

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 9 December 2015

(Extract from book 19)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

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Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
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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 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 — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent ³	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
Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁴	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁵	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁶	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

¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 2 February 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, 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 Nardella and Ms Ryall.
(*Council*): Mr Bourman, Mr Elasmr and Mr Melhem.

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

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 Kilkenny and Mr Pesutto. (*Council*): Ms Bath and Mr Dalla-Riva.

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Wednesday, 9 December 2015

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

RULINGS BY THE CHAIR

Constituency questions

The **SPEAKER** — Order! As members are aware, a number of points of order have been taken in the past few sitting week regarding the admissibility of some constituency questions. This matter has recently been discussed by the Standing Orders Committee and it has been suggested that the Chair issue a set of guidelines to aid members when constructing constituency questions. I have taken that advice and prepared a set of guidelines based on my previous rulings. Copies of the guidelines have been distributed in the chamber this morning for the information of members.

Included in the guidelines is a suggested technique for raising questions. I encourage members to ask their question immediately after they are given the call. They may then provide information to give some context to the question they have asked. I hope this guidance will assist members in constructing their constituency questions appropriately in the future and avoid the need for so many questions to be ruled out of order.

ELECTORAL LEGISLATION AMENDMENT (POLITICAL DONATIONS) BILL 2015

Introduction

Ms SANDELL (Melbourne) — I move:

That I have leave to bring in a bill for an act to amend the Electoral Act 2002 and the Local Government Act 1989 in relation to political donations and for other purposes.

Motion defeated.

PETITIONS

Following petitions presented to house:

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian

government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

By Mr WATT (Burwood) (9 signatures).

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Morwell electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

By Mr NORTHE (Morwell) (163 signatures).

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Ringwood electorate draws to the attention of the house that the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

By Ms RYALL (Ringwood) (209 signatures).

Ashburton public housing

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the Andrews Labor government has failed to provide the adequate provision of range hoods for tenants living in public housing properties along 114 Victory Boulevard in Ashburton. The properties in

question are not fitted with range hoods above stoves in their kitchen areas and as such, complaints have been made regarding the health and safety of residents due to high levels of smoke inhalation.

Range hoods are essential in the modern home as they remove heat, moisture and pollutants.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Housing, Disability and Ageing in the Andrews Labor government to place range hoods above stoves in public housing properties along 114 Victory Boulevard in Ashburton.

By Mr WATT (Burwood) (16 signatures).

Gardiners Creek Reserve, Burwood

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the current state government has granted Deakin University committee of management rights over Crown land in the Gardiners Creek Reserve, Burwood. The purpose of this grant is to allow the university to erect a high level bridge across the parkland. This has created an actual, and perceived, conflict of interest as Deakin University has had a continuing desire to develop the very same land between its campuses, despite sustained community opposition.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the minister for the environment to return the committee of management of the Crown land in question to the City of Whitehorse.

By Mr WATT (Burwood) (89 signatures).

Markham Avenue, Ashburton, redevelopment

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the Andrews government has announced, via the *Age* website, plans to build a large-scale, high-density 240-unit overdevelopment at 2–18 Markham Avenue, Ashburton, which currently has only 56 public housing units.

The area surrounding Markham estate has been zoned by Boroondara council as neighbourhood residential which restricts large-scale developments.

Prior to the last election, Daniel Andrews and Labor denied that they had any plans for such an overdevelopment.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its decision to massively overdevelop this site, adhere to the maximum height of 9 metres, in line with community expectations.

By Mr WATT (Burwood) (2 signatures).

Public holidays

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house that the new grand final eve and Easter Sunday public holidays will result in both lost productivity and higher wage costs for small business at a stage when many are already facing difficult times. At a time of high and rising unemployment, and where there was no pressing need or compelling argument for their introduction, imposing these two new major costs on Victoria's businesses damages them and their employees, consumers and our state's economy without justification.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reconsider its decision to introduce two additional public holidays in Victoria.

By Mr WATT (Burwood) (44 signatures).

Whitehorse planning scheme amendment

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that Whitehorse City Council and residents of the City of Whitehorse have significant concerns with amendment C153, particularly in relation to the disproportionate height compared to the 8-metre limit on properties in surrounding streets, the local impact of traffic and parking, the environmental effects of the adjoining Gardiners Creek and the sheer density of the proposed 310 dwellings at 15–31 Hay Street, Box Hill South.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the Minister for Planning in the Andrews Labor government to reject amendment C153 and the proposed planning permit, in line with the Whitehorse City Council recent decision of 16 March 2015.

By Mr WATT (Burwood) (218 signatures).

Yea Primary School

To the Legislative Assembly of Victoria:

The petition of residents in the Murrindindi shire draws to the attention of the house the desperate need for electronic 40-kilometres-an-hour speed limit signs to be installed on Station Street (Melba Highway) at Yea Primary School.

Local families in Yea are very concerned for the safety of schoolchildren and the crossing supervisor and believe that current conditions are very dangerous — especially in the morning with low-level cloud and fog masking the school crossing.

The petitioners therefore request that the Legislative Assembly urges the state government to provide crucial funds for electronic 40-kilometres-an-hour speed limit signs at Yea Primary School to ensure the safety of local schoolchildren.

By Ms McLEISH (Eildon) (102 signatures).

Ringwood residential development

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the planning application for residential development at 42–58 Nelson Street, Ringwood.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Minister for Planning to ensure compliance with the City of Maroondah planning scheme and that any development is limited to five storeys only.

By Ms RYALL (Ringwood) (49 signatures).

Tabled.

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

Ordered that petitions presented by honourable member for Burwood be considered next day on motion of Mr WATT (Burwood).

Ordered that petition presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

Ordered that petitions presented by honourable member for Ringwood be considered next day on motion of Ms RYALL (Ringwood).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

East West Link Project — Ordered to be published

Portfolio Departments and Associated Entities: 2014–15 Audit Snapshot — Ordered to be published

Australian Children's Education and Care Quality Authority — Report 2014–15

Commissioner for Privacy and Data Protection, Office of — Report 2014–15 and Supplement to Report 2014–15 (two documents) — Ordered to be published

Education and Care Services National Law Act 2010 — Report 2014–15 of the Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners

Hazelwood Mine Fire Inquiry Report 2015: Volume 2 — Investigations into 2009–14 Deaths — Ordered to be published

Ombudsman — Reporting and investigation of allegations of abuse in the disability sector: Phase 2 — incident reporting — Ordered to be published

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 145.

MEMBERS STATEMENTS

Sydenham Kite Festival

Ms HUTCHINS (Minister for Local Government) — I rise to talk about the Sydenham Kite Festival, which was held in my electorate just a few weeks ago. It was the fifth annual festival, and is completely run by volunteers. I want to congratulate Annie Ang and Matthew Lam for all their hard work over the years in putting this festival together. It started with a Sydenham Leadership Group participation training program which was organised by Brimbank City Council. Out of that came the kite festival, which has grown from strength to strength every year, and this year was no exception. It is a free event, with the support of Brimbank council, local businesses, community groups, City West Water and Lions. It connects kids with the outdoors and does an amazing job. It gives away hundreds of free kites to local kids, and it is a great day out.

Helen Bushell

Ms HUTCHINS — I would also like to recognise the services of Helen Bushell, who turned 93 on 10 April. She has given her life to Australian kiting, has been a keen supporter of this kite festival and, with her extensive kite collection, has represented Australia at international kite festivals and competitions over the years. Regrettably she was too ill to join us this year, but I want to pay tribute to her life's work in kiting and acknowledge her induction into the international hall of fame of kiting, which began in 1997.

Monash Freeway noise barrier

Mr M. O'BRIEN (Malvern) — I bring to the attention of the house the appalling state of the noise wall on the Monash Freeway near the Toorak Road city-bound exit ramp. This noise wall is missing several panels, meaning that it completely fails to do its job — that is, it fails to prevent the freeway traffic noise from affecting local families in their own homes. Worse still, it was VicRoads which dismantled the noise wall panels, with no notice or explanation given to local residents for this decision. As a consequence I have been contacted by many local families, whose quality of life has been severely affected and who are literally losing sleep over this action by the Andrews Labor government. I wrote to the Minister for Roads and Road Safety about this issue on 16 September, and 12 weeks later no substantive reply has been received.

That is not good enough. Those families deserve answers as to why VicRoads dismantled sections of this noise wall and want to know when it will be replaced. Given yesterday's announcement of a western distributor road proposal, it seems that the Andrews Labor government wants to see more traffic on the Monash Freeway, with 12 years of higher tolls for motorists. However, this government cannot even fix the noise walls on the Monash which VicRoads has torn down. I ask the minister to give these residents back their sleep and give them back their noise walls before Christmas.

Victoria Police

Mr NOONAN (Minister for Police) — Today's Victorian Equal Opportunity and Human Rights Commission report into sexual harassment, discrimination and predatory behaviour in Victoria Police is confronting and saddening. The report shines a light on a deep-set culture of hostility towards women in Victoria Police that has eroded the lives and careers of many sworn officers and public servants. It reveals patterns of behaviour by many men that are founded upon an intrinsic lack of respect for women. It is not 'a few bad apples'; it is an endemic inequality of power. I hope the truth of this report and the change it will inspire will take away the reluctance or even fear that some women have felt in making a complaint. Their experiences have been validated. They are real. They happened.

Most policemen respect women. Many have challenged sexism, sometimes at their own cost. I have every confidence that under the leadership of the Chief Commissioner of Police, Graham Ashton, police will do what is necessary to change the culture of disrespect. He has accepted all of the recommendations in the report, and the government will support him in delivering on those recommendations. Police have already started down this road by establishing Taskforce Salus, creating an independent safe space for victims to access confidential support, and a workplace harm unit to examine complaints. Finally, I want to commend the courageous women and men who told their stories and the others who could no longer stand by and do nothing.

Nancy Handcock

Mr McCURDY (Ovens Valley) — Vale, Nancy Handcock of Myrree, just out of Wangaratta. Nancy passed away last Friday and will be missed greatly by the community and especially her husband, Ernie. The Handcock family of Myrree in Victoria are a proud family well known locally in the region for their

contribution in World War I. Charles and Harriet Handcock had nine sons, eight of whom served. Nancy made a significant contribution to our region and will be sadly missed.

White Ribbon Day

Mr McCURDY — White Ribbon Day events were held across the Ovens Valley electorate on 25 November. I commend all those who participated, most importantly those who are acting to address issues of violence against women and children. In Wangaratta there was a White Ribbon community march through the Wangaratta CBD. Wangaratta North East Support and Action for Youth also held a morning tea to assist with raising awareness and to support Australia's campaign to prevent men's violence against women. Let us continue to stand together and speak out about violence against women and children in our local communities.

Country Fire Authority Killawarra station

Mr McCURDY — It was a pleasure to attend the official opening of the Killawarra fire station and community room last month. The \$140 000 community room has been used since June following the \$250 000 station upgrade in 2014. The community room was funded by the Regional Growth Fund. Killawarra fire brigade captain Clayton Henderson has worked tirelessly to see this project come to fruition over the past couple of years. Killawarra's position near the Warby Ranges makes the station very important in terms of preventing fire from spreading to nearby towns. I am a passionate supporter of the Country Fire Authority and will work tirelessly to ensure a fair go for our volunteers.

Remembrance Day

Mr McCURDY — Well done to the school students who participated in the We Remember community event in Wangaratta on Remembrance Day. The students of Carraragarmungee, Myrree and Our Lady's primary schools and Wangaratta High School and all members of the choirs should feel very proud. Students performed in the school choirs and formed part of a documentary.

Alstom Australia

Ms KNIGHT (Wendouree) — I want to tell a really good story today about my local train manufacturer, Alstom. Alstom was facing a tenuous future with no further train orders, but the Andrews government stepped in and put in an order for new X'trapolis trains,

which saved the jobs of this great local workforce. Although there is a gap before this new build begins, workers have been using their downtime to do some fantastic things in my community. They have been busy doing maintenance and safety work at two of the local schools in town, Ballarat East and the Wendouree campus of Ballarat Secondary College. They have also been working at two local UnitingCare facilities.

These highly skilled workers have also teamed up with local training organisation Ballarat Group Training and have started a mentoring program for apprentices. Six senior tradesmen have been matched up with apprentices from different trades to guide, mentor and share their experiences. This is a great example of how industry and community can work together to achieve great things.

I think it is fantastic that Alstom has been enthusiastic about keeping its workers busy until the industry work ramps up again. It is a far better alternative than forcing leave or, worse still, laying people off. This shows Alstom's commitment to its workers and to the broader Ballarat community. I want to give a big shout out to the Alstom managers, workers, Ballarat Group Training and most particularly Pete Douglas and the Australian Manufacturing Workers Union, who have been instrumental in getting these fantastic initiatives off the ground.

Construction, Forestry, Mining and Energy Union

Mr SOUTHWICK (Caulfield) — Yesterday's comment by union boss John Setka comparing the federal coalition's actions to those of Nazi Germany is an absolute disgrace. I call on the Andrews government to distance itself from this rogue Construction, Forestry, Mining and Energy Union leader. The Premier needs to end the factional alliance with John Setka and the Construction, Forestry, Mining and Energy Union.

Caulfield Volunteer Awards

Mr SOUTHWICK — The 2015 Caulfield Volunteer Awards are a continuation of something that we instigated. The awards have been going for four years, and they are all about recognising the unsung heroes within our community. I would particularly like to congratulate John Shuster from Caulfield Park Alma Bowls Club. He joined the club in 1992 and has given back. Frank Eastaughffe has been helping in the literacy program for kids at Caulfield Park Community School. Selma Needleman has been involved with the Caulfield Hebrew congregation for 30 years. Ian Anderson from Community Information Glen Eira helps with

mentoring. Ariella Wolfe, a student, helps out with the Jewish National Fund and has been volunteering on the Blue Box appeal.

I also congratulate Sue Broccoli from the Brotherhood of St Laurence at Glenhuntly and David Foley from the Caulfield Bears Junior Football Club. He played 377 games and has been working as president and manager of the club. Danny Miller from the Armadale Bowls Club has been an active member for 15 years and works tirelessly on the committee. Celia Lederman has been involved with the National Council of Jewish Women of Australia and has been helping at the club for 20 years. Doreen Beckwith, also from the National Council of Jewish Women — —

The SPEAKER — Order! The member's time has expired.

Anthony Kennedy and Peter Langley-Bates

Ms KILKENNY (Carrum) — Last week two wonderful individuals were recognised as community heroes at the 16th Ambulance Victoria Community Hero awards for their work at the Carrum railway station on the morning of 27 March 2015. Anthony Kennedy and Peter Langley-Bates helped a passenger who was in cardiac arrest. The two administered CPR until paramedics arrived. The passenger has since recovered. When I spoke with Anthony, who runs the pop-up coffee cart at Carrum railway station, he told me that he had only just started his coffee business at the railway station two weeks before and had not expected to be administering CPR to any passengers, nor had he expected any fanfare for doing it. He was just glad he was there to help.

Able Day in the Sky

Ms KILKENNY — With perhaps less fanfare but in the spirit of community volunteering, last weekend I attended Able Day in the Sky held by the Royal Victorian Aero Club at Moorabbin Airport. This tradition started back in 2012 when Jan Flude, a volunteer with Able Australia, asked the aero club whether it would be interested in organising a flying experience for clients of Able Australia. Pilots volunteered their time and planes and took up about 30 Able Australia clients for a flight from Moorabbin to Carrum and back.

What an experience for these clients, who are both deaf and blind. Many of them communicate using tactile sign language, where they place their hands under the hand of the person signing. Whilst they may not have been able to see the view from the air or hear the roar of

the plane engines, they could certainly feel the joy and freedom of flight. Well done to Michael Ralph, Stuart Rushton and Paul Canavan from the Royal Victorian Aero Club and all the volunteer pilots — and well done to Jan Flude and Gary Daly from Able Australia.

MyEnvironment Inc.

Mr BLACKWOOD (Narracan) — I take this opportunity to raise a matter of serious concern regarding the integrity of the membership of the Forest Industry Taskforce commissioned by the Andrews government. The task force is made up of representatives from industry, union and environment groups, including MyEnvironment Inc. MyEnvironment was involved in a court case challenging the management practices of VicForests in relation to Leadbeater's possum habitat. MyEnvironment lost the court case in 2012 and the subsequent appeal in 2013 and was ordered to pay the VicForests' court costs of \$1.235 million.

The commonwealth Corporations Act 2001 is very clear that a company should not continue to trade if it is unable to meet its liabilities, and if directors do so in full knowledge of the company's financial position, they will be found to be in breach of the Corporations Act and be liable to face prosecution. MyEnvironment is represented on the industry task force by Steve Meacher and Sarah Rees, both of whom are directors of MyEnvironment. As directors they are both breaking the law for allowing MyEnvironment to trade while insolvent.

Mr Meacher and Ms Rees have consistently, over many years, publicly attacked the timber industry and VicForests with unsubstantiated and false claims. They have shown no respect for the 23 000 Victorian timber industry workers or their families with their false and defamatory claims. They have refused to pay more than \$1.2 million as directed by the Supreme Court in March 2015, which is money owed to the people of Victoria. MyEnvironment and its directors are in breach of the court's direction on costs. They are hypocrites with no shred of integrity. The Premier should immediately sack MyEnvironment from the Forest Industry Taskforce.

PAX Australia

Ms SPENCE (Yuroke) — I recently had the pleasure of attending PAX Australia at the Melbourne Convention and Exhibition Centre. With over 55 000 attendees, many from interstate or overseas, PAX Australia has rapidly become a major event on the Melbourne calendar. As the gaming industry continues

to grow globally and locally, it is important that we encourage, support and celebrate this industry, the jobs it provides, the creative arts it nurtures and the positive impact it has on the local economy. Special thanks to Tony Reed, CEO of the Game Developers Association of Australia; Paul Baker and Laura Blagys from ReedPOP; and Michael Hudson from Creative Victoria for giving me a tour and providing me with a comprehensive briefing on this great event. There was certainly something for everyone interested in gaming culture, the games industry, game development and games education.

With plenty to see and participate in, there were AAA games, table games, upcoming release games, miniatures, handhelds in the comfort of beanbags, consoles, over 200 free-to-play and learn-to-play PC stations, old-school arcade games, panels and workshops with industry professionals, concerts, LAN competitions, and the Omegathon and eSports tournaments with huge prize money.

I was particularly impressed with the great number of indie developers promoting their games and getting valuable feedback from fellow gamers and industry professionals. Of course a number of these indies are Victorian, including Melbourne-based SUNSTUDIOS and Yak & co. I hope to see all these indies grow and prosper. The enforcers did a terrific job, making everyone welcome and helping out with directions and information, and the cosplayers were just outstanding. Congratulations to all involved in PAX Australia, and I look forward to seeing it become even bigger next year.

HIV stigma

Mr HIBBINS (Pahran) — On World AIDS Day I was honoured to be announced as an ENUF ambassador and commit to helping end stigma against people living with HIV. HIV stigma is a threat to the health of our community. It discourages people from getting tested for HIV and knowing their HIV status. Ensuring that people know their HIV status is critical to preventing the spread of HIV and reaching the goal of zero HIV transmissions by 2020.

This week every household in Pahran will receive a message about the importance of ending HIV stigma in my electorate newsletter. I am encouraging everyone in the Pahran electorate to visit the enuf.org.au website and sign the ENUF pledge, which reads:

I pledge to challenge HIV stigma whenever and wherever I see it.

I will not sit by and allow anyone living with HIV to fear disclosure.

I will take action when I see others gossiping about, rejecting and/or promoting negative stereotypes about people living with HIV.

I commit to being part of the solution, not part of the problem.

I also highlight the importance of the HIV prevention treatment PrEP (pre-exposure prophylaxis). Evidence has shown that, when taken daily, PrEP protects people from HIV transmission. Along with ending stigma, PrEP is front and centre of our efforts to reach zero transmissions. The Greens would like to see the Victorian government increase the rollout of PrEP trials for those most at risk of HIV transmission, and we would like to see the federal government speed up the process of getting PrEP approved by the Therapeutic Goods Administration and listing it on the pharmaceutical benefits scheme.

I acknowledge all the people and organisations that work so hard so hard in this space, including Brenton Geyer, ENUF campaigner; Living Positive Victoria; the Victorian AIDS Council; Positive Women Victoria; and Straight Arrows.

Tony Ziyang Zhang

Mr LIM (Clarinda) — I rise to offer my congratulations to Tony Ziyang Zhang on his election as president of the Monash University Student Union (MONSU), Caulfield campus. Following the conclusion of the count of ballots cast in the 2015 MONSU annual election, all main positions contested at the election were won by Ziyang and his Stand Up ticket team.

Monash University has a huge number of overseas students; however, they are vastly underrepresented in the student union, with only lip-service paid to them. With a passion to raise the voice of international students, Ziyang organised the Stand Up team, the members of which all come from overseas, and stood for election. Both local and international students backed Ziyang's call for a fair go for all students, and they won out.

Ziyang Zhang came to Australia in 2012 as an international Chinese student. Since then he has volunteered across a range of different fields. He was elected as a student member to the academic board of Monash University. He is also a core member of the non-profit Wings Foundation, which has a mission to assist overseas students with information on their rights should they encounter underpaid work or other situations of exploitation. The foundation also offers rental assistance and advice and other general advice required by new students who arrive in Australia.

Ziyang not only contributes to the overseas student community but also engages in mainstream society at the federal and state levels, having served as a volunteer in the 2013 federal election.

Cage fighting

Mr THOMPSON (Sandringham) — I condemn the savagery, the brutality and the barbarism of the recent Ronda Rousey versus Holly Holm Ultimate Fighting Championship fight in Melbourne. Women being kicked in the head and punched senseless while semiconscious has no place in Victoria in the 21st century.

Ray Sims

Mr THOMPSON — I pay tribute to Ray Sims, who recently died. Ray was a former primary school inspector, and he served for multiple decades with the Victorian education department. He was also a member of the All Souls parish in Sandringham and a great community contributor, both in his professional life and through his unseen work in the local community.

Cancer Council Victoria fundraiser

Mr THOMPSON — I pay tribute to Erin Quinn, who, along with a group of friends, recently held a fundraiser for the Cancer Council Victoria to raise money for cancer prevention research. The event was held for a second year at the Mentone Cricket Club, and it was greatly supported by the local community, with many local businesses donating prizes.

Beaumaris Art Group

Mr THOMPSON — I pay tribute to the Beaumaris Art Group on its recent exhibition and congratulate committee members Sue Eddington, Robyn Downie and others.

Mental health forum

Mr THOMPSON — I commend Andrew Robb, the federal member for Goldstein, on holding a recent mental health forum in the Brighton town hall.

Emerson School

Ms WILLIAMS (Dandenong) — On Monday night I had the great pleasure of attending the Emerson School graduation. Emerson is a specialist school in my electorate, and it caters to students with intellectual processing difficulties. The school's principal, John Mooney, prides himself on the fact that Emerson is a school of first choice, not a school of last resort.

At the graduation the 28 graduates had the opportunity to give short speeches about their time at Emerson. It is difficult to describe in words the impact of those speeches. They left a lasting impression on me of a school that celebrates individuality, creates opportunity and fiercely protects the rights of its students and others in a similar situation to learn skills relevant to their ambitions in an environment that is nurturing and patient and in which every child is encouraged to unlock the potential within.

Some of these kids have had a really difficult start to their education at mainstream schools. Many were bullied or just found that the mainstream system did not cater for their way of learning. For these kids, Emerson was a welcome fresh start, and it soon became home. As one parent, Heather Norman, explained, her daughter went from fervently resisting school to insisting that she go to school even during school holidays. Heather had to drive her daughter to school each morning of the holidays and rattle the gates just to prove that the school was indeed closed.

No-one at Emerson leaves without a pathway, and the kids confidently described the many qualifications they had gained at Emerson and their plans for the future. These kids are an inspiration and are greatly served by the passion and dedication of Emerson's principal, John Mooney. Congratulations to the 28 graduates.

Road safety

Mr CRISP (Mildura) — My community has suffered enormous tragedy over the past three days, with three car accidents claiming four lives. Accidents of this kind are horrific at any time of the year and particularly poignant as we move towards the Christmas period. I urge both locals and visitors to be particularly cautious on the roads, especially during this busy time of year. My sincere condolences to those who have lost family and friends.

Dudley Marrows

Mr CRISP — Dudley Marrows was a World War II pilot. He was distinguished in flying Sunderlands. Dudley gained attention when he sunk German U-boat U-461. However, upon seeing survivors in the water Dudley flew back and dropped a dinghy for them. For his compassion, Dudley was actually reprimanded by his superiors. I was honoured to attend a presentation of the Chevalier de la Legion d'Honneur — Knight of the Legion of Honour — for Dudley's services to the French people during World War II. The service was conducted at the Royal Australian Air Force memorial at Mildura Airport and was attended by serving and

retired airmen, family and friends. Dudley is an outstanding citizen, and this honour further recognises one of our local living treasures.

Robinvale P-12 College

Mr CRISP — I pay tribute to the Robinvale community, school council, industry partners and service providers who have supported the Robinvale P-12 project. The project has been a long time in the making, with visits to ministers, briefings, letters, considerable patience, persistence and at times insistence but always consistency about the importance of the project.

I pay tribute to Glenn Stewart, coordinator of Advancing Country Towns, for all the work and expertise he has contributed. This should be a proud day for Robinvale as we take another step in building and maintaining the partnership network that has made Robinvale stand out from its competitors.

Gunbower forest

Mr CARBINES (Ivanhoe) — I rise to thank the North Central Catchment Management Authority (NCCMA) for hosting a field trip to Gunbower forest on Monday. We gathered in Cohuna at the fantastic visitor centre there and were welcomed by Betty, a local volunteer.

The 2015 Gunbower forest environmental flow inundated about 3500 hectares — about 15 per cent of the forest — over 75 days. The environmental water is essential to keeping the forest vibrant and healthy and maintaining its environmental, social and recreational values. The spring flow aims to stimulate wetland plains to germinate flower and set seed. Small native fish will also benefit, with spring flooding stimulating their breeding in forest wetlands. These small fish will also provide food for waterbirds attracted to the forest. The watering is also aimed at providing a benefit to the local economy. At this time of the year visitors see the forest naturally coming alive. This brings tourists, campers, birdwatchers and bushwalkers to the forest.

My thanks to NCCMA chair David Clarke, who also kept our canoe upright on Reedy Lagoon, CEO Brad Drust, project manager Trent Gibson, Anna Parker, Sharnie Hamilton, Barapa Barapa elder Uncle Ron Galway, Gannawarra shire councillor Neville Goulding, Victorian Environmental Water Holder chairman Denis Flett and Parks Victoria and Department of Environment, Land, Water and Planning staff who attended the field trip. The strength of catchment management authorities across Victoria is

their connection to the local community, which was on display yesterday.

Government performance

Mr ANGUS (Forest Hill) — Having just passed the first anniversary of the Andrews Labor government, we can now assess its performance or lack thereof. What all Victorians now know is that the first year of this government is a story of dysfunction, deceit, disunity, dishonesty, drift, disorder, deficit and debt. It has taken the Premier less than a year to send the state budget \$286 million into deficit and, almost unbelievably, receive a qualified audit report from the Auditor-General.

During the same time the 2014–15 financial report shows that Labor has racked up \$1.7 billion more in debt. Sadly for all Victorians there is nothing to show for this increased debt. All we have is a massive wages blowout, with no Labor infrastructure projects underway. The much-heralded catchcry of ‘shovel-ready projects’ has been shown to be a complete hoax on all Victorians — just another Labor lie. We have a Premier who says one thing and does another. The most costly example of this dishonesty is the scrapping of the east–west link project. In September 2014 the now Premier said he would honour the east–west link contract, yet within a few months of the election he dishonoured the contract at the extraordinary cost to Victorian taxpayers, revealed today, of over \$1.1 billion.

Labor’s so-called jobs plan has been an unmitigated failure, delivering only around 4400 jobs compared to the 100 000 jobs promised over two years. This is in stark contrast to New South Wales, where more than 130 000 full-time jobs have been created over the same time. We have a Premier who likes to take responsibility for everything done by his government, but when a serious situation arises that needs real leadership, he is nowhere to be seen. The most recent example of this is the intimate linkage between the Construction, Forestry, Mining and Energy Union and state Labor. Despite both alleged and proven criminal behaviour and ongoing legal actions, the Premier refuses to deal with this militant union. This is unsurprising given, as stated in yesterday’s *Herald Sun* —

The ACTING SPEAKER (Ms Thomson) — Order! The member’s time has expired.

Family violence

Ms THOMAS (Macedon) — On Friday, 4 December, I hosted a public forum on family violence at Kyneton Secondary College as part of my ‘Say NO to family violence’ campaign. I would like to acknowledge the forum participants — Margaret Augerinos, CEO of the Centre for Non-Violence in Bendigo; Belinda Spence, family violence survivor and advocate; Acting Senior Sergeant David Jakobi of Victoria Police in Kyneton; and Cara Gleeson, policy and projects manager of children and young people at Our Watch — along with the Minister for the Prevention of Family Violence for her outstanding leadership in this area.

In seeking to debunk some of the myths around family violence, a number of themes emerged. Firstly, we need to increase the understanding that violence against women and children is not confined to certain groups and neighbourhoods but happens in all of our towns and across all socio-demographic groups; secondly, we need to build our understanding that alcohol, drugs, gambling and poverty, while contributors to family violence, are not the root causes; and thirdly, we need to change the discussion. Instead of asking ‘Why does she not leave?’, we need to be asking, ‘Why does he not stop abusing her?’.

All speakers were unambiguous: family violence is a gendered crime, and consequently the answers lie in addressing inequality between women and men. On a positive note, it was great to hear from young people from Gisborne and Kyneton secondary colleges about their experiences of the respectful relationships curriculum that will be rolled out in Victorian government schools in 2016.

Israel trade mission

Mr T. SMITH (Kew) — I was recently in Israel on a two-week trade mission led by the Australia-Israel Chamber of Commerce and the federal Assistant Minister for Innovation, Wyatt Roy. We had a terrific trip to both Tel Aviv and Jerusalem. We met with the chief scientist of Israel, Avi Hasson, and the author of *Start-up Nation*, Saul Singer. This delegation to Israel played a part in the Turnbull government’s fantastic \$1 billion innovation statement, which was brought down this week. It is a terrific statement that will drive jobs and innovation and will stimulate our economy further to create the jobs of the 21st century. I put on the record my complete support for this terrific statement, and I congratulate Assistant Minister Wyatt Roy and Prime Minister Malcolm Turnbull on it. Wyatt did a terrific job of leading this trade mission to Israel.

I certainly learnt a lot over there. I had never been to Israel before. We visited Yad Vashem, the Holocaust memorial, and I was in Beersheba for the 98th anniversary of the charge of the Light Horse Brigade, where I laid a wreath on behalf of Victoria along with our ambassador to Israel, Dave Sharma, and a number of federal politicians. Israel is a magnificent country that is experiencing tough times at the moment. I stand in solidarity with the people of Israel at this time.

Patricia Cowling

Mr T. SMITH — Patricia Cowling, the principal of Genazzano FCJ College, retires this week. I attended a function last night at Genazzano to congratulate her on 15 years of wonderful service. I congratulate the new principal, Karen Jebb, and I look forward to working with her next year.

Family violence

Ms GRALEY (Narre Warren South) — We know that family violence affects people of all backgrounds, faiths and cultures. The Minister for Women and Minister for the Prevention of Family Violence, the member for Melton and I saw this firsthand at the inTouch Multicultural Centre Against Family Violence. The members of this extraordinarily talented team, led by chair Faye Spiteri and chief executive officer Maya Avdibegovic, speak over 25 different languages and last year assisted over 1034 women from 101 different countries accompanied by 604 children. Many are socially isolated, speak little or no English and lack any knowledge about their rights in Australia or where to go for help.

Often these women have arrived in Australia on a spouse visa and are completely dependent on their spouse. If their spouse becomes violent, they are trapped, have no power and are fearful to speak out. inTouch is there for them to provide much-needed support and assistance in a manner that is culturally acceptable and accessible. Roshan Bhandary, inTouch's program manager since 2008, has done an exceptional job and was recently inducted to the Victorian Multicultural Honour Roll — well done to Roshan.

In the recent historic special sitting together of members from both chambers we heard from Kristy McKellar, a brave woman who has suffered so much but who now fights to end family violence. After pressing charges, within two days the perpetrator in her case commenced financial abuse, transferring money out of their joint bank account. Eight days later he moved his entire salary to a new account in yet another

example of the breadth and unbelievable nature of family violence. We often see and hear about the physical abuse, but there are many more ways for a man to inflict pain on those they are supposed to love.

In Parliament the minister recently spoke about the women who have fought to put an end to family violence and paid credence to their wonderful and robust advocacy for women of all backgrounds and all times.

Upper Goulburn Community Radio

Ms McLEISH (Eildon) — Upper Goulburn Community Radio, broadcasting as UGFM — Radio Murrindindi, continues to go from strength to strength. Celebrating 21 years of radio broadcasting in June this year, UGFM reached another milestone on the weekend, opening a new studio in Yea. Situated in the historic Yea railway station, this studio adds to the existing studios in Alexandra, Marysville and Kinglake. It provides an opportunity for greater promotion of activities and community information relevant to Yea.

The efforts of Rod and Teresa Clue in instigating and driving the project at the local level must be acknowledged. Their work, together with that of station president and manager Peter Weeks, vice-president Peter Rice, and the committee of management must be commended. It was wonderful to see so many of the station's 45 presenters across the shire present for the opening. UGFM is one of the leading local radio stations in regional Victoria. Its emergency broadcasting is second to none and is relied on heavily by its communities. I wish it every success in the coming years.

Yea swimming pool

Ms McLEISH — On Friday the completely refurbished Yea pool was opened. This project was made possible through a \$1.08 million grant from the coalition's \$1 billion Regional Growth Fund. The redevelopment was significant and certainly would not have been possible without this level of financial support — support that was welcomed by the Shire of Murrindindi. The Regional Growth Fund invested almost \$420 million to support 1500 projects, leveraging \$1.7 billion in total investment. It is staggering that such a great program was axed by the city-centric Andrews government. It is evidence that another Labor government has turned its back on country Victoria.

Gede and Wayan Arysantosa

Ms McLEISH — I want to congratulate Gede and Wayan of El Kanah Marysville on their new status as permanent residents and want to thank the many people who have supported them through the lengthy process.

STATEMENTS ON REPORTS

Accountability and Oversight Committee: oversight agencies 2014–15

Mr ANGUS (Forest Hill) — I am pleased to rise to speak on the second report of the Accountability and Oversight Committee in the 58th Parliament, entitled *Report into Victorian Oversight Agencies 2014–15*, which I was privileged to table in this place yesterday. The report arises as a result of the statutory role of the Accountability and Oversight Committee — namely, to examine the annual reports of the three agencies that the committee oversees. They are the freedom of information commissioner, the Victorian Ombudsman and the Victorian Inspectorate.

At pages ii and iii the report outlines and goes through in detail the committee's functions. The authority for the committee's functions is found primarily in two pieces of legislation: the Parliamentary Committees Act 2003 and the Ombudsman Act 1973, at sections 26H and 26I. The report comprises four chapters and two appendices. Chapter 1 is an introduction, chapter 2 looks at the freedom of information commissioner, chapter 3 looks at the Victorian Ombudsman and chapter 4 looks at the Victorian Inspectorate. The committee has made 13 recommendations in the report, and they can be found on pages x and xi. I just want to touch on a couple of those in broad terms.

The report recommendations aim to enhance the state's accountability framework, and as I said, they cover a range of areas. They are also cognisant of the fact that we know the government has proposed to introduce reforms in the area of oversight and governance within the Parliament. The report recommends the strengthening of the powers of the FOI commissioner to obtain documents and boost public and agency engagement, including early action on FOI requests by agencies. That is an important recommendation, particularly to enable the work flow and outcomes to be improved for those seeking FOI requests. It refers to improving reporting by the FOI commissioner on outcomes achieved and providing people with clearer guidance when appealing FOI decisions of agencies directly to the Victorian Civil and Administrative Tribunal.

As you are well aware, Acting Speaker, as member for Footscray and a fellow member of this committee, there can be a lot of confusion in the public's mind surrounding these matters in relation to what the process is and which way to go when seeking to get some further information or have a matter resolved through these channels. To that end, I also note that appendix 2 of the report contains what I trust will be very helpful flow charts for not only members in this place but also members of the general public who are seeking to ascertain the best course of action for them to take in endeavouring to obtain some information.

Appendix 2 contains flow charts for disputes and complaints relating to the Ombudsman and freedom of information commissioner. On the first page of that, under the heading 'Where to go with your Ombudsman dispute or complaint', it is clearly laid out, as it is over the page on page 42 of the report headed 'Where to go with your FOI dispute or complaint'. Hopefully that will be of significant benefit to members and the public as they try to navigate their way through this whole governance and oversight system.

The report goes on to support the release of information that is the subject of frequent FOI requests which are likely to be routinely granted. The thinking of the committee there was that if it is going to come out anyway, why not streamline the process? There are certain areas and aspects of information that are very frequently released at the end, so we may as well facilitate that process. The report recommends implementing reforms to the way the Ombudsman handles protected disclosures and allowing greater collaboration between the Ombudsman and agencies by reforming confidentiality provisions. It goes on with a range of other recommendations as well.

In conclusion, as the chair of the committee I want to thank, firstly, my fellow committee members, including you, Acting Speaker, for their contributions, and secondly, and importantly, the staff who have worked very diligently for the committee, particularly on this report. As I said, this is the second report, that has been tabled in the 58th Parliament — the first one was tabled not that long ago — so there has been a significant workload on the committee secretariat to prepare both these reports, and I thank them for it.

In summary, it is a good report that should be of interest to members, and I do commend the report to members.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr McGUIRE (Broadmeadows) — I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates 2015–16, particularly in relation to contributions by the Minister for Health, who referred to the Andrews government's investment in the budget for medical research, Victoria's position of leading the country in the sector and the Aikenhead Centre for Medical Discovery.

It is time to redefine Australian exceptionalism and raise the prominence of our internationally acclaimed scientists to equal standing locally with our sports stars. Life-saving discoveries fighting cancer, the bionic ear allowing the profoundly deaf to hear loved ones, and the elegant science behind the blood plasma of the Commonwealth Serum Laboratories (CSL) help define Victoria's importance as a world leader in medical research.

Centenary celebrations this year honouring the Walter and Eliza Hall Institute, where Sir Frank Macfarlane Burnet won the Nobel Prize for revolutionising the understanding of our immune system, and the 80th birthday of Professor Graeme Clark, inventor of the cochlear implant — or bionic ear — underscore the value of science from the serendipity of discoveries to the commercialisation of results.

Government expenditure on science, research and innovation averages more than \$9 billion annually. Astonishingly, less than 2 per cent has been spent on commercialisation. While Australia ranks highly in academic research, it rates poorly in commercial returns, signifying why the Australian government's innovation policy announced this week must help Victoria to translate world-leading discovery from benchtop to business. Victoria's strategy is based on coordination to maximise results, highlighting the need for a new era of enlightened federalism where responsible government and the public interest are placed ahead of the ruthless gaming of the system for ultimate political ends. Science is critical to new industries and future jobs.

Now more than ever, Australia must innovate or perish. During the First World War the Australian government established the Commonwealth Serum Laboratories to ensure an isolated nation had reliable access to therapeutic vaccines and other life-saving biological products. Next year CSL celebrates its centenary and evolution into a \$45 billion global company exporting blood products from its manufacturing base in Broadmeadows while Ford's iconic assembly lines fall

silent, shedding 650 jobs in the same community, triggering the demise of Australia's once proud automotive manufacturing. Holden and Toyota fall like dominoes the following year with an estimated loss of 100 000 Victorian jobs.

While I want Broadmeadows to be remembered for the rise of CSL, not the demise of Ford, CSL built a \$500 million manufacturing plant in Switzerland for three new products developed in Broadmeadows and bluntly warned a Senate inquiry last year:

Australia is a relatively unattractive location for entrepreneurial manufacturing or as a base from which to commercialise locally developed intellectual property into global markets.

The federal government must collaborate with the Victorian government and major companies like CSL and not simply start-ups, as much as they are important for economic development, because Australia simply cannot afford to continue to lose intellectual property, manufacturing plants and jobs. This is why the Victorian government is working closely with the medical research sector to aggregate assets and opportunities. The Premier wants Victoria to be a world leader in medical technology, researching cures for chronic diseases and developing devices that change lives.

Five months ago I stood with the Premier and the Minister for Health in the rubble of the former casualty entrance to St Vincent's hospital, where the Premier gave the assurance of a \$60 million contingency to build Australia's first research and education centre for biomedical engineering, vital for groundbreaking technology including robotic hands, heart tissue engineering and spinal cord repair. Diplomatically the Premier appealed to the then Prime Minister, Tony Abbott, to match Victoria's funding for the Aikenhead Centre for Medical Discovery, given his proclaimed desire to be known, among other titles, as the 'Prime Minister for Medical Research'. Mr Abbott failed to deliver.

My plea to the new Prime Minister, Malcolm Turnbull, is that he partner with Victoria. Melbourne anchors Australia's health innovation ecosystem. The Prime Minister should grasp this opportunity in new medical technology and engineering by investing in a project that will create more than 1000 jobs during development and an estimated 10 000 jobs over 15 years. This landmark adds clout to Victoria's claim to be the home of the Australian government's new Medical Technologies and Pharmaceuticals Industry Growth Centre and the CSIRO's next innovation hub.

Our leading scientists are humble. They let their work speak for itself, while the results of their dedication change lives around the world. Recently I bumped into Peter Doherty, umbrella under his arm and coffee in hand, who was rushing into the institute in Royal Parade that bears his name. This everyman with a Nobel Prize still strives to cure influenza. Changi prisoner John Cade, a psychiatrist who was forced to become a surgeon, discovered that lithium was effective for manic depressive illnesses after trialling it on himself. Australia's first head of the World Medical Association, Priscilla Kincaid-Smith, was also the first woman professor at the University of Melbourne.

A whole range of brilliant people have been exceptional in what they have done not just for our community but internationally. They deserve to be hailed in the boulevard of big dreams in Royal Parade — the multibillion-dollar boulevard that we hope will be similar is the Innovation Walk connecting the CSIRO and Monash University.

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

Mr McCURDY (Ovens Valley) — I am pleased to make a contribution on the Public Accounts and Estimates Committee budget estimates 2015–16 hearings alert report, which was delivered in May this year. This government's focus on metropolitan Melbourne is still obvious to all, particularly those who reside in regional Victoria — unless you live in Geelong, Bendigo or Ballarat that is. I will refer to evidence given by the Minister for Roads and Road Safety during the budget estimates hearings and highlight the fact that more than \$80 million has been ripped from the roads budget by the Andrews Labor government. The coalition government invested \$486.4 million-plus in roads compared to the \$402 million that Labor now provides.

Yesterday I asked a constituency question regarding the state of the Murray Valley Highway at Cobram East, a matter which was raised with me by Glenn Riseborough of Cobram East. Later in the day the Premier announced a further \$5.5 billion of road funding for Melbourne. Last night a moderate amount of rain in north-east Victoria caused the temporary closure of the Great Alpine Road due to landslides. Thanks to work by the Victoria State Emergency Service, this road can now be accessed at least through one lane, and hopefully both lanes will be open by the end of the day. The 10 per cent cut in roads funding is further evidence of the Andrews government's lack of concern for regional Victoria, and the Great Alpine Road is an example of that.

I have been calling for work to be initiated on Whitfield Road. Last night, after moderate rain, a car became stranded in floodwaters. I want to emphasise that this was not a major rainfall event. This was an event that can be expected six to eight times a year. Last month I highlighted that 10 out of 48 bridges due to be upgraded through the Andrews Labor government's Stronger Country Bridges program are in metropolitan Melbourne. We do not need more glossy brochures about regional Victoria; we need action and money spent in regional Victoria, particularly on our roads.

The Minister for Roads and Road Safety said during the budget estimates hearings:

The Andrews government is very much getting on with the projects this state needs so we can get people home to their families safer and sooner.

Again I say this is not the case if you live in the Ovens Valley electorate.

The first anniversary of the Andrews Labor government has passed with little to celebrate in terms of positive action, unless you consider militant union action from the Construction, Forestry, Mining and Energy Union, riots and a lack of shovel-ready projects positive action.

The removal of The Nationals' \$160 million country roads and bridges program continues to be a concern for those of us in regional Victoria, particularly the Ovens Valley, and last night was an example of this. Sadly the Ovens Valley has been short-changed. That is particularly the case with the Mount Buffalo Chalet given the government's half-hearted contribution to repair the grand old lady. The most frustrating aspect is that the previous government allocated \$7.5 million for this much-needed work, but a fair portion of that money has vanished, with only \$2.8 million now to be spent on the chalet. Now we discover that \$4.4 million will be spent on toilets on the Great Ocean Road as the chalet is again overlooked.

The Alpine Shire Council worked extremely hard to prepare a business case that would allow the chalet to be re-opened with a cafe, but the minister would not even consider that proposition. The only bright light to come out of this project is that the community has been very vocal and supportive and has managed to hold off demolition of the building.

This government needs to offer more than scraps off the table to regional Victoria. We see that in the budget — only 2 per cent of the infrastructure spend is in regional Victoria. The first draft of the government's proposal for the port of Melbourne funds shows only 2 per cent of that money will go to regional Victoria, with the

balance to be spent on the 50 level crossings in Melbourne. I encourage the Premier and this government to invest more heavily in regional Victoria.

Family and Community Development Committee: abuse in disability services

Ms EDWARDS (Bendigo West) — In late September the Family and Community Development Committee began public hearings for stage 2 of its inquiry into abuse in disability services. The committee has held public hearings in Melbourne, Geelong, Shepparton, Bendigo, Ballarat, Morwell, Mildura and Horsham and has conducted site inspections of disability service providers in each of those destinations. Throughout its visits in regional Victoria and in Melbourne the committee has been fortunate to meet with people with disability, disability service providers and carers, parents and advocates. Those hearings and visits have provided an important means for the committee to meet with people with disability and their families and carers and to understand the sector, the variety of contexts in which abuse may potentially occur, and the systems that providers currently have in place to both prevent and report abuse.

The committee has received 95 written submissions and has had more than 100 responses from service providers to the committee's request for them to detail their policy and procedures when it comes to reporting abuse. This week the Senate Community Affairs References Committee handed down its report into violence, abuse and neglect against people with disability in institutional and residential settings.

The ACTING SPEAKER (Ms Thomson) — Order! Can I just clarify that the member is speaking on the interim report of the Family and Community Development Committee?

Ms EDWARDS — Yes. This goes to the interim report of the Family and Community Development Committee. Today the Ombudsman also handed down her report on phase 2 of her inquiry into abuse in the disability sector.

In its interim report the Family and Community Development Committee refers to the failure of disability service providers to report abuse. That has been an ongoing theme throughout stage 2 of the committee's inquiry. What committee members have heard is that the voices, lives and experience of people with disability are absolutely paramount when it comes to addressing this issue. The Ombudsman's report, which was tabled today, includes a number of

recommendations to the Department of Health and Human Services. I note that the department has accepted all the recommendations that have been made directly to it.

What is very clear from the committee's inquiry and is included in the interim report on stage 1 is that the ongoing abuse of people with disability is systemic within the sector. There is a clear fear among service providers, people with disability, family members and carers and indeed workers about speaking out for fear of retribution or repercussions. This is something that committee members heard clearly in the public submissions.

There is clear evidence, which is also included in the committee's report on stage 1, that some abuse is treated as normal — in other words, that it is actually accepted. This is insinuated when some abuse is considered not as bad as other abuse and that it does not require investigation. Some of the issues that the committee has raised include the categorisation of abuse into category 1 or category 2. It is clear that categorising abuse actually delegitimises abuse and its seriousness. The culture within the sector is clearly one that normalises abuse and attempts to minimise its effects on individuals, families and carers. This failure to report and the devaluing of people with disability and the silencing of their voices is at the heart of why abuse, violence and neglect occur within the system.

I would like to put on the record my appreciation and thanks to the committee members who have travelled across Victoria with me during stage 2 of the inquiry. I also thank those who have presented at our public hearings. We have heard some very harrowing and distressing personal stories of abuse in disability care that obviously members of the committee are very concerned about. We will indeed take into consideration the Senate committee report and also the Victorian Ombudsman's report as we go forward to make recommendations in the report on stage 2 of our inquiry, which will be tabled at the end of April next year.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr MORRIS (Mornington) — This morning I want to address the Public Accounts and Estimates Committee report on the 2015–16 budget estimates, which was tabled in the house last month. The report includes 101 findings and some 68 recommendations. I will concentrate on a selection of those, starting with asset investment, which perhaps is topical, given the announcement of yesterday.

The report notes that the government's long-term financial management objectives talk about infrastructure delivery, as any government would, but in terms of the budget and setting objectives, there is no quantified target for asset investment over the medium term. We know that these figures move around quite a bit from year to year, but there is no target over the medium term, so there is a recommendation that those sorts of targets should be incorporated into the budget papers.

In terms of the high-value, high-risk framework, in previous years the budget papers have included projects that are classified in that way, so that they are on the radar of members of this house and the other place. Unfortunately, in this year's budget that list was deleted, for whatever reason. Again the committee is seeking to have that list reinstated in the budget papers.

Finally on this issue, the budget papers show that the government expects direct investment by departments and the general government sector to peak at \$6.2 billion in the 2016–17 year before reducing the following year to \$5.2 billion. Consistent with what has occurred in the past, but perhaps not ideal practice, the budget papers do not provide any commentary explaining those year-to-year variations. We understand the variations happen, but it would be useful for the house and indeed for the public to be made aware of why those variations are occurring and why investment is declining year to year by \$1 billion, or close to 20 per cent, in that case.

In terms of the government's election commitments, chapter 9 of the report, a comparison with the document entitled *Labor's Financial Statement* reveals that that document indicates that \$1.9 billion in funding would come from expenditure reduction initiatives and reprioritisation of existing funds.

The budget papers give a total figure of \$1.5 billion that was provided from those sources, but they do not actually say which programs have had funds taken from them and where those funds have been applied to. Where those funds have been applied to is perhaps not as critical, but it does not help the transparency of the budget if we are not aware of which programs have been pruned to achieve that \$1.5 billion figure. It could come from whole programs or it could just be a minuscule amount taken from a whole lot of programs.

If they are minuscule amounts, it is probably not as critical, but where it is programs in whole or in large part that have been pruned then clearly that has an impact. Currently there is no way of establishing that, so the committee was of the view that that was

something that could be improved on. There is no recommendation on that, but certainly it is a matter that could be improved.

The other matter that I will touch on in the time remaining is the issue of funding both within and without the forward estimates period. There were 61 asset commitments in the document entitled *Labor's Financial Statement*, with a total estimated investment of \$3.6 billion to \$4 billion. Essentially that is all funded. According to committee staff, \$175.4 million has not yet received funding, which of course leaves essentially the whole of the Melbourne Metro project, because it is currently outside the forward estimates in question. That is a huge amount of money, so there is certainly an issue in terms of the forward estimates as well. I commend the report to the house.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr PEARSON (Essendon) — I too would like to make a contribution in relation to the report on the 2015–16 budget estimates. As the member for Mornington has indicated, it is a comprehensive report. It is a good report. It is one that I am certainly very proud of. I refer to page 40 of the report in relation to new asset initiatives, where the budget provides for 91 asset investment projects. The total estimated cost of these projects is between \$19 billion and \$22 billion. That includes \$9 billion to \$11 billion for the Melbourne Metro rail project, \$5 billion to \$6 billion for the level crossing removal program and \$1.3 billion for higher capacity metro trains.

In relation to the state of the Victorian economy, these initiatives are very important. You do not want to have a situation where the state is going out into a white-hot market bidding up the price because it can, and as a consequence finding that projects start to escalate in cost, and as a consequence you then drive up costs for the private sector. That is an inefficient use of taxpayer funds. But it is very important when you have a collapse in the private sector that the state can use its strong balance sheet — and we have a very strong balance sheet in Victoria — to enter the market to start to make those investments and soak up that demand.

It is particularly important when we think about the fact that the recent Australian Bureau of Statistics data for private new capital expenditure and expected expenditure, which was released last month, shows that for the September quarter just past there was a 17.8 per cent reduction in trend estimates for total new capital expenditure, and on a seasonally adjusted basis that figure was 20 per cent. The reality is that these are

national figures; they have not been broken down to a state level so we are not clear what share of that decline is Victoria's relative to the other states, particularly the mining states. Clearly there is a decline in private capital expenditure in terms of major capital projects, and therefore it is entirely appropriate that the state look at intervening to invest to give the private sector confidence to make those additional investments as well.

It is also worth pointing out that this is nice in theory but the question arises: what is your capacity to pay for it? I refer to chapter 6.3.1, which covers borrowings and net debt. This relates only to the government sector; it does not relate to public financial corporations or public non-financial corporations. It indicates that debt in the general government sector as a proportion of gross state product (GSP) is projected to be 4.4 per cent in June 2016. This is very important when you think from the point of view of your own personal set of circumstances. The average house price in Melbourne at the moment is \$600 000 — it is a bit over that, but let us argue that it is \$600 000. Looking at debt as a portion of GSP, and although I know I am stretching it a bit, if we say it is 4.4 per cent, then if you own a \$600 000 house you would owe the bank \$26 400. You would have nearly \$573 600 in equity. It would be entirely fair and reasonable under that set of circumstances to therefore go to the bank and take out a loan to fund a renovation. It would be entirely appropriate. If you look at the capital that we have as a state, it is fair and appropriate that we look at making these sorts of investments.

These investments are important because, as I have indicated in previous contributions, Melbourne's population is growing at a rate of between 1000 and 1500 people per week. That is the level of our population growth. The reality is that there is a correlation between population growth and economic growth. I think in most thriving economies you see a movement of people, people having families, intrastate migration and international migration leading to an increase in population growth and an increase in economic growth. Again, because we have had a decline in private sector investment as a consequence of the recent Australian Bureau of Statistics data, it is really important that we are making these sorts of investments, as indicated in this report. I commend the report to the house. It is an outstanding report.

The ACTING SPEAKER (Ms Thomson) — Order! The time for making statements on reports has ended. For those who are confused by how the statements start, they alternate between government and opposition week by week. This week the opposition

commenced the committee reports, and next sitting week a government member will.

ACKNOWLEDGEMENT OF COUNTRY

Ms HUTCHINS (Minister for Aboriginal Affairs) — I move:

That the house authorises the Speaker to give an acknowledgement of country each sitting Tuesday.

I begin by acknowledging the traditional owners of the land on which this Parliament stands and the people of the Kulin nation. I pay my respects to its elders, past and present, and to any other elders from communities who may be here today or watching at home.

I rise today as Minister for Aboriginal Affairs to move a motion to introduce an acknowledgement of country, like the one I have just given, on the first day of each sitting week in the Legislative Assembly. Earlier this year I travelled extensively across the state to hear directly from Aboriginal people and organisations. This listening tour was a way of hearing about the needs, the priorities and the aspirations of Aboriginal communities across our state. It was clear to me from these discussions that Aboriginal people believe recognition of their culture and connection to land holds more than just a symbolic value. Equally clear to me was the need for the Victorian Parliament to lead by example when it comes to recognising this country's first people.

Following those discussions with Aboriginal traditional owners, leaders and members of the wider Aboriginal community, I wrote to the Presiding Officers to ask that the Aboriginal flag be permanently flown over this place, that at long last it fly where it rightfully belongs, because by flying the Aboriginal flag we acknowledge the traditional owners and custodians of the land and we also strengthen Aboriginal culture and identity. I have to say I have seen many a tourist out the front taking photos of the flag as it flies above.

The flag and acknowledgement are two ways in which we can do what our society has failed to do in the past. Only by being honest can we lay the foundation for closing the gap. It was a privilege to be there to see the flag permanently raised alongside the Australian flag and Victorian state flag — just as it has been a privilege to work alongside the Victorian Aboriginal community in achieving both that historic outcome and this historic outcome. I thank the Speaker for his leadership on this matter. I also thank the shadow Minister for Aboriginal Affairs, along with the crossbenchers for their support and the Presiding Officers and their staff for so graciously accepting the request.

But although this is a step forward, there is still a lot more to do. In the same letter to the Speaker and the President, I raised the possibility of a permanent acknowledgement of country being undertaken as well. An acknowledgement of country is important to us as non-Aboriginal people, and it is very important to Victorian Aboriginal people. Just as Victoria has a strong and proud Aboriginal history, it deserves to be understood and the continued connection to land stretching back many thousands of years deserves to be respected.

The exclusion from the connections of our history books and our classrooms can never be undone but, as the Premier said earlier this year, it is never too late to do the right thing, and paying respect to traditional owners is beyond symbolism. It is a small but respectful gesture that recognises Aboriginal people's deep and continuous connection to land, and acknowledging country every sitting week in our Parliament demonstrates our firm commitment to working alongside Aboriginal people in protecting and preserving this rich history.

The Andrews government is delivering on its promise to work in genuine partnership with Aboriginal Victorians to achieve better outcomes and opportunities. Supporting the principles of self-determination is at the heart of this commitment. It is not for government to dictate and decide what the Victorian Aboriginal future looks like, but we need to be open, transparent and, most importantly, respectful in working alongside the Victorian Aboriginal community. To achieve this the government is establishing a new engagement framework with Victorian Aboriginal leaders to inform the way forward, including a Premier's gathering with Aboriginal leaders, relating to the future of Aboriginal people in Victoria; a new Victorian government ministerial forum with ministers across government and Aboriginal peak and statewide service delivery agencies; and also a new Aboriginal Victoria forum with traditional owners, registered Aboriginal parties, local Indigenous networks, Aboriginal community organisations, peak bodies, statewide agencies and other Victorian Aboriginal representative groups to look at ways we can best communicate and achieve what we need to achieve in closing the gap and delivering for Victorian Aboriginal people.

Earlier this year I distributed acknowledgement and welcome to country protocols to every member of the Parliament. As Minister for Aboriginal Affairs and Minister for Local Government, I also wrote to every council encouraging them to perform an acknowledgement of country and welcome to country

before meetings and official events. I must say a lot of councils already had that process in place, and I thank them for that, but there are still many more to take that up. I have been struck by how prevalent the acknowledgement and welcome to country is in the councils I have visited. There is a lot more work to do, and I look forward to working with councils in doing that.

I therefore move that on the first day of each sitting week an acknowledgement of country is made by the Speaker. Like the raising of the flag above Parliament, this acknowledgement will mark another historic moment in recognising traditional owners in this country. Like the raising of the flag, it will acknowledge the continued strength and tenacity of Aboriginal identity. And like the raising of the flag, it shows that when governments are prepared to actually listen and to genuinely partner with Aboriginal people we can achieve great things.

Ms VICTORIA (Bayswater) — I rise to support the motion that the Minister for Aboriginal Affairs has put before the house today, and I commend her for bringing this motion to the Parliament of Victoria. I am very proud to stand here and support it. I also start my contribution by acknowledging the traditional custodians of the lands on which we meet. This is a place where Aboriginal people of the Kulin nation met for many thousands of years before a building was put here. It is with the deepest respect that I acknowledge their elders, both past and present, and acknowledge the work that is being done by those who will step into those roles in the future.

Some have asked what the difference is between an acknowledgement and a welcome to country. In this house it is only appropriate that we make a recommendation that there be an acknowledgement of country. A welcome to country can only be made by an Aboriginal person; they would be welcoming us onto country. Neither the Speaker, who is from Uruguay, nor myself, as I am Austrian — nor even the minister, who may be a true blue Aussie with perhaps a bit of Irish in there — is able to make a welcome to country, so the recommendation is that an acknowledgement of country be given.

We suggest it is appropriate for all Australians to give an acknowledgement of country in the right circumstances, especially before formal meetings or formal gatherings in schools. I delivered an Aboriginal flag to one of the schools in my electorate on Monday morning, and the children, the school leaders, gave an acknowledgement of country as the Aboriginal flag that I delivered to them was hoisted. I thought this was not

just moving but also really important in helping them to understand that the two symbolic things that they could hear and see were coming together. The understanding of why we do it was also incredibly important. The reason we do it is to acknowledge that Aboriginal people are the First Australians and members of the oldest living civilisation. They were here way before this land was settled in the 1800s. It is appropriate that we acknowledge the history of this great land, and not just from the time of white settlement.

There are different ways in which an acknowledgement could take place. There is the traditional way, with wording along the lines of 'Parliament is being held on the traditional lands of the people of the Kulin nation, and I wish to acknowledge them as the traditional owners or custodians'. It might be that the Speaker also says, 'I would also like to pay my respects to their elders, past and present', similar to what the minister and I have mentioned before. As I said, it is important that we acknowledge the difference between an acknowledgement and a welcome. It is with the utmost respect that we should do this, and it is with the utmost awareness that we should do this. It should not just be words that are spoken on a Tuesday for all of us to sit there and acknowledge after the Speaker has said them. It should be for us to sit back and think about what this truly means to all Australians.

The Kulin nation, the traditional custodians of this land that we are on, shared many things. There were five different language groups, but they shared a belief in Bunjil and Waa. There were certainly things that bound them together, so when they met there was common ground. One of the meeting areas was right here where the Parliament is and also the area around the Yarra River. These areas are an incredibly important part of tradition for the Aboriginal people of Victoria. The first welcome to country — as opposed to an acknowledgement — was conducted in the late 1900s. It was conducted in 1999, and it surprises me that it took us that long to do it. Given that it is now some 16 years later and we have not been doing it here in the Parliament, it is about time. I think that is the right message to send.

This is a bipartisan motion moved by the minister, and we are delighted to support it. There has certainly been a history of bipartisan support in the Aboriginal affairs portfolio. We on this side of the house are proud to acknowledge that the first Aboriginal member of Parliament, Neville Bonner, who was elected to federal Parliament in 1971, was a member of the Liberal Party. We had Wayne Phillips, an Aboriginal man, here in the state Assembly for some 10 years as the member for Eltham. Ken Wyatt was the first Indigenous member of

the House of Representatives in Canberra. None of these people were elected because of their heritage, but they stood proudly as Aboriginal men. It was certainly very symbolic. I cannot wait for the day when we have an Aboriginal woman in here.

As members of Parliament, we all know that there is not a lot of bipartisan support and certainly not many bipartisan standing ovations in Parliament, but when Ken Wyatt gave his maiden speech in Canberra and was wearing a traditional kangaroo cloak, there was bipartisan support and a standing ovation from all members of the house for him. I cannot wait until that sort of thing happens here. I think this is a very good motion. I am very proud to support it. Again I want to thank the minister for bringing it to the house, and I commend the motion to the house.

Ms WILLIAMS (Dandenong) — I am very proud to rise in support of this motion. I have no doubt that at the end of my political career, which I hope is some time away, speaking on this motion will be one of the proudest moments of my career. Aboriginal culture is the longest living culture in the world, and protocols welcoming visitors to country have been a part of Aboriginal and Torres Strait Islander culture for thousands of years. In modern times an acknowledgement of country recognises that, as Australians, our nation has a strong and proud Aboriginal history.

Sadly, we also have a dark history relating to the treatment of our Indigenous population, and we should all feel a responsibility to repair this damage in whatever way we can and to embrace reconciliation in whatever way we can. We know that the issues relating to that dark history persist — issues like the over-representation in the criminal justice system of Aboriginal people, shorter life expectancy and chronic health issues. As the Minister for Aboriginal Affairs outlined, we have an obligation to ensure that beyond this wonderful motion we also address these issues.

On this motion, paying our respects to the traditional owners goes beyond symbolism. It is an opportunity for us to demonstrate our respect for Aboriginal protocols and culture, in fact our respect for our Aboriginal people. It may be viewed by many as long overdue, that an acknowledgement of country should already be a part of our proceedings in this place, as it is in the commonwealth Parliament. I sure think it is overdue, but I can tell you something: I am very proud to be part of a government that has seen fit to include this important practice in our weekly proceedings. I am also proud that under this government the Aboriginal flag now permanently flies over Victoria's Parliament

House, and I was extremely proud to stand on the steps of Parliament and watch that flag being raised to applause as members of the Aboriginal community stood beneath it and wiped away tears. That was just an amazing moment, so I again thank the Minister for Aboriginal Affairs for enabling that to happen.

There are 38 tribal groups across this country that we know as Victoria. I am told that Bunjil, the creator spirit, is significant across this country, and Bunjil is the wedge-tailed eagle. My electorate falls within Wurundjeri and Bunurong country, and I have been proud to get to know many members of the Bunurong and Wurundjeri community in my area. In particular I am going to single out Aunty Pat Ockwell, who was recently inducted into the Victorian Aboriginal Honour Roll. She is an incredible woman.

Aunty Pat is a stalwart of my local community. She plays an important role in teaching others about Aboriginal customs and has participated in projects locally to assist service providers to engage with Aboriginal clients respectfully and sensitively. She has also spent a lot of time talking to me about Aboriginal culture, as has Andrew Gardiner, the CEO of the Dandenong and District Aboriginal Co-Operative, who is an incredible man in his own right and someone who has been very patient in answering the many questions I have had over this past year.

I hope this motion brings Aunty Pat and others joy and that she and other elders in my community and across Victoria more broadly are pleased with the show of respect, however belated. It is important as parliamentarians that we demonstrate our respect for Victoria's diverse Aboriginal community and that we acknowledge the community's rich history and what it continues to contribute today. It is also important that we strengthen Aboriginal culture for generations to come. I have learnt a lot from my local Aboriginal community, about their customs, their connection to the land and their hurt. They also have given me a renewed appreciation of what it means to be Australian — a renewed sense of pride, a renewed sense of respect for those who called this land home long before my Irish and English ancestors arrived here.

I commend the Minister for Aboriginal Affairs for her work in bringing this about, both the flying of the Aboriginal flag over Parliament House and the introduction of this acknowledgement of country at the beginning of each sitting week. We cannot undo the past; I wish we could. We cannot undo the disgraceful fiction of terra nullius, but we can work on repairing the wounds caused by that fiction and the behaviours that it led to. An acknowledgement of country in this place is

an important step, and I am pleased to see it becoming more common across our community. It is an important part of encouraging greater respect for the traditional owners, their culture and the true history of our nation. It has been a pleasure to rise and speak in support of this motion, and I would like to thank the opposition for its support of this motion as well.

Mr T. BULL (Gippsland East) — I wish to make a few comments on the motion before the house authorising the Speaker to give an acknowledgement of country at the start of each sitting week and state that The Nationals in coalition are strongly supportive of this motion. When we sit here in Parliament we are on or very near to what was a corroboree site for the people of the Kulin nations, where gatherings were held, amongst other things, to trade items, to exchange news and also to settle conflicts. Primarily these were the Wurundjeri and Bunurong people, but this is a very sacred site, so whilst it is entirely appropriate that our traditional owners are encouraged regardless of this, it is important to know that this is a site that is of great significance in our local Aboriginal history.

I come from an area rich in Aboriginal history, that of the Gunai Kurnai people, who continue to have a very strong and proud presence in my electorate of Gippsland East. I am sure all members of this Parliament would welcome the overarching recognition of the Aboriginal people from the regions that they represent. Life changed dramatically for our Aboriginal people when the First Fleet arrived in 1788. Since that time our Aboriginal peoples have continued to gain appropriate recognition in a range of areas of society, and this will be another step that has been taken. Theirs is the oldest living culture in the world, with the common view that occupation dates back between 40 000 and 50 000 years. It is most appropriate that the traditional owners are recognised in this Victorian Parliament at the start of each sitting week, and I support this motion.

Business interrupted under sessional orders.

RULINGS BY THE CHAIR

Answers to questions without notice

The SPEAKER — Order! I welcome the member for Malvern; he was only suspended for an hour yesterday, not for a day!

Yesterday the member for Box Hill raised a point of order as to whether the answers given by the Minister for Ports to the substantive and supplementary questions asked by the Deputy Leader of the

Parliamentary Liberal Party were responsive. I have reviewed the minister's responses to those questions and find that the answer to the substantive question was responsive but that the answer given to the supplementary question was not responsive. In accordance with sessional orders, the minister must provide a written response to my office by 2.00 p.m. tomorrow.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Western distributor

Mr GUY (Leader of the Opposition) — My question is to the Minister for Roads and Road Safety. I refer to the government's announcement yesterday that it will build Transurban's \$5.5 billion western distributor project, and I ask: can the minister confirm that the construction of this project has been announced before the government has secured the full funding to build it?

Mr DONNELLAN (Minister for Roads and Road Safety) — What a marvellous project. It is great to see that the opposition finally has some interest in building roads, because after four years they did nothing — absolutely nothing. What a great project it is: 6000 trucks off the West Gate Bridge and savings of 20 minutes. But of course what did the other side do for the west? Absolutely nothing to improve access to the port, access over the West Gate Bridge — —

Mr Clark — On a point of order, Speaker, the minister is debating the question. It was a very narrow question about funding for the western distributor, and I ask you to bring him back to answering it.

The SPEAKER — Order! The minister is entitled to set the scene and the framework. I call on the minister to come back to answering the question.

Honourable members interjecting.

Mr DONNELLAN — I would have thought the opposition would have been embarrassed by its federal colleagues and their lack of investment in Victorian infrastructure: a figure of 8.9 per cent currently. Yes, we will be asking the commonwealth government to be partners in this program. There is no doubt about that. There are no great surprises. Guess what?

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The Chair, the public and indeed the media are entitled to hear the answer as provided by the minister

for roads. The opposition and government members will come to order.

Mr DONNELLAN — The opposition should be shamed by the current contribution of its federal colleagues — absolutely shamed. A figure of 8.9 per cent of total infrastructure when we represent 23 per cent of the Australian economy is simply not good enough. Yes, we will be approaching the federal government about becoming partners in this project, because there is no great secret, and we have indicated — —

Mr T. Smith interjected.

The SPEAKER — Order! The member for Kew is warned.

Mr DONNELLAN — We want to work with the commonwealth government to actually get infrastructure built, unlike the coalition, that would not even put a proper business case in for Infrastructure Australia but put in a short form dodgy business case and lost 55 cents of every dollar spent — —

Mr Clark — On a point of order, Speaker, the minister is again debating the question. If he has concluded his answer, he should simply sit down.

The SPEAKER — Order! I uphold the point of order. The minister, to come back to answering the question.

Mr DONNELLAN — As the house would be aware, we will putting out expressions of interest in December for the Monash upgrade. Further, the tender will be put to the market in March. We are wasting no time in getting on with building this infrastructure, and we make no apologies for it.

Supplementary question

Mr GUY (Leader of the Opposition) — Transurban's advice to the stock exchange, which must by law meet standards of honesty and full disclosure, states that agreement with the government has not even been reached in principle, so I ask: how can the minister say the project has the green light when there is no contract, no in-principle agreement, no scope of works and it is not fully funded?

Honourable members interjecting.

Mr DONNELLAN (Minister for Roads and Road Safety) — It is a bit rich being lectured to about honesty and transparency in relation to the coalition's rotten, dirty business case, which lost 55 cents for every dollar

spent. At the end of the day we have put forward a business case which is open and transparent, a full business case to be considered by Infrastructure Australia. The project will be going through a proper and transparent full planning process so that the community, Melbourne City Council and the like can all work towards the most appropriate outcomes.

Ministers statements: western distributor

Mr ANDREWS (Premier) — I am delighted to be able to update the house on progress the government has made on an outstanding transport project — a transport project that does not lose 55 cents on every dollar but instead a transport project that delivers \$1.30 — —

Honourable members interjecting.

Mr R. Smith — On a point of order, Speaker, just to clarify, is this progress being made on a project that has no contract, no in-principle agreement, no scope — —

The SPEAKER — Order! The member for Warrandyte will resume his seat. The member knows well that that is not a point of order.

Mr ANDREWS — That is \$1.30 for every dollar you invest on the most conservative reckoning, not the dodgy logic that was applied by some other people. If you were to be more generous, it is \$1.90.

This is a fantastic project creating 5600 jobs, a great project that will see 20 minutes saved each day for motorists on this corridor, a project that will provide a direct link to the port of Melbourne, a second crossing across the Maribyrnong and upgrades to the Monash Freeway. This project is outstanding and will be a reality under this government, be in no doubt about that, Speaker. The time has come to get on and build projects that stack up. What is more, on a day when the Auditor-General had a fair bit to say about those opposite, it is also about time to bring some transparency to these statistics.

Mr Clark — On a point of order, Speaker, the Premier is now engaged in debating. He is not complying with sessional order 7 in relation to advising the house about new government projects, initiatives and achievements. I ask you to bring him back to compliance.

The SPEAKER — Order! The Premier will resume and come back to making a statement.

Mr ANDREWS — It is a project that will be great for jobs and terrific at easing congestion, protecting the

productivity of our state and keeping our state strong. It is also one that has a positive cost-to-benefit ratio. On the point of transparency, Speaker, do you know what this is? This is a business case released by a government — —

Honourable members interjecting.

The SPEAKER — Order! The Premier, to continue for the remainder of his 4 seconds on a minister's statement in silence.

Mr ANDREWS — A positive business case released by a government with absolute integrity — —

The SPEAKER — Order! The Premier has concluded.

Western distributor

Mr R. SMITH (Warrandyte) — My question is to the Minister for Roads and Road Safety. I refer to the government's western distributor announcement yesterday, and I ask: can the minister confirm that for an investment of just \$1.5 billion Transurban will collect windfall profits of more than \$6 billion in extra tolls from Victorian motorists?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the shadow minister for his question. The response is no, but we will be using a public-private partnership prospect to undertake this project. That is pretty open and transparent. We will be working with Transurban to deliver this project. There is no great secret about that. There will be tolls, as everybody is well aware. That is the business case. It is a very transparent process, and we are very happy to present it to the Victorian public for their consideration.

Supplementary question

Mr R. SMITH (Warrandyte) — When the government allows Transurban to collect CityLink tolls from Melbourne motorists for an extra 12 years, can the minister guarantee that they will be no increases in toll rates as well?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the shadow minister for his question.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings is warned again. I will not warn the member again.

Mr DONNELLAN — The logic of the opposition's questions today is a bit tortuous, to put it mildly. One

minute the project is not proceeding, and the next minute we are deciding how many years the tolling extension will or will not go on for. That is still subject to negotiations, and in due course we will present that information to the house.

Ministers statements: infrastructure reform

Mr PALLAS (Treasurer) — I rise to inform the house about action that the Andrews Labor government is taking to restore integrity and accountability in our infrastructure development in this state — and might I also say transparency. It has only been a year, but a lot can change in a year with an energetic government that is keeping its promises. Infrastructure Victoria is now up and running. Legislation is before this Parliament.

Honourable members interjecting.

The SPEAKER — Order! The Treasurer is definitely entitled to silence. The Chair will begin to suspend members of the house should that not happen.

Mr PALLAS — Legislation is before this Parliament to give the Auditor-General follow-the-dollar powers, and of course yesterday we released the business case for the western distributor. Transparency and accountability are writ large in this government's actions. In other words, we are doing everything that we said we would do to ensure that a calamity like the east-west link project never happens again. It could not be more timely. This morning the Auditor-General's report into the east-west link was tabled. That \$22 billion failure was a cesspit of poor planning and was also driven by election politics only. The former government knowingly tried to lead Victorians into the abyss.

Mr Burgess interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hastings

The SPEAKER — Order! The member for Hastings will withdraw from the house for the period of 1 hour.

Honourable member for Hastings withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: infrastructure reform

Questions and statements resumed.

Mr Clark — On a point of order, Speaker, the Treasurer is now debating the issue. I ask you to bring him back to compliance with sessional order 7.

The SPEAKER — Order! The Treasurer will come back to making a ministers statement.

Mr PALLAS (Treasurer) — On the point of order, Speaker, I am referring to the Auditor-General's report. It is a matter current and topical to this point, and the government is required to respond to it.

The SPEAKER — Order! The Treasurer will continue on a ministers statement.

Mr PALLAS — The former government knowingly tried to lead Victorians into an abyss. It rushed into signing contracts, against advice.

Mr Clark — On a point of order, Speaker, the Treasurer is defying your ruling. I ask you to bring him back to compliance with sessional order 7.

The SPEAKER — Order! I uphold the point of order. The Treasurer to continue on a ministers statement.

Mr PALLAS — Once again, Speaker, responding to the Auditor-General's report, I make it clear that Victoria will never enter into silent agreements that seek to subvert the business case and the interests of this state. Once again of course we will be prepared to show the people of Victoria what it is we are proposing and account for it publicly.

Western distributor

Mr GIDLEY (Mount Waverley) — My question is to the Minister for Roads and Road Safety. I refer to page 174 of the western distributor reference business case that shows a commuter living in Mount Waverley who gets onto the Monash Freeway at Blackburn Road and travels to the CBD will get no time saving and will pay 12 more years in tolls, costing that commuter over \$40 000. I ask the minister: how is this fair?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the member for his question. Obviously there are substantial enhancements we are proposing for those people who live, I guess, between

the south-east and the east. As they would be well aware, we are currently undertaking work on Punt Road, which is actually where 70 per cent of people who hop off the Eastern Freeway, which is something — —

Honourable members interjecting.

Mr R. Smith — On a point of order, Speaker, the question did not go to Punt Road in any way. They are coaching; look at that. You cannot — —

The SPEAKER — Order! The member for Warrandyte on a point of order, or I will sit him down.

Mr R. Smith — The question had nothing to do with Punt Road. The minister is clearly debating the question. He should come back to the question that was asked.

Ms Allan — On the point of order, Speaker, the question raised some wildly inaccurate mathematics from the member for Mount Waverley.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House is entitled to silence on a point of order.

Ms Allan — The minister is perfectly entitled to talk about the improvements that will come to the road network as a whole from the Andrews Labor government showing the initiative to push on with the western distributor project. He is entitled to give that explanation to the member and the house in answering the question.

Mr Guy — On the point of order, Speaker, to assist you in making your ruling, the Leader of the House has claimed these are wildly inaccurate mathematics; the question referred to a page in the government's own business case. And the roads mentioned were the Monash Freeway and Blackburn Road. At no stage was Punt Road mentioned. I ask you to bring the minister back to the question.

The SPEAKER — Order! The Chair does not uphold the point of order.

Mr DONNELLAN — It is a very simple concept. When you get to the end of the Eastern Freeway, 70 per cent of the traffic goes down Hoddle and Punt roads. It is something the gooses opposite failed to comprehend when they put forward the proposition of the east–west link — \$22.8 billion wasted on a project that would lose 55 cents for every dollar. What we are doing is we

are dealing with the pinch point, the congestion issue at the end of the — —

Ms Staley interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBERS

Members for Ripon and Frankston

The SPEAKER — Order! The member for Ripon will withdraw from the house for a period of 1 hour.

Honourable member for Ripon withdrew from chamber.

Mr Edbrooke interjected.

The SPEAKER — Order! So will the member for Frankston.

Honourable member for Frankston withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Western distributor

Questions and statements resumed.

Mr DONNELLAN (Minister for Roads and Road Safety) — It is very much a pity that the other side, the opposition, was going to waste \$22.8 billion on a project which simply was not going to deliver a solution to the issue — —

Mr Clark — On a point of order, Speaker, the minister is debating the issue. The question related to a motorist from Mount Waverley. It had nothing to do with the east–west link project. I ask you to bring the minister back to answering the question.

Mr DONNELLAN — On the point of order, Speaker, the member for Box Hill and others fail to understand that we are dealing with the total network, and then when you get to the end of the Eastern Freeway, as part of that network, 70 per cent of the cars coming from Mount Waverley and the like go down Hoddle Street and Punt Road. So we are dealing with the network. The question related to how we are going to improve the travel times of those communities, and I am providing a fulsome explanation.

Mr Gidley — On the point of order, Speaker, this question was a very narrow question. It did not refer to the Eastern Freeway, and it did not refer to Punt Road;

it referred to residents in my district, who will have to pay tolls for 12 more years, costing them more than \$40 000 under the government's own business case. It was not about the Eastern Freeway; it was not about east-west link. If the government has no answers for my residents, who are going to be paying tolls for longer, and higher, can you sit the minister down because he is not being relevant to the question?

The SPEAKER — Order! The minister provided a framework and a very broad explanation in relation to the subject matter. I do now ask the minister to come back to be responsive to the specific question as raised.

Mr DONNELLAN — As I have indicated, we are obviously upgrading the Monash Freeway, and we are obviously doing upgrades to Hoddle Street and Punt Road, which we are currently working on.

Supplementary question

Mr GIDLEY (Mount Waverley) — I refer to page 113 of the western distributor reference business case, the government's business case, that recommends that tolling continue on CityLink even after the concession expires, meaning that a commuter in Mount Waverley will continue to pay tolls indefinitely — indefinitely — and I ask: is it government policy to continue tolls on CityLink even after the concessions conclude, and who will receive that revenue?

Mr DONNELLAN (Minister for Roads and Road Safety) — Is it not a blessing that in this house we are actually able to have transparency, accountability and honesty and that the member is actually able to refer to a business case and actually make an assessment of whether he thinks it is good or otherwise? But I can tell you, \$22.8 billion on east-west was never going to solve any problem at the end of the day.

Mr Gidley — My point of order, Speaker, is on relevance. This was a very narrow question. It referred to the situation where tolling may continue on CityLink even after the concession expires, meaning that commuters in my district may pay tolls indefinitely. The minister is not referring to or answering that question; he is referring to other infrastructure projects. I ask you to bring him back to answering the question and give residents in my district the decency of an answer.

The SPEAKER — Order! I have heard sufficient from the member.

Mr Merlino — On the point of order, Speaker, the supplementary question raised by the member was not narrow; it related to the business case, and I understand

that that is foreign to those opposite. It is a shame the member was not so vocal when east-west was going to toll existing roads.

Honourable members interjecting.

The SPEAKER — Order!

Mr Merlino — That is what those opposite were going to do — —

The SPEAKER — Order! The Deputy Premier has concluded his point of order. I ask the minister to come back to answering the question.

Mr DONNELLAN — As I previously said, is it not wonderful that we can actually be discussing an open and transparent business case today? I point the member to the benefit-cost ratio, which indicates \$1.30 for every dollar spent, and that compares very favourably with the ordinary proposition that the previous government was going to put, which lost 55 cents for every dollar spent. At the end of the day, this is a strong business case. I know Infrastructure Australia will look positively at this, and I very much encourage the member to get his federal colleagues to get on board and support our infrastructure investment.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 11(2), which enables you to determine that an answer to a question has not been responsive. This was a very specific question about whether or not it is government policy to continue tolls on CityLink after the extension referred to in the business case. The minister has not come anywhere near answering that question. I ask you to direct him to provide a written response.

Ms Allan — On the point of order, Speaker, I appreciate that it might have been difficult over the noise from those opposite to hear all of the minister's answer, but he did in detail. The question was asked about the business case for the western distributor project — a great project that has been initiated on this side of the house. The minister was entirely relevant and answered the question in quite detail in referring to both the business case and the benefits to the broad road network, which the member was quite concerned about — the benefits for his community — and the minister quite comprehensively answered that question.

The SPEAKER — Order! The Chair will review the answer provided by the minister.

Ministers statements: western distributor

Mr DONNELLAN (Minister for Roads and Road Safety) — Today I rise to update the house on a new initiative of the Andrews Labor government to reduce noise, accidents, pollution and congestion. Melbourne's population is growing, and much of that population growth, as we know, is in Melbourne's west, increasing travel pressure on the inner west road network. Congestion on the M1 freeway is also increasing; 1 million people a day rely on this, and that is set to increase to 1.6 million by 2031.

The western distributor project is a new 6.3-kilometre link that will end Melbourne's over-reliance on the West Gate Bridge and provide direct links to the port of Melbourne and the inner city. The project will deliver immediate travel saving times of 20 minutes, take 22 000 vehicles a day, including 6000 trucks, off the West Gate Bridge, and create 5600 jobs. It will also take 6000 trucks off the inner city streets of the west.

We will be widening the West Gate Freeway from 8 to 12 lanes between the M80 and Williamstown Road, building a tunnel under Yarraville and a second river crossing over the Maribyrnong River, constructing an elevated roadway along Footscray Road with direct links to the port of Melbourne for freight efficiency, and building 4.5 kilometres of new cycling and pedestrian paths, including the completion of the Federation Trail. Also, of course, we are upgrading the Monash Freeway with extra lanes. Removal of the trucks that have plagued the inner city streets of the west for years will make them very much a thing of the past.

However, I do note that various people have come out who are lacking in their support for this great initiative. That includes Colleen Hartland, a member for Western Metropolitan Region in the upper house, and the shadow minister for roads and infrastructure, the member for Warrandyte, who have indicated they do not support it.

Mr Clark — On a point of order, Speaker, the minister has now departed from informing the house about new government initiatives, projects and achievements and is commencing to debate the issue. I ask you to bring him back to compliance.

The SPEAKER — Order! The Chair does ask the minister to come back to making a ministers statement.

Mr DONNELLAN — I am very much making this statement to urge the Liberal Party and the Greens to get onside and call on their federal colleagues to

undertake and support funding for this great project. We are very much getting on with the job of delivering the projects that Victoria needs.

Western distributor

Mr R. SMITH (Warrandyte) — My question is to the Minister for Roads and Road Safety. I refer to the government's western distributor announcement, and I ask: is it a fact that over 40 per cent of the CityLink tolling revenue for this project will come from residents of the south-eastern suburbs, yet only 7 per cent of the project cost will be spent in south-eastern suburbs?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the shadow minister for roads and infrastructure for his question. I can confirm that this is a very positive project for all of the community because it is very much about a total transport network. It includes the fact that when we have problems on the West Gate Freeway, we also have problems in the south-east. If he occasionally travelled outside his electorate, he would understand that this system is totally — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition. The Chair is on his feet. All members will come to silence. That includes the Leader of the Opposition.

Mr DONNELLAN — The benefits of this project are very much Victoria wide. This is a central spine of distributing and getting people from home to work and getting freight from one end of the city to the other. We are spending substantial sums in the south-east, which also includes Thompsons Road, which is another major duplication. We are also looking at various other duplications across the whole state. We very much are here to govern for the whole state, not for small parts of the state, not to deliver a road project which very much focused on keeping a couple of eastern suburbs seats but really would have done nothing for the whole of Victoria.

Supplementary question

Mr R. SMITH (Warrandyte) — Can the minister confirm the only reason that the government has linked the western distributor truck road with the Monash Freeway widening is to mask the fact that this government has not put a cent into the western distributor, a road that south-eastern residents will pay for but rarely use?

Mr DONNELLAN (Minister for Roads and Road Safety) — No, no, no.

Ministers statements: Royal Park

Mr WYNNE (Minister for Planning) — I rise to inform the house of new information, and it is not about Fishermans Bend. The much-loved Royal Park has been protected by the Andrews Labor government. On the recommendation of Heritage Victoria, the Heritage Council has now restored the protections to Royal Park eroded by the now Leader of the Opposition to facilitate construction of the east–west link, which would have destroyed the park. Last year’s election was a referendum on the east–west link. Victorians voted against the former government’s dud tunnel and the destruction of the historic Royal Park. This project was exposed for the fraud that it was, returning just 45 cents in the dollar.

Mr Clark — On a point of order, Speaker, the minister is now debating the issue. I ask you to bring him back to compliance with sessional order 7.

Ms Allan — On the point of order, Speaker, the minister was talking about an important initiative of the government in saving Royal Park. He can only talk about taking this action in response to the context and putting in place the history as to why this decision needed to be made. Those opposite might not like that history, and might not like being reminded of that history, but it is entirely relevant to the matters before the house, and the minister should be allowed to continue to provide his statement.

Mr R. Smith — On a point of order, Speaker, on 21 October you made the ruling and the comment when the Minister for Education was on his feet that ministers should make their ministerial statements in the spirit of the sessional orders. You also went on to instruct ministers to make more of an effort in putting their ministerial statements together. So, Speaker, I ask you given that the minister has used up half his time if you could remind the Minister for Planning about those comments that you made on 21 October, which are clearly contrary to the comments that were made by the minister.

The SPEAKER — Order! The minister is entitled to set the context. The minister will now come back to making a statement.

Mr WYNNE — In that context this was propped up by the former Treasurer’s infamous dodgy side letter. Imagine, if you will, Speaker, tunnelling in a massive interchange to be built in half of Royal Park, with flyovers built over wetlands and playing fields. This is the latest planning mess that Labor has had to fix. We

will not build roads through Melbourne’s historic and iconic Royal Park, which was established in 1864 for the enjoyment of all Victorians. We have stopped the Liberal Party from carving a tunnel through — —

The SPEAKER — Order! I request the minister to come back to making a statement.

Mr WYNNE — This is a very important initiative that is going to save the famous Royal Park for the future of Victorians.

Western distributor

Mr R. SMITH (Warrantyte) — My question is to the Treasurer. On 6 May 2014 the Treasurer said:

Only Labor will take the advice of an independent body — that is, Infrastructure Victoria.

I ask: on what date was the western distributor project submitted to Infrastructure Victoria for assessment and when did the government receive its advice back?

Mr PALLAS (Treasurer) — I thank the member for Warrantyte for his question. Not only is it now proven that those opposite are chronologically challenged, also their integrity has also been stripped bare in this place. There is a slight problem with referring things to a body that does not exist, and it did not exist.

The alternative strategy is that what we should do is sit around and do what those opposite did for four years — nothing — and wait for the establishment of the body. What we did do was submit this project to an independent review panel headed by none other than Dr Kerry Schott, the adviser to former New South Wales Premier Barry O’Farrell and a person who has the utmost integrity. It was also independently assessed and oversighted by Ernst & Young to make sure that the processes that the bureaucracy was putting in place had integrity, which is the sort of thing that you might expect — I do not know — an Infrastructure Victoria to do had it existed at the time.

Mr T. Smith interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Kew

The SPEAKER — Order! The member for Kew will withdraw from the house for a period of 1 hour.

Honourable member for Kew withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Western distributor

Questions and statements resumed.

Mr PALLAS (Treasurer) — The fundamental argument of those opposite is that you should sit around and wait for whatever time it takes to set up a review process and not get on and deliver the vital infrastructure that Victorians expected. This government will not waste a day in delivering the infrastructure that Victorians voted for — the infrastructure that Victorians not only voted for but also are getting delivered in spades by this government.

Transparency, accountability and integrity are words that those opposite will never completely comprehend. They are the cornerstone of what this government does each and every day. This process is above and beyond reproach because, as the Premier has said, we have a business case and we have had questions directed at us about the integrity of the business case. You know what that is? That is called accountability, that is called transparency, and it is something that was subjected to independent rigour — something that those opposite never did. Those opposite should not try and hold us to their pathetic levels of accountability.

We, as a government, remain committed to openness and accountability, but importantly also to integrity in decision-making that enables us to stand up, look the people of Victoria in the eye and hold our business cases up for scrutiny rather than hide them away.

Supplementary question

Mr R. SMITH (Warrandyte) — Can the Treasurer confirm that the western distributor project is the fourth project announced by this government, with a cumulative cost of nearly \$20 billion, that has not been sent to Infrastructure Victoria for its assessment, as he promised?

Mr PALLAS (Treasurer) — It is good to see the member for Warrandyte standing up for the role and integrity of Infrastructure Victoria, because he came into this place and he attacked the integrity of the members of Infrastructure Victoria. One minute he wants them, then he does not. But I tell you what — we have an Infrastructure Victoria, and it took this government to put it in place. Might I tell you that the cumulative effect of the projects that are underway and delivering for the economic growth of this state — —

Mr Guy — On a point of order, Speaker, on relevance and also seeking clarification, in the Treasurer's answer to the substantive question he said that there was no Infrastructure Victoria established. He has now just said in his answer to the supplementary that we have an Infrastructure Victoria. I wonder if you, Speaker, could have the Treasurer advise us which part of his answers is actually correct.

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

Mr PALLAS — The Leader of the Opposition may have forgotten that subsequently he voted for Infrastructure Victoria to be created. So \$20 billion, a cumulative effect, is a heck of a lot cheaper than \$22 billion for the secret, dodgy agreement — the east-west link — that he tried to sign Victorians up to.

Ministers statements: western distributor

Mr PALLAS (Treasurer) — The good news just keeps coming on and on. I rise to update the house on the economic benefits of the western distributor. Using the most conservative methodology, this is a project with a cost-benefit ratio of 1.3. Now 1.3, for those opposite, is more than 0.45 — which is under water, by the way.

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn is warned and so is the member for Eildon.

Mr PALLAS — Infrastructure Australia has a methodology which is a little bit less conservative than Victoria's, and it comes in at 1.9. So there is no doubt that those in Canberra will be looking at this project with great interest, as they have already publicly indicated they are. This is all information that we are putting on the public record. After four years of secrecy and misinformation, we have a new model for selecting and assessing infrastructure.

Mr Guy — On a point of order, Speaker, by way of relevance, the Treasurer is talking about transparency. I seek leave to table a Transurban statement to the stock exchange stating that there actually is no in-principle agreement with the government on this project.

The SPEAKER — Order! The Leader of the Opposition knows well that that is not the procedure by which he can table a document. He may wish to provide that to the house, and he can do so.

Honourable members interjecting.

The SPEAKER — Order! We apologise to the Treasurer. The Treasurer can now continue.

Mr PALLAS — What have I done? He had four years to table a business case and he never got around to it — Mr Integrity.

The SPEAKER — Order! The Treasurer will resume his seat. There appears to be an issue with that microphone. I am assured that the Parliament has paid its bills, so if the microphone does not work, the Treasurer is invited to use another one.

Mr Clark — On a point of order, Speaker, I ask you to bring the Treasurer back to compliance with sessional order 7.

The SPEAKER — Order! The Treasurer will come back to complying with sessional order 7.

Mr PALLAS — I am confident that what we will see of course out of the western distributor is 6000 trucks a day off the West Gate Bridge, 5600 jobs in the construction industry, travel time savings of 20 minutes a day on return journeys to the city, \$11 billion in extra economic activity for the state, extra lanes on the Monash Freeway and the creation of the longest managed motorway network in Australia.

I am able to offer to the house this level of detail because the announcement came after nearly a year of hard work by this government and rigorous assessment. This is the way that good government with integrity goes about delivering infrastructure.

The SPEAKER — Order! The time has now arrived for constituency questions.

Ms Sandell — On a point of order, Speaker, I draw your attention to a constituency question I asked the Minister for Housing, Disability and Ageing on 6 October and which remains unanswered after nearly two months, as well as a question on notice asked of the Minister for Housing, Disability and Ageing on 17 September which also remains answered.

The SPEAKER — Order! The Chair will follow that matter through for the member for Melbourne.

Mr R. Smith — On a point of order, Speaker, I refer you to sessional order 12 and the requirement for ministers to answer questions on notice within 30 days. Still outstanding are answers to questions directed to the Minister for Roads and Road Safety due on 19 November, questions 3673, 3656, 3654, 3657 and 3655; answers to questions to the Minister for Industry due on 19 November, questions 3660, 3641 and 3639;

and answers to two questions to the Minister for Public Transport, one due on 6 October and the other due on 5 November — respectively the numbers are 1100 and 1098.

I raised these matters yesterday. The Deputy Speaker assured me, as you do, that you will compel the ministers to respond, but the fact of the matter is that for many members on this side of the house — Liberals, Nationals and Greens alike — questions are just not being answered. Ministers are obviously not adhering to sessional orders but also not listening to the direction from your own office. I request from you, Speaker, that your requests to ministers are perhaps a little more heavy handed than they have been in the past because the letter of the sessional orders is that they clearly state 30 days.

I am sorry to say, Speaker, that if you are unable to compel ministers to act, then what hope have we on this side of the house got and what hope have our constituents got of getting answers to questions that they, through us as their representatives here in the Parliament, have been asking these ministers?

The SPEAKER — Order! The Chair accepts the point of order made by the member for Warrandyte. The Chair will follow those matters through, and further the Chair will continue to raise these matters in meetings of the Standing Orders Committee.

CONSTITUENCY QUESTIONS

Warrandyte electorate

Mr R. SMITH (Warrandyte) — (Question 6650) I would like to raise a matter for the Minister for Education. It is a straightforward question; it does not require a rehash of the government's commitment to the education state, obfuscation designed to pretend that decisions have not been made or cheap political shots about the former government. The education department has informed Donvale Primary School that it is high on the list to receive funding for an upgrade to its buildings. We are all aware that the minister has the final say about which schools are to be funded in the budget. Therefore I ask the minister: will Donvale Primary School receive funding in the 2016 budget for the significant capital works that it needs?

Yan Yean electorate

Ms GREEN (Yan Yean) — (Question 6651) My constituency question is to the Minister for Roads and Road Safety. Four years of no investment and no future road planning by the Liberal-Nationals coalition

government have left significant congestion on state and council roads in my electorate of Yan Yean. The Andrews Labor government is now getting on with the much-needed duplication of Yan Yean Road up to Kurrak Road. However, the community wants this upgrade to continue well beyond Kurrak Road, so I ask the minister: when will the declaration of Yan Yean Road as a state arterial road beyond Kurrak Road to Bridge Inn Road occur so that planning for further duplication can be undertaken and funding bids made?

Mildura electorate

Mr CRISP (Mildura) — (Question 6652) My question is for the Minister for Regional Development. I ask: what funding is available for the extension of the main runway at Mildura Airport? The Mildura Airport is vital economic and transport infrastructure and it has secured \$10 million from the federal government to strengthen the main runway. The federal government has recognised the increased traffic and size of aircraft using the Mildura Airport. The main runway also requires lengthening, a project Regional Development Victoria is familiar with, to increase the length to allow for operation of heavy aircraft in all weather conditions. There are valid reasons to combine both projects, and this government should now fund the lengthening of the Mildura Airport runway, as it makes good economic sense to do both projects together.

Niddrie electorate

Mr CARROLL (Niddrie) — (Question 6653) My constituency question is to the Attorney-General. Last Wednesday, 2 December, together with the Special Minister of State and the Minister for the Prevention of Family Violence, who is at the table, I attended the launch of the rollout of the new online family violence intervention order applications system to commence at Melbourne's busiest Magistrates courts. As we learnt in the last sitting week, family violence affects all communities — and the Niddrie electorate is not immune from it. On behalf of my constituents I ask the Attorney-General: what is the latest information on the online family violence intervention orders system to assist victims of family violence and how will this improve access to court protection and also help the courts to prioritise high-risk cases earlier?

Brighton electorate

Ms ASHER (Brighton) — (Question 6654) My question is to the Minister for Public Transport. The context of my question is in relation to the government's 24-hour public transport trial, which will take place in 2016. As has been previously announced

by the government, not all stations will have protective services officers (PSO) at the very time when PSOs, I would have thought, are needed — that is, at night. My question to the minister is: why will only one station in the Brighton electorate, the Brighton Beach station, have PSOs while every other remaining station will not? Gardenvale, North Brighton, Middle Brighton and Hampton stations will not have PSOs. I would be grateful if the minister would explain the government's rationale as to why one station will have PSOs and other stations will not.

Carrum electorate

Ms KILKENNY (Carrum) — (Question 6655) My constituency question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. I ask the minister: what is the latest information about the government's review of residential tenancy in Victoria, and how can people in retirement villages participate in this review and put forward their views on secure housing? As the minister knows, the Residential Tenancies Act 1997 is the main source of consumer protection for Victorians living in rental housing. A particular area of concern for many of my constituents is around the rights of those living in the retirement housing sector. I have met with many residents from retirement villages who have a lot to say on this matter and who would be keen to be involved and feed their experiences into this review process. I know that many of my constituents who are living in retirement villages would be very keen to find out about this, and I look forward to the minister's answer.

South-West Coast electorate

Ms BRITNELL (South-West Coast) — (Question 6656) My constituency question is to the Minister for Employment. The Andrews government has pledged to create 100 000 full-time jobs in its first two years of office. The Treasurer's much-lauded Back to Work scheme has only delivered 164 new jobs to Victoria in 12 months. Hardly any of these are in regional Victoria. There is a business in Portland needing to fill 56 jobs immediately, and it is asking for help. Porthaul, a bulk transport business with over 100 employees, has contracts to fill and is seeking government assistance. What is the government doing to assist Porthaul in filling these positions in order to provide employment opportunities for the people of the South-West Coast electorate?

Sunbury electorate

Mr J. BULL (Sunbury) — (Question 6657) My question is to the Minister for the Prevention of Family

Violence. In response to Australian of the Year, Rosie Batty, addressing the Parliament last sitting week a number of my constituents have contacted my office in regard to the government's initiatives to address family violence. I ask the minister: how can constituents in the Sunbury electorate get involved in the Victoria Against Violence campaign in future years?

Sandringham electorate

Mr THOMPSON (Sandringham) — (Question 6658) My constituency question is to the Minister for Finance. I ask: what plans are there on the part of the government to reserve part of the precinct known as the Highbett Gasworks site for public open space under present arrangements? Historically the potential for use of that land may have ranged from wetlands through to medium high-density development to the location of a new Sandringham hospital. It should be pointed out that with Melbourne's population doubling over the next period of time there should be equal attention applied to the doubling of recreational lands in Melbourne. We heard earlier in the house today about the magnificent Royal Park, which was established by Charles La Trobe, who had a vision of the importance of parks and open spaces for Melbourne in the future. We must continue to do so and provide good open space.

Yuroke electorate

Ms SPENCE (Yuroke) — (Question 6659) My constituency question is to the Minister for Education. The Craigieburn community in the Yuroke electorate is looking forward to the new primary school in north-west Craigieburn. What is the status of the master plan process and the time lines for completion of the school?

ACKNOWLEDGEMENT OF COUNTRY

Debate resumed.

Ms WARD (Eltham) — I rise to very happily speak in support of this motion. It is incredibly important that this place, as a place of decision-making for our community and our state, acknowledge the traditional owners of the land on which we meet. To have the significance of this occurring regularly in our Parliament is very important. I think we as a society need to do all we can to acknowledge the history of Australia's original peoples and to be as inclusive and respectful as possible. We have a very challenging history when it comes to European settlement of these lands.

It is up to us as a government and as a Parliament to do what we can to acknowledge our first peoples. Theirs is the longest living culture in the world, and they have long-established protocols for recognising and welcoming visitors to country. It is a very important part of Indigenous tradition that this occur. This symbolism of bringing someone onto your lands and including them into your community and welcoming them is a very important part of Indigenous culture. I think we could learn quite a bit from the sense of inclusiveness and welcoming that the traditional welcome to country offers.

It also helps us as a Parliament to embrace our Indigenous history and to include it in our day-to-day undertakings and activities. We need to acknowledge the deep and continuous connection with land that our Indigenous peoples have. This is an issue that has been challenging for many in this country in terms of acknowledging that continuous history and continuous connection to land. Having a welcome to country regularly in this Parliament gives us the opportunity to ensure that our Indigenous peoples understand that we do recognise, accept and celebrate that continuous connection to the land. This is a place of meeting; this is a place around the Yarra River that has a long history as an Indigenous meeting place.

It is not just the City of Melbourne that has this; it is also present within my own community. Not far from where we live we have eel traps in the Yarra River that have been there for centuries. We have Kangaroo Ground tower, which is a beautiful place of meeting for our Indigenous peoples that has also been celebrated and commemorated by local people as a place of remembrance for those who have served our country in wars past. It is a space that overlooks the whole of Melbourne and a lot of Victoria. The hill on Kangaroo Ground is a place of great beauty that overlooks our city. It is really important that we commemorate and acknowledge these very significant places for Aboriginal custodians and that we recognise that there are places — including this place where we meet today and the site at Kangaroo Ground — that are really important to our first peoples.

We need to recognise that the two cultures can coexist through respect, communication and working together. We cannot be seen as two separate others. We must respect and understand each other's individuality and the importance of culture, and we need to have a continuous conversation about those things. We need to have a conversation that embraces that diversity, embraces the different traditions and at some points incorporates those traditions. It is really important for this Parliament to be able to embrace a number of the

traditions of our Indigenous elders and our Indigenous communities.

This is an important motion. It is another step that this Parliament and this government are taking in embracing our Indigenous history and culture, such as raising the flag above our Parliament, which we began only a few months ago. These are symbolic gestures, but they are important gestures. These are gestures that tell the story of how we as a government believe it is important to embrace and acknowledge Indigenous history and have it at the forefront of many of the things we do. I can only hope that by raising these significant symbols we continue on the journey of reconciliation that began a number of decades ago. There is still much work to do. We still need to do so much more to be inclusive, to embrace our Indigenous history and our Indigenous peoples and to move forward together for the betterment of both communities. I commend this motion.

Ms SANDELL (Melbourne) — My electorate sits on the land of the Kulin nations, and I pay my respects to all people of the Kulin nations. I especially pay respect to the elders of these nations, past and present, but also the emerging and future elders. I also pay my respects to the Latji Latji people, who are the traditional custodians of the land in the Mallee which I grew up on.

I commend the minister and the government for bringing this initiative before the house. It is something the Greens fully support. In acknowledging the land on which we meet, it is also important to recognise that sovereignty of this land was never ceded by the Aboriginal people. I pay my respects to all the Aboriginal freedom fighters who fought for their country, their culture, their language and their people and also to those who continue to fight to this day, because the struggle is far from over. There are still many injustices perpetrated against Aboriginal and Torres Strait Islander people in this state and this country. I hope that in acknowledging the traditional owners every week in Parliament it also gives us a chance to reflect on what we might be able to do, not just as parliamentarians but also as people, to right some of these wrongs.

I also note the hard work of many community members and the Melbourne City Council, in particular Cr Cathy Oke, who have pushed for many years for a permanent memorial to the Aboriginal freedom fighters, which will be unveiled soon. Tunnerminnerwait and Maulboyheener were Aboriginal freedom fighters who were hanged in the centre of Melbourne for the simple act of fighting for their land, their culture, their

language and their people. It is right and proper that we have a memorial to these two freedom fighters. I hope this government will look at other ways that we can recognise the sacrifice that Aboriginal people have made for their communities.

The Greens absolutely support the Speaker giving an acknowledgement of country every Tuesday, but I note that the Lord's Prayer is read out in the chamber every day, not just once a week. One of the reasons the Greens have long pushed for an alternative to only reading the Christian Lord's Prayer in the chamber every day is that we believe this Parliament belongs to every single Victorian, not just those of the Christian faith. It belongs to all people of many faiths and those of no faith. I absolutely welcome this change as a step in the right direction, but I hope it is just a start in reforming Parliament to make it inclusive for all Victorians, in particular the first Victorians.

Motion agreed to.

RACING AND OTHER ACTS AMENDMENT (GREYHOUND RACING AND WELFARE REFORM) BILL 2015

Statement of compatibility

Mr PAKULA (Minister for Racing) 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 Racing and Other Acts Amendment (Greyhound Racing and Welfare Reform) Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

Section 37B of the Racing Act 1958 (Racing Act) grants the racing integrity commissioner (RIC) the power to refer complaints to other government authorities when that complaint relates to corrupt conduct, an integrity matter or involves apparent contravention of the rules of a controlling body, of the Gambling Regulation Act 2003 or any other act or subordinate instrument in connection with the integrity of racing.

Clause 3 of the bill amends section 37B to extend the power to refer complaints to the appropriate body when it relates to animal welfare. This power involves the disclosure of information that may include personal information.

Section 77A of the Racing Act provides that a member of the Greyhound Racing Victoria (GRV) Board (the board) or any officer authorised by the board in writing for the purpose

(whether generally or in a specific case) may, for the purposes of determining compliance with the Racing Act and the rules of the board, enter premises used by a registered greyhound club, or premises used for the purpose of kennelling or breeding greyhounds at any reasonable hour to:

- inspect the premises and any greyhound at the premises
- inspect and make copies of, or take extracts from any documents kept on those premises.

Clause 8 of the bill amends section 77A to authorise a member of the board or any officer authorised by the board to enter premises and exercise powers during the period commencing one hour before sunrise and ending one hour after sunset, rather than during 'reasonable hours'.

The new section 77A(2A) also authorises entry at other times if the board believes on reasonable grounds that a person has contravened or is contravening the Racing Act or the rules of the board at the premises.

The new section 78 enables a person authorised under 77(A) who is also authorised under the Domestic Animals Act 1994 (DAA) to use information relating to the registration of greyhounds and greyhound racing participants that they have obtained through their primary role with GRV for the purposes of carrying out a function under the DAA. They may also disclose that information to another person that has been appointed as an authorised officer under the DAA.

The provisions in sections 37B, 77A(2A) and 78 engage but do not limit section 13 of the charter.

Human rights issues

Privacy

Section 13 of the charter provides that a person has the right not to have their privacy or home unlawfully or arbitrarily interfered with or their reputation unlawfully attacked.

Power to refer complaints (section 37B)

Section 37B of the Racing Act provides that the RIC may refer complaints about various matters to a relevant body, including complaints about animal welfare.

While section 37B of the Racing Act engages the right to privacy, it does not limit the right as the power is exercised in a manner that is neither arbitrary nor unlawful. The interference is not arbitrary because in performing his functions, the RIC is subject to the Privacy and Data Protection Act 2014.

This function is necessary in instances where information is forthcoming that relates to alleged breaches of the rules, the potential commission of criminal offences, or other general matters concerning possible breaches of integrity or animal welfare in the racing industry. It is essential to any subsequent investigation that the RIC be able to disclose information to the appropriate agency to enable them to conduct a full and proper investigation of the matters raised in the complaint.

The RIC is accountable for the manner in which its functions are exercised, including the referral of complaints. Pursuant to section 37F, the RIC delivers an annual report to the minister on the performance of the RIC's functions, including the exercise of the RIC's power to refer complaints where the

RIC determines that to do so is in the public interest, and this report is tabled in Parliament.

Power to enter premises (section 77A)

The section 77A power to enter and inspect premises engages but does not limit the right to privacy, as the power is neither arbitrary nor unlawful. The use of the power to inspect premises must be undertaken in accordance with the provisions of the Racing Act.

The bill removes the reference to 'reasonable hours' to align the hours during which the board or authorised officers may conduct inspections with that of the common hours of operation of the industry. Where an inspection takes place outside of those hours, the board must believe on reasonable grounds that a person has contravened or is contravening the Racing Act or the rules at or on the premises.

The Racing Act also requires under section 77A(4) that a person authorised by the board must obtain the written consent of the occupier in order to enter a residence.

Information disclosure provisions (section 78)

The power under section 78 for authorised officers to use, or share, information relating to the registration of greyhounds and greyhound racing participants for the purposes under the DAA engage but do not limit the right to privacy, as the power is neither arbitrary nor unlawful. The use or sharing of this information must be undertaken in accordance with the provisions of the Racing Act and the DAA.

This function is necessary to allow GRV authorised officers to use or share information obtained in the course of their duties as GRV authorised officers for the purpose of enforcing the greyhound code of practice under the DAA.

I consider that the bill is compatible with the charter of human rights and responsibilities because, to the extent that the provisions of the bill engage human rights, those provisions do not limit any human rights.

The Hon. Martin Pakula, MP
Minister for Racing

Second reading

Mr PAKULA (Minister for Racing) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

The recent exposure of the use of live animals, such as possums, rabbits and piglets, as lures in greyhound training in this state and others brought about swift action by this government and resulted in the racing integrity commissioner and the chief veterinary officer undertaking investigations into animal welfare in the greyhound racing industry.

While the use of animals in this way was already illegal, the reports recommended amendments to strengthen the Prevention of Cruelty to Animals Act 1986 (POCTAA) to provide stronger powers and increased penalties regarding baiting, blooding and luring.

Amendments to the POCTAA to strengthen powers and increase penalties in that area were passed by Parliament on 10 November 2015 as part of the Prevention of Cruelty to Animals Amendment Bill 2015.

The reports also recommended that amendments be made to the Racing Act 1958 (RA) to place a statutory obligation on the board of Greyhound Racing Victoria (GRV) to promote animal welfare, including greyhound welfare, across the industry and remove the current restraint that limits the ability of GRV to inspect properties to reflect the common hours of operation of the industry.

In total, the reports made 68 recommendations. The recommendations will be implemented through a range of processes including changes to GRV systems, policies and the rules governing the conduct of greyhound racing and legislative amendment.

The Racing and Other Acts Amendment Bill (Greyhound Racing and Welfare Reform) Bill 2015 (the bill) will amend the RA, the POCTAA and the Domestic Animals Act 1994 (DAA) to implement a further 10 recommendations arising from the reports.

Other key recommendations which may require legislative reform, such as the establishment of a greyhound welfare inspectorate, are being considered as part of a broader examination of racing integrity structures in Victoria being undertaken by Paul Bittar.

This bill increases the focus on animal welfare within the industry by amending the functions of the board of GRV to make it clear that it has a statutory responsibility to promote and improve animal welfare, including greyhound welfare, within the industry and has the power to make rules in relation to the welfare of greyhounds. It will also modernise governance arrangements to ensure that at least one member of the board has experience in animal welfare or ethics and that one member of the GRV Racing Appeals and Disciplinary Board (RADB) has animal welfare or veterinary expertise.

The bill expands the functions of the Racing Integrity Commissioner (RIC) to enable it to conduct audits of animal welfare compliance of racing controlling bodies to the extent that they relate to integrity in racing and to refer matters to the appropriate bodies.

The bill also strengthens powers of inspection within the greyhound racing industry by aligning the hours during which the board or authorised persons may conduct inspections with the common hours of operation of the greyhound racing industry.

In addition, the bill amends the RA to allow for the appointment of an administrator to manage the greyhound racing industry in circumstances where the board has failed to competently manage the industry or where it is otherwise in the public interest.

As well as amending the RA, this bill amends the POCTAA to extend the time limit for bringing forward a prosecution under section 13 of that act from 12 months to three years. This will bring the time limit for bringing forward a prosecution under that section into line with the time limit for bringing forward a prosecution for offences relating to cruelty and aggravated cruelty.

Finally, the bill creates a new part in the DAA that is dedicated to the management and care of GRV greyhounds, including the power to create a new mandatory greyhound code of practice for all GRV greyhounds in Victoria, an offence for failure to comply with the greyhound code of practice and other consequential amendments.

Amendments to the Racing Act 1958

Governance and audit arrangements

Greyhound racing in Victoria contributes more than \$315 million annually in economic activity for the state and sustains more than 3000 full-time equivalent jobs. GRV is a statutory body established pursuant to section 69(1) of the RA. The board is responsible for the control of an industry that operates in a highly competitive commercial environment. In 2014–15 GRV reported revenue of \$88.7 million.

The functions of the board include responsibility for the control and promotion of greyhound racing, the conduct of greyhound races and the registration of greyhounds for racing, stud or other purposes and the regulation of breeding and kennelling.

The CVO recommended that the functions of the board be expanded to give it a statutory obligation to promote animal welfare, including greyhound welfare, across the industry. The bill amends the RA to make it clear that the board has a responsibility to promote animal welfare in the greyhound racing industry. The bill also broadens the functions of the RIC to enable it to audit animal welfare compliance in the racing industry to the extent that it relates to integrity in racing and report animal welfare complaints and information to appropriate bodies.

In addition, the bill modernises the appointment process for the board, replacing the requirement for members to have specific experience in business or marketing or the greyhound racing industry. Instead, a new provision will provide the minister with the flexibility to recommend a board appointment to the Governor in Council if the individual has the skills, experience and knowledge necessary at the time to assist the board in carrying out its functions.

In accordance with the CVO recommendation, the bill amends the RA to require that at least one board member is a person who has experience or expertise in animal welfare or ethics, to ensure that animal welfare is given sufficient prominence in the board's deliberations.

The bill also addresses a deficiency in that the RA does not provide for the appointment of an administrator to manage the greyhound racing industry in place of the board. The necessity of such a provision is clear, allowing the minister to deal with a situation whereby the board resigns en masse or it is clear that the board has failed to effectively manage the industry, and where there may not be new board members identified and ready for appointment.

The bill provides a process for the minister to recommend the appointment of an administrator to manage the greyhound racing industry in place of the GRV board where, in the minister's opinion, the board has failed to efficiently or competently manage the industry or the appointment is otherwise in the public interest.

The bill will also amend the RA to implement the CVO recommendation that the GRV Racing Appeals and Disciplinary Board (GRV RADB) include an independent member with the appropriate knowledge and skills to assist it to properly hear matters relating to animal welfare. The bill amends the RA to require that one member of the GRV RADB must have animal welfare or veterinary expertise.

Use of animals as lures in greyhound races

The RIC and CVO reports recommended that the offences for baiting and luring be strengthened and made consistent across legislation.

The use of an animal as a lure or kill for the purposes of bleeding greyhounds, or in connection with the training and racing of any coursing dog, is an offence under the POCTAA. Recent amendments to the POCTAA have increased the penalties associated with baiting and luring.

To ensure that the regulatory system is not unnecessarily duplicated across acts, whilst sending a strong message to the greyhound racing industry that the use of an animal as a lure will not be tolerated, the bill inserts a note at the bottom of section 55 of the Racing Act that references the relevant offences under POCTAA.

The bill also clarifies the existing strict liability offence in section 55 of the Racing Act to make it clear that certain classes of persons (a promoter of a race, the occupier of a ground on which a race is held and every person acting as a steward, starter, lure driver or judge of a race) is guilty of an offence and liable to a penalty if the race involves the use of an animal as a lure for pursuit by a greyhound.

Powers of inspection and entry

Both the CVO and RIC recognised that the RA, as currently drafted, limits the ability of stewards to properly investigate potential breaches of the rules of the board and legislation by limiting the powers of inspection and entry to 'reasonable hours'. Both reports recommend that the RA be amended to give the board or any officer authorised by the board the power to enter premises during the normal operating hours of the industry to assist in the proper investigation of potential breaches of legislation and the rules of the board.

The bill amends the RA to omit the term 'reasonable hours' and replace it with a provision that will enable the board or any officer authorised by the board to enter premises during the period of one hour before sunrise until one hour after sunset to reflect the normal hours of operation of the industry.

The bill will also amend the RA to give the board or any officer authorised by the board the power to enter premises outside of the above hours if the board has reasonable grounds to suspect that a breach of the RA or the rules of the board is occurring, or is likely to occur on the premises.

Information disclosure provisions

In addition, some of the GRV officers authorised by the board will also be authorised under the DAA for the purpose of enforcing the greyhound code of practice.

To undertake this function, the authorised officers may be required to use, or share, information relating to the registration of greyhounds and greyhound racing participants that they have obtained through their primary role with GRV.

The bill includes specific provisions that permit authorised officers to use information relating to the registration of greyhounds and greyhound racing participants for the purposes of carrying out a function under the DAA. They may also disclose that information to another person that has been appointed as an authorised officer under the DAA.

The bill also inserts a new part IX into the RA to provide transitional provisions for the board of GRV and the GRV RADB on and from the commencement of the bill.

Amendment to the POCTAA 1986

In his report, the CVO acknowledged that it can take an investigating body a substantial period of time to gather the necessary information and evidence to enable the proper preparation of briefing for court prosecution of offences relating to baiting and luring.

This bill will amend the POCTAA to extend the time limit for bringing forward a prosecution under section 13 of POCTAA from 12 months to 3 years. This will bring the time limit for these types of offences into line with the time limit for cruelty and aggravated cruelty offences.

The extended time limit will provide enforcement agencies with additional time to conduct a thorough investigation, gather evidence and lay charges where appropriate.

Amendments to the Domestic Animals Act 1994

The bill will amend the DAA in accordance with recommendations from the CVO into the welfare of greyhounds in the greyhound racing industry. In his report, the CVO recommended that the DAA be amended to ensure that all greyhounds within the greyhound racing industry are covered by an appropriate code of practice.

The bill defines a GRV greyhound as any greyhound registered with GRV, except greyhounds that have gone through a greyhound adoption program operated by GRV. The definition also excludes greyhounds that have been retired from the industry and are living as a pet that is registered with a local council and whose owners are not GRV-registered participants. In industry terms, these dogs will have a status of 'Retired — GAP' or 'Retired — 3rd Party Pet'.

The bill creates a new part in the DAA dedicated to the management and care of GRV greyhounds, including the power to create a new mandatory greyhound code of practice for all GRV greyhounds in Victoria, an offence for failure to comply with the greyhound code of practice and other consequential amendments.

Currently, only a proportion of greyhounds in the racing industry, or those that are kept on premises that meet the definition of a domestic animal business, are required to be kept in accordance with the mandatory code of practice for the operation of greyhound establishments. Under the amendments proposed in this bill, all GRV greyhounds will be required to be kept in accordance with a new mandatory greyhound code of practice and business premises on which GRV greyhounds are kept will no longer fall within the definition of a domestic animal business under the DAA.

These changes provide a more consistent approach to the care and management of greyhounds in the racing industry, providing clarity for the industry and the community.

Currently, the administration of the DAA and the provision of community education programs for the management and care of dogs and cats in Victoria, dog safety programs and educational resources and tools for enforcement agencies and the community are funded by pet owners and businesses. This is achieved through a \$3.50 levy on all dogs registered with local council, a \$2.00 levy on all cats registered with local council, and a \$10 levy on all domestic animal businesses registered with local council. As GRV greyhounds are not registered with local council they do not contribute to this funding.

Therefore, the bill introduces an annual levy of \$3.50 on the registration of every GRV greyhound. The levy will be collected from GRV on an annual basis to support the administration and management of the relevant sections of the DAA and the new greyhound code of practice. In addition, the levy will be used to support the provision of educational tools to the greyhound racing industry on minimum standards for the management and care of greyhounds under the new greyhound code of practice and the training of greyhound welfare inspectors in enforcement of the greyhound code of practice and the relevant sections of the DAA.

The addition of the GRV greyhound levy will expand the Department of Economic Development, Jobs, Tourism and Resources capacity to cater for GRV greyhounds and, appropriately, place the cost of administration of the GRV greyhound provisions of the DAA on the greyhound industry.

The bill also makes a number of consequential amendments to the DAA and sets out the transitional arrangements following the implementation of changes to the composition of the GRV board and GRV RADB.

The government has made a commitment to implement the recommendations of the CVO and RIC reports on live baiting and animal welfare within the greyhound racing industry. This bill implements a number of key recommendations that will improve animal welfare within the greyhound racing industry.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 23 December.

NATIONAL ELECTRICITY (VICTORIA) FURTHER AMENDMENT 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 National Electricity (Victoria) Further Amendment Bill 2015.

In my opinion, the National Electricity (Victoria) Further 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 bill will amend the National Electricity (Victoria) Act 2015 (the act) to apply the framework set out in chapter 5A of the National Electricity Rules. That chapter governs the process by which electricity distributors connect small customers to the electricity grid. The bill also inserts a regulation making power into the act, including the power to make Victoria-specific provisions for the connection of distribution units and the undergrounding, relocation, modification or removal of electricity distribution systems.

Human rights issues

There are no human rights protected under the charter that are relevant to this bill. I therefore consider that this bill is compatible with the charter.

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:

Renewable energy has an important role to play in supporting customers to take action to reduce their energy bills. Over recent years we have seen a significant uptake of solar panels at a household, small business and commercial level, with over 245 000 systems now installed across the state with a total generation capacity over 700 megawatts. Consumers and businesses generating their own power locally have benefited from bill reductions from feed-in tariffs for energy exports to the grid, as well as by avoiding paying for grid-supplied power during times their systems are generating power.

The government supports the growth of small-scale renewable energy projects, including rooftop solar panels, community wind farms, small solar farms and waste-to-energy facilities and is committed to reducing barriers to the development of local renewable energy generation.

One of these barriers is the complexity of the current process to connect small-scale renewable energy generation to the electricity grid.

Electricity distributors own and manage the electricity poles and wires which deliver power to homes and businesses across the state. Electricity distributors are required to connect customers, including small-scale renewable energy generation proponents, to the electricity grid. However, the existing arrangements governing the process for connection are overly complex, lack transparency and are not customer friendly.

The bill will help address this issue. The bill will amend the National Electricity (Victoria) Act 2005, to apply in Victoria, a new framework governing the process for connecting small

customers, including small-scale renewable energy generation proponents, to the electricity grid.

This framework is set out in chapter 5A of the National Electricity Rules and is a framework which already applies in other States and territories which participate in the national electricity market.

This national electricity connections framework will provide greater clarity regarding the information that must be exchanged between an electricity distributor and customer to enable a connection to occur. Electricity distributors will be required to respond to, and process, requests for connection in a more timely manner. Standard terms and conditions for connection must be published by each electricity distributor and these terms and conditions must be approved by the national energy sector regulator, the Australian Energy Regulator. If a dispute arises between a person wishing to connect to the electricity grid and his or her electricity distributor, that person will be able to access a formal dispute resolution process. The Australian Energy Regulator will be responsible for monitoring and enforcing electricity distributor compliance with the new framework.

In short, this bill will enable connection to the electricity grid which is more transparent, timely and customer friendly.

Existing aspects of the Victorian framework that are not captured by the national electricity connections framework but are important to retain through measures are also contained in the bill. These are the obligation on electricity distributors to offer to underground, relocate, modify or remove distribution assets if requested to do so, and the obligation to call for competitive tenders to perform construction works associated with new connections. The bill will allow for regulations to be made in relation to these obligations and for the Australian Energy Regulator to also be responsible for enforcement of these regulations.

I commend the bill to the house.

Debate adjourned on motion of Mr SOUTHWICK (Caulfield).

Debate adjourned until Wednesday, 23 December.

GENE TECHNOLOGY AMENDMENT BILL 2015

Statement of compatibility

Ms HENNESSY (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Gene Technology Amendment Bill 2015 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Gene Technology Act 2001 (the act) to make primarily minor and technical amendments. The act and the Gene Technology Regulations 2011 (the regulations) provide the Victorian regulatory scheme for gene technology which reflect the Commonwealth Gene Technology Act 2000 (commonwealth act) and Gene Technology Regulations 2001. The object of the act and the regulations is to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene technology and then regulating certain dealings with genetically modified organisms (GMOs).

The bill does not engage any human rights protected by the charter.

As the bill does not engage any of the human rights protected by the charter it is unnecessary to consider the application of section 7(2) of the charter.

I consider the bill is compatible with the charter as it does not raise any human rights issues.

Human rights issues

The bill does not engage any human rights protected by the charter.

Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under sessional orders:

Gene technology has many applications. In biomedical research, for example, it offers the prospect of very precisely identifying and mapping the genetic origins of disease. The better the genetic characterisation of a disease, the better the interventions used to cure or limit it.

The Gene Technology Act 2001 is the mechanism by which Victoria participates in a nationally consistent regulatory framework for gene technology established by an intergovernmental gene technology agreement in 2001. The object of the framework is to protect the health and safety of persons and the environment by identifying risks posed by gene technology and then managing those risks by regulating certain dealings with genetically modified organisms.

The agreement establishes a statutory commonwealth Office of the Gene Technology Regulator and a scientifically based licensing system to stipulate conditions for managing genetically modified organisms used in research. If a proposed dealing cannot be managed such as to protect the health and safety of persons or the environment, the gene technology regulator cannot grant a licence for that particular dealing.

The amendments introduced in this bill follow from an independent review of the commonwealth Gene Technology Act 2000 conducted in 2011. Following an 'all of

governments' response' to this review, gene technology ministers approved legislative amendments to the commonwealth act which were passed by the commonwealth Parliament on 10 September 2015.

The review found the regulatory system is working effectively overall, with the Office of the Gene Technology Regulator operating in an efficient and transparent manner. In particular, it was noted that the gene technology regulator is working closely and well with other statutory regulators, such as Food Standards Australia New Zealand and the Australian Pesticides and Veterinary Medicines Authority.

Consequential amendments to the Victorian Gene Technology Act 2001 now need to be made to keep Victoria in step with nationally agreed changes to the commonwealth act. These amendments are minor, technical or machinery in nature and aim to improve the efficiency and clarity of the act at the margins. The fundamental policy settings of the act, aimed at securing the health and safety of persons and the environment, remain unchanged.

The Gene Technology Amendment Bill 2015 introduces provisions to:

- discontinue the gene technology regulator's quarterly reporting requirements;
- clarify what dealings may be authorised by 'inadvertent dealings licences';
- update advertising requirements for certain public consultation purposes;
- remove the requirement for information about genetically modified products authorised by other agencies to be included in the list of genetically modified organisms dealings kept by the gene technology regulator;
- change licence variation requirements to provide greater flexibility for applicants wishing to vary their licences;
- clarify what matters must be taken into consideration before a dealing may be scheduled as a 'notifiable low risk dealing' — that is, a dealing not requiring a licence; and
- clarify some ambiguous wording concerning whether it is a 'licence' that is granted when the regulator makes an approval decision or it is an 'application' that is granted.

The major amendment relates to the granting of greater flexibility to licence-holders seeking to vary the conditions of their licences.

At present, the regulator can only vary the conditions of a licence if any risks identified in the licence as varied have also been identified and addressed in the original licence application. If this is not the case, a new licence is required. As amended, a variation to a licence can be granted or if the risks posed by the licence as varied have been identified and managed in any dealing with the same genetically modified organisms, but only where a licence was actually granted. This means that the regulator has scope to take account of more information than that simply contained in the one

application and those applying for licence variations will not unnecessarily be required to submit completely new licence applications.

These amendments proposed by this bill are minor but they do sharpen the focus and operations of the act; they make efficiency gains without sacrificing safety and simplify the operation of the act.

In being so amended, the Victorian act will remain consistent with that of the commonwealth, ensuring that the national regulatory framework for gene technology continues to operate in a seamless and integrated manner in Victoria. In making these amendments, Victoria will also fulfil its obligations under the intergovernmental gene technology agreement.

I commend the bill to the house.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until Wednesday, 23 December.

ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015

Council's amendment

Message from Council relating to following amendment considered:

Clause 17, omit this clause.

Mr FOLEY (Minister for Equality) — I rise to respond on behalf of the government to the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 returned to the house with, in our view, a flawed amendment. This is a weaker bill than the one drafted by the government, and about that I am deeply disappointed. This bill, as returned to us by the Legislative Council, is flawed. The Council endorsed the central content of the bill in allowing same-sex and gender-diverse families the right to adoption equality, but it did so with qualification. It seeks to remove clause 17 of the bill, which is to ensure that the defence of the equal opportunity and human rights acts exemptions are not available in these circumstances to adoption agencies and thereby allow continued discrimination against same-sex and gender-diverse families and their children.

The fact is that this bill has been watered down by the Leader of the Opposition and the 1950s-style Liberal Party that he has brought here today. It does not provide equality for same-sex couples and their children. It does not provide the level of equality envisaged under our law for children of gender-diverse and same-sex families. The Liberal Party voted en bloc to perpetuate this discrimination. It continues to contribute to the

perpetuation of stigma against those children and those families. Over the weeks I have heard arguments from those opposite along the lines of ‘We are only talking about a small number of adoptions, so why does it matter?’ and ‘Removing religious exemptions as a defence for discrimination under the equal opportunity and human rights acts is an attack on freedom of religion’. This is all nonsense and falls over very quickly upon examination. These statements seek to avoid the truth, which is that those opposite believe that discrimination against same-sex families and their children, however small, is acceptable and that discrimination against these families is okay.

Those opposite believe it would be a success to amend the bill so that it creates continued opportunities for some organisations to discriminate, no matter how limited those opportunities might be. Those opposite believe it is okay to send a coded message that discrimination, no matter how small in practice, is okay. Every member of the Liberal Party voted to continue to allow children in same-sex families to be discriminated against by adoption services — every member. In doing so, they sent us back a flawed bill. Clause 1 is now nonsense, indicating that the bill will amend the Equal Opportunity Act. It does no such thing. So much for those champions of parliamentary procedure; they could not even make their own amendments make sense.

The Andrews Labor government was elected on a mandate to ensure equal rights in all Victorian legislation, especially for LGBTI Victorians. This particular commitment was part of that. It is now clear that this is sadly going to take some time, given the anti-equality, anti-LGBTI voting bloc of the antediluvian Liberals opposite.

However, let me reassure the house and those listening to this contribution that we are not done on this issue. We will keep working on achieving equality for all Victorians and their families, because near enough is not good enough. Almost equal is not good enough. We will ensure that all children who need adoption will receive a service without discrimination. Given that the legislative avenue has been blocked by the neanderthals opposite, if we cannot do it in a legislative sense, we will ensure that it occurs at an administrative level with the agencies involved.

I have directed my department to arrive at a protocol with the four adoption agencies to ensure that the people seeking adoption services are not discriminated against as a result of seeking such services. I appreciate the support that all four agencies have shown in arriving at a positive conclusion. I look forward to

ensuring that this process rolls out in 2016, because of course 2016 will be a big year for progressing our equality agenda and for continuing to ensure that all discrimination is removed from our legislation.

Despite our disappointment with the lack of courage of those opposite, the passage of this bill will provide much-needed certainty to thousands of existing rainbow families. They can now, through the known adoption path, seek to achieve certainty before the law in recognition of their own children, a right so long denied to them which is now being delivered by the Andrews Labor government. All Victorian children will have, in practice, an opportunity for legal recognition of their own parents. They will be able to go to school comforted by the knowledge that Victoria recognises their parents as equal to the parents of their peers. School excursions, hospital admissions, the basic daily routine of establishing your legal link to your children will all now be a reality. Most importantly of all, these children can go to sleep each night comforted by the knowledge that their families will no longer be treated as second-class citizens in nearly all circumstances, except of course if they end up seeking future adoption services through one agency, and the Liberal Party has allowed that discrimination to continue.

Let me take the time to thank and congratulate those who chose to vote in favour of equality by supporting this bill in this and the other place, particularly the contributions of Ms Patten, a member for Northern Metropolitan Region in the Council, and the member for Shepparton here, as well as the many hundreds of members of diverse, strong, vibrant rainbow families across the state who after 15 years of campaigning have got to a successful result today. This bill is really for them and their children.

There is a wider underlying political message to this bill and its fate — that is, there is a difference between tolerance and acceptance. We tolerate a head cold; we accept and embrace what is right and decent in an inclusive, progressive Victoria. It is hard to believe that in 2015 those opposite, under the leadership of the Leader of the Opposition, still think that it is acceptable to merely tolerate some Victorian families and to continue to make it hard for them to be recognised equally in law.

This blemish will remain on the record of the Leader of the Opposition. He has yet to speak on this bill, but we look forward to hearing his contribution very shortly. He has yet to provide an explanation for why he voted against it; we look forward to that explanation. He has never provided an explanation for why he fought for the continuation of this loophole which will perpetuate

discrimination against Victorian LGBTI families and their children; we look forward to his explanation. He never spoke, yet the LGBTI community has heard him loud and clear.

That same community will remember when he and his so-called shadow Minister for Equality, Mr Davis, a member for Southern Metropolitan Region in the Council, speak at any number of events from here on, whether it be the Midsumma Festival or the Pride march, or when they are speaking to their LGBTI constituents. Their commitment to LGBTI equality has been shown to be shallow, like their politics. The community will remember the Leader of the Opposition's comments about being LGBTI friendly just some months ago and that support is evaporating with his compliance with the hard right of his party in order to keep the increasingly splintered Liberal Party together.

But we of course are not done here. Whilst substantial progress has been made to help practically deliver adoption equality in this state for the first time, more needs to be done, and the Andrews Labor government will continue to pursue that outcome. Accordingly I move:

That the amendment made by the Legislative Council be agreed to.

Mr GUY (Leader of the Opposition) — I rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 and the amendment that has been made by the Council. This should be a positive discussion in this chamber. I would have thought that just before we end for this year, for all the families that this bill will impact, how it has come back from the Council should be something we talk about in a positive frame. The Minister for Equality talking more about me and more about the Liberal Party, laced with vile personal vitriol and hatred, is more a reflection on him than it is on anyone else in this chamber.

This minister is unable to take the politics out of anything. One would have thought, and anyone reading *Hansard* or watching this presentation on the internet would have thought, that bringing this bill back to this chamber, a bill that will finally recognise rainbow families on the same level as other families — which is something I absolutely support — would be something that would unite many members of this chamber and that the Minister for Equality would be seen to be someone who would bring us all together over this issue, whatever the Legislative Council has decided. The bill has come back in a substantive form so those families will be recognised. I listened to that ministerial

contribution and frankly feel that it demeaned the office of the minister. It demeaned his behaviour or, I should say, his presentation. Sadly, to have a minister say that the bill he is standing by, that he is progressing in his name, is somehow flawed and that clause 1 is nonsense, yet he is moving to accept an amendment in this chamber, is again more a reflection on the minister than it is on the upper house.

This should be a positive bill. Comments should have been made that were positive. Peoples' families, for once, are about to be recognised in law where they have not been. For the minister to come into this chamber and turn this into a politicised debate I again say is more a reflection on him. Sadly and unfortunately it is not out of character for him. All of us in this chamber know of some of his behaviour in the past towards a number of other individuals, and that is a sad fact that this minister will have to bear for the entirety of his career.

Sadly I again say that this bill and the debate about this bill have been unnecessarily tainted by a political minister who just cannot find it within himself to accept that his party does not have a majority in the upper house. Victorians did not give the government that mandate, and the bill has come back with an amendment that is of the same form that former New South Wales Premier Kristina Keneally supported. She said:

I support an exemption for faith-based organisations from the provisions in the Anti-Discrimination Act regarding adoption services. I still support this because it represents the important contribution these organisations make to our community, and the belief that underpins their great work.

That is not my quote; that is from a New South Wales Labor Premier, Kristina Keneally.

As I said at the start, I would have thought that the debate on this bill should be a positive one. Both Liberal and Nationals members in this chamber were given a free vote on this matter, because there are many and varied points of view. To have the minister come into this chamber and speak in a juvenile way, using language that befits a schoolyard, undermines the incredibly important nature of this bill, and for other Labor members not to recognise that is again more of a reflection upon them.

I simply say to those newer members of Parliament who have never seen debates such as this before, and to some of us who have, that these issues are usually considered respectfully by members on all sides. Over the past eight or nine years in both chambers there have been debates on a range of social change issues that

have been conducted sensibly and respectfully, despite the varying points of view held by members across all parties. I had hoped that the man leading this debate in this chamber would have given the same level of respect to the points of view of all members in both chambers.

Ms D'Ambrosio interjected.

Mr GUY — The Minister for Industry is on a par with the Minister for Equality on this. The kind of juvenile interjections which really — —

Ms D'Ambrosio interjected.

Mr GUY — Juvenile interjections. Let this be in *Hansard*. The Minister for Industry is interjecting as I make my presentation. She is talking about a side letter on a road project as opposed to giving families the right — —

Ms D'Ambrosio interjected.

Mr GUY — You should listen to it. This bill is about giving some people — for the first time — the right to adopt and be recognised as a family. I think that is a positive step forward. The legislation which has come back to this chamber is sensible.

Mr Foley interjected.

Mr GUY — The minister is trying to encourage others to get up and politicise this debate, and that is a sad reflection on him. We are about to see more contributions in *Hansard*, which again will show vitriol, bile and hatred from members opposite. It is a shame. If this bill, as amended by the Council, is so bad and the minister does not agree with it, then why on earth is he bringing it to this chamber? I agree with it, and that is why I will be voting for it.

Ms GREEN (Yan Yean) — Following a contribution from the Leader of the Opposition in which he has castigated others for vitriol is quite remarkable, particularly when he allowed a member of his front bench to be the lead speaker for the Liberal Party on this bill when it was presented to the Assembly. The member for Box Hill has expressed some of the most hateful vitriol against gay and lesbian people in any period of time in this Parliament. He has not been a meek and mild — —

Mr Morris — On a point of order, Acting Speaker, I believe the member for Yan Yean is aware that there was no Liberal Party position on this bill. There was no lead speaker for the Liberal Party on this bill, and for her to misrepresent our position is false. Opposition

members had a free vote. Members of the Labor Party may not agree with free votes — they may not have that discretion — but we do and we are exercising it in this case.

The ACTING SPEAKER (Mr McGuire) — Order! There is no point of order. It is a point of debate.

Ms GREEN — There was a lead speaker — —

Mr Morris — On a point of order, Acting Speaker, the member is clearly misleading the house. Either that, or she is stating an untruth. You cannot simply dismiss it as a debating point. She is making a false claim. She is either misleading the house or is lying.

Ms GREEN — On the point of order, Acting Speaker, the member for Box Hill made a 30-minute contribution as the first speaker for the Liberal Party when this bill was first debated in this chamber.

The ACTING SPEAKER (Mr McGuire) — Order! There is no point of order. The member for Mornington will be entitled to make his contribution during the debate.

Ms GREEN — Members on the other side did say that they had a free vote on this bill and they were able to take a free position, but the record will show that the Leader of the Opposition allowed the member for Box Hill, who has been one of the most vitriolic critics in this house of the lifestyles of LGBTIQ people, to be the first speaker on the bill. The Leader of the Opposition wants to criticise the minister for the comments the minister made, but the Leader of the Opposition will not be accountable for the fact that he allowed the member for Box Hill to lead the Liberal Party's contribution to the debate on this bill. I remind people what the member for Box Hill said. His comments are not the most hateful I have heard from him in my time here, but they were pretty bad. After saying that he opposed the bill, he said:

In my view, children do best with both male and female parental role models in their lives — ideally their biological mother and father, but when that is not possible, with others filling those parental roles. We have seen throughout history that often, through death, separation or other tragedy, this has not been possible. Those who bring up children in such circumstances often work very hard to overcome the disadvantages they face. They often achieve remarkable results for the children in their care —

what a surprise —

often with great personal sacrifice. However, it is one thing for that to occur as the best possible response to circumstances beyond someone's control; it is another thing for it to occur as a deliberate result of public policy choice.

Mr Wakeling — On a point of order, Acting Speaker, I am aware that the member is seeking to make a contribution to the debate, but it is a very narrow debate. We are debating a recommendation relating to a specific clause that has come to this chamber from the Legislative Council. It is not a wideranging debate, because that took place when we debated the legislation in this chamber. This is about a specific provision that has come back to this chamber on the recommendation of the Legislative Council and which has been presented by the Minister for Equality. I would have thought that the member's comments should be confined to her contribution on that specific clause.

The ACTING SPEAKER (Mr McGuire) — Order! I uphold the point of order. I request that the member for Yan Yean come back to the proposition before the house.

Ms GREEN — I was about to, Acting Speaker. In his contribution the member for Box Hill said that it was an attack on religious choice.

Mr Wakeling — On a point of order, Acting Speaker, I appreciate that the member has the right to make a contribution, but she has just defied your ruling. The debate is very narrow. This is about a specific clause. It is not about any member in this chamber; it is specifically about a clause.

The ACTING SPEAKER (Mr McGuire) — Order! The clause is about religious exemption, and I am sure that the member for Yan Yean will go to that point.

Ms GREEN — It is about religious choice. I will quote a former Prime Minister, John Howard, in describing the modern position of the Liberal Party. He said:

The Liberal Party is a broad church. You sometimes have to get the builders in to put in the extra pew on both sides of the aisle to make sure that everybody is accommodated. But it is a broad church and we should never as members of the Liberal Party of Australia lose sight of the fact that we are the trustees of two great political traditions.

What we saw with the vote against the bill and then the amendment that was proposed in the upper house was that there was no balance. Although Liberal Party members said that they were exercising their conscience vote, every single one of them exercised their conscience and they were not on either side of the church. They were on one side. They were over there, with two members of The Nationals. Every other member of this place, including the member for Shepparton and almost every member of The

Nationals — and I commend them for that — and the two Greens were on this side. Every single member of the Liberal Party, including the Leader of the Opposition and those who supposedly are from the wet side of the Liberal Party — like the member for Brighton — were all sitting on that side of the chamber. The Liberal Party no longer bears any resemblance — —

Mr Morris — On a point of order, Acting Speaker, the member is referring to a broad clause, but she is representing the vote as well. I was not present in the chamber, nor was the member for Caulfield and nor was the member for Bayswater, at least — —

Mr Foley interjected.

Mr Morris — And the member for Hastings, thank you. So to suggest that it was a party vote masked as another thing is misrepresenting — —

An honourable member interjected.

Mr Morris — No, she didn't; she said everyone voted against it. My position was misrepresented.

The ACTING SPEAKER (Mr McGuire) — Order! There is no point of order, but I again extend an offer to the member for Mornington, if he wants to make a contribution, to raise it in debate.

Ms GREEN — Two parents of children at Mernda Primary School approached me at the Whittlesea Show just after this bill passed the Assembly. They said, 'Thank you for not discriminating against us. We can now raise our children. We've always been considered to be able to foster children, but now we can be considered equal'. This is the reality. There are already rainbow families, and this means that they can have some legal recognition.

For Liberal Party members opposite to appeal to the gay and lesbian vote before the election and then to do absolutely the opposite and come in here and pretend they are some sort of progressive outfit is just a travesty. They do not bear any resemblance at all to small-l liberalism. Malcolm Turnbull has returned to the leadership at the federal level, but it is completely untrue for the state Leader of the Opposition to say that he is a member of a gay-friendly party.

Mr Morris — On a point of order, Acting Speaker, the approach of the Prime Minister of the commonwealth has absolutely nothing to do with whether the advice of the Legislative Council on this clause is accepted or rejected by the house.

The ACTING SPEAKER (Mr McGuire) — Order! I again call on the member for Yan Yean to come back.

Ms GREEN — In the remaining 24 seconds I have after all those interruptions, I say those opposite would now be in lock step with troglodytes like Dan Flynn from the Australian Christian Lobby, who compared adoption to a marketplace and said that not allowing discrimination would impact on the market. That is what those opposite stand for, and I do not.

Ms RYAN (Euroa) — I rise to support the amendment put forward by the Legislative Council. In doing so, I express some disappointment about how politicised this debate has become. The contribution we just heard from the member for Yan Yean was a disgrace. It was a poor reflection on her side of the house, and it did not in any way reflect the attitudes or the views of those in either the Liberal Party or The Nationals on this side of the house.

I recall the debate on abortion law reform back in 2007. To reiterate the comments of the Leader of the Opposition, that debate was very sensitively handled. I was working here as a staff member, and I recall vividly that debate. Despite there being wide and varying views on that issue, people respected each other's views and they put them forward in a sensitive way. It is a poor reflection on this house that we should come to this point where people are seeking to make political gain from this issue, which is so important to members of the LGTBIQ community.

The coalition has put on the record that it sees the government's introduction of clause 17 as an attack on religious freedom and on people's right to freedom of thought. The government is well aware that while there are diverse views, as I have said, there are many people on this side of the house who would have been very comfortable supporting same-sex adoption, but the government intentionally tied these two issues together — clause 17 along with the legalisation of same-sex adoption — to intentionally play wedge politics on this issue. That is a real shame. This issue is too important for politics. The government should have chosen the course of trying to build consensus rather than a course of conflict.

I point out to the house a number of comments from the member for Pascoe Vale during the course of the debate, because I have no doubt that there are members on the opposite side of the house who are actually thanking the coalition for moving this amendment. We know that they are not as united as they appear to be. The member for Pascoe Vale and the member for

Monbulk are no doubt two of those who are pleased that this recommendation has come back from the upper house to remove clause 17 of the bill.

To quote from the contribution of the member for Pascoe Vale during the second-reading debate, she said:

I fear that in a legitimate and important attempt to achieve equality in adoption practice and policy the bill unnecessarily calls into question freedom of religion and freedom of conscience.

She went on to say:

This bill would compel communities and individuals who are, or are part of, a currently accredited religious adoption agency to act contrary to the right to freedom of thought, conscience and belief contained in the Victorian charter of human rights. This bill leaves a religious adoption agency exposed to the choice of complying with the law and acting against their religious or conscientious beliefs or removing themselves from any and all involvement in the provision of adoption services. This includes not only the adoptions themselves but also other adoption services such as support services and record keeping.

It is important to put on the record the fact that members of the Labor Party are not united on this issue. They themselves feel very conflicted and they themselves have a wide variety of views on this issue, just like there is a wide variety of views on this side of the house.

In concluding, I point out that if the government had sought to bring on these amendments and deal with them in the lower house, this important reform would now be in place. Instead it chose not to bring on the amendments that were circulated in the lower house, and we now have a situation where this legislation has been delayed. I reiterate that there are many on this side of the house who support the principle of legalising same-sex adoption, but the coalition sees this bill as an erosion of freedom of speech and is in support of removing clause 17 from the bill.

Ms WILLIAMS (Dandenong) — I rise to comment on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, returned to the house in a much-weakened form. As we have heard, the upper house voted to remove clause 17 of the original bill. It is disappointing to stand up and be forced to consider a version of this bill that ultimately sends a message to many in our community that they are worth less than others. It is a version of the bill being pushed by the Liberal Party that actively facilitates discrimination. It is a version of the bill that says that equality is something to be traded — a bargaining chip. I wonder if same-sex couples in the Leader of the Opposition's electorate of Bulleen know what he really thinks of

them. I wonder if they know that underneath it all he does not really feel they should have access to the same rights as their heterosexual counterparts. What he stands for is not acceptance; let us be very clear about that.

I wonder if Victorians know that these dinosaurs who sit opposite us are desperate to drag Victoria back to the 1950s — back to a time when there was little respect for anything that fell outside of the mainstream. When I look at that side of the house, I see it in black and white. It is like a scene out of *Field of Dreams*. You step over the line, and all of a sudden you are in a different time and a different values space, except that the Leader of the Opposition is no Moonlight Graham, let us be clear about that. How interesting it is that in modern times The Nationals are more progressive than the so-called Liberals. Sixty per cent of The Nationals voted to remove discrimination from the legislation, but not a single one of the Liberals did. Not one member — zero. Absolutely no members of the Liberal Party voted in favour. Claiming that an abstention in any way absolves you of the responsibility for rejecting the bill — —

Ms Green — It makes you a wimp.

Ms WILLIAMS — Yes. It makes you a coward, not a saviour.

Mr Nardella — Do not hold back.

Ms WILLIAMS — Absolutely, I will not be holding back on this one. This bill shows in those opposite a contempt for equality. In my speech during the second-reading debate on the original bill, I stated that I am a Catholic. I am a Catholic who went through 13 years of Catholic education, and there was nothing in the original bill that contradicted the values of love, respect and justice I learnt over those 13 years. I must rally against anyone who seeks to make my faith a hateful one.

Those opposite are hell-bent on dragging us back, on dragging us down and on creating division in our community. They are peddling inequality and elitism. They are fundamentally judgemental. Just because the Liberal Party lacks diversity does not mean that the Victorian community should too. When will members opposite learn? The good news is that the LGBTI community will hear the message loud and clear after today and as a result of this bill. They will hear loud and clear the true beliefs and hypocrisy of the Leader of the Opposition.

While we must ultimately support the weakened bill that has been returned to us, the Labor government will not give up on its agenda of equality, and nor should it.

The coalition — because we now see The Nationals swinging back towards the Liberal Party on this issue — can obstruct all it likes, but in the long term we will push on because it is the right thing to do.

Victorians rejected the prehistoric values of members opposite in November last year, and we have a mandate to push on with this agenda. As I said, we must support this bill to provide much-needed certainty to thousands of existing rainbow families. Through the known adoption path, they can now seek that certainty before the law, and children in these families will finally have legal recognition of their own parents. I am very proud of that fact. Unlike those opposite, we do not want to stand in the way of that.

Finally, I want to talk briefly about acceptance. By seeking an end to discrimination and by promoting equality, we are embracing acceptance of all people. The Liberal Party tolerates; it does not accept. These are two very different concepts, and I hope that in time Liberal Party members will begin to understand that fact, because the community increasingly is.

It is with great disappointment in the Liberal Party — a Liberal Party dominated by its hard right wing and a Liberal Party that lacks courage — and in some respects with great sadness that I support this weakened bill. I hope I have made clear why I oppose the sentiments behind this amended bill and the sanctimonious tone of the contributions of those opposite, who are in some way trying to claim to say that we are politicising this issue. We are not politicising this; members opposite are politicising it by dragging in a faith-based opposition to equality. That at the end of the day is what this is: it is anti-equality.

Mr HIBBINS (Pahran) — I rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. A month ago was a day of great pride, a cause for celebration and a positive day with many positive speeches. A month ago the adoption equality bill passed this house in full. It was a bill that meant so much to so many. It is with disappointment that a month later the adoption equality bill still has not passed this Parliament in full but is back in this house with an amendment that still allows for discrimination against same-sex couples. If passed, it will mean that adoption equality has not been achieved. This is because the Liberal-Nationals opposition broke its commitment to allowing a free vote. My understanding is that the vote on the amendment was not a free vote but a forced vote. This allowed faith-based organisations running adoption agencies to deny same-sex couples access to their services using this paper-thin argument that the bill was an attack on religious freedom.

This debate has been conducted in a respectful way and mainly without rancour, but it is time for some home truths.

Discrimination is discrimination, and it should stand condemned whether it happens in a religious setting or outside a religious setting. It seems from the comments of the Leader of the Opposition that coalition members are trying to absolve themselves from criticism of the position they took on this bill and that we should somehow be very conscious of the sensitivities of those who hold differing views. I simply point out that I do not think the LGBTI community would have made the hard-fought wins and gains they have made if they were overly concerned about the sensitivities of those who hold different views or had a fear of politicising this issue and thought that somehow we should be grateful for the steps that the opposition takes in the right direction.

The fact that today we still have religious organisations in Victoria that reject, discourage or do not accept gay, lesbian or transgender people and people in same-sex relationships is incredibly disappointing. It is something that we in this Parliament should be challenging, not simply blindly accepting as the unchanging status quo. This is not the view held by all religions or all religious people or all religious organisations, and the fact is that for many people who come to see me and who I meet in my role as LGBTI spokesperson we are seeing a very big shift in religious organisations towards being more accepting and more inclusive of LGBTI people. But, yes, we do have those religious organisations that are not accepting — and they are free to do so; they are free to hold their views. That is religious freedom. They are free to employ people to conduct and participate in their religious services who hold their views. That is religious freedom. But it should not go unchallenged.

The amendment before us says that we should allow these views to extend beyond the place of worship and manifest in the denying of services to the general public by giving an adoption agency the right to discriminate. The argument being put is that if a secular adoption agency was to deny services to a same-sex couple, then that would be wrong and against the law, but if a faith-based adoption agency does the same, that is okay. It is not okay.

Faith-based organisations have been involved in the delivery of adoption and other social services for a long time. They predate the welfare state. But times have changed. We have the welfare state. We have state-run, state-funded and state-regulated social services, and so we should. What this amendment does is allow a state-legislated, regulated and funded body to

discriminate. It is an unacceptable intervention by church or religious doctrine in the state.

We have heard arguments from the opposition that this is okay because it is only one adoption agency that wants to discriminate and there are only a handful of stranger adoptions per year — that, in essence, a little bit of discrimination is okay. However, this law does not dictate how many adoption agencies there are or whether they are faith based or secular. We are making the laws under which agencies operate. If adoption agencies were to change — if a secular agency dropped out or a faith-based agency changed how it delivers services to same-sex couples — then we would have a very different story indeed.

We have heard that this is somehow an issue of human rights and that it is against the Victorian Charter of Human Rights and Responsibilities and against the UN Universal Declaration of Human Rights to compel faith-based adoption agencies to serve same-sex couples. This is absolute rubbish. It is because of human rights that these exemptions should be removed and the adoption equality bill passed in full.

We have heard that allowing adoption equality in full is an attack on religion and religious freedom and that it is the state getting involved in religious doctrine. There is the giveaway. Denying same-sex couples access to adoption services is a religious intervention in a state-regulated and state-funded service. Adoption services are not occurring within a church or any other religious setting. If the state of Victoria decides that same-sex couples should be allowed to adopt — that children are better off by having the widest range of prospective parents, including gay or lesbian parents, and that it is wrong, it is harmful and it is illegal for a secular adoption agency to deny a same-sex couple access to their services — then that should be the case for all adoption agencies. Religions are — —

The ACTING SPEAKER (Mr McGuire) — My apologies to the member for Prahran, but now is the appropriate time to adjourn for lunch.

Sitting suspended 1.00 p.m. to 2.02 p.m.

Business interrupted under sessional orders.

MATTERS OF PUBLIC IMPORTANCE

Government performance

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the honourable member for Croydon proposing the following matter of public importance for discussion:

That this house condemns the first year of the Andrews government for its dysfunction, disunity, drift, disorder, delays, deficit and debt, with Victoria either stalled or going backwards in every key area, including jobs, economic management, transport, roads and infrastructure.

Mr HODGETT (Croydon) — Today's matter of public importance is a factual summary of the Andrews government's first year in office, a year of dysfunction, disunity, drift, disorder, delays, deficit and debt, with Victoria either stalled or going backwards in every key area, including jobs, economic management, transport, roads and infrastructure.

Make no mistake about it. This is not a Bracks or Brumby government; it is Cain and Kirner all over again. Let us look at debt. It has taken the Premier less than a year to blow the budget and send it into deficit, the first for our state in more than 20 years. The confirmation came from the Auditor-General, who belled the cat on Labor's attempt to prop up its budget with the federal east-west link funds. The 2014-15 financial report shows that the Premier also racked up \$1.7 billion more in debt. It has often been said in this place, and we all know it is true — it has been said many times — that Labor cannot manage money.

Honourable members interjecting.

Mr HODGETT — Listen to all the mushrooms up the back who are being kept in the dark. In less than a year the Premier and Labor have blown the budget, with newspaper headline after headline: “‘Surplus’ overstated by \$1.5 billion — auditor”, ‘Labor “cooked books” in budget’, ‘Victoria's Auditor-General finds the state budget is in fact \$286 million in deficit’. Labor cannot manage money; it continues to hide it all and cook the books.

Let us look at jobs. The Premier promised to create 100 000 full-time jobs in the first two years. He promised, but so far he has only delivered 4429 jobs. Over the same period the NSW Premier, Mike Baird, has created 131 454 full-time jobs. Victoria is drifting under the Premier, while New South Wales powers ahead under Mike Baird. Of course the centrepiece of the Premier's plan to create jobs was his \$100 million Back to Work scheme, a plan that he boasted and trumpeted about. The latest figures show that it has been a complete flop, with just 164 jobs created, another failure by the Premier — fail after fail after fail.

Let us look at the economy. The Premier has delivered a very bleak outlook for the Victorian economy. After just one year under the Premier, Victoria's economy is drifting. Jobs growth is stagnant. Regional jobs are being lost. Inflation and cost-of-living pressures are up.

Infrastructure spending is down — \$6.4 billion over four years. State taxes are up.

Ms Thomas interjected.

Mr HODGETT — As long as the member for Macedon is listening. She should start asking questions in caucus instead of being a mushroom. I advise her to keep drinking the Kool-Aid.

Infrastructure spending is down \$6.4 billion over four years, state taxes are up by more than \$2.4 billion over four years, we have a budget deficit of \$286 million — the first deficit in more than 20 years — and the Treasurer continues to cook the books in a blatant attempt to hide it all. Before the election the Premier promised a jobs plan, but you only have to look at or read a summary of the headlines going around to see what the Premier has overseen and delivered in his first year in office: ‘Alcoa workers farewell site’, ‘ANZ slashes jobs’, ‘Hospital staff fear jobs cuts to pay for deal’, ‘Jobs slashed at Williamstown naval shipyard’, ‘Almost 80 Telstra jobs flagged to go in Ballarat’, ‘Altona cannery to close its doors’, ‘JBS to axe 130 Melbourne jobs’, ‘Youth unemployment in Victoria reaches highest rates since the '90s’, ‘Jobless rate at 12-year high, Victoria among worst performers on unemployment front’, ‘Alcoa power station switch-off to cost 85 jobs’.

Headline after headline — a shocking summary of the Premier's failed jobs plan.

Mr Richardson — Did you write these headlines?

Mr HODGETT — That is proof that light travels faster than sound. When you look at the member for Mordialloc he presents as a reasonable guy — a fairly respectful chap. It is not until he opens his mouth that we realise he is a dill, a fool, that he is uninformed and unwise. Just continue to drink the Kool-Aid, mate. It will get you through the next three years.

Let me turn my attention — —

Honourable members interjecting.

Mr HODGETT — Give me some protection, Deputy Speaker! Protect the protectors.

The DEPUTY SPEAKER — Order! I am happy to protect the member, but if he keeps on provoking interjections from the other side, it makes it really hard.

Mr HODGETT — I am just stating the facts.

The DEPUTY SPEAKER — Order! The member should continue.

Mr HODGETT — Let me turn my attention to transport. With Melbourne's population now at 4.4 million and Victoria's at almost 6 million, we need to move our residents and visitors efficiently and effectively. Mass transit is a great choice for this movement because typical peak period car occupancy in Melbourne is now down to 1.08 people. In other words, for every 11 cars passing, only 1 has a passenger. But unfortunately again under the Andrews Labor government and its Minister for Public Transport the story after 12 months of hard Labor is one of missed opportunity. Victorians see it in Labor's unwillingness to build the airport rail link. Melbourne Airport's international passenger numbers have risen by up to 10 per cent during some months of 2015 and the airport is well on the way to handling 17.5 million passengers a year each way, or 35 million total annual passenger journeys, yet Labor will not commit to building the airport rail link that we desperately need.

We see it in the lack of progress in building the Southland railway station on the Frankston line. Public Transport Victoria is yet to let major station construction contracts, so there must be a question mark about whether the station will open on time. I understand that there is now a changed target date of 17 January 2017. That is another failure.

We see it in Labor's suburban trains, which if they run as little as 5 minutes late in the morning at Richmond, are always redirected to Flinders Street. Hundreds of Frankston, Cranbourne, Pakenham, Belgrave and Lilydale line passengers then have to unexpectedly change trains, which is not a good start to the day.

We see it in Melbourne's tram network. There is not a single low-floor tram that is accessible to all running past the Royal Children's Hospital. The Essendon depot, just like the Glen Huntly depot in the southern suburbs, lacks low-floor trams. There is failure after failure.

We see hard Labor with the constant V/Line cancellations and the late running of trains on lines like Ballarat, Bendigo and Geelong. The minister has given us timetables designed to make V/Line's performance look much better than is actually the case.

We see hard Labor in the Minister for Public Transport's constant refusal to include two new underground platforms at Osborne Street, South Yarra, in Labor's as yet mostly unfunded \$11 billion-plus Melbourne Metro rail project. South Yarra is the sixth busiest station in Melbourne and could have a full interchange from 2026 if the government accepted the need to build it. Frankston line trains between Caulfield

and South Yarra are going to be overcrowded because they will also have to cater for Cranbourne and Pakenham line passengers wanting to reach South Yarra, Richmond, the MCG and Melbourne Park. The quickest way for these passengers to reach these destinations will be for them to change at Caulfield and jump on the Frankston line.

Yesterday in question time the Premier falsely claimed that Melbourne Metro is the largest public transport infrastructure project in Australia at present. That is completely false. The largest is Sydney Metro Northwest, which is being delivered by the go-ahead coalition government in New South Wales. While it moves forward, Victoria goes backwards.

We see hard Labor in the myki smartcard system that has cost Victorians hundreds of millions of dollars and which continues to lack the ability for public transport fares to be paid through a smartphone or other device to put an end to waiting in line at card machines or station booking offices.

We see hard Labor in how the Premier and the Minister for Public Transport failed Victorian taxpayers by agreeing to very generous, above-CPI wage and salary rises for Metro Trains Melbourne and Yarra Trams staff, which will literally cost Victorians more than \$150 million and which every Victorian will have to pay.

We see hard Labor in the level crossing removal program. It does not always concentrate on the VicRoads list of the most urgent level crossings for removal. I was with the member for Caulfield recently. He is running a great campaign on a level crossing. If the government was removing level crossings on the Frankston line, one might think that the tram-rail level crossing at Glen Huntly Road, Glen Huntly, would be abolished as it slows trains down to 20 kilometres an hour. But no, the Premier and the Minister for Public Transport have ignored the need to get rid of this level crossing. As I have said, the hardworking member for Caulfield has organised his local community to start a campaign to have this level crossing included in the removal list.

Mr Pakula — Agree to the port legislation.

Mr HODGETT — We can get to the ports, mate. You just need to compromise. We see hard Labor in how it was so worried about adverse publicity from an attack on a train or tram during its Homesafe program that it quietly renamed it the Night Network, because it was worried that people would not get home safe. That is straight out of a scene from *Utopia*. Let us not call it

Homesafe, let us call it the Night Network. Further, the Minister for Police and the Minister for Public Transport have decided that protective services officers, a wonderful initiative of the former government, will be present on only 34 of 218 railway stations at 3 o'clock on Saturday and Sunday mornings once the not Homesafe but Night Network trains begin in January.

According to the October 2015 track figures released last week — as usual on a Friday, in the minister's desperate attempt to avoid media scrutiny — the Frankston line again had the highest train cancellation rate in both the weekday period and seven-day off-peak period. The member for Frankston is in the chamber. He should make representations to the Minister for Public Transport to get the Frankston line fixed. It had the highest train cancellation rate. It was also the worst for punctuality, with just 86.8 per cent of trains on time, dropping to 85.8 per cent during the weekday peaks.

In October 2015, 4.3 per cent of V/Line Albury trains were cancelled. The member for Benambra continues to bring this to the attention of the Minister for Public Transport to try to get it fixed for his constituents. At present the constituents of the members for Benambra, Ovens Valley and Euroa are far too often having to be cooped up on coaches as opposed to trains. More than 11 per cent of Albury line trains, which are long distance trains, were recorded as being late as they were 11 minutes or more late at either Albury or Southern Cross stations.

On the Geelong line, 3.1 per cent of trains were cancelled, showing that Labor is failing to always run the advertised 20-minute off-peak weekday train frequency to and from South Geelong, or 40 minutes to or from Marshall and Waurn Ponds. On the Ballarat and Bendigo lines, cancellation rates in October 2015 were worse than in October 2014. There has been failure after failure. In October between 11 per cent and 12.7 per cent of trains on the Ballarat, Bendigo and Geelong lines were counted as late, with the Bendigo and Ballarat lines' performance having dropped by almost 5 per cent compared to the performance in October 2014 under the coalition government. The Shepparton line, with its poor train frequency for a growing regional centre, also had a marked drop in train punctuality in October 2015 despite its slow timetables. Finally, Melbourne's trams are just another example of missed opportunity under Labor, with cancellations rising rapidly.

The year of the Andrews Labor government has been a year of dysfunction, disunity, drift, disorder, delays, deficit and debt. There is plenty of material for Rob Sitch and Working Dog Productions to deliver another

series of *Utopia*. A series that we on this side thought was political satire is actually a documentary on the Andrews Labor government.

Victoria should be no. 1 in Australia, with a strong economy, creating jobs and building road and rail infrastructure. Daniel Andrews is failing Victoria and he continues to fail Victoria. We are going backwards while our New South Wales counterparts continue to go ahead. Everywhere we look it is failure after failure after failure. We are going backwards. We deserve better. We on this side will continue to expose the Andrews Labor government's failures and prosecute the case for change.

The DEPUTY SPEAKER — Order! I did not want to interrupt the member for Croydon, but I remind honourable members that they must refer to other members by their proper titles. The member for Croydon referred to Daniel Andrews. He should have referred to him as the Premier or the member for Mulgrave or to his government as the Andrews government. I remind honourable members to do the right thing.

Mr PAKULA (Attorney-General) — What an impressive display of amnesia that was. What an unedifying, unbecoming tantrum. Is there a better demonstration needed that those on the other side have not accepted the verdict of the Victorian people, that they are not prepared to do the work necessary to understand the reasons for their defeat, that they are content to simply delude themselves and attempt to delude the Victorian people, and that they are prepared to simply take refuge in their warped and deeply flawed view of the current government?

It would be easy for me to come into the chamber to speak on this matter of public importance (MPI) and simply reel off a list of the achievements of this government over the past 12 months, but without a point of comparison you do not get the full effect. We could compare 2015 to 2011, or in fact to 2011 and 2012, or to the entire four years — —

Mr Pesutto interjected.

Mr PAKULA — The shadow minister for gravitas is very noisy. Your argument does not get more compelling when you shout, mate.

Mr Pesutto interjected.

Mr PAKULA — The member for Hawthorn. We could compare this year to the four years before it, but it is worth reminding ourselves of the highlights of the first 18 months or so of the Baillieu government. The

member for Croydon talked about newspaper articles. I have a few headlines here. From 7 July 2011 we had 'Time for inert Baillieu government to get its act together over major projects' and 'Victoria is asleep at the wheel on infrastructure projects'. The article states:

The state government is smarting from revelations it failed to submit a single proposal to Infrastructure Australia for independent scrutiny. Since January, the federal authority has received 59 submissions from all states and territories except Victoria.

I apologise to the member for Brighton. We then had the heading 'Baillieu makes tearful Asher flee'. The articles states:

Deputy ... leader Louis Asher is believed to have broken down during a party-room meeting ... after she slept through a vote in Parliament ...

Talk about us being asleep at the wheel!

Then we move to May 2012, when famously the then Minister for Higher Education and Skills, Peter Hall, broke ranks on the government's TAFE calamity, writing a letter to his stakeholders, understanding their emotions of shock, incredulity, disbelief and anger when TAFE leaders were briefed on the cuts that the former government made in its second budget.

That is just a snapshot of the things that were said about the former government in its first 12 and 18 months. I make the point, in terms of the things this government has achieved, that almost every minister in this government has had to spend an inordinate amount of time cleaning up messes left behind by our predecessors. They were messes caused by incompetence, indolence or impropriety. Let me go through some of the things that we discovered upon coming to government.

The Minister for Education had to spend his first budget putting all the Gonski money back in and restoring all the capital budgets that were squirrelled away at 2 Treasury Place on the orders of the member for Nepean. The Minister for Environment, Climate Change and Water had to shut down The Nationals boys club that was the Office of Living Victoria. The Minister for Public Transport has had to spend time reinstating a proper, sensible, functioning, justifiable Melbourne Metro project after the former government spent four years pursuing a train line to nowhere, the proposal for which those opposite put together on the back of an envelope.

The Minister for Regional Development effectively has had to rebuild Regional Development Victoria from the ground up. The Minister for Corrections opened his red

book and discovered a recidivism rate tracking towards 50 per cent, but worse than that he discovered a former minister who revelled in that, who thought that was a sign of success, who thought that was something to be proud of. The Minister for Health found that people in Victoria's ambulance service were completely demoralised by the demonisation that had been applied to them by the former minister, who was supposed to be their advocate but instead spent all his time demonising them.

The Treasurer has had to deal with the remnants of the most mendacious, outrageous and deliberate sabotage of the state's financial interests by a predecessor Treasurer in the state's history.

Mr Pesutto interjected.

Mr PAKULA — Let me remind the member for Hawthorn, who refers to the Auditor-General's report, about what was said about the east-west link:

If it had proceeded to completion, the entire EWL project would have cost in excess of \$22.8 billion in nominal terms.

Further:

Key decisions during the project planning, development and procurement phases were driven by an overriding sense of urgency to sign the contract before the November 2014 state election.

And most damaging:

The business case ... did not provide a sound basis for the government's decision to commit to the investment ...

That is what the Auditor-General said about the east-west link project.

The Minister for Planning discovered that the rezoning at Fishermans Bend had been carried out completely contrary to advice and in a way that will cost the state hundreds of millions of dollars for nothing. The Minister for Training and Skills had to completely resuscitate the TAFE sector. The Special Minister of State uncovered a completely sclerotic integrity regime. I, for my sins, have to deal with the baseline sentencing snafu. And then, most interestingly, the Minister for Industry needs to help with the transitioning of thousands of auto workers into new careers after the member for Croydon, the mover of this matter of public importance — the former minister for shutting the manufacturing sector down — effectively dared the auto industry to leave and they called his bluff. He comes in here and talks about job losses and forgets that on his watch we lost Holden, Ford, Toyota, Qantas, Uni Bic, ANZ, BlueScope Steel, Amcor, Sensis, GlaxoSmithKline, National Foods — and I could go on

and on about the jobs lost under the mover of this MPI. Well done, Calamity Dave!

One would be forgiven for imagining that with the omnishambles that was bequeathed to us that we would be flat out doing any more than just repairing the damage, but we have in fact done so much more than that. We came to government, unlike those opposite, with a positive agenda and, as the Premier has stated so often, we are getting on with implementing all our promises. The removal of the first 20 level crossings is well underway, and Victorians will thank us for it. They will not thank those opposite for their opposition to that program.

We have legislation before the Parliament right now to legalise medicinal cannabis to make life so much better for so many people. We have put \$320 million in to rescue TAFE, and into the bargain we have saved Lilydale TAFE. We are still waiting for praise from the member for Evelyn who stood by and did nothing while the former government shut it down. We have established the first ever Royal Commission into Family Violence. It is something that those opposite derided and said was a waste of money. They said it would not deliver outcomes and that it should not happen. We will see in February the outcomes of that royal commission, and we will make life better for hundreds and thousands of women and children.

We have introduced no jab, no play laws to make sure that our kids are safe and healthy when they go to kindergarten and when they go to child care. We have cracked down on puppy farms. We have fixed the Wrongs Act 1958 for people with asbestos-related disease and with spinal injuries. We have kept our promise to recreational fishers. We have put \$750 million back into our schools. The Gonski money that was ripped out by the member for Nepean is back where it belongs, and a capital budget has been restored. We have removed HIV discrimination from the Crimes Act 1958 — another proud achievement of the Andrews government. We have capped council rates and those opposite have opposed — —

An honourable member — You have not capped council rates.

Mr PAKULA — We maintain our absolute commitment to capping council rates and those opposite continue to oppose it every step of the way. We have funded 400 police custody officers to get police back on the beat where they are needed. During the last term of government — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Honourable members who are not in their seats need to return to their seats if they are to interject.

Mr PAKULA — Then they can interject as much as they like. We funded 400 police custody officers to get police back on the beat where they are needed. I say that in contrast to the fact that the former government, despite rolling out those police funded by the Brumby government, did not fund any additional police of their own in four years. That is in the same way that they did not order an extra tram. They rolled out our 50 trams and now we have ordered 20 more. There was not one extra tram funded in four years. We have set up Infrastructure Victoria, as we said we would, despite the fact that the opposition spent all of its time trying to deride and demean those board members — those independent individuals who have been appointed to that board.

In addition we got cattle out of the high country, as we said we would do. We legislated for adoption equality and for safe access zones and we saw prominent members of the front bench on the other side scurry out of the chamber as we did it. Yesterday we released the business case for the western distributor, which is something that those opposite would never do. They want to be critical of a business case when over the four years they refused to release a business case for their dodgy, rotten east–west link project. Once we saw it, we knew exactly why. Beyond that, 24-hour public transport is on its way.

These are all the things we said that we would do and many of them are things that those opposite were too lazy, too mean, too timid or too incompetent to ever do. We have done all that while maintaining a budget surplus of \$1.7 billion, maintaining a AAA credit rating and bringing the unemployment rate down from 6.7 per cent to 5.6 per cent. Those opposite put it up from 4.9 per cent to 6.7 per cent; we brought it down from 6.7 per cent to 5.6 per cent.

I am sorry to have to mug the member for Croydon with objective reality, but that is what this is. This is objective reality. I know he might consider it to be a shabby tactic, but it is important that the facts are put on the table. We have spent a year not just cleaning up the plethora of messes that were left behind for every minister in government, but also getting on with implementing a positive agenda that leaves in the shade the absolute indolence of the former government in its first 12 months and beyond. It is important for the self-delusion of those opposite to cease. It is important for them and important for the Victorian people, and anything I can do to help I am happy to oblige.

Mr D. O'BRIEN (Gippsland South) — As I begin to speak on this matter of public importance, I seek the sympathy of the chamber because it is very difficult for a new member of Parliament to follow an audition for the top job like the one we just heard. What a performance it was from the Attorney-General! He sat here for the first six months and rarely popped his head up, but he has been coming back time and time again with points of order in question time just to remind those on the back bench that he is there. I know they are not all members of the National Union of Workers faction, but he wants to get them onside. That was another case for it in his performance then.

It is a little disappointing that I get to speak for only 10 minutes today, because just 10 minutes to outline the failings of the Labor government in the first year are not enough.

Mr McCurdy — Get an extension!

Mr D. O'BRIEN — I would like to seek an extension — that is right — because I could go for hours. My focus as a member of The Nationals is on the interests of country Victoria. Sadly this Labor government, like many in the past, thinks that Victoria finishes at Pakenham or perhaps at Melton, maybe at Macedon. Certainly the areas beyond get very little attention from this Labor government. The biggest issue in my electorate is far and away the issue of roads. We have had three by-elections this year, and I know that the members for South-West Coast and Polwarth will also say that roads are a big issue in their electorates. Those opposite would not know about that because they did not even bother to turn up to the by-elections. We had this wonderful announcement earlier in the year that they were going to re-establish country Labor and focus on the country seats. Here you go: they had three opportunities this year, and they did not even bother to turn up. That is how much contempt the Labor Party has for country Victoria.

The state of our roads is the no. 1 issue in my electorate — no doubt about it — yet in its first budget, despite the promises and despite what the member for Narre Warren North said in opposition, we had a 10 per cent cut to the roads maintenance budget. In the very first budget there was a 10 per cent cut. Not only that, the government cut the \$160 million country roads and bridges program, a program that was actually delivering. It was delivering \$1 million to 40 councils every year — each council had \$1 million to put into whatever it wanted in terms of roads or bridges — and it was having some success. We could see in our electorates that these roads were beginning to be fixed up. The previous government put an additional

\$130 million into last year's roads maintenance budget, but the new minister came along and instituted a 10 per cent cut to that budget in his first go. This is the sort of thing we are seeing from Labor.

The first budget was a harbinger of things to come. It axed the Regional Growth Fund. It got rid of the wild dog bounty. It cut the Country Roads and Bridges Fund. It slashed agriculture output by 12 per cent; trade output, so important to country Victoria, by 61.5 per cent; and regional development, as I said, by 24 per cent. But most telling in terms of the way Labor really thinks is that just 2.9 per cent of infrastructure funding in its first budget went to country Victoria. That is 2.9 per cent for 25 per cent of the population of this state. On top of that, just 1.7 per cent of capital health funding in Victoria went to the regions. These are the sorts of things the government is failing on.

The government likes to talk about jobs. But what it has failed to recognise so far, and certainly the Attorney-General did not mention it, is that we have already lost over 10 000 full-time jobs in regional Victoria. That is 10 000 full-time jobs in just one year since the government came to power. We have had the east-west link debacle, and I have to say this would be the issue that most people talk to me about in my electorate. They normally say, 'How can this mob have wasted \$857 million?', but now they will be talking about \$1.1 billion. People in my electorate do not like to see \$1.1 billion wasted. What could that money have done? I have been fighting for funding for the Yarram Primary School. That \$1.1 billion could fund 91 new primary schools. It could fund about 80 new 24-hour police stations. I ask country members of this chamber to think about how much good that money could do for roads in our regions.

We heard the Attorney-General talk about this fallacy of the TAFE crisis and how Labor has fixed it, yet not one extra dollar and not one extra student is going to TAFE training. It went on for three or four years about how there was a TAFE crisis, and what has it done about it? It is not giving the money back. It has failed in its pledge. It talks about what was cut, but it is not giving any of it back. It is spending exactly the same amount on the training guarantee as the previous government did — and I might add that the previous government had increased that Victorian training guarantee by 50 per cent. The TAFE crisis is just another of Labor's fallacies.

Then there is the port lease. There is not enough time to go into the details of that, but we had the unedifying spectacle of the Minister for Environment, Climate Change and Water coming to my electorate a couple of

weeks ago and saying, 'We will fund the second stage — phase 1B — of the Macalister irrigation district 2030 program if the port lease is sold'. The government saw it was getting some negative press from country Victoria and said, 'In that case, of the \$6 billion to \$7 billion we expect to get out of this program, we are going to give agriculture a \$200 million infrastructure fund' — a \$200 million infrastructure fund out of \$6 billion or \$7 billion. That is about 3 per cent going to regional Victoria. I am sorry, but if you are going to make a bribe it has to be significantly more than that for the dud deal that this port of Melbourne lease is. We are not going to be hoodwinked by it, and the people of country Victoria are not going to stand for it either. With all this money potentially flying around, we already have a deficit. I have talked about the east–west link, and the Auditor-General has belled the cat on that.

This motion talks about dysfunction and disunity. We have seen the factional infighting, and it is staggering that this has come to the fore in the first year of a government, when we have already seen one minister sacked. He is an interesting character. He is out there making some interesting things for the government. I see he is diverging from the government in the onshore gas inquiry. I suppose he feels he has been cut loose, so he is cutting loose. We have lost one minister already. We have had leaks against the Minister for Women coming out of the Premier's office. Then there is Mr Melhem in the other place, and his future remains to be seen.

This brings me to the unions, and what a spectacle it was here yesterday to see thousands of Construction, Forestry, Mining and Energy Union (CFMEU) members take the day off, go for a little protest at the Magistrates Court and then head to the pub because John Setka and his mates were up at the Magistrates Court on blackmail charges. Does the Premier move away from the CFMEU? Does he condemn it? He ought to take a leaf out of the book of former Premier John Cain. John Cain actually had the courage to stand up to the Builders Labourers Federation in his day. The current Premier certainly does not have that courage. We saw the fireys here yesterday as well — the United Firefighters Union (UFU) — protesting, and we have the police and everything now. We are now seeing some union payback. There are many sayings that would be appropriate for this: 'You make your bed; you lie in it', 'Ye reap what ye sow', 'The chickens are coming home to roost' — —

Honourable members interjecting.

Mr D. O'BRIEN — I note that anything that is Catholic or Christian does not seem to be getting a fair run from this mob, so I will give you the Buddhist one — that is, karma. It is karma, and it is coming back to haunt you. The UFU and the CFMEU — you got into bed with them, you lay down and you are coming up scratching, aren't you?

On the issue of social policy, what a disgrace it has been, from my point of view as a first-term member of this Parliament, to find that so often on those difficult social policy issues the government has not had the decency to let the Parliament have its say and to let people stand up and put their position on some difficult issues — and on some of those I have supported the government's position. The government has not had the respect for this Parliament to allow each and every member to have the time to stand up here. We had weeks and weeks earlier in the year during which we had absolutely nothing to debate. We were debating omnibus bills for hours at a time because there was nothing to fill the agenda. Then we get these important and difficult social policy issues, and the government treats the Parliament with absolute contempt.

We have seen a bit of the debate today on the same-sex adoption issue, and it seems that the government is all about equality. It is all about freedom of speech — as long as you agree with its view. If you have a different view, I am sorry but you do not get to have your say.

The government has failed country Victoria in its first year. It was interesting to see that the *Weekly Times*, the bush Bible as it is known, ran a poll last week. The question was, 'Has the first year of the Andrews government been good for country Victoria?'. Just 19 per cent of people said yes; 81 per cent of people said it has not been a good first year for country Victoria. Labor has a lot of work to do. It needs to look beyond the tram tracks. If it is going to turn that around, it has a lot of work to do. On current form I do not hold much hope.

Ms THOMAS (Macedon) — I welcome the opportunity to put the record straight on some of the nonsense that we have heard peddled today by the opposition. We all know that the member for Croydon fancies himself as a bit of a wit in this house, and so we have this pathetic matter of public importance (MPI) today. Alliteration, as we all know, is a pretty cheap and childish literary device, but it is one that the member for Croydon has decided to employ today. It is a literary device better suited to tongue-twisters in primary school playgrounds. Having said that, if we look at some of the charges levelled at the government by those opposite, we will see that they are simply false.

Firstly, let us talk about transport. We talked about this a little bit before when the Attorney-General took us to some of the highlights of the Baillieu government. Remember that period? I found another legacy project from the Baillieu years. I think it was former Premier Ted Baillieu's only achievement in public transport. It was of course the international design competition to rebuild Flinders Street station. Honourable members will well remember that. The grand design that won the state government's Flinders Street station redevelopment competition was going to cost taxpayers \$2 billion. It was a \$2 billion dream. As the *Herald Sun* reported on 30 August 2014:

The ambitious project's hefty price tag has caused headaches within the coalition, which is believed to be examining 'major adjustments' to the original masterplan so it can get it on track.

Of course no commitment was ever made to build the design. Meanwhile taxpayers shelled out \$1.6 million in design costs and prize money. I think it is a fantastic metaphor for the days of the Baillieu government: style over substance every step of the way. Meanwhile, back in the real world, Victoria's population continued to grow. As members know, it continues to grow, particularly under the present government, as Victoria is an extremely attractive state and attracts a large proportion of interstate migration. We have the world's most livable city, and we offer the best of everything.

Back in the real world, what was going on in transport? Let me tell members. These are some of the things that members of the former government promised but failed to deliver. They promised an Avalon Airport rail link and failed to deliver it. They promised Doncaster rail and failed to deliver it. They promised Rowville rail. How is that one going? They promised and failed to deliver Southland railway station. They shelved the Infrastructure Australia-approved Melbourne Metro rail tunnel in favour of the last-minute, unplanned Melbourne rail link.

I want to talk about Melbourne Metro. This Labor initiative is fantastic. It is a project that will absolutely transform not just our city but our state as a whole. This commitment was warmly welcomed by the people in my electorate of Macedon because Melbourne Metro will take people where they want to go. The station in Parkville and the station in the hospital precinct will deliver people where they want to go. It is a great boon for people on the Bendigo line. Bring on Melbourne Metro is what we say. It is rated priority 1 by Infrastructure Australia. That lot on the other side of the chamber wasted four whole years. They could have been getting on with this project, but they did nothing. They were asleep at the wheel, firstly under

Premier Ted Baillieu and then under Premier Denis Naphthine.

I have told members about the promises those opposite failed to deliver on. Further on transport, if we look at just the running of the system, what did those opposite manage to achieve? Did they build a single train line? No. They did not order a single train for two years. They did not order a single tram for four years, and they did not have a rolling stock strategy. We are feeling that now in country Victoria, let me tell you. It is fantastic, however, to see that our highly engaged energetic public transport minister has been straight on the job. She is creating jobs here in Victoria, and we are building rolling stock. That means that the people of Ballarat and Bendigo will get those V/Line carriages they have been crying out for.

If we look at transport, we see that under the previous government there was complete inaction and wilful destruction of Melbourne Metro, which should have been a signature project. We should be four years into that project, but instead we have had to quickly play catch-up. It is just as well that we have the Premier we have, the man who will get this done and delivered here in this state.

I want to correct the record when it comes to jobs. In October of this year Victoria led the nation in job creation. Over 26 000 new jobs were created, 10 700 of which were full-time jobs. The number of unemployed Victorians has dropped by 16.4 per cent since we came to government. Regional unemployment is down. When Labor was last in office the unemployment rate was 4.9 per cent. Labor created over 250 000 jobs between 2006 and 2010. If you are looking for a party to run the state and to ensure that we have job creation, you need to look no further than the Labor Party.

How exciting was it to read about how the economy is growing! The economy here in Victoria is growing at 2.5 per cent, up from a measly 1 per cent in the previous year. Victorian growth is outpacing New South Wales for the first time since 2008. Again I correct the record; those on the other side of the house are wrong when they talk about our record when it comes to jobs growth. They are wrong when they talk about our record when it comes to transport.

I suggested earlier that the member for Croydon fancies himself a wit, and I thought I might have a shot at this myself; I thought I would pick up on this rather cheap alliterative trick and have a go myself. If we are talking about D-words, I thought 'despondent' was a good one — how best to describe the backbench! We are only one year in, with three more to go before the

backbenchers opposite get to again test their credentials with the Victorian people. I have noted that the member for Kew has been particularly quiet over the past few weeks. Where is he?

An honourable member interjected.

Ms THOMAS — Absolutely. He could barely muster the energy required to deliver a members statement this morning. He told me at lunch he is a bit tired, but he is going to have to do better than that that if he is going to keep the Greens at bay.

‘Despairing’ is a word that is particularly apt for the look on the faces of the newly elected member for Polwarth over there and the member for South-West Coast, who is not in the house at the moment. I send them my commiserations. It would seem that they had perfectly good employment and were making a fine contribution in their communities, and they have given up that productive employment to languish on the back benches in opposition for many years to come.

‘Deadwood’ is the way in which I describe the middle benches — and yes, I am talking to the member for Benambra. They are well past their prime. In the spirit of sisterhood I say to the member for Eildon, ‘Check out the company you are keeping and get yourself out of there. You should be on the frontbench, but the bully boy’s club will have none of that’. ‘Dangling’ by a thread, that is where the Leader of the Opposition’s credibility is. He was the person who was going to drag the Liberal Party back from the far right, yet he has managed to be silent or to avoid recoding a vote on any of the key social policy issues that have been debated in this house this year.

While we are on the Leader of the Opposition, let us talk about ‘damage’. Despite the *Age* being no friend to us on this side of the house, because it did indeed back the wrong horse, Josh Gordon has described the Leader of the Opposition as ‘shrill and thin skinned, with a filthy temper’. Those are hardly the characteristics Victorians are looking for in a leader. That of course brings us to the member for Hawthorn. The member for Hawthorn is here — —

The DEPUTY SPEAKER — Order! The honourable member’s time has expired.

Mr SOUTHWICK (Caulfield) — I rise to speak on this matter of public importance:

That this house condemns the first year of the Andrews government for its dysfunction, disunity, drift, disorder, delays, deficit and debt, with Victoria either stalled or going backwards in every key area, including jobs, economic management, transport, roads and infrastructure.

I am not sure what we would call the contribution made by the member for Macedon, but the only thing this side of the house can agree with is the fact that there should be another D-word in this matter of public importance, and that is the word ‘dud’, because what we have here is a dud lot on the government benches and a dud government right here for Victoria.

The Victorian government is an absolute dud — a big D as in failure and a big D for the Andrews Labor government. We have seen a bleak outlook for the economy. The economy is going backwards under to the Andrews Labor government. We are in a jobs crisis right now thanks to the Andrews Labor government. We have seen that we are in deficit thanks to the Andrews Labor government; we have seen a \$286 million deficit according to the Victorian Auditor-General’s report.

There is one thing that is absolutely certain when it comes to Labor: Labor cannot manage money. We have seen it before, and we see it again now. When it comes to jobs, the big election commitment from the Premier and the Labor government is to look at a jobs plan — a plan to create 100 000 jobs in two years. I say to the member for Essendon: that is going well for you, is it not? That is really going well for him.

We have seen 4429 jobs created in the first year and that 95 500 jobs are to go in the second year. Off they go! They had better get onto it, because those opposite are failing there. If you look at it, you see that 16 200 jobs were lost in north-west Victoria, 3600 jobs were lost in Geelong, 6600 jobs were lost in the Mornington Peninsula, 1500 jobs were lost in Gippsland and 5700 jobs were lost in Bendigo. I suggest that a number of the members who represent those electorates in the government ought to get off their backsides and actually do something when it comes to jobs.

If you look at some of the companies that have been affected, you see that Alcoa workers have farewelled their site, ANZ slashed jobs, jobs were slashed in the Williamstown naval shipyard and almost 80 Telstra jobs have gone in Ballarat. We have seen the Alcoa power station switched off to slash the jobs. But here is the big one: we have a Minister for Industry, who is also the Minister for Energy and Resources and the member for Mill Park who is just waving hello in the chamber and then heading back out. In her own electorate we are now seeing up to 300 jobs lost at EnergyAustralia, which has announced that it will close its call centre in Melbourne’s north-east. There you go — the local member, who is also the Minister for Industry and the Minister for Energy and Resources, is

missing in action when you have EnergyAustralia relocating. It is her own portfolio and her own electorate, and EnergyAustralia is relocating.

What is interesting about this — because the connection goes on — is that the Australian Services Union secretary, Richard Duffy, said that the union found out about the job losses and that the move to shift the jobs overseas was ‘disgraceful’. These jobs are off to the Philippines. The other connection is that the member for Mill Park and Minister for Energy and Resources is also a former member of the Australian Services Union and in fact was the state organiser from 1994 to 1999. Her union is telling her that moving the jobs overseas is disgraceful, and what did the member for Mill Park have to say? She said:

Every job is one job too many to go and it’s very sad news for each worker and their family but what’s really important though is to focus on the fact that new jobs are being created.

Every job gone is one too many, but what about these jobs? That is a big failure, and this government needs to get on and do something about it rather than talking about it and trying to find media headlines.

While we are on the topic of media headlines, this government is very good at trying to rebrand itself with new logos for public relations, because that is all it is good at: spending money and paying for spin. According to ABC News, the Big V is back at a cost of more than \$20 million. There we go! More spin. The government paid Ogilvy Australia \$220 000 to create a logo and then rebrand all of the public infrastructure. What a great spend by the Premier! Numberplates on our cars say ‘the education state’, but no money is being spent on education; it is being spent on numberplates. Again, there is all sorts of spin under this government.

I turn to the portfolio of small business, innovation and trade. This government sacked the first Minister for Small Business, Innovation and Trade — it turned him over pretty quickly — and then the new minister proposed setting up Start-Up Victoria. Some 12 months in, has any of that \$60 million fund been spent? One dollar, \$1000, \$100 000? We have spent some money for 99designs to come up with a brand. The name Start-Up Victoria had to be changed because a company already had the name — no-one had checked to see whether the name was taken. They then thought, ‘We had better change the name’, so they changed it to LaunchVic. Then they said, ‘We will stick it on 99designs, because that is innovative. We won’t do anything when it comes to innovation, but we will get a company called 99designs to come up with a few branding ideas’.

Then they decided to create some terms of reference for this group. One of the terms of reference for LaunchVic, in amongst trying to improve access to capital for local start-ups, is to advocate on commonwealth legislation and regulation. Instead of being a start-up fund, LaunchVic is going to be an advocacy group to call up Malcolm Turnbull and say, ‘You’re not doing good enough’. Guess what? At least the Prime Minister has launched an innovation strategy and the federal government is out doing its stuff. The federal government is not setting up a dodgy fund and then saying, ‘You’re going to use the money to do the minister’s job’. I would have thought it was the minister’s job to pick up the phone and talk to his federal counterparts, not to spend some dough to get LaunchVic, another group, to do his work. That is the sort of government we are dealing with; that is its reputation.

In the last part of my contribution I want to talk about the other big hit from the Andrews Labor government election commitment: the removal of 50 level crossings. The member for Bentleigh has been stuck with looking after the Ormond level crossing, but he is failing at that. He is doing a dismal job. I have met with people in his electorate this week, and they think he is a hopeless member. On top of that, the government was not going to make the removal of 50 level crossings a political issue, was it? No. But it said, ‘What we’ll do for every one of these level crossing removals is stick a Labor member in to look after them’, and now the so-called member for Bentleigh is trying to look after one, but he is not doing a great job.

Mr Staikos — On a point of order, Acting Speaker, I refer to the article headlined ‘MP sorry for padding his resume’. We are not going to be lectured by someone who faked an adjunct professorship.

The ACTING SPEAKER (Mr Carbines) — Order! There is no point of order from the member for Bentleigh.

Mr SOUTHWICK — The member for Bentleigh will be sitting on that backbench for a long while. I suggest the member for Bentleigh look around him because there is no fourth row, as his current Premier talks about. The member for Bentleigh will be sitting up there for a long while.

Let me continue. Fifty level crossings are being removed, or being planned to be removed, and what we have had is a political decision, because the *Age* says that 10 of the 19 level crossing removals identified by VicRoads have been left off Labor’s list. One of those is in Glenhuntly, as has been said. Fifteen of them that

have no priority according to me are all in Labor marginal seats. If that was not a decision that was made to look after Labor mates, I do not see one. The VicRoads report states that the Glenhuntly level crossing boom gates are down more than 82 per cent of the time. This is Labor; Labor cannot manage money.

Ms THOMSON (Footscray) — I rise to speak on the matter of public importance put forward by the member for Croydon. I am in a state of absolute disbelief. I had prepared what I was going to say in relation to this debate and have been sitting here listening to the untruths that have come this way — absolute lies and drivel. As fiction writers, those opposite might do a really good job. I suggest to those on the other side who have already spoken in this debate that maybe they could look towards other careers as fiction writers. Certainly what we have heard is nothing but fiction, and pretty bad fiction at that.

Let me say how embarrassed I would be if I was a member of the opposition having to listen to this debate knowing that for the four years the coalition was in government nothing happened: the state stopped and everybody knew it except members of the former government. Everyone knew that the state had stopped and gone backwards on jobs. It was an absolute disgrace to have lost so many jobs and to have unemployment go from 4.9 per cent to 6.7 per cent in a matter of four years — absolutely outrageous.

To think that those opposite were begged by then members of the opposition, now in government, ‘Come up with a jobs plan; please come up with a jobs plan. Where is your jobs plan?’. Just about every sitting day members of the then opposition, now in government, said, ‘We need a jobs plan. Industry is changing. Victoria’s manufacturing industry is changing’. And did we get a jobs plan out of them when they were in government? We did not; not one job, not one hint of a jobs plan until just before the election. What kind of jobs plan was it? A useless one. The Victorian people knew it and they did not vote for the then government because of it.

Let us talk about the east–west link. For four years did we see anything happen on infrastructure? Was there any infrastructure initiative that came from the then government? Neither the Baillieu nor the Napthine governments had one initiative that they could call their own. They took credit for regional rail but it was an initiative of the previous Labor government.

Mr Dimopoulos interjected.

Ms THOMSON — Yes. The Monash Children’s hospital, which is not yet finished, and then the children’s hospital in Parkville, another Labor initiative. Every single building they opened, every single piece of infrastructure they got to open was a Labor initiative, not one of their own.

So what did they decide to do? They said, ‘We’ve got to find something quickly, because we have got to look like we are doing something. We’ve got to look like we’re busy. We don’t have any ideas about what we can do ourselves, so let’s try and dust off some plans. Let’s have a look at what Labor was going to do that we put in the pile called, “Don’t worry about it; it was a Labor initiative”’. So they went back to that pile and they said to the department they did not give any work to for four years, ‘Go dust off some plans, show us what they look like, and let’s see what we can do to change them to make them ours, re-label them and that will be our new infrastructure plan for Victoria’.

Then came the east–west link. They dusted off Sir Rod Eddington’s great work, to which I happily say I made a joint submission with the member for Williamstown about how to link the east and the west. It was a narrow-focus review. Sir Rod Eddington made it very clear that he was not looking at a total solution for Melbourne’s transport ills. He was looking at a specific issue that he had been asked to look at.

What did Sir Rod Eddington come up with? He came up with his no. 1 priority — the metro rail tunnel — and then an east–west link that started in the west. What did the Liberals do? They said, ‘We don’t want to do that. We don’t want the Metro rail tunnel, because that makes sense, and heaven forbid that a government should have a policy that makes sense. Besides, Labor owns that one, so let’s have a look at the east–west link’. However, when they looked at starting over in the east, they could see that it would not fix any of the actual problems but would make them worse, so they came up with a policy that was never going to work; it was always going to be bad for Victorians and definitely financially a disaster.

The Victorian people saw right through it, yet the coalition mounted the best marketing campaign you would ever see. It even put up signs about its new metro tunnel that was going to take people to the airport. Remember that one — the airport rail link? The government of the day paid for signs to go up at the airport saying, ‘Travel on the rail link from the airport’. I had friends and family coming in who saw those signs and said to me, ‘We looked to take the rail link, but it wasn’t there’. That is a marketing campaign to break all the records. It reminds me of the hospital with no

patients in *Yes, Minister*. It has to be a *Utopia* scene, seriously; it should be in an episode of *Utopia*, or maybe it already has been. To have those opposite come into the house and lecture us about what we are doing as a government is just pathetic, because on this side of the house we are really getting on with it.

Let me talk about my constituents in Footscray. My constituents will get the metro rail tunnel they wanted, which means that the people of the west will be able to access, through Parkville station, the university precinct and the hospital precinct and necessary cancer treatments for the very first time — and they really want that. We are also going to see our schools being built and improved. We will see an education precinct in Footscray that will be second to none. Schools that were promised to be built are now going to be built in my electorate thanks to the Andrews government. I know the people in my electorate are glad that we were elected to government and that we are going to meet the commitments that we made prior to the election.

I am proud of our record. I am proud of our record on jobs. I am proud of what we are doing in the innovation space. We got a lecture from the member for Caulfield on innovation, when all those opposite did when they were in office was to downgrade innovation as a priority for government. They took a state that was the country's leader in innovation, research and start-up businesses and tore that to pieces through inactivity and relying only on the work of the previous government. We will not be resting on our laurels. We will not be relying on the lacklustre performance of those opposite. We will be doing what we said we were going to do. We are going to deliver on jobs. We are going to deliver on education, and we are delivering on education.

Let us spend a moment talking about our TAFE system, because in my electorate nothing is more important than a strong TAFE system. Victoria University's TAFE division was gutted under the Libs — absolutely gutted. Courses were cut — courses that meant jobs for people in my electorate. There were shortages in those areas, and yet the most beautiful commercial kitchen at the TAFE closed down because it could not be funded. I have one thing to say to those opposite: for four years they let down a generation of young people, a generation of people whose jobs were lost because those opposite not active in the industry space, and worse, they did not fight for the automotive industry when they could have and should have.

We will fight for those people. We will fight to prepare our young people for the jobs of the future, and we will deliver on that. I am proud of our record so far in our

first year in office, and I am looking forward to delivering over the next three years.

Mr BATTIN (Gembrook) — I rise to support the matter of public importance submitted by the member for Croydon:

That this house condemns the first year of the Andrews government for its dysfunction, disunity, drift, disorder, delays, deficit and debt, with Victoria either stalled or going backwards in every key area, including jobs, economic management, transport, roads and infrastructure.

You do not need to look any further to see this than what happened on the streets of Melbourne yesterday; you do not have to go very far back at all. We had 5000 people on strike, standing and blocking a street outside the Melbourne Magistrates Court, because their leader — the leader of the Construction, Forestry, Mining and Energy Union (CFMEU) — has been charged with blackmail and is now before the court. Rather than saying, 'Let the legal process follow it through, let the judges decide and let the lawyers stick up for them', what does the CFMEU do? Its members protest in Melbourne, block the streets and try to intimidate the court into action for the friend — actually, I should not say friend but master — of the Premier and the leader of the CFMEU, John Setka.

Victoria is a union state. The United Firefighters Union (UFU) was protesting outside Parliament House yesterday. Even its secretary did not say he was protesting because Daniel Andrews had said something before the election. He actually said that Daniel Andrews had lied to them. He said that Daniel Andrews, on the record, lied to them and was not delivering on the commitments that got UFU members out in front of people, handing out pamphlets, before election day.

On 15 April an article in the *Herald Sun* reported regarding the UFU:

The extent of the union's support for Labor was well documented, including:

23 days of firefighters door-knocking in strategic seats;

40 000 one-on-one conversations with the public;

125 000 pamphlets handed out at train stations;

700 firefighters standing outside 109 polling booths in nine marginal electorates asking the public to put the Liberals last.

In an email to Labor MPs, Mr Marshall says 'internal polling conservatively estimated a 4.5 per cent swing in seats where there was a firefighter presence — and up to 7 per cent in some marginal seats'.

So while those sitting on the back bench won their seats due to the support of the UFU members, I do not hear of any of them going out and campaigning for them now. Before the election they wanted to use them in the political realm, but now that the election is done they are sitting there and offering them something Peter Marshall says is totally incorrect. Peter Marshall even said that an ugly pay dispute between Victorian firefighters and the Andrews government has broken out, with the union accusing the Premier and the Minister for Emergency Services of betrayal. Now we need to know what that betrayal is.

What is the betrayal of the UFU? What were the secret deals done before the election to ensure that firefighters were out there handing out how-to-vote cards for the Labor Party? What did the UFU get back? Obviously the UFU has got nothing back yet — it is still out there campaigning for it. Victorian firefighters have launched a blistering attack on the Andrews government for trying to demonise their fight for a better workplace agreement. They are out there asking for a better workplace agreement.

Before the election this government, then in opposition, said it would fix all the problems. It said it had solved all our problems and that we could move on from there, but when it came to office — and let us not forget it went to the election with the simple message that it would end the war on paramedics, which it did with a secret deal prior to the election — the Premier was at war with firefighters, and to add to that he has decided to declare war on Victoria Police. Members opposite do not want to negotiate properly with Victoria Police. The government is reducing police numbers — we have less police out on the beat now than we did when the Andrews government came to power. It is these deals that will put more pressure on Victorians. The unionised action we saw on the street is not something Victorians want to see.

On this side of the house we agree that firefighters should have a fair pay deal. We agree that any enterprise bargaining agreement should ensure the integrity of fire services and the protection of the community. We disagree that any deal done with the UFU should be based on work done for the Labor Party prior to the election. That is what we disagree with. The union decided to be politicised at the time, and that is now coming back to bite not only it but also the Premier, who is now failing to address the issues he created before the election. It is disappointing that we have the Construction, Forestry, Mining and Energy Union (CFMEU), the UFU and now the Police Association looking at striking, and the Premier is now pushing them aside and trying to get it to Fair Work

Australia because negotiations are not going where he would like them go.

We have people who have come to government who, in my view, are a bit lost with their moral compasses — though I put on the record that they ran a very good campaign for the reduction of family violence in Victoria. In this house during the previous sitting week we had a fantastic day to get the message out there, and I say to the government that it was one of the highlights of my time in Parliament to see all members working together to reduce family violence. However, at the same time we have seen the introduction of cage fighting in Victoria. We do not need to go any further than the results of the cage fighting event in Melbourne. The victim in that event — and we say she had a choice whether to get in that ring — ended up needing plastic surgery afterwards. Doctors and medical experts said the pressure of that kick to her face was as great as that of the cricket ball that hit and killed Phillip Hughes. That is something we need to address, because promoting violence in Victoria is not a direction I want to see us go. At the same time —

Mr Richardson — It's legal, Brad.

Mr BATTIN — It was not legal, that is the big issue. Members opposite want to say it is legal, but it was not legal. Cage fighting was not legal. However, we are seeing a big change in Victoria — the crime rate is increasing. In the last 12 months the crime rate has increased, and what has been the government's answer? It is reducing police numbers in Victoria. Members opposite keep talking about the introduction of people working in prison cells at police stations, but we are still yet to see any begin training while crime increases.

I am based in Pakenham, and the Pakenham police station was closed. It was a 24-hour station, and it was closed due to a lack of resources. The issue here is not going to be solved by police custody officers, because Pakenham does not have an issue in its cells; there is no issue with prisoners in the cells in Pakenham because Pakenham does not hold prisoners at all. The reduction in staff at Pakenham is something that is obviously going to continue because there is no commitment from this government to increase police numbers in Victoria. We need to make sure that the number of police increases. We want to make sure that we have not only more police on the roads but also ensure that we have sufficient protective services officers, which is a program we rolled out during our time in government.

The last point I raise concerns the fire services review. The review was started by this government on 29 July. It gave only four weeks for our volunteers to have a say

in the review, and the reality is that it did so because it did not want the volunteers to have a say in their own service. If the government did want them to have a say, it would have extended the deadline when Volunteer Fire Brigades Victoria, the volunteers, and the people at the Country Fire Authority requested more time, but the minister would not allow them an extension. However, when the commissioner running the terms of reference for the fire services review requested an extension, he was granted two separate extensions.

When a letter came back to the member for Monbulk on behalf of volunteers, it said that the reason the review had a short time line was that it needed to be made available in time for the fire season to ensure that we can protect our volunteers and our community. Guess what? We are already about 10 days into the fire season, and we are still yet to see the fire services review. In the words of the minister, she is willing to put at risk volunteers in Victoria, because it was essential this review be out before the fire season started. This review has not been seen by the community.

We have to ask the question: why has it not been seen by the community? We have seen the submission from the UFU, and I would say that it is out of fear that this minister does not want to release the review, because she knows that it goes a lot further than she could ever have imagined. There will be recommendations in this review to get rid of our administrative support officers. If you lose administrative support officers, you will be asking for more work from our volunteers, which is unheard of. We need this review out for the protection of our community during the fire season. We need this review out now. Our volunteers are asking for it. It is vital that members opposite, particularly the member for Frankston, speak up on behalf of this issue.

Mr DIMOPOULOS (Oakleigh) — From the outset I say about this matter of public importance (MPI): how predictable, how lazy. The Attorney-General said it was a case of collective amnesia. It is either that or what was said by Mark Twain: ‘Don’t let facts get in the way of a good story’. I have some advice for those opposite: do in opposition what this successful government did in opposition. Capably led by the member for Mulgrave, the then opposition went around the whole of Victoria consulting with different community organisations and individuals, collected a list of concerns and developed a whole bunch of policies that were economically responsible and touched the hearts of Victorians. That is what effective oppositions do.

Mr Watt interjected.

The ACTING SPEAKER (Mr Carbines) — Order! The member for Burwood is out of his place. If he wants to continue, he can do so from his allocated seat in the house.

Mr DIMOPOULOS — Effective oppositions do not take, as the Premier has said, a four-year holiday from hard work.

Mr Battin — On a point of order, Acting Speaker, I seek clarification. During the whole 10 minutes I was allocated for my speech, you actively listened to members on the other side continuously interject. A member on our side has interjected on one occasion, and you have called him up for it. Can I just seek clarification that you will do the same for both sides?

The ACTING SPEAKER (Mr Carbines) — Order! I respect the fact that this is a chamber of debate, and I will allow a debate to happen. What I expect of members is that they will participate in that debate from their allocated seats in the house. Where they choose not to do so, they will be called up by me as the acting Chair in this place.

Mr DIMOPOULOS — With this MPI, what gall! It was only a few weeks ago that the coalition put up an MPI about jobs — blaming us for the lack of work it did for four years to secure jobs — in the face of the reality that the unemployment rate has declined and the employment rate has increased under this government. Those opposite have no composure and no measure of the truth whatsoever. They do not care. They have more front than Myer.

In the wording of this MPI you could not find a more apt description of the Baillieu-Naphthine government. Here are just some examples. The opposition uses the word ‘dysfunction’. I remind members opposite of the former member for Frankston. An interesting little document was released recently which a few of us have read. It is ironically named *Good Government for Victoria — Review of the 2014 State Election*. It is a post-election review by the Liberal Party. I quote from that document:

Although dysfunction in the operations of the party room and cabinet, and failure to engage satisfactorily with stakeholders had persisted from the early days of the government, there had been some improvement in the final year.

Some improvement — better late than never. Further the document states:

The campaign suffered from the carryover of the dysfunctional communications and lack of narrative of the government, and from issues arising from staffing instability and recruitment.

But even worse:

... ministerial initiative was stifled by excessive central control, and decision-making processes were unclear and tortuous.

And those opposite have the gall to say that we are dysfunctional! That is from their own document. The second word used in the member for Croydon's MPI is 'disunity'. Those opposite should not forget that they are the ones who knocked off a sitting Premier. The next word they use is 'drift'. There were four years of nothing under the coalition. As the Premier often says, they took a four-year holiday from hard work, and they accuse us of 'drift'.

I again quote from the document ironically called *Good Government for Victoria*. It says the previous government:

... failed however to communicate a persuasive narrative to the voters, and this failure led the early years to be seen as 'do-nothing' years.

It was a 'do-nothing' government — these are Liberal Party words, not mine. I prefer to call their time in government what the Premier has called it: a four-year holiday from hard work. We were going backwards with unemployment, second only to Tasmania, and going backwards with economic growth, ours being among the lowest in the country.

Of course there was the dud east-west link project which others have talked about and on which the Auditor-General released a report today. I refer to some of the findings in that report. There was no investment case for the project; it would have lost 55 cents for every dollar of investment, so it would have gone backwards; the eastern section was prioritised over the western section without evidence; dozens of peer review recommendations were ignored; and the cost of the full project would have been at least \$22.8 billion.

This is the most scathing account of government mismanagement ever seen in Victoria, as the Treasurer has said. It shreds any economic credibility the Liberal Party ever had. Other colleagues have mentioned the transport projects that never got off the ground and never happened: Rowville rail, Avalon rail, airport rail, Doncaster rail and, in my community, the Murrumbidgee level crossing. It is the only one the coalition promised, and it did not happen. They came there twice — I think it was Denis Napthine who came twice — to Carnegie and Murrumbidgee train stations. They were waving contracts around — supposedly — but later we found out they were not real contracts and they were not signed.

The real test for those on the other side came on the night of Saturday, 29 November 2014, at around 6.30 p.m., when we were all around the polling booths with our families waiting to see what the Victorian people had decided. Votes started rolling in at about half past 6. That was the critical time.

I want to pick up on a couple of comments made by those opposite. I am aghast. As the Attorney-General has said, it is either collective amnesia or a case of 'Don't let the facts get in the way of a good story'. The most recent speaker, the member for Gembrook, talked about strikes. In what universe is he? Did he not hear this week in question time that the real hard evidence is that in the first nine months of this government the rate of absent days from strikes was about a third of those in their first nine months in government — 23 000 compared to 60 000?

Ms Ward — Sixty thousand?

Mr DIMOPOULOS — Sixty thousand in the first nine months. The member for Croydon went through the litany of complaints he had, blaming all of them on one year of this government. He may as well have blamed us for the weather. The member for Gippsland South said the fees the taxpayers of Victoria have paid — because of them, to get out of their dud contract — would have funded X number of schools in his electorate. I remind the member for Gippsland South that, according to the Auditor-General's report released today, we have dodged a bullet — \$22.8 billion.

There is a little school in my electorate called Amsleigh Park Primary School. It is very important, probably to no-one else in Victoria other than my community. This government has committed \$5.7 million to that school. I went and saw the principal the other day, and we looked at the concept plans together. I did some numbers. If the taxpayers were lumbered with that \$22.8 billion, how many Amsleigh Parks would it have bought?

Honourable members interjecting.

Mr DIMOPOULOS — Four thousand Amsleigh Parks — almost double the number of public schools that exist in Victoria. Those opposite should not talk to us about mismanagement of money. The big concern of the member for Gippsland South was that he did not get his natural right to talk as much as he wanted to on some key social policy issues. Never mind the fact that we did what they did not do for many years for the gay community in terms of human rights, and that is give people equal rights with regard to adoption. We have

also given people, women particularly, the right to enter a clinic for their medical needs without being interfered with.

Honourable members interjecting.

Mr DIMOPOULOS — Do not worry about that; just worry about how you did not have the right to speak as long as you wanted to on issues you never cared about enough when you were in government.

Then there was the member for Caulfield. I did not realise the Melbourne International Comedy Festival had already come to town, but I am really pleased that I got some free tickets up-front to hear the member for Caulfield. Is the economy going backwards? There are some key figures that are the vital signs of this economy. They show that employment is up, economic growth is up and debt is on the decline. What part of that describes an economy going backwards? I think we all in this chamber use a bit of artistic licence at times, but that was going over the top.

My final comments are in relation to the member for Caulfield, who did not say a word about level crossings when in government — not a word — but had the audacity to have a go at one of the best MPs in this chamber, from the safe seats, the cheap seats — —

Mr Watt interjected.

The ACTING SPEAKER (Mr Carbines) — Order! The member for Burwood should contribute to the debate from his allocated place in the house.

Mr DIMOPOULOS — The member for Bentleigh has done the work to get elected and represent his community very effectively and is one of the best members of Parliament, and the member for Caulfield had a go at his activism over level crossings.

I mean, for God's sake! Where were you all on level crossings? Where were you? Members opposite do not like the level crossings project because they did not think of it. In fact had they thought about it, they would not have had the money to do it because they had sunk all their funds into one dud project.

I am aghast. Nothing surprises me about this lot anymore, but I can imagine we will get more of these MPIs in future. I just offer a word of advice: if you are going to use the Parliament's time for debate on an MPI, at least make it have some resemblance to reality.

Ms STALEY (Ripon) — I am delighted to join the debate on the matter of public importance (MPI) submitted by the member for Croydon, and an excellent

MPI it is indeed. This MPI notes that Victoria is either stalled or going backwards in every key area, including jobs, economic management, transport, roads and infrastructure.

Let us start with jobs. In my seat of Ripon unfortunately the government is not doing too well. Members might remember that in the sitting week before last I asked the Treasurer a question about how we have lost 16 200 jobs in the north-western region of Victoria. He did not like my question and suggested that I might have made up the numbers. He did not like the fact that the Australian Bureau of Statistics came out with that, and I quote him on that. He said:

I do not know what data the member for Ripon is relying on, but I rely on the federal government's local area data.

Let us have a look and see what the federal government's local area data says. We have the *Small Area Labour Markets Australia* report which goes to June 2015. Seven rural local government areas (LGAs) are covered by the seat of Ripon. Let us have a look at them. Ararat has lost 120 jobs since this government has been in power — 120 full-time jobs. Buloke has lost 66. Loddon has lost 91. In Northern Grampians — I will have more to say around Northern Grampians — 135 jobs have been lost. To be fair, Central Goldfields has put on 36 and Hepburn has put on 57, but across Ripon the rural LGAs that make up Ripon, about which the Treasurer said he was relying on the data to say there had been jobs growth, have lost 300 jobs since this dismal government came to power — 300 people have lost their jobs in my electorate.

On top of that we have the \$100 million failing Back to Work Fund, and it is certainly failing Ripon because the statistics came out and there has not been one job placed from that fund. Not 1 cent of that fund has been placed in Ripon, despite the fact that we have 300 jobs lost in my LGAs. We can get a bit more specific about some of these, because the same publication — the *Small Area Labour Markets Australia* report that the Treasurer seems to like so much — goes down to the town level. We can see that since December 2014 the city of Ararat has lost 84 jobs, St Arnaud has lost 40, Buloke 67, and Loddon 88.

Then I come to Stawell. Stawell has lost 96 jobs since this government came to office, and yet we have had members of the government in Stawell on multiple occasions telling us that it has a special jobs fund that is going to create 400 jobs for Stawell. So the government has promised the people of Stawell 400 jobs, and so far it has taken away 96. It has not created a single job in Stawell; all it has done is have jobs taken away from the good people of Stawell.

Just on that, I am not sure whether the people of Ripon feel blessed but they are certainly receiving a lot of attention from the government. The Premier has visited a few times and ministers have visited a few times, but they are now down to the parliamentary secretaries. We have seen recently the members for Macedon, Bundoora and even Yan Yean. I have to say to those members: country people are known to be polite. I am sure that all these members get an excellent reception when they come to Ripon. But people are getting really sick and tired of the government sending its ever more junior people with nothing much to say and certainly nothing to deliver in terms of jobs or outcomes for Ripon.

The thing we would have to say about jobs is one of the key pathways to jobs is training, so let us have a look at training in Ripon. We have the 2015 half-yearly training market report, and what does it say? It says enrolments are down 9 per cent in the Grampians region since Labor came to power — 9 per cent. With people trying to retrain as economies go through transition, as businesses close, as this government puts additional costs onto businesses, such as the grand final public holiday — what do we get? We get around 1000 fewer government-subsidised enrolments in the region compared to when the previous government was in power. The government is not even giving people the option to train for new jobs. TAFEs in my region are receiving less dollars than under the previous government, and this is shameful, absolutely shameful.

I would also say in relation to jobs that there is one project that the government could give to the region. It could give the region a Christmas present for this period by announcing that VicRoads is going to be moved to Ballarat, because there are 600-plus jobs for Ballarat. They are much-needed jobs for my region — and I welcome the Speaker to the chair. VicRoads' move could well be announced, because I keep seeing in the *Courier* that the brains trust behind the government's media unit is feeding bits to the *Courier* because the *Courier* is pretty keen for this announcement, as is the rest of Ballarat. The government understands that it is well behind the eight ball on this one, because it was a major announcement of the Napthine government. Therefore I will be interested to see how the government spins this when it does finally announce it.

This MPI is not only about jobs, although, as members can tell, there is so much wrong with jobs. Today, though, we need to talk about infrastructure. We need to talk about the inquiry into the proposed lease of the port of Melbourne, because the port of Melbourne is incredibly important to the farmers and exporters of

Ripon. The one thing I want to point out is that this report on the inquiry notes that the bill does not provide for the Agriculture Infrastructure and Jobs Fund. In fact the \$200 million that the government claims is coming from the sale of the port is not coming from there. The Department of Treasury and Finance explained to the committee that the payments for that fund would not come from the port lease proceeds. At the moment we have got the port being put out to tender and yet we do not have even the \$200 million — not even the scraps from the table — to come to Ripon, to come to country Victoria, despite the fact that the exports of country Victoria have built the port of Melbourne. This is disgraceful.

Many submissions were made to that committee by organisations in rural and regional Victoria such as local councils, the Wimmera Development Association and the Rail Freight Alliance. They all identified specific infrastructure needs that are absolutely vital to country Victoria that could be funded from the sale of the port of Melbourne. But, no, this government is going to put it all into Melbourne, and that is a disgraceful thing, given how this port has been built.

In conclusion, there is nothing good from this government for my electorate of Ripon. In fact we can see as the evidence mounts that the people of Ripon have been left behind. The government is not interested in training the people of Ripon. The government is not interested in the people of Ripon having work. The government is not interested in fixing the roads for the people of Ripon or in fixing any of the other infrastructure needs of Ripon. This is a government that has entirely left the field in Ripon. I am not sure how it thinks it will be coming after me in those circumstances, but the people of Ripon have noticed that this government is not for them.

Mr NARDELLA (Melton) — When you have the privilege of having a matter of public importance (MPI) dealt with in this house — and it is a privilege — you would expect as an opposition to have your A-team go first. You would think that an opposition trying to stamp its authority in the Parliament would have the Leader of the Opposition in this house stand up where the honourable member at the table is now and viciously attack the government on its record and on the basis of the very broad MPI before the house today, but instead we did not get the A-team. Did we get the B-team? No, we got the C-team. We got the dregs.

Did we not get the dregs today? Were they not exposed for their lack of understanding of what is happening here in Victoria today under this Labor government, led by the Premier, who is one of the best Premiers this

state will ever have and who leads a team of ministers who see the future and have a plan for the future? That has just been exposed as the difference between a fantastic government and an opposition that is still reeling from the four long, dark years of the Geoff Shaw government. It had Premiers called Ted Baillieu and Denis Naphine, but the real ruler of that government was the then member for Frankston, Geoff Shaw. The former government is still reeling from that and it cannot even get its A-team to come in here and argue the point. It is too hard for them.

I got this document off the web yesterday. It is entitled *One Year of Daniel Andrews and Labor*. What the opposition has done is it has got the IT intern, and what has he or she put together? Policy? No. Lots of words? No. This person has cut and pasted press clippings. That is the opposition's criticism of the government. The opposition has cut and pasted press clippings into this document. The opposition got a cartoonist — not a very good one at that — to do the front and back covers. Hopefully the IT intern got a higher duties allowance, because it is a really good document! This is what the opposition has been using. I would imagine that the honourable member for South Barwon, who is to follow me, will be referring to this document. No, he is not referring to it, but I will lend him my copy.

Let us look at how this MPI has been dealt with by the other side. There has been no policy work done by the other side. Opposition members are still reeling. Their position — and this MPI is part of that — is that they never lost the last election, that they were duded and that the Victorian voters, the Victorian people, got it wrong. Do you know why I say that? It is because that is what they did in 1999. It is the same modus operandi that they had back then that they have now. When you put up an MPI like this and you have no evidence and you actually make things up, it really does prove that opposition members are waiting for the tsunami to come. You can see them on their surfboards ready to be swept into government.

However, they are not going to be put into government because when the tsunami comes, they will be tipped over, just like they were when they did not do the hard policy work after 1999. These are same people and the same shadow ministers who were supposed to do the policy work leading up to the 2002 election. The Honourable David Davis is still there. You can read the criticism of the loss at the 2002 election. All he concentrated on were the factional battles within his party. He did not do any of the policy work and nor are those opposite doing the policy work today.

The honourable member for South Barwon, the financial genius that he is — he was a very good small businessman with his family business — has a challenge. None of those opposite who have spoken on this MPI that talks about economic management have talked about it. Where is the discredited shadow Treasurer, the member for Malvern? He is skulking away, probably busy in his office somewhere writing a side letter. Where is he putting the government under pressure in terms of this MPI and the government's last 12 months? He is not here. That is the challenge for my honourable friend from South Barwon — economic management, because he is an expert at it.

Part of the MPI is also about disunity. Let us talk about disunity. If you want to know about disunity, all you have to do is go down to the south-eastern suburbs. If you want to know about disunity, defamation suits and the writs that are flying in and out within the Liberal Party, all you have to do is go to the south-east. We had a situation where Michael Kroger went down to the south-east to fix up the disunity that is in the Liberal Party down there. That is why they cannot debate this MPI before the house. He is the fixer, the Christopher Pyne of the world, who said, 'I'm a fixer'. Michael Kroger went down to the south-east and all the branch members in the south-east said, 'We have a massive problem with a member of Parliament who is a member of the Liberal Party and you've got to fix it, Michael — Mr Kroger, you have to fix it'. Do members know what he said to them? He said, 'Oh, no, I can't fix it. The honourable member for South Eastern Metropolitan Region supports the Leader of the Opposition and so I can't fix it'.

Mr Dimopoulos — She's untouchable.

Mr NARDELLA — Absolutely untouchable. Mrs Peulich is absolutely untouchable. So there is this civil war that is raging in the south-east, this civil war that is engulfing the Liberal Party. Worse than that, it is involving the Indian community that is involved in the Liberal Party down there pitted against the Honourable Inga Peulich, and yet Michael Kroger says, 'No, I can't fix it, because it really is a responsibility of the Leader of the Opposition to fix. I can't because I don't want him to lose his numbers; I don't want him to not be the Leader of the Opposition'. That is the disunity and the paralysis that is the Liberal Party within this chamber and this Parliament.

The situation is that you need to look at the things that the government had to repair. Members heard the honourable member for Gippsland South talking about the fallacy of the TAFE crisis. There is no fallacy. When members opposite were in office, they closed the

Swinburne campus of TAFE in Lilydale. That is not a fallacy. The fallacy is when someone from The Nationals or the Liberal Party comes in here and makes up things.

This MPI is just rubbish. The disunity within the Liberal Party and The Nationals is just that. They really need to get their act together before they can be credible enough to even be called an opposition.

Mr KATOS (South Barwon) — It is always a pleasure to follow the member for Melton. He might be a bit jealous about the publication *One Year of Daniel Andrews and Labor* because he did not get a cartoon in it. I might talk to the people who prepared it and next time have a cartoon of the member for Melton.

This incoming government was left with a surplus of more than \$2 billion for this year. That surplus has been turned into a deficit of \$286 million. Members do not have to take my word for it; they can just look at what has been said by the Auditor-General — although those on that side think that the Auditor-General is just a fool, that we should not listen to him because he is wrong and they are right. The Auditor-General has said that there is a \$286 million deficit, and state debt has increased by more than \$1.1 billion.

To start talking about the things that untruths and lies have been perpetrated about, one of the greatest of them all is the east–west link. How many times did we hear that the contract was not worth the paper it was written on and that no compensation would be payable? In the past few weeks we have found out that the true amount of compensation payable was \$857 million, but wait, it gets better. It is like a set of Denso steak knives; it just keeps coming. Today we find out from an Auditor-General's report that it is \$1.157 billion and counting, so we are going up and up with this. Members of the Labor Party continue to lie to us about the true cost of cancelling the contract on what would have been a vital project for Melbourne going into the future but alas is gone.

The Back to Work scheme was trumpeted, particularly down in Geelong where unfortunately we do have a lot of workers in manufacturing who have either lost their jobs at Alcoa or will be retrenched at Ford. A lot of those workers are quite vulnerable at the moment. We had Labor members come along and they said, 'With the Back to Work scheme we'll create 100 000 full-time jobs in two years'. How is that going? So far the government has created 164 jobs out of 100 000 — so we are getting close, I suppose. Ten of those have been in postcodes in the Geelong region, there have none in Bellarine and in South Barwon there

is one, but even that is questionable because postcode 3216 also includes part of the Geelong electorate. It is possible that under this scheme no jobs have been created in my electorate. In fact, since December of last year, 3600 full-time jobs have been lost in Geelong by this government.

Then we have probably the greatest lie of all perpetrated on the people of Geelong before the last state election — that is, what was said about Bay West. It is good that we have the Minister for Local Government, who is a former shadow Minister for Ports, at the table. I remember her debating the member for Croydon, who was then the Minister for Ports, at the Sheraton Hotel in what was a lively debate. I remember, too, that when as Leader of the Opposition the Premier was on Neil Mitchell's program when it was being broadcast from the waterfront he told Neil Mitchell that Bay West would create jobs, jobs and more jobs for the people of Geelong. What did we find? The proposed port of Melbourne lease legislation means there will be no second port in Victoria for 70 years. To put that into context, my oldest boy, Zachary, will be 82 when Bay West is built, if it is ever built. That is how ridiculous it is.

I quote from the *Geelong Advertiser* editorial of 29 May. The member for Lara, the Minister for Tourism and Major Events, who has just come in, was party to the lies told to the people of Geelong, so he should listen up. This is the editorial:

Our port was but a dream

Geelong's hopes for new port at Bay West appear to have been sunk.

...

The Labor Party campaigned hard against the port of Hastings proposal by the Napthine government.

It gave every indication that Bay West was its preferred location for a second port.

The *Geelong Advertiser* supported that view.

Now it seems we have all been short-changed.

It seems that there is plenty of life left in the port of Melbourne and that Bay West was just a dream.

It goes on to say:

Now those plans look like a smokescreen, aimed at putting out a perception that it was never going to live up to once it won office and leased out the port of Melbourne.

They are blatant lies to the people of Geelong, which the member for Lara and the member for Geelong were party to. The member for Lara has got a smile on his

face and thinks it is funny. He is happy to have lied to the people of Geelong about Bay West.

Then we have the level crossing removals in Melbourne. There is not one level crossing being removed outside metropolitan Melbourne. I will take Geelong as an example, and particularly the level crossings on Surf Coast Highway in Grovedale, Barwon Heads Road in Marshall and Separation Street in North Geelong. Does the member for Lara get stuck at that level crossing — that is, if he is ever in his electorate? Does he know the one where all the freight trains come through and you get stuck at the roundabout? Then there are the level crossings at Kilgour Street, McKillop Street and Thompsons Road in North Geelong. They are the other ones that the member for Lara can fix.

The country roads and bridges program is another thing that has been scrapped by this government. It was a \$160 million program that was very well liked by the 40 shires that benefited from it under the previous government. What do we find? This government has replaced it with a \$35 million country bridges program.

Ms Staley — Where were those bridges?

Mr KATOS — And, as the member for Ripon asks, where were those bridges? We discovered that 10 of the bridges that were funded were in and around the metropolitan seat of Mulgrave. Then several weeks ago the Premier had the arrogance to sit here during question time and basically say, ‘Well, the Monash Freeway goes through Mulgrave to country Victoria’. It appears that this government is going to fund bridges, which have nothing to do with freight movement and absolutely nothing to do with country Victoria, in the Premier’s electorate of Mulgrave. It is absolutely disgraceful that that is being done. That has taken funding away from country roads and bridges. I know that in Torquay and the Surf Coast that was a very welcomed fund.

I now turn to police numbers. There are less sworn police in Victoria than we had a year ago. We have a minister who refuses to allocate any more police to South Barwon electorate and particularly to Torquay. I will refer to an incident that happened in Torquay in the last couple of weeks. Corey and Renee Enright are quite well-known people who live in Torquay. Corey is almost the all-time games record holder for the Geelong Football Club. On 27 November his pregnant wife Renee, he and his young son were asleep in their home when two youths broke into their house, took their car keys and stole two cars while they were sleeping. What a terrifying experience that would have been,

particularly for Renee, who is a pregnant woman. The Minister for Police refuses to accept that there is a problem. I have had so many people from Torquay contact me about similar break-ins and issues. That one is quite a public one, as obviously Corey and Renee are very well known. The minister just refuses to accept it.

I turn to infrastructure spending, particularly in South Barwon electorate. Infrastructure spending has actually come to a standstill. South Barwon has two of the largest growth areas in Geelong, with Torquay and Armstrong Creek. In this year’s state budget not one cent of new money has been allocated to some of the largest growth areas in the state. Armstrong Creek received nothing. The electorate certainly does have important rail, sport and education projects. Building Armstrong Creek West primary school was an election commitment that has been broken by this government. There is no funding for that.

To finish off I will touch on some of the electoral rorts that have been alleged. One of the main beneficiaries was in the Geelong region. The member for Lara was certainly very much party to those rorts, signing casual employment forms. Where did that gentleman go and work? That gentleman worked for the member for Bellarine on her election campaign, wearing those red shirts. The only employment that Labor has generated has been casual employment. That is it. It is an absolute disgrace that volunteers and hardworking people were duded by these paid staff — paid for by the taxpayer. It was an absolute disgrace. With those words, I fully support the matter of public importance that has been put to this house by the member for Croydon.

Mr PEARSON (Essendon) — What a litany of lies and deceit from those opposite! There has been no focus in the course of this matter of public importance in relation to the things that really matter. They ignore the fact that gross state product has been growing.

The ACTING SPEAKER (Mr Carbines) — The time for debate on matters of public importance has expired.

ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015

Council’s amendment

Debate resumed.

Mr HIBBINS (Prahran) — If the state of Victoria decides that it is wrong, harmful or illegal for a secular adoption agency to deny a same-sex couple access to its services, it should be the same for all adoption agencies.

Religions are free to have their own beliefs. Their followers are free to hold those beliefs. They are free to practise that religion, and if that involves not embracing or not including LGBTI people, as much as that is disappointing — and I feel it should be challenged — then the state cannot interfere. But when it comes to offering a service that is state regulated and state funded, then it is entirely appropriate that that organisation, faith-based or secular, should act in accordance with the laws of this state and the values and principles of equality that this state embraces.

I absolutely reject this notion that getting rid of religious exemptions for adoption agencies is somehow an attack on religion, because that notion ignores the many religious people and religious organisations that are inclusive and are working to build more inclusive organisations within their own faith.

I also reject the idea that this is somehow just a matter of a difference of opinion. This is a matter of discrimination and reflects the devastating effects that discrimination has on our community. That is why shortly I will be putting out an exposure draft in relation to a private members bill for consultation with the wider community. That bill will propose to remove the blanket exemptions in the Equal Opportunity Act 2010 for faith-based organisations, schools and individuals, because students, teachers, staff, clients, service users and job applicants must be protected by the law from discrimination. There is a clear link between poorer mental health outcomes for LGBTI people and discrimination, and this Parliament must act to protect those affected.

This amendment is here because the Liberal-Nationals opposition broke its promise of a free vote and forced its members in the upper house to vote for this amendment. It simply cannot be trusted. It seems to be a very mixed message: yes, the opposition believes in equality, opposes LGBTI discrimination and wants a free vote, but when discrimination occurs by a faith-based organisation offering services such as adoption to the wider community, it is okay and it is going to compel its members to vote for that amendment in the other house. It is disappointing that the crossbench members of the upper house also voted for this amendment, and we have been given no indication that they are going to be changing their minds. In fact some of them voted against this entire bill, as did all Liberal members in this house.

To defeat this amendment would cause needless delay and see the bill essentially bouncing back and forth between the houses, causing needless angst to the many families and many children who stand to benefit from

this legislation. I really hand it to all those groups that are working so hard — the Rainbow Families Council, the Victorian Gay and Lesbian Rights Lobby and so many others — and fighting so hard. Each step in the right direction is a hard-fought win but with the knowledge that more has to be done. It is disappointing that adoption equality has not been achieved. It should have been achieved when this bill was before the upper house. So many families and children will benefit from the passing of this legislation. As I said, it should have been passed in full when it came before the upper house, but it is back here. We are not achieving full adoption equality; we are still allowing for discrimination.

If anything, this debate has brought attention to the religious exemptions that exist in the Equal Opportunity Act. We will be fighting to get rid of these exemptions, to end discrimination, to achieve LGBTI equality in full in Victoria and to achieve full adoption equality in Victoria.

Ms WARD (Eltham) — In getting started today I quote from an article written by Farrah Tomazin earlier this year, which says:

Religious freedom is a bedrock principle, but that doesn't mean some providers should have the right to discriminate, particularly when they receive taxpayer funds. After all, this isn't a debate about whether religious groups should marry same-sex couples or ordain gay priests; it's about ensuring that children are cared for in loving, nurturing homes. And that has nothing to do with sexual orientation.

Farrah Tomazin is absolutely right. You are not lesser parents because of your sexuality. You can be good parents. My views on this have been very clear, so I will turn my commentary to the Leader of the Opposition and his speech. It was interesting to hear the opposition leader on this issue earlier today, after painting himself as somebody who is quite a moderate and who is quite supportive of same-sex couples — I think he would like to put himself forward as very supportive. I was very surprised that he spent so much time in his speech critiquing the Minister for Equality. I cannot believe that the Leader of the Opposition, whom Josh Gordon has called 'thin-skinned', would, sitting in his glass house, throw so many stones.

The Leader of the Opposition's speech barely mentioned the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, and I call on him to show his commitment to the LGBTI community. He barely mentioned this legislation at all. It was all about the Minister for Equality. I am sure the Minister for Equality was quite flattered by the attention, but the core issue here is that of equality — and the Leader of

the Opposition barely mentioned it. I am not even sure that he spoke on this bill when it was first introduced. Did he get distracted? Did his anger at the Minister for Equality get in his way of the support he has said he has for this bill? After all, we have been told by the media that the Leader of the Opposition needs to ‘calm down, keep his temper in check, and adopt a more balanced tone’ and that he has a ‘tendency to shoot from the hip and fly off the handle’.

It is interesting to see him now trying to recast himself as a moderate and trying to reflect what is a part of the Victorian community — a moderate and absolutely progressive community. That is why it elected this Labor government. I will read another quote:

Matthew Guy is set to give coalition MPs a conscience vote on the issue and he is personally supportive of same-sex adoption.

So why did he not talk about it today? Why instead did he talk about the Minister for Equality? Why was that the focus of his conversation? Why was he unable to talk about his unequivocal support for same-sex couples?

Managing his temperament is something the opposition leader has acknowledged he needs to do. He has been quoted as saying that ‘now in opposition being sweet tempered and tolerant will be the order of the day’. It will be a great day when we get to see that.

Mr Morris — On a point of order, Acting Speaker, while certainly the member for Eltham earlier in her contribution was responding to comments made by the Leader of the Opposition, it is now turning into a character assessment. It is in fact a critique of the opposition leader’s contribution, but this is a very narrow debate about whether we agree with an amendment proposed by the Legislative Council. I ask you to bring the member for Eltham back to that subject.

The ACTING SPEAKER (Ms Kilkenny) — Order! The member will come back to the debate.

Ms WARD — In contributing to the debate on this legislation it is important to talk about the things that have been said today and what I agree and do not agree with. What I agree with is somebody standing in their own truth and demonstrating their absolute commitment to what they say. It is absolutely wrong when someone pretends to have that commitment or seems to illustrate that commitment but cannot actually articulate what that commitment is, why they have that commitment and what it is that they are so passionate about and care about. When that cannot be articulated

by somebody — especially when that somebody is the Leader of the Opposition, which is such an important position — and when they cannot articulate what it is that they really believe and care about, I am going to comment on that in this place.

It is also interesting to note during this debate and this conversation that both sides of Parliament are having about this issue that we saw a very interesting scenario in the last vote: the majority of The Nationals members voted in favour of this legislation, but members of the Liberal Party, which was supposed to have a conscience vote, did not. Liberal members either abstained or they stayed in their seats. This is part of what the media has commented on, and I quote:

Another challenge for Guy will be managing his own ideologically divided party. He needs to recapture the middle ground, and in Victoria that will involve offering a modern and progressive agenda.

I fail to see that agenda materialising. I fail to see the Liberal Party standing in its truth and speaking for progressive, modern Victorians.

Mr MORRIS (Mornington) — I am pleased to make some comments on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 with regard to the amendment from the Legislative Council. As hard as it will be to demonstrate, I actually am on the same side of this debate as the member for Eltham. I am certainly not on the same side of this debate as the member for Prahran, though I commend him on the way in which his remarks were presented. The debate on this motion today has unfortunately been one marked by venom and vitriol.

The Minister for Equality, whom I acknowledge is still at the table and has been here for the duration of the debate, was certainly forthright. I thought he was far more aggressive than was necessary under the circumstances, the member for Yan Yean particularly so and the member for Dandenong not so much. But there was plenty of venom and plenty of vitriol.

I was not in the chamber for all of the minister’s speech, but I heard most of it via the audio. He spent much of his time speaking, in effect, against the amendment. He concluded, of course, by supporting it, but much of the debate and much of *Hansard* will indicate that he was speaking against the amendment — not, I hasten to add, without indicating clearly that he intended to subvert the will of the Parliament, either by regulation or by some other device, in order to achieve the outcome that was originally intended by the government but has been removed from this bill by the Legislative Council.

Perhaps the least attractive part of this most unattractive debate has been the way in which government members have conducted themselves. That is unfortunate. With your indulgence, Acting Speaker, I am probably going to go a little bit beyond the scope of the amendment before the house, but I am responding to matters that were raised earlier when the member for Broadmeadows was in the chair.

I made the observation in the second-reading debate that the approach of the government under Premier John Brumby to these sometimes difficult social issues was very different to the approach taken by the current government under the stewardship of the current Premier. The vitriol that was hurled across the chamber today demonstrated clearly, I thought, that this is a government that operates by very different standards to those of the government of the 56th Parliament, standards that some might say — and I felt this way this morning — are lower than a snake's belly. It is not good stuff. It is not a day to be proud of the conduct of this Parliament.

As I said, compared to the 56th Parliament, we are dealing with a bunch of very different individuals. However, I do understand the anger. While this bill has been packaged up, particularly in terms of the amendments proposed, as being about equality, respect and diversity — and I said at the time and I repeat that I strongly support the substantive amendments to eligibility in the adoption process proposed by the bill — that is not the way in which the debate has been conducted. As the member for Euroa observed earlier today, right from the start, from the day the bill was first read, this has been a blatant and brazen attempt to wedge the opposition — not to deal with the issue in a sensitive manner but to wedge the opposition.

One of the great distinguishing features of the Liberal Party and our coalition colleagues is that on every question we have the capacity to vote as our conscience demands. In this case the party room chose to have a free vote, but as a member of the Liberal Party I have the capacity to vote as my conscience demands on every question, not just when there is a free vote.

Indeed in this very room over a century ago former Prime Minister Alfred Deakin made an observation. The language he used was certainly well before the days of gender equity, but he observed that you should never submit the voter or his representative to the indignity of taking away the only thing that makes them a man — and I would add to that 'or a woman' — their judgement or their conscience. Yet many government members — and, as the member for Euroa observed, the member for Pascoe Vale particularly — have been

required by the Premier and required by the tyranny of the caucus to put aside their judgement and to put aside their conscience. In contrast, all members of the Liberal Party and The Nationals are exercising a free vote. I for one am proud to belong to a political party that encourages free and open debate on these critical social issues.

The practical outcome of this legislation will be a great step forward in the cause of equality. It is a very good outcome, particularly with this odious clause removed. This is about respect for all members of the community, not just those who agree with you. It is about respect for the views of all members of the community. That would not have been the outcome of the original bill, but it is an outcome that I am certainly delighted to support. I think it is a matter of great regret that the government chose to play politics earlier in the debate, to misrepresent, to distort and to claim particular views were those of the opposition. I am sure, however, that it will be an attempt that will have little effect. It was an attempt to rewrite history and it will not succeed. The government will not succeed in this. I am proud to support the legislation before the house, and I am proud to be a member of a political party that allows me to independently express my views on these matters.

Mr SOUTHWICK (Caulfield) — I rise to make some comments in support of the amendment to remove clause 17 of the Adoption Amendment (Adoption by Same Sex Couples) Bill 2015. I was one of those in this chamber who chose to deliberately abstain from this vote. I did that after a lot of deliberation. It was a very difficult thing for me to do, because I felt that the integrity behind allowing same-sex couples to adopt was a crucial and important part of what we were trying to do with this bill. But then on the other side, as we have heard today, some of the attempts at wedge politics to prevent religious freedoms being incorporated in the bill made it very hard for me to deal with those two issues concurrently.

If one thought that that was not the case or the intention of the government, then one only needs to have listened to the debate we have had on this amendment, because rather than tackling the issues, it has been a deliberate attempt to try to attack Liberals and to paint Liberals as the ones who are intolerant, who are not inclusive and who do not stand up for our LGBTI community.

We know that is absolutely wrong, and to many of us sitting on this side of the chamber it is offensive. I would go further and say that many of my friends from the LGBTI community would be very supportive of what we have done in terms of this amendment and would not want politics to be played with this bill. The

fact that those opposite are trying to do that in their contributions shows that they are not acting in the spirit of what was intended by this bill at all.

With all due respect to the Minister for Equality, the member for Albert Park, to suggest that he will be reminding members of the LGBTI community wherever he goes about the way Liberals behave on these sorts of things is, I find, offensive, because I and many of my colleagues who sit on this side of the house are absolutely side by side with those in the LGBTI community in terms of their freedoms and their move for equality and respect. The same thing applies for religious freedoms as well, and many of us sit side by side with those in the religious community who also want to have their opportunity. This amendment allows both. As the member for Mornington quite rightly pointed out, it is absolutely equality at its best because it allows same-sex adoptions, as it should, and it allows proper recognition for same-sex couples, as it should, but it also allows those who have a religious belief to continue to operate in their manner as well. For those opposite to try to drive a wedge on this is not in the spirit of what is intended today.

As the Leader of the Opposition has said quite rightly, this should be a good day. This should be a day when we are celebrating these sorts of bills and these changes in the house. I commend the initial integrity of what the government is trying to do, but I question the politics it has tried to bring into it. The idea of bringing these sorts of bills before the house is in the right spirit, but we should not be playing politics when it comes to these sorts of issues. We should not play politics with particular communities, whether it be the Jewish community that I often stand up here for or the LGBTI community.

We should be standing together. We should be inclusive, and we should be supporting these sorts of things. We should be allowing individuals to express their rights and their beliefs as well, not attacking them because of their beliefs. That is offensive in itself, and I am proud, as others have said, to be part of a party that allows us to speak as we do and vote in accordance with our conscience and not just line up as a group whose members do something because we are told to do it. Rather, we do things because we believe in what we do, and I commend the amendment to the house.

Mr WAKELING (Ferntree Gully) — I rise to make a brief contribution on this motion to accept the Council's amendment to the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, and I do so on the basis that I listened to the contributions that were made by the minister at the table, the Minister for

Equality, and the members for Yan Yean and Dandenong. As my colleagues the members for Caulfield and Mornington pointed out, those contributions were hypocritical in the extreme. Firstly, they were a sustained attack on this side of politics on this issue, and the hypocrisy of the whole argument is that the government took the opportunity to berate members on this side of the house when it is supporting the removal of clause 17. Government members attack the opposition for the removal of the clause but stand in the house saying that they are going to support the removal of the clause from this bill.

I place on the record that if government members actually stand by their convictions, it is hypocritical of them to come in here and attack the opposition. I listened to the second-reading debate when the bill was originally brought into this house, and people on the government side spoke very passionately about the reason the Catholic Church was not being exempted from the bill. If they actually stood by that conviction, they should be standing in this house saying that they will not support a bill that has that clause removed, but they are not doing that. What they are doing is attacking us and then turning around and saying, 'But we're going to vote in favour of the change anyway'. It is highly hypocritical.

I am very pleased to see that the bill has now been amended to meet the terms of this side of the house — or the terms of many on this side of the house because it was a free vote. I am not speaking for all my colleagues but for myself. I agree with the changes for same-sex couples to be able to adopt. I agree with the proposals. But I also agree that if you are going to allow freedom for same-sex couples to adopt, you cannot then restrict freedoms for another group as a consequence. That is the hypocrisy. As a consequence of the amendment that has been made we now see a bill before the house that meets the concerns I had, which related to the Catholic Church not being exempted, but also allows adoption by same-sex couples.

Again, I say to the minister at the table that if he wants to berate this side of the house, he should not support the change, but he is clearly not going to do that. He is going to be voting in favour of it, and all I can say is that that is hypocritical of those opposite.

Motion agreed to.

KARDINIA PARK STADIUM BILL 2015*Second reading***Debate resumed from 8 December; motion of Mr EREN (Minister for Sport).**

Mr NARDELLA (Melton) — I rise to speak on the Kardinia Park Stadium Bill 2015. The first time I went to a full-term footy match was at Kardinia Park in 1968, which probably shows my age. I went with a friend from my class, Bradley Carver. His father took us down to Kardinia Park, and inevitably we watched a Geelong game, against whom I do not remember, but it was a great experience in my life. At that time I had not chosen which team to barrack for, but I remember having a great experience, and that is what this bill is about. It is about making sure that the great experiences continue, and that Geelong continues to grow as it is growing at the moment.

The bill establishes the Kardinia Park Stadium Trust to administer the Kardinia Park Trust land and other land and facilities and puts in place a number of requirements for the trust to build on its important work.

Kardinia Park is an icon. Whenever I go through the electorate of the member for Geelong, inevitably I see the lights at Kardinia Park. It is brilliant when they are all lit up and when people are active in the stadium itself. This bill is about more than that. It is about making Kardinia Park one of the focal points of Geelong. Geelong already has a number of focal points, the waterfront area being one of them. Geelong's waterfront is one of the premier waterfront areas of anywhere in Australia, and it attracts many families to Geelong, some of whom end up staying there. People buy homes and settle in Geelong because it is such a lovely and beautiful town.

There have been a number of economic drivers within Geelong. Apart from Kardinia Park, there is Deakin University and there is the waterfront area. In the past, Ford and the automotive components industry have helped drive Geelong's economy, but that unfortunately is all in the past because of Joe Hockey — may he long stay in America.

An honourable member — And Tony Abbott.

Mr NARDELLA — And absolutely Tony Abbott.

An honourable member — That's the end of entitlement.

Mr NARDELLA — Yes, absolutely the end of entitlement — flying off to New York. There are the economic drivers in Geelong that I have mentioned, as well as tourism, especially down on the Bellarine Peninsula. Tourism is amazing for that region. The relocation of the Transport Accident Commission offices to Geelong has been another economic boon for Geelong.

I see that the Minister for Sport, who is the honourable member for Lara, is in the chamber. As a Labor government, we do things that members on the other side can only dream of. They can only talk and dream.

Mr Pesutto interjected.

Mr NARDELLA — No. I would not dream of the honourable member for Hawthorn.

An honourable member — A nightmare.

Mr NARDELLA — That is right; a nightmare. I was speaking about Geelong's economic drivers, which is what this bill is about. I mentioned the relocation of the Transport Accident Commission offices to Geelong, which is an example of a Labor government developing and nurturing a relationship and then expanding on it. Labor does things that the Liberals and The Nationals can only dream of. The Nats always tell us that they represent country Victoria, but they reckon that country Victoria starts and finishes in Horsham, which it does not. We only have to think of all the fantastic communities around Geelong. The people in those hamlets and townships are just marvellous. As I said earlier, many of those people first come to Geelong to experience a footy match, and we know that many stay on to make Geelong their home. They raise their families, and their children go to local schools, which is really important.

I also have to say that the Geelong region is represented by some of our best members of Parliament in this house — the member for Lara, the member for Geelong and the member for Bellarine.

Honourable members interjecting.

Mr NARDELLA — They are saying, 'Hear, hear!', which is great.

Honourable members interjecting.

Mr NARDELLA — They understand, and certainly the honourable member for Lara as the Minister for Sport understands, the critical nature of Kardinia Park not only for seniors matches but as a symbol of

aspiration. In a sense, Kardinia Park acts as a mentor for the young people who go there.

The Kardinia Park redevelopment is now at stage 4, and the government is working with the trustees on further development. Former Premier the Honourable Steve Bracks is doing a fantastic job on this further development.

Ms Graley interjected.

Mr NARDELLA — The honourable member for Narre Warren South is correct. We should congratulate the Honourable Julie Bishop, because the Honourable Steve Bracks was going to be sent to New York, but she showed her venal side and said no. One of the great things about Steve is that he then took up this position as chair — —

Mr Eren — We poached him.

Mr NARDELLA — As the Minister for Sport said, we poached Steve Bracks, and he is overseeing further development at Kardinia Park.

I return to the position from which I started. Let us have a look at the things that Labor does in regional and country areas. In Ballarat, which is 1 hour and 10 minutes away from Geelong is Eureka Stadium, Ballarat's equivalent of Kardinia Park. Eureka Stadium will attract tourism and extra games in just the same way that Kardinia Park attracts people to Geelong. I congratulate the member for Wendouree and the member Buninyong on being very strong supporters of sport in their city. Together with the Minister for Sport, I congratulate them on making sure that Labor keeps its promises. We do the things that we say we are going to do for rural Victoria and for our major cities outside of Melbourne — Geelong, Ballarat, Bendigo and Latrobe City. We do not just talk the talk; we walk the walk.

We are committed to making sure that these communities are part of the 21st century and part of our vision of where we can be in the future. The inspiration you get from watching your local Geelong Football Club play at an AFL match at Kardinia Park, watching those fantastic players, is really what this bill is about.

I commend the local members and the government for having the vision to develop this policy. I know the member for Lara, the Minister for Sport, was critical in developing this policy whilst we were in opposition. Again, it is a contrast. We spent our time in opposition talking to communities and developing policies, and now we have the privilege and the honour of implementing them. Much of the thanks has to go to the Minister for Sport for having that vision and talking to

the community. That is the message, if anything, that comes out of this bill. Those on the other side of this house had three years to replicate, duplicate, copy or think about — although that might be a bit difficult for some of them — how they could develop good policies and talk to their communities.

I certainly support the bill and congratulate all the great local members for its development and now for its implementation.

Debate adjourned on motion of Ms HENNESSY (Minister for Health).

Debate adjourned until later this day.

BAIL AMENDMENT BILL 2015

Second reading

Debate resumed from 25 November; motion of Mr PAKULA (Attorney-General).

Opposition amendments circulated by Mr PESUTTO (Hawthorn) under standing orders.

Mr PESUTTO (Hawthorn) — It is a pleasure to speak this afternoon on the Bail Amendment Bill 2015. I will talk about my amendments in a moment, but I can advise the house at the outset that the coalition will not be opposing the bill. We propose four amendments to address a number of concerns which I will discuss and which we hope the government will take into consideration.

As you may be aware, Acting Speaker, the bill does some very important things in two general areas — firstly, in relation to terrorism and counterterrorism; and secondly, in trying to address concerns across not just the legal community but the broader Victorian community about the number of children who have been on remand. This issue has confronted governments for many years, going back to, I think, 2004, when the then Bracks government commissioned the Victorian Law Reform Commission to undertake some work in relation to a range of matters, including bail and remand for children. I will come to those matters shortly.

Insofar as the bill amends the Bail Act 1977 in relation to terrorism-related matters, these are changes we support. The amendments I have circulated are designed to explore the possibility of maximising the opportunities to ensure that when accused persons are brought before the courts and bail matters are being considered they do not escape through loopholes.

I turn, first of all, to clause 4 of the bill, which will insert new paragraph (b) after section 4(2)(aa) of the Bail Act to provide that notwithstanding the generality of the provisions of section 4(1) a court shall refuse bail:

in the case of a person charged with an offence under section 4B(1) or section 21W of the **Terrorism (Community Protection) Act 2003** unless the court is satisfied that exceptional circumstances exist which justify the grant of bail ...

To just go through very quickly to section 4B of the Terrorism (Community Protection) Act, we see that it addresses an offence by a person who provides documents or information to facilitate terrorist acts. It is wholly appropriate for the government to stipulate that that section forms part of the proposed section 4B. It also refers, as I just read out, to section 21W, which refers to an accused person obstructing or trying to thwart steps taken by police officers in the course of exercising special police powers.

Those two changes are wholly appropriate in our view and would ensure that if somebody was charged with such matters and was brought before a court, the court would place a heavy emphasis on those charges because they relate to terrorism-related matters. It almost goes without saying, but for the record we all want to ensure that when people are brought before the courts facing accusations of such serious matters that appropriate consideration is given before persons in such circumstances are released back into the community on bail. What we are proposing in relation to clause 4 of the bill is simply to include a reference to additional subsections (1), (2), (3), (6), (8), (9) or (10) of 13ZJ.

Without quoting that section chapter and verse, it deals with a person who, among other things, is accused of committing an offence and is being detained under a preventative detention order. The accusation would be that that person has intentionally disclosed to another person the fact that a preventative detention order has been made in relation to that person, the fact that that person is being detained and the fact that a prohibited contact order has been made in relation to the subject's detention; that the disclosure occurs while the subject is being detained under the order; and that in effect the disclosure is one that is not made for a proper purpose. We are talking about somebody who may be facing detention by way of a preventative detention order and who without any good excuse discloses that.

The reason we want the government to consider including that in clause 4 of the bill is that if we think that through, we realise that section 13ZJ is applying to

somebody who deliberately and knowingly discloses matters which should be confidential and who knows that there are requirements and conditions on not disclosing that information. It would be reasonable to infer that if somebody without good cause — so it is not applying to somebody who has a good cause; it is applying to somebody without good cause — discloses those matters, they are disclosing those matters for a nefarious purpose. We think therefore that it is reasonable for somebody who is accused of breaching section 13ZJ of the Terrorism (Community Protection) Act 2003, being a very serious matter, to be treated similarly to a person who is accused of breaching section 4B or section 21W of the same act.

I hope that the government will give that due consideration just to ensure that people in certain circumstances do not face an easier pathway to securing bail than other people who commit serious offences under section 4B or section 21W of the terrorism act, for want of a better phrase. It is important to acknowledge too, before I move on, that the maximum penalty for a breach of section 13ZJ in terms of imprisonment is five years. It is not a trivial matter; it is a serious matter. As I said, if someone is accused of that, they are effectively being accused — not found guilty, but accused — of doing something, knowing and intending to breach serious restrictions on confidentiality. I hope the government will consider that.

Clause 5 of the bill proposes an amendment to insert a new section 4(3)(ba) into the Bail Act 1977, which would apply in cases of unacceptable risk and apply to persons who are accused of an offence who have:

... expressed publicly support for—

- (i) a terrorist act or a terrorist organisation; or
- (ii) the provision of resources to a terrorist organisation;”.

We think that clause is appropriate, and we certainly do not oppose it. The only reason I am proposing amendment 3 of the amendments I have circulated is that it is conceivable that somebody could be brought before the court accused of an offence but — bearing in mind that it can be any offence and — in terms of bail, the Bail Act makes it clear that these matters are only to be taken into account when they are relevant in the circumstances. A court is not necessarily forced to consider these things if they are not relevant to the matters at hand. What I am proposing on behalf of the coalition is that clause 5 be extended to not only public expressions of support but where an accused has incited or encouraged support for terrorism generally.

What we are trying to address with that proposed amendment to the clause in the bill is that somebody could be brought before a court applying for bail but without having expressed support for any specific terrorist act. Imagine an accused standing in court who has said something along the lines of 'I believe that our brothers and sisters in X part of the world are doing the right thing by committing terrorist acts against other people, and I call upon everybody of a certain attribute to follow suit here'. You could not accuse that person of expressing support for a particular terrorist act, because clearly they have not expressed support for a particular terrorist act or even a particular terrorist organisation. They are perhaps inciting or encouraging people to engage in acts of terrorism generally.

We think it is important, again not because we want to undermine or defeat what the government is trying to do in clause 5 of the bill, as we support that, but because we do not want somebody to fall through the cracks of that clause by being able to demonstrate, 'Yes, I have expressed support for active terrorism, but no-one could point to a particular act or particular organisation'. I hope the government will consider that in the spirit in which the amendment is proposed and then also give some consideration to what applies in New South Wales, which has a slightly broader approach similar to what we are proposing with the amendment to clause 5 of the bill. We think that would ensure that someone did not fall through the cracks. It would not mean that somebody who was charged with stealing a car and who had previously expressed support for terrorism generally would lose the opportunity to secure bail because of that. As I said, section 4(3) of the Bail Act makes it clear that the matters the court must consider when considering unacceptable risk need to be relevant in the circumstances.

I will not dwell on clause 8, other than to briefly point out that we think it makes an appropriate change. Clause 8 deals with a failure to answer bail under section 30(1) of the Bail Act. The government is proposing in clause 8 to double the maximum sentence. We think, consistent with what we did in government, that that is an appropriate change to ensure that people understand that bail carries with it serious obligations. Even though a person is presumed to be innocent, their release on bail is done on the basis that they will observe all conditions of that bail. That is all I wish to say on the terrorism component of the bill.

In relation to the second part of the bill, which deals with children on remand, the opposition does not oppose the provisions, as I have said, but it has some amendments to propose. Whilst the introduction of

child-specific bail criteria, which I will come to in a moment, is a change that we do not wish to oppose, we think that some of the other changes in the bill are not necessary and run the risk of sending a message that would be undesirable in terms of the policy underlying them. I will explain my reasons for that as I go through.

I turn to clause 10 of the bill. This bill picks up a number of recommendations from the Victorian Law Reform Commission's 2007 report, which members will have in the information packs prepared by the parliamentary library. For the record, that report is called *Review of the Bail Act — Final Report of the Victorian Law Reform Commission, 2007*. It was responding to concerns about too many children being on bail. I think we need to be prepared to take a fairly sobering look at this issue, which has been around for a long time.

I have seen some commentary in the media that suggests that somehow this issue is simply a response to the introduction of section 30A of the Bail Act 1977, which I will talk about in a moment. I do not think that is open on the facts, fair or accurate. The issue of children on remand has been around for a while, and it is good that we are trying to deal with it, and that is why the opposition does not oppose these key provisions and will not oppose the bill. However, we think we need to take care in responding to that, for reasons I will explain.

Clause 10 introduces a range of child-specific criteria in relation to the determination of bail. Those are set out so I do not need to go through them all, but I will point out what will be new section 3B(1), which is:

In making a determination under this Act —

that would be the Bail Act —

in relation to a child, a court must take into account (in addition to any other requirements of this Act) —

- (a) the need to consider all other options before remanding the child in custody ...

As I have said, we do not oppose that, but we would hope and would expect that all courts and decision-makers who determine bail applications already do that. I do not think anybody who is serving in our courts or as bail justices or even police wants to see children remanded when there are other options — I do not think anybody countenances that — but putting that in the Bail Act is not something we oppose. I note that whilst the proposed section picks up a number of provisions of section 362 of the Children, Youth and Families Act 2005, it does not pick clauses relating to protecting the community or people taking

responsibility for their actions. To some extent that is readily explicable by the fact that at that stage of bail people are presumed innocent.

The reason I am pointing that out is that it is important for us to remember that when a court releases an accused person on bail, particularly with bail conditions, those matters need to be taken seriously, and I will come to my concerns about one aspect of the bill shortly. We would have hoped — although we do not consider it necessary to propose an amendment — that protecting the community and taking responsibility ought to be very important and stipulated in the consideration of bail applications. So in terms of clause 10, we are not proposing amendments, and as I said, we do not oppose it.

That brings me to the issues around clause 16 of the bill. Clause 16 reverses a change that the coalition government introduced to make it an offence to breach a bail condition. Section 30A of the Bail Act provides under subsection (1):

Subject to subsection (2), an accused on bail in respect of whom any conduct condition is imposed must not, without reasonable excuse, contravene any conduct condition imposed on him or her.

In terms of penalty, the maximum penalty is 30 penalty units or three months imprisonment. A couple of things to point out here are these: a court when determining bail applications should not, will not and, in my experience, does not impose bail conditions unless they are absolutely necessary. I do not think anybody in this chamber or the other place or anywhere else who takes a serious interest in these matters would ever entertain or endorse the imposition of a bail condition that is not really necessary. It has to serve a purpose, and a very important purpose. That is the first thing to note about this.

Section 30A of the Bail Act — which I should point out commenced in December 2013 — does, as I indicated, make it clear that it will be an offence to breach a bail condition if you do not have a good reason. The idea of trivial breaches of bail conditions is not something that was ever intended, and in my view it cannot be produced by the operation of this section. If you have a good excuse or a reasonable excuse, you will not be in breach of the section. You only impose bail conditions, and should only ever impose them, to serve a particular and very important purpose, because otherwise you are imposing on the freedom of a person who is at that stage presumed innocent.

In addition, section 30A did leave a capacity for people to avoid culpability where they had good reasons for

not complying with a bail condition, such as being 5 minutes late. It might be, 'The train I was on, which I caught at this time — you can tell from my myki — was 5 minutes late because of a car crash over a level crossing and I could not get there'. That would be a reasonable excuse. When you combine them you can see that the purpose that section 30A is serving is to reinforce for everybody who secures bail that the court has given them a chance to retain their freedom and their liberties but it has done so on the basis that they have agreed to observe these most important conditions.

What clause 16 of the bill is doing is repealing that for children. I want to ask the government to reconsider that, for this reason. If you are introducing child-specific criteria which will further condition the decision-making around bail applications, then removing the consequences of somebody breaching a bail condition — that has only been imposed, as all of the material makes out, for very important reasons — sends a very undesirable message that there is no consequence that flows from the breaching of bail conditions.

It will be put back against me — it will be argued against me. I know it will be argued that, 'You can repeal the offence and still ensure that there is a deterrent, because if somebody breaches the bail condition, then they will go back to court and will lose their bail potentially'. That is not a bad argument, but it also serves the very purpose of keeping section 30A as it is, because under either scenario — the scenario I am depicting where you keep the offence or the scenario where you remove the offence — a breach of a bail condition is still going to result in remand. The issue is not whether it promotes or reduces rates of remand. The issue is, and only is: do you lose the capacity to send a message to somebody that breaching a bail condition is a serious matter?

Let me roll this out in a realistic scenario. Let us say that a physically developed man of 17 years of age is accused of assaulting his girlfriend, and the court says, 'You haven't been in the court before. You don't have a chequered history. We will let you go on bail, but one of the conditions is that you are not to approach the residence of the young woman you are accused of assaulting' — they have not been found guilty, but have been accused — 'You are not to go within 100 metres of that house'. Let us call it 10 metres, for an easier example. If that accused man — and I am not trying to be selective with language — if that accused visits that person in breach of the bail condition, the potential harm that might cause the victim, the potential harm that he might inflict on other people, is a serious matter.

If this clause proceeds as part of the bill and somebody secures bail, and they ask their lawyer, 'What's the consequence if I breach the bail condition? Is it an offence?', and the lawyer says, 'No, there is no consequence; you could lose your bail', the issue we have got with that is not that we want to see higher rates of remand. That is not what we are arguing here. As I have pointed out, under either scenario remand will follow. The question is: do you send the wrong message that there is no consequence that flows from the breach of a bail condition? I ask the government to consider whether it is necessary, absolutely vital, to proceed with this part of the bill right now.

I know a lot of commentators are out there saying that section 30A has caused a blowout in rates of remand, but we should understand that that section only commenced in December 2013. We only have one full year of data, so I ask the government to consider whether it is better to proceed with the child-specific criteria and get a bit more data in to see whether this is having any effect after looking at actual cases. Then by all means bring it back if you feel it is necessary. But, for the reasons I have explained, and at the risk of repeating myself, without any impact on rates of remand we do not think it is appropriate to do that. I hope the government will at least give consideration to that amendment.

The only other matter I am going to talk about in the few minutes left for my contribution to this debate is clause 20 of the bill. I am proposing that it be omitted. Again it is for similar reasons. Apart from bare assertions, there is no suggestion anywhere or data — at least that I have seen, and I have tried to get hold of some — that shows there are actual cases where police in current circumstances, in recent times, have been initiating criminal proceedings against children by way of arrest and charges as opposed to summons. I want to put on the record that the coalition agrees with the government: that we do not want to see children proceeded against by way of charge and arrest where a summons is more appropriate. That is not the issue. There is no controversy over that goal.

The concern we have got here is that some of the anecdotal feedback we have got from serving police officers or representatives of them is that what this may tend to do is discourage the initiation of proceedings by way of arrest where that is actually justified and necessary. I am not talking about cases that perhaps fall in the grey zone. In those cases we do not have any objection to prosecuting authorities initiating proceedings by way of summons, and we would hope and trust they would do so. But first, is this necessary if police are already doing it? Second, does it run the risk

that it could discourage genuine cases that should proceed by way of arrest from proceeding by way of arrest?

If neither of those matters is necessarily persuasive to the government, I hope the government will at least give consideration to whether we have some more recent analysis of what is happening in terms of the initiation of criminal proceedings against children. The law reform commission talked about this and recommended what is contained in clause 20 of the bill. We accept all of that, but the law reform commission report is now eight years old, and it would be good to get some updated work and data around whether this is responding to a current problem.

It is a very serious issue. As I said, we do not oppose the bill, but we think the amendments are desirable and hope the government will give them due consideration.

Mr CARROLL (Niddrie) — It is my pleasure to rise and speak on the Andrews government's Bail Amendment Bill 2015, and I welcome the member for Hawthorn's contribution. It is with fairly short notice that the amendments have been put to the government. The Attorney-General is at the table and will be considering them, but at the outset I just want to state a fact. This morning we heard from Amnesty International and Oxfam Australia. Acting Speaker, you were there as well. The member for Hawthorn was also at this briefing on *Change the Record — Blueprint for Change* by the Change the Record Coalition. The document is subtitled, 'Changing the record on the disproportionate imprisonment rates, and rates of violence experienced by Aboriginal and Torres Strait Islander people'.

Uniquely, in one of the presentations this morning the Andrews government was congratulated on the legislation that we are debating right here and now, and that was the reforms to bail. The Victorian Law Reform Commission report, which was begun in 2004, is an incredibly detailed report. The Andrews government, led by the Attorney-General, is now implementing the reforms. This legislation will ensure a simpler, clearer and fairer bail system. It goes to the heart of procedural, legislative and judicial fairness.

Importantly though the member for Hawthorn touched on children. Let us be very clear. Right throughout our criminal justice system children are treated differently. As the law reform commission report highlighted, they should be treated differently also when it comes to bail. We have seen an incredibly disproportionate increase in children coming before the criminal justice system with many of the bail reforms that have been enacted

previously. The Andrews government wants to address these concerns, particularly about the number of children arrested and held on remand for breach of bail conditions. If you go to the statistics, particularly since 2012, you see that for children aged between 10 and 14 years remand admissions have tripled and the number of children arrested and charged with Bail Act 1977 offences has also increased significantly.

Today we heard about some of the data that is currently before us when it comes to children. Data from Youth Justice, part of the Department of Health and Human Services, paints a stark picture when comparing the last quarter of 2013 with 2014. There has been a 200 per cent increase in the number of 10 to 14-year-olds remanded in custody, and Indigenous children made up 24 per cent of those 10 to 14-year-olds on remand in 2014. There has been a 45 per cent increase in total after-hours admissions and a 150 per cent increase in children and young people being remanded after hours and for one or two days.

We believe that the amendments contained in this bill, which we are passing through the Legislative Assembly and following that the upper house, will bring the bail system into line with the special rules that apply to children elsewhere in the criminal justice process. We will create new child-specific factors that address the particular needs of children and that will need to be considered in bail decisions.

Consideration of child-specific factors was a key recommendation of the 2007 Victorian Law Reform Commission's *Review of the Bail Act* report. I have a copy of that report. It is incredibly thick and incredibly detailed. Before my contribution today I was having a look at chapter 9, which notes:

Data from 2003–4 showed that Indigenous children were almost twice as likely as non-Indigenous children to be proceeded against by arrest rather than summons.

You cannot compare someone between the ages of 10 and 18 with an adult over the age of 18. As reflected in reforms that previous Labor administrations have made, Labor is about ensuring that children get the best start in life. When they come before the criminal justice system, children need to be given every opportunity to receive the attention they need.

A lot of people get confused when it comes to bail. They think it is about courts and legal processes. However, often bail is really about laypeople. For a significant proportion of people facing a bail hearing, Victoria Police officers are generally the ones who will decide whether or not bail is granted. It is not a court process. As is highlighted often throughout the 2007

Victorian Law Reform Commission report, we need to make sure our Bail Act is simple and clear, and this legislation will do it. Above all else, what comes out time and time again throughout the report is that information relating to bail should be in plain English. At the moment when people read the Bail Act 1977 they get quite confused and think it is another legal instrument which is part of the justice system.

The reforms we are making today are also targeting terrorism and making sure that the presumptions around terrorism are of a high standard.

I want to congratulate the Attorney-General because these reforms have been called for time and time again, whether by the Children's Court or by the commissioner for children and young people. Many of the submissions to the review of the Bail Act largely supported the inclusion of child-specific factors in the Bail Act. I want to highlight what a senior Children's Court magistrate said, which is quoted on page 155 of the report:

Because the sentencing objectives and sentencing provision for adults and children are so different, there is an underlying tension involved in having essentially the same bail provisions applying to each ... Assuming that a single Bail Act, in whatever form emerges from these consultations, is likely to apply both to children and adults, I would strongly support the inclusion of child-specific factors. It would be logical that section 139 of the CYPA ... which sets out matters to be taken into account in sentencing a child, should also be relevant to the determination of whether or not a child should be granted bail.

The report goes on to state:

All participants at our children and young people round table supported the inclusion of child-specific considerations in the Bail Act.

Some of the amendments and language that the member for Hawthorn put on the table today go very much against the grain of the Victorian Law Reform Commission's report and also what senior magistrates and the Children's Court are keen to see happen, which is removing children from the offence of breaking a condition of bail and addressing the consequences of amendments made to the Bail Act by the Napthine government, which have unambiguously resulted in the tripling of the number of children being held in remand. Importantly the amendments that have been put forward by the Andrews Labor government will put the focus where it should be: not on children but on those charged with the most serious criminal offences and who pose the most risk to our community.

In Victoria we have the presumption that the accused is entitled to bail, provided that they do not pose an

unacceptable risk. This presumption is displaced in certain circumstances, and the accused then has to convince the court why bail should be granted. The overarching rule remains that bail should be denied when there is an unacceptable risk that the accused would fail to appear, commit an offence on bail, endanger the safety or welfare of the public or otherwise obstruct the course of justice.

I was in Parramatta shortly before the civilian police employee was killed. I was having a look at the New South Wales justice system. Walking around the streets of Parramatta, you could be in any part of Melbourne. It is very much a growing outer suburban area. To see what occurred there only a week later with the civilian police employee was a shock to the system and a shock to the core for people right across Australia.

In many respects the nation has come together to ensure that we are vigilant against terrorist attacks but also that we support one another. When it comes to terrorism, it is clear that under these new laws bail will be refused, unless there are exceptional circumstances, in situations such as the accused being charged with intentionally providing documents or information to facilitate a terrorist attack or obstructing or hindering the exercise of special police powers to combat terrorism. These changes will reverse the presumption that is in favour of bail and align the test with that for people charged with commonwealth terrorism offences. Many of the amendments that the member for Hawthorn introduced can be found in commonwealth legislation.

This reform of the Bail Act is long overdue. I want to congratulate the Victorian Law Reform Commission on its report. It is incredibly substantive. I want to congratulate the parliamentary library for the support and resources it has provided for the debate on this important legislation. I also want to congratulate the Attorney-General on bringing this matter before the Parliament and putting children where they belong: separate from adults.

Mr McCURDY (Ovens Valley) — I rise to make a brief contribution to the debate on the Bail Amendment Bill 2015. The member for Hawthorn spoke in depth on the bill and in greater depth on the proposed amendments. I will address my comments more particularly to the bill. As members know, the fundamental purpose of the bill is to create a presumption against bail for terrorism-related offences and serious offences involving a historic failure to answer bail. The second part of it is relaxing certain bail and procedural requirements in criminal proceedings where children aged under 18 years are concerned.

There are five main provisions that I will discuss briefly. Clause 4 provides for a refusal of bail for a person charged with a terrorism-related offence if they are unable to show that exceptional circumstances exist to justify bail. Clause 5 provides for a court, in applying the unacceptable risk test for the denial of bail, to consider whether an accused has expressed publicly support for terrorist acts or groups. The member for Hawthorn went into excellent detail in explaining that certain people who have not made any attempts to become a terrorist themselves have endorsed the words of others and supported what others may have done in other places. Clause 7 provides for a court to refuse bail for any adult charged with a serious offence and convicted of a failure to answer bail in the preceding five years unless of course they can show cause. Clause 8 increases to two years the maximum penalty for failure to answer bail, which is a very practical approach. Clause 13 prevents a court from remanding a child for any longer than 21 days.

As the member for Hawthorn said, coalition members do not oppose the bill, but they do have a number of concerns. We are pleased that the government has responded to calls made by the coalition for a review of the Bail Act 1977 in respect of terrorism-related matters. This is important legislation and is certainly well overdue.

Refusing bail for those charged with terrorism-related offences while taking into consideration whether an accused has expressed publicly support for terrorist acts or groups is an important change, given the ever-changing security climate we live in. However, the coalition believes the bill does not go far enough in dealing with those who support, encourage and incite terror. We are seeing terrorism on a daily basis around the world.

Refusing bail for an adult charged with a serious offence and convicted of a failure to answer bail in the preceding five years is another important reform. We believe that being released back into the community is a privilege and not something to be taken for granted. I consider it to be particularly important that offenders be accountable.

Coalition members also support the move to increase from one to two years the maximum penalty for a failure to answer bail, which is provided for by clause 8. This offence was introduced by the coalition when in government and it is good to see the government acknowledge its necessity.

It should be noted that the bill is a missed opportunity to further strengthen the law on bail in line with the

laws of other states. New South Wales is a terrific example of that. We must not step aside from this issue; we need to be tackling it head on.

As I mentioned, the coalition will not be opposing this bill. It has largely consequential provisions which transfer parts of the Children, Youth and Families Act 2005 to the Bail Act. New factors for bail where children are involved include the need to consider all other options before remanding a child, and the desirability of allowing living, work and study arrangements to continue. So it is about looking after national security but at the same time having practical approaches for individuals as well.

I am concerned that the exemption from the offence of contravening a bail condition clause 16 gives to child offenders who breach their bail conditions runs a great risk of sending the counterproductive message that it is okay for young impressionable offenders to ignore bail conditions and continue to engage in antisocial behaviour, which we know is clearly unacceptable in our society and communities.

While not opposing these changes, the coalition believes that clause 20, on which the member for Hawthorn went into significant detail, should like clause 16 be removed. Clause 20 requires that proceedings be commenced by summons. The removal of those two clauses will still allow the other bail changes to proceed. I hope the government considers the coalition amendments and I wish the bill a speedy passage.

Mr PEARSON (Essendon) — I am delighted to make a contribution on the Bail Amendment Bill 2015. This is an important piece of legislation that reflects the troubling times in which we are living. It is important that we place the safety of the community first but that we also recognise the fact that children are a very special category of people. We need to recognise that and put in place appropriate protections for children rather than have children being treated as adults.

As previous speakers have indicated, the bill strengthens the bail laws where the accused is suspected of having links with terrorism or is charged with a serious offence and has a history of failing to appear on bail. This is a quite important issue because we need to ensure that where there are serious concerns around crimes or risks in relation to terrorism they are appropriately addressed through legislation. The bill is about making sure that, as required, we displace the presumption in those certain specified circumstances to ensure that the accused has to convince the court why bail should be granted. These are really uncharted

waters that as a state we find ourselves in, particularly where we have grave concerns about terrorist activities. To be able to respond to those particular challenges, we must make sure that the law is flexible and nimble.

The reality is that courts make only a small proportion of bail decisions. I did not know that the police and bail justices make more than 90 per cent of all bail decisions. That is something that I am pleased I learnt in preparing this contribution. The bill is also about trying to make sure that, as I indicated earlier, we have those appropriate checks and balances in place to ensure that we remand in custody those who truly do pose an unacceptable risk to the community.

It is of great concern that the number of children on remand has grown dramatically in the past two years. It concerns me because children should not be put in an environment where as a result of their becoming exposed to hardened criminals they become increasingly radicalised or, alternatively, they learn from those hardened criminals and become a greater threat to society. It is important that we look at removing children from those settings.

I note that Department of Health and Human Services data for 2013–14 shows there was a 200 per cent increase in the number of 10 to 14-year-olds remanded in custody and that Indigenous children make up 24 per cent of those remanded. I found that quite astonishing. I suppose the questions in my mind are: in relation to that 24 per cent group of Indigenous children, how many have found themselves in custody because they did not have access to adequate legal representation? And how often was it because they were poor, they had a disability or they came from a dysfunctional family that they found themselves incarcerated?

It reminds me of a quote of Anatole France, a man of letters from the 19th century, who said:

In its majestic equality, the law forbids rich and poor alike to sleep under bridges, beg in the streets and steal loaves of bread.

There is a clear issue where at times people find themselves incarcerated for the simple fact that they are poor and do not have access to justice. That for me, particularly when you find children at the ages of 10 to 14 incarcerated, is astonishing. This bill will look at addressing that particular issue, and that is welcomed.

Other statistics from the Department of Health and Human Services indicate that there has been a 45 per cent increase in total after-hours admissions as well, and that there has been a 150 per cent increase in children and young people being remanded after hours

and for one or two days. Again, these are quite concerning statistics because of the impact that will have on the way in which those children come of age. I cannot imagine that anyone could seriously say that they would want to see their children come of age in a justice facility. The bill is important for those reasons.

While most legislation in relation to terrorism is now appropriately vested within the federal arena there are aspects of legislation which fall fairly within the bailiwick of the state government. It is fair and reasonable that as a state we must work closely with the commonwealth government, as well as with the New South Wales government, because if you look at commonwealth-state relations, you see that the ability for New South Wales and Victoria to work closely together is vitally important. Clearly Victoria has got its role to play in terms of working with the federal government.

Under the new laws, bail will be refused, unless there are exceptional circumstances, when the accused is charged with intentionally providing documents or information to facilitate a terrorist act or obstructing or hindering the exercise of special police powers to combat terrorism. These are important steps that we as a state can take to work with the federal government to tackle terrorism in a proactive fashion. These changes will reverse the presumption that is in favour of bail, aligning the test with that for people charged with commonwealth terrorism offences. Having that harmonisation between state and federal jurisdictions is important.

Other amendments will also ensure that any public expressions of support for terrorism may be taken into account by a bail decision-maker in assessing whether releasing the accused on bail is an unacceptable risk. It is important to try to make sure that people who are hearing the cases or the applications have got the ability to reflect on that as well. The bill is important because it looks at trying to put those checks and balances in place while making sure that as a state we are able to respond to community concerns.

It is important to note that the maximum penalty for the offence of failure to appear will be increased from 12 months to two years. I think that is an entirely appropriate step to take. You cannot allow people to think they can abscond from bail and that the penalty is worth the risk. I think that by increasing these penalties we are sending a clear signal to people that if you do the wrong thing and do not present yourself, then there will be an increase in these charges. That is an important step as well.

One other aspect of the legislation is that a breach of bail by a child will trigger a power to bring the child back to court to have their bail reconsidered and potentially revoked. There is a need to allow for some flexibility for exceptional circumstances, and that is an important step.

As I said in my opening remarks, I think these are troubling times in which we are living. The community is rightly concerned about the threat of terror on our streets. If you look at the recent events in New South Wales, you can see that you could have a situation where someone just going about their normal life and daily business working as an unsworn employee of the police service could lose their life simply because of the fact that they are an unsworn officer. This demonstrates that these are challenging times that we are living in.

As I have said in the house previously, we must try as best as we can to make sure that the law reflects the time we are living in and that we try to get the balance right with fundamental human rights. As I have said, if you look at Singapore in the 1960s, you see that the race riots at that time were ultimately used as a way of stifling civil disobedience and individual freedoms, which remain today in Singapore to the great detriment, I would say, of that country. We must fundamentally protect the rights of the child, and children have no place being in custody in these sorts of facilities. I commend the bill to the house.

Mr HIBBINS (Pahran) — I rise to speak on the Bail Amendment Bill 2015. I will refer to the amendments regarding the Children, Youth and Families Act 2005 first. This bill will create a presumption in favour of initiating criminal proceedings by summons rather than by arrests, to align with Victoria Police best practice. The Greens strongly support these provisions to address the very important concerns in relation to the large increase of children on remand that were expressed by the Victorian commissioner for children, Mr Bernie Geary, and the former Children's Court president, Peter Couzens. Earlier this year Mr Couzens warned that there was a 57 per cent surge in the number of young people under 18 being refused bail between October and the end of December 2014 compared to the same period in the previous year. Many youth advocates at the time blamed the surge on the changes to the Bail Act 1977 made in late 2013, which included the introduction of a new offence to create a condition of bail and the lack of child-specific criteria in the Bail Act.

The Victorian Greens justice spokesperson, Sue Pennicuik, a member for Southern Metropolitan Region in the other place, this year raised with the

Attorney-General concerns about the steep increase in the number of children on remand and asked that action be taken to address this very important issue, including that children be excluded from the show-cause provisions of the Bail Act and that the government add child-specific criteria to the sentencing provisions in the Children, Youth and Families Act.

It was highlighted by the Victorian Law Reform Commission (VLRC) in its final report into the Bail Act in January 2007 that children are particularly vulnerable in their dealings with the criminal justice system. Therefore the Greens are of the view that it makes sense when considering bail for children to focus as much as possible on preserving the child's relationship with their family or carers, to not have their living arrangements disturbed, to support the continuing of the child's education or training and to minimise the stigma — all of which this bill addresses by adding child-specific criteria for consideration of bail applications in relation to children and young people.

We also fully support removing children from the offence of breaking a bail condition, under clause 16, and providing for the presumption of initiating criminal proceedings against children by way of summons rather than arrest, which responds to concerns put by lawyers and by the Department of Health and Human Services that there are instances where the police should proceed with a matter by way of summons rather than arrest. This presumption to proceed by way of summons will also assist in ensuring that decisions on how criminal proceedings are initiated are more consistent and overcome those concerns that there is sometimes no rhyme or reason to why police will decide to charge in some instances and then use a summons in others, as noted in the VLRC report.

The bill also expands who can grant permission for the publication of the identity of those involved in Children's Court proceedings, from the president of the Children's Court to any Children's Court magistrate, which the Greens also support.

There are further amendments to the Bail Act regarding terrorism, the failure to appear and serious offences. We are involved in an ongoing dialogue with the government and we have some questions regarding those provisions, which I am sure will be addressed in the other place. The Greens understand that the state must do all it can to protect the community from terrorism and ensure that adults and children feel safe, while at the same time upholding its responsibilities to preserve and protect the rights of accused people who are innocent until proven guilty and ensure that unjust detention does not occur. In that context we will be

raising questions regarding those matters in the other place. As I said, the Greens will be supporting this bill in this house.

Mr EDBROOKE (Frankston) — It is my absolute pleasure to speak in the debate on the Bail Amendment Bill 2015, a bill that reflects our community's wishes. As legislators we continue to strive towards increasing the safety of our community and ensuring that people who are charged with serious offences, whilst not yet given the opportunity to acquit themselves as innocent or guilty, are not placed in positions where the public could be at risk. I congratulate the Attorney-General on the formulation of this bill.

It is great to be back to debating this bill — a bill that will change something in Victoria for the better. I reflect on today's matter of public importance contributions from members of the Liberal Party, which were a great example of senior Liberal caucus members failing to ensure that their caucus members knew what they were talking about. If I were in opposition — and thank God I am not — I would be taking aside those members who spoke on the matter of public importance and telling them that it is better to say nothing and appear stupid than to open your mouth and remove all doubt.

As with so many of the bills we have considered in this place this year, this is a progressive piece of legislation. That is why I am standing here proud to be part of a government that is making real, well-considered legislative reform after four years of absolute rubbish. The Bail Amendment Bill 2015 will make bail jumpers charged with new serious offences justify why they should not be held in detention, and that is a good thing.

The bill reverses the presumption in favour of granting bail to people charged with serious offences if they have had convictions for failing to appear while on bail in the preceding five years. Instead an accused will have to show cause as to why they should be released. The new show-cause provisions will apply to charges of manslaughter, rape, child sex offences, intentionally causing serious injury, abduction, kidnapping, threats to kill, armed robbery and gross violence offences. These new bail orders are also designed to capture serious adult offenders who show a deliberate disregard for bail conditions, and who therefore in my mind show a deliberate disregard for the functioning, law-abiding, contributing members of the community.

As I believe is my job, I have spoken to many people in my community about this particular piece of legislation. Every single person I have spoken to agrees that the strength of this bill is in the fact that it reverses the

presumption in favour of granting bail. Many people I have spoken to thought it was the case that if you had skipped bail in the last five years, that would automatically negate any request for bail when charged with another crime. In reality this legislation makes so much sense that the public already thought it was law. That is a good show of support.

This bill will strengthen the law by reversing that presumption in some cases, including where the accused is charged with a serious offence and has a history of failing to answer bail, but the overarching rule remains that bail will be denied if there is an unacceptable risk that the accused would fail to appear, would commit an offence, would endanger the safety or welfare of the public or would otherwise obstruct the course of justice. The maximum penalty for failing to appear on bail will be doubled from 12 months to 2 years imprisonment. To me that is as it should be. Time and time again we hear of offences being committed by individuals while they are on bail and have been accused of other crimes. Let us get serious with these people who do not seem to believe that there is a responsibility that goes with the rights and advantages of living in a community where one of the most valued aspects is that we can live safely. Everyone deserves to be safe.

Of course there will be exceptions to any rule, but let us not pretend for one moment that the executive function of our legal system, Victoria Police, detains, arrests and charges anyone with committing a violent crime who is not at least under suspicion of committing a possibly violent crime. Therefore we are safer if, based on this suspicion and especially for those with prior form, these people have to show just cause for being released on bail. This is a very good bill.

On the subject of children, I will not be supporting any amendments tabled by the opposition with regard to children and bail. Children should be treated differently to hardened criminals and should not be put in positions where their role models are criminals. I very much doubt recidivism rates in children show a decline when they are exposed to and taught by career criminals. I would support this anecdotal statement with the experiences of Salvation Army counsellors who work in our jails and what they have said in the past.

There has been a significant increase in the number of children being remanded, particularly for one or two nights. For children aged 10 to 14 years in particular, remand admissions have tripled, and the number of children arrested and charged for breaching bail conditions has significantly increased. The Children's Court attributes this increase to the new offence of

breaching bail conditions which was created in 2013 by the previous government. Children are generally subject to stricter bail conditions and more intensive monitoring, and so they should be. As a result of this, though, and because of their natural impulsivity, children have a higher rate of breaching bail. Children arrested for this offence have had to show cause why their bail is justified before they can be released, which has led to growth in the numbers of children on remand. With this bill we are limiting the offence to adults only so that children who breach bail conditions are not remanded purely because they cannot meet this test.

It is interesting to note that bail is the only part of our criminal process that treats children the same as adults. Children have a separate court, tailored sentencing options and a separate juvenile justice centre. I believe that this should also be the case in the Bail Act, and that is what this legislation does. Decisions about bail are the first decisions that are made when a child is arrested, when they are presumed innocent, and these decisions should reflect the need to treat children differently to adults. This bill explicitly recognises children's needs and the importance of keeping children in stable homes and in education. The bill clearly states that the need to consider all other options before remanding a child in custody is important. These provisions will require police, bail justices and courts to take these issues into account when they make a decision under the act.

There are people out there right now saying, 'What if kids commit serious offences? Will they get bail?'. There is nothing in this bill that will prevent a court from making its own decision and remanding a child in custody when it thinks that is the appropriate result. We understand that some children pose a risk to society and need to be detained. If a child breaches a condition of bail, police still have the power to bring them before a magistrate to have their bail reconsidered, and that bail can still be cancelled. Although these changes will not prevent a court or a police officer from remanding a child in custody when this is the appropriate outcome, they will ensure that remand is only used where there is no other reasonable option.

There are other people out there saying, 'Do these changes go too far?'. I think we need to ask ourselves why people get charged with serious offences, why people who commit serious offences get bail and what these serious offences are. In Victoria there is a presumption that an accused is entitled to bail provided that they do not pose an unacceptable risk. This presumption is displaced in certain circumstances, and the accused has to convince the court that bail should be granted. I can only hope that this new amendment can

be used to reduce the risk to families in the family violence space by ensuring that perpetrators are not released when they have been charged with a high-risk offence and are not able to go back to the family home or wherever to commit another offence.

The application of the law to the facts of each case and the decision about whether to grant bail remains a matter for the police, justices and the courts. I do not think these changes go too far. There is no case in which bail must be refused. In every case the courts will make the final decision about whether an accused should be granted bail.

Things are about to get a whole lot tougher for bail jumpers in Victoria and also for people who laugh at our community and laugh at the law. The Andrews government has put in place serious consequences for bail jumpers who come before the courts but has also balanced that well with how we treat children in our legal system. These amendments put the focus where it should be: not on children but on those charged with the most serious criminal offences who pose the largest risk to our community I support this bill and wish it a speedy passage.

Mr CLARK (Box Hill) — I rise to speak against the legislation watering down bail laws through excluding alleged juvenile offenders from the operation of section 30A of the act, which provides for penalties for breach of bail conditions. As has been referred to by other speakers, section 30A was inserted into the Bail Act 1977 in 2013, and it provides that a person must not contravene a conduct condition of bail without a reasonable excuse, other than a conduct condition that relates to participation in bail support services, such as counselling or rehabilitation services. That provision imposes a penalty of 30 penalty units or up to three months jail for breach of a bail condition.

The same reform legislation made clear a range of conditions, which are set out in section 5(2A) of the Bail Act, that a court can impose in granting bail, including conditions such as reporting to a police station, residing at a particular address, observing curfews, complying with non-contact orders, surrender of passport, compliance with exclusion zones — otherwise known as ‘no-go zones’ — conditions about driving and conditions about refraining from consuming alcohol, as well as conditions regarding bail support service, a breach of which is not subject to an offence.

There are good reasons for this reform, in particular that there should be consequences for breaches of a bail condition other than simply being put at risk of having

bail cancelled. If you are bailed and you give an undertaking to observe a condition of that bail, you are asking the community to trust you. You are promising that you will abide by that condition as part of the quid pro quo for the community allowing you to be at liberty pending your trial. Your undertaking to abide by those conditions is part of what the court takes into account in deciding whether or not to grant you bail.

It is also important to send a signal that failing to respect bail conditions has consequences, is not to be taken lightly and can indeed incur an additional penalty. It also ensures that on court records and police records et cetera there is a record of what previous offences may have been committed by a person in breaching bail if they happen, regrettably, to be an ongoing offender and come before the court time and again. In this situation at least courts when making future decisions on granting bail will have a record of where there has been a previous offence of breaching a bail condition.

These reforms are all important parts of better protecting the community. The proposal in this bill is that the provision about committing an offence of breaching a bail condition will not apply to alleged juvenile offenders. They may still be able to be arrested and have their bail revoked, but they will not commit an offence of breaching a bail condition. There is, unfortunately a problem of repeat offenders among juvenile offending as well as among adult offenders. What this amendment risks doing is undermining the seriousness of this repeat offending by juvenile offenders.

To put it bluntly, we are at risk of having an ongoing and serious problem for the community. We risk the problem of young people committing offences — be it going to a shopping centre to steal, being involved with drugs or being involved in vandalism or car stealing — being arrested, being charged, being bailed on a condition, be it a condition of not returning to a particular shopping centre or observing a curfew, defying that condition and being rearrested by the police. Then of course a further decision needs to take place as to whether that person will be bailed again.

The last thing we want to end up in is a situation where bail conditions that are imposed on anybody, be they a juvenile person or an adult, are not respected and people feel they can defy those conditions with impunity. It is important to make the point that a person is only remanded rather than bailed, be they a juvenile or an adult, if the police and a bail justice or magistrate believes that they should be refused bail because of their risk to the community — their risk of absconding or their risk of committing offences on bail. It is not

lightly that anybody gets remanded. It is not automatic. It has to go before responsible persons who form the view that the person concerned ought to be remanded. If the police believe a person should be remanded, then the matter has to go before a bail justice and then subsequently before a magistrate.

Of course no-one wants to see an alleged juvenile offender remanded if that can possibly be avoided, and certainly under the previous government we were moving to create a range of options to empower the courts to better deal with juvenile offenders. For example, we commissioned a pilot diversion program within the Children's Court that is still running. We certainly hope that will prove successful and that it will be picked up and implemented more widely under the current government. The question is therefore not, 'Can things be done better to avoid remanding alleged juvenile offenders where that is possible, to avoid sending convicted juvenile offenders into custody if there is a suitable and satisfactory alternative?'. That is not an issue, and there are a number of other provisions in this bill relating to bail and juveniles that the coalition does not oppose. However, there has been no good case put forward to justify the watering down of bail conditions and the undermining of protections for the community in relation to it not being an offence for a juvenile person to breach a bail condition.

It has been alleged that the increase in the number of juvenile persons on remand is a consequence of the changes made in 2013. In one sense that might be puzzling because section 24 of the act already provided for someone to be arrested for breach of a condition and remanded by a bail justice et cetera. So arguably, as the member for Hawthorn has referred to, the 2013 changes should not be causing difficulty. The member for Frankston referred to some particular factors about onerous conditions being imposed on juveniles and those conditions being breached and therefore the juvenile being remanded. If that is the case, and the statistics would need close examination to see if it is borne out, then what it is showing is that the conditions being imposed as a consequence of the 2013 changes — conditions that are imposed to protect the community — are being breached, and that is why more alleged juvenile offenders are being remanded. That simply reinforces the concern that making these changes to reduce the accountability of people for their bail conditions is in fact going to put community safety at risk.

There is clearly an issue and a problem with juvenile offending in our community, whether that is evidenced by the statistics over the last few years or simply evidenced by what many of us know and what police

tell us about the problems they have with juvenile offending. There is no dispute that there is a problem with juvenile offending. However, this measure that is in the bill — this repeal of the application of section 30A to alleged juvenile offenders — is not the solution. We need to look a lot wider to find a solution. We need to look at how the Department of Health and Human Services is empowered and goes about looking after young people in its care. We need to look at the broader problem of the growing number of dysfunctional families in our community, what is leading to that dysfunction and what can be done to reverse that dysfunction. There is a lot that needs to be done, but it should not be done at the price of prejudicing community safety, as will occur under this provision.

Mr McGuire (Broadmeadows) — The former Attorney-General, the member for Box Hill, says that there is a problem with juvenile offending. He also says that no-one wants to see an alleged juvenile offender remanded if that can be avoided. The government has taken up these things and they are central to this legislation and the way the government is trying to look at addressing those issues. Of course the other thing that is of great public significance and urgency is how we address and get the balance right on community safety, which is always critical, particularly when it has a heightened focus in times of terror.

With this legislation the government's primary concern is the safety of the community. That is why the government has introduced amendments to strengthen the bail laws where the accused is suspected of having links with terrorism or is charged with a serious offence and has a history of failing to appear on bail. This bill also removes children from the offence of breaking a bail condition, thereby addressing a consequence of amendments made to the Bail Act 1977 by the Napthine government which resulted in the number of children being held on remand tripling. This is the key point. These amendments put the focus where it should be: not on children but on those charged with the most serious criminal offences and who pose the most risk to our community.

In Victoria there is a presumption that accused persons are entitled to bail provided that they do not pose an unacceptable risk. This presumption is displaced in certain circumstances, and the accused then has to convince the court that bail should be granted. The overarching rule remains that bail will be denied when there is an unacceptable risk that the accused would fail to appear, would commit an offence on bail, would endanger the safety or welfare of the public or would otherwise obstruct the course of justice.

The application of the law to the facts of the case and the decision whether to grant bail remains a matter for the police, bail justices and the courts. They are the sorts of key themes that are addressed in this bill, and the Andrews government is amending the Bail Act 1977 to bring the bail system into line with the special rules that apply to children elsewhere in criminal justice processes by creating new child-specific factors that address the particular needs of children to be considered in bail decisions and implementing child-specific recommendations in the 2007 Victorian Law Reform Commission's *Review of the Bail Act*. These changes will also exempt children from the breach of bail condition offence and create a presumption in favour of initiating criminal proceedings against children by summons rather than arrest to align with Victoria Police best practice. These changes will not prevent a court or police officer from remanding children in custody when this is the appropriate outcome, but they will ensure that remand is only used for children when there is no other reasonable option.

A breach of bail by a child will still trigger a power to bring the child back to court to have their bail reconsidered and potentially revoked. The exceptional circumstances and show-cause tests of the offences of failure to appear and committing an indictable offence while on bail will continue to apply to children. The changes will not prevent police or the courts from remanding children when necessary, but they will ensure that remand is only used for children when there is no other reasonable option. I think that goes to the key issues and concerns that have been raised by the opposition.

Then we have the overarching issue of terrorism. Under the new laws bail will be refused unless there are exceptional circumstances where the accused is charged with intentionally providing documents or information to facilitate a terrorist act or obstructing or hindering the exercise of special police powers to combat terrorism. These changes will reverse the presumption in favour of bail and align the test with that for people charged with commonwealth terrorism offences. I think that gets the balance right on that issue.

Other amendments will also ensure that any public expressions of support for terrorism may be taken into account by a bail decision-maker in assessing whether releasing the accused on bail is an unacceptable risk. The inclusion of a terrorism-specific factor will make it clear that this heightens the risk in a person being released into the community and prompt bail decision-makers to specifically consider this issue. This is an attempt to get the balance right at a time when there is deep concern about these issues. The proposed

changes also ensure that our bail laws reflect community concerns about accused persons deliberately absconding while on bail. The maximum penalty for the offence of failure to appear will be increased from 12 months to two years.

The presumption in favour of granting bail for people charged with serious offences, as defined in the Sentencing Act 1991, who have also been convicted of failing to appear in the previous five years will be reversed. These people will be required to show cause why their continued detention in custody is not justified. 'Serious offence' is defined in the Sentencing Act 1991 to include manslaughter, gross violence offences, intentionally causing serious injury, rape, child sex offences, abduction and armed robbery. This bill brings in a number of concerns, particularly on the issue of terrorism in troubling times.

I turn to another issue that has been raised in this debate. Probably the most unlikely headline of the parliamentary year appeared on 27 November in the *Australian Financial Review* — 'Malcolm needs more Broadmeadows, less Thucydides'. Laura Tingle, the chief political editor of the *Australian Financial Review*, addresses the issue of terror and what new Prime Minister Malcolm Turnbull has learnt on his overseas trip, particularly after what had occurred in Paris. In her article she raised several points, including:

The Prime Minister reported on the assessment of the situation in the Middle East how it has increased the threat environment in south-east Asia and on the situation at home. A terrorist incident on our soil 'remains likely' but 'Australians should be reassured our security agencies are working diligently and expertly to prevent that happening', he told Parliament. 'In addition to being the most successful multicultural society in the world, Australia, as an island continent, has some natural advantages over Europe, which is currently facing the uncontrolled movement of hundreds of thousands of people.'

Turnbull argued that 'we cannot eliminate entirely the risk of terrorism any more than we can eliminate the risk of any serious crime. But we can mitigate it. We will continue to thwart and frustrate many attacks before they occur.'

But there sometimes seems to be an element missing from our domestic discussions on terrorism.

Turnbull said the government's approach has four tiers: maintaining a strong multicultural society; helping institutions and community combat violent extremist ideology where it emerges; challenging and undermining the appeal of terrorist propaganda, especially online; and intervening to divert individuals away from violent extremist views.

Do you notice anything missing?

In the wake of the Paris attacks, a very poor area of Brussels — Molenbeek — became the focus of considerable counter-terrorism operations. Its unemployment rate is around

30 per cent. In Australia, not that much of the terrorism discussion is linked to economic conditions.

...

Terror hotspots are generally identified by the dominant cultural communities in an area rather than its economic circumstances.

But there are also great pockets of disadvantage in our country.

Ms Tingle then reported on a members statement that I made in this Parliament in which I highlighted that we need to address these issues, particularly with the Australian government. I said that we need to begin with the reinstatement of the automotive transformation scheme — which had available \$800 million designed to help supply chain businesses survive the end of the industry and find new markets — and the establishment of the federal government's medical technology and pharmaceutical industry growth centre in Broadmeadows to accommodate jobs in an area where the unemployment rate is equal to that of Greece, where there are twice as many Muslim families living side by side with Christian refugees from Iraq and Syria, where youth unemployment is more than 40 per cent and which Victoria Police has identified as a hotspot for guns.

When former Prime Minister Tony Abbott went to ASIO, the media were able to show that Campbellfield, also the home of Ford, is the epicentre for potential terrorist recruitment. These are the issues we need to address. Ms Tingle's article concludes:

Disadvantage as a cause of alienation, after all, is hardly a new phenomenon.

These are the issues that we need to take into account.

Ms McLEISH (Eildon) — I rise to speak on the Bail Amendment Bill 2015. I note that the opposition has put forward a number of amendments. The amendments put forward by the shadow Attorney-General are desirable and need due consideration by the government, and I will speak to those amendments during my contribution.

The Bail Amendment Bill has some key clauses and provisions around terrorism and about bail breaches. If we think about terrorism and what is happening in the world, we can see that these changes are well timed and perhaps overdue. The purpose of the amendments put forward by the shadow Attorney-General are to create a presumption against bail for terrorism-related offences and serious offences involving historic failure to answer bail; and to relax certain bail and procedural

requirements in criminal proceedings where children aged under 18 years are concerned.

I want to deal with clauses regarding terrorism, clauses 4 and 5. The changes that are put forward in this bill will make it harder for somebody to get bail if they are accused of terrorism-related offences. In the main these changes are reflective of changes that are being made elsewhere, and they certainly need to happen. We only need to have a look at the terrorism-related events that are happening worldwide, including in Australia, to see that their incidence has escalated. I remember when I was at school there was a lot of terrorism-related activity, but it was a long way away from Australia. At that time Australia was almost immune from the sorts of atrocities that were happening elsewhere, then over the decades things escalated.

I was in New York on September 11, and I lived a lot of the pain and grief that the New Yorkers were suffering at the time with that major terrorism-related activity. It changed the world because the United States is such a major country. There was a huge focus on a huge attack on its democracy. It made the world stand up and have a look at what is going on in the terrorism field, and we have seen things escalate since then. What I find most concerning is that now it is not just males who are undertaking these terrorist attacks on different countries, and on innocent people very often, but also a lot of women and children.

We have seen how easy it is for anyone to strap explosives to themselves and become a suicide bomber. We have seen what happened in Sydney — how easy it is for somebody to take hostages — and even in the United States, where terrorists went into a building that housed what is effectively part of the public sector and gunned down so many people there. If we look at one of the most recent attacks in Sydney, which was done by somebody quite young, at the age of 15, it really starts us thinking, 'Where does this all end?'. We have this worldwide change around terrorism — men, women and children. It can affect all of us now.

Clause 4 provides that courts shall refuse bail for a person charged with a terrorism-related offence who is unable to show that exceptional circumstances exist to justify bail, and this is certainly not something we are opposing. It generally supports our calls for the government to be tougher in this area. As I have mentioned, it really reflects the changing nature of society and the mechanisms and legislation we need to have in place to protect communities.

The amendments that have been circulated by the shadow Attorney-General complement the bill because

they take it that one step further. People can fall through the cracks and there can be unintended consequences. The amendments add an extra provision so that the risk of people falling through the cracks is reduced, and that can only be a good thing. I strongly urge the Attorney-General to look at what has been put forward and to consider this, because nobody wants unintended consequences and nobody wants people to be able to fall through the cracks.

Clause 5 provides that courts shall consider whether an accused has expressed public support for terrorist acts or groups in applying the unacceptable risk test for the denial of bail. Again, this generally supports the opposition's calls for the government to be tougher in this area and again the amendments we have put forward complement the bill.

If we have a look at this clause, we see that it is talking about whether somebody has publicly expressed support for a terrorist organisation or organisation or has provided resources to a terrorist organisation. However, we think it needs to go one step further and include inciting or encouraging terrorism. That would be the third part of it that we would put in, because it is easy for somebody over here in a position of power to look at what is happening overseas in various countries and incite people around them to join up or commit a terrorist act. That does not fit easily in the provisions of the bill, but it is inciting terrorism itself. I think that would be a very good provision to have in the legislation, and I encourage the Attorney-General to look favourably upon the amendments we have put forward.

I move to the clauses in regard to bail. Clause 7 provides that courts shall refuse bail for any adult charged with a serious offence and convicted of a failure to answer bail in the last five years, unless he or she can show cause. That is fine. Clause 8 increases the maximum penalty for a failure to answer bail to two years, so if you do not show up, the penalty increases from one to two years. We are certainly not opposing that.

I want to talk about the child-specific criteria for bail for a little while. The coalition made changes to the Bail Act 1977 to make the breach of a bail condition and offence. For example, somebody might have as a condition of bail not drinking, staying away from certain people or from certain premises or abiding by a curfew. We are talking so much about family violence at the moment, and you can imagine that somebody might have as one of their bail conditions that they stay away from a person they have conducted some violence against.

When this happened — when we changed this legislation — people were very pleased to hear it. In fact many people said to me they were surprised that breach of a bail condition was not already an offence. There certainly was not a difference if somebody was an adult or a child. This legislation moves to alter this, and actually weakens it, if you like. To put in the context of what actually happens in the courts, the courts now will only remand the most serious of juvenile offenders. It is not their regular practice to remand juvenile offenders. You have to be a pretty bad egg to be remanded. There needs to be a consequence, and young people need to understand that there is a consequence to breaking a bail condition. It is not okay to break a bail condition and get a slap on the wrist because you are under 18.

I urge the chamber and certainly the government to have a look at what 16-year-olds are doing now. Some people may be very immature and the courts can have discretion around that, but others are very calculating in what they are doing. They know what they are doing, and they know how they are doing it. We are looking at an argument federally about what age limits you bring around some of the terrorism-related legislation. This is something we need to be thinking about in Victoria. We have protections for the community here. If we have 15-year-olds and 16-year-olds deliberately strapping explosives to themselves or committing an act of terrorism, holding people hostage or going somewhere and shooting it up, they need to know that there are consequences for breaching bail conditions, because if you are 17 or 16 you have to understand that what you are doing is not right.

I will touch briefly on the arrest versus summons issue. I think everyone would rather a juvenile be remanded by a summons rather than arrest. I know police have the discretion now to remand by summons. They would err on the side of caution and would much prefer to take someone in by means of a summons rather than by arresting them. I think having this embedded in legislation when the discretion already exists is just one step closer to us to becoming a nanny state. In conclusion, while the opposition is not opposing the bill, we have put forward some very worthy amendments. I strongly urge the Attorney-General to have a good look at them and consider implementing them.

Ms THOMSON (Footscray) — I rise to support the Bail Amendment Bill 2015. In doing so I address the issue of the amendments first. While I understand the Attorney-General is prepared to look at the amendments relating to the terrorism component of the bill, the government will oppose those relating to

children and bail. The reasons we are opposing those amendments have been adequately canvassed by members on this side of the house, but I will canvass them again later in my contribution.

Looking at the provisions concerning terrorism, I make it very clear that most of us will never experience an act of terrorism on our shores. We should not overstate the chance and threat of terrorism here. I think the member for Broadmeadows quoted the Prime Minister, who has been tempering fear regarding this issue. We need to have some perspective. We should not live our lives in fear of terrorism; we should go about our business as we normally would. However, lawmakers, governments and parliaments have a responsibility to ensure that preventive mechanisms are in place to protect the community. That is what this bill is about.

This bill is not about raising fear of terrorism in the community. It is not about making people feel like the person who lives next door may be a potential terrorist. It is not about those things at all; and we should be doing all we can as members of Parliament to make sure we put the issue of terrorism into perspective so that people go about living their lives as they would regardless. I think that is very important. However, we need to legislate to make sure that where there is a person who poses a terrorism threat to the community, the law deals with that person. That is what this bill does. It makes sure that we are doing our job as legislators to enable the courts to deal with potential terrorists in a way that identifies and matches the federal legislation. That is what this legislation does. It is an important thing to do. I cannot stress more strongly that we should not think that terrorism is around the corner in this country. We need to go about our lives.

The member for Eildon talked about her experiences on 9/11, and I am sure people who have since been to New York have visited Ground Zero to pay their respects to those who lost their lives there, but there is terrorism around the world. It is not just in the United States or in Paris; it is in India, it is in Syria, it is in Lebanon — it is in lots of countries around the world. We need to recognise that those people need support and recognition from us. In Australia, people of Muslim backgrounds are not our enemies, and we should not be putting them in a category separate from Australians. They are Australians like the rest of us. They are our friends. They are the people we have around to dinner. They are the people we rely on for support when we need it — they are warm and wonderful human beings like everyone else, with families to care for and raise, and we need to allow them to be Australians first and foremost who happen to be Muslim, just as I might

happen to be Jewish, just as someone might be Christian, or just as someone else might be Mesopotamian. We are all the same, and we should be treated with the respect that every individual deserves. I end my contribution to the debate on that part of the bill on that note.

I now go to the issue of children addressed in the bill. We like to think that we protect the innocence of our children, and all of us as parents want to make sure that they get the greatest opportunities in life, but that is not the story for some kids. Some may end up before the courts, but however they come to be before the courts, we also need to make sure that we give them every opportunity to come back to a lawful life, to make a contribution and to feel part of a society that cares about them. We have to have a different way of treating children.

If we are strengthening our bail laws — if we are changing the onus of bail with this bill — then we have to be careful about how we treat children. As members in this house have said in their contributions to this debate, this does not mean a child will not necessarily be remanded; it means that remand must be the last resort where there are no other alternatives available to the court or if the court deems fit that there are no other ways for that child to be treated. I think that is appropriate. I think we should be looking at every other avenue when we are considering a child who has committed a crime and who then fails to meet their bail conditions. We should be looking at ways in which we can give that child the opportunity to change their ways. I think this is a balanced approach to doing that.

It has the support of Justice Couzens of the Children's Court, and the court is strongly of the opinion that the changes to the law have added to the burden of those who have been held on remand. They have doubled in number, and this cannot be healthy. We know it is not healthy to put children in an environment where they are isolated from the broader community and do not have people who show adequate care about their needs and where they are not encouraged in education and are not provided with a chance to have an opportunity. We do not want to compound a situation where a child commits a crime and then for some reason does the wrong thing when on bail and is automatically remanded. It is very important that we also look at what backgrounds those children are coming from, and I would suggest that they are already vulnerable because of their backgrounds.

Many members have canvassed the stricter requirements for bail for adults and the reversal of onus in relation to bail for adults who have been charged

with serious crimes. This is just meeting a community demand. It is not even an expectation; it is a community demand — that we do not put back into society people who are going to put our community at risk of serious offences being committed against them. That requirement meets the expectation the community has of the justice system. This bill represents a balanced approach to all those components — the need to deal with potential terrorists and the need to deal with adults who are perpetrators of serious crimes by them having to show real cause as to why they should be granted bail rather than automatically having a right, as a first matter of point, to bail.

Then I come to our children who are the most vulnerable and probably come from a background of the most difficult of circumstances and experiences. We need to ensure that we give them every opportunity to become active members of the community and society. This bill hits those notes perfectly.

I am pleased to say that the Attorney-General will look at the amendments suggested by the opposition in relation to terrorism, but we believe we have it right in relation to how we should be dealing with children. I am confident we have it right in how we are dealing with children in this piece of legislation, and I support the bill before the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Bail Amendment Bill 2015. The Nationals in coalition are not opposing this bill. The purpose of the bill is reasonably straightforward. It is to create a presumption against bail for terrorism-related offences and serious offences involving a historic failure to answer bail and to relax certain bail and procedural requirements in criminal proceedings where children aged under 18 years are concerned.

I will be brief in my contribution because I think the issues have been well covered, particularly by the member for Hawthorn. However, there are a number of clauses that are worth some discussion. Clause 4 provides that the courts shall refuse bail for a person charged with a terrorism-related offence who is unable to show that exceptional circumstances exist to justify bail. I think that reflects community expectations at this time. Clause 5 provides that the courts will consider whether an accused has expressed public support for terrorist acts or groups in applying the unacceptable risk test for the denial of bail, and clause 7 provides that the courts shall refuse bail for any adult charged with a serious offence and convicted of a failure to answer bail in the preceding five years unless he or she can show due cause. That is certainly realistic and expresses the

community's desire that we not reward those who have not answered or have abused their privilege of being on bail.

Clause 8 increases the maximum penalty for failing to answer bail to two years, and clause 13 prevents a court from remanding a child for longer than 21 days. Clause 16 removes the offence of contravening bail conditions for children, meaning that they may only be remanded for a maximum of 21 days if arrested when on bail.

This is a maintenance bill on bail, and, as I said earlier, the coalition is not opposing this bill. However, there are a couple of things I would like to comment on. I am pleased to see that the government is responding to the report on the review of the Bail Act 1977, particularly with respect to terrorism matters. This is important and timely at this stage, at it meets the community's expectations. Refusing bail for those charged with terrorism offences and taking into consideration whether an accused has expressed public support for terrorist acts or groups are important changes, given the security climate we live in. Refusing bail for an adult who has been charged with a serious offence and has been convicted of failure to answer bail in the preceding five years is an important reform and is one, as I have said previously, that is very much expected.

The issue of children is one that is always sensitive. I appreciate that the law prefers to deal with matters involving children on summons — that is, to avoid arrest and having to go through bail provisions. I think that is generally the case and is what does happen. However, that needs to be managed, and there is a need, for those cases where it is necessary to arrest a child and go through a bail procedure, to clarify that. New factors for bail where children are involved include the need to consider all other options before remanding a child and the desirability of allowing living, working and studying arrangements to continue. That is a just and reasonable provision. With that said, this is a maintenance of bail provisions in accordance with community expectations, and I commend the bill to the house.

Ms SULEYMAN (St Albans) — I rise to speak in support of the Bail Amendment Bill 2015. This bill is vital to ensure community safety and that those serious offenders who disregard their bail conditions and pose an unacceptable risk to the community are punished. It also introduces new laws whereby bail will be refused to reduce the risk of terrorism. We have heard many speakers from this side of the house today, and I repeat that this bill ensures that those offenders who disregard and deliberately fail to comply with their bail terms will

have to justify why they should not be held in detention. The bill also strengthens the bail laws so that bail will be refused where an accused is charged with commonwealth terrorism offences.

I echo the sentiments expressed by the member for Footscray in relation to issues of terrorism. Unfortunately we find ourselves in the situation where we need to be mindful but use common sense when it comes. Strengthening the bail laws will ensure that those serious offenders who fail to appear in court, commit an offence whilst on bail or threaten or endanger the safety and welfare of the public will get tougher sentences and not be back on the streets to reoffend. We have seen many situations in the past where serious offenders have been released on bail and unfortunately have reoffended and, tragically, destroyed many lives. Those offenders, released on bail, have gone largely unmonitored in our community, and quite frankly it is time to get tougher on those who disregard the law.

Safety in our neighbourhoods is crucial, and the Andrews Labor government's priority is to ensure that our community is safe and protected from criminals and any form of terrorist activity. In Victoria there is a presumption that suspects are entitled to bail, provided that they do not pose an unacceptable risk. The amendments in this bill will mean that serious offenders who have convictions for failing to appear on bail in the preceding five years will have to show cause as to why they should be released back into the community.

The new show-cause category will apply to offenders charged with manslaughter, rape, child sex offences, intentionally causing serious injuries, abduction, kidnapping, threats to kill, armed robbery and gross violence offences. A new maximum penalty for failing to appear on bail will mean the sentence is doubled from one year to two years. These amendments reflect community concerns about accused persons deliberately fleeing while on bail. Offenders who show disrespect for this law must be kept off our streets.

It is extremely important that our bail laws are amended to focus on those who commit serious crimes and those who pose the greatest risk to our community and our society. The amendments in this bill will also mean there is now a presumption that bail will be refused if a person is charged with intentionally providing documents or information to facilitate a terrorist act or hindering special police powers. Under this bill if a suspect shows public support for terrorist acts or terrorist organisations, this will be taken into account when assessing whether or not they would pose an unacceptable risk if bail were granted.

While the bill strengthens bail laws for serious offenders and those accused of terrorist activity, it also includes reforms to address serious concerns about the increasing number of children who have been arrested and held on remand for breach of bail conditions. The number of children between the ages of 10 and 17 years held on remand in the last few years has doubled to over 500. These numbers are extremely alarming, and if we look at the number for Indigenous children, it has tripled. As I have said, these statistics are not only alarming but they also reflect the need to reform the youth justice system. We should be able to promote rehabilitation rather than punishment for children.

Bail laws should punish those who blatantly break bail conditions and those who pose the greatest risk to our community. Children in particular should not be amongst that category. Children who are in this category are amongst the most disadvantaged in our society. The bill will amend the Bail Act 1977 to exempt children from breach of bail condition offences, and that is a common-sense approach. The bill will create new child-specific factors that address the particular needs of children when considering bail conditions. It should be noted that the changes will not prevent courts or police from remanding children in custody when there is no other reasonable — and I repeat, reasonable — option.

As I have said previously, the amendments in this bill are critical. The bill is crucial to address the changing times in our community. It is ensuring safety, but most importantly it is ensuring that those who disregard the law and breach bail conditions are punished but that children who require care in our community are not punished. Serious offenders who are out on bail but reoffend must be penalised for the lack of remorse they show towards the community through their actions. In concluding, I echo the sentiments of previous speakers on this side of the house: I believe this bill will not only tighten up the Bail Act but also penalise those who breach bail conditions and show no remorse for their actions. I commend the bill to the house.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Bail Amendment Bill 2015. As others have said, the government is trying to achieve a range of things with this bill. I think all of us accept the concept of bail. It is an integral part of our legal system and an integral part of our civil liberties that you have a right to freedom until a properly constituted court of law decides you are guilty. I start with that same premise.

We have had some examples of where we have had to displace that presumption of bail because the

circumstances have called for it. We saw that recently with the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015, which I also spoke on, and I think the language there was about serious sex offenders on a supervision order who are charged with an indictable offence. The presumption of bail would be reversed for them. Now we are seeing with this bill that it has elements concerning people who have been charged with terrorism-related offences. With both of these there is a commonality in the gravity of those two things — that is, terrorism-related offences and serious sex offences. It needs to be something of that ilk, that high threshold, to displace what is quite a fundamental premise of the civil liberties in our democracy: the presumption of innocence.

With that premise, I think this bill represents a balanced approach. It covers off, in particular, two key elements of the existing legislative framework. One is at the low end, in a sense: children. They are vulnerable and intuitively the least likely to generally commit crime. Then at the higher end of the spectrum you have those individuals who have been charged with terrorism offences. The key aspects of the bill for me and that I am happy to support cover off those two elements in very different ways.

As others have stated, one of the key elements of the bill is the increased penalty from 12 months to two years for failing to answer bail. The bill seeks to put in a regime for people who have been accused or charged with intentionally providing documents or information to facilitate a terrorist act or obstructing or hindering the exercise of special police powers to combat terrorism whereby those people are refused bail unless they can demonstrate exceptional circumstances. They are grave offences — intentionally providing documents or information to facilitate a terrorist attack is a grave offence — so it is entirely reasonable for a person to be refused bail unless they can demonstrate exceptional circumstances.

Another key element is reversing the presumption of bail for those charged with a serious offence who have a prior failure to answer bail as an adult. That brings them into a show cause situation, to show cause why they should not go to jail or be incarcerated, essentially. Again, as others have said, there is a history there. You have two key attributes. You have a serious offence, and you have someone who has a bit of form in this regard, someone who has a bit of history with respect to failures to show. That is an appropriate response this bill seeks to put in place.

In addition we have a regime which seeks to say that any expression of support for a terrorist act or terrorist organisation or the provision of resources to a terrorist organisation will be added to the list of matters to be taken into account in assessing unacceptable risk. This is probably the least problematic element. It is an appropriate response to add that to the list of matters the decision-maker has to take into account in assessing unacceptable risk. There are a whole bunch of other matters. It is appropriate that we allow a relevant officer, whether it be a bail justice, magistrate or judge, to make a judgement, and what we are doing with this bill is saying, ‘You, decision-maker, need to consider this new situation under unacceptable risk’. These are all proportionate responses, and I hope they are supported by the Parliament.

Concerning young people, I wholeheartedly endorse the exemption that we are seeking to implement effectively to remove what the previous government put in place. We are exempting children from the offence introduced by the previous government of failing to comply with a condition of bail. As the member for Niddrie eloquently said, children are different, and one thing the previous government unfortunately did not recognise is that fact, and that had a big consequence. The other key element in terms of the changes relating to children is the creation of a presumption that police deal with children by summons rather than remand and bail. Those two components — removing the offence of failing to comply with bail and the creation of that presumption — are geared towards one thing, which is keeping kids out of detention and incarceration. That is an admirable thing to do. That is the most basic of things to do for a party that values human rights and children the way the Australian Labor Party and the Victorian government do.

That particular element will have a reference point in the Children, Youth and Families Act 2005, where substituted section 345(1) reads:

There is a presumption in favour of proceeding by summons if an accused is a child.

I think it was the member for Ovens Valley who said he thought the provisions here in relation to kids were problematic, because we were setting perhaps a bad example for children. My view is quite the opposite. Given what the member for Essendon said — that 90 per cent of bail decisions are made not by judges or magistrates but by bail justices — through this bill we are wanting to set an example for those decision-makers, indicating that they should exercise extreme caution before remanding a child, because there are grave consequences.

The Victorian Law Reform Commission report in relation to children of Indigenous background found:

Research over the past decade shows that throughout Australia police tend to use arrest, 'move on' and search powers more often with Indigenous young people than they do for the general population. In most Australian states Indigenous youth are more likely to be arrested than non-Indigenous youth.

The commission report referred to a study by Cunneen and White in NSW.

I have enormous regard for bail justices. They do a lot of good work. I worked directly with bail justices when I was employed by the then Department of Justice. But the reality is that we are also setting an example for them. This Parliament — if this bill is supported through the Parliament — expects bail justices as decision-makers, and any other decision-maker, whether it be a judge or magistrate, to take the presumption that children be dealt with by summons very seriously. Of course the decision is theirs, but it is the full intention of this Parliament and this government to seek to have that expectation expressed in the implementation of this legislation, and with good reason because the statistics that the previous government essentially helped create are damning.

As others have said, the remand admissions for children aged 10 to 14 years tripled in the last two years, and 24 per cent of these children were of Koori heritage. On top of that, if you were even of a mind to sacrifice kids in that way for the outcome of a low crime rate, you would almost construct an argument to produce such a result. But the crime rate did not go down either: for all the incarceration, including the tripling of the incarceration rates for kids, the crime rate in Victoria increased. There was a 37 per cent increase in the number of prisoners in Victorian jails. The crime rate has increased in each of the past 4 years after 11 years of decline, so there was not even a good outcome for that really poor piece of policy and legislation that the previous government produced in relation to children and bail.

In conclusion I want to thank and commend Bernie Geary, the commissioner for children and young people, Jesuit Social Services, the Children's Court of Victoria and the Labor Party in opposition in Victoria, which never gave up on treating kids differently and giving them a chance in life rather than saying, 'Let's be tough on crime', which is not effective, and finding every opportunity to incarcerate them. I am pleased to support this bill and look forward to its speedy passage.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise to speak in support of the Bail Amendment Bill

2015. As we have heard, this bill is a response to a bail review conducted by the Department of Justice and Regulation, in particular on accused people suspected of links to terrorism and also those with a history of breaching bail conditions. The bill will essentially refine the bail laws to ensure that they appropriately deal with high-risk offenders. The changes will largely affect serious adult offenders who have a history of failing to answer bail, those charged with state terrorism offences and child offenders. I will talk through each of these in turn.

In relation to serious adult offenders who have a history of failing to answer bail, in Victoria, as we have heard, there is a presumption that accused persons are entitled to bail if they are not considered to be a considerable risk to the community. For those offenders who have a history of failing to answer bail this will no longer be the case, and rightly so. Failing to answer bail will now have an increased maximum penalty of two years imprisonment, which is a doubling of what it is currently. This change is a reflection of community concerns and expectations in relation to serious offenders being released into the community while awaiting trial. I know we often hear commentary in mainstream media about these concerns, especially when particularly vicious attacks happen during a period when someone is on bail.

Quite significantly, the bill is not targeting those who may be disadvantaged or vulnerable by way of their ability to either organise their lives or meet their obligations in regard to bail. We do understand that sometimes there are circumstances in people's lives that prevent them from doing so, but what we are focusing on in this legislation is people who deliberately make a decision to avoid justice. Judges and magistrates will have the flexibility to match the penalty with the facts of a particular case.

In relation to those charged with terrorism offences, these offenders will be required to prove that the circumstances around their being charged are exceptional. This will bring us into line with commonwealth practice and commonwealth terrorism offences. This law will make it very clear that when assessing whether an accused has links to terrorism our courts will consider any evidence of such links, and consideration will be given to evidence of expressions of support for terrorism, in determining whether the granting of bail is an unacceptable risk. This is regardless of whether the offence is specific to terrorism or some other offence. This bill is about finding the right balance between protecting the community from serious offenders, or those perpetrating or seeking to perpetrate terrorist violence,

and at the same time protecting the rights of an accused person.

There is no case where bail must be refused. The courts, police and bail justices will decide whether bail should be granted. I know other members have spoken about the risks of terrorism and the fact that this is a very real and unfortunate risk in our community these days. I think in times past in Australia we have seen terrorism as something that happens abroad. In recent times we have seen either acts of terrorism or attempted acts of terrorism within our own shores. Sadly I know there have been some incidents in my own electorate where individuals have been accused of planning terrorist attacks, so I know well the sort of fear that that instils in the community. This legislation goes some way towards providing some comfort to the community that the law is acting to protect them.

In relation to child offenders, in most cases children should not be treated in the same way as adults. Members on this side of the house have consistently reiterated this point in the course of the debate, and I certainly agree. We need to keep children out of the criminal system. It is as simple as that. As we have heard, there has been an 150 per cent increase in the number of children being remanded since 2013. In the 10 to 14-year age group the number of admissions to remand has tripled.

Children are generally subject to stricter bail conditions and more intensive monitoring. We also know that children will be children; they can be impulsive and they can make bad decisions. I was recently told that brain development does not really cease until about 25, so your capacity to make considered decisions and show good judgement when you are child is, by nature, inhibited. As a consequence of that, children generally have a higher rate of breaching bail conditions. In 2014 there were 1240 arrests of children who had breached bail conditions, and, as I mentioned in an earlier speech today, there is a disproportionate number of Indigenous children within the criminal justice system as well.

Remand for children is appropriate in some cases, but this bill will ensure that it will be applied only when all other reasonable options have been explored. I think that is fair. It is incumbent upon us as representatives to ensure that we are giving children the best possible chance and not giving them a life sentence essentially because of something that they did when they were quite young. We need to ensure that childhood mistakes do not go on to haunt people well into adulthood and impact on their livelihoods in the long term. In certain categories of offenders, children will be removed from the offence of breaching bail conditions. However, this

bill does not exclude them from the requirement to show cause or to demonstrate exceptional circumstances before bail can be granted.

Should a child breach a bail condition, he or she may still be brought back to court for the reconsideration of their bail. It is acknowledged that serious crimes can be committed by children — we are not saying they cannot be — and in those cases the onus is on the offender to show cause for bail to be granted. In essence I think the provisions in this bill strike a very reasonable balance.

Child-specific provisions will now be taken into account before determining whether bail should be granted. I know views have been put forward by members opposite that perhaps children should be treated essentially as adults, but I think that is a very harsh and risky game to play when we are dealing with people's futures — that is, the futures of members of our community who we hope will grow into being good contributors and valuable members of our society.

It is expected that the new show-cause category for serious offences will result in an extra 50 to 100 people per year being remanded in custody. The remand capacity at the Metropolitan Remand Centre in Melbourne is limited. To address this, the Andrews Labor government has come up with some forward-thinking measures such as the introduction of police custody officers, which we have heard much about in recent times. This will release an expected 400 police officers from duties related to custody management, so they will no longer be babysitting people in cells but will be out there doing the jobs that they should be doing. The government has provided funding to the tune of \$148.6 million to that program over four years, and I think that is money well spent.

It is expected that there will be a reduced number of children held in short-term remand in police cells. As a result of that, the increased numbers are expected to be manageable.

All in all this is a very sensible bill. It strikes a good balance, particularly in relation to children, which has probably been the most contentious part of the bill.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Beaconsfield-Emerald Road

Mr BATTIN (Gembrook) — My adjournment matter this evening is for the Minister for Roads and Road Safety. I call on him to come out and meet with the local community of Upper Beaconsfield who have raised, via my office and a petition, concerns about speed limits from Beaconsfield to Upper Beaconsfield along the Beaconsfield-Emerald Road. There was a lot of work done on that road in the past approximately three years, including safety barriers being put in, resurfacing and some other safety upgrades in that area.

The speed limit on the road has been reduced from 70 to 60 kilometres an hour. The original speed limit through the area was as high as 100 kilometres an hour. I do not think anyone is calling for it to go back to 100 kilometres an hour, but people would like it to go back to 80 kilometres an hour to suit the purposes of the community. The road has overtaking lanes and is relatively safe going to Upper Beaconsfield until just before you get to the town, but community members have been pretty adamant about getting the speed limit increased to 80 kilometres an hour between Guys Hill and Upper Beaconsfield. The action I seek is that the minister come out and meet with the local community to discuss the matter.

Melbourne Polytechnic

Mr CARBINES (Ivanhoe) — My adjournment matter is addressed to the Minister for Training and Skills, who is a member for Northern Victoria Region, the Honourable Steve Herbert. The action that I seek from Minister Herbert is for him to visit the Ivanhoe electorate to meet with people at the West Heidelberg campus of Melbourne Polytechnic regarding further investment and funding of courses and TAFE programs there.

I was very pleased that earlier this year the minister attended to announce funding from the TAFE rescue package that will provide up to 1200 people in the northern suburbs with training opportunities in the growing health sector. Not only that but also reversing the \$25 million in cuts by the previous government to NMIT, as it was then, and investing in and providing new management and leadership at Melbourne Polytechnic has been a boon for the local area. It is particularly important that we provide jobs and training opportunities in West Heidelberg. The only way to

signal to industry in West Heidelberg and the northern suburbs more generally, to communities, to families and to young people and mature-age people seeking to retrain, is to provide opportunities by investing in TAFE and training. That was sadly lacking under the previous government. We are on this side of the house in government because the community affirmed our policies around investing in people, jobs, training and TAFE.

The West Heidelberg campus of Melbourne Polytechnic is a great beacon of hope and opportunity for people in the northern suburbs, including West Heidelberg. It is of great value to our local community. Not only do we have La Trobe University on our doorstep and great Catholic, independent and government schools across the Ivanhoe electorate, which is part of the reason why people choose to live in the area, but we also have a great TAFE on the West Heidelberg campus. As well as that, just north of us in Bundoora the minister is overseeing the reopening of the Greensborough TAFE campus — part of Melbourne Polytechnic, which was shut down by the previous government — thanks to the leadership and advocacy of the members for Bundoora and Eltham.

There is a lot going on in the electorate when it comes to TAFE training and skills opportunities for those in the northern suburbs. I look forward to the minister accepting the invitation to take action and again visit the Melbourne Polytechnic campus at West Heidelberg to outline what further support and investment we need from the Andrews government to continue to provide opportunities for our young people.

Stewarton fire

Ms RYAN (Euroa) — My adjournment matter tonight is for the Minister for Emergency Services. The action I seek is that she release the report on a review of the Stewarton fire conducted by Inspector Paul Hargreaves. It has been almost a full year since the fires at Stewarton, Lake Rowan and Creightons Creek in my electorate. We were fortunate that nobody lost their life in those fires, but the damage was still great. Homes were lost at Creightons Creek, and at Stewarton and Lake Rowan thousands of hectares of prime farm land was burnt and many thousands of dollars worth of fencing and crops were destroyed. Then there were the emotional and financial impacts on those who lost livestock, many of whom spent the days after the fire putting down sheep and cattle.

Those of us who live in country Victoria know that fire is part of the landscape. We ready ourselves for it each season, but nothing can quite prepare you for the

devastation that follows after a fire hits. The communities affected last December have pulled together in the wake of the fires, and I have come to greatly admire the positivity and strength of people like Doug James, who was hardest hit by the fire at Lake Rowan. After the fire it was Doug who stood at the Boweya fire shed urging everyone to look for the positives. He said, 'No-one has died. In the big scheme of things it could have been a lot worse. One way or another we'll get back on track'.

When I called for this review in the wake of the fires it was not intended to apportion blame or point the finger. Everybody acknowledges that the conditions on the day of the fire were challenging, as emergency services were dealing with multiple fires from multiple lightning strikes. Many of the landholders affected by the fires were on the back of trucks that day as Country Fire Authority volunteers. This review is about ensuring that the knowledge and experience of those who were there on that day is captured so that we can improve our systems and processes. It is about making sure that local knowledge is understood and acted upon and that we are adequately prepared so that when the next fire happens we are as prepared as well as we can be.

As we approach the one-year anniversary of these fires I take this opportunity to thank all those who have assisted in the fire recovery effort. People are right to question why, one year on, this report has not been released despite having been completed months ago, particularly in the light of the fact that the review of the Lancefield fires was released within four weeks. A year on and we are still waiting.

Tullamarine industry and skills forum

Mr J. BULL (Sunbury) — My adjournment matter is for the Minister for Industry, and the action I seek is for the minister to visit Tullamarine in my electorate to attend a local industry and skills forum. Members will be well aware that Tullamarine is the gateway to Melbourne as the home of Melbourne international airport, and I see the member for Euroa is nodding her head. Melbourne Airport is vital to the local economy and a huge jobs generator both locally and across the state. Tullamarine boasts many fantastic freight, distribution and manufacturing industries, but, as at many other locations, businesses have been concerned about future jobs growth and the jobs market.

Just this week the Premier and the Minister for Industry launched the *Towards Future Industries — Victoria's Automotive Transition Plan* at the Bosch manufacturing factory. This plan, as members know, delivers \$46.5 million worth of programs to help automotive

businesses transition to new markets, to help workers retrain and find sustainable jobs, and to help attract investment into communities impacted by the closure of car manufacturing. Features of the plan include a \$5 million automotive supply chain transition program to help businesses identify and capture new opportunities in other markets; a \$33 million Local Industry Fund for Transition to support communities hit hard by the departure of Ford, Holden and Toyota; \$8.4 million to strengthen skills, training and job search support in Melbourne's south-east; and up to \$7000 in incentive payments for businesses employing retrenched automotive workers.

The member for Yuroke and I are aware of the industries in our area that are concerned about jobs growth and the jobs market. I would like the minister to join with me at a local forum to hear from small and medium businesses about the challenges they face and also the opportunities ahead of them in a changing market.

Country Fire Authority Yellingbo brigade

Ms McLEISH (Eildon) — I rise to make a request of the Minister for Emergency Services. The action I seek is for the minister to actively support the Yellingbo Country Fire Authority (CFA) brigade to become an emergency medical responder. The minister can do this by making the appropriate level of funding available to allow the brigade members to undertake the necessary training. The Yellingbo CFA is a small brigade that protects a small community. It has 43 members, which is terrific for such a small locality, and they range in age from 14 to 80 years. It is great to see that so many young people are learning the spirit of volunteerism, particularly in this wonderful volunteer organisation that is our CFA. They undertake about 60 to 80 turnouts a year, and this primarily involves attending grass and scrub fires, car accidents, storm damage incidents and search and rescue activities.

What is particularly important here is that the brigade often attends the fires as a rehabilitation unit. I have visited the Yellingbo CFA when it was undertaking rehab training, and I was very impressed with how quickly and effectively the brigade can set up. As part of its training members have life-size dummies to practise on, ranging from baby-size through to older child and adult-size dummies. The captain at the Yellingbo CFA, Paul Spinks, supported by Brett Kerford, has contacted me, and I know they have also contacted the minister. I have a copy of the letter that the minister has sent to them.

A small locality such as Yellingbo can be quite some distance away from the closest ambulance. Assuming that an ambulance is parked in the station at Yarra Junction ready to go, it is still some 20 minutes away. Because of the location of the CFA station and some of the roads there, it is very easy for the CFA to be the first on the scene of an accident. The brigade would very much like to have the opportunity to be part of the emergency medical responder program. It already has the gear, and there is minimal expense involved. The brigade is having a membership drive at the moment around the rehabilitation component.

As I said, I have been there and have watched them set up tents to provide protection. The brigade has seats in its vehicles that have ice in the armrests to help cool people down, it has drinks and the really important lollies to give members that extra burst of energy to help them recover when they have been fighting fires. I ask the minister to do more than just make the CFA aware of the brigade's desire. I really want the minister to take the action needed to make it happen. This would be an enormously positive step for the small community of Yellingbo and surrounds.

Netball

Ms BLANDTHORN (Pascoe Vale) — My adjournment matter is for the attention of the Minister for Sport. I ask the Minister for Sport to provide me with an update regarding the fulfilment of the Andrews Labor government's commitment of \$9.6 million for netball courts in Melbourne's inner northern suburbs. The Andrews government committed to the provision of 64 new netball courts across the municipalities of Moreland, Darebin, Melbourne and Yarra. I obviously have a particular interest in the provision of netball courts in Moreland, specifically north of Bell Street, where facilities are severely lacking.

We know that from the grassroots to the elite level netball is a sport that keeps girls and women active. We know that from local clubs to Netball Victoria and Netball Australia, netball administrators, coaches, volunteers and players remain committed to the promotion of girls and women in sport. If we as a government help to provide more facilities, then we are ensuring that local clubs and peak bodies alike can provide more opportunities for girls and women to get time on court, so I ask the minister for an update.

McGregor Road, Pakenham, level crossing

Mr PAYNTER (Bass) — My adjournment matter is for the Minister for Public Transport. Tonight I ask the minister to commit to upgrading the McGregor

Road railway crossing in Pakenham. The Casey-Cardinia growth area framework plan recognises McGregor Road as an important arterial road providing access from the Pakenham bypass to residential and business districts within the urban growth corridor. Once duplicated this local road will be reclassified as a state arterial road. McGregor Road is an arterial road providing a direct link between the Pakenham bypass and the Princes Highway, with traffic flow severely limited by the single-lane rail crossing. The local council has funded the road duplication from the Pakenham bypass to the Princes Highway at a cost of \$8 million, with the railway crossing upgrade being the only outstanding work needed to resolve the current congestion and improve road safety.

Following the opening of the Pakenham bypass in late 2007, traffic volumes on McGregor Road increased 15-fold immediately north of the bypass. Current traffic volumes immediately south of the railway crossing are 17 000 vehicles per day, with volumes expected to reach 32 000 per day by 2021. This information is sourced from VicRoads. This project will build a better future by removing a significant bottleneck of traffic entering Pakenham from the bypass. The existing level crossing causes considerable congestion and negates the benefits of the road duplication works completed by the council.

At the Heritage Springs residents' Christmas party last Saturday the level of anxiety over this issue was clear, and I promised to again raise this matter in Parliament. The council engaged VicTrack to complete detailed designs for the crossing upgrade, which has an estimated cost of \$4 million. The community will benefit from improved access to employment and to residential areas in the Pakenham precinct; improved safety on the arterial link between the Pakenham bypass and the Princes Highway; improved access to businesses within the Pakenham CBD; and increased business activity within the SouthEast Business Park, which will support local job creation. Urgent action is required on this railway crossing.

Montmorency power substation

Ms WARD (Eltham) — My adjournment matter is for the Minister for Public Transport. The action I seek is that the minister take immediate steps to see what can be done to clean up the eyesore that is the power substation on Stephen Street, Montmorency, in my electorate. The substation is covered in graffiti, and local residents have long been given the runaround by VicTrack, Metro Trains Melbourne and Public Transport Victoria, with not one of these organisations being prepared to take responsibility for this ongoing

issue, which has long vexed local residents. When the substation was built a number of years ago, residents were promised that planting would be done to cover the rather unattractive building from view. The current planting is insufficient and the graffiti issue is ongoing. I ask the minister to take urgent action to improve the amenity of Stephen Street and the substation.

Kew heritage property

Mr T. SMITH (Kew) — My adjournment matter this evening is for the Minister for Planning, and the action I seek is that the minister stop the demolition of the property at 9 Edward Street, Kew. The property is a magnificent Federation home built in 1910. It is in the Sackville ward in my electorate, and it has created some controversy across the local community as Boroondara City Council has agreed to the demolition of this very fine example of Federation-era architecture. The council cites the fact that the property has been renovated internally on a number of occasions as the reason that it does not maintain its heritage value. My understanding is that heritage is a streetscape issue. Therefore given that its facade is perfectly intact, it remains of such significance that the council ought not to allow its demolition. Indeed the minister ought to step in to ensure that this crucial and very important aspect of our heritage is preserved.

Heritage is an important aspect of what it is to live in Melbourne. Heritage homes, particularly in the eastern suburbs, are of great importance to me and to my fellow constituents. I implore the minister to step in at this point to protect the property at 9 Edward Street from demolition. If that house were to be demolished, it would be a crime against our streetscapes, our heritage and everything that Melbourne stood for in that great period of its history.

Oakleigh electorate public housing

Mr DIMOPOULOS (Oakleigh) — My adjournment matter is for the Minister for Housing, Disability and Ageing, and it is in relation to the housing needs of my community. I ask that the minister come to the Oakleigh electorate to discuss the housing concerns — —

The DEPUTY SPEAKER — Order! The member for Oakleigh should take a deep breath and compose himself.

Mr DIMOPOULOS — Over the last 12 months one of the most consistent complaints and concerns expressed to me in my electorate office by people who are in a very desperate situation is the lack of

government housing. I note that there has been a gross lack of investment over many decades, but more importantly there was no investment in the four years of the previous government. While I have discussed Labor's plans with those concerned residents and communities, I want the minister to come to Oakleigh to get more of a real-life understanding and appreciation of the concerns of the community and also to visit with me some of the housing sites and also some of the social housing sites, which are excellent, in the electorate.

Responses

Mr NOONAN (Minister for Police) — I will refer all matters raised by members this evening to the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.20 p.m.

