts were supported, the Andrews government has completely abandoned scouts in so many different ways.

The action I seek from the minister is specifically to do with my electorate, and it is to support my local scout group. Amongst dozens of others, it had funding committed by the previous government, and had we won the election, there would have been many dozens more scout halls supported. Scouts Victoria will still support dollar for dollar what the state government gives towards scout halls. Scouts Victoria will add to the government contribution, and the outcome we will get, not just in my electorate but across Victoria, from supporting scouts will see a whole generation of new young leaders coming to the fore.

Quite by coincidence, I am delighted that there is a scout group in the gallery today. As I said, it was a real pleasure to be able to support young leaders such as them. My request to the Minister for Youth Affairs is that she support my local scout group and also consider more broadly the value of supporting these great young leaders with funding going into the future.

### Calder Freeway noise wall

**Mr CARROLL** (Niddrie) — I raise a matter for the attention of the Minister for Roads and Road Safety. The action I seek is that the minister seek advice from VicRoads on whether the Fullarton Road sound wall from Bowes Avenue to Matthews Avenue at Airport West can be painted as part of the VicRoads anti-graffiti program.

Jason Macleod, the manager of the graffiti removal program, visited Fullarton Road, Airport West, on 5 June to undertake a site assessment and take a video. It showed that directly opposite the sound wall VicRoads would need to introduce a traffic management plan before anti-graffiti removal staff could go ahead and paint the sound wall. Beautification works such as these give residents pride in their local community. This would be an interim, short-term, positive measure while we await the replacement of the sound wall, which will be very costly.

I have received lots of feedback on the recent painting of the sound wall that runs from the Matthews Avenue roundabout down to Grange Road. I thank Adam Maguire, the metropolitan north-west regional director at VicRoads, who has been of great assistance to me. I also put on the record the feedback I have received from many residents, in particular residents of Airport West, including Christine Torrance, Sharon Edwards and Samantha Acott Law, who overwhelmingly have been very supportive of the action to improve the amenity of the freeway noise wall.

On 19 May I traded in my suit and joined VicRoads staff to help paint the Fullarton Road noise wall. The wooden noise walls in the Niddrie electorate were erected when I was a kid, and I will continue to campaign for our community to have noise walls comparable to those in the eastern suburbs and other parts of Melbourne. In the meantime I continue to receive feedback from the community on the urban art upgrade at the Fullarton Road noise wall, which will be accompanied by hydroseed planting to assist its beautification.

The feedback I have received about the colour scheme that has been introduced for the Fullarton Road noise

wall has been overwhelmingly positive. Many residents have written to me about it, and on my Facebook page the likes are well and truly into the hundreds. I have received lots of comments and lots of positive feedback.

I really appreciate the minister's efforts to date in assisting me in this endeavour. I have raised these issues about Fullarton Road and its beautification on many occasions with the previous government and the current government. The previous minister was very helpful in terms of putting up some guardrails in this very high-volume traffic area. I appreciate the minister's efforts. I know he has visited my electorate on more than one occasion, but if we can continue the painting from Bowes Avenue up to Matthews Avenue, this noise wall will be complete.

### **Sandringham electorate legal services**

**Mr THOMPSON** (Sandringham) — The action I seek tonight is for the attention of the Attorney-General, and I ask that he meet with legal practitioners within the Sandringham electorate and the general district to review areas for improvement in access to law and legal services, particularly in relation to community legal services and the ordering of procedures at the local Magistrates Court, and to have a general dialogue in order to come up with some good ideas that might assist in the administration of justice into the future.

As a former chair of the Victorian Parliament's Law Reform Committee, it has been my experience to meet with people across the state in order that good ideas can be put forward at the local level. The exchange of ideas between those involved in the administration of justice and those who serve the community through their legal skills is one where there can be constructive opportunities for good dialogue and good insight. There have been some radical changes in legal service delivery in recent years, in part through the advent of the internet and the operation of 24/7 practices. The ongoing advocacy and development of good ideas that can come from the process of consultation and from a process of legislators meeting directly with people within communities who administer the law can produce good outcomes into the future.

Over the years the Sandringham electorate has been well served by barristers, solicitors and those who have contributed to community legal centres and to the development of legal policy. I believe there could be a constructive outcome if the Attorney-General were able to meet with a local group convened at some stage just to look at what vision splendid might be developed that could assist in the administration of justice.

Historically many courthouses were closed in Victoria under the 1980s Labor administration, which sought to build efficiencies into the administration of justice, and efficiencies have developed with the advent of online services. I note that a number of years ago the Fitzroy Legal Service was put online, which greatly assisted people across Victoria to gain good information on tenancy disputes, motor vehicle accident issues and fencing law. Parliamentary committees have embarked upon inquiries in those areas to work out how costs can be reduced and access to law and legal services can be improved. We would welcome a visit by the Attorney-General to the electorate. It would enable a good dialogue to take place to improve the administration of justice in Victoria.

### **Mernda and Doreen Diwali festival**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Multicultural Affairs. The action I seek is that he support the Mernda and Doreen Multicultural Association (MADMA) application for funding for its Diwali festival this year. MADMA's inaugural Diwali festival was held in Mernda last year, and it was a huge success. I was privileged, pleased and delighted to be a sponsor. With Melbourne's north welcoming a growing South-East Asian population, this event will most definitely become one of my community's biggest and best events. It is a celebration full of colour, bright lights, fun and families and of course food — glorious Indian food.

The organisers of the festival want to ensure that the event continues to grow and prosper, making it one of the not-to-be missed events in the city of Whittlesea. To do this, funding and support are needed from local and community sponsors and local and state governments. Support is required for lighting, stages and all the things that make a great festival. Dozens of people have volunteered to put this festival together, including local Mernda identity Tom Joseph. MADMA has lodged its application, which seeks state government funding to assist running this year's event to make it bigger and better than the last one and to set it up for the future. This also means that the City of Whittlesea must get on board and support this emerging local festival that will soon become a great part of the city's events calendar.

As I mentioned, the South-East Asian community is growing strong in Melbourne's north, particularly in Mernda in my electorate of Yan Yean. Each year we are welcoming many hundreds of new families from the South-East Asian region. Our relationships with India, Sri Lanka and other countries throughout South-East Asia are vital to the future of Victoria, and

more broadly Australia. Victoria must work with India to foster more trade and cooperation as we look to expand business opportunities further than in just the areas of ICT, education and tourism. India is a complex trading country, with strict tariffs and significant regulation, so there is a lot of work to do. Relationships are built around understanding and friendship. I have seen firsthand the positive impacts the South-East Asian community is having in Melbourne's north, including Yan Yean.

I note that the Victorian Parliamentary Friends of India had its inaugural meeting today in the Parliament, and I would like to congratulate my friends and colleagues, including the member for St Albans, who is now the secretary of this great group, and the member for Dandenong, who is the convener. I look forward to the day when I can visit that region myself so I can understand more about my local community.

I hope very much that the Victorian government, Whittlesea City Council and strong local sponsorship can come together to make the second Diwali festival in Mernda even bigger, better, brighter and bolder than the first.

### **Australian Adventure Festival**

**Mr T. BULL** (Gippsland East) — I wish to raise a matter for the attention of the Minister for Regional Development. The action I seek is that the government provide funding for the Australian Adventure Festival, which is to be based in Lakes Entrance later this year. This event will attract international athletes and has already attracted \$350 000 in funding from the local shire, with just under \$50 000 in local corporate support. Prior to the election the coalition committed \$350 000 to match the local government contribution for this event, but it was not a bipartisan commitment, and now it is time for that event to get some level of support from the current government.

This event was born out of a feasibility study that was funded by the previous government. That study identified this adventure festival as being the right fit for an iconic event for the East Gippsland region. As we know, major events can transform regional communities. This event is aligned with the regional brand of Gippsland, and it will certainly promote our fantastic natural attractions and assets in that area.

The festival itself will cater for all athletic strengths, ranging from the professional and elite adventure racers right through to events for kids. It includes a two-day stage race for elite athletes, and that will be the showcase feature event; a one-day adventure race,

which competitors can complete as individuals or teams; a 100-kilometre ultimate trail run; a half-marathon trail run; a 100-kilometre mountain hiking event; a 50-kilometre mountain biking event; and 21-kilometre and 14-kilometre paddles on the fantastic Gippsland Lakes. As I said, there will also be a host of kids events that will include mountain biking, paddling and the like.

Lakes Entrance is the event hub. It will make a spectacular location in what is our very picturesque but challenging landscape. The event will showcase some of Victoria's unique iconic natural destinations, including the Gippsland Lakes, the Snowy River and the mountain bike trails in the Colquhoun Forest.

A number of ambassadors have already supported this event. Adventure athlete Richard Ussher from New Zealand was in Bairnsdale recently promoting the event, and it was terrific to catch up with him and have a chat about his views on why our region is so very well suited to an event of this scale. It provides an enormous opportunity to showcase our region on a worldwide stage. As I said, it has attracted \$350 000 from the local government and around \$50 000 in business support, and now it is time for this government to come to the party and to offer a level of support to what can be a great event for Victoria.

### **McClelland College**

**Mr EDBROOKE** (Frankston) — My adjournment matter is for the Minister for Education. I request that the minister visit McClelland College in Frankston to see the great work going on there.

**An honourable member** — A great school.

**Mr EDBROOKE** — It is a great school. I have visited the school on quite a few occasions now and have witnessed firsthand the great educational culture that principal Amadeo Ferra and his staff have been able to grow and how this contributes to our community and builds our future leaders. It has certainly come a long way.

Schools in Frankston are well aware of the former government's shameful treatment of Victorian schools. It almost halved the capital maintenance budget, slashed \$1 billion from the state education budget and cut the education maintenance allowance, which supported so many families in my electorate. It probably would have been handy if the Liberal candidate for Frankston had known what the education maintenance allowance was, given that his party cut it. School funding is not a political football, nor should it

involve blindly throwing money at schools, as the previous government did. I was overjoyed to be able to recently attend two other schools in my electorate — Frankston Primary School and Monterey Secondary College — to announce that the funding we committed to them was in the budget and ready for them to use to bring those schools up to the minimum educational standard that we expect in Victoria.

McClelland College has invited me to become a community member of the college council, an invitation I have accepted. I attended a meeting last week. As a former teacher, I can see that McClelland College has an excellent project ready to go, and I intend to help the school achieve it.

### Challenge Family Violence

**Mr PAYNTER** (Bass) — My adjournment matter is for the Minister for the Prevention of Family Violence. As an ambassador for White Ribbon, a husband and a father of three girls, I will not remain silent on the issue of family violence and men's violence against women. Over recent years there has been a growing recognition of the prevalence of family violence and of its devastating effect on its victims, principally women and children. An integrated strategy is needed to prevent family violence from occurring and to better protect and help its victims. The Victorian coalition government put together such a strategy, as set out in *Victoria's Action Plan to Address Violence against Women and Children 2012–2015*. Many elements of this strategy were fully implemented during the term of the previous government, and further elements had been announced and were in the course of being implemented at the time of last year's state election.

It is important that what has been achieved to date is not lost and that initiatives that were in the course of being implemented are not abandoned or delayed. The most important step in ending family violence is preventing it from happening in the first place. A range of prevention programs were implemented under the coalition's action plan. This included investment in building the capacity of Victoria's 79 local councils to undertake prevention activities. One such project was the Challenge Family Violence initiative undertaken by the Shire of Cardinia, City of Casey and City of Greater Dandenong. I was a participant in the project and signed to pledge never to commit, excuse or ignore violence against women.

Tonight I therefore ask the minister to commit to continue funding for the Challenge Family Violence project. We know that family violence is a gender

crime, and we also know that men's violence against women will continue to increase unless men are fully engaged in and committed to having the conversation. The problem is right here, right now. It makes no sense to be slashing funding to male-led initiatives such as the Challenge Family Violence project at a time when the problem is getting worse. We cannot wait until the findings of the Royal Commission into Family Violence are released. Approximately 36 women across Australia — 36 women! — will be murdered between now and when the commission releases its report in February 2016.

Men's violence against women is an issue that requires bipartisan support at the state and federal levels. On 15 May I sent a letter to the Speaker of this house urging the Parliament of Victoria to take part in the White Ribbon Australia workplace accreditation program, and I have yet to receive a response.

**The DEPUTY SPEAKER** — Order! The honourable member cannot ask the minister to continue funding.

**Mr PAYNTER** — I am asking the Minister for the Prevention of Family Violence not to cut the funding for the Challenge Family Violence program.

### Pascoe Vale bus services

**Ms BLANDTHORN** (Pascoe Vale) — I appreciate the opportunity to raise a matter for the attention of the Minister for Public Transport. The action I seek is for the minister to visit the Pascoe Vale district, and in particular the Gaffney Street precinct, to inspect the proposed changes to either the 542 or the 561 bus routes. I have already spoken in this chamber a number of times about the significant growth in the Coburg North and Pascoe Vale areas and about how this growth is expected to continue. In order to meet the growing population's need for goods and services there has been considerable development in the Pascoe Vale and Coburg North areas, particularly in relation to the building of the new Coburg North village, which will include a new Coles supermarket on the corner of Gaffney and Sussex streets. The current Coles, which is on the corner of Cumberland Road and Gaffney Street, will close on 8 August.

The imminent closure of the Pascoe Vale Coles has led to some residents, particularly elderly residents, becoming increasingly concerned. A lot of these elderly residents currently walk to the existing Coles but will not be able to walk to the new Coles further down Gaffney Street. There is need for better public transport, and one option is to improve the bus routes. The bus

routes can be extended to run between Batman and Pascoe Vale railway stations, with either route able to travel the length of Gaffney Street. I ask the minister to come to Pascoe Vale to inspect these two routes — route 542 and route 561 — to assess which of them would best be extended to provide for residents, particularly elderly residents, who are concerned about their ability to get to the new shopping precinct.

### **Toorak Road, Camberwell**

**Mr WATT** (Burwood) — My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for the minister fix Toorak Road to ensure the safety of commuters passing through my electorate and those who live in my electorate. Late last year I wrote to the Premier to ask him to do exactly that, and I was somewhat surprised to receive a reply from the minister stating that the request had been passed on to him. I thank the Premier for passing on my correspondence; at the time I did not have the contact details for the minister. I appreciate that, and I also appreciate the minister responding to my request.

In that response I was surprised to read that the section of Toorak Road I had referred to is ‘managed for tram and pedestrian priority’. If anybody knows Toorak Road, they know that it is heavily used by cars. Lots of cars use Toorak Road, so I was quite surprised to be told that the road, though it does have tram tracks, is going to be prioritised for trams and pedestrians. The letter continues:

VicRoads inspects the entire road network annually and programs its resurfacing works according to statewide priorities, within available funding. This road section was inspected and assessed within this context, and was not prioritised for the 2014–15 program.

You can imagine my surprise when I came across a lot of roadworks as I travelled home from Parliament last night. It was not really roadworks; it was more of a half-arsed — sorry, half-baked — patch-up job of Toorak Road. I stopped at the front of my office and jumped out of my car thinking, ‘Great! They are actually going to fix this road!’, and I looked at it, but it looked a bit like snakes and ladders, except it was more like snakes and potholes. The problem is that there are potholes in the middle of the road. The sidelines are being fixed somewhat but only to the extent that from me being able to put my whole fist in the pothole I am now able to put only my flat hand in the pothole. The effort that is being gone to is a disgrace. It is a disgrace that the minister says that the road does not need fixing and then orders a half-baked job and expects the people of my electorate to appreciate the work.

I call on the minister to actually fix the road, fix it properly, make it safe and make it so that the people of my electorate can appreciate the road. People here may not appreciate the fact that I am a bike rider, but one of the things I do not do anymore is ride my bike on Toorak Road. It is not safe: too many potholes equals too many punctures. I do not ride along Toorak Road, but I want to be able to ride along Toorak Road, and I want it to be safe enough to do so.

**The DEPUTY SPEAKER** — Order! I advise members that they should not swear in the house. It is disorderly.

**Mr Watt** interjected.

**The DEPUTY SPEAKER** — Order! The word the member used before he used ‘baked’.

### **Regional rail link**

**Ms COUZENS** (Geelong) — My adjournment matter is for the Minister for Public Transport. I ask the minister to visit the Geelong railway station to meet with commuters. From 21 June V/Line Geelong services will start using the dedicated regional rail link tracks through Wyndham Vale, Tarneit, Deer Park, Ardeer, Sunshine and Footscray into Southern Cross station.

There are five additional p.m. peak services to Melbourne — two from Geelong and three from Wyndham Vale station. There are four additional p.m. peak services — two to Geelong and two to Wyndham Vale station. Trains will leave Geelong on average every 10 minutes during the a.m. peak and leave Southern Cross station for Geelong on average every 10 minutes during the p.m. peak. Trains will run on the Geelong line every 20 minutes on average during the day on weekdays. There will be a total of 40 extra Geelong services each weekday, 21 from Geelong to Melbourne and 19 from Melbourne to Geelong. This represents a total of 200 extra services between Geelong and Melbourne in both directions and 51 services from Geelong to Melbourne one way. Currently there are only 30 services. There will be extra peak trains from Waurin Ponds and additional services to and from Waurin Ponds on Sundays.

This improved frequency of train services will make a significant difference to Geelong commuters and visitors to our beautiful city of Geelong. The Andrews Labor government is getting on with providing better public transport services in Geelong, and it would be a pleasure to have the minister visit and discuss this with commuters.

**Responses**

**Mr PAKULA** (Attorney-General) — The member for Warrandyte raised a matter for the Minister for Youth Affairs, seeking funding for his local scout group in Warrandyte. I will refer that.

The member for Niddrie raised a matter for the Minister for Roads and Road Safety, seeking advice from VicRoads about the painting of the sound wall on Fullarton Road, Airport West. I will refer that.

The member for Yan Yean raised a matter for the Minister for Multicultural Affairs, seeking support for the Mernda and Doreen Multicultural Association's Diwali festival. I will refer that.

The member for Gippsland East raised for the Minister for Regional Development funding for the Australian Adventure Festival in Lakes Entrance. I will refer that.

The member for Frankston sought that the Minister for Education visit McClelland College in Frankston. I will refer that.

The member for Bass raised a matter for the Minister for the Prevention of Family Violence, seeking that there be no cut to funding for the Challenge Family Violence project in the shire of Cardinia, and I will refer that.

The member for Pascoe Vale raised a matter for the Minister for Public Transport, seeking that she visit Gaffney Street in Pascoe Vale to view the proposed 542 and 561 bus routes.

The member for Burwood raised a matter for the Minister for Roads and Road Safety, seeking that he fix Toorak Road. During that contribution he indicated that constituents in his electorate have mercifully been spared the sight of him in lycra on his bicycle. I am sure they are very grateful for that.

The member for Geelong raised a matter for the Minister for Public Transport, seeking that she visit the Geelong railway station and meet with commuters.

The member for Sandringham raised a matter for me, seeking that I meet with solicitors from his local area to address some of the matters that are currently of interest to them. This is an interesting time for the legal profession given the upcoming introduction of the uniform national law from 1 July, which Victoria and New South Wales are engaged in.

The member also mentioned the fact that the Fitzroy Legal Service has put its law handbook online. As I

have indicated to the house previously, we were very proud to provide \$200 000 in the budget so that that can remain free online for the next four years. Of course I would be more than happy to meet with solicitors from the member's electorate.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 7.29 p.m.**