

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 8 June 2016

(Extract from book 9)

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HANSARD¹⁵⁰



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry (to 22 May 2016)

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

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Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Privileges Committee — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O'Donohue, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

Standing Committee on the Environment and Planning — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, #Ms Hartland, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek, Ms Tierney and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, #Ms Hartland, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — 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 COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

PARTY ABBREVIATIONS

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

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Wednesday, 8 June 2016

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

RETURNED AND SERVICES LEAGUE OF AUSTRALIA CENTENARY

The PRESIDENT — Order! I wish to draw to the attention of members, and I am sure many of them are aware of it from the work they do in their communities, that this week we are celebrating the centenary of the Returned and Services League. The Returned and Services League was founded in 1916 by returning Australian soldiers from World War I. The main aim of the RSL at that point was, and continues to be, to provide the camaraderie, concern and mateship that was shown by diggers during the conflict and, obviously, to provide a range of support services to them.

Since its foundation the RSL has grown to 1200 sub-branches Australia-wide, with more than 170 000 members and over 200 000 affiliate members, making it the largest ex-service organisation in the country.

Obviously this year there is a very strong focus on the returned soldiers from the Vietnam conflict, and that has been noted in previous proceedings here. We congratulate the RSL on its work in the veterans community and indeed in looking after their families over the past 100 years.

I wish all members of the RSL, and I am sure all members of this house join with me, a significant and happy celebration this year of the work of the RSL.

Whilst in some ways it is unfortunate that the organisation continues to be needed in the community for purposes other than perhaps just community involvement in respect of, again, continuing to look after ex-servicemen and ex-servicewomen and their families, we certainly thank it for that work and encourage it to continue that work on behalf of the broader community.

PETITIONS

Following petitions presented to house:

North Road, Ormond, level crossing

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Andrews government to adequately compensate for losses experienced by small businesses due to changes to the schedule of planned

works for the removal of the level crossing at North Road, Ormond, without proper consultation of those affected.

By Ms CROZIER (Southern Metropolitan) (189 signatures).

Laid on table.

Elevated rail proposal

To the Honourable the President and members of the Legislative Council assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the Victorian government has announced plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments;

that affected local communities were not properly consulted in the development of these plans, with reports that those residents most affected by the imposition of sky rail were purposefully excluded from what limited consultation actually occurred; and

that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

We therefore demand the Andrews Labor government abandon its cheap and nasty sky rail plans and instead proceed with a rail-under-road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

By Mr D. DAVIS (Southern Metropolitan) (241 signatures).

Laid on table.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

Portability of long service leave entitlements

Mr ELASMAR (Northern Metropolitan) presented report, including appendices, extracts of proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr ELASMAR (Northern Metropolitan) — I move:

That the Council take note of the report.

In doing so as the chair of the parliamentary Economic, Education, Jobs and Skills Committee, I note it has been an interesting journey for all of us on this inquiry. Long service leave began in the 1850s in Australia and has remained a fundamental condition of service or employment in many awards and enterprise agreements. It provides employees with a much-needed rest after 10 or more years of continued service. It allows workers to take a break, travel or spend time with their families and return to work rejuvenated.

A portable scheme acknowledges the continuity of service of the worker in the same industry, rather than ongoing employment with a single employer. However, not all employees in Victoria have the right to portable long service leave. What became evident during the hearings is that the industrial sectors where people really miss out are the hospitality, security and cleaner industries, no doubt due to the transitory and contractual nature of their employment.

The public hearings saw people from all walks of life telling their stories. In some cases it was genuinely distressing to hear of decent, hardworking people stripped of the right to long service leave simply because the company they worked for had changed hands, notwithstanding that the duties of the position and the working location stayed the same. In one instance a cleaner told the hearing they had worked for the same company, albeit under different owners, for 24 years and still missed out on long service leave. This is inconsistent with natural justice and unfairly stigmatises lower paid workers in those industries.

The committee's deliberations were at times robust and passionate. All aspects of the financial viability of adopting a uniform industry-wide Victorian portable long service leave scheme were canvassed and discussed at length. For this I thank the members of the committee for their honesty and commitment to this at times contentious issue.

Due to a lack of empirical evidence, it was necessary to look at the operation of current interstate portable long service leave schemes with a view to their possible implementation in Victoria. The recommendations contained in the report go to the heart of equity and justice for workers who have, through no fault of their own, been denied access to long service leave. This provision is viewed as a longstanding right by the trade union movement. The inquiry has not sought to invent the wheel; it already exists. In Victoria a statutory

scheme operates for the building and construction industry, and 13 other schemes function throughout the rest of Australia in the construction, contract cleaning, community services, security and black coal mining industries. The main benefits of portability articulated to the committee are the fundamental protection of workers entitlements and the increased capacity of employers to recruit and retain staff.

The committee recommends that the government conduct a feasibility study into the introduction of a portable long service leave provision for the cleaning and security industries. The committee also found merit in introducing a scheme for the community services sector. In 2007 and 2010 the previous Labor government undertook considerable work to develop such a scheme. However, due to the rollout of the national disability insurance scheme, this work requires revision prior to any implementation.

I would like to place on record my appreciation to all the organisations and individuals who participated in the inquiry. In particular I would like to thank my fellow committee members: the deputy chair, Ms Dee Ryall, a member of the Legislative Assembly; Mr Jeff Bourman and Mr Cesar Melhem; and Mr Peter Crisp, Mrs Christine Fyffe and Mr Don Nardella, also members of the Legislative Assembly. My gratitude also goes to the secretariat — executive officer Ms Kerry Risely, research officer Dr Marianna Stylianou and administrative officer Ms Janelle Spielvogel — who managed to display cool professionalism and dedication to the tasks at hand during the emotive and sometimes passionate sessions.

The recommendations in the report attempt to address the anomalies that are inherent for some workers in Victoria. They seek to redress the discrimination suffered by lower paid workers. I commend the report and the recommendations contained in it to this house.

Mr BOURMAN (Eastern Victoria) — It gives me great pleasure to rise and speak on the report of the Economic, Education, Jobs and Skills Committee into the portability of long service leave entitlements. First of all I must thank the secretariat, who did an exceptional job in trying circumstances. I came in part of the way through the inquiry, so I only saw what I got to see. I personally have never had long service leave, and funnily enough I have been a security guard, so I kind of get the idea of where the issues lie and what the committee was trying to address — the issue of the same people in the same place and the same seat doing the same job never getting long service leave.

The biggest problem I found was that there was not enough data to support a fix. As we heard the evidence,

it was clear that there has not been enough time since, for instance, the ACT scheme was introduced to actually draw any conclusions. One of the things I really took out of it was that, first of all, it is a problem that needs to be solved, and second of all, this may or may not be the answer. We need to find out. We need to make sure we do the best thing for the workers in the end. Really it was interesting because it was my first ever report. I must commend the chair as well for again going through some difficult times. I commend the report to the house.

Mr MELHEM (Western Metropolitan) — I also rise to speak on the report. It was a long and overdue process, and I want to commend the committee members and the staff for the great work they have done. I also acknowledge all the good work of the various organisations and individuals who actually appeared before the committee.

I just want to talk about the individual case of Sam Ismaili. He has outlasted nine premiers. He cleans the Premier's office, and as I said, he has seen nine premiers come and go. He has been working here for nearly 40 years and yet has not been able to claim long service leave. Why? Every time he gets close to claiming long service leave, the contract is changed and he gets a new employer. That is the exact problem that the cleaning and security industries have been facing for 100 years. A lot of workers enjoy long service leave, but people in these industries do not, and similarly those in the community services industry do not. These are people like Sam, who have worked in one building for nearly 40 years and yet cannot enjoy long service leave like the rest of the workers in the state.

Other states have moved to provide long service leave for the cleaning industry, the security industry and the community sector. It is time for Victoria to basically do the same, to follow suit and implement portable long service leave for workers in these industries. We are talking about workers who are the lowest paid in our community, and they do some great work for us, so I think it is time to have portable long service leave endorsed. I urge the government to do so. I know when the Premier met with Sam he was keen to actually fix that issue and look at implementing portable long service leave so that people like Sam would not miss out again.

I commend the report to the house. I know it has been a difficult process, but I think the report is a worthwhile report and I hope the government will adopt it.

Motion agreed to.

STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

Rate capping policy

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade), pursuant to standing order 23.30, presented government response.

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Follow up of Asset Confiscation Scheme, June 2016
(*Ordered to be published*).

Follow up of Recreational Maritime Safety, June 2016
(*Ordered to be published*).

Follow up of Residential Care Services for Children, June 2016
(*Ordered to be published*).

Managing and Reporting on the Performance and Cost of Capital Projects, June 2016 (*in lieu of that tabled 4 May 2016*) (*Ordered to be published*).

Auditor-General's Office — Annual Plan, 2016–17.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Ballarat Planning Scheme — Amendment C197.

Bass Coast Planning Scheme — Amendment C82.

Boroondara Planning Scheme — Amendment C255.

Mansfield Planning Scheme — Amendment C31.

Mornington Peninsula Planning Scheme — Amendment C225.

Port Phillip Planning Scheme — Amendment C107.

Southern Grampians Planning Scheme — Amendment C33.

Yarra Planning Scheme — Amendment C215.

Statutory Rules under the following Acts of Parliament —

Australian Consumer Law and Fair Trading Act 2012 — No. 54.

Parliamentary Salaries and Superannuation Act 1968 — No. 55.

Plant Biosecurity Act 2010 — No. 53.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 53.

MEMBERS STATEMENTS

National Reconciliation Week

Ms TIERNEY (Western Victoria) — National Reconciliation Week is a time for Australians to reflect on our shared histories, a time to celebrate the achievements and contributions of Aboriginal and Torres Strait Islander peoples, and a time to think about how we can positively contribute to closing the gap for the benefit of all Australians. This year's reconciliation week took place last week. It marked a quarter of a century since the establishment of the Council for Aboriginal Reconciliation, 15 years since the establishment of Reconciliation Australia and 10 years of Reconciliation Australia's reconciliation action plan program.

The theme for Reconciliation Week in 2016 was Our History, Our Story, Our Future and was derived from *The State of Reconciliation in Australia*. The report asks all Australians to reflect on our national identity and the place of Aboriginal and Torres Strait Islander histories, cultures and rights in our nation's story. Exhibitions and performances took place across Victoria and Australia to celebrate this very important week.

I take this opportunity to mention the events held in Portland in my electorate at the civic hall last Friday. They included cultural performances by the Winda Mara Dancers; presentations from local secondary school students Acacia Scott from Portland Secondary College, Jamaine Jones from Heywood & District Secondary College, and Kaitlyn Boyer from Bayview College; a Koori art display; music from Aaron Morgan; presentations on Indigenous projects including the Budj Bim master plan by elder Denis Rose; and a keynote speech from executive director of Aboriginal Victoria, Jason Mifsud.

Congratulations to all those involved in these events that celebrated the rich and proud Indigenous history of the south-west of Victoria.

Jhett and Caleb Perry

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to congratulate Warrnambool College student Jhett Perry, who defeated his older brother Caleb to win the School Sport Victoria senior boys golf title on Monday. Fifteen-year-old Jhett finished with 74, one shot ahead of Caleb, who is 16, at Churchill Park Golf Club in Melbourne. This great feat may see either Jhett or Caleb Perry take over as the world no. 1 from Jason

Day! And what a great role model Jason Day is to the sport of golf, as is Warrnambool's Marc Leishman. What a difference this is to our best men's tennis players, who are not good enough to be in the top 10 but their antics are a disgrace to this sporting nation. It is time they understood that their behaviour is not acceptable in the wonderful world of sport in Australia.

Country Fire Authority enterprise bargaining agreement

Ms BATH (Eastern Victoria) — My electorate of Eastern Victoria Region has hundreds of towns from major large centres to tiny hamlets, each housing a Country Fire Authority (CFA) station maintained by a brigade of men and women who volunteer their time for free. They turn out to protect their community, answering the call of the pager, whether the incident is a car accident, a chemical spill, a shop or hayshed fire or a major crisis such as we saw on Black Saturday. Highly trained, capable, passionate and on the whole modest and self-effacing, today these volunteers are genuinely concerned and frustrated. Their message is simple. They do not have an issue with paid firefighters seeking the best pay and working conditions. Their message is: remove the clauses that seek to compromise the autonomy and independence of the CFA as they are impractical, unworkable and insulting clauses.

One CFA member stated:

With 5000-plus calls to my name over 35 years, call it whatever you like, but any clause that demands agreement will be a tool to hamper the ability of management to manage. CFA should have an obligation to consult but, at the end of the day, CFA management should make the decisions, not Volunteer Fire Brigades Victoria (VFBV) and definitely not the United Firefighters Union.

Mr Andrews must do what is right in this situation and support the CFA board and his own minister's position. The economic impact of this enterprise bargaining agreement is untenable for Victorians. The CFA volunteer charter, signed by the state government, VFBV and the CFA chairman, outlines the rights of volunteers. Is it fair? Is it just? Is it reasonable? Does it discriminate against volunteers? At present Mr Andrews stands to take a blowtorch to this charter. The answer is no.

Benalla mental health services

Ms SYMES (Northern Victoria) — Last week the Minister for Mental Health, the Honourable Martin Foley, joined me in Benalla to talk with the community about increasing mental health support. We met with the incredibly strong and determined parents of local student Max Avdyugin, who tragically took his own

life just a few months ago. We then addressed a community forum that packed out the Benalla Performing Arts Centre. It was an emotional couple of hours, with many locals sharing their experiences with mental health and the barriers to accessing help. It was an incredible display of united determination to do better.

Participants included Benalla Health, representatives of GPs, police, council youth and community development workers, North East Support and Action for Youth, a school principal and teachers, sport coaches, community leaders and many, many young people. Mayor Justin King should be congratulated for taking a real lead in this space. The council and state government are committed to working with a range of partners to coordinate investment and support for the broader Benalla community so that when people need help they know what is available and where to get it. Justin King also took the opportunity to launch the online portal Connect Benalla, designed to better link people to local services, which will be fully functional by the end of the month.

Building on the initiatives of the Benalla Rural City Council, the minister announced a 24-hour phone line dedicated to providing information to the Benalla community. That phone number is now live; it is 1800 697 617. This was all about providing a community approach to mental health, working together to support each other in a time of need. I thank the minister for his support.

Human Rights Law Centre

Ms PENNICUIK (Southern Metropolitan) — Last Friday, 3 June, I was pleased to attend the Human Rights Law Centre 10th anniversary fundraising dinner. Also present were Ms Patten, Greens senators Sarah Hanson-Young and Janet Rice, the Victorian equal opportunity and human rights commissioner Kristen Hilton, members of the judiciary and the legal community and many other supporters of the Human Rights Law Centre. The centre is a very special organisation, which has been pivotal in defending human rights in Australia.

It was inspiring to hear the executive director, Hugh de Kretser, speak about the work of the wonderful staff of the centre and its 10 years of impact on issues such as the rights of asylum seekers and prisoners, marriage equality, the over-representation of Aboriginal people in custody and so many others. A frank and moving keynote address was delivered by Stan Grant — on Mabo Day — about the challenges facing us all to overcome the discrimination, injustice and inequities

that are still part of the lives of Aboriginal and Torres Strait Islander people in this country.

Returned and Services League of Australia centenary

Ms PENNICUIK — I would like to acknowledge that the RSL is marking its 100th anniversary. The RSL was formed in June 1916 by returned servicemen to remember those who had not returned and to help each other out. So many World War I veterans were injured physically and/or psychologically, and there was little if any government welfare. The RSL established programs, including retraining and employment programs, to support veterans and their families. It was instrumental in creating the commonwealth repatriation scheme and service, disability and war widow pensions.

On a personal level, my grandfather was a founding member of the Caulfield RSL, and my father was also a long-term member there. Like thousands of other veterans from World War I, World War II and conflicts since, they found support and friendship at the RSL and were also able to support and help others who needed it. The RSL has played a significant and, for many, life-saving role in Australia for 100 years, as the President outlined at the start of proceedings today.

Country Fire Authority enterprise bargaining agreement

Mr DAVIS (Southern Metropolitan) — I want to comment on the Country Fire Authority-United Firefighters Union dispute, which continues. This has been very poorly handled by the government; that is a matter of public record. The large number of attendees — more than 3000, likely 3500 — who were there on Sunday to support the Country Fire Authority (CFA) reflected the views of people from — —

Ms Crozier interjected.

Mr DAVIS — Indeed, Ms Crozier, from all over the state. That is the point of my comment today. Many people think this is a country issue, and protecting the CFA and the enormous, deep reservoir of more than 60 000 volunteers is a very significant safety measure for the Victorian community. That is not just country-based Victorians. Of course it is farmers and country communities and country towns, but it is also those Victorians who travel to country Victoria, it is also those who live in the city but own a farm in country Victoria, it is also those who live in the city — in my electorate, in Mr Dalla-Riva's electorate, in Ms Crozier's electorate — who have a business in country Victoria and it is also those who holiday in

country Victoria who are dependent on the CFA for their safety into the future.

The plan of the United Firefighters Union is of course a long-term one. And there is no question: let us call a spade a spade. It has always wanted to wind back the CFA's involvement. What I have to say is that it would be wrong and that it is in the interests of all Victorians, including those in metropolitan Melbourne, that the CFA is protected.

Joan's Garden

Mr EIDEH (Western Metropolitan) — I was delighted to attend the opening of Joan's Garden at Joan Kirner House at the Williamstown Community and Education Centre on Wednesday, 1 June. It is a very special garden honouring the late Joan Kirner, AC. I was honoured to be in the presence of the Governor of Victoria, the Honourable Linda Dessau, AM, who officially opened the garden. Also in attendance were Joan's husband, Ron, my colleague Cesar Melhem, local government and community leaders, local businesspeople and volunteers who helped build the garden, local residents who use the community centre and family friends of Joan. It was a significant day for all of us as it marked one year since Joan Kirner passed away. Joan Kirner was not only our state's first and only female Premier but also a truly strong and inspiring leader who achieved so much throughout her life. The location of the garden is significant in that Joan played a vital role in securing the old Williamstown courthouse and transforming it into the active community centre it is today. Joan played a vital role throughout her career and brought so much value to the western suburbs.

A lot of thought has been put into building this garden and many of its features are significant to the memory of Joan, depicting her passions and interests. That includes the use of the colours purple, green and white — suffragette colours — which reflect Joan's strong support of women in politics, and a Sherrin football as an acknowledgement of her passion for the Essendon Football Club, the Bombers, as well as the use of red and black throughout the garden. I thank Mark Brophy, manager of the Williamstown Community and Education Centre, staff and volunteers as well as all who were involved in bringing Joan's Garden to life, from the initial planning stage to the final stages of opening the garden to the community. It is a great achievement, and I am sure Joan would be proud to see it today.

Doncaster and Rowville rail lines

Ms DUNN (Eastern Metropolitan) — The Victorian Greens were happy to support the bill that established Infrastructure Victoria in September 2015, because investment in infrastructure, particularly public transport infrastructure, has been neglected in this state. At the time we recognised that Victoria needed an independent authority that used a triple-bottom-line approach. However, the Greens are concerned that in its report *All Things Considered* Infrastructure Victoria has stated that Doncaster and Rowville heavy rail lines should be excluded from the 30-year plan. It has done this on a flimsy evidence basis, which is limited to summaries of feasibility studies and a couple of blog posts on Crikey.

Infrastructure Victoria has ignored the mountain of information that supports the Doncaster and Rowville heavy rail lines, including but not limited to studies commissioned by local governments in Melbourne's east, analysis conducted by the Public Transport Users Association and the full feasibility studies conducted by Public Transport Victoria and its predecessor agency. The community has long called for the Doncaster and Rowville heavy rail lines to be built. Swathes of the eastern suburbs have no access to heavy rail, and only the Doncaster and Rowville heavy rail lines can meet this shortfall in service provision. The Greens implore the government to ensure Infrastructure Victoria takes full consideration of the community's views and the existing evidence base to ensure Doncaster and Rowville rail lines get the informed consideration they deserve and are included in the 30-year infrastructure plan for Victoria.

Country Fire Authority enterprise bargaining agreement

Ms CROZIER (Southern Metropolitan) — The Premier's determination to support the United Firefighters Union (UFU) despite support for the Country Fire Authority (CFA) from the Minister for Emergency Services, Jane Garrett, the CFA's CEO, Lucinda Nolan, the CFA board and importantly the CFA volunteers demonstrates a government with deep divisions. Government members were out on the front steps of the Parliament yesterday in support of the UFU members and not one government member appeared in support of CFA volunteers at a rally on Sunday. This clearly demonstrates the priorities of this government. It is all about power, control and supporting the union, which after all helped Labor win government in 2014.

The Premier backs the UFU and CFA agreement recommended by Fair Work commissioner Julius Roe,

which includes payment of drivers licence fees, a \$125 sports voucher every year, payment of ambulance fees, a prohibition on part-time employment, a prohibition on having volunteers and professional firefighters in the same truck, a condition that any adverse report in an employee's file must be removed from their records after 12 months, a prohibition on redundancy, both compulsory and voluntary — and the list goes on. Why would the Premier not back Julius Roe? After all he has previously proclaimed that he has changed from an idealistic anarchist position to a Marxist position, and he is a strong supporter of unions. When he was president of the Australian Manufacturing Workers Union, he said:

Unless we grow we will have declining capacity to influence political outcomes, including the policies of the Australian Labor Party.

It is clear where the Premier wants this decision to go, and that is a union takeover of the CFA. Otherwise why would he not respect the concerns of the CFA and his minister and take a stand and support the CFA?

Banyule City Council

Mr ELASMAR (Northern Metropolitan) — On Wednesday, 1 June, I attended a meeting with the mayor of the City of Banyule, Cr Craig Langdon, and the city's CEO, Mr Simon McMillan, to discuss the council's 2016–17 budget. New programs and projects were explained in detail, and I was very impressed with the forward-thinking, far-reaching and visionary plans for the future of Banyule and its residents. I thank Banyule City Council officers for their presentation and fully support their proposed new endeavours.

Battle of Long Tan commemoration

Mr ELASMAR — On Thursday, 2 June, I was present at the Banyule council's commemoration of the 50th anniversary of the Battle of Long Tan. There were several state and federal parliamentary colleagues in attendance, including our President, the Honourable Bruce Atkinson. While the occasion was a solemn one, I took the opportunity to meet veterans, who shared with me their stories about a time when Australia went to war to fight against communism. I thank the organisers at Banyule council for arranging this special event.

Give Me 5 for Kids

Ms LOVELL (Northern Victoria) — On a very cold evening last week Shepparton turned out in force to Rug Up for the Kids and take part in the Feast on the Fairway. I joined roughly 220 members of the Greater

Shepparton community who braved the freezing weather to help raise funds for the Give Me 5 for Kids appeal, a Southern Cross Austereo initiative that raises funds for the children's ward at Goulburn Valley Health. This year's appeal aims to raise \$100 000, and we are well on the way with \$27 000 raised from the feast and a generous donation of \$25 000 from the Mad Cow Mud Run. I know our generous community will dig deep to ensure we reach the \$100 000 goal. Congratulations to Austereo and the organising committees of the feast and the Mad Cow Mud Run for helping to make our community such a great place to live.

Shepparton showgrounds redevelopment

Ms LOVELL — Last Thursday I was pleased to attend the official unveiling of the latest addition to the Shepparton Showgrounds Reserve, which also marked the completion of the redevelopment. The redevelopment was co-funded by the Greater Shepparton City Council and the former coalition government — a fact that the current Minister for Regional Development begrudgingly almost acknowledged during the launch. The project includes a multi-use event and recreation area, which includes a new grassed surface, improved environmentally sustainable drainage, new lighting and additional infrastructure. The showgrounds will host a variety of events throughout the year, and it is now an outstanding large-scale venue. The new features and facilities will hopefully draw more and more events to our area in coming years.

Road Trauma Support Services Victoria

Mr LEANE (Eastern Metropolitan) — Today I want to acknowledge Road Trauma Support Services Victoria and its recent Shine a Light on Road Safety campaign, which it runs annually. Road Trauma Support Services Victoria was founded in 1994 by a small group of people whose lives had been directly impacted by road trauma. They understood the need for specialist services and support that could be offered to those who like themselves were suffering from the loss of a loved one on the roads, so they joined with professionals working in this area to provide counselling and support over the past 21-plus years. It is an amazing organisation that, as I said, started from quite humble beginnings, but it is at the point now where it is running an annual campaign around road safety that has been very successful in highlighting that when there is a terrible accident there are consequences not only for the person who was the victim of that particular tragedy but also in terms of the waves that

ripple through all their families and friends in their community.

Country Fire Authority enterprise bargaining agreement

Ms FITZHERBERT (Southern Metropolitan) — I am pleased to be able to make a few comments today about the independent umpire in the dispute that we currently have regarding the Country Fire Authority (CFA) and the United Firefighters Union (UFU). This is a phrase that has been repeatedly used — ‘the independent umpire’. I am interested, as someone who has appeared before the commission, to give a few facts about Commissioner Julius Roe. He has written of his own views, describing how he became a Marxist, having been an anarchist.

Looking back on his involvement in the 1960s and 1970s he said:

The struggles of that period exposed how conservative many of those who called themselves Marxist had become.

He later said:

I changed from an idealistic anarchist position to a Marxist position only slowly.

Immediately prior to his appointment to the commission, up until 2010, he was on the national policy committee of the ALP. He is a constituent of Martin Foley in the Assembly seat of Albert Park, and his family is actively involved in supporting him. How this person can be independent from the goals of the government in this dispute is utterly beyond me. He is part of the minister’s power base in his seat — —

Honourable members interjecting.

The PRESIDENT — Order! I am having great difficulty in hearing this contribution. Ms Fitzherbert from the top.

Ms FITZHERBERT — Thank you. Julius Roe has been repeatedly referred to as the independent umpire in the dispute that he is overseeing in relation to the UFU and the CFA. He wrote of his own political views in the 1980s and said:

The struggles of that period —

referring back to the 1960s and 1970s —

exposed how conservative many of those who called themselves Marxist had become.

He said of himself:

I changed from an idealistic anarchist position to a Marxist position only slowly.

This is the person who has been intimately involved in Labor Party politics, in factional politics, for his whole adult life. He is a constituent of Martin Foley, a minister in this government. He and his family are part of his left power base in that seat. He was on the national policy committee of the Labor Party up until 2010, 5 minutes before his appointment by Julia Gillard. I recall those appointments because there were six appointments made to the Fair Work Commission on that occasion and five of them — surprise, surprise — were from the union movement. Is it any surprise that this particular commissioner comes to this set of recommendations for this dispute, particularly when he has given so little airtime to the CFA — something that it raised very vocally on these steps only a couple of days ago. This is the man that those opposite call the independent umpire. He is anything but; he is one of their mates.

RIDESHARING BILL 2016

Statement of compatibility

Ms PATTEN (Northern Metropolitan) 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, I make this statement of compatibility with respect to the Ridesharing Bill 2016.

In my opinion, the Ridesharing Bill 2016, as introduced to the Legislative Council, is compatible with the human rights protected by the charter.

I base my opinion on the reasons outlined in this statement.

Overview

The purpose of the bill is to legalise the provision of ridesharing services in Victoria, impose duties on facilitators of ridesharing, provide exemptions for ridesharing from certain provisions under the Transport (Compliance and Miscellaneous) Act 1983, and amend the Transport Integration Act 2010 to recognise the undertaking of rideshare journeys as a transport service.

Right to privacy and reputation

Section 13 of the charter provides a person with the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have his or her reputation unlawfully attacked.

Clause 6 of the bill sets out a number of requirements that must be met before a rideshare facilitator can enter into a rideshare driver arrangement with a person. Some of these requirements will include criminal history, and driving history

(such as current licensing), access to which will be necessary for confirmation. These provisions are designed to ensure that passengers are safe, and that rideshare facilitators meet basic standards of driver experience and character.

In my view this does not inappropriately limit the right, as seeking such information prior to employment is common practice in most industries, and necessary to promote public safety.

Right to be presumed innocent

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

Clause 6(1)(d) of the bill requires that a facilitator not enter into a rideshare driver arrangement with a person who is subject to a charge for a category 1 offence that has not been finally disposed of. This provision ensures that arrangements are not entered into until these serious charges have been disposed of, avoiding both uncertainty of potential future breach, and risk to passengers.

In my view this does not inappropriately limit the right to be presumed innocent, as a person who is acquitted of such a charge may subsequently pursue an arrangement with a facilitator without the facilitator falling foul of the provision.

Right not to be punished more than once

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

Clause 6 of the bill provides that a rideshare driver arrangement may only be entered into when the driver meets certain requirements. According to the requirements, a rideshare facilitator may not enter into such an arrangement with a person who, in the last 10 years, has been found guilty of various offences, or in some circumstances not yet had the offence discharged.

This provision promotes passenger safety, and the construction of category 1 offences and category 2 offences are in line with the current requirements for commercial passenger vehicles under the Transport (Compliance and Miscellaneous) Act 1983.

Additionally, restricting access to specific employment based on offence history exists in a variety of legislation. As rideshare drivers will conceivably be carrying passengers who may be vulnerable, it is crucial to ensure the safety of these passengers through requirements. In my opinion this is not a contravention of the right.

For the reasons above, I consider that the Ridesharing Bill 2016, as introduced to the Legislative Council, is compatible with the human rights protected by the charter.

Fiona Patten, MLC

Second reading

Ms PATTEN (Northern Metropolitan) — I move:

That the bill be now read a second time.

I present for the house's consideration the Ridesharing Bill 2016. This bill seeks to legalise ridesharing in Victoria.

Ridesharing has been operating in Victoria since 2012, though reading the various iterations of transport legislation we can see it in fact existed in some forms as early as the 1920s. The ridesharing we see today largely consists of platforms designed to allow drivers to accept jobs from passengers, who make their request through the relevant platform facilitated by an application. Such systems are an example of collaborative consumption, or sharing economies.

Companies such as Uber, Airbnb and various music streaming platforms are often characterised by the coordination of peer-to-peer-based sharing through online services.

These innovative industries capitalise on information technology developments, the ubiquity of mobile phones, and the widespread use of social media. According to a 2014 paper by George Mason University, these services 'can improve consumer welfare by offering new innovations, more choices, more service differentiation, better prices and higher quality services'. In a 2015 report PricewaterhouseCoopers suggested that, by 2025, 'five key sharing sectors — travel, car sharing, finance, staffing, music and video streaming — have the potential to increase in global revenue from roughly \$15 billion today to around \$335 billion'.

Ridesharing shouldn't be viewed as a negative competitor for the transport system — rather, these platforms are filling a gap in the market, representing an affordable alternative for consumers and a unique income stream for car owners.

These systems require trust. Poor reviews, bad word of mouth, or multiple complaints can kill these industries. This is appropriate, as a decentralised approach requires checks and balances.

As such, my aim in this bill is to capture the complex relationships that comprise ridesharing, while imposing a number of duties on rideshare facilitators aimed to promote accountability and safety for consumers.

Part 1 of the bill provides definitions for rideshare application, rideshare driver, rideshare driver

arrangement, rideshare platform, rideshare journey, and rideshare facilitator. A rideshare journey refers to a journey in which a person is, or is to be, carried as a passenger in a motor vehicle as arranged under a rideshare platform. This would not capture a journey given through vehicle pooling, even if an application was used to facilitate the contact between individuals, as it has not been organised through a rideshare platform. A rideshare platform is narrowly defined, and is intended to capture systems specifically designed for the facilitation of rideshare journeys. A messaging application, or a social media website, through which a person could advertise or request driver services would not be automatically considered a rideshare platform. To be considered thus, the platform must meet certain elements. Clarifying these components, and the subsequent relationships between a rideshare facilitator and rideshare driver, are a key aspect of this bill.

This part also provides for varying commencement dates to allow for government regulation, and protection for current workers.

Part 2 imposes duties on those who own, operate or control rideshare platforms. Rideshare facilitators will have obligations such as ensuring that a rideshare application operates to display certain images and information. Facilitators will be prohibited from entering into arrangements with people who don't meet minimum standards around driving experience and criminal history. These requirements are similar to the ones that apply to drivers of commercial passenger vehicles. The vehicles must meet registration requirements and be manufactured within the last 10 years. The bill takes a breach of these duties seriously, with penalties of up to \$182 000 for an offence by a company.

Part 3 excludes ridesharing vehicles from the definition of commercial passenger vehicles in the Transport (Compliance and Miscellaneous) Act 1983, and incorporates ridesharing journeys into the definition of transport services under the Transport Integration Act 2010.

This bill is about protecting drivers from prosecution, protecting passengers undertaking rideshare journeys, and ensuring that our laws keep pace with innovative technologies that facilitate share economies.

Regulations will need to account for insurance, accreditation, health checks, and access to disability subsidies. It is appropriate and intended under this legislation, that the government introduce regulation that clarifies these points in detail. This bill enables this to occur by defining the relevant components and

relationships of ridesharing, which allows us to start regulating these relationships.

I commend the bill to the house.

Debate adjourned on motion of Ms PULFORD (Minister for Agriculture).

Debate adjourned until Wednesday, 15 June.

COUNTRY FIRE AUTHORITY ENTERPRISE BARGAINING AGREEMENT

Mr O'DONOHUE (Eastern Victoria) — I am pleased to move:

That this house supports Country Fire Authority volunteers in their call to keep the CFA's operations under the full authority of the CFA chief executive officer (CEO) and chief fire officer (CFO), and notes —

- (1) the support of 60 000 volunteers asking the Premier to refuse to agree to the enterprise bargaining agreement sought by the United Firefighters Union (UFU);
- (2) the review by the Victorian Equal Opportunity and Human Rights Commission finding the proposed EBA discriminates against women and people with a disability;
- (3) the comments of the CFA board that the proposed EBA would be unworkable and would remove authority from the CEO and CFO; and
- (4) the comments of the Minister for Emergency Services that clause 21 of the proposed EBA, giving veto powers to the UFU, has been a disaster for the Metropolitan Fire Brigade and expressing her concern over the proposal to require a minimum of seven paid firefighters on a fireground.

This motion follows on from a debate in a recent sitting week where the house also debated the enterprise bargaining agreement (EBA) between the Country Fire Authority (CFA) and the United Firefighters Union and all the issues that are associated with it. I am pleased to move this motion calling on the house to support the Country Fire Authority volunteers in their call to keep the CFA's operations under the full authority of the CFA chief executive officer and the chief fire officer. The motion goes on to note the role of the 60 000 volunteers; the review by the Victorian Equal Opportunity and Human Rights Commission, which found that the proposed EBA discriminates against women and people with a disability; the comments of the CFA board that the proposed EBA would be unworkable and would remove the authority from the CEO and the CFO; and the comments of the Minister for Emergency Services that clause 21 of the proposed EBA, giving veto powers to the UFU, has been a disaster for the Metropolitan Fire Brigade (MFB) and

expressing her concern over the proposal to require a minimum of seven paid firefighters on a fireground.

This is a very contentious issue. Before I get into the issues, let me just put on the record again that from my perspective as a member for Eastern Victoria Region it has been an absolute privilege during my time in this place to see firsthand the way that the volunteers respond — I say the volunteers, because principally in my electorate that is who they are — to fire emergencies. Of course there are the ones that we all know, such as Black Saturday and some of the big fires that have taken place in East Gippsland over the last decade. But I also think of some of the smaller fires that have posed enormous risk, including the fire at Arthurs Seat on the Mornington Peninsula, close to a very heavily populated area; some of the grassfires that have started and have posed significant risk near the urban fringe, close to my electorate office in Pakenham; and many of the other fires that have taken place.

It has been a privilege in my roles to have had the opportunity to talk to people who remember the 1939 fires in the Upper Yarra, which for my first two terms in Parliament were part of Eastern Victoria Region, and hear about the stress, angst and pressure that that caused in Warburton and Yarra Junction and other Upper Yarra communities. They are wonderful parts of Victoria. I can say without any loaded commentary that it is the volunteers who have responded to those fires because, as I have said, in my electorate predominantly they are who the community relies upon.

It is extremely distressing that we are where we are, because this agreement does the CFA no good at all. It is worth remembering that principally volunteer organisations like the CFA do not just exist in perpetuity 'just because'; they exist because of a community spirit and a community culture — a culture that embraces volunteerism, that supports volunteerism and that encourages volunteerism. These brigades will not necessarily exist forever. They do not exist for the good times; they exist because of that community spirit, that common concern for the welfare of neighbours in the broader sense and their preparedness to respond.

When I think of the CFA, I often think of the Moorooduc CFA brigade on the Mornington Peninsula. The Jones family has been instrumental in the operation of the Moorooduc CFA for decades. In Moorooduc there is a primary school, the CFA station and the antique store. Outside the antique store there is a little sign that says, 'Jones's corner'; and the CFA is directly opposite the primary school. The Moorooduc brigade does a remarkable job, engaging with the surrounding farmers and landowners, and is often one of the first

brigades to deploy to a fire, whether it be in New South Wales or in other parts of Victoria — wherever help is needed. They are remarkable people doing a remarkable job with nothing but the community's interests at heart.

That is what is at risk. These volunteers, as I have said, need to be encouraged, need to be supported, and their contribution to our community needs to be valued. This dispute is having a detrimental impact on that. While members of the government would say, 'Oh, this is just a political stunt by the opposition or by certain people', I think that diminishes and underestimates the intellectual thought and independence of these volunteers. These people are capable, intelligent people who make up their own minds on issues. They are not puppets of a political party; they are not running political campaigns for fun. Most of these people have full-time jobs. They turn out to a training session on a Sunday and they turn out to a fire on a Thursday night. The last thing they want to do is rally on the steps of Parliament House when they probably have to take their kids to basketball or soccer or footy, or do all the other things that life involves. To see 3500 people rally on the steps of Parliament House on Sunday was a very powerful sign of the concern within the CFA.

To put some names to this concern, I was moved by a story that has run in the Pakenham *Gazette* and also in the Warragul and Drouin *Gazette*. I will quote the article by Aneeka Simonis of 7 June, which says:

A firefighter union takeover of the CFA will force Victoria's longest serving member, Duncan Holman, of Bunyip, to resign.

With 78 years of experience under his belt, Mr Holman, 93, holds the title as the longest serving member of the life-saving firefighter group, however he is prepared to give it all away if the Fair Work-recommended EBA deal goes ahead with the deal to further unionise the organisation.

It would mean the United Firefighters Union would have greater control over the CFA, shaking up operational responsibilities between paid and volunteer firefighters.

The EBA agreement has been officially rejected by the CFA which deemed it as 'unlawful'.

Mr Holman, a CFA life member who captained Longwarry fire brigade for 36 years, will resign if the controversial pay deal goes ahead along with his son Peter Holman, a lieutenant at Warragul CFA, with 45 years service.

As I say, these views and opinions of these types of people, who have given so much to our community, should not just be dismissed as part of a political campaign. These are people who have devoted their lives to volunteerism and to keeping our communities safe, and their views should be listened to.

If you listen to Mr Leane from the contribution he made when we last debated the CFA in opposition business, the substance of his contribution, and the substance of the contributions of the government members who followed his lead, was that he rang Peter Marshall on the morning of the debate, and he told him, 'It's all fine — nothing to worry about. It's all good'. Mr Leane came in here and basically said, 'I've spoken to Mr Peter Marshall, and he tells me it's all good'. I am sorry to Mr Leane, and I am sorry to members of the government who have trotted out like comments, but it is not all good. Three and a half thousand CFA volunteers do not rally on the steps of Parliament House for fun; they do so because they have legitimate and reasonable concerns about the future of their organisation, about the future independence of their organisation and about particular issues, like this issue of seven firefighters on the fireground. They have legitimate issues that are yet to be addressed.

Of course there have been some very interesting remarks in the opinion pieces of the papers in the last week. Let me quote from one from the *Herald Sun* of Monday this week, and I will quote extensively from this opinion piece. It says:

The UFU, which represents paid firefighters, has been a very passionate and effective advocate for its members. But its attitude to volunteers has often been dismissive. Many of its demands in its current dispute with the CFA are Trojan Horses that would sideline CFA volunteers and undermine their interests, with little or no real benefit for the paid firefighters the UFU represents.

It would also undermine the operational authority of the CFA's chief officer and operational commanders as well as compromise the fiduciary responsibilities of the CFA's board under the Country Fire Authority Act.

It goes on to say:

The volunteers are the CFA.

Volunteers are 97 per cent of the CFA's workforce and it would be nothing without them.

Fair Work's recommendations may seem like a neat industrial fix but the folly will only become clear when the volunteer backbone of the CFA is decimated and Victoria is left dangerously exposed in future fire danger periods.

Let me just read that again:

Fair Work's recommendations may seem like a neat industrial fix but the folly will only become clear when the volunteer backbone of the CFA is decimated and Victoria is left dangerously exposed in future fire danger periods.

This author said earlier in his opinion piece, referring to the volunteers:

Without them we'd have had a great many more Black Saturdays.

He went on to say:

The volunteers ask for little more than respect for the critical role they serve and the professionalism, training and experience they bring to the role.

Acting President, you might ask, 'Who's the author of this piece, critiquing the Trojan Horse tactics of the UFU? Who is this right-wing commentator who is attacking the UFU, writing in the *Herald Sun*, attacking unionism, attacking the role of the UFU, standing up for volunteers and standing up for the CFA?'. Who is it? It happens to be André Haermeyer, a former Minister for Police and Emergency Services in the Bracks government. He says:

I faced a similar situation as Minister for Police and Emergency Services in 2000. It was not until I offered my resignation to the then Premier that I was able to get people's undivided attention to what was at stake, that a perilous situation was averted and the CFA volunteers were backed with additional support and resources.

Those who would put at risk the CFA's massive volunteer base are literally playing with fire.

The government may say that this is a political witch-hunt, that this is a political beat-up and that this is the opposition being opportunistic with a political issue. It is much, much more than that. Regrettably we now have a government that is shockingly divided. From the leaks from cabinet on Monday — unprecedented commentary around what are supposed to be confidential discussions in cabinet on Monday — to the revelations today in the *Weekly Times* —

Ms Shing interjected.

Mr O'DONOHUE — Government members may wish to mock the concept that there was a spill, but I am sure the front page of the *Weekly Times* was not devoted to a potential spill motion against the Premier just because — —

Honourable members interjecting.

Mr O'DONOHUE — Labor members may wish to mock or laugh about this situation and play it down, but the revelations in the *Weekly Times* today of a potential spill against the Premier are extremely concerning for the stability of our state and for the resolution of these important issues. The *Weekly Times* editorial today says:

The calamitous dispute between the United Firefighters Union and the CFA is not something in which the Premier should be investing so heavily.

But it appears ... his political future is so strongly tied to support from the UFU in the next election that he is willing to risk his premiership to support the union in its dispute.

It is difficult not to take note of the vehement opposition of CFA volunteers, management and board, as well as his own emergency services minister, Jane Garrett, to the Premier's stance.

Rarely has a minister and Premier been at such public loggerheads.

Mr Andrews is on the wrong side of a battle over one of rural Victoria's most respected and trusted institutions.

Add to that the lingering anger over the mishandling of the V/Line tracks debacle earlier this year, and you have a Premier suddenly very much on the nose.

It appears he could pay the price with his premiership, with factional players now stalking him. And once Labor factions have their sights on you, they rarely let go.

So we have a situation where this dispute has been ongoing for a very considerable time. There are serious issues within the government, and there are disputes within the government between the emergency services minister and her supporters and the Premier and what would appear to be his diminishing pool of supporters.

We also have the extremely concerning issue that I think Minister Richardson has weighed in on, and that is the issue of the human rights commission's concern that up to 12 clauses in the proposed EBA deal could be discriminatory towards women, parents, carers and people with a disability. Only yesterday Minister Jennings and Minister Richardson seemed to contradict each other about these discriminatory clauses. Yesterday morning Minister Jennings claimed that the diversity issues are from a six-month-old report, while only moments later Minister Richardson said that these diversity issues need addressing. Which one is it? Who is right? The Premier's right-hand man, Minister Jennings, or Minister Richardson, who appears to be siding with the Minister for Emergency Services?

This is extremely concerning. The morale of the CFA volunteers is being sapped, and it does not appear that this issue will be resolved anytime soon, with the minister at loggerheads with the Premier, with the Deputy Premier making contradictory remarks to Neil Mitchell yesterday and with Minister Jennings saying different things from Minister Richardson. All the while the Premier has not had an all-in press conference — the Premier has not spoken to the main media outlets about this — and he failed to address the issue properly yesterday.

Finally, I just want to put paid to the furphy that somehow there were reductions in the budgets of the former government, because I listened to the

interjections during the 90-second statements. The CFA budget in 2010–11 was \$399 million, and in 2014–15 it was \$457 million — an increase of \$58 million. In each and every one of those budgets after 2010–11 the money invested by the coalition was greater than the last Labor budget. It was the same with the MFB. In the 2010–11 budget, the last under John Brumby, there was \$286.4 million, and in every subsequent year during the term of the coalition government the money invested in the MFB was more than that. It increased from that \$286.4 million. So let me just put paid to that furphy that some members of the government seek to peddle.

The key issue before us today is that we as members of a house of Parliament should support this motion to support our CFA volunteers, who do such an excellent job. We should support our CFA volunteers in retaining control of their organisation. We should support our CFA volunteers and note the issues that are yet to be addressed following the report from the Equal Opportunity and Human Rights Commission. It is time for the Premier to show some leadership on this issue, it is time for this issue to be addressed and it is time for the internal turmoil, factional fighting, backbiting, minister versus minister and Premier versus minister to be resolved.

As I said in my introduction, a remarkable organisation like the CFA needs support and the volunteers need support. They do a remarkable job. In the words of André Haermeyer, they are remarkable people who deserve our support. I would encourage government members to read that opinion piece by André Haermeyer, a former emergency services minister in the Bracks government, and take on board what he has written about the risks attached to this folly that the government is currently engaged in. It is time for this issue to be fixed, and I call on the house to support my motion.

Mr MELHEM (Western Metropolitan) — I rise to speak on this motion, and in doing so I just want to go through a bit of history. Let us stick to the facts and not this sort of notion of politics. Unfortunately what has gone wrong over the last couple of months and particularly over the last few weeks is that there has been too much politics and interference and the facts have got lost. That is what happens with enterprise bargaining agreements (EBAs) when we have got people throwing rocks from outside of the fence. They are not inside the fence. They are not familiar with the ins and outs. What you get is confusion and the truth getting lost.

Let me make a few points in relation to the Country Fire Authority (CFA). It is an organisation which

employs career firefighters and engages wonderful volunteers — somewhere between 37 000 and 60 000 — who do a great job. They definitely have my respect, they have the respect of the government and they have the respect of Victorians. They have the respect of the United Firefighters Union (UFU), and they have the respect of the career firefighters. Every single Victorian, without doubt, has respect for the volunteers and for the career firefighters. That has never been a subject of any dissent. It has never been a subject of any criticism from any quarter. The only people who have decided to force a political wedge are the members of the Liberal Party.

The Prime Minister, for Christ's sake, is playing politics and being divisive. Not long ago we faced the horrible Black Saturday bushfires, when one could not distinguish between the volunteer firefighters; the career firefighters, whether employed by the CFA, the Metropolitan Fire Brigade (MFB) or the Department of Sustainability and Environment (DSE); and the forest firefighters. Everybody was in it as one group with one common aim — to protect the lives of Victorians. That is their common bond, and as far as I am concerned and as far as this government is concerned, that bond is still there. We see no difference in volunteer firefighters, DSE firefighters, CFA firefighters and MFB firefighters. They are all one.

I think it is time to stop playing politics with this. Let the industrial parties sort out the outcome of the enterprise agreement, which I will come back to in a moment. It is not the role of the Prime Minister or the Liberal Party or anyone really — not even the role of this house — to get involved in the negotiation of an enterprise agreement. The CFA board and management are not the sole representatives of the volunteer firefighters; they are their employer. I think when individuals or organisations start claiming the exclusive right to defend volunteers to the exclusion of others, it tells me we have got a big problem that should not have happened in the first place. I think what the coalition should do is step out, let the process take its course and stop playing politics. There has been a process put in place to resolve this, and I will come to that in a moment.

Let us talk about negotiating an enterprise agreement. People think it is a walk in the park to negotiate a complex enterprise agreement. The CFA-UFU negotiation is not the first time a negotiation has dragged out over a long period of time. We had the paramedics enterprise agreement process which dragged on for a number of years. In the end it took a decision from this government to get the Fair Work Commission to actually arbitrate to bring the dispute to

an end. Negotiations can be complex. Parties can have entrenched positions.

Let us talk about logs of claims. The UFU had a long log of claims — and I tell you, it had some things there I would not agree with myself — but the UFU is doing its job to represent its members, and it should not apologise or be criticised for that. That is what the union representatives are doing. They are doing their job. They have no interest in the volunteers; they are interested in their members.

I want to distinguish between the CFA as an organisation, which has career firefighters and volunteers, and the CFA management. I am only talking about the CFA management. It had its log of claims as well, and rightly so. That is the CFA's right. It is the employer of the career firefighters, so the organisation has the right under the current process to have a log of claims and ask for changes to the current enterprise agreement. Similarly the UFU had the same right to prosecute whatever its claims might be as long as these claims, on both sides, make a lawful log of claims. You cannot put unlawful items in your log of claims, because it would be knocked back by the Fair Work Commission. So that is exactly what happened. The UFU had a log of claims and the CFA had a log of claims, and the negotiations commenced sometime in 2013.

Coalition members were going on about the CFA volunteers not getting a say and the interference of a third party, but the 2010 EBA in fact had a clause in it which outlined, step by step, the process for how the negotiation for a new agreement should actually start. The first step was to start it six months early. The second step had a specific provision which prohibited the CFA or the UFU or anyone from getting a third party to interfere in the negotiations apart from the Fair Work Commission. It has all been set out. The clause basically says that that is what we should be doing: we should start the process six months early, and hopefully by the end of the six months when the agreement expired in September 2013, we would get an agreement. It is a smart way of doing it, but unfortunately, for whatever reason, we were not able to get an agreement.

That is why the government, as the negotiations have dragged on, has paid a 5 per cent increase in good faith to the career firefighters to recognise that it has been a while since that agreement expired. We do not want them to miss out, because we do respect their work and value what they do. That was done in good faith, and it was accepted by the UFU and everyone as a good-faith approach, and the negotiations continue. That is just to

give the parties a bit of breathing space to conclude the negotiations.

The issues we are talking about here are currently separating the parties. Some people think these are foreign things — things the UFU or the CFA management dreamt up suddenly — but if we look at the 2010 EBA, the current EBA, we can see that the consultative mechanism about changes and consultations, reaching an agreement, the status quo and going through arbitration at the end of the process is in the current agreement. The issue about diversity and equal employment opportunity (EEO) is in the current agreement, and I will read it out:

31. Equal employment opportunity

31.1. The employer will ensure that employees are not subjected to any form of harassment, that its employment practices are non-discriminatory and that all workers have equal access to multiskilling, career path opportunities and all terms and conditions of employment.

31.2. To ensure this objective can be achieved it is agreed that the equal opportunity, affirmative action and sexual harassment policies of the Country Fire Authority will be reviewed with the objective of developing these policies further if appropriate during the life of this agreement.

It goes on to say:

31.3. The CFA will take into account the family responsibilities of recruits when deciding their station allocation so as to ensure that there is no conflict between their work and their family responsibilities. If there is disagreement regarding the bona fides of an applicant's family responsibilities the matter will be referred to discussions between a senior representative of the CFA and UFU. If the matter is not resolved it will be dealt with in accordance with the dispute resolution procedure.

I want to talk about the dispute resolution procedure, which is typical of dispute resolution procedures in most EBAs around the country, and there are thousands of them. It goes like this: if you have a dispute over something, you sit down and talk about it with the affected person or persons, and if there is no agreement, the dispute can escalate to the next level, to management or unions and so forth. If there is no resolution to a dispute, my understanding is that, as has happened with Commissioner Roe, the parties will agree to have an independent person quickly get everyone together to try to resolve the dispute.

There has been some argument that the UFU will have a right of veto and the CFA will not be able to do anything. That is a myth; it is not true. If that were the case, I could understand why people would have a

problem with it. The current dispute procedure does not give the UFU a right of veto, and the proposed dispute procedure does not give the UFU a right of veto.

I will continue on with the steps. If the independent person cannot resolve a dispute, then the matter is referred to the Fair Work Commission for conciliation and arbitration, so there is an end point. If the employer introduces something and the parties cannot reach an agreement, that is not the end of the road; it would not be the end of the road if that was the case. If the union refused to agree, that would be a veto. Similarly, if the union put a claim in and the employer said no, then that would be a right of veto. But there is an end point, which is that the Fair Work Commission determines the final outcome. The dispute resolution procedure and the so-called veto, which does not exist, only talk about a situation where there is a disagreement over the implementation of the agreement or new matters.

By law the union is not allowed to introduce new claims, so if the agreement contained an X per cent wage increase, for example, for three years or four years or whatever the time frame might be, the union would have no right, and by law could not do it. It would be breaching the Fair Work Act; it could not do it anyway, and it will not do so. This is only about how the agreement is implemented and what the process is if there is a disagreement; it is not seeking a permission.

Let us talk about seeking permission and how industrial relations should operate in this state and in this country. If employers and managers want to make a change, what is wrong with them getting off their backsides and going to talk with workers to get their agreement? That is the best way to do it; you get a better outcome.

There is enough protection in the agreement. If the workers do not consent to an agreement, there is a process, so management still has the right to manage. It can go through the process that can finish up in the Fair Work Commission, and that matter is determined. I am talking about new matters. I am not talking about a case where, for example, the CFA wants a career firefighter to go and put out a fire and the career firefighter says no. That person cannot say no; they have got to go and put the fire out. That would never happen anyway; that is the other thing we forget.

Why would a union put a clause like this in an enterprise agreement? You have got to understand that the firefighters in this country cannot and will not take industrial action, because their industrial action basically would withdraw their labour and no-one would be putting fires out if there were fires; that is their obligation. Unlike other industries, firefighters

know that they cannot withdraw their labour; they cannot do that, because when they sign up, they sign up for the no. 1 job, which is to protect the lives of Victorians, to put fires out and to fight fires, so they cannot withdraw their labour.

If other workers in other industries are not happy with an outcome in an enterprise agreement negotiation, they can apply for a lawful industrial action to withdraw their labour. Firefighters cannot, and similarly paramedics and the police cannot. The police cannot say, 'We're on strike; we're not going to fight crimes, because we're not happy with our employer'. They cannot do that, or they never have done that, and I do not think they will ever do that. I think that is important. When you have a dispute, you have got to have a mechanism for how to resolve it.

There are two ways you could do it — or three ways really. Firstly, the management of the CFA could do whatever it likes, full stop, *carte blanche*, or secondly, the UFU can do whatever it likes, *carte blanche*. Then there is the alternative, which is you have a process in place with a circuit-breaker trying to resolve it. That is the dispute-settling procedure that currently exists in the agreement. It has been further modified as a result of the negotiations between the CFA management and the UFU which have been conducted under the stewardship of Commissioner Roe.

I was a bit disturbed to hear members of the coalition attacking the integrity of Commissioner Roe. I had the pleasure of working with Julius Roe over the years before he became a commissioner. He was and still is one of the most respected individuals by employers and workers. I have not heard anyone say a bad word about Julius Roe, whether they be employers or workers. He is a man with high integrity and yet people attack him. They are attacking an institution. I am not surprised. Let us look at what the Prime Minister did when a tribunal on the transport industry handed down a decision he did not like. He went and abolished it so is he going to go and abolish the Fair Work Commission? What will be next? Watch out!

I think it is important to stick to the facts, take the emotion out of the process and try to resolve this issue. What cabinet did on Monday was the right way to go about putting the proper process in place to resolve this. I commend the minister and the Premier, and the whole cabinet, for attempting to put that process in place and get some focus on the real issues and get the politics out of it. I am confident that with their work that will be resolved.

Let us talk about the other issue that has been raised concerning the CFA's policies and whether or not it can change its policies. Again, I look at the current enterprise agreement, which has got a clause about CFA policy. What I am trying to get to is this: people think that the UFU is basically taking over the CFA. Let me tell members that that is not the case, should not be the case and will not be the case.

Mr Ramsay interjected.

Mr MELHEM — Because the idea that the UFU will take over the CFA is only in the mind of the Liberal Party: if you throw enough shit, some of it will stick. That is exactly what these people have done.

Honourable members interjecting.

Ms Lovell — On a point of order, Acting President, I believe Mr Melhem may have just used a four letter word starting with 's' and ending in 't', which is rather unparliamentary. I think he should withdraw that statement.

The ACTING PRESIDENT (Mr Eideh) — Order! Can Mr Melhem clarify what he said. What were the four letters?

Mr MELHEM — Acting President, I withdraw and I change the word to 'mud' to make them happy.

The ACTING PRESIDENT (Mr Eideh) — Thank you.

Mr MELHEM — There is an argument that the CFA cannot change its policies unless there is an agreement with the UFU. I go back to the issue of a control factor. The government, the Premier, the minister, the whole cabinet, all the government members — no-one is advocating, and there is no evidence before us, that the UFU is taking over the CFA, so can we just move away from this crap. Let us talk about this policy. There is a set of words in the current enterprise agreement, and it is my understanding that there is not much change to the new draft agreement.

Mr Finn — Who is the AWU going with? Are they backing Dodgy Dan?

Mr MELHEM — The employment conditions — —

Ms Shing — Do you want to withdraw that?

Mr Finn — What? That the AWU is backing Dodgy Dan?

Ms Shing — ‘Dodgy Dan’. Can we get rid of that please?

Mr Finn — Well, he is not here. I am inquiring about what the intentions of the AWU are.

The ACTING PRESIDENT (Mr Eideh) — Order! Is Mr Melhem continuing?

Mr MELHEM — On a point of order, Acting President, I think it is important that that word be withdrawn. It reflects on the Premier and his character. I think it is unparliamentary and I ask for it to be withdrawn.

The ACTING PRESIDENT (Mr Eideh) — Order! I ask Mr Finn to withdraw. He should refer to the Premier correctly.

Mr Finn — I take it, Acting President, that the term ‘Dodgy Dan’ is the term you would like me to withdraw.

The ACTING PRESIDENT (Mr Eideh) — Order! Just withdraw.

Mr Finn — I am happy to withdraw.

The ACTING PRESIDENT (Mr Eideh) — Thank you.

Mr MELHEM — We go on to talk about the employment —

Honourable members interjecting.

Mr MELHEM — I have got all day. I cannot hear myself, that is all.

Honourable members interjecting.

Mr MELHEM — That is all right; I have got all day.

The ACTING PRESIDENT (Mr Eideh) — Order!

Mr MELHEM — As I was saying, in relation to CFA policy and the EBA the matter is very clear. The way employment relationships are regulated, you have a set of conditions which are enshrined in an enterprise agreement and sitting alongside that is the company policy, like the CFA policies. It is not uncommon to have an enterprise agreement that would state that agreements would be read in conjunction with the policy, but when there is a conflict where the EBA says one thing and the policy says something else, the agreement — by law, by the way — prevails. That is

the fact. Or if the management of the CFA want to change a certain policy which may conflict with the EBA, such as altering employee conditions, of course they have got to reach an agreement. That is an extra claim otherwise. What is wrong with that? If it is not in the current agreement, that is what is proposed in the next agreement. There is a process that has to be followed, and if there is no agreement the Fair Work Commission will deal with that. So there is no rocket science there.

We have been talking about the negotiation process. As I said earlier, people think that negotiating a complex enterprise agreement like this is a walk in the park, but it is not. There have been hundreds of meetings between the CFA management and the UFU to try to reach an agreement, including what I talked about as the process in the Fair Work Commission. Now, my understanding is that where things are at the moment is that the CFA management — and I am going to use that term because we need to separate the whole organisation and the top management — and the UFU on the other hand have an agreement on wages and conditions. So there is no dispute there. There is no disagreement there. They have reached an agreement. That is great, so we put that aside. There is no argument about that. In my understanding it comes down to a number of issues where there has been a conflict. It goes to the issue of the volunteers, to the issue about diversity and discrimination and to the issue of dispute resolution, which are the so-called veto things. That is where, in my understanding, there has been a challenging time.

In my understanding these matters were thrashed out in the commission before Commissioner Roe for a number of months since November last year. Reading the recommendations and some of the other material available, I note there have been some changes in position during that period for whatever reason — where an agreement was reached on a particular clause or provision and then later on there has been a change of heart and it was changed again. That could be really frustrating, and reading Commissioner Roe’s recommendation I note he actually points out some of these impasses between the parties. Nonetheless, what he finished up with on 1 June in my view was a position which, if it is being interpreted correctly and it has been fleshed out correctly, could be the basis to address everyone’s concerns.

The concerns we have here are of three interested groups. We have the CFA management — and its role is to actually manage the CFA; we have the career firefighters, represented by their union; and sitting on the other side is making sure that the volunteer

firefighters are not impacted and their role is not diminished — that there is no impact whatsoever on their roles. They are the three interest groups. In terms of outcome, the desire of the government — the minister, the Premier and everyone in cabinet — is to make sure the outcome balances the needs of the three groups. We need to make sure we have an efficient CFA organisation that is able to be ready and has sufficient resources and training to make sure it can perform its job to defend us, Victorians, when we are faced with bushfires or just fires in the outer suburbs.

That is the other thing. People forget the complexity with the CFA at the moment. A lot of people think the CFA is just fighting fires in the bush — 100 kilometres or 200 kilometres from Melbourne. Well, that is not the case. It is operating only about 15 or 20 kilometres from the city, whether it is Caroline Springs, Tarneit, Werribee or Sunbury. It is operating 20 kilometres from the city, but with its growth Melbourne has become so big, it has nearly a 50-kilometre radius. That has created that complexity between career firefighters and volunteer firefighters. It is my understanding that there are about 35 mixed stations. That is where, in my understanding, there has been attention in trying to get resolution of that issue.

In relation to the other 1200-odd fire stations, at least we can agree that there is no disagreement there. There is no argument there. There is no UFU takeover — none of that stuff — which is good. So that is good; we will put that aside. Then the argument goes about how the two groups are going to work together in those 35 stations. I can understand and I will accept that whatever the outcome is, it has to take into consideration the two groups, the volunteer firefighters and the career firefighters. It is an obligation on the CFA to make sure that that happens — and on the government and on the UFU.

Mr Ramsay — So why isn't it?

Mr MELHEM — Well, it is, as you would see if you bothered to read the thing properly, and the final agreement will deliver just that.

Now, let us talk about the commission's recommendations. There has been a lot of talk, and that is the whole problem about misinformation. I have already talked to members about the right of veto thing, which is basically one of the three outstanding issues. To me, I do not see a right of veto in the 2010 enterprise agreement and the proposed dispute resolution procedure.

Mrs Peulich interjected.

Mr MELHEM — Consensus is one of the steps; Mrs Peulich is absolutely right. If you have no consensus, then it is an arbitration process. As I said earlier, the alternative to not having a process like this is to have one of two choices: you have total management control, in which management does whatever it likes, or you have union control, in which the union does whatever it likes. Do we want that? I do not think so. I do not want that. I want to make sure that the career firefighters and the volunteers work under fair and reasonable conditions and are not dictated to by management unnecessarily or unreasonably, bringing unreasonable demands on them, and similarly the union should not make unreasonable demands on management either.

We do not want one extreme or the other. We want a process. We need to encourage agreements. It is actually a good way to manage things. Successful businesses seek consensus with their employees. That is not at any cost; if you cannot get consensus, then you move on and implement your changes and use the Fair Work Commission to actually arbitrate if there is a dispute. Basically that is the issue of the dispute resolution procedure. That is the issue about the independent person to mediate between the parties, and there is an end point, which is the Fair Work Commission to arbitrate.

So that is that part. The second part is about diversity and discrimination. I just read to members what the 2010 agreement, which is the current agreement, says about that. What has been proposed by Commissioner Roe as well, in his recommendation, we will implement that.

There has been some talk about the CFA management having received advice indicating that the so-called proposed changes were actually discriminatory and that the Victorian Equal Opportunity and Human Rights Commission supported that view — that some of these proposed changes could discriminate. One thing was left out: to my understanding that advice was based on the UFU log of claims dated 3 December 2015. It was not based on Commissioner Roe's recommendation, and it was not based on what had been agreed to by the UFU and CFA management in relation to that provision. Now, I get it, there is some confusion, maybe mistrust, between the parties about which one is which, because I understand that their position during the negotiations kept changing, but I think everyone should just calm down, look back and stick to the facts — not the perceptions, not those people trying to throw stones from the outside.

Commissioner Roe's recommendation and what was agreed to between UFU and CFA management addresses that point. I will read that.

Mr Finn — The meeting of the comrades. What are you talking about?

Mr MELHEM — No, it was not a meeting of the comrades. It was a meeting of the industrial parties. I will read it:

1. Diversity
 - 1.1 The parties agree to jointly consider and develop strategies to increase diversity within the CFA operational workforce. The purpose is to encourage and attract applicants for operational positions from different groups within the community without lowering any standards of recruitment, selection or employment.
 - 1.2. Diverse groups include but are not limited to:
 - culturally and linguistically diverse (CALD);
 - gender including but not limited to women;
 - Aboriginal and Torres Strait Islander;
 - socio and economically disadvantaged.

That is going through the groups.

- 1.3 For the purposes of subclause 84.1, the UFU and CFA agree to establish a working party which will report to the consultation committee in accordance with clause 21.
- 1.4 The working party will comprise of equal numbers ...

That is building on the 2010 agreement. It had similar provisions.

Maybe at one point in time the parties were further apart. We have moved on since then. To my thinking, from what I am reading here, the parties are very close. Is it true to say that there is bad blood? There is. Let us be honest about it. We have got some hard work to do to make sure that we can get the parties back together working cooperatively as one. We need to get the parties to work closely together, because unless we do that, we are all going to suffer. All the employees, the career firefighters, the volunteers — everyone is going to suffer. The focus should be on that.

Last Monday cabinet appointed Craig Lapsley, the emergency management commissioner, to give effect to these recommendations, because he is one of the most trusted individuals in the emergency services sector. He is very well respected by volunteers, he is very well respected by career firefighters and he is very well

respected by the government. I hope he is respected by the coalition. There is no reason why he should not be. So he has been given the task of saying — —

Mr Ramsay — Who's that?

Mr MELHEM — The emergency management commissioner, Craig Lapsley. His job is to bring the parties together — —

Honourable members interjecting.

Mr MELHEM — As I said, I have got all day; I am happy to talk for 4 hours. But I am nearly there, so maybe I will talk until lunch. Mr Lapsley's job is to bring the parties together. He is very well respected, as I said, and basically he will put these three issues to bed. Guess what?

Mr Ramsay — Craig Lapsley does not even like the EBA.

Mr MELHEM — No, he is not writing the EBA. The EBA is already there.

Mr Ramsay — He does not like the EBA.

Mr MELHEM — Are you his spokesperson, Mr Ramsay? Are you verballing him?

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! I ask Mr Melhem to address his contribution to the Chair, not to members across the chamber.

Mr MELHEM — I am happy to do that, Acting President. So that is what Mr Lapsley will be doing. Basically he will sit down with the parties to talk about the recommendations of the commissioner. That is where we have finished up with the agreement, and what people keep missing is that the Premier and minister were very clear that if any further work needs to be done to further clarify these issues, that will happen. The intent, which I have outlined, that we all agree on, is that volunteers should not be impacted on and nothing in the EBA should actually undermine the role of the volunteer firefighters. We all agree on that: the UFU agrees on that, the CFA agrees on that and the government agrees on that. I am not sure whether the coalition does.

In relation to diversity and discrimination, we want to make sure that the EBA does not discriminate against women and against other people and make sure it is compliant with the various antidiscrimination laws of this country — we all agree on that.

The third one, the so-called veto, which is outlined here, does not exist. We all agree on that, but we are never going to convince the other side. I have full confidence that through the work of the government, the CFA and the UFU we should be able to come to some arrangement where a fair and reasonable agreement is put in place to enshrine the respect that our volunteer firefighters deserve, that our career firefighters deserve and that this state deserves, rather than just playing politics, which is what people on the other side have been doing for the last few weeks. It is a real shame what they are doing. They are denigrating the career firefighters and playing one group of firefighters against another. It is an absolute disgrace. It is disgusting. When the houses of coalition members are on fire, those firefighters are the ones who are going to come to their rescue.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! Could members allow Mr Melhem to make his contribution, please. He has every right to do so.

Mr MELHEM — I was summing up, so I might have to start again. I just could not hear myself. I was saying it is time for the Liberal Party in this state to back off and stop playing politics, and if it has a constructive contribution to make, it should make it. But if those opposite want to play politics, they should get out and stay out of it. In relation to the Prime Minister, I will be interested as to how he is going to legislate to take the state rights away and those of volunteers. I mean, it is again another cheap political stunt.

Mr Ramsay — Where was Bill Shorten in all of this? Was he hiding under the mattress?

Mr MELHEM — Bill Shorten respects that it is a state matter and that the state is dealing with it, unlike your Prime Minister. Your Prime Minister does not care about state versus federal matters.

If the Liberal Party finds something sort of popular for the Prime Minister to say and drive fear, he will take the opportunity to drive fear because he only has to worry about one thing: it is his job to say the popular thing. And he is good; he has got his mojo already. If you do not like what the umpire has decided, what do you do? You abolish the umpire. He did that with the transport tribunal, so next he will abolish the Fair Work Commission.

We are talking about federal government members and opposition members here criticising an outstanding commissioner. I mean, we have not gone out and said,

‘Well, Michaelia Cash has just stacked the commission with her mates’. We did not say anything about it, did we? She put her mates on the bench. That is fine; that is her decision. There you go. ‘What’s good for me is not good for anyone else’ is the way the Liberal Party operates. The right to rule Liberal members think they are born to rule. Well, I have got some news for them. That might have been the case 200 years ago, but it is not the case in modern Australia anymore.

I will finish off by saying this: I have got full faith in the Premier and the minister and the cabinet.

Honourable members interjecting.

Ms Shing — On a point of order, Acting President, I have just been told to fuck off by Mrs Peulich. I would seek that she withdraw that comment immediately.

The ACTING PRESIDENT (Ms Dunn) — Order! I ask Mrs Peulich to withdraw.

Mrs Peulich — Acting President, I will withdraw any communications with Ms Shing, but she is persistent in badgering, harassing, bullying and provoking me in particular on an ongoing basis. That included sending me kisses a number of times last sitting week. I ask that you enforce the rules for everyone, and I am happy to withdraw anything that is offensive.

Ms Shing interjected.

The ACTING PRESIDENT (Ms Dunn) — Order! I ask Mrs Peulich to withdraw without any qualification.

Mrs Peulich — I did.

The ACTING PRESIDENT (Ms Dunn) — I ask the member to do that again for the purposes of *Hansard*.

Mrs Peulich — Without qualification, but in the context that I have placed.

Mr Herbert — On a point of order, Acting President, without getting into the ins and outs, a withdrawal must be unconditional, without further commentary like we just had.

Ms Lovell — On the point of order, Acting President, just during the point of order Ms Shing actually interjected intimating that Mrs Peulich’s presence in the chamber was offensive and that she should withdraw herself from the chamber. I find that offensive, and I think that Ms Shing should also withdraw.

Ms Shing — Further to the point of order, Acting President, this morning I have actually seen Mrs Peulich raise her middle finger to me on not one but two occasions. She has indicated to me that I have verbal diarrhoea, she has indicated that a crisis assessment and treatment team should be called in relation to me and she has most recently told me to fuck off. This is completely inappropriate and utterly offensive. I take personal offence, and I seek an unequivocal withdrawal.

The ACTING PRESIDENT (Ms Dunn) — Order! I have called the President.

The PRESIDENT — Order! Can I have Ms Shing and Mrs Peulich in my office, please. Mr Melhem, to continue.

Mr MELHEM — Before I conclude, there is one other point that has been raised a fair bit in the media in relation to this dispute, which is called outrageous. The UFU copped a fair bit over that as well. If there was a structural fire — for example, there was a building on fire in the City of Greater Geelong — and there was an argument about whether to call two people, four people, five people, seven people or eight people, my understanding is that the whole dispute over this is that the UFU on one hand wants the incident controller to dispatch seven people, whether or not seven people actually turn up at the dispatch centre.

As part of the standing operating procedures, if firefighters need to enter a building to save people, my understanding of the logic behind that was, and still is, that it is on safety grounds to make sure there are enough personnel.

If a crew of two or three people goes inside a building to save someone's life or to put out a fire, there are crew on the outside and, if something goes wrong, they will be able to get them out. My understanding is that it is not about the UFU dictating to CFA management that it wants to run the joint. If that is the case, I will not support that and the government will not support that. But that is not my understanding from reading and listening to various parties.

I actually represented forest firefighters, so I have a bit of an idea about what firefighters do, and yet what has been blown out of all proportion is that the UFU is dictating and the UFU is doing this and that. Let me clear up this myth. There is no UFU takeover bid for the CFA, and neither should there be, so let us stop playing politics with this and let us stick to the issues.

I will finish by saying this, and I am repeating myself because I said it a few minutes ago: I have full

confidence in the Premier, the minister and the cabinet. What they did on Monday was an excellent job to go forward and put the issue to bed. I am hopeful that the appointment of the emergency services commissioner, Mr Lapsley, will deliver that outcome sooner rather than later. The outcome we want out of this is the following: a fair and reasonable enterprise agreement which fairly compensates and gives due respect to the career firefighters who are covered by the agreement. By the way, they will be the only ones who are covered by the agreement, not the volunteers. Volunteers are not covered by the agreement, and they should not be covered by the agreement. We should give them respect for their work and dignity and make sure that the agreement establishes a basis for a good relationship between the career firefighters, the UFU and CFA management. We must also make sure the rights of volunteers and their conditions are respected as part of this process, and I am sure that will be the case.

In relation to the other matters, I have already spoken on them. I hope that by the time we are back here in the next sitting week we will have some good news that these issues have been resolved. After all, we sent the matter to an independent umpire, who conciliated for months and basically put out a fair and reasonable recommendation, which I totally support. Again, I hope that the industrial parties — not the political parties — being the UFU and the CFA management, move forward to get an agreement in place, because our firefighters, whether they are volunteers or career firefighters, deserve our respect. They deserve not to be played in a political game. I think the political games should end, and they should end now.

Ms HARTLAND (Western Metropolitan) — Before I deal with the motion today I would like to make a general statement about the importance of firefighters, both career and volunteer. I have known firefighters who have put their lives at risk at big fire events like Coode Island, Ash Wednesday, Black Saturday and Wye River, but they are also the ones who attend everyday fires and accidents where they might have to rescue a child from a burning car or a building. Because they are often the first responders it also means that they have to deal with severely injured people and start CPR before an ambulance arrives. Firefighting is hard work physically and emotionally. Career and volunteer firefighters put their lives on the line for me, for you and for the entire community, and they should be respected and not used as a political football.

Career and volunteer firefighters need presumptive legislation in relation to receiving WorkCover for cancer that occurs because of their firefighting work.

The Liberal-National parties denied them this while they were in government, and they have since run a disingenuous campaign in opposition for volunteer firefighters access, which apparently they suddenly now care about greatly. While not saying anything about career firefighters, the Greens want to see this legislation come forth as soon as possible and we want to see something that is fair for all firefighters. The current government needs to step up and say when we can expect to see presumptive legislation.

I will now move to the motion before us. I find it deeply disappointing that the negotiations about this enterprise bargaining agreement have been so politicised. I am very concerned that the coalition has brought forth this motion to continue to add fuel to the fire of this dispute, as it has been doing right from the beginning, rather than acting to support parties to find a workable solution. We do need to find a solution that is agreeable to both parties, so divisive politics such as this is extremely unhelpful. Both career and volunteer firefighters are essential to our fire services. Both deserve safety and the best of conditions when fighting fires. Both career and volunteer firefighters must work together respectfully and cooperatively, and I am deeply concerned about the impact this dispute is having on their relations.

Interestingly there was a letter in the Warrnambool *Standard* this week from Henry Barton, who is the officer in charge of the Warrnambool fire brigade. He talked about how it is:

... really disappointing that the information being published re: volunteers, CFA, UFU, government et cetera both in power and not, is seen by me as misleading and this is distracting from the core values of CFA and our brigade for both our volunteers and staff alike.

The objective of both volunteers and staff at our brigade is the same for any brigade is for the prevention of fires and the protection of life and property for our communities and for any surrounding communities by supporting other fire brigades and emergency services across the whole of Victoria.

We, as an integrated fire brigade, provide a service to the community for fire (both structural, bush and grass), hazardous material response, technical rescue, including rope rescue, confined space rescue and trench rescue, LPG emergency response and a myriad of other incidents as required, we support other brigades in the south-west like we have forever. We assist and support other emergency services as required in carrying out their roles in helping the community.

There seems to be a misconception that the role of the volunteer is under threat. How could anyone think that staff at Warrnambool are going to replace our volunteer fire brigades anywhere in the south-west? We have for many years

responded into other brigade areas as a support to them with equipment, manpower and expertise if required.

The reality is that even in the event of all the UFU's proposals are accepted, there will be no impact on the volunteers in other brigades.

It is disappointing that our brigade is being damaged by the printing of misinformation, and that the views of such a small group were called in to discuss the situation without any thought of asking us.

For example, 'increase in paid firefighters in Warrnambool had led CFA volunteers to believe they would be superfluous'.

Paid staff provide immediate response in Warrnambool and valuable support and assistance to other brigades and have done so for many years and in no way alters the volunteers roles at other brigades. It is also worth noting none of the volunteers featured in the *Standard* on June 3, are not volunteers from Warrnambool but are from other brigades, so the number of paid firefighters in Warrnambool would have no direct impact on their situation as volunteers.

Our primary goal is to continue to provide quality service to the community of Warrnambool and support other brigades and emergency services and we would best be able to continue this without the continued stirring of the pot by those seeking media attention.

For those who know me would know that I am a strong supporter of volunteers having come from a family of volunteers. There is no way that anyone could seriously believe that the state of Victoria could do without our volunteers, whether it be CFA, SES or any other volunteer organisation.

Warrnambool fire brigade is a proud integrated brigade and HAD a fantastic reputation across the state. We are continuing to work together in an integrated way to service and protect our local community. I will not stand for our reputation being trashed based on lies, scaremongering and political point-scoring!

I think it would be worth members opposite actually taking note of that letter, because it is from Henry Barton, who works at the Warrnambool fire station and clearly works with many volunteers.

I have seen the findings of the Fair Work Commission but not the enterprise bargaining agreement (EBA) to which they relate. These are not public documents, and many of the commission's findings are actually hard to understand without being able to access the EBA. I have not seen the findings of the Victorian Equal Opportunity and Human Rights Commission's equity and diversity reviews of the Country Fire Authority (CFA) and the Metropolitan Fire Brigade. I have written to the CFA seeking a copy of this report, the EBA and more information about its concerns regarding the veto powers and dispute resolution procedures. I have also written to Volunteer Fire Brigades Victoria (VFBV) seeking further clarity

regarding its outstanding concerns relating to the Fair Work decision. In a meeting with Andrew Ford earlier this year, I asked him for a copy of the EBA. He told me that the document belonged to the CFA, not the VFBV, so he did not have access to it. I also asked the United Firefighters Union (UFU) for a copy of the EBA, and I was told that it is not a public document. So it is unclear as to what document is circulating in the community.

Further, I have written to the UFU seeking a response regarding the finding of the Victorian Equal Opportunity and Human Rights Commission that clauses of the agreement could be discriminatory and also seeking a response to the CFA concerns. I sent these emails on Monday, and I have not yet received responses. I wrote to them in order to respond to community concerns, but I really do not think it is the place of MPs to be involved in EBA negotiations. This is something to be negotiated by the interested parties, and, as I understand it, the only people who should have access to the EBA documents are the CFA and the UFU as they are the parties negotiating the document.

Turning to the detail of the motion itself, I wish to make a few comments. Firstly, in relation to the opening statement regarding the EBA threatening the authority of the CFA to manage its own operations, I ask the opposition to explain how it thinks the EBA does this. Has the opposition seen the current EBA? Can it quote the clause which some CFA members are concerned about in relation to veto powers, and has the opposition come to the conclusion that this will threaten the CFA's authority? I am presuming that the opposition has not seen the latest version of the EBA as this is not a public document, but if it has, how did it access it? It now seems unwise to include such sweeping and in all likelihood exaggerated statements in a motion on the basis of hearsay.

Secondly, I ask the opposition how it came to an assertion that all 60 000 volunteer firefighters support asking the Premier to reject the EBA? Has it surveyed all of them? I am not sure it has. The opposition can explain that. Again this seems to be a highly exaggerated statement for the benefit of the opposition to use this issue as a political football.

Thirdly, with respect to comments the opposition asserts the Minister for Emergency Services made, this may or may not be an accurate portrayal of what she said. Either way I do not feel that paragraph (4) of the motion is appropriate because this is certainly not what has been included in the official statement from the minister, which was released on 7 June. Without seeing a current version of clause 21 it is difficult to make

comment, and I have not seen the veto clauses in question that the CFA has concerns about. I will remind the house of the facts that are public.

From the findings of the Fair Work Commission we can see that the clause relating to seven paid firefighters being dispatched to the fireground only relates to 37 integrated fire stations across the state. I would also like to remind members that there are 1186 rural, urban and integrated fire stations across the state, so the 37 are 3 per cent of stations. It should be noted that at these 37 stations the paid firefighters are on site at the station, ready to respond to emergencies.

I will read from the Fair Work Commission recommendation, just so there is no confusion about what has actually been said by Commissioner Roe:

I do consider it necessary to recommend changes to the agreement to underline that the agreement only applies to paid professional firefighters and does not apply to volunteer firefighters or affect their important role. The changes also underline the maintenance of the discretion of incident controllers in managing resources in the interests of public safety. The changes to clause 83.5 are also designed to emphasise that the provisions only relate to integrated stations and to the work of professional firefighters. The role of volunteers in fighting bushfires and maintaining community safety and delivering high-quality services to the public in remote and regional areas and in integrated stations is not altered by this agreement. Recommendations 1, 4, 7, 8, 9, 12 and 13 below are directed to this outcome.

Honourable members interjecting.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Leane, Mr Finn and Mr Morris, I see you are all on the speaking list and will have an opportunity to contribute. I ask you to let Ms Hartland continue, please.

Ms HARTLAND — I would recommend that everybody actually read the Fair Work findings, because I think that they are enlightening to this dispute. I would also like to make a statement in regard to Commissioner Roe, who I have known for many years. People who are appointed to the commission are appointed on merit. If you read this work and if you read his previous work, you will be aware that he is well regarded by both employers and unions because he is able to get through complex and difficult work.

On the issue of who has seen the EBA, Mr Ramsay has stated that he has seen the EBA. I am not sure how that is possible, as I have been told by several sources that it is not a public document. In fact if you look at the outstanding concerns of the CFA, they are not extensive. As I understand it there are three outstanding concerns. So what is needed here, it seems to me, is

much cooler heads and an end to the hostility that has formed around this issue.

The Greens would like to appeal to all parties, all MPs and the media to keep their heads and not inflame this situation. We need to resolve this matter, not have these kinds of motions in the house. For the long-term good of our fire services let us remember what it is all about at the end of the day. It is about saving lives and properties. It should be done with the safest practices and the best quality equipment for all firefighters.

I would like to finish as I started, by giving thanks to career and volunteer firefighters who keep me and my community safe. I do not have the skill or the courage to do what they do. The Greens will abstain from this vote because without access to the current EBA, which we understand is only available to the CFA and the UFU, it is impossible for us to meaningfully engage in this motion, and we do not wish to politicise this issue further.

Mr MORRIS (Western Victoria) — It is with great pleasure that I rise to speak on Mr O’Donohue’s motion, that supports the work of the Country Fire Authority (CFA) — the voluntary CFA as well as the paid CFA. The work they do is extremely important and keeps our communities very, very safe. I was pleased to be able to join 3500 CFA volunteers on Sunday in Treasury Gardens for a rally, which was ably addressed by both Malcolm Turnbull, our Prime Minister, and Matthew Guy, the Leader of the Opposition in the other place, who spoke about the importance of the 60 000 volunteers across the state of Victoria who keep our communities safe.

I know Mr Leane opposite is going to espouse the virtues of Mr Marshall and his good mate Mr Gatto, but we cannot believe Mr Marshall. We know this. We know that we cannot believe Mr Marshall because we know this is just a power grab. Those opposite will try to tell us that there is nothing wrong with the clauses at all. I tell those opposite that the 3500 volunteers who gathered in Treasury Gardens on Sunday have something else to say. They say that they are extremely concerned about this enterprise bargaining agreement (EBA) negotiation, which is going to rip control from the volunteer organisation and hand it across to the United Firefighters Union (UFU).

It is interesting to note that it is not just the volunteers themselves who are standing up against this EBA; Labor’s own minister, Jane Garrett, has stood firm and said that this will not happen. Lucinda Nolan, CEO of the CFA, has stood firm, saying that this is not going to

be in the best interests of the CFA, as has the whole of the CFA board.

What is it that is at stake here? What is at stake here is the safety of our communities. I know from representing Western Victoria Region that we are very, very thankful for all the work that is done by our CFA volunteers. I remember too well just in December last year the Scotsburn fire just outside of Buninyong. The CFA crews there responded quickly. They were actually going door to door, doorknocking on people’s homes letting them know that fire would be impacting their homes in the very near future — and that, I have no doubt, saved lives. That saved lives.

As I was travelling through the bushfire-ravaged area in December I also noted all of the work that had been done to preserve those homes. There were many notes of thanks and of compliments to those CFA volunteers at the houses that had been saved, thanking them for all the hard work they do — because they do work hard. The CFA volunteers place themselves in danger and are not compensated in any way for it. In fact these are people with full-time jobs and with families they need to support. They need to get their kids to weekend sport and the like. And what is this government trying to do? It is trying to rip control of this organisation from the volunteers and hand it to Peter Marshall and the UFU.

Mr O’Donohue’s motion that he has moved speaks of what has happened with the Victorian Equal Opportunity and Human Rights Commission finding about the EBA. Even the human rights commission has said that this particular EBA is going to ensure that young mothers and the like will not be able to be employed appropriately in these types of positions within the CFA. Yet the Minister for Some Equality over in the other house has said, ‘Oh, this is not my job. I am only the minister for this equality, not that equality over there’. The answer that he gave yesterday in question time was reprehensible. He is the Minister for Some Equality — only some equality — ‘No, this equality over here is not equal to this equality over there. I don’t have to worry about this one’.

Mr Finn — That is inequality.

Mr MORRIS — That is inequality. That is what he stands for. They stand for inequality.

What is it the UFU wants? I was actually fortunate to be speaking to a former member of the other place in recent times, Mr Paul Jenkins, who is a life member of the CFA and a former board member of the CFA as well. I was having a conversation with him, and he said, ‘This is not news. Peter Marshall and the UFU have

been trying to take control of the CFA since the 80s'. Since the 1980s this has been happening.

Mr Leane interjected.

Mr MORRIS — Before I was born, Mr Leane, they were trying to take control of the UFU. That is how long this fight has been going on for. I can tell those members opposite that we on this side of the house stand in support of the 60 000 CFA volunteers who will continue to keep our community safe throughout the bushfire season and beyond.

I was speaking to a CFA captain this morning on the phone. I was having a discussion about the fact that the UFU also wants to rip control of community education from the volunteers as well. It wants to ensure that it has veto over who it is who can go into schools and educate children about fire safety. Why in the world would the UFU want to be taking over control of community education? Is the UFU going to be heading out to Bolwarra Primary School in South-West Coast? Is it going to be heading out to Edenhope to educate children about fire safety there? No, it just wants the power to say that volunteers cannot, and that is what this is all about. It is about telling volunteers what they can and cannot do — which doors they can enter fire stations through. 'No, volunteers, you can't go through that door. You're not allowed in that room, volunteers, because we don't respect the work you do'.

We on this side of the house say that we respect the work of volunteers. We need to ensure that their rights are protected to ensure that they can protect our community, because that is what they are there to do. Outside of working full-time, looking after their families, they come out on Christmas Day, as they did at the Wye River fire, to ensure that homes and lives are protected. What would have happened in the event of these fires without the CFA? They would have run riot over our communities. We would have had much greater losses of houses. I am sure that if the CFA had not been involved in the Wye River fire, there would have certainly been loss of life. Yet those opposite have no respect whatsoever for these volunteers, because they want to hand over control to Peter Marshall.

What is it that Peter Marshall has got over this government? What is it? What was the deal that was done with Peter Marshall prior to the election? What was the wink-wink, nudge-nudge — 'You come out and you intimidate Liberal members at the polling booths, and we'll make sure that we look after you after the election'? What was it? What was the deal? What is it that Peter Marshall has on Daniel Andrews? What is happening is a disgrace —

The PRESIDENT — Order! As one of my colleagues once said, there is a need for some people to perhaps take a Bex and have a good lie down. We will proceed to questions without notice.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Medicinal cannabis

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Agriculture, the Honourable Jaala Pulford. Following the passing of the Access to Medicinal Cannabis Act 2016 earlier this year, the horticultural trial is underway at a secure facility. The cultivation trial will cultivate and extract cannabis for supply to the first patient group. Though the trial will be providing ongoing information about the medicinal cannabis products to be produced in Victoria, an initial strain and ratio has been selected for cultivation. Can the minister advise as to the strain of cannabis being used in the current government trial, including the ratio of cannabinoids, particularly cannabidiol and tetrahydrocannabinolic acid in the strain?

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her question and her interest in this issue, and indeed her advocacy on this issue. I will take the question on notice and provide a detailed response to Ms Patten at the earliest opportunity.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I look forward to seeing that response. Understanding the specifics of the strain that was selected for initial cultivation is crucial to those families who may be able to apply to be part of the trial under the new legislation. Many are currently very nervous that the government will not produce a product that matches the ones that they are currently illicitly accessing by either growing and distilling them themselves or being supplied with by one of the many compassionate Australian manufacturers. They know what are in these products and where they come from, they know the cannabinoid ratios and, most importantly, they know they are working for their children. Can the minister advise as to whether the seeds being used in the trial are genetically modified and whether the trial crop is being grown indoors or outdoors?

Ms PULFORD (Minister for Agriculture) — I thank Ms Patten for her supplementary question, and I will provide an answer on notice to that question.

Recreational fishing

Mr BOURMAN (Eastern Victoria) — I suspect it is question time, not answer time, again, but my question too is for the Minister for Agriculture. Recently we have seen that an unnamed green group that is obviously a fringe animal rights group has managed to manipulate a federal government trigger that will launch an inquiry into recreational fishing based on the premise that it is a key threatening process. Other than proving that the animal libbers are extremists that will really stop at nothing to further their cause, it is also an opportunity for the Andrews government to restate its position on the issue and give the fishers of this state some comfort. My substantive question is: will the government state its unequivocal position on recreational fishing?

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his question and his interest in recreational fishing and the government's recreational fishing policy. I will provide Mr Bourman with an answer on notice.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her future answer. My supplementary question is: will the government commit to standing by that position regardless of the outcome of this federal inquiry?

Ms PULFORD (Minister for Agriculture) — I will take that question on notice, and I will provide an answer to Mr Bourman.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. When I look at the Forest Explorer maps on the Department of Environment, Land, Water and Planning's website I am able to overlay the sites that have been logged in the Toolangi, Marysville, Big River and Yarra state forests. It is evident from these maps that since they began to be clear-felled in the 1970s most of the available wood has already been harvested and these forests certainly will not have sufficient resource to cover the 80-year regeneration period required for high-grade sawlog. My question is: is the state-owned logging agency logging these resources at such a rapid rate that it will soon be out of high-grade sawlog?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her ongoing interest in the activities of VicForests and our timber industry, and I will provide Ms Dunn with an answer on notice.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I look forward to that answer. It is obvious that there is not an 80-year logging cycle resource in the state forests. Are the Central Highlands forests being liquidated before any recommendations from the timber industry task force can be actioned?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her further question. I will take Ms Dunn's question on notice and provide an answer, as I have done for Ms Dunn on these matters on at least 80 occasions since the election.

Leadbeater's possum

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. I bring the minister's attention to a recent article published by Long Term Ecology, 'Are nest boxes an effective management tool for Leadbeater's possum?', in which Australian National University Fenner school research scientist Lauchie McBurney found that nesting boxes have been a very expensive but ultimately unsuccessful experiment managed by VicForests and funded by taxpayers. Will the minister stop wasting taxpayer moneys on futile alternative habitat-manufacturing experiments and act to stop the logging agency from cutting down the natural habitat on which this species depends?

Ms PULFORD (Minister for Agriculture) — Ms Dunn again raises a matter on her significant interest in the forestry industry and in doing so has asserted an opinion as fact. That said, I will take the question on notice and provide an answer to Ms Dunn.

Supplementary question

Ms DUNN (Eastern Metropolitan) — I look forward to the answer. It has been made evident by the science, including the threatened species scientific advisory committee, that what the Leadbeater's possum needs is the protection of all large old trees and stags in the Central Highlands, such as those found in 1939 fire regrowth forests. When will the minister stop enabling the VicForests logging agency in the destruction of this habitat, tipping the species into extinction?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her supplementary question, and I will provide her with an answer on notice.

Country Fire Authority enterprise bargaining agreement

Ms LOVELL (Northern Victoria) — My question is for the Minister for Agriculture. It has been widely reported that the United Firefighters Union demands put forward in the Country Fire Authority enterprise bargaining agreement (EBA) negotiations would cause a significant increase in the fire services levy, and I ask: as Minister for Agriculture, what advice has the minister taken on the impact of an increase in the fire services levy on primary producers, and how much will the amount levied on primary producers increase under the union’s current demands?

Ms PULFORD (Minister for Agriculture) — The administration of the fire services levy is the responsibility of the Treasurer, but I will undertake to provide a response to Ms Lovell in writing.

Supplementary question

Ms LOVELL (Northern Victoria) — Right up until the 11th hour, Monday’s cabinet meeting was to consider the EBA in its current form. Is the minister therefore advising the house that she was willing to attend a cabinet meeting and vote on this EBA without fully understanding the impact of the decision on primary producers, who are her direct responsibility under the agriculture portfolio?

Ms PULFORD (Minister for Agriculture) — Ms Lovell, as a former minister, should probably know better than to invite me to discuss matters deliberated on at cabinet meetings, and I decline to do so.

Country Fire Authority enterprise bargaining agreement

Mr MORRIS (Western Victoria) — My question is to the Minister for Youth Affairs. The minister’s Youth Central website states:

If your résumé is looking a little short because you don’t have much work experience, volunteering is an excellent way to learn new skills and gain genuine work experience at the same time.

A history of volunteering can show employers that you:

- can take the initiative;
- can work independently and as part of a team;
- have a positive attitude towards work; and
- are community-minded.

The minister’s Youth Central website also promotes the Country Fire Authority (CFA) junior volunteer

program as a valuable volunteering option. How does the minister reconcile the promotion to Victorian young people to be involved in the CFA junior volunteer program in the context of the current very public and detrimental attack on CFA volunteers the government is engaged in?

Ms MIKAKOS (Minister for Youth Affairs) — I thank the member for his question. I actually reject the premise of the question. It is interesting that he is trawling websites looking for a job. If he needs some help in writing his résumé, I am happy to give him that advice. This government is a proud supporter of the CFA. If I have anything further to add to the member’s ridiculous question, I will give that to him in writing, with some tips on writing a résumé, perhaps.

Supplementary question

Mr MORRIS (Western Victoria) — I wish I could thank the minister for that response, but I find it absolutely staggering that she is still refusing to answer questions, bypassing centuries of Westminster tradition. However, I will ask: has the minister requested and received any advice on the impact on young volunteers of the current dispute between the government, the United Firefighters Union and CFA volunteers?

Ms MIKAKOS (Minister for Youth Affairs) — Look, I have responded to the member in the first instance, in refuting the premise of his original question. If I have anything further to add for the member, I will do so in writing.

Prisoner transport

Mr O’DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. I note that under the minister’s government the number of prisoners in cells has exploded from 89 prisoners on 24 November 2014 to 243, according to his response, on 17 May this year. I also note his response to my question last sitting week that until 19 April this year 105 court matters did not proceed because of the government’s failure to present the prisoner to court, in contravention of a court order, and that this has resulted in costs of \$77 875 being ordered against Corrections Victoria. In relation to those 105 matters, have any of these or the 130 court orders that were flouted last year resulted in a contempt charge being brought by the court against Corrections Victoria?

Mr HERBERT (Minister for Corrections) — The opposition seems to be running in a line along the front bench here. I guess my colleague Mr Dalidakis will be next. It is good to see those opposite have some

foundation numeracy skills there to get the numbers in order. It is a very serious issue that has been raised, and I will give it serious consideration in terms of the answer and get back to the member in writing.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — By way of a supplementary question, I ask: since 19 April this year how many other prisoners have not been presented to court by Corrections Victoria in contravention of a court order, and what is the total cost billed to taxpayers for those breaches?

Mr HERBERT (Minister for Corrections) — I shall take that on notice.

Code Club Australia

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The minister joined the shadow minister for innovation in the Assembly, David Southwick, just last night at the Telstra Code Club Australia event at Parliament, where he, along with the shadow minister, was given the opportunity to speak. Given it happened just last night, can the minister outline to the house, as the shadow minister did last night, the benefits of code clubs for children and the digital economy?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — As I explained to the house yesterday, when the Leader of the Government returns to answer questions without notice so will I, and in the meantime I will take the member's question on notice.

Mr Ondarchie — On a point of order on relevance, President, I did not ask any questions about industrial action by the government. I did not ask anything about strike action by the government. I asked about an event that happened last night.

Mr Dalidakis — You were warned yesterday for making vexatious points of order.

The PRESIDENT — Order! I thank the minister for his assistance. I advise Mr Ondarchie that the minister has undertaken to provide an answer in writing.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — Could the minister tell us how much money the Andrews government has invested in Code Club Australia to support the important work that it does?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I refer back to my substantive answer, and I will take the supplementary question on notice as well.

Honourable members interjecting.

The PRESIDENT — Order! I have recently met with a couple of members of the chamber and discussed a range of issues that stem from interjections. As we know, interjections are unparliamentary. There is a certain tolerance of interjections to the extent that they may be apposite to a particular debate. There is a tendency for some interjections to become extraordinarily personal.

A point that I make is that we never know a person's background and experience. We do not know what they have gone through in their lives personally — themselves or with their family or friends. We do not know about a range of issues that sometimes in our debates and in our statements we try to encompass in very positive ways to provide support to people who have had challenges in their lives, and then in some of these interjections we actually betray a lack of genuine concern about and commitment to the very issues addressed in the statements we have made.

There is no place for personal interjections in this chamber. On so many occasions I seem to have to correct or prevent some of the interjections that Mr Dalidakis makes from proceeding further, and sometimes I have to seek withdrawals. He is not alone, but again what some people might see in a brief moment of perhaps robust chamber behaviour as being humorous or as being a method of distracting members of the other side should be considered carefully as some of those comments might well cut to the quick. They may hurt somebody very deeply. Not only are they unparliamentary, they are undignified, they are inappropriate and they have no place in this chamber.

Minister for Agriculture

Ms BATH (Eastern Victoria) — My question is to the Minister for Agriculture. Following the minister's embarrassing social media error on Twitter last week, did her department provide advice so that in future she will be able to tell the difference between a feral European rabbit and a pet bunny?

Ms PULFORD (Minister for Agriculture) — I thank the member for her question and her interest in federal Labor's animal welfare policy, which interestingly was matched by the federal coalition about

three or four days later. I look forward to providing a response to the member on notice.

Supplementary question

Ms BATH (Eastern Victoria) — I thank the minister, and I will await with interest her response. The bunny incident also follows on from an earlier error when the minister's office issued a media release in her name claiming that wild dogs have an impact on crops. How can farmers have confidence in the minister and her ministerial office when she continues to make these embarrassing blunders?

Ms PULFORD (Minister for Agriculture) — I look forward to providing Ms Bath with a detailed account of the work that the government is doing to support Victorian farmers in a written response to her question.

Written responses

The PRESIDENT — Order! In regard to today's questions, in the case of Ms Patten's substantive and supplementary questions to Ms Pulford, Mr Bourman's substantive and supplementary questions to Ms Pulford and Ms Dunn's two substantive and supplementary questions to Ms Pulford — in the case of all of those — there will be written answers forthcoming, and they are all one day.

In regard to Ms Lovell's substantive question to Ms Pulford — only to the substantive question — which involved the Treasurer, I would ask for a written response, and that is two days.

In regard to Mr Morris's question to Ms Mikakos, in respect of his supplementary question, I would ask for a written response, and that is one day. She answered the substantive question.

Ms Mikakos — I believe I dispatched both of them and offered to provide a written answer if I had something further to add.

The PRESIDENT — Yes, and I am indicating that I think Ms Mikakos probably does have something to add in respect of the supplementary question, but I accept that she actually did dispatch the substantive question.

On Mr O'Donohue's questions, both substantive and supplementary, to Mr Herbert, certainly written responses on both of those; on Mr Ondarchie's questions, both substantive and supplementary, to Mr Dalidakis, written responses to those; and on Ms Bath's questions, both substantive and supplementary, to Ms Pulford, also written answers on

those. In respect of each of those they are all one day as they involve the ministers' direct responsibilities.

RULINGS BY THE CHAIR

Ministerial responsibilities

The PRESIDENT — Order! I wish to make a statement in regard to the answering of questions, which follows from the point of order that Ms Wooldridge raised yesterday, when I indicated that I would come back to the house with a further considered response following the remarks that I made yesterday.

In regard to questions directed to the minister suspended from the chamber, upon consideration of the matter raised yesterday relating to questions without notice directed to the Special Minister of State for the portfolios for which he is responsible or in his capacity representing ministers in the other place, I have come to the following conclusions. Firstly, the President cannot direct appointments of ministerial responsibilities in the chamber. This is a matter for the government alone. Secondly, there is a practice that decisions on the transfer of questions usually rest with the ministers, and the Chair will not usually interfere with such decisions.

It is ultimately for the government to decide if a minister will answer or transfer the question to another minister. As such, and consistent with my initial comments yesterday, I rule that I do not have any power to, in effect, appoint a substitute leader in the absence of Mr Jennings. Again, this is a matter for the consideration of the government alone.

However, in relation to written responses to questions, I note question time is the most visible and important mechanism for scrutiny of government available to the house. It is reasonable for the house to presume that the Deputy Leader of the Government would refer questions asked of the Special Minister of State, either for his own portfolios or in his capacity as minister representing other ministers, in his absence.

I reiterate that in arriving at this conclusion I am not in any way making a pseudo-appointment of ministerial responsibilities in relation to the deputy leader. Questions directed to Minister Jennings should therefore be directed to the deputy leader, who will be able to refer the matter to Minister Jennings, who still holds his executive position, notwithstanding that he is suspended from this house, and who is in turn able to provide written responses pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Written responses

Ms Wooldridge — Thank you, President, for that clarification. Can I just make a point of order in relation to Ms Pulford's response to Ms Lovell and her referral of that matter to the Treasurer. The question was not actually about the fire services levy's impact; the question was what advice had she taken on the impact of the increase in the fire services levy on primary producers. I would put to you that it is a very clear question that is directed to the minister in her capacity as the Minister for Agriculture, and as such it is not for referral to the Treasurer but one that she should be answering herself.

The PRESIDENT — Order! In this instance I would probably uphold the point of order, having had the chance to reconsider that question as it is phrased. For both the minister and me, obviously it was a question without notice and I think we both heard it in a particular context. As a courtesy the opposition has provided me with a copy of that question, and that has led to that reconsideration. So, yes, the minister will again have a look at the question and see what the appropriate response is. That will be one day.

Ms Patten — On a point of order, President, Mr Bourman and I asked two questions without notice directly to a minister in the house. Regardless of the politics between the Greens and the coalition, the crossbench supported the government, supported the ministers here, and I find it disrespectful of this house that ministers are not answering our questions when in fact we have not been part of this furore and the politics that are going on at this moment.

The PRESIDENT — Order! I am tempted to ask Ms Patten: under which standing order? I think Ms Patten makes a relevant point, but I am in no position to direct the government to change its position. I guess ministers are looking for consistency in their approach to questions across this period, notwithstanding that some members might find that it is unsatisfactory.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT — Order! Two members have raised with me reinstatement issues. On Ms Wooldridge's question, because I was dealing with a matter just before I came in, I actually do not have that one with me, so I will have to do that a little later.

In respect of Mr Barber's question about a response that he received from the Premier in regard to some advertising commitment for the funding of a particular program, Mr Barber points out that the response that he now has concerns about is on a second response from the Premier. In other words, the first response was unsatisfactory, I asked that a further written response be provided and Mr Barber finds that that second response is unsatisfactory from his perspective. I would advise, however, that I have no power to make a further request for another written response. Whilst the response might not be adequate in Mr Barber's view, the matter is concluded from the Chair's perspective.

CONSTITUENCY QUESTIONS

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the Premier. Last night I raised an adjournment matter pertaining to City Life and the offer by the government through the member for Frankston in the other place, Mr Edbrooke, to assist City Life to find a new home. City Life is a very well respected charitable organisation which provides thousands of meals to the homeless and the disadvantaged each year, as well as showers and the like, and after 14 months it does not have an outcome. However, in the process \$70 000 was spent in order to get nothing, and the question I ask of the Premier is if he can actually find the source of the \$70 000 and, if it was money that was taken out of a local Frankston project, such as the CBD Young Street work, that it be returned and that the money be found from another source.

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question today is for the Minister for Veterans, the Honourable John Eren. This week, from 5 to 7 June, the RSL of Australia has been commemorating 100 years since it was established. The RSL plays a pivotal role in supporting our returned service men and women through the provision of important social services, welfare support, resources, connections and opportunities for the local communities they are located in. I ask the local minister what support the Andrews Labor government is providing to the RSL as it commemorates its 100th anniversary, and I ask what support specifically is being provided for the RSL in my Western Metropolitan Region for welfare, commemorative and educational projects.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — I raise a constituency question for the Minister for Ports, and it comes following representations from constituents who have berths at the Paynesville boat harbour. They are concerned at the forecast increase in annual charges. This year the annual charge is \$891, forecast by 2018–19 to be \$1897 — more than a doubling of the charge. The administrative fees are similarly forecast to rise from \$179 this year to \$231 in 2018–19. My constituents have had this berth for many years and they very much love the Gippsland Lakes, but the infrastructure that they rely upon is minimal. My question for the minister is: will the minister reconsider these exorbitant price increases, particularly given that many of the berth holders are of limited means?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is directed to the Minister for Health. The question I ask is: what information is available about the health benefits of exercise for Victorians, in particular in relation to my constituents in the Western Metropolitan Region? I ask this because I understand that a number of organisations in the western suburbs have received funding from VicHealth's active club grants. This is a fantastic program that supports community engagement and keeps people active and healthy. I congratulate all the successful applicants under this funding round, and I commend the minister for ensuring that our communities maintain access to funding streams that encourage people to get involved, have fun and stay healthy.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question is to the Minister for Education, and it is regarding the former Ruthven Primary School site in Glasgow Avenue, Reservoir. The community is quite keen that this site be retained for community use, yet the Department of Education and Training has sought to fast-track this issue in conjunction with the Department of Treasury and Finance and has given the local council only 30 days to make a decision. The residents are quite concerned that this does not give the council adequate time to make a purchasing decision about this valuable piece of community space. I ask the minister if he could stall the fast-track process to give both the Darebin City Council and the local community a chance to evaluate the opportunity to use the Ruthven Primary School site for community use.

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) — Last week I was approached by a constituent who is a Vietnam veteran and a member of the Darebin RSL. My question is for the Minister for Veterans, the Honourable John Eren: what support specifically is being provided for RSLs in the Northern Metropolitan Region for welfare, accommodation, commemorative and educational projects? As we know, this week, from 5 to 7 June, the RSL of Australia has been commemorating 100 years since it was established. The RSL undertakes important work to support local communities and advocates on behalf of our veterans and their families.

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is directed to the Minister for Families and Children, and it relates to a meeting I had recently with the Boroondara City Council when it highlighted to me the need for additional funding for the preschool field officer (PSFO) in that municipality. In relation to what the council is concerned about, obviously there has been a significant growth in demand for services in the municipality and there has been an underfunding to match the growing demand. As members will be well aware, under the PSFO program a preschool field officer assists educators to build their confidence, knowledge and skills to provide an inclusive program that is responsive to the needs of children. Children with additional needs are particularly evident and require these field officers. My question to the minister is: could the minister look at this issue and provide funding as soon as possible?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is to the Minister for Police, and it is with regard to the Ballarat West police station, which I was very pleased that the former coalition government funded, and indeed it started the building of this very important community facility that will ensure the ongoing safety of the community in Ballarat. I have previously asked a question of the minister to which he said that these matters were operational matters for the Chief Commissioner of Police. However, the question I want to ask of the minister is quite simple, and that is: does the minister know when the Ballarat West police station is going to open? I understand that where the police come from may be an operational matter, but when the police station is going to open is the question I would like to ask the Minister for Police.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Public Transport. I have recently been contacted by a 74-year-old Bendigo resident very concerned about a number of issues relating to Bendigo's bus network. His concerns include dangerous bus stops, especially for disabled and elderly passengers; bus timetabling and communications; lack of internal departmental communications; inaccuracies on the Public Transport Victoria website; and fare evasion and antisocial behaviour by passengers. He wants to arrange a meeting with relevant bodies, including Public Transport Victoria, representatives of the disabled community, the bus company, the minister and an independent mediator to address these concerns. He said he has raised this with the local members and has been largely ignored. He said the federal Labor member was negative and not interested and fobbed him off, saying she would talk to Minister Allan. He said the member for Bendigo West also just said she would pass it on to Minister Allan. He said he directly contacted Minister Allan's Bendigo station office and was told that she was not in the office, even though he claims he saw her through the window. My question is: will the minister meet with my constituent as a matter of urgency?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My question is to the Minister for Training and Skills, the Honourable Steve Herbert, and relates to Glenormiston College at Noorat. Expressions of interest for the historically important agricultural education facility ended on 16 March. After a previous question to the minister in Parliament, the minister indicated the successful proponent would be announced in early June following an evaluation by a panel led by an independent chair and featuring a representative from the local community. Given the minister has not conveyed any significant delays or changes to this plan, my question is: when will details of the sale or lease be announced, and when will the ownership change hands?

COUNTRY FIRE AUTHORITY ENTERPRISE BARGAINING AGREEMENT

Debate resumed.

Mr MORRIS (Western Victoria) — I will begin where I left off, endorsing Mr O'Donohue's motion in support of Country Fire Authority (CFA) volunteers. One point I did want to make was with regard to who it is that is advocating for change. Who is advocating for

the changes — for the power of veto for the United Firefighters Union (UFU) to be able to control the CFA? It is certainly not the CFA volunteers. I have not heard anybody saying that any of these changes are going to ensure our community is made more safe. The only outcome of these changes is that the UFU is going to be able to control 60 000 volunteers, what they are able to do and not do, when they are going to be able to begin fighting a fire and when they are going to be able to go out to schools and educate the community about the dangers and the importance of fire safety. That is all that is going to come out of these proposed changes of Peter Marshall and the UFU.

It is imperative that we stand in support of our CFA volunteers, because it is they who keep our community safe when we are most in need. It is not just during times of bushfire, either. Certainly I have spoken to many CFA volunteers who have spoken about attending road accidents and other accidents where community members need support in times of need. It is of great concern if the UFU — if these proposed EBA changes go through — could say whether or not a volunteer CFA crew could attend a car accident or the like to meet the needs of the community.

In conclusion, I note that it is quite clear that what we have here is a union that has been trying for over 30 years to take control of one of the greatest community service organisations in the world. Peter Marshall has been trying for decades — —

Mr Finn interjected.

Mr MORRIS — The bullying tactics of the UFU and Peter Marshall cannot be condoned. All they are trying to do is take over a magnificent community organisation, and those volunteers will not stand idly by while they attempt to do so. So I wholeheartedly commend Mr O'Donohue's motion to the house and say that we in the coalition, the Liberals and The Nationals, will always stand in support of our CFA volunteers.

Mr LEANE (Eastern Metropolitan) — In speaking on Mr O'Donohue's motion, of course the first few words are that I think the whole chamber supports the Country Fire Authority (CFA) volunteers. Of course the whole chamber does, and I think that is just a given, despite some game playing — —

Mr Finn — I'm not sure it is a given.

Mr LEANE — No, well, it is a given because — —

Mr Finn — I'm not sure it is.

Mr LEANE — Well, you are not sure of a lot of things, Mr Finn. The things Mr Finn is not sure of could probably fill a number of volumes as big as this room. But he should be taking the chamber's word for it — that of course everyone supports CFA volunteers. What I am disappointed by in this motion is that it does not go on to say that the house also supports all firefighters, whether they are paid — whether they do it for a living — or not. I find that very disappointing.

Mr Ramsay interjected.

Mr LEANE — Mr Ramsay interjects, 'They're not at risk', but I have to say they have been at risk of being demonised for the last few weeks. They have been at risk of those opposite — of the coalition — and of certain media outlets attacking them.

Mr Ramsay interjected.

Mr LEANE — Mr Ramsay says, 'Not career firefighters, only the UFU'.

Mr Ramsay interjected.

Mr LEANE — And Peter Marshall? Well, I have to say I had a look at the rally that was out the front of the steps yesterday, and there must be a lot of Peter Marshalls. There must be over a thousand Peter Marshalls. All of their names must have been Peter Marshall. It must have been a Peter Marshall convention. I know those opposite find this hard to accept, but the United Firefighters Union is over 3000 men and women who put out fires for a living and save people's lives for a living. Members opposite do not understand.

Ms Lovell interjected.

Mr LEANE — Ms Lovell has just walked in. She is not in her place, and she just yelled out that the CFA has 60 000 volunteers. We accept that, and we actually support those 60 000 people. But just because the paid firefighters are a minority group and there are only 3000 of them, does that mean the coalition should attack them? Is that why they are fair game? Is that why the coalition and the media are openly attacking their integrity and their complete commitment to their jobs? They are being attacked by a number of people out of political interests.

The 3000 firefighters, through their representatives, have said that they do not support the policy of not addressing a fire until there are seven personnel at the site. What would happen is that the first personnel would turn up and start addressing the fire. We have heard the hysteria of members opposite around two

trucks being dispatched. I do not understand what the huge issue is. If two trucks are dispatched to an event and the first truck gets there and its team says, 'Look, it's only a fire in a dumpster', and they radio to the second truck, 'You don't need to come; it's not an incident for two trucks', then I do not see what the hysteria is about. If two trucks are available, why would they not be sent to an event? I have got to say that if it was my house on fire, I would actually appreciate it that two trucks had been dispatched. I would actually appreciate it if more trucks were available — that is, if fire personnel had been sitting at a station, if they were available and if they were not attending another event. I do not understand the hysteria of members opposite over that issue.

Members opposite have said that paid staff will not take instructions from volunteer incident controllers. That is not true. The career firefighters have come out and said that will stay the same. As a matter of fact, the career firefighters have stated that nothing they are negotiating will have any effect on the business as usual of the great work that the CFA does or the great work that the CFA volunteers do, but that is not good enough for members opposite.

Mr Ramsay — That is not true.

Mr LEANE — That is not true? That is not good enough for members opposite. The career firefighters say that nothing in the EBA will affect the volunteers. The independent umpire, Fair Work, has said that nothing in the agreement is going to affect the volunteers. That is not good enough for members opposite because they want to keep their fear campaign going. I have to give them the bad news: it is going to end. Industrial disputes end.

Ms Lovell — We want it to end.

Mr LEANE — Members opposite do not want it to end. The industrial dispute is going to end and the fear that the coalition has generated is going to dissipate because the truth is going to get out there. In practice it will be out there. In practice nothing will change for the volunteers, and the coalition's fear campaign will disappear. I will tell members what will happen after that. This government will fulfil its commitment to introduce an extra 350 firefighters, and this government will fulfil its commitment to introduce presumptive legislation. This is something that members opposite are calling for now.

Mr Ramsay interjected.

Mr LEANE — I say to Mr Ramsay that it will be done this term.

Mr Ramsay interjected.

Mr LEANE — Inaction for four years, and then — —

Honourable members interjecting.

Mr LEANE — I am not trying to be cutting. I know I am hurting the feelings of those opposite by telling them the truth. I am not going to use the fruity language that we have had to endure during this debate, but I am just telling members opposite what is going to happen. All of those coalition members with photos of themselves standing in front of CFA stations who are saying, ‘I support presumptive legislation’, did not do anything about it.

What is going to happen is that this government will do something about it. Nothing will change for the CFA volunteers as far as what they do now except they will actually have improvements because they will have new equipment from this government. The great work that they do will be improved and will be made easier by this government. And they will have presumptive legislation. A long period of time after the enterprise bargaining agreement (EBA) has been signed they will find out from pure experience that nothing has changed.

What will happen soon, after the agreement is finalised, is that members opposite will move on to another fear campaign. They will find something else. They will realise that this one has not worked out, that it has no legs, and they will move on to something else. Then Mr Davis will come in here and it will be all about sky rail again — ‘this sky rail that no-one voted for’. Then what will happen is that it will get built and people will realise that that is a good asset and they will like it, they will actually enjoy it, and then the coalition will move on to something else. That is because that is what the coalition does.

I have no qualms about saying that I speak to everyone in society that I can. I speak to people who are in unions, and I actually speak to leaders of unions from time to time. I tried to speak to the head of the volunteers association, and, as I said, to his credit he rang me back but I missed his called. When I rang him back his phone was off, so I sent him a text message saying, ‘Please, Mr Ford, tell me what you’re basing your accusations on in the email you just sent to every MP’. I heard nothing back. I have still heard nothing back now, even after the last speech I made in Parliament. He is not prepared to back up his statements because they are not true.

Let us go to some truth now. I apologise that I have to read this. In the Warrnambool *Standard* of yesterday there is an article that says:

Integrated: Warrnambool CFA leading firefighter Heath McDougall and volunteer firefighter Carolyn Bishop are part of a joint team.

They are part of an integrated team at Warrnambool CFA. There was a joint gathering in recent days. The article states:

... 27 volunteers and 22 paid firefighters came together in a show of unity to tell the Warrnambool community that despite the divisions displayed in other forums, the Warrnambool fire station was a united integrated force.

The station’s chief volunteer, First Lieutenant — —

Mr Ramsay interjected.

Mr LEANE — Members opposite will not even take quotes from CFA volunteers.

Honourable members interjecting.

Mr LEANE — I know this is killing members opposite, but I am going to keep reading from this article. Members opposite should trust me and relax. I have known them for a long time — they will find another fear campaign. I have faith in them doing that because, as I said during question time, they excel in opposition. That is where they belong. They are fantastic at this sort of stuff — in creating division, in creating fear, in not delivering things but calling for them. When they are in government they do not do anything, but when they are in opposition they are the experts at everything.

I think I have lost my space. I need to — —

Mr Finn interjected.

Mr LEANE — I feel like I am on *The Muppet Show*, and I have got Waldorf and the other guy up on the balcony — just angry old dudes, angry about everything, saying, ‘In my day, we did this’.

Anyway, there was a joint campaign, and there is a quote from the station’s chief volunteer, First Lieutenant Wayne Rooke in the article:

We are all here for the community.

We are all side by side with the staff ...

Concerns that an enterprise bargaining agreement proposed by the UFU will diminish the role of the CFA have actually been debunked by these people.

The article says:

... Mr Rooke said the concerns were unfounded. He said that the proposed EBA would not alter the present situation where rural CFA brigades were backed up by paid firefighters.

Honourable members interjecting.

Mr LEANE — I cannot believe that members of the opposition do not even accept the people who do the job; they do not even accept the volunteers.

Mr Finn interjected.

Mr LEANE — I understand the opposition's frustration, but I assure them — —

Mr Finn interjected.

Mr LEANE — You will find another thing to fearmonger. You will be okay, so stop panicking and stop this shrillness.

I would like to refer to the discussions in the Fair Work Commission, I think briefly, after lunch so that other people can get a go. I am wondering, President, if I should start that part of my speech now, or are you happy to let me collect my thoughts over lunchtime? I could keep going if you — —

Honourable members interjecting.

The PRESIDENT — Order! Will it give rise to a very extensive presentation after lunch?

Mr LEANE — No, very brief. I think it will take 10 minutes after lunch. But I am moving onto a different topic, and I think it is very important that people are focused on what I say.

The PRESIDENT — Order! It is an unusual request, but nonetheless I think we have arrived at the time where we will suspend for lunch.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Mr LEANE — I will briefly complete my contribution on this motion. I am a bit disappointed that the opposition cannot at least add career firefighters to its motion. I am not too sure if that goes to its political ends. There has been a lot of interjection around professional firefighters and their union. Their union is actually them. There are 3000-plus men and women who have formed a collective to further their occupational health and safety conditions and their pay conditions, and I do not think that is the most evil thing in the world, despite others trying to betray it as that. I do not think the people who have been elected to represent them from the ranks are the most evil people

in the world just because they have been elected to represent them. Actually I do not think that Peter Marshall is the most evil person in the world, despite all the rhetoric coming from across the chamber.

Yesterday there was a rally out the front of the building we are currently in. I had a conversation with some of the firefighters who were there yesterday. I actually had conversations with some of the career firefighters after the last debate that was brought into this house by those opposite. There were phone calls to my office and also exchanges of emails. In phone calls to my office career firefighters were at a loss to understand why they were open to such attacks on their integrity and professionalism. They were at a loss to understand why some in the community think it is okay for them to be punching bags purely because they are firefighters who make a living out of it. They are at a loss to understand why it is okay for some people in our community to consider them punching bags just because they have a union ticket in their wallet or their purse. It is not fair on them. It is not right and, as I have said from the start, I feel for them.

In some of the conversations I have had with them in their updates of how the negotiations are going they have asked questions that I could not answer. There were questions about why CFA management has engaged the legal company Corrs Westgarth, and I get the other name wrong — —

Mr Ondarchie — Corrs Chambers Westgarth.

Mr LEANE — Thank you very much for the assistance — Corrs Chambers Westgarth. There were questions about why Corrs had been engaged for the conciliation process and, when they were going to conciliation at the Fair Work Commission, why there were two partners and also barristers engaged by Corrs, along with the CEO, the deputy CEO and a number of people. Firefighters were wondering why so much taxpayers money was being spent on the CFA's conciliation process. They were also wondering why some clauses that had been agreed to by CFA management were being renege upon at a later date. Maybe Mr Ramsay might be able to explain that. Some of the clauses that they are jumping up and down about now, that they agreed to during the recent negotiations, were at a later date renege upon. It would be very interesting to know — —

Mr Ramsay interjected.

Mr LEANE — Mr Ramsay seems to know a lot about the negotiations in this dispute. It would be very interesting if he could explain it. It seems to me that

something strange is going on. The CFA has put out media releases recently saying that it will continue to act in good faith — —

Mr Davis interjected.

Mr LEANE — Mr Davis, that was not funny and you are not in your place. If you are going to interject and not be in your place, at least be clever.

Mr Dalla-Riva interjected.

Mr LEANE — The limits of Mr Dalla-Riva's sense of humour might not be as high as mine; I do not know.

In summary, I guarantee the people opposite that when these negotiations are finished, when the EBA is done, when the CFA volunteers realise that nothing has changed and when the fearmongers over there realise that the world has not collapsed in on itself, they will find another issue.

That is what they do. They will find another issue to lie about, to fearmonger about. I am sure Mr Davis will find that the sky rail is still getting built. He will be all right. He will be able to talk about that ad nauseam, saying, 'The sky rail no-one voted for'. He will be able to talk about that. I do not know if there were any rail troughs anyone voted for either, so maybe Mr Davis should pick up on that one too.

Mr Davis interjected.

Mr LEANE — Yes, that is a good one. He should pick up on that. I am happy to help him.

I think it is a sad day for this chamber. This motion has been brought to the house full of misleading information, full of fearmongering and trying to divide a workforce whose members work together well anyway. The opposition is not going to be able to achieve this. The other thing I think is sad — and I will say it again — is that the opposition cannot even bring itself to put forward a motion saying that it supports career firefighters as well.

Dr CARLING-JENKINS (Western Metropolitan) — I want to thank Mr O'Donohue for bringing to the house this motion, which asks the house to support the Country Fire Authority (CFA) volunteers in their call to keep their operations under the full authority of the CFA chief executive officer and the chief fire officer. I will be supporting the motion.

For many years I lived just down the road from a CFA station. I would hear the siren go every Sunday afternoon as a test, and occasionally I would hear it go

when it was not a test but a call to action. The CFA, as anyone who has lived in a CFA area knows, is much more than just a service; it is a community. I had neighbours and friends who volunteered, and they still do. We would all donate and attend the annual yard sale at the station. When we had a fire at the back of our property, we were grateful for their quick response. When my parents were escaping the Marysville bushfires, they were also extremely grateful for the work of the CFA, as was our entire family.

CFA volunteering is something often handed down through generations — generations who are justifiably proud of their contribution and fiercely independent. Volunteers have a sense of ownership over their patch, and the community is fiercely defensive of the volunteers who protect them. The CFA has stated:

The proposed EBA undermines volunteers, our culture, allows the UFU operational and management control of CFA and is discriminatory.

This is perhaps why the recent breakdown in enterprise bargaining agreement (EBA) negotiations has become such an emotive issue. Unlike many EBA negotiations, this one involves whole communities, whole families, and when your family is attacked your reaction is to fight back and protect them. This issue is not just evoking sympathy or even empathy; it is raw emotion. There is also an element of exhaustion playing out here. The CFA operational negotiations have been going for over three years. Volunteers are at the point where many have stated publicly that they will walk away from the CFA if the EBA as it currently stands goes through. This would have a devastating impact on communities, and it is not a threat to be taken lightly.

The DLP favours conciliation and arbitration systems, but it opposes the concentration of power in corporate business and trade unions. We do not believe that any union, for example, should allow power to be monopolised within one group or within one faction. Quite simply, the DLP views the behaviour and approach of some parts of the current government and of the United Firefighters Union (UFU) in this dispute as incredibly disrespectful and unfair. The dispute has also, I note, caused tensions within this government. I commend the Minister for Emergency Services, Jane Garrett, for opposing the agreement and standing up for CFA volunteers. I also note, as Mr Melhem pointed out in his contribution, that cabinet took a step in the right direction in seeking to resolve this issue on Monday, and I encourage cabinet to resolve the politics of this matter swiftly. The phrase 'Enough is enough' comes to mind, and not just in my mind but for many of the constituents that I represent.

The DLP believes policy should be formulated in favour of the smallest unit of responsibility and decision-making. This means that decisions should be made by the people closest to and most affected by the issues and concerns of, in this case, the community being protected by the CFA. I acknowledge the UFU's claims that the matter of control and decision-making has been politicised, and I agree that this has become quite unnecessarily political. We should never use our emergency services as political footballs. We saw this under the previous government with the paramedics dispute, and we see it under this government with the firefighters. This whole process has been damaging. Both career and volunteer firefighters have been affected. This has been played out in emotive rallies and in emotive interviews on talkback radio. Opinions have been expressed both for and against the EBA. It is time for this to be resolved before irreparable damage is inflicted on relationships between career and volunteer firefighters.

There are many issues here which others in this chamber have already addressed. I just wish to briefly highlight two issues which are of particular concern to me. Firstly, there are concerns over veto clauses in the enterprise bargaining agreement. Many are in respect of the critical functions and responsibilities of the CFA. These clauses are not consultation only required clauses. They clearly require UFU agreement, and the CFA is adamant that this is not appropriate in relation to many issues. Reflecting on DLP principles here, it is the CFA that is closest to the decision-making centre, and thus it is the CFA with which the DLP believes responsibility for critical functions should remain.

Furthermore, I am concerned about the comments made by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), which found that a rather large number of clauses in the agreement are non-compliant or potentially non-compliant.

This includes clauses that could be discriminatory towards women, parents, carers and people with disabilities. This is of grave concern to me. Red flags go up when I hear concerns from bodies such as VEOHRC.

I want to keep my contribution brief, so I will sum up now. As I have said, decisions should be made by the people closest to and most affected by the issues and concerns of the community. A Premier and a union pushing aside a government minister and attempting to force her hand on a mostly volunteer organisation, I feel, is most inappropriate. I acknowledge that the Premier has since backed down — at least temporarily. In motions like this I will always seek to err on the side

of those closest to and most representative of their community, therefore I will be supporting this motion — to stand in solidarity with the communities protected by the CFA volunteers and out of respect for those same volunteers.

Ms LOVELL (Northern Victoria) — I am pleased to support this motion today. I have even greater pleasure in supporting the 60 000 volunteers who make up the Country Fire Authority (CFA). I would like to congratulate Ed O'Donohue on bringing this motion forward, because it gives us all an opportunity to stand in support of the volunteers in the Country Fire Authority. It also gives us the chance to tell Daniel Andrews that he is wrong.

Everyone, including the volunteers, actually supports the career firefighters in negotiating an enterprise bargaining agreement (EBA) that gives them fair working conditions and remuneration — but not at the expense of the volunteers. This is where these EBA negotiations go a step too far. These do impact on the 60 000 volunteers and they do make the Country Fire Authority unworkable, and we will not stand by and see Labor destroy an organisation that has given over 100 years of very proud service to our community and for which 60 000 volunteers still risk their lives every time their pager goes — to protect all of us who rely on the Country Fire Authority.

Daniel Andrews has started a bushfire. This is a fire in the bush that is raging.

Mr Leane interjected.

Ms LOVELL — It is burning out of control at the moment, and Mr Leane has his head in the sand. Labor will pay the consequences of this bushfire. There is only one way — —

Mr Leane interjected.

Ms LOVELL — This is a fire that is burning in every regional city, town, village and hamlet throughout country Victoria and in the outer suburbs of Melbourne, and Mr Leane chooses to keep his head in the sand and try to ignore it. There is only one way this fire can be put out, and that is if Daniel Andrews does a backflip, supports the CFA volunteers and backs down on the sweetheart deal that he has promised to the United Firefighters Union (UFU).

This deal goes far too far. The right of veto over decisions of the CFA board and CEO is a step far too far. What other organisation has to be run by people who have a right of veto over the decisions of the

board? How can members of a board actually fulfil their obligations as directors — —

Mr Leane interjected.

Ms LOVELL — Deputy President!

The DEPUTY PRESIDENT — Order! Through the Chair. Ms Lovell, to continue.

Ms LOVELL — I note that the Deputy President is not very keen on pulling Mr Leane up, but he should be pulled up.

The DEPUTY PRESIDENT — Order! Ms Lovell is reflecting on the Chair.

Ms LOVELL — I withdraw.

The DEPUTY PRESIDENT — Order! Continue.

Ms LOVELL — What other organisation has a board of directors who cannot fulfil their role as directors? That is what this deal, the Daniel Andrews sweetheart deal with the UFU, would provide.

Another area of concern to many of our volunteers is the need to have seven career firefighters on the ground before any fire can be fought.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Can we cease with the interjections? Ms Lovell, to continue.

Ms LOVELL — It is totally unworkable to have to have seven career firefighters on the ground before volunteers can start to fight a fire. In many of our country towns this would mean houses would burn to the ground while CFA volunteers would have to sit in a truck and watch them burning as they waited for career firefighters to attend. In fact in many of our career firefighting stations there are not even seven career firefighters on duty. If you go to Sunbury, the shift of career firefighters is only four. In Shepparton the shift for career firefighters is six. This is no doubt a desperate measure by the UFU to have an increase in the number of paid firefighters on the ground, which will mean more union dues will be paid back to the UFU so it can then direct that back to the Labor Party in contributions.

Another area of concern is the establishment of two separate chains of command. That is just unworkable. It is not practical that you would have two different chains of command in a firefighting situation on a fireground. That is particularly the case with fires that are fought in some of the remote areas in the high

country, where a volunteer firefighter who has been in an area for 20 or 30 years and knows how the fires run in those areas would be the best person to be in command. A career firefighter would not take a command from that experienced volunteer, and therefore a career firefighter who might have only a few years' urban experience would be giving commands on that fireground. That would not be practical.

We have learnt from bushfires in the past that there needs to be great cooperation — not only between career firefighters and volunteers but also between other firefighting organisations that may come out of Parks Victoria or out of the department and also the State Emergency Service and anyone else who is on a fireground. Establishing multiple chains of command will not lead to the level of cooperation that is needed in wildfires.

Labor keeps telling us there is nothing to worry about — 'Nothing to see here. Nothing up our sleeves. Go away. It's all okay' — but country Victorians and the volunteers in the CFA are not buying that. The CFA volunteers smell a rat. This is an issue that concerns country Victoria so much that 3500 volunteers rallied in Treasury Gardens and later on the steps of Parliament last Sunday, with less than 24 hours' notice. With less than 24 hours notice, 3500 people travelled hundreds of miles to be there to support the CFA. At the rally people were asked to put up their hands: 'Put your hand up if you travelled an hour', and everyone put their hand up; 'Put your hand up if you travelled 2 hours', and there were hundreds of hands still in the air; 'Put your hand up if you travelled 3 hours', and hundreds of hands were still in the air; 'Put your hand up if you travelled 4 hours'; 'Put your hand up if you travelled more than 5 hours' — there were people who had travelled more than 5 hours to be in the Treasury Gardens on Sunday to protect the CFA.

I was proud to join those volunteers from right across Victoria, including about five busloads from region 22, which is the region I live in, to support them in standing up against Daniel Andrews and the UFU. There was not one Labor or one Greens MP there to show support for the CFA volunteers. They stand up in here and say, 'We respect all firefighters; we respect career firefighters and we respect volunteer firefighters', but none of them were there to show the volunteers any support.

Yesterday we saw the UFU response. It was reported in today's *Shepparton News* that there were about 500 people at that rally. That rally was supported very strongly by the Electrical Trades Union and the

Construction, Forestry, Mining and Energy Union and of course Labor and Greens MPs.

When I was first a member of Parliament one Labor MP told me that Labor will never commission a review or a report unless it knows the result first. That seems to be exactly what has happened with the report of the Fair Work Commission. How comfortable must this Labor government have been when this dispute went before the Fair Work Commission, where we have a Fair Work commissioner in Julius Roe, who was appointed by the former Gillard federal government. He is a man with strong union credentials. He is a self-proclaimed anarchist and Marxist and a well-known Labor mate. He is hardly an independent umpire, and his finding in favour of the union was hardly surprising. It is appalling that the CFA was only given — —

Ms Mikakos — On a point of order, Deputy President, I wish to bring to your attention that the member is seeking to reflect on a member of the Fair Work Commission. I refer to rulings in this house that relate to reflections on members of the judiciary. I realise that the Fair Work Commission is actually not a court as such, but on a similar basis I would bring this matter to your attention in that the member is seeking to impugn the reputation of a member of the Fair Work Commission and seeking to imply through her comments that the individual involved was less than impartial in his recommendations.

Mr Davis — On the point of order, Deputy President, I am not sure the member was seeking to impugn the member of Fair Work. I think what she was placing on record are historical facts — matters of public record. In my view she was unfair by not pointing out that he had renounced anarchism, but the views that he has held over the years are a matter of public record and she is entitled to make those points.

Mrs Peulich — On the point of order, Deputy President, to rule in favour of this point of order would be certainly a very significant mark away from past practice. Ms Mikakos has admitted in taking the point of order that indeed it is not consistent with the standing orders — that is, a Fair Work commissioner is not a member of the judiciary. Secondly, there is a right of reply for any citizen who feels thus aggrieved to actually apply and use that right of reply in this chamber. As Mr David Davis said, what Ms Lovell was reiterating is what is on the public record. I do not believe it is a reflection, nor is it a reflection on the judiciary as captured in the standing orders.

The DEPUTY PRESIDENT — Order!

Technically it is not a point of order; however, I am concerned that there is criticism and indeed implied criticism in terms of the commissioner of Fair Work. I just do not believe that that is particularly helpful, and I would ask members to curtail that line of argument.

Ms LOVELL — During the hearings at the commission the CFA was given only a brief opportunity to put forward its case. The volunteers were not even — —

Mr Leane — On a point of order, Deputy President, Ms Lovell is misleading the house. The CFA had 40 sessions with the Fair Work commissioner, and it was supported by taxpayer-paid partners of a legal company.

The DEPUTY PRESIDENT — Order! That is not a point of order.

Ms LOVELL — The volunteers were not even given an opportunity to put forward their point of view at all at the hearing, but the UFU had extensive opportunities, and I believe that representatives of the Premier supported the UFU at the commission. This hearing was a stitch-up from the start, and Daniel Andrews thought he would get it all his own way — a Fair Work finding that endorsed his need to pay back the UFU for the role it played in assisting Labor during the state election.

Mr Leane — On a point of order, Deputy President, the member just made an accusation against a member of the other place, being the Premier. Members can only make an accusation against a member of the other place through a substantive motion, so she will have to withdraw that particular statement.

The DEPUTY PRESIDENT — Order! We simply did not hear it. There were other conversations taking place and advice being sought at the time.

Ms LOVELL — Thank you, Deputy President. The union tactics during this campaign have been appalling. We had heard early on and during the campaign that the UFU was using the pager system inappropriately and sending out messages via the pager system claiming to be from the chief fire officer when they were not. Only this morning this practice commenced again, and I received an email today from a concerned volunteer, who said:

This morning, the UFU used the CFA's paging network and the CFA chief officer's name to reassure volunteers that the EBA will not impact their or their communities' safety and directing them to the 'Protect the Protectors' Facebook page and open letter —

that is, the union's Facebook page and open letter. The CFA management is now investigating the UFU's inappropriate use of the pager system and of the deputy chief fire officer's name. The deputy chief officer has responded to this, and he will make sure that the UFU is held to account for its inappropriate use of the pager system.

I do have concerns, like those Dr Carling-Jenkins just outlined, about the clauses that are discriminatory towards women, carers and the disabled. Labor claims to be the champion of these groups of people, but Labor is prepared to agree to a union deal that will be discriminatory towards women, carers and the disabled in this state. That is absolutely disgraceful.

Daniel Andrews is driving a wedge between our career firefighters and our volunteers. We need a cohesive firefighting service in this state. In country Victoria we have to have a cohesive firefighting service. There is a need for both career firefighters and for volunteers. Without volunteers this state cannot afford to have an effective firefighting service throughout country Victoria. In urban areas and in many of our regional cities there is a need for integrated stations, like the one we have in Shepparton, where career firefighters work side by side with volunteers every day of the year.

This dispute is driving a wedge between the career firefighters and the volunteers. This is a disgraceful act by this Premier. He needs to listen to his minister, who has stood up to him and told him that this is just not on. He needs to listen to his minister; he needs to listen to the 60 000 volunteers in the CFA; he needs to listen to Lucinda Nolan, the CEO of the CFA; he needs to listen to the board of the CFA; and he needs to listen to opposition members, who have consulted with all these people and who know the effect of this deal if Daniel Andrews pushes it through.

I would just like to finish by saying that we in the Liberal Party value all firefighters. We value volunteer firefighters and we value career firefighters.

Honourable members interjecting.

Ms LOVELL — It is obvious from Mr Leane's behaviour during this debate that he only values the union. He has continually interjected throughout my contribution.

The DEPUTY PRESIDENT — Order! Through the Chair. Can Mr Leane and Ms Crozier please desist from interjecting.

Ms LOVELL — Mr Leane's consistent interjections have made it rather difficult for me to

make my contribution this afternoon, because he has been continually prattling on while I was speaking. As I said, I would like to finish my contribution by saying how much we in the Liberal Party do value all firefighters in Victoria, whether they be volunteer firefighters or career firefighters. We want to see a cohesive CFA going forward, with career firefighters and volunteers working side by side and where everyone is valued for their contribution.

Mr BOURMAN (Eastern Victoria) — It gives me pleasure today to rise and speak in support of the Country Fire Authority (CFA) volunteers. My earliest memory of volunteer firefighters goes back to about 1980 — a little bit too long ago — when we lived on a farm. One day I came home from school in the middle of summer and my dad was not there. For the next two days I had no idea where he was. He came back and he smelt of smoke. He had been in the Royston state forest, as I think it was back then, fighting fires — with all of about 10 minutes training. Fortunately things have got a lot better since then. There is training and there are trucks and all sorts of things, but it is not a new function and it is certainly a function we need. It is a free function, notwithstanding the fact that you have got to buy them equipment, and all these volunteer firefighters do it on, obviously, a volunteer basis, at no cost to the state.

As part of what I do in this job, I get around of course and I meet various people. I have also gone to a lot of CFA stations and met a lot of very, very passionate and dedicated people. All they want to do is protect their community. Along with the State Emergency Service (SES), they form the backbone of a lot of the rural emergency response. The type of people you tend to meet are the givers, not the takers, of a community. Not only do they give their time, but sometimes they risk their lives and sometimes they give their lives. I remember clearly the tragedy in Linton, where there were multiple fatalities. These are the sorts of people who went out and did it again and again. The volunteers are the people we should be thinking of here. It is more about what they give or provide and what we do for them.

That brings me to an individual I met just before I got elected, someone who is a shooter, like me — a gentleman by the name of Paul Bannan. He is a CFA volunteer. As I have come to know him more and more over the course of my little journey through Parliament, I have started to get a very good idea about what makes these people tick. As I said before, it is about giving. It is not about wages. It is not about enterprise bargaining agreements (EBAs). It is not about anything except that when the siren goes they will get to the station and they

will go and fight a fire or, in the case of the SES, they will go and cut people out of cars or whatever it might be. These are the people we should be thinking of — and the people they are supporting, who are our communities.

On rural areas, I cannot speak to the veracity of what is in or not in the EBA. I cannot say whether people will have a volunteer crew standing there, waiting for a paid firefighter to turn up, because I do not know. But whoever gets there first should be able to fight the fire. That is what it is about. Seconds count — not hours, not minutes, not unions, not anything else. It is about safety.

I am going to keep my contribution short, as usual. The organisation as a whole needs to focus on its primary role of protecting life and property. This really is not negotiable, and that is what we really need to be focusing on. There are 60 000 people who need to be acknowledged for their effort and what they do for this community.

Mr RAMSAY (Western Victoria) — I rise to support Mr O'Donohue's motion, and in doing so I want to endorse the contributions from those on the opposition benches in relation to their very strong parochial support of our Country Fire Authority (CFA) volunteer base right across Victoria. I do concur with Mr Leane — unfortunately I see he is not in the chamber — that when we talk about firefighters we are talking about all firefighters, career and volunteer, in the support and respect that we show every one of them. The motion that Mr O'Donohue has brought forward to this house does relate to specifically CFA volunteers, because they are the ones who will be most impacted upon by the proposed enterprise bargaining agreement (EBA) clauses that have been supported and recommended by Fair Work commissioner Julius Roe.

I would just like to put some things in perspective. I will try and be short so others can make a contribution before this is adjourned. Ms Hartland raised issues about presumptive legislation. I have been a CFA volunteer with the Birregurra fire brigade for many, many years. I was very active on Ash Wednesday as a volunteer, supporting the communities of Deans Marsh and Lorne, that were under threat. The initial Ash Wednesday fire started at a timber mill at Deans Marsh. I provided my own fire unit and went up into the Otway ranges to support houses that were under threat. I have been involved in most significant fires in western Victoria since that time, so I have had a lot of experience in working closely with not only CFA volunteers but career staff as well, not only those supported by the United Firefighters Union (UFU) but

also firefighters in the lands and parks department, or the Department of Environment, Land, Water and Planning (DELWP) as we know it now, who were particularly effective last December in supporting the Wye River and Separation Creek communities, where that fire was raging on Crown land. I thank the DELWP firefighters for their part in saving those communities, as I do the CFA volunteers under the brigade captain at Wye River, Roy Moriarty.

In relation to Ms Hartland's issue on presumptive legislation, can I say that the coalition was supportive of presumptive legislation for all firefighters. However, the bill that she introduced in the upper house had, as we know, a financial consideration and was seen as a Treasury bill that was required to be debated in the lower house. Unfortunately, if she can remember, the recommendation was that the bill be put to the Assembly for consideration and debate instead of coming through the upper house.

Ms Hartland interjected.

Mr RAMSAY — I also remind her that during the course of the coalition government's reign we actually commissioned a report by Monash University to look at the science and research in relation to the impacts of presumptive legislation and the relationship between the identified cancers in that legislation.

Ms Hartland interjected.

Mr RAMSAY — It was actually on 5 November, Ms Hartland, even before that report was made public, that the Premier at the time, Denis Napthine, supported presumptive legislation for firefighters.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! There is way too much noise in the chamber. Can we have a little bit more silence in the chamber, please?

Mr RAMSAY — I do dispute Ms Hartland's position of saying that we were not supporting the legislation. We had a press release dated 5 November that clearly stated that given the work that been done by Monash University there were scientific reasons to support presumptive legislation with some changes in the modelling.

In relation to the CFA budget, which Mr Leane made much of in his contribution, can I say that the coalition put more money into the CFA budget every year during its four-year government than Labor ever did. There was significant additional funding applied during the outcome of the Black Saturday Victorian bushfires

royal commission when there was a requirement to meet the recommendations of that inquiry, and there was supplementary funding provided in the 2011–12 budget, which was a one-off funding increase. Certainly in 2012–13 there was \$416 million, in 2013–14 there was \$446 million and in 2014–15 there was \$457 million. There was an ongoing increase in each of those years to the budget, which substantiates what we have been saying in relation to the ongoing commitment and increases in funding to the CFA under the coalition.

It makes a mockery of what Peter Marshall was saying and the Andrews government's claim that CFA funding was cut under the coalition. It was not cut; it actually increased every year during the coalition government — more than at any time under a previous Labor government.

Can I quickly just say there are a number of issues here that I do want to highlight. In relation to the clauses that deal with the power of veto, we have seen that work in the Metropolitan Fire Brigade (MFB). What is causing considerable concern obviously with Volunteer Fire Brigade Victoria (VFBV) is that the clauses that are now being proposed will have a similar effect on the CFA volunteer fire brigade base to what it has had on the MFB, where in fact the UFU has total control of who will man the fire trucks, how they will be placed and directed and the chain of command. That is not something the CFA volunteers want overshadowing their ability to respond to fires.

It was only last Monday night that I visited the Lara fire brigade with the shadow Minister for Emergency Services, Brad Battin, and the member for South Barwon, Andrew Katos, from the Legislative Assembly. I use Lara as an example of a brigade that under the current proposed EBA negotiations will become an integrated fire brigade.

Mr Davis — What has the member for Lara been doing?

Mr RAMSAY — We have heard nothing from the member for Lara. In fact the member for Lara has never visited, as I understand, the Lara fire station. In fact he probably does not know where it is.

In relation to the Lara brigade, as I understand it, under the proposed EBA it will become an integrated fire station. It will be no. 35 in Victoria. We already have in my region Ocean Grove, Belmont, Corio and Geelong City fire stations. If Lara becomes an integrated model, the volunteers are worried that it will lead not to integration but to segregation, because I am told that

under the model proposed for the Lara volunteer firefighters they will be banned from going through certain doors or gaining access to certain rooms within the confines of the station — this is the station they built through sausage sizzles and chook raffles!

Page 388 of the EBA outlines which doors and what parts of the fire station volunteers will not be allowed to enter. This will mean more segregation than integration, which is not in keeping with the UFU mantra that volunteers will continue to do what they do now. That is not the case in an integrated fire station, where there are purpose-built separate rooms for career firefighters and for volunteers. I saw an example of this when Brad Battin and I visited the Ocean Grove integrated station. There are different areas for volunteers and different areas for career firefighters, and that is not integration. That is segregation, and that is something that we must avoid at all costs. That is one of the reasons why certainly the Lara VFBV volunteer firefighters are concerned about their station being integrated, like I am sure many other stations.

It is true, as I understand it, that under the EBA seven career firefighters are required to be on the fireground for fire response. If we use Lara as an example, under the current EBA clauses four career firefighters will be imposed on the Lara fire brigade whether they are needed or not, so if there is a call-out and there are four career firefighters and say three volunteers, that call-out truck will have to wait until there are another three career firefighters in another truck before it can actually respond to a fire. This is causing a lot of concern with integrated fire stations right across Victoria and those volunteer fire stations that may well become integrated over time. No doubt that is what Peter Marshall is hoping will happen — that volunteer fire stations will be slowly swallowed up into the integrated model, volunteers will be pushed out and there will be unionised career firefighters manning these stations and having total control over the fire response.

There are two other main issues, and one is the role of the chief fire officer. The CFA volunteer chief fire officer will not under this current EBA, as I understand, be able to give direction to career firefighting staff, which just makes a mockery of his control on the fireground and his responsibility for those firefighters. So if a CFA chief officer asks a career firefighter to do a certain task, under this EBA the career firefighter can refuse.

The other issue is the power of veto, and Mr Leane will say, 'Well, every EBA has a consultative committee', but the fact is there is a hidden power of veto within the consultative committee that will give basically UFU

control over fire responses. There are a whole range of other matters, but time does not allow me to go through those. I would say there is strong support for this EBA negotiation to be concluded. Peter Marshall said he did not want his career firefighters being embroiled in a political game; perhaps he should have thought about that when he actually encouraged his members to be involved in the state election campaign in 2014, because at the polling booths I manned, both in Ballarat and Geelong, there were any number of people dressed up as firefighters.

They were not game to use their official uniforms, but they told me they were paid UFU career firefighters clearly telling people how to vote at those polling booths. Peter Marshall used his union members to become embroiled in a political campaign, but now he is crying foul and saying that he does not want his members embroiled in a political campaign. Well, Peter Marshall started it, and sadly enough he has been caught up again in a negotiation that has become political, and it is all his own doing. Of course we are now seeing it played out in the cabinet.

I want to conclude my contribution so other members can quickly make their contributions, but I certainly support the spirit of this motion. I hope common sense will prevail, that all firefighters will get a fair and equitable deal and arrangement out of the EBA and that the CFA can continue to do what it always has done over generations — that is, have the autonomous responsibility of protecting our regional communities and our regional towns.

Debate adjourned on motion of Ms PULFORD (Western Victoria).

Debate adjourned until later this day.

E-PETITIONS

Ms PATTEN (Northern Metropolitan) — I move:

That this house —

- (1) notes that the Victorian Parliament has failed to keep up to speed with technology and electronic petitions (e-petitions), which are common throughout Australia and in everyday use in the Queensland, ACT and federal parliaments, and should be an accepted practice in Victoria;
- (2) notes that in 2009 the Legislative Assembly Standing Orders Committee recommended that the Assembly adopt such a practice, but as yet neither house of Parliament has done so;
- (3) notes that provision for e-petitions would allow more Victorians to have their say in the democratic process of

the Victorian Parliament and will, therefore, improve the community's political engagement;

- (4) requires e-petitions to be permitted in the Legislative Council in addition to paper petitions;
- (5) introduces the necessary sessional orders and/or standing orders to provide for e-petitions, including appropriate procedures;
- (6) refers the required amendments to standing orders to the Procedure Committee to report to the house by 25 October 2016; and
- (7) implements e-petitions in the Legislative Council no later than 31 January 2017.

I have put this motion because sometime last year I realised we did not have e-petitions. I looked into the issue, and honestly I was quite taken aback that Victoria, one of the progressive states of Australia, did not have e-petitions. Little old Queensland has e-petitions, the ACT has e-petitions, Tasmania has e-petitions and even the commonwealth — the federal Parliament — has e-petitions, but not Victoria. I was somewhat surprised.

In fact I was speaking to a young constituent yesterday, and they asked, 'What are you doing in Parliament this week?'. I said that I am putting up a motion on e-petitions. He looked at me really blankly, as if to say, 'What's an e-petition?'. I said that it is a petition that you can do online. He said, 'What other petitions are there?'. I said that if you want to petition the Victorian Parliament, you have to write it by hand on a piece of paper. He still looked at me blankly, going, 'What?', almost like, 'What is paper?'. This is the state we are in. We are representing constituents who are born with the internet. For them the whole notion of life without the internet is completely alien, so the notion that something as simple as petitioning the Parliament could not be done online and must be done through a parchment-and-pen process is really anathema to many of the constituents we represent.

We want our constituents to communicate with this house. We want to get their feedback, we want to hear about what is important in the community and we want to make that process as easy as possible. Implementing an e-petition process would engage and enable more people to get involved with Parliament. I do not think anyone should be under any illusion about what the population thinks of us in here and how disaffected and disengaged they have become from the political process. I think that introducing something as simple as e-petitions can further engage our constituents, particularly our younger constituents.

I have also spoken to the crossbenchers about this motion specifically. In remote and regional areas gathering signatures for a paper petition is not an easy process. For example, getting out to the far-flung districts of Mr Purcell's region with a paper-and-pen petition is not easy, which means that a lot of people miss out on sharing their thoughts and getting involved in petitioning this Parliament. E-petitions will certainly make that considerably easier.

When I was preparing this motion I started to look at where we had gone with petitions. I found that we have not gone very far. I did not read the Magna Carta; however, I did read a document that made note that petitions were expressly noted in the Magna Carta, and then petitions got their own act in 1406 — this was in England — and not much has changed. In 1842 the House of Commons in the UK introduced a whole bunch of standing orders around petitions. Can I tell you that not much has changed between the 1842 House of Commons standing orders on petitions and the Legislative Council of Victoria's standing orders on petitions. The one thing that is different is that the House of Commons gets a hell of a lot more petitions than we do. They were averaging 10 000 petitions for every session of Parliament, whereas I think to date in this 58th Parliament we have received just 122, so I do not think we are going to meet anywhere near that 10 000 mark.

I note that in 2009 the Legislative Assembly asked the Standing Orders Committee to look specifically at introducing e-petitions for the Legislative Assembly. The committee strongly recommended that e-petitions be permitted. They were not looking at changing things enormously. We are not looking at citizen-initiated referendums or that kind of thing. We are looking at an e-petition that largely mirrors what we do with paper petitions, but just enables us to do it online. As I say, Queensland has done this and has had remarkable success with it. Queensland conducted a trial in 2003 and then reviewed the issue. They spoke to the community, and the community had engaged with it. A lot more people were enacting petitions, and a hell of a lot more people were signing petitions and becoming involved in that process. I think that is a very good thing.

It is not going to be difficult. In 2005, 11 years ago, a recommendation was made to this Parliament by the Scrutiny of Acts and Regulations Committee (SARC) in its report on Victorian electronic democracy. In its report SARC recommended that this Parliament adopt e-petitions. SARC also recommended some really radical stuff: that parliamentarians should be allowed to use their electorate budget to build a website for their

office; that we might not only put up documents in PDF but actually use Word documents as well; and that we might even look at webcasting both chambers of Parliament. Almost all of the recommendations from the SARC report of 2005 were enacted, except, oddly enough, e-petitions.

As I mentioned, the 2009 committee members made some very simple recommendations and outlined how they thought the system would work. I do not think we need to reinvent anything here. They really did outline it very well. As we know, technology has changed enormously since 2009, so the types of cloud platforms are far simpler. When we look at the plethora of petition websites that all of our constituents use these days, we can see that we will not need to reinvent the wheel. We will be able to set checks and balances on these websites fairly simply through a login registration process, as they use in Queensland and as they use in Scotland. We will be doing a verification process, like we do with paper submissions — we check to see if those people are actual people. We occasionally do some random checks on them, and we can do the same with an e-petition. In fact it is probably going to be a lot easier to verify the names of people on an e-petition than it currently is on a paper petition.

The way it was recommended in 2009 — and I think this is a good recommendation, and it is the one area where we probably move away from a paper petition — is that the person wanting to put up the petition notifies a member of Parliament about putting up a petition. In effect they will get a sponsor at the beginning of the petition rather than just at the end. This is a very simple thing. It enables us to know that that person is an actual person and to facilitate them getting online to use the e-petition platform. This is the system that, as I said, has been used in Scotland and in Queensland.

We enable people to register to vote — and I know that with the coming federal election we have all been aware of people registering to vote — and they can do that online. The notion that you could sign a petition for Parliament online I do not think is a terribly dangerous or risky step for this Parliament. There are many checks and balances that could easily be put in place. We will see the benefits of it, particularly as I mentioned, in remote and regional areas. It also enables some of those smaller organisations or disability organisations or aged-care organisations that may not have the mobility to hang out on train stations or down at shopping centres over the weekend to collect signatures. This will enable them to use electronic means to get their message out and engage with their communities in a much better way.

I note that in 2005, when it was first recommended by SARC in its report on electronic democracy, that there was some resistance in Victoria to this. The author of the report, Karen Ellingford, stated — politely, I thought — that, as she put it, there may have been some ‘generational resistance’ among MPs to this newfangled internet thing. MPs were also expressing concerns that this would make it ‘too easy’ to petition the Parliament. I think we should make it as simple and open as possible for members of the public to petition us on issues that they think are important to them.

I do hope that we can agree today that we will have e-petitions and that then the Procedure Committee can spend a short period of time enacting the e-petition procedure. I do not expect it to be terribly difficult. It did not look terribly difficult in 2009, and I think in 2016 we have had some huge changes to technology.

Going back to my young constituent who thought it was all terribly hilarious that there was no such thing as e-petitions, I must say that I have noticed, I am sure like other members, that my handwriting is getting worse and worse, so before it becomes completely illegible — and that would make the written petition fairly useless — I think it is time for us to move to e-petitions. I hope members will support the motion. It is a motion that has been brought on with the support of the crossbench in this instance. It is a simple motion that we agree to e-petitions and then we allow the Procedure Committee to get on with developing the infrastructure for it.

Ms SYMES (Northern Victoria) — It is a pleasure to follow Ms Patten in relation to her motion today, also noting that it is a collaborative effort by the crossbench. I thank all those involved.

I have not had a lot of time to go over the history of petitions, but I thank Ms Patten for enlightening us on some of their origins. I do have a little bit to add with some of the history that I found. Just to start with, even checking *Wikipedia* on petitions — and I think this is pretty much commonly accepted — a petition expresses a point of view usually on a matter of public policy and contains a request for action or in some cases a request not to take action. It has been a longstanding right of the public to petition Parliament, and in fact here in Australia it has been a right of the people of Australia since federation.

While this right is a centuries-old parliamentary tradition stemming from the Westminster system from which this Parliament originates, modern technology now provides an opportunity to engage more citizens in the political process. Allowing Victorians to sign

official petitions online would supplement the existing system in place for paper-based petitions. Indeed it is difficult to believe that in the digital age we continue to use the same processes of hundreds of years ago.

My first response to this motion, however, was that I was interested in understanding the impact on staff, namely the table office, and my inquiries have led me to the understanding that such changes would likely be very welcomed by the staff. Notwithstanding the initial set-up and IT systems, the efficiencies gained would extend to matters such as more easily counting the signatories and identifying duplications or anomalies. Ultimately as the system progresses it would become a much more efficient use of staff time.

The motion aims to modernise and improve the antiquated paper-based petitioning process by establishing a system for e-petitions, which I think is very important. I note that the motion does include the retention of the existing paper petitions as an acceptable model, and I would certainly support that. Empowering Victorians to initiate and sign petitions online can certainly be argued to have the potential to make our democracy more accessible and more responsive, and it will enable greater participation.

I understand the issue has been on the agenda of the Victorian Parliament since 2005 when it started. I am not sure if there are any of those parliamentarians remaining — Don Nardella potentially. I understand that several parliamentary committees have examined the modernisation of paper petitions, so I really thank Ms Patten for bringing the issue back before the house in 2016.

I believe that signing an official petition electronically would be a fairly straightforward and convenient way for community members to publicly express their support for a cause. It will reduce barriers to political participation. Effectively it is part of the evolution of making public institutions such as the Parliament more accessible. We have already seen that here in the Victorian Parliament we have embraced online streaming of our proceedings, and the Parliament website is a useful tool for the public to obtain information on legislation, the work of committees and recent events that may have occurred at Parliament. Of course the internet for many people is their first point of call for information, and increasingly for some it is becoming their only source.

I am particularly attracted to the introduction of an e-petition system to better engage with young people. Indisputably the best way of connecting with people under 30 is via online methods. Like Ms Patten in her

engagement with her young elector, I cannot recall one handwritten letter I have received from anyone in the age group I have just referred to since being elected. Youth organise their personal and professional lives online. Many young people are very politically engaged with issues, but some politicians fail to capture their views and ideas purely because they fail to communicate in the right way. E-petitions may enable young people to participate in Victorian politics, perhaps many of them for the first time, through their medium of choice.

Of interest to me also — and it is a factor Ms Patten identified — is enabling my country constituents to have better access to the Parliament and removing remoteness as a barrier. It is much easier to stop and sign a petition at a busy Melbourne shopping centre or train station; many country folk will not be walking by such opportunities to engage with issues. Even currently people online are limited to printing out, signing, putting in an envelope, putting a stamp on and posting their petition back to the person who is collecting them, so it is not a particularly convenient method for busy people in 2016.

The advantage of e-petitioning is also that it has the potential to connect communities or individuals who share common interests but who may be prevented by geography from coming together to express their view at the state level. I note that the motion refers the required amendments to the standing orders to the Procedure Committee, and I also welcome this development, because I do not think it is necessarily a simple process to implement. It seems apparent from other jurisdictions that there are several matters that need to be addressed to ensure the system does not in fact have a negative impact on democratic engagement.

My limited research on this topic has found that electronic petitions have been implemented in many other states and countries, and there has been varying success where that has been done. Sometimes the subject matter of popular petitions has been trivial or a matter over which a legislature might not have any influence. I would not want to harp too much on this as a barrier, because I think if you get the system right you can avoid frivolous issues, but I did read about a situation that the Obama administration has faced in finding itself having to respond to more than 35 000 people as to why it is opposed to constructing the death star.

Mrs Peulich — Sorry? What was that?

Ms SYMES — Thirty-five thousand people in the US wanted the government to construct a death star.

Honourable members interjecting.

Ms SYMES — A *Star Wars* plane. I do think that if you get the implementation right you can avoid these situations, but I do think it is something we need to be alive to. There have also been concerns that e-petitions raise expectations of actions from the Parliament which can be often disappointed, leading to people feeling disenfranchised in relation to the process. The immediacy of social media campaigns and petitions can have a powerful impact on policy debates, and I do welcome that.

As I have said, I believe that there is merit in the Procedure Committee giving close consideration to the implementation ramifications as well as the required standing orders — these may of course go hand in hand, but for completeness I thought it prudent to point it out.

As I said, I do understand that e-petitioning has been implemented in numerous democracies and that the systems and rules governing these mechanisms vary considerably across jurisdictions. I think it would be important to identify the ones that are working best in jurisdictions like ours. Some of the issues we would have to be looking at include exactly how the petition would be submitted — whether it should be through one portal, for example; the MP sponsorship arrangements; rules to ensure online signatures are verified as authentic and restricted to Victorian residents; the safeguards and procedures in place to prevent abuse and misuse; whether there would be a minimum number of signatures; and how you would go about interfacing the online petitions with paper-based petitions. But of course I am not proposing that any of these are massive hurdles; they are just considerations that I think the Procedure Committee would be adequately able to deal with.

Petitions, despite being nearly a 300-year-old practice, remain today a means by which constituents can place their concerns directly before Parliament. It is very often that I stand up in this house saying we should respect the traditions of the Parliament, but I think this is a new world and it is time we used the tools at our disposal to increase the ability for people to participate in the political process, and we indeed have the technology available to do that. Other states are doing it; we do not need to reinvent the wheel. I am sure we will be able to identify a pretty much off-the-shelf method that will be available for the Procedure Committee to examine and to get the structure right for the processes of Victoria. We on this side would welcome e-petitions next year.

Mrs PEULICH (South Eastern Metropolitan) — The opposition will support the motion. The prospect of using electronic means of communication has always been something that has exercised the minds of members of the Liberal-Nationals coalition. In fact back in 1992, when I was first elected to Parliament, I found myself on a committee which no longer exists. It was called the Library Committee. I used the vehicle of the Library Committee, which sounds fairly benign, to actually push through the initiative of getting the Parliament online. That is one of the reasons why we were connected electronically initially by Lotus Notes. We have seen the better of that. The initiative of that committee connected members of Parliament, brought the library online and basically brought the Parliament into the then 20th century, and of course that will continue to evolve.

As has been mentioned — and I certainly agree with much of what has been said by both Ms Symes and Ms Patten — the right to petition has existed since the late Middle Ages. We do have e-petitions, but we do not necessarily have parliamentary e-petitions. That is the difference. People collect petitions for all sorts of reasons, which does cause me some angst. Often people collect petitions with no intention whatsoever of tabling them anywhere. I think that is actually a denial of the purpose of petitions, which is to grant members of the public who are interested in active participation in democracy the right to have their voice tabled with that of decision-makers. There is no higher forum than the Parliament. In principle we certainly endorse that.

I appreciate Ms Patten's call to keep it all simple. I do believe that it is a lot more complex than its appeal, which is probably the reason why it has not happened for some time. There are a number of issues that do need to be ironed out and worked upon, and that is certainly work that needs to be done and needs to be progressed.

Yes, there is a generational issue, and that is a very important consideration in the workings of our democracy. I agree with Ms Symes: I have not received a conventional letter from a young person for a very long period of time. But at the same time I am aware, for example, that my mother, who is 83 and a very keen voter and a very keen participant in our democracy, still actually has to physically go into a bank to withdraw money or deposit money because she is not even confident about using an EFTPOS machine. If we are truly a society that believes in equality of opportunity despite all of the isms that unfortunately society does contain, we have got to make sure that people who do not have access to the internet, who do not have the skills to be able to negotiate modern technology, are not

disadvantaged — and they will not be, because there is certainly a commitment to continuing with paper petitions, which I think are very good. I think there is the capacity for us to reach out further by using both in a complementary fashion.

Given that we only found out about this motion yesterday, I had a very quick read of some of the literature around e-petitions, particularly in relation to parliaments. There is a reasonable paper that has been put together by the Hansard Society, which is based at the House of Commons. Could I say that we do not handle paper petitions very well. We table them, but how many people actually find out about their outcome, apart from perhaps the member of Parliament who instigated a particular petition, who may take the time and trouble to let petitioners know that it has been tabled? I would just like to read from this paper put out by the Hansard Society. It states:

The Hansard Society has long argued that petitions — both paper and electronic — should be made a much more significant feature of the work of Parliament in order to better engage the public and be more responsive to matters of topical public concern.

That goes a lot further than just tabling. It goes to the heart of what ought to happen to those petitions. If thousands of people see fit to sign a petition, then it should really be worthy of some sort of debate in this Parliament, no matter how brief it may be; some consideration should be given to the substance of those petitions.

As has been mentioned, the Scrutiny of Acts and Regulations Committee (SARC) looked at this. I was on the Electoral Matters Committee, which looked at the role of technology in the democratic process, including voting. Let me say, as a regular participant in scrutineering, I look forward to the day when we can actually vote electronically. Obviously that would be a lot more complex in Australia, where we have a preferential system of voting, as opposed to America, where usually they vote for an A option or a B option and a computer does a quick readout. The Electoral Matters Committee went to have a look at some overseas systems to see whether they could be transposed to Victoria. Those we met with were aghast that we still manually count votes.

I am sure that the integration of technology in the way we do business will continue, and it should. However, we do need protection from the manipulation that exists, even with paper petitions. Quite often people sign in other people's names. People send emails with fake names. They send letters. There are a number of members of Parliament who have received letters from

different people who are all registered at the same address in Springvale. I ask members not to answer that letter; talk to me first. People use all sorts of ways and means of trying to influence the process. Of course we all know that the risks in that are heightened electronically, so any system must factor that in.

The SARC report spoke about the need to consider the outcomes of the petitions, as I have mentioned. It spoke about not diminishing the views and the right of participation of those who do not have access to the internet, whether due to age or geography — age in particular — and culture as well. There are those who struggle with literacy and numeracy skills. At the time, the committee found that only 60 per cent of the population was accessing technologies. I would imagine that despite the levelling out of the adoption rate, that would be continuing to rise. However, significant segments of the community are still fairly substantially unrepresented online.

I do have a broader concern, which is that more and more as news is fragmented and sources of information are fragmented, people lose their ability to critically analyse sources of information. Some petitions can be frivolous, and often petitions are mounted on fairly flimsy arguments. I think there is an issue about how we provide the necessary information for people to engage. Members of Parliament can see through that. If we see that petitions are skewed or that their collection is under some doubt, then we know how to weight them in our consideration of the issues that are brought forward.

Just in closing can I say that access to technology is important, but also that this will be costly. First of all it will be costly in terms of setting up a system, but also in terms of figuring out how we protect people's personal data — their privacy. What is there to prevent, say, in this system that we establish someone being able to extract data 20 years down the track? They could extract details of all of the causes that Ms Pennicuiik as a citizen has supported. That information could be widely distributed to other stakeholders. That would give us a profile of her political interests and activities. I think the systems and protections that we put in place are critically important to the workings of democracy and also to the privacy that individuals should be able to enjoy.

I think the costs are substantially understated. There has been an argument put forward that information should be made available to local government. That is something for contemplation, and as I said before, there are questions around what we do with it. I would certainly like to see a portion of time dedicated in

Parliament to the brief debate of petitions that have been tabled, based on the number of petitioners. For example, I understand that in the UK if you collect over 100 000 signatures on a petition, that entitles you to a parliamentary debate — for someone to actually debate the issue that you have raised.

We certainly support this motion in principle. It will inevitably happen. However, I do think that the motives for collecting petitions are often not about influencing the political process in an open and transparent way. People resort to all sorts of means and methods of collecting data to be able to profile people and to be able to use their data for all sorts of other reasons. The more open and transparent we can make this, the more effective it will be. But it will be costly. There are issues that need to be considered, and we must also not forget that there are people who will never be able to use online petitions as an expression of their democratic views. We govern for everyone, and that includes those who perhaps are not online. With those few words, I say that we support the motion.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased to speak on behalf of the Greens today in support of the motion brought forward by Ms Patten today with regard to initiating the use of e-petitions in the Parliament and certainly in the Legislative Council. Her motion refers to the Victorian government failing to keep up to speed with technology, particularly with e-petitions, which are common throughout Australia. She mentions the — —

Mr Herbert interjected.

Ms PENNICUIK — Pardon?

Mr Herbert — You said it was a government failure not to keep up to speed.

Ms PENNICUIK — Well, parliamentary failure. Thank you, Mr Herbert. But any government could have brought this forward — this government, the previous government or the one before that — and I will talk about that a little bit as we go through the contribution that I have to make today.

Ms Patten's motion notes the record of the Legislative Assembly Standing Orders Committee in 2009 recommending that the Assembly adopt e-petitions, which it has not done so far, refers the issue to the Procedure Committee to report on by 25 October this year and moves that the implementation of e-petitions in the Council be done no later than 31 January 2017. I think all of that is doable, and I particularly say that as a member of the Procedure Committee.

Before I go to some of the specific things about e-petitions, I would just like to say generally that the Greens have been great champions of modernising the Legislative Council since we arrived here in late 2006 and 2007. If I recall correctly, at that time — and I am sure Mrs Peulich will correct me if I am wrong — I do not think there was even any audiostreaming of Parliament at that stage. There may have been audio — —

Mrs Peulich interjected.

Ms PENNICUIK — Thank you; it was taped. So we came in and we went then to audiostreaming with a picture of the Council up on the website. From there we went to audiostreaming with a still picture of the speaker, so if Mrs Peulich was speaking, there was her parliamentary picture from the members guide on the website while she spoke, and if someone else spoke, then their picture came up. Now we actually have live streaming, so in leaps and bounds we are heading into the 21st century in 2016 in that regard. Certainly the Greens would like to see us go a little bit further in that regard with being able to broadcast Parliament after the event.

So we have instituted a lot of those and other modernisations. For example, I was amazed when I came into Parliament to find out that adjournment matters were raised in the adjournment debate, at some stage the minister wrote back to the member and that was it; the response did not appear in *Hansard*. It was in fact an amendment I made to the standing orders, or through the Standing Orders Committee, in not the last session of Parliament but the one before it, because answers to questions on notice appeared in *Hansard*, so why did adjournment responses not appear? Now it is just accepted that they appear in *Hansard*, but they did not before, which I thought was not very democratic for the community group or persons on whose behalf the member was raising the issues with the minister. Most adjournment issues, as members would know, really concern local issues that are raised by members of the community, so in fact you had to copy the letter, send it to those groups or take it around for them to see it, but now they can see it in *Hansard*.

The other issue that I would raise that the Greens pushed very hard for was the establishment of the upper house committee system that we now have operating in the Legislative Council, and that was a motion that I moved in the Council. Well, it is still a work in progress with regard to our Legislative Council committees, but you have to say that they have certainly undertaken some very important inquiries even in the last Parliament, but particularly in this Parliament. So the

Greens are always looking to modernise the Legislative Council and the Parliament of Victoria.

Ms Patten's motion talks about the other parts of Australia where e-petitions are used, and that includes Queensland, the Australian Capital Territory, the federal Senate and also in Tasmania in fact. That is where they are used. Mrs Peulich and Ms Symes raised some issues that need to be taken into consideration. I think they all do need to be taken into consideration by the Procedure Committee when it looks at all the issues that were raised by both Ms Symes and Mrs Peulich, and I am sure when the Procedure Committee looks at it it will take note of all those issues that have been raised.

But when you look at the standing orders for the ACT Parliament, for example, they talk about the petition of course being in the correct form and having to be sponsored by a member, so in fact it is not the same as with a paper petition, where a group of citizens may take it upon themselves to have paper petitions, get people to sign them in places and then find a sponsor. This way with the e-petition a member sponsors it first. Of course you have still got paper petitions going at the same time.

The petition has a sort of time limit. It has to be up for at least a week and for a maximum of six months under the ACT standing orders. Once it is published it cannot be altered. Once the petition's time has lapsed at six months, a paper copy is printed and is presented into the ACT Assembly. So these are the sorts of practical considerations of how they work that we would take into account as well. The federal Senate operates in a very similar way, and I presume that the ACT probably followed the Senate practice in that regard. It does not happen in the House of Representatives yet, so we might be the same in terms of the Council leading the Assembly. Other Westminster parliaments — the United Kingdom, Scotland and Canada — also have electronic petitions.

I was interested to look at the United States and petitions to the White House. People are sponsored, and they can sign onto the petitions. Some of the popular petitions there at the moment are headed 'Establish justice and prevent a great catastrophe' and 'Help the Vietnamese people to prevent environmental disaster in Ha Tinh province, central Vietnam' as well as one for the recognition of sports as legitimate so certain players can go to the US on visas. But the one I thought was very interesting was put up on 15 May and has already had 50 000 signatures against a goal of 100 000 signatures — and I am pretty sure the 100 000 goal is because if they get 100 000 signatures

the White House has to respond to the issue. That is something also to take into account. If you can get so many signatures, then a response is needed and that goes to the question that Mrs Peulich raised about who knows what happens to petitions.

This petition is headed in part ‘Stop shielding Dow Chemical from accountability for corporate crimes in Bhopal, India’. As I said, it was created on 15 May and has more than 54 000 signatures. It reads:

In 1984 a factory majority owned by Union Carbide ... leaked toxic gas in Bhopal, India, killing 8000-10 000 people ... maiming 500 000 more. India charged UCC with manslaughter, but UCC refused to show for trial. Dow Chemical bought UCC in 2001 but has not made UCC available to face charges. Under a mutual legal assistance treaty, India sent four notices to the US Department of Justice to summon Dow to explain UCC’s whereabouts. The DoJ has ignored or obstructed every notice. The same DoJ made BP pay \$4 billion in criminal fines and penalties for Deepwater Horizon. 31 years of US protection of UCC and Dow must end. We insist that the US government meet its obligations under treaty and international law by immediately serving notice upon Dow to attend court in Bhopal on 13 July 2016.

It is an interesting petition. It has received 54 000 signatures in less than a month, so I assume it will probably get its 100 000 signatures.

Having presented a number of petitions to the Council in the time I have been here, for most of them, particularly the ones that I have taken a great interest in, I made a point of moving a take-note motion regarding the petition. We see petitions tabled every day in here. Basically they are tabled, listed on the blue paper and then they are put into storage somewhere. So I think it is a great idea to take note of petitions.

I want to refer to two instances where the issue of needing online petitions has become very obvious. One was in April 2010. I tabled a live music petition on 13 April, which was a Tuesday, and moved a take-note motion on it during the general business day, 14 April. The petition bears 8837 signatures and requests that:

... the Victorian government institute a proper investigation into the causes of violence and drunkenness;

... until such investigation is undertaken and concluded, the government remove all references to ‘live and amplified music’ from the licence and amenity clause on liquor licences;

... the government formulate a cultural policy that promotes and maintains Melbourne as Australia’s capital for live music.

I had received the petitions physically on the steps of state Parliament a week before I tabled them. When the people who collected those petitions — the Save Live

Australia’s Music group — at various venues around Melbourne counted the signatures there were 21 826 signatures in the pile. Obviously it took the papers office a week to go through them, because they had to verify the signatures and verify that the people were citizens of Victoria. As I said, the unofficial count was 21 826 signatures. That included 11 124 online signatures that had been printed out and 10 505 signatures on the hard copies signed by people in venues. At the time the papers office advised me that of the almost 22 000 signatures, approximately 12 000 were not counted as they were online petitions, and approximately 1100 were not counted due to the fact that they did not contain full details — people may not have signed it or provided their full names or addresses or, for example, they may not have been Victorian addresses and were therefore ineligible.

Many that were not counted were not counted because, according to standing orders, the details of a petition have to be on every page that is presented and attached pages of signatures cannot be counted. That was a mistake that was made in the venues — not having the wording of the petition at the top of each page. The point is that only 8837 signatures were formally listed when it was tabled in Parliament as the size of the petition. But if all the signatures had been able to be counted, including the 11 000-odd online petitions, it would have been the second largest petition tabled in that session of Parliament.

If you look at the petitions that we see every day, some only have 20 signatures or a couple of hundred signatures. That would have been a 22 000-signature petition, but it is formally registered in *Hansard* as only having 8837 signatures. Part of that is because half of them were online petitions and could not be counted, and I went to some length to point this out in my contribution with regard to that issue. I said at the time that 12 000 petitions could not be counted or accepted because they were online and that we needed to catapult ourselves into the 21st century and accept online petitions. I said that the Standing Orders Committee of the Legislative Assembly had almost 12 months before, referring to the 2009 report, recommended that the Assembly do it. I made the point that we have out-of-date rules with regard to petitions.

Just a couple of months later, in July 2010, I moved a motion in the Parliament to establish an independent body to investigate police deaths in custody. I also referred to a petition that had been drawn up by the community legal sector. It wanted the petition to be tabled in Parliament but as it was also an online petition it could not be tabled. I made the point again that really

it should have been able to make an online petition to Parliament.

We have been calling for this for some time, and I point out those two examples. I have made the point with other petitions that I have taken note of in the Parliament that many people miss out because their petitions cannot be counted. Some of them cannot be counted because people's handwriting cannot be read or the people cannot be verified. That would be overcome with online petitions. It would probably be easier to verify people online than in paper petitions. But that is not to say that we should not still have paper petitions if people want to have them at markets or wherever they are running their petitions.

With those words, I indicate that we are very happy to support the motion. I believe we should have it operating by early next year, if possible.

Mr BOURMAN (Eastern Victoria) — It gives me pleasure to rise in support of this motion. Times clearly change. It was not that long ago that not everyone had a computer, and it was not that long ago that not everybody was on the internet, but these days most people are. There are even ways that governments are making sure that more and more people get online for various reasons, so it stands to reason that at some point in time we need to start looking at the way we do things. We do run video cameras in the chambers. We do have audio, obviously, which they would not have had 100 years ago. One wonders why we still have to put pen to paper and have people walk around and collect signatures, and then have someone go and check all those signatures and names and addresses and verify them.

Changing to an e-petition system is obviously going to need some sorts of safeguards to make sure the petitions do not have names of made-up people or people from overseas. It stands to reason that we should at least be investigating this with the view of implementing e-petitions.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Morris) — Order! It is quite difficult to hear Mr Bourman's contribution. If members could keep their voices down to a lower level, it would be much appreciated.

Mr BOURMAN — It is normally me that gets told to be quiet, but anyway. It is a matter of resources for us smaller parties and Independents, in that we just do not have the sorts of resources to get people on the ground to go around and speak to all the constituents and get their views. Whatever you may think of the

recent Infant Viability Bill 2015, the amount of signatures on petitions was just humongous, and the amount of effort that must have gone into that must be commended. But why does someone have to go out there and do that? Looking to the future, there are many reasons not to do that — resources being the main one, as e-petitions save paper. There is also software that can check people's addresses electronically, and a lot of websites use it, so it is probably easier and faster for the staff here to be able to do that.

Technology does change. Sometimes there is new technology. Unlike recent events in my area of interest, where 1887 technology is apparently new, it is time we actually embraced e-petitions. This is one of various things that are changing. I notice a lot of other parliaments allow recording of video, so there are other things we may want to consider. On that note, I will wind it up here and just say that I commend this motion to the house and I hope we get it through.

Dr CARLING-JENKINS (Western Metropolitan) — The DLP supports any measure that enhances the democratic process and responsible government, and I believe that the motion before the house this afternoon does just that. E-petitions have become a standard means of petitioning for the general population, and I believe that introducing them into Parliament will strengthen the way that people can participate in the democratic process. This is certainly something that the crossbenchers discussed collectively not long after we were elected, and I thank Ms Patten for bringing the motion to the house.

This motion is a simple reference to the Procedure Committee. I will flag that the reporting date of 25 October is difficult for a committee which meets only intermittently, but this committee can extend that reporting date after the fact. I also note in Mrs Peulich's contribution the cost factor, which will need to be considered as part of this reference to the Procedure Committee. It may well take a little bit more time to investigate, but it would be worth doing so, and I appreciate that idea. Of course I still support this motion as I believe in the intent of it.

As Ms Symes noted in her contribution, e-petitions would assist this Parliament to become democratic, responsive — I was going to say responsible, but making this Parliament responsible is a whole other motion! — and accessible. As someone who has worked extensively with people with disabilities, as has Ms Symes, I could not agree more with the need to make our Parliament accessible, and online petitions are part of this.

Paper petitions certainly do require a lot of effort, and I thank Mr Bourman for making reference to the petitions for the Infant Viability Bill 2015, where over 20 000 signatures were collected, and that did in fact represent a huge amount of work — hours and hours of work. Not that that was a wasted effort; that was a really good exercise in democracy. I do believe that we would have had a lot more signatures if we had had an e-petition.

Introducing e-petitions into the house is not a new idea. As other speakers have pointed out, after the Standing Orders Committee was appointed in 2007, almost a decade ago, the committee made it a priority to investigate a suitable e-petitions model, looking at both technological and procedural aspects. The Public Accounts and Estimates Committee, as part of its report on strengthening government and parliamentary accountability in Victoria of 2008, also recommended that e-petitions be considered. Even prior to this, in its 2005 report on Victorian electronic democracy, the Scrutiny of Acts and Regulations Committee recommended that:

The Parliament of Victoria should introduce an online petitions facility on a trial basis, subject to ongoing evaluation as to the benefits offered to Victorians. The Victorian online petition system should include a moderated discussion facility, similar to that provided by the Scottish Parliament.

Electronic petitions, as others have covered in their contributions, have been implemented successfully in the Queensland Parliament and in the Australian federal Parliament. This motion will include e-petitions as just another method for the community to petition the house; it is not a method of replacing our existing petition process. It will offer petitioners an alternative method of presenting their views to the house, an alternative which is common within our community, especially with our younger generation.

I will show my age here. My son, who is in uni now, does everything online — absolutely everything, not just social media. His assignments are online, he can watch his lectures online if he does not feel like getting out of his pyjamas and going to uni — not that he would do that — and he does all the student surveys and a lot of assessments online. This is something that the younger generation are very au fait with. I, on the other hand, did my first degree without a computer. I had to look up everything in a library, which is a foreign concept to a lot of people of my son's generation.

Most of us have signed e-petitions. There are some common platforms for that. Change.org and CitizenGO, for example, are two organisations which put out

petitions on a regular basis. This is an opportunity to engage with our constituents on a regular basis easily and simply, and it will bring the Victorian Parliament into the modern era, I do believe. I look forward to this reference going to the committee that I am a part of, and I commend this motion for the support of the house.

Mr PURCELL (Western Victoria) — It gives me great pleasure to rise today to make a short contribution in support of my esteemed crossbench colleague Ms Patten and her motion to introduce e-petitions to this place.

The world is no longer dominated by pen and paper. We all live in a world where that has changed over the last few decades. We live in what many call a cloud — sending and storing almost every aspect of our lives in digital files in a virtual filing cabinet. The digital world brings great benefits. For those with the internet, information now is freely available. Every aspect of our world can be done online — our banking, our education, our news and our communications.

This is not solely for the young people of the world. I heard Mrs Peulich say that many elderly people still need to go to the bank and use other resources. I can tell the house that my parents, who are well into their 80s, are very au fait with the computer world. My mother has been one of the greatest Facebook users since it was devised. She does all her banking and all her other communications on the internet.

So the world has changed. Here in Parliament we communicate every day by email, bills and notices are available electronically and we have much less need for paper. In my office we use iPads and software to avoid the need to print bills as much as possible. Within my electorate, which covers many hundreds of kilometres, my constituents make their submissions for support by email, and this is how we often respond to them. I use social media and email newsletters to keep them updated about my activities on their behalf in Parliament. We use online surveys to gather opinions and ideas from communities far distant from where we actually work. So it makes sense that this system of petitioning government electronically be brought into this digital world and we allow our constituents to have their say in this way.

It is also worth noting at this stage that e-petitions are not meant to replace the paper-based petitions; they will complement them. It is true for small parties like ours, Vote 1 Local Jobs, that an e-petition system will take away the burden of administration involved with collecting, compiling and delivering paper-based

petitions. I simply do not have the resources within my party to undertake regular surveys that would cover the electorate of Western Victoria Region.

Will this mean that more petitions come before our Parliament? I certainly hope so. For why are we here if not to represent the needs and desires of our communities? And what better way for them to show widespread community support for change than to deliver such a message in the form of a petition?

One of the problems we have had in the past has been that the format of the petitions that come to parliamentarians often are not in the format that is acceptable to Parliament. I had one recently where there were 1600 petition signers in support of jumps racing, but it was not acceptable because when it came to me it was not in the right format.

The work has already been done in regard to this. As has been said earlier, the Standing Orders Committee and the library began the process of defining, building and testing an acceptable system for creating and managing e-petitions back in 2007. It is frustrating that it has taken nine years for this to come to fruition, and I suggest that this could be the slow-moving wheels of Parliament working well.

Having e-petitions will give particularly those who represent areas that cover country Victoria the opportunity to cover their electorates much better. It will give us the opportunity to add to the system of paper petitions, and it will also make sure that the formats are correct. Finally, I congratulate Ms Patten on taking the initiative to bring this motion before us and urge members to support it to allow e-petitions to be brought into use as soon as possible. I commend this motion to the house.

Ms PATTEN (Northern Metropolitan) — I will just quickly sum up. Firstly, I thank Mr Purcell because this motion would not have come to the house today had it not been for his generosity in giving up the time allocated to him. I very much appreciate that. Ms Symes was absolutely right, or she nearly got it right — it is an ‘antiquated’ system. That is the word she was seeking at the time.

There were issues raised by a number of speakers around frivolous issues being put into petitions. The interesting thing is that an electronic petition system could actually alleviate that problem because the petitions need to be sponsored by a member prior to them going up, and there need to be some checks and balances there. Also I think the misuse of petitions by putting false names and false addresses can be far more easily controlled in the online setting. As Mr Bourman

mentioned, we have the software for name checking and address checking at our fingertips these days. As many mentioned, this is not getting rid of paper petitions; this is just providing an alternative to paper petitions for the many of us who either have illegible handwriting or do most of our transactions and our communications online. As Dr Carling-Jenkins and Mr Purcell raised, this will help smaller organisations and rural and regional organisations better communicate with us.

I must say to Ms Pennicuik that I am interested in the notion of a target on a petition and that a target would bring you some form of reward — as in, we would respond to your petition. I do not think we are quite ready for this. But I do take Mrs Peulich’s point of: what happens to petitions after we sign them? How do we let the 20 000 people who signed the infant viability petition know the outcome of that campaign? If we had their details online, it would be all the more easy to enable that. We would also be able to place the information up online for them to easily check, at the closing date, for any changes and to sign up for updates.

This will provide, I think, a much more transparent system than we currently have. I am pleased that the house is actually agreeing to do something; it is not recommending that we have e-petitions, as numerous committees have before. Today, in a lovely show of solidarity around this room — which has been very rare in these past few days, and certainly today — we all seem to be on the same page in supporting greater transparency here and putting e-petitions into this house by January 2017. I commend the motion.

Motion agreed to.

COUNTRY FIRE AUTHORITY ENTERPRISE BARGAINING AGREEMENT

Debate resumed from earlier this day; motion of Mr O’DONOHUE (Eastern Victoria):

That this house supports Country Fire Authority volunteers in their call to keep the CFA’s operations under the full authority of the CFA chief executive officer (CEO) and chief fire officer (CFO), and notes —

- (1) the support of 60 000 volunteers asking the Premier to refuse to agree to the enterprise bargaining agreement sought by the United Firefighters Union (UFU);
- (2) the review by the Victorian Equal Opportunity and Human Rights Commission finding the proposed EBA discriminates against women and people with a disability;
- (3) the comments of the CFA board that the proposed EBA would be unworkable and would remove authority from the CEO and CFO; and

- (4) the comments of the Minister for Emergency Services that clause 21 of the proposed EBA, giving veto powers to the UFU, has been a disaster for the Metropolitan Fire Brigade and expressing her concern over the proposal to require a minimum of seven paid firefighters on a fireground.

Ms CROZIER (Southern Metropolitan) — I am very pleased to be able to speak to Mr O’Donohue’s motion this afternoon. I will not read through the motion in its entirety, but it notes the issue that is surrounding the 60 000 volunteers of the Country Fire Authority (CFA) and the Andrews government’s stance on this particular issue, and the motion highlights various elements that have been discussed by other colleagues. I want to go to paragraph (2) of the motion:

- (2) the review by the Victorian Equal Opportunity and Human Rights Commission finding the proposed EBA discriminates against women and people with a disability ...

I note that the CFA board believes the enterprise bargaining agreement (EBA) undermines volunteers and the CFA culture and that it allows the United Firefighters Union (UFU) operational and management control of the CFA, as well as being discriminatory. There have been a number of reports around this issue in recent days that have highlighted this fact.

If you go back to the Victorian Equal Opportunity and Human Rights Commission web page headed ‘Know your rights’ and look at the Equal Opportunity Act 2010, there are a number of aspects of this particular website I have found that discuss the Equal Opportunity Act. It states:

The objectives of the Equal Opportunity Act 2010 are to:

- encourage the identification and elimination of discrimination, sexual harassment and victimisation
- promote and facilitate the progressive realisation of equality.

The Equal Opportunity Act 2010 applies to a broad range of organisations. These can include:

- state government departments and agencies
- local government
- private companies
- not-for-profit organisations, whether or not they receive state government funding or are incorporated
- some sporting and social clubs.

It also can apply to individuals. We have heard a lot about this from the Premier, who has talked about equality on a number of occasions.

Only just recently, on 24 May, the Premier said about equality:

Here in Victoria, equality is not negotiable. Here you can be different from everybody else but still be treated the same as everybody else, because we believe in fairness.

On 4 August 2015, in answer to a question on notice, he said:

We’re putting equality back on the agenda.

... we strive for equity, fairness and decency our community.

Again this year, as was quoted in the *Age*, the Premier said ‘Equality is not negotiable in Victoria’. You can hear the Premier say these words, but one does have to question whether his sincerity is there in terms of what we are dealing with because of these concerns that have been highlighted, as I have mentioned, by the CFA board and others. I know it has been reported widely in the paper in various reports that have gone through this issue and really looked at it in detail and spoken about the 12 clauses of the union deal that would potentially be discriminatory towards women, parents, carers and people with disabilities. An article just recently in the *Age* — I will just quote this, because it does go to this very point — says:

It said there were eight instances where the agreement was not compliant with Victoria’s Equal Opportunity Act. A further five clauses were deemed to be potentially non-compliant. Among other things, the report found:

A requirement that firefighters undertake full-time training to progress in their careers was likely to result in discrimination against pregnant women, parents, carers, older people and people with disabilities.

A requirement that firefighters must work ‘on shift’ full time for their entire career was likely to discriminate against parents, carers and older people.

A requirement that to get part-time work an employee must get UFU approval could discriminate against non-union members.

These issues need to be highlighted. I was sitting in question time earlier today when these very same questions were asked to the Premier, and they were brushed off by the Premier — very short, curt answers, I might add — and then there was a whole lot about what the government was doing on equality.

The interjections from government members talked about how this was a report from five months ago. Why on earth did they commission a report? Why on earth did they get the Victorian Equal Opportunity and Human Rights Commission to undertake this report? It was commissioned last year and completed at the end of last year, and of course it was held secret. That has

been widely reported too. There were findings in it, and clearly this is coming out, so for the government to say that it is an old report of just five months is quite extraordinary. Why on earth would it get it done? I do not think that is a long period of time when we are talking about these very important issues.

I do have concerns about what the Premier has said on a number of occasions, as I have highlighted. I just want to go back to this report that was conducted by the human rights commission. On 16 December last year an article in the *Age* said that a secret report found a culture of bullying. It was being considered, as I said, and then it was kept secret because of the summer fire season. The article went on to say that the UFU was 'accused of bullying emergency services minister Jane Garrett, after members turned up at a photo shoot she was having with a group of female recruits'. This is from an article from the *Age* of around that time, and it goes on to speak about other aspects of this report and looks to the issue.

The then human rights commissioner, Ms Jenkins, obviously was asked to conduct a comprehensive review of workplace culture and diversity in the fire services. That she did. Ms Garrett in the same article is quoted as saying:

In 2015 it is just not acceptable that there are so few women in our fire services.

She also said that the government had gone on to set up a ministerial working group. So clearly there are issues. But the point I want to make is about the hypocrisy of the government in saying that this is an old report of five months ago. There are issues. They are brushing this aside and they are ignoring the concerns of the CFA board, of the CEO of the CFA, Lucinda Nolan, and of course of their very own Minister for Emergency Services, Ms Garrett, with whom they are clearly at loggerheads. We can see that there is complete division amongst government members. They are in chaos. They are trying to stall this issue probably until after the election. It is an absolutely dreadful situation for the CFA volunteers.

There is just one other point I would like to make quickly. As I said, I was here during question time earlier today when there were lots of interjections about the coalition cutting funding to the CFA, which is completely — —

Mr Finn — Nonsense.

Ms CROZIER — It is complete nonsense, Mr Finn. Mr Peter Marshall has come out and claimed that the coalition is playing politics with this. Well, heavens,

that is the pot calling the kettle black in terms of this issue, because it was the UFU and its members that were politicising this in the lead-up to the 2014 election, as we know.

I am just going to read out what the CFA funding actually was under the coalition government. It was higher in each and every year than at any time under the preceding Labor government. Let us not forget that the Labor government had 11 years to address the presumptive legislation and it also had a lot of time to give significant funding.

CFA funding in Labor's final budget in 2010–11 was \$399 million. When the coalition came to government there was a \$537 million commitment, but that included a special one-off funding increase to fund the implementation of recommendations of the 2009 Victorian Bushfires Royal Commission. That funding reflected that implementation requirement. Then there was not a cut; it went back to significant funding of \$416 million in 2012–13, \$446 million in 2013–14 and \$457 million in 2014–15. So it is a complete furphy that the union and the Labor government are putting out. That is the explanation of that funding commitment to the CFA.

I would again like to commend Mr O'Donohue's motion. It is extremely timely that it has been brought to the house and it is extremely important. We must support the CFA volunteers, the tens of thousands who do an extraordinary job across the state 24 hours of every single day. I call on the Premier and his government to get behind the CFA and the tens of thousands of volunteers.

Mr FINN (Western Metropolitan) — It does indeed give me a great deal of pleasure to rise to speak to support Mr O'Donohue's motion. I commend him on bringing this matter before the house today. I was just thinking over the last few days how many times I have heard in this house and the other place members rise and speak using very extravagant language to praise the Country Fire Authority (CFA) and to praise the Country Fire Authority volunteers. Indeed I have to say I have done it myself. What I have discovered over the last week or two is that there have been some people who when they used that sort of language actually meant it and there have been some who did not. It seems the Premier of this state is somebody who does not mean it at all.

I cannot believe what is going on in Victoria at the moment. Who would ever think we would see the Premier of this state attack the Country Fire Authority? Who would ever think we would see the Premier of

Victoria attack volunteer firefighters? Who would ever think that that would happen? But that is exactly what has happened.

What Daniel Andrews is trying to push through at the moment is nothing new. The United Firefighters Union (UFU) has been trying to control the CFA volunteers for a very long time. Volunteers are something that the left — the Labor Party and the unions — have some trouble grasping. The trouble is that you cannot unionise volunteers; that is the problem. You cannot unionise volunteers, so they immediately have a problem. This has been going on, as I said, for a number of years. In the *Herald Sun* yesterday a former colleague of mine in the other place, André Haermeyer, a former Minister for Police and Emergency Services in the Bracks government, related the story of how he had to offer his resignation to stop a similar situation developing back in the year 2000. So this has been going on for a fair while.

You have to wonder what Jane Garrett, the Minister for Emergency Services, is going through at the moment. Whilst I have some obviously significant political differences with Minister Garrett, I have to say that my opinion of her has been lifted significantly over recent times. She is somebody who has shown a great deal of guts, to put it quite bluntly, in standing up to a bully Premier and members of a bully trade union movement who are trying to shaft the CFA, so I commend Minister Garrett.

Whilst Mr Leane was speaking before I was attempting to get him to comment on why Ms Garrett was so very much opposed to the agreement that he was telling us was all fine and dandy, that the Premier tells us is all fine and dandy and that the Deputy Premier tells us is all fine and dandy. I wanted to find out from Mr Leane — and if anybody wishes to enlighten us, I would be very pleased if they would — as I would really love to know why Ms Garrett has the sorts of problems that she does with this agreement when everybody else in the Labor Party seems, or most other people in the Labor Party seem, to think it is all a wonderful thing and certainly will do no harm to the CFA or the volunteers at all. Ms Garrett is somebody who many in the Labor Party have now turned their backs on. She is somebody who is referred to as ‘She who must not be mentioned’. She is somebody who is on the outer limits. It is disappointing, I have to say, to see members of the sisterhood in the Labor Party turn their backs on Minister Garrett in this way. They say one thing when they want to and they do exactly the opposite when it is convenient for them — and they certainly are doing that on this occasion.

Ms Mikakos interjected.

Mr FINN — I am a feminist, absolutely; no question about that. I have three daughters. I tell my daughters there is nothing they cannot do.

Ms Mikakos interjected.

Mr FINN — They can speak for another 15 minutes if they want to; that is what I say to them. I just say in conclusion in supporting this motion that the CFA volunteers have my respect and they have my admiration. I salute them and the work that they do — not just, as I said in the Parliament yesterday, during the bushfire season but right throughout the course of the year. I live around the corner from a CFA station, and quite frequently I hear the siren go off and the truck hitting the road shortly thereafter. They are a magnificent group of people who make a magnificent and huge contribution to our society. They should be respected, and the Premier of this state should stop his war on the CFA.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make a brief contribution on the motion that Mr O’Donohue has brought forward calling on this house to support the Country Fire Authority (CFA) volunteers in their call to keep the CFA’s operations under the full authority of the CFA chief executive officer and the chief fire officer. Indeed as a bit of background I have been reading through the act, and quite clearly the position of the CFA board is within the bounds of the legislation, so if the government actually has a contrary view to the CFA’s, it needs to make a legislative change. I have also taken the opportunity of reading through the enterprise bargaining agreement (EBA), and despite all of the denials from those who have refuted the commentary on the EBA, it is crystal clear that indeed this is a power grab — and it is a very clever power grab.

Dr Carling-Jenkins referred to the CFA as a service and as a community. I would go one step further and say it is actually an institution. The reason why is that the history of Australia has been forged by famine, fire and flood, and the importance of volunteers has been critical to the shaping of this country’s national character. Therefore there is no more iconic representation of volunteerism than the CFA. That is why it enjoys such enormous support not only amongst its 60 000 members but also amongst members of the community, many of whom have benefited in times of crisis such as Black Saturday. Indeed CFA volunteers are from those communities and have a vested interest in serving and representing their community.

We know that the union has been struggling for power to increase its dominance over its parliamentary party, to increase its muscle and clout, and much of this political campaigning has been orchestrated by one Luke Halikari out of Trades Hall. He played an important part during the last state election — and he admitted this to me — in commissioning the uniforms which were worn at polling booths as a way of arousing public sympathy for firefighters. It is interesting that this dispute has now lasted over 1160 days. Part of the reason for that is that it is a grab for power, and part of that is because of the enormous support that the CFA has in the community.

Basically there are some organisations for which a merger will never work because of different cultures, and we have to respect their different cultural compositions, and this is one such example. We could never as a state afford to pay all of those volunteers who provide such vital services to us in times of crisis. However, I must question the independence of the umpire, the Fair Work Australia commissioner, Julius Roe, and I would like to quote from his opening speech to the Australian Manufacturing Workers Union's national conference in Sydney in 2004. He said:

You will hear reports at this conference of the great successes achieved by our union. The good wage increases, the improved conditions, the protection of workers in difficult conditions, the strengthening of pattern bargaining and our campaigning for jobs and for fair trade.

You will also hear talk of how the proportion of workers in trade unions in this country and the proportion of workers in our own union has halved in the last 15 years. Since the last conference the rate of decline in our membership has slowed. Our last conference definitely moved us in the right direction. Your efforts are definitely paying off. But working people in this country cannot afford for us to simply slow the rate of decline. We must have a strategy for growth.

This is the trade union movement's strategy for growth, and specifically that of the United Firefighters Union (UFU). What they want is the Premier to pay back a union mate affiliated with the Socialist Left, which is the power base of the Leader of the Government in this house, who has now been suspended and who wields an exceptional amount of power in this government, and of the Premier, because that indeed is who delivered government, combined with the action of Trades Hall. Trades Hall, mind you, received a \$10 million grant to upgrade its facilities at Trades Hall so that more of its money can be used in political campaigns against other political parties such as the coalition.

Quite simply if we have a look at it, the media has got it right and the public has got it right. The Fair Work Commissioner's recommendations — one can see where he is coming from — include backing the UFU's

bids for, one, paid firefighters not to fight blazes until there are seven professional firefighters on the scene, which is totally unworkable; two, banning paid firefighters from taking orders from volunteers except during major bushfires; and three, handing the union an effective veto power over CFA management decisions with the creation of a dispute resolution officer.

The obligations of the CFA board and the chief executive officer are outlined in the act, and they are observing the act as they are required to do. The EBA contains exactly those clauses which are the offending clauses. This is clearly a political strategy adopted by the union to grow its numbers so that the Premier can grow his power base in the Socialist Left and strengthen his power.

I would like to commend those who have taken a stance against the demolition of the CFA, including André Haermeyer, a former emergency services minister and a member of the Labor right, and the current Minister for Emergency Services, Jane Garrett, a member of the Socialist Left. Clearly common sense is not reserved for any particular party or faction, and I call on the Premier to indeed demonstrate some common sense, exercise some leadership and stop this assault of the CFA volunteers in what would be an absolutely despicable and disgraceful grab for power by the UFU.

Ms FITZHERBERT (Southern Metropolitan) — I am very pleased to be able to support Mr O'Donohue's motion, which in turn is in support of the Country Fire Authority (CFA) in its call to keep the CFA's operations under the full authority of the CFA chief executive officer and chief fire officer.

I represent a metropolitan Melbourne seat, but I grew up, as many of you would know, in Geelong, where the CFA is vital to local safety. Some of my most vivid memories as a school kid are of Ash Wednesday. I remember Ash Wednesday very, very clearly, like many people here. For those of us in Geelong it was a very close and vivid threat. The school that I went to, with the member for South Barwon in the Legislative Assembly in the same year — something we have talked about here before — was the nearest state secondary school for many families who lived on the peninsula near our home, and kids from places like Anglesea used to be bussed in every day to go to our school. So when I talk about CFA members, I am talking about the people who set out from my community to protect it.

I am talking about parents from the school community that I was part of. When I think of Ash Wednesday, I think of kids who I studied with who did not come to

school in their school uniforms because their clothes had been burnt, along with their families' homes, during Ash Wednesday. Unfortunately the father of one of our schoolmates in our year who was a CFA volunteer was killed in those fires on Ash Wednesday. It is these sorts of events that give individuals the most profound respect for what the CFA does for us at all times of the day and night. No matter the weather, no matter the heat, no matter the risk or the danger, they go out and put their own personal safety at risk for the benefit of others and for the benefit of their community. I view any attempt to undermine the good work that they do very seriously, and that is precisely what the circumstances we are debating today are aimed at doing.

What it comes down to is direction and control of the CFA. What I have not heard made clear at all in the debate that we have been having — perhaps in a very turbulent way over the last few days — is any argument that the current system is not working. No evidence has been offered that I have seen that says that CFA volunteers and professional firefighters working side by side is not working or that safety is diminished and there are problems and delays because we do not have changes to these work practices. If that argument were being made, of course I would be inclined to listen to it and assess it, but it is simply not part of the debate.

What we are hearing at the moment is effectively a stand-off. It is the CFA pointing to a series of clauses over which it has serious concerns and explaining why it has concerns. It is also the United Firefighters Union (UFU) saying, 'No. Don't worry, it's fine. It's not what they're saying at all. Everybody else is mistaken. The minister, Jane Garrett, is mistaken. The concerns put forward by the Minister for Women, Fiona Richardson — she is mistaken. The 60 000 CFA volunteers — they are mistaken. The thousands of volunteers who were present in the Treasury Gardens on the weekend and then massed on the steps of Parliament House — they're mistaken as well. They're all wrong'. If there is a debate that the current system is not working, then let us have it and show the evidence and let us have a discussion of that.

It would appear to me that the current system is working. One reason why it is working well and why CFA members need to maintain their degree of autonomy is that they are seeking to protect communities that they know intimately. We do know that CFA volunteers often go to places that are far distant from their home bases, and it is extremely generous of them to do so, but most often they work on terrain that they know very well. They have grown up in it, and in many instances they work within it. They

know it literally like the backs of their hands, and that is part of the value — part of the value, and only part — that they bring as volunteers to fighting what are often horrendous fires on our behalf.

Ms Crozier spoke earlier about the focus on full-time employment in the preferred conditions that the UFU is supporting. What this does represent is a lack of opportunity for people who are not looking for full-time employment. As has been pointed out by the human rights commission, that means we are going to see diminished opportunities for people such as women, people who are returning from maternity leave and possibly people with a disability who are looking for a career in firefighting but are not going to be able to work within a full-time constraint, so they will simply elect not to.

This is a loss in terms of people power, but it is also a loss in terms of culture, because one thing we have seen very clearly demonstrated, and in particular through the appalling behaviour that has been dished out to the Minister for Emergency Services, Jane Garrett, is evidence of bullying and unreasonable behaviour within the firefighting troops. This is something that has been formally recorded. It has been acknowledged as something that needs to be worked on. I think the most vivid example of that we have seen is the video that looked like it was made on someone's phone of Jane Garrett and the CEO of the CFA being surrounded by a group of firefighters. We saw them followed down a hallway and verbally.

Mr Finn — They were bullied.

Ms FITZHERBERT — We saw the minister standing there, withstanding this bullying, as Mr Finn says, and telling them to have a look at themselves because their behaviour was appalling. I for one am glad that someone captured this, because I think the best thing to do is to shine a light on bullying when it happens. I think that the firefighters lost a huge amount of respect when they behaved in such a fashion to someone who did not deserve that sort of treatment and when they were caught in the act.

I will go back to what I was saying earlier on this, which is that the focus on full-time employment in the CFA is a very bad thing in terms of the diminished opportunities for people who are not looking for full-time work, which in particular is very often women, but also a bad thing in terms of trying to have a workforce which is more diverse and more representative of the community that it is protecting. I would have thought that this is something that this government, the members of which talk to us so often

about the importance of equality, would be far more interested in than it appears to be.

I also want to speak briefly on the issue of funding for the CFA, because this has been raised a number of times over the last few days. It was certainly yelled across the chamber this morning in response to comments being made by some of my colleagues. There is a claim that CFA funding was cut under the previous coalition government. In fact CFA funding was higher in each year of the coalition government than at any time under the preceding Labor government.

CFA funding in Labor's final budget compared with the coalition's four budgets was as follows: in 2010–11 it was \$399 million, and in 2011–12 it went up. The reason for that was a special one-off funding increase to fund the implementation of recommendations from the 2009 Victorian Bushfires Royal Commission, and it was quite right that this was done. This was clearly explained at the time that this was a one-off funding allocation and what it was for.

The following year funding was still higher than it had been in 2010–11, but it was less than the one-off funding total that we saw in 2011–12. To depict that as a cut is simply dishonest. It was clearly explained at the time what it was about and why it was being done, and it does not in any way represent a cut to have less than that one-off figure plus the ongoing operational costs that were also handed down. It is simply wrong to depict that as a cut, and it is a red herring being thrown out there when we are actually talking about working conditions and not historic funding allocations, which were higher every year over the coalition government than they had been in the last year of the Labor government in 2010–11.

I am not the only one who has strong concerns about this enterprise bargaining agreement and about the efforts of the CFA to maintain its independence in operation. This is an issue which has literally split the government, and rightly so. People would not be putting their careers on the line if this did not matter so much, and that is why I am so proud to support this motion.

Ms BATH (Eastern Victoria) — There is an issue with regard to this enterprise bargaining agreement (EBA). I find it very interesting that those on the other side of the chamber comment that opposition members are creating a smear campaign around the EBA. I talked to our shadow Minister for Emergency Services, Mr Brad Battin, the member for Gembrook in the Assembly, who said it would be great if he had that

much power, but he knows that he does not. He is well supported in the coalition for the work he is doing within the Country Fire Authority (CFA) in relation to this issue, but the issue is that we have a Premier sitting in one corner who is totally against supporting the CFA and an emergency services minister in the other corner attempting to defend the CFA throughout these EBA negotiations. This is not something that members of the Liberal-National coalition have dreamt up; this is real, and that is why we are here today.

There is no legislation around this — this is an enterprise bargaining agreement — so I find it a little bit galling to hear people say that opposition members are hopping on a bandwagon. I would say that we are listening to our communities in our electorates. Our small country towns — in my case throughout Gippsland and Eastern Victoria Region — are feeling very concerned and frustrated that their volunteerism, their way of operating and the way they choose to use their time to support their communities is being attacked at a very deep level.

In July The Nationals are going to celebrate 100 years of the party's political existence. That means 100 years of supporting rural and regional people, and we are very proud of that history and proud to be unashamedly rural focused. When I speak, I speak because I have been listening to country people talk. The CFA members in my electorate say to me, and I concur with them, that they are not interested in getting into a political stoush about paid firefighters' EBAs in terms of their pay and working conditions. I have had people say, 'We have no qualms about that; that is not in our interest area'. But when an EBA flows over into CFA territory, into attacking or diminishing the quality of service of the Country Fire Authority, that diminishes the recognition of the respect for those people and the respect for their expertise in that field, and then they get their hackles up, and rightly so.

We know that the CFA is one of the largest volunteer groups in the world. We know that there are over 1000 CFA stations, in 20 districts and 8 regions, and its members consistently go above and beyond their call of duty. One constituent wrote to me recently saying that the local area was impacted by storms. He said that the State Emergency Service (SES) was inundated with calls so they covered the roof repairs and trees on houses, and all the local brigades of the CFA banded together with the SES to respond to trees over roads. There were numerous CFA vehicles equipped with chainsaws and chains from nine brigades that worked for over 12 hours clearing the roads. All were coordinated by volunteers who were working from the local fire brigade communications room.

This EBA does have some issues around it — and, no, I have not seen it, so I am acting on hearsay from what I have been informed of by CFA members and through my reading. One issue which continually gets them in the neck and which makes this EBA unworkable is the proposal that a minimum of seven paid firefighters must be deployed on a fireground before a CFA member can take action. In effect this means that two vehicles will have to be deployed from an integrated station. That just will not work on peak demand days. On hot summer days when there are multiple fires and on high incident days, the CFA units will be able to get there in some instances earlier than the paid firefighters. You cannot expect grown men and women who are highly trained to sit and watch a fire take hold, whether it be someone's house or property. You cannot expect them to sit and do this. So if they were to break this condition, what would be the ramifications? Or if they do not break the condition and they sit and watch and wait, who is going to be responsible if there is a loss, an injury or, even worse, a loss of life, while they are waiting for seven paid firefighters to arrive on the scene? It is nonsensical and it just will not work in certain situations.

A cynical person would begin to wonder whether there is an ulterior motive embedded within this clause. It could be used to expand the requirement for paid firefighters. We have also heard today that there are 37 integrated stations across Victoria. My understanding is that there are 34 and this only makes up 3 per cent of the number of stations. My comment around that statistic is: what sort of percentage of land does this cover? What sort of percentage of our state — of people and homes and lives — does this cover, particularly if those integrated stations are in our large centres and in our growth corridors?

The proposal that all paid firefighters would only report to operational employees or would have to consult with the district commanding officer or the commanding officer is untenable. In that case a person with 30 years experience would have to report to someone with six months experience. It is ridiculous. Also, one other point I would like to raise, which has been raised briefly before, is that the CFA board asked to consult with the Victorian Equal Opportunity and Human Rights Commission, which ruled that in many cases there would be infringement on the rights of the CFA, particularly on the rights of women, children and the disabled.

My comment, in concluding my short contribution, is that we need to value our CFA members. Their voice is loud and clear that this EBA should not go ahead as it

stands. I commend Mr O'Donohue's motion to the house.

Mr ONDARCHIE (Northern Metropolitan) — Who would have thought that in 2016 we would need to move a motion in this house that says this house should support volunteers? I live in an area that abuts the area affected by the Black Saturday bushfires. As this house has heard before, we lost friends, my children lost friends. Try explaining to your kids after the Black Saturday bushfires that their friends are no longer around. My kids' school was one of the schools most affected in terms of student loss, and who worked hard for those communities? Who gave their time, their efforts and their energies and sacrificed their own businesses? Our Country Fire Authority (CFA) volunteers. The work that they did around the Black Saturday bushfires and continue to do in Victoria should mean we should never have to have this in this house. We should never need to have a motion that encourages the government to support volunteers, but we have had to do it for one simple reason, and one simple reason only — the Payback Premier needs to pay back his union mates for what happened at election time.

How dare he choose the union movement over our 60 000 volunteers? This Premier does not get it. This government does not get it. They are the salt of the earth. They are the true gold of Victoria's outer metropolitan and country regions — our CFA volunteers. They came here on the weekend to tell every Victorian that they care. And we care for them. It is almost damning that in 2016 we have to move a motion in this house that says we should support our volunteers. This government should be truly ashamed of itself, and the payback Premier should apologise to those volunteers.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to sum up. I will not take long, but I would like to thank all colleagues in the house who have contributed to this debate. This indeed has been a lengthy debate today, and so it should be because this is an extremely serious issue. The way these enterprise bargaining agreement negotiations have played out in recent weeks and months and the potential impact they have on the control of the Country Fire Authority (CFA) are matters of very serious public importance.

As Mr Finn identified in his contribution and as I said in my substantive contribution, the government has been warned not just by us but by the former Labor Minister for Police and Emergency Services, André Haermeyer. He made a very strong case for retaining the independence of the CFA and for treating CFA

members with respect, and he cast a very serious warning that there could be many more serious fire events without adequate resources or volunteer support if indeed the union gets control and CFA members resign.

We are extremely lucky in Victoria to have so many wonderful volunteers who do so much for our community in keeping us safe, in protecting us from fire and in putting their lives at risk for the benefit of the community. The least we can do is repay that with some respect by honouring and acknowledging their operational independence.

Separately, the impact on the government is corrosive. There are divisions in the cabinet and divisions in the government. These are very serious issues that go to the dysfunction of the Andrews government, a government at war with itself. I am pleased to have been able to move this motion today. I welcome the support of the crossbench members for this motion, and I look forward to the house's support of this important motion about the role and functions of our wonderful CFA in Victoria.

Motion agreed to.

BALLARAT EARLY YEARS FUNDING

Mr MORRIS (Western Victoria) — I move:

That the Council take note of the answers of the Minister for Families and Children to a question without notice and a supplementary question asked on 5 May 2016 in relation to a proposed early learning facility in Ballarat.

It is with great joy that I rise to make a contribution with regard to the minister's answers from 5 May with regard to the — and the notice paper says 'proposed' — early learning facility in Ballarat. It should read 'cut' early learning facility in Ballarat — —

An honourable member interjected.

Mr MORRIS — Ditched, indeed.

An honourable member interjected.

Mr MORRIS — Diced, because that is what we have seen happen here. What we have seen happen is that a commitment that was made by the former government has been cut by this Labor government.

I note that today the ministers opposite have had one job to do. I can just imagine the rev-up that the ministers were given by Gavin Jennings prior to coming into question time today. It would have been, 'Okay, go in there and don't answer any questions'.

And I can imagine what would have happened when Ms Mikakos left question time today. There would have been a slap across the wrist from Gavin Jennings. He would have said, 'I gave you one job, and that was to not answer any questions today — and you couldn't even do that! You couldn't even not answer a question!'. It was quite remarkable. One job — do not answer any questions — and Ms Mikakos could not even do that.

Ms Mikakos has abandoned centuries of Westminster tradition and decided not to answer any questions. I find it quite amazing that we are expected as a Parliament to place our faith in this minister, someone who is supposed to be looking after the education of our young people. I can tell members that I think some young people would do a better job than this minister. I think my four-year-old daughter could not answer a question if she was directed to do so. I think she could do a better job than this incompetent minister.

During that answer Ms Mikakos also made reference to my résumé, saying that maybe I was trying to pad my résumé out. I feel obliged to let Ms Mikakos know that there is a role on my résumé of which I am most proud — that is, being the mayor of the City of Ballarat. When I was the mayor of the City of Ballarat we had a competent government. I think I lost count of the number of kindergartens that Ms Lovell, as the minister, upgraded and opened in Ballarat. It was a great honour and a joy to join Ms Lovell and other ministers of that competent government, along with Mr Ramsay, in Ballarat to open facilities rather than cut facilities.

An honourable member interjected.

Mr MORRIS — We did not get to Dyers, but I should take them.

Rather than a government cutting kindergartens, what we had was a minister who actually invested in kindergartens. Where were those kindergartens? Well, they were in Cardigan Village, they were in Lucas, they were in Miners Rest, they were Buninyong, they were in Wendouree, they were in the Phoenix college in Sebastopol and they would have been at the Canadian Lead Primary School as well — —

Ms Lovell interjected.

Mr MORRIS — I thank Ms Lovell for pointing that out — that Ms Mikakos was indeed opening some of those kindergartens that Ms Lovell quite ably funded.

There was a media release that the minister released on 17 May headed 'Building better kinders in Ballarat'. I

took to social media and edited the minister's media release so that rather than saying, 'Building better kinders in Ballarat', it said, 'Building fewer kinders in Ballarat', because that is what this government is doing; it is cutting kinders. Rather than being the Minister for Families and Children, Ms Mikakos is now the Minister for Families, Children and Cutting Kinders.

Mr Finn — She is the kinder cutter.

Mr MORRIS — She is the kinder cutter. What we found was that this minister, along with the local member for Buninyong in the Legislative Assembly, Mr Geoff Howard — —

Mr Finn interjected.

Mr MORRIS — He is. He is only half there. He went along to Phoenix P-12 Community College and also to Cardigan Village Community Centre to open the developments there. These were ably committed to and funded by Ms Lovell when she was a minister. I think Ms Mikakos really should be thanking Ms Lovell for all her great work, because Ms Mikakos now reaps the rewards of Ms Lovell's great work. It is quite phenomenal what has been done there.

Not only was there the opening of kindergartens that were funded by Ms Lovell, and I am assuming Ms Mikakos will thank Ms Lovell later, but we have also seen an exchange of letters to the editor. I think a humble backbencher thinks they have done a good job when a minister feels the need to write a letter to the editor to defend what they have been doing. Not only did the minister write a letter to the editor, but we also had the local member, Geoff Howard, write a letter — —

Mr Finn — Who?

Mr MORRIS — Yes, who? That is right. Mr Geoff Howard also wrote a letter to the editor.

Mr Finn — No, somebody would have written it for him.

Mr MORRIS — Indeed, it probably would have been written by someone else. Normally I have found that local members try to advocate for investment in their electorates. I have not been here long, but that is what my view has been. But in this letter to the editor we saw Mr Howard actively advocating for the cutting of funding to a kindergarten in his own electorate.

Mr Finn — You don't see a lot of that.

Mr MORRIS — You do not see a lot of local members advocating for the cutting of funding to their own electorate.

As a father of four children, I understand how difficult it can be to get your children into a kindergarten. I have been through the process of waiting for that letter to come through to find out whether or not my child is going to get into a kindergarten or not. I have been on the receiving end of that. As a resident of Ballarat East, I understand that Ballarat East is growing — it is growing quite significantly. To cut a kindergarten from a suburb like Ballarat East is utterly reprehensible. I am quite astounded.

Ms Mikakos will try to say that the council is in favour of this. As I have said, I have been on council. I know a couple of people in there, and I have had a few conversations with people. I can tell Ms Mikakos that a few people involved in the council were astounded — absolutely astounded — when this revelation was made, as was the Canadian Lead community. I am not sure if Ms Mikakos has spoken to anybody at Canadian Lead Primary School. I have. I picked up the phone and made a call. I have been there many a time. I wonder if Ms Mikakos has been to Canadian Lead Primary School to find out what its view is on the cutting of its kindergarten.

Ms Lovell — They were delighted when they got the money.

Mr MORRIS — They were absolutely enthralled when they got the money, when they realised that their community was being invested in by a government that cared about them. Unfortunately what we have seen is that this government and this minister, who has not even spoken to the community at Canadian Lead Primary School — —

Ms Mikakos — I have a letter from the CEO of the council.

Mr MORRIS — Which CEO was that?

I was referring earlier to those letters to the editor. It is quite astounding when you see that a minister has seen fit to write a letter to an excellent newspaper, that being the *Miner* newspaper. Alan Marini and Debbie do a great job in informing the local community about what is going on. Unfortunately this letter to the editor may have misled the community just slightly. I quote from the minister's letter to the editor; she said:

We are honouring the funding committed to the Ballarat community.

They are cutting a kinder, but they are honouring the funding to the community. It is quite astounding that we can have a minister who will sit here and try to defend this.

Sometimes the most important thing to do is own up when you have made a mistake. Say, 'Look, I've stuffed up. I'm sorry, and we're going to go back and we're going to build the kindergarten for the kids who need it'.

Mr Ondarchie interjected.

Mr MORRIS — Yes. Won't someone please think of the kids? Ms Mikakos at this stage is certainly not thinking about the kids. I did note that Mr Howard did write that letter to the editor with regard — —

Mr Finn — Not John Howard?

Mr MORRIS — No, he was the good Howard. Geoff Howard did write a letter to the editor dated 6 June. It was published in the *Courier*, which is a good publication. The *Miner* is also a great publication. As I stated earlier, to have a local member advocating for the cutting of funding to his own electorate is quite astounding.

There has been some broad acknowledgement that \$2 million might be spent somewhere in Ballarat, but of course Ballarat is quite a large city. Over 100 000 people live in Ballarat nowadays. What we have found is that only a part of Mr Howard's electorate actually includes the city of Ballarat, so it is quite feasible that this funding might go to Wendouree. It actually might go to an electorate that has a member who cares about its constituents. It might go to Ripon, where Ms Staley, the member for that electorate in the Legislative Assembly, is doing a phenomenal job of representing her constituents. For Mr Howard to write a letter to the editor to say that his community should have \$2 million of funding ripped out of it and reallocated to another electorate is actually quite astounding.

I must say, though, that I would love to have been a fly on the wall after question time today, when Gavin Jennings said, 'You have one job — don't answer any questions'. Then when our learned President said, 'No need for a written response because you've answered the question', Ms Mikakos almost interjected to try to say, 'No, no. I didn't answer the question. Please allow me to write a written response. Please allow me to provide a written response, because my boss gave me one job and I couldn't even do that'. It is a challenge, I understand, being a minister over there, particularly without your fearless leader.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Electoral Matters Committee: conduct of 2014 Victorian state election

Ms CROZIER (Southern Metropolitan) — That is a hard act to follow. I am pleased to again be able to speak to the report *Inquiry into the conduct of the 2014 Victorian state election*, which was conducted by the Electoral Matters Committee. The report of the inquiry was tabled in May of this year. I spoke in the last sitting week about certain aspects that were highlighted in the report, and I suppose as we are only a couple of weeks away from the federal election, and pre-poll voting starts on Monday, this is all very relevant.

This report highlights the impact of early voting on Victorian elections, and the report makes some really interesting points. Specifically it states that 26 per cent of Victorian electors voted in person before the election date. As someone standing on the pre-poll, I saw the people who came through. The report highlights that people are able to vote early, but I would have to say that I am not completely sure that the Victorian community is adhering to the regulations, if you like, about who can vote early.

This report indicates that 912 000 Victorians voted in person before election day, representing a 67 per cent increase on early voting in person compared to the 2010 Victorian state election. In just four years there was that 67 per cent increase, which amounted to 1.2 million Victorians voting before election day. I think this has got some significant impacts. But again, I am not sure that those 1.2 million perhaps had a legitimate reason as outlined in the legislation as to how people are able to vote early. So I just think that is a really interesting point to make in relation to what is happening, how our voting intentions are perhaps changing and how people are wanting to cast their vote at an earlier point.

I will go back to another area of concern that was also raised, and I raised it in my previous contribution, which was around — —

Ms Lovell interjected.

Ms CROZIER — Yes, I am. I am talking about the importance of elections and about how many people voted early in the 2014 state election and, as we are coming into a federal election, how that will impact the federal election. I have no doubt it will.

One of the areas I spoke of last time was the activity on the pre-polls of the union members, particularly those

members of the United Firefighters Union, the paramedics, Trades Hall — —

Ms Mikakos — Yes, the paramedics would want you. They had a lot to say about you.

Ms CROZIER — Really? Why don't you say it in the house, Ms Mikakos?

Ms Mikakos — They had a lot to say about you.

Ms CROZIER — Well, why don't you say it right here and now?

The ACTING PRESIDENT (Mr Finn) — Order! Through the Chair!

Ms CROZIER — Ms Mikakos is making some ridiculous allegations. The paramedics, the firefighters union, the Trades Hall workers on the Bentleigh pre-poll — —

Ms Mikakos interjected.

Ms CROZIER — Well, say it!

The ACTING PRESIDENT (Mr Finn) — Order! Through the Chair!

Ms CROZIER — Through the Chair, I am just trying to get Ms Mikakos to put on the record what the paramedics said about me on the pre-poll. I have got plenty to say about them, let me tell you. I have got plenty to say about those militant union members, whether they were paramedics, teachers, nurses or firefighters on the Bentleigh pre-poll — plenty to say about them. Their behaviour was disgraceful, and it is covered by this report. There were people in this inquiry who gave evidence that highlighted and backed up exactly the experience that happened in Bentleigh. It was a disgrace.

I bet half of those firefighters were out on the steps yesterday. Where was Frank? Where was Jacob? Where was Dave? All those firefighters I knew so well because I spent so much jolly time with them — they would have been out there yesterday voting for your government to disband our Country Fire Authority (CFA) volunteers. Ms Mikakos, you are a member of this government that is a disgrace in selling out our CFA volunteers — you and your support of your union mates. These people got you into government. Those firefighters, all those trade union officials, Trades Hall — it was all there in the pre-poll. It was all there.

Ms Mikakos interjected.

Ms CROZIER — Ms Mikakos, I have a brother who is a 45-year member — —

Mr Ondarchie — On a point of order, Acting President, I am having trouble hearing Ms Crozier because of the constant interjections by Ms Mikakos, and I was just seeking to know if Mr Jennings has actually given Ms Mikakos permission to speak.

The ACTING PRESIDENT (Mr Finn) — Order! I cannot possibly imagine what the answer to that might be. But I see that Ms Crozier has 2 seconds left. This will have to be good.

Ms CROZIER — It is. I know plenty about the CFA because I have got family members who have spent a lot more time in it than Ms Mikakos will ever know.

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Ms HARTLAND (Western Metropolitan) — I wish to talk today about the Environment, Natural Resources and Regional Development Committee's report on the inquiry into the Country Fire Authority (CFA) Fiskville training college. The work done by the parliamentary committee into what happened at Fiskville was groundbreaking, and I thank the government for bringing this reference forward. I am concerned that since the release of the report the CFA, Volunteer Fire Brigades Victoria and the Metropolitan Fire Brigade have not made any statements on how they would deal with and assist career and volunteer firefighters who trained, worked or lived at Fiskville.

I remember the first time I met Brian Potter along with his wife, Diane, and their family, and I was overwhelmed by the warmth and trust that the Potters greeted me with. I also remember the press conferences and the public meetings where Brian was so weak that other firefighters literally had to hold him up. No matter how unwell Brian was he always had a smile and words of encouragement.

I feel very privileged today that Diane Potter has asked me to read a statement on behalf of the family in regard to the report. It says:

In September 2011, when all of this began, we could never have imagined the fight that was in front of us. Brian, being such a private person, was very conflicted with going public on this issue. His driving force was his concern for all firefighters (and their families), past, present and future. Brian spent the last two years of his life continuing this fight while he battled an assortment of horrific terminal illnesses.

While he was perhaps supposed to be ticking off a bucket list of holidays, family times and special wishes, he was instead putting all of his efforts into media events, writing documents and interviews to help bring light to those others who had traumatic historical issues.

Once Brian lost his fight in 2014, Diane (supported by her family) made the heartfelt decision to continue his fight. The results of the parliamentary inquiry have now given the family something that we have been waiting for and hoping for since this all began. Brian's concerns have been confirmed and resolved. We are very satisfied that the parliamentary inquiry delved in to exposed the truth after all this time. It is pleasing for the family, and we feel relief that justice will now be done for all of those affected.

Our main concern now is that Diane's compensation claims be respectfully dealt with. After being declined three times (because of not enough information), closure has been very difficult. Diane needs to be able to move forward and grieve for her husband in a personal manner.

We also hope that the compensation for all those involved in Fiskville (especially children who lived there or attended the school on site) can be quickly decided and resolved. Everybody needs a sense of closure after this horrific fight. After nearly five years of fighting this cause, we are all exhausted and need to get back to living a quiet, happy life.

Ombudsman: public transport fare evasion enforcement

Mr EIDEH (Western Metropolitan) — I rise to speak on the recently tabled Victorian Ombudsman's report entitled *Investigation into public transport fare evasion enforcement*. I thank all those who participated in this important investigation. The investigation sought to assess whether public transport fare enforcement was fair and equitable. The investigation found that the system is disproportionate and poorly targeted. It found that the current approach has not got the balance right between financial imperative and fairness. It has hit the vulnerable and innocently ignorant and failed to focus on recidivist fare evaders.

Fare evaders costs our state tens of millions of dollars. The vast majority of public transport users who buy tickets do not want to subsidise the travel of those who do not, which is fair enough. Public transport users who do buy tickets would much prefer to see a system that effectively deters offenders, in particular recidivist fare evaders.

The maximum amount of revenue lost per offence within the metropolitan domain is \$7.80, the total price of an adult ticket. However, it costs a vast multiple of this figure for the department to pursue offenders through the current labyrinthine system, which ultimately leads to court, with only a 20 per cent chance of financial return at the end of the long and drawn-out process. This is as a result of the current penalty fares

system. Currently fare enforcement is a two-tiered system. Passengers who are not carrying a valid ticket or proof of concession on public transport and who are found by an authorised officer have two options. The first is to pay an on-the-spot penalty fare of \$75 through a debit card or a credit card. The second is to decline to pay, and an authorised officer will complete a report of non-compliance. This report is provided to the department, which can then issue an infringement notice for \$223.

This is problematic for a number of reasons. The change in fare enforcement was to deter people from fare evading, in particular frequent recidivists, as they are the vast majority. A loss of up to \$42 million, or 68 per cent of total lost revenue, comes from recidivist fare evaders who deliberately and frequently evade paying fares. They are high-frequency public transport users and represent 67 200 people, with an average revenue loss per person of \$623 per year. However, one-off evaders who accidentally evade and are unlikely to reoffend represent an annual revenue loss of \$3 million per year. This is estimated to involve 597 000 people. Why is this significant to note? It is because under the current model fare evaders have the option of paying the on-the-spot fine and not having their details recorded. So how is the system meant to monitor recidivists?

Another fundamental problem with this approach is the requirement for passengers to have to make the decision to pay the up-front penalty of \$75 or pay \$223 later. Should the passenger take option one, they are required to pay immediately by EFTPOS or credit card. Cash is not accepted. Otherwise option two sees a rise in cost of \$148. There is no review for the penalty fare, and although you can complain to Public Transport Victoria or the public transport ombudsman, you are very unlikely to be told this. The lack of real review is unfair. Any system that imposes financial penalty and can end in court must offer a credible appeals process.

In addition to this, there are continuing issues with authorised officers targeting groups of people and questioning schoolchildren in uniforms for not having their student cards on them to offer proof of their concession status. Many complaints have been received from passengers with particular needs or characteristics that may reduce their capacity to make an informed choice, particularly under time pressure, including limited skills in English, disability or illness, homelessness or unfamiliarity with the system. Complaints have been received of fines of \$223 being chased from homeless people.

Overall, three overarching issues came to the Ombudsman's attention as a result of this investigation. First, the present dual arrangement of penalty fares and an infringement process is not integrated; second, the way penalty fares are enforced focuses on financial return at the expense of fairness and equity; and third, the court process for infringements is complex —

The ACTING PRESIDENT (Mr Finn) — Order! Mr Eideh's time has expired.

Auditor-General: Technical and Further Education Institutes — 2015 Audit Snapshot

Ms BATH (Eastern Victoria) — This evening I am going to speak on the Victorian Auditor-General's Office (VAGO) report, *Technical and Further Education Institutes — 2015 Audit Snapshot*. One of the key findings of the report that stands out quite markedly is that Federation Training is not included in the financial report for 2015 and it was not able to produce a report for its 2014 audit. At present this training institution is up to its 49th draft. The Auditor-General's comment is that this is unprecedented.

The two institutions, Advance TAFE and GippsTAFE, have amalgamated and, as such, their financial departments have merged. The Auditor-General tells us that apparently Federation Training has been unable to substantiate the validity of its debtors to date. The report recommends that the TAFE's governing board and management implement appropriate governance and monitoring mechanisms to ensure that all audit findings are addressed in a timely manner.

As mentioned earlier, having 49 drafts of financial statements reveals that there have been serious complications. My question is: what has the Andrews Labor government done to support Federation Training to streamline this process? Very little, it appears is my answer. The merger was about creating long-term opportunities for Gippsland students to train in their local community. Country students already face many barriers when it comes to taking up further education. The government needs to support regional students being able to study in regional areas.

The report also indicates that overall capital investment by TAFEs is going backwards at an alarming rate. In the future there will be a substantial infrastructure situation where TAFE buildings will be driven into a not-fit-for-purpose physical state. Although the report indicates that the TAFE sector had a net surplus in 2015, the figures are skewed as a result of state government grants to the value of \$159.3 million.

Government-subsidised enrolments have declined and student numbers are down; however, the government has taken funding that should have gone into growing student enrolments and it has pumped up TAFEs through grants. This artificially inflates the surplus within the TAFE sector. The VAGO report identifies that the sector has long-term financial sustainability issues that need to be addressed.

As a former business owner I understand that throwing capital at a business does not improve its overall viability or sustainability, it simply makes the bottom line look good for a short time. Similarly, the tertiary education sector should be outcome driven. Are we seeing more students coming out of the TAFE sector with qualifications that will return for them meaningful employment in industry growth areas? The answer, I fear, is no. In the budget we saw the Premier, Mr Andrews, pledge to grow enrolments in TAFEs and vocational education and training. I believe this was a furphy. Fewer students are now enrolled in training than when the Liberal-Nationals coalition left office.

In 2015 Labor trained 65 000 fewer students, subsidised 800 000 fewer enrolments and reduced government-subsidised training by 27 million hours. Places for young people also declined, with a 4.8 per cent drop in the participation rate of 15 to 24-year-olds in the training system.

The state government money listed in this report, which was handed out as general grants to bolster TAFEs, really goes against ensuring the long-term viability of these institutions. The training system should not just be about shovelling bucketloads of cash to providers so they can get rich; it should be measured on the outcomes it provides for students, industry, jobs, productivity and economic growth.

The report shows that four TAFEs' employment costs of staff outweigh training revenue, meaning more money was going on wages than was coming in from student enrolments. This will have, and has had, grave consequences for the long-term viability of these institutions.

The last part of the report looks at fraud risks and controls. We see in the Victorian Auditor-General's report that TAFEs' fraud control frameworks are based on too narrow a definition of fraud. TAFEs are focusing on the misappropriation of assets and cash. The report recommends that TAFEs also need to consider fraud beyond theft and be aware of deliberate falsification and the improper use of information. We need good outcomes for our students and we need TAFEs to be running at their maximum capacity.

Auditor-General: *Technical and Further Education Institutes — 2015 Audit Snapshot*

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Victorian Auditor-General's report tabled in May 2016 entitled *Technical and Further Education Institutes — 2015 Audit Snapshot*. At the outset let me say that it is pleasing to read a report that has a positive message from the Victorian Auditor-General's Office (VAGO). I know it is not the Auditor-General's brief to sugar-coat audits, but when I read that the TAFE system has tackled its financial responsibilities in a productive and proactive way, we must give credit where credit is due.

According to the report, due to the injection of additional funding by the Andrews Labor government this year an additional \$159.3 million in state government-funded programs has increased revenue for the sector. This means an improved liquidity position as at 31 December 2015, while at the same time the sector achieved an overall reduction in expenditure. This is good news for a sector that had been decimated by the previous coalition government. Compared to previous years the financial position of the technical and further education sector has improved. In addition to improvements in the TAFE sector's financial situation, it is noteworthy to add that enhanced reporting mechanisms mean that it is on track to deliver quality, accurate data by 2016.

Of course the report is not all roses; there are some issues that need more focused attention. It would seem that spending on assets is declining, which means that over time non-renewed assets will depreciate to the extent that they will need replacing rather than updating. This is a penny-wise, pound-foolish method of saving money, and TAFE institutes need to be discouraged from utilising this foolish practice. In order for the TAFE sector to meet the challenges facing it in the foreseeable future, we will need to convert this performance methodology into a longer term financially sustainable business model.

However, on a positive note, while the previous two VAGO reports showed a decline in financial sustainability, this report shows an encouraging trend of improvements in financial sustainability, and the establishment of mandatory performance indicators coupled with a practical framework will minimise current risks on the horizon. The report also acknowledges that the Department of Education and Training, together with TAFEs, also introduced a new performance reporting framework during 2015. I congratulate the department and TAFEs for this

unusually positive report from VAGO, and I support the recommendations contained in the report.

Electoral Matters Committee: conduct of 2014 Victorian state election

Mr MORRIS (Western Victoria) — I rise to make a contribution with regard to the inquiry into the conduct of the 2014 state election, and I note that Ms Crozier made some very, very valid points earlier in her contribution. I think it is important to note some of the behaviours that were exhibited at the 2014 election, particularly at early voting centres or pre-poll centres, where I know I and many of my colleagues attended for a period of weeks and were joined by unionists. Was it two or three weeks?

Mr Davis interjected.

Mr MORRIS — It was only two weeks. We were joined by unionists of many different colours, who attempted to intimidate candidates and indeed threaten them in many cases as well. I note that many of them were United Firefighters Union (UFU) members.

Mr Dalidakis — That is not true. I was at a pre-poll, and that is nonsense.

The ACTING PRESIDENT (Mr Finn) — Order! Mr Dalidakis, please control yourself for the benefit of the house.

Mr Dalidakis — I'd watch your behaviour as well.

The ACTING PRESIDENT (Mr Finn) — Order! I am sorry?

Mr Dalidakis — You heard me. That is disgraceful!

The ACTING PRESIDENT (Mr Finn) — Order! Mr Dalidakis is reflecting on the Chair. I ask him to withdraw.

Mr Dalidakis — For the Chair?

The ACTING PRESIDENT (Mr Finn) — Yes.

Mr Dalidakis — Fine — withdrawn. That is a disgraceful allegation and slur to make.

Mr MORRIS — There was.

Mr Dalidakis — There was not.

Mr MORRIS — It is a statement of fact. There was thuggish and threatening behaviour by unionists at early voting centres.

Mr Dalidakis — There was not.

Mr MORRIS — Mr Dalidakis can ask anybody on this side of the house, and we will tell him what happened there. I was present at the Bellarine pre-poll centre, where there were literally dozens — dozens! — of unionists who were threatening and intimidating candidates and voters. Indeed in Geelong we had a fabulous candidate in Paula Contell, a woman who was treated exceptionally poorly by the unionists that were there.

Mr Dalidakis — And you witnessed this, did you?

Mr MORRIS — Mr Dalidakis, I was there on many occasions, as was Mr Ramsay, and we witnessed this behaviour that was exemplified by many members of the UFU.

Mr Dalidakis — Say it outside the chamber. Gutless wonder.

Mr MORRIS — This really does bring into question what is happening this week. What was the deal that was done with Peter Marshall and — —

Mr Dalidakis interjected.

Mr Ramsay — On a point of order, Acting President, I am becoming more and more disappointed with Mr Dalidakis and his behaviour in this chamber. Certainly he reflected on me yesterday and he did withdraw. But calling Mr Morris a ‘gutless wonder’ after all that the President has said to Mr Dalidakis over the last few hours and after you yourself, Acting President, indicated that you would not allow his behaviour to continue in this chamber, causes me to ask Mr Dalidakis to withdraw those remarks to Mr Morris.

The ACTING PRESIDENT (Mr Finn) — Order! I have to agree with Mr Ramsay that Mr Dalidakis’s behaviour over the last little while has been less than something that would do him or the house credit. If Mr Morris has been offended or has taken offence at something that Mr Dalidakis has said, he is well within his rights to ask for a withdrawal, but Mr Ramsay should know that that is really up to Mr Morris to do that, so there is no point of order.

Mr MORRIS — Thank you, Acting President, and thank you, Mr Ramsay, for raising that point of order. I was making my contribution, and therefore I was ignoring Mr Dalidakis, so I did not hear what he said, and so I cannot ask him to withdraw something that he said. But it is terribly disappointing if he did make that comment.

I find it remarkable that Mr Dalidakis is oblivious to the fact that there were unionists at polling booths day after day who were intimidating candidates and voters as they were coming through. It is a statement on public record that this happened. Everybody knows that this happened. What we also know is that it was organised by Peter Marshall. There is a secret agreement somewhere between Peter Marshall and Daniel Andrews, and that is what we are seeing now. We are seeing payback. We are seeing payback to Peter Marshall. Why else would Daniel Andrews be almost destroying his own premiership? I know Mr Dalidakis will not be voting for Mr Andrews in the spill motion. What we are seeing is the payback to the UFU and Peter Marshall for what happened at the 2014 election.

I note there was a recommendation made by Mr Simon Frost, the state director of the Liberal Party of Victoria. He recommended that campaign workers be authorised by political parties or candidates in the same way as scrutiny is authorised by the Victorian Electoral Commission. I note that this was not supported as a recommendation in this particular report, but I think that would be an exceptional idea, because it would stop the thuggish behaviour of those present at booths who are there just to support a particular political agenda, are not declaring their true colours and are misleading voters on many, many occasions.

If these particular people are supporting a candidate, they should have the wherewithal to be able to say, ‘Yes, I’m supporting the Liberal candidate’ or ‘I’m supporting the Labor candidate’, and be prepared to have their identity registered so that if this disgraceful behaviour that we saw occur with the 2014 election happens again, at least the police would be able to take the appropriate action.

Department of Treasury and Finance: budget papers 2016–17

Mr DAVIS (Southern Metropolitan) — I am pleased today to speak to the state budget 2016–17 and in particular those sections that relate to local government. I am also pleased this week to have seen the tabling of the second report of the Standing Committee on the Environment and Planning into the rate capping policy. I note that today too we have seen the Victorian government response to the Legislative Council environment and planning committee’s first report. I want to make some comments about these in the context of where local government is and the support for local government.

The first thing I would say is that the government’s rate capping policy has failed. It has not implemented the

policy to the extent of capping rates at the CPI, which was its election promise. The first year it let councils run free, with rate rises of some 6 and 7 per cent; this year it has capped rates, it says, at 2.5 per cent, although there are a number of variations on that. I make it clear that 2.5 per cent is not the CPI. The CPI is a historical figure, and the CPI now is much lower than 2 per cent. Indeed what is clear is that the government chose the figure — a forward-looking figure — that was estimated by the Victorian Treasury, and I for one have little faith in the Victorian Treasury's estimates of inflation figures going forward. They are repeatedly wrong, and that in any event was not the government's policy before the election, which was to cap rates at the CPI, which is necessarily a historical figure.

I make the point that the government has rebuffed the committee in terms of its recommendation to re-establish the country roads and bridges program, which under the previous government provided \$1 million a year to all country councils — \$40 million a year. That is money that has been ripped out of local government and has not been replaced by this government. It is a huge hit on small and vulnerable country councils and their communities. Indeed the aggregate funding to local councils by the state government has fallen under this government and is still not yet set to exceed the funding by the previous Liberal-Nationals government.

What I also say is that recommendations 2 and 3 are recommendations that the government will accept, as is recommendation 4, from the previous report. Indeed I should say that the committee has made further recommendations in its new report tabled this week. The new report makes findings and recommendations. There does need to be greater transparency in the process of setting the rate cap in future years. The committee was in the position where it was able to gently cajole the minister into releasing her decisions and the Essential Services Commission's recommendations. She needs to go a step further and release a statement that explains why she has chosen certain figures, particularly when they are at variance with the government's policy of capping rates at the CPI.

I also make the point that the committee's other recommendations are important as well. We think the rate cap should be announced earlier, and I think councils will agree. There is clear evidence that came to the committee about problems with the variation process — the complexity of the process, the cumbersome nature of the process and the fact that councils are well advanced in their budgetary cycle before a variation application can be submitted and then

dealt with and then pushed forward. It is also clear that the Essential Services Commission is pushing far beyond its purview. It is seeking to engage with councils on a micro level rather than adjudicating in a clean, clear way, and I think that there are problems with that approach. It is also true to say that the Essential Services Commission will need to smooth its process and clarify its advice to council on debt and other matters.

But what is clear is that local government's importance to the state continues. There is a genuine risk that the fact that the state government has cut funding to councils and will cap rates in the way that it seeks to do will force many councils into making some very difficult decisions. I agree with controlling the costs that families face, but I also think the state government has to lead by example. What we see in this budget are massive increases in taxes, with the state government increasing land tax by 28 per cent in the forthcoming year and state tax by 20.7 per cent and yet capping councils. It is time the hypocrisy from this government was stopped.

Electoral Matters Committee: conduct of 2014 Victorian state election

Mr RAMSAY (Western Victoria) — I wish to make a statement on the inquiry into the conduct of the 2014 Victorian state election. Firstly, I congratulate you, Acting President Finn, as the previous chair of the Electoral Matters Committee. You unfortunately failed somewhat in your duties to create a Senate of Victoria and Senators, which was part of your recommendations in a previous report. Unfortunately the government has yet to respond to that recommendation in full. Nevertheless, I want to make some comments about this particular report.

In relation to the pre-poll, we have three weeks of pre-poll in this federal election, which is going to tie up an enormous amount of staff and volunteer time. I see that the recommendation here is for two weeks, and that seems to be more than adequate for a pre-poll period. With the recommendations out of this report you must ask about the value of having people staking out a pre-polling centre and giving how-to-vote cards and not being able to use new technology. That would provide voters with choices in relation to who they vote for, without having six or seven people lining up and putting forward how-to-vote cards, indicating how people should vote.

Over 4 million Australians are expected to vote in this federal election pre-poll. I also question the validity and credibility of those who are actually voting early, based

on the Victorian Electoral Commission requirement that they have to have an appropriate excuse to vote early. Now it seems more for convenience than anything else that people vote early. I am not making an assumption about that, but there are rules in relation to those who vote early in the pre-poll, and now it seems to be a free-for-all. Maybe we need a review of how voting early or the pre-poll is done and on what basis, because now we are finding the whole campaign being moved back into the pre-poll period.

I do want to take umbrage at what was said by Ms Mikakos, who actually challenged the credibility of Ms Crozier in talking about Country Fire Authority (CFA) matters. I put to Ms Mikakos that the Crozier family has had a long association with the CFA, with their property in Coleraine and Ms Crozier's father, Digby, being a vital member of the local brigade. I pinned a 45-year service medal, a life service medal, onto the chest of John Crozier, her brother, at Teesdale last year. So to suggest that the Crozier family have not had a connection, or a long connection, with the CFA is an absolute disgrace, and I hope Ms Mikakos sees fit to apologise to Georgie Crozier after the statements on reports.

The particular matter I want to raise out of this report is in relation to the activities of the union, as Mr Morris said, on polling day.

Mr Dalidakis interjected.

Mr RAMSAY — Mr Dalidakis seems to be somewhat in denial. I was at three different polling centres. There were paramedics and United Firefighters Union (UFU) members all pushing how-to-vote cards into the hands of particular voters. There were encouraging them to vote Liberal last. They were lined up, intimidating people as they tried to gain access to the polling booths. They were actually obstructing people from getting into the polling booths.

There are plenty of examples in this report of people being intimidated by the activities of the UFU, the paramedics, the nurses and everyone else who was lining up to try to influence the vote of those people trying to access the polling booths on the day. I can use examples from the report here:

UFU members campaigned in Monbulk district during the early voting period while dressed in 'look-alike' firefighter clothing;

UFU members campaigned in Ferntree Gully district during the early voting period in 'look-alike' firefighter clothing ...

On election day, UFU members campaigned at Kallista Primary School in 'look-alike' firefighter clothing ...

On election day, UFU members campaigned in Monbulk ...

On election day, UFU members campaigned in Upper Ferntree Gully ...

On election day, UFU members campaigned at Olinda Primary School ...

The report also notes:

... the CFA volunteer discussed his experiences at Frankston train station ...

I could go on and on. The fact is that members of the UFU and other unions were at polling centres trying to intimidate voters in relation to the way they would vote, obstructing access and making many people quite frightened when they were going to vote. I certainly hope that the government responds to the recommendations in this report to correct what is now becoming the norm for the militant unions in obstructing voters being able to vote with a free hand.

Independent Broad-based Anti-corruption Commission: Operation Ord

Mrs PEULICH (South Eastern Metropolitan) — I wish to continue my remarks that I started last week on the Independent Broad-based Anti-corruption Commission report entitled *Operation Ord — An investigation into the conduct of officers of the Department of Education and Training, in connection with the use of 'banker schools' and related activities*. I say as a former schoolteacher in the public school system that I was appalled by some of the practices and certainly commend the IBAC investigation that unearthed the level of corruption, which I think is a shock and a disappointment to all of us.

I also note the broader recommendations that the government is considering, including recommendation 6 on page 109, which outlines that the Secretary of the Department of Premier and Cabinet needs to provide to IBAC by 30 December 2016 a report on the implementation of the Victorian Secretaries Board (VSB) corruption prevention and integrity action plan. This report will be published on IBAC's website. It will look at how practices across the whole of the government system need to change. There are protocols that need to be in place and policies that need to be there to prevent corruption and to be able to identify it, which will certainly change the culture that has led to it.

Further down on that page, the report says:

IBAC is aware that, as a consequence of Operation Dunham —

which is an operation that has been established to investigate any corruption associated with the ultranet —

the VSB has committed to further action to prevent corruption across the Victorian public service, with a focus on:

supporting ethical leadership;

overseeing a review of policies and procedures relevant to managing conflicts of interest, the public sector code of conduct, and gift, benefits and hospitality.

I certainly think that it needs to go further. On page 15, looking at the summary of investigations and outcomes, recommendation 4 states that the department needs to take appropriate steps to exclude people and entities whose behaviour has been found to be improper or corrupt from obtaining work with the department, including schools, in future. I believe that this is a practice that needs to be adopted across the board — that anyone, any organisation or any entity that has been found to be acting improperly or corruptly should be excluded from the opportunity of tendering for government contracts. That is simple. In particular, any steps that need to be put in place across the board for the disciplining or dismissal of employees found to have engaged in serious misconduct or corruption are obviously critical as well.

The issue that comes to my mind is the conduct of the Construction, Forestry, Mining and Energy Union (CFMEU). There are certain identities in the CFMEU who have a long list of convictions against them, which certainly places them in this category. In my view, we need to look at adopting a whole-of-government policy that any person or any entity that is found to have been acting corruptly or inappropriately should be excluded from the opportunity of benefiting from the public purse, because certainly the public cannot be confident that the practice is not going to continue and that the taxpayer is not going to be the loser as a result.

I call on the Premier in particular, as well as the Special Minister of State, when he returns to his duties, to ensure that as part of the VSB's considerations this matter be placed as a high priority to make sure that public resources are actually applied to public benefit and indeed that that does not mean benefiting corruptly as a result of certain practices that these organisations have been associated with. I think the CFMEU is a prime example of the type of organisation that should be excluded from government contracts across the board without any qualification or exception.

TRANSPORT (COMPLIANCE AND MISCELLANEOUS) AMENDMENT (PUBLIC SAFETY) BILL 2016

Statement of compatibility

For Ms PULFORD (Minister for Agriculture), Mr Dalidakis tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter), I make this statement of compatibility with respect to the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016.

In my opinion, the Transport (Compliance and Miscellaneous) Amendment (Public Safety) Bill 2016 (the bill), as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill repeals section 159 of the Transport (Compliance and Miscellaneous) Act 1983 (the act). Section 159 is a reverse onus provision, providing that in any prosecution against an owner or driver of a commercial passenger vehicle, if the prosecution proves that passengers were carried in such a vehicle for reward, the burden shifts to the accused to prove that the passengers were not carried for reward at 'separate and distinct fares'. However, the carrying of passengers for reward at 'separate and distinct fares' is no longer an element of any offence under the act. This has been so since 1941, when amendments were made to the former Transport Regulation Act 1933.

Section 159 therefore has no current application; its continued presence in the act has been a matter of drafting oversight. As such, it is now being repealed on the basis that it is redundant.

Human rights issues

In my opinion, the bill does not raise any human rights issues. I therefore consider the bill to be compatible with the charter.

Jaala Pulford, MP
Minister for Agriculture

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

On 18 May 2016 the County Court made a judgement that was portrayed in the media as a decision that legalised the operation of ridesharing services in Victoria. The advice the government has received is that the implications are far more significant. It undermines the enforcement of requirements imposed on commercial passenger vehicle owners and drivers in the interests of public safety.

The most serious implication is that where drivers are an obvious threat to passenger safety, for example, when an individual has a history of sexual assaults, the Taxi Services Commission will not be able to prevent them from driving a commercial passenger vehicle.

Part VI of the Transport (Compliance and Miscellaneous) Act 1983 defines a commercial passenger vehicle as being any motor vehicle which is used, or intended to be used, for carrying passengers for hire and reward. Under the Transport (Compliance and Miscellaneous) Act, all commercial passenger vehicles are required to be licensed and all drivers are required to be accredited.

In the case brought before the County Court His Honour Judge Chettle was satisfied beyond reasonable doubt that the passengers were carried for hire or reward. However, Judge Chettle accepted a submission put on behalf of the appellant that section 159 of the Transport (Compliance and Miscellaneous) Act 1983 provides a defence to the appellant to both charges and, accordingly, set aside the orders of the Magistrates Court and substituted a finding that the charges be dismissed.

The judgement is that it is a defence to any offence involving the carriage of multiple passengers to prove that a vehicle was not being used as a commercial passenger vehicle because passengers were not charged separate and distinct fares. Commercial passenger vehicles such as taxis and hire cars do not charge separate and distinct fares to each passenger so the effect of the decision, in construing section 159 as providing a defence, is significant and leads to perverse outcomes.

The bill provides for the repeal of section 159 of the Transport (Compliance and Miscellaneous) Act 1983 in order to preserve the integrity and validity of the regulation of commercial passenger vehicles in the interests of public safety.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ramsay.**Debate adjourned until next day.****ADJOURNMENT**

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the house do now adjourn.

Regional Network Development Plan

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Public Transport, and it is regarding the lack of benefit from the *Regional Network Development Plan* for Shepparton line passengers and the confusion surrounding what is actually included in the plan for Shepparton. My request of the minister is that she clarify when the fifth service will commence on the Shepparton line and that she outline the time line and funding details of the future works listed, including extra passing loops; track, train stabling and signalling upgrades; and an investigation into VLocity trains.

Like many residents along the Shepparton rail line, I was expecting to see great plans for the Shepparton area in the *Regional Network Development Plan* when it was released last week. After all, the member for Shepparton in the Legislative Assembly told us all it was our turn and the minister told us that the *Regional Network Development Plan* would set out priorities for regional public transport services, infrastructure and investment over the next 20 to 30 years. Unfortunately, like many residents along the Shepparton line, I was extremely disappointed to see that the plan, which was supposed to be released prior to the May state budget, is, to quote one email I received, 'just thin, full of spin and — like a V/Line train — late'.

Once again the Andrews Labor government has prioritised Ballarat, Geelong, Bendigo, Seymour and Traralgon and has ignored the Shepparton community. This is despite public transport being an issue of ongoing concern to the Shepparton district and the Shepparton *Regional Network Development Plan* consultation forum being the best attended in the state. The minister proclaims that the *Regional Network Development Plan* is the product of one of the most extensive public consultation programs ever carried out in regional Victoria and reflects the passengers who use our system every day. It certainly does not reflect the passengers of the Shepparton line, who continue to express the need for significant investment in our public transport services.

The government says its regional transport strategy aims to deliver commuter-style transport services to Geelong, Ballarat, Bendigo, Seymour and Traralgon, but not for Shepparton. These cities will be getting trains at least every 20 minutes during peak times and every 40 minutes in off-peak times, but the minister's press release lists only one extra service per weekday for Shepparton. Confusingly her release says there will be five services five days a week in the outer regional lines, including Shepparton, but the future directions for

the Hume region on page 47 of the plan fail to mention a fifth service for Shepparton. The people of Shepparton would like to know when the fifth weekday return rail service will begin.

The short-term initiatives outlined in the plan — the additional Seymour to Shepparton daily service extension, which brings our services to four return Monday to Friday, the Shepparton station improvements and extra bus stop shelters in Shepparton — are all just reannouncements from the state budget, and the only two long-term projects mentioned are vague on details. The investigation into the rollout of VLocity trains on the Shepparton line does not even promise that there will actually be a rollout — just that it will be considered — and the promise of extra passing loops and track, train stabling and signalling upgrades on the line are without start or end dates and funding details. A letter in the *Shepparton News* this morning from Nick Roberts, one of our local environmental people slams the plan.

Glenaladale mineral sands mine

Mr BOURMAN (Eastern Victoria) — My adjournment matter today is for the Minister for Agriculture. Recently I was invited out to Glenaladale by some concerned residents regarding a proposed sands mine in the area. Touring the area with the residents illustrated their concerns, not just in an abstract manner but with real concerns regarding mining rights, possible repercussions of the mining activity, environmental concerns and also the effects on food production, given its proximity to Lindenow. There are many farms in the immediate vicinity, ranging from beef and dairy cattle to the growing of produce. These form part of a very productive part of a very productive region, and the importance of maintaining the environment for this primary production must be the first priority of the government. I call on the minister to initiate contact with the concerned residents and to make sure that their concerns are heard and investigated and that the area and its primary production are not irreparably damaged should the proposed mine proceed.

Northeast Health Wangaratta

Ms SYMES (Northern Victoria) — My adjournment matter is for the Minister for Health, Jill Hennessy, and relates to funding for Northeast Health Wangaratta. This year's budget provides \$200 million for a new Regional Health Infrastructure Fund. The fund is the largest of its kind in Victorian history and will provide much-needed upgrades for rural and regional hospitals to ensure that Victorians, regardless

of where they live, can have access to quality health care when they need it. This dedicated new fund to rebuild rural and regional hospitals will ensure families in regional Victoria have access to the quality health care that they deserve. The former coalition government gutted our hospitals, ripping \$1 billion from our health system and underinvesting in building projects. The Regional Health Infrastructure Fund will help turn this around by rebuilding our hospitals. It will mean rural and regional health services can treat more patients more quickly, and our hardworking doctors and nurses will have the modern and safe working environments that they deserve.

Last week I visited Wangaratta with the federal Labor candidate, Eric Kerr. Many locals are still reeling from the revelations on *Paul Murray Live*, where it was claimed that \$10 million of funding that was going to be made to the Wangaratta hospital after the 2013 federal election was actually withdrawn because the people voted for an Independent member of Parliament in that seat. I am very disappointed for the people of Wangaratta and all of the smaller communities that rely on that service, including Yarrawonga, Cobram, Benalla, Mansfield et cetera. I am also angry for the hardworking staff at Northeast Health Wangaratta, as they are truly committed to delivering the best care and service for their patients, and I had the pleasure of witnessing this firsthand last week when I met with CEO Marg Bennett and her team. The positive vibe at the hospital is undeniable. They are a tight-knit team, and they are doing the very, very best they can within the tight financial constraints they are under, but they are also struggling to do the best for their patients in the ageing buildings and imperfect layout of their facility. They have a staged master plan ready to go, and it is a real shame that if not for the unmet promise of \$10 million from the federal government, we might actually be up to stage 2 now.

I have committed to the hospital to support their funding application under the Regional Health Infrastructure Fund, and the action I seek from the minister is that she ask her department to provide assistance during the application stage and in turn view this application favourably so that this most deserving hospital and community can get on with their long-awaited upgrade so the hospital can be more efficient, expand its capacity and increase comfort for patients and staff.

Assistance dogs

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Housing, Disability and Ageing. I rise to speak about an issue

that has failed to be addressed not only by the Victorian government but by the federal government as well. The issue is that people with assistance dogs are not provided with the same rights as people with guide dogs. Assistance dogs provide a range of services to people with a disability. They can provide assistance with retrieving items for those who have mobility impairments, and for those with autism they can provide anxiety relief. These services are as essential to these people as guide dogs are to people who are vision or hearing impaired. Yet these dogs are not properly recognised under Victorian legislation. They are not exempt from the Domestic Animals Act 1994, as guide dogs are. This means they are subject to council registration fees.

Federal and state laws provide protection from discrimination for people using assistance animals. However, the protection is patchy. In addition, there are no legal frameworks for regulating the quality of assistance animals working in Victoria. In 2009 the Victorian Law Reform Commission recommended a reform to establish a simple regulatory scheme for the training, registration and identification of assistance animals. That was six years ago. Victoria could create a Victorian scheme, as recommended by the Victorian Law Reform Commission, or it could at least advocate nationally via the Council of Australian Governments (COAG) for reform. As far as I can tell it is doing neither. In this day and age, this lax approach is totally unacceptable. A proper training and registration scheme would not only address this discrimination within the system, it would ensure quality control for assistance animals and better ensure the safety and wellbeing of the community.

The action I am seeking from the minister is that he work to create a proper training, registration and identification scheme for assistance dogs in Victoria, act as a role model for this scheme to be rolled out to all states via COAG and amend the Domestic Animals Act 1994 to include assistance dogs in the exemption.

Poowong Consolidated School

Ms BATH (Eastern Victoria) — My adjournment matter is for Minister for Roads and Road Safety. Recently I met with Poowong Consolidated School principal Cate McKenzie and a number of frustrated Poowong residents, including Irene Adams from the Poowong Community Consultative Committee.

The issue of child safety at the Poowong Consolidated School has been an ongoing concern for many years. The school has been on its current site at Gardner Lane for over 50 years. Topographically the school sits on a

rise, with the road falling away to the south towards the town and to the north towards the abattoir, GBP Australia, only 1 kilometre away. GBP employs roughly 150 people and processes between 350 to 400 animals per day. Peak delivery time is between 2.30 p.m. and 3.30 p.m. each weekday. Multiple large transports use this road as the only access into and out of the plant. They pass directly beside the school. Trucks frequently travel up the hill at speeds faster than 40 kilometres, as I witnessed on the day of my visit.

Cate McKenzie informs me that the school population of 140 students is predicted to increase to 180 to 200 within the next five years, as Poowong sits near the edge of the Baw Baw Shire — a shire of rapid population growth. Concerned citizens have signed petitions with over 400 signatures calling for the installation of flashing 40-kilometre-per-hour indicators.

The action I seek from the minister on behalf of the Poowong residents is that he fund the installation of speed signs on both sides of the roads to be activated to display a 40-kilometre-per-hour speed limit at the appropriate times. I note from the correspondence on 23 July 2015 to my colleague in the Legislative Assembly Mr Danny O'Brien that the minister indicated that electronic signs have been implemented at over 450 schools across Victoria. In this letter he stated that these signs have been implemented at locations that are assessed as having the greatest risk, regardless of whether they are on arterial or local roads. My argument here is that whilst this is not a high-volume road in terms of a through highway, it is consistently used by heavy vehicles at times of student movement.

Two electronic speed signs sit unused outside a closed primary school in Athlone, only a few kilometres away. Surely these could be made fit for purpose, adapted and moved. The Poowong community has a strong social conscience and a history of fundraising for their community; however, they feel the cost of appropriate road signage to ensure the safety of their students should not be left to them but should be borne by the government and VicRoads. Again the action I seek is that the minister facilitate the installation of these flashing speed signs for the children's safety.

Child protection

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Families and Children and Minister for Youth Affairs, Ms Mikakos. As the minister is aware, there has been a surge in the growth of child protection notifications

across the state, with the Auditor-General highlighting that the number of children in out-of-home care has grown by 60 per cent over the past decade.

Last year the government announced an ambitious reform project to shape the long-term future of support service systems for vulnerable children and families, and the government has been working closely with the community services sector to deliver the Roadmap for Reform, which is evidence based and driven by expert advice. We have also seen two budgets from this government that have invested in child protection and family services, including early intervention services, more child protection workers and improving the out-of-home care system. There are a number of initiatives that were included in the most recent budget, such as child protection enhancements, including one-year funding for the ongoing operation of the child protection specialist intervention unit; funding to meet the urgent demand in integrated family services, as recommended by the Royal Commission into Family Violence; specialist family violence and sexual assault counselling for children; and renewal or replacement of residential care properties. The list goes on.

What I am seeking is an opportunity for the leaders of organisations that deliver youth-centred and family-focused services in the south-west of Victoria — who do an excellent job in what is a very difficult and complex area — to be afforded the opportunity to sit down with the minister to discuss the situations that their organisations are facing and the measures they are undertaking to implement the broad programs that have been introduced by this government in the recent budget as well as in the preceding budget. The action I seek is that the minister visit the south-west in the coming weeks to meet with the community sector leaders who deliver a range of integrated child and youth-centred and family-focused services in the south-west of Victoria.

Organ harvesting

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter tonight is addressed to the Minister for Health and concerns the issue of organ harvesting. I call on the minister to launch an investigation into the incidence of Victorians participating in activities related to illegal organ harvesting and, in particular, as purchasers of these organs while overseas.

While Victorians may have transplants overseas, they then rely on our health care system to support them on their return. We do have Victorian legislation — I acknowledge that — in the Human Tissue Act 1982

which prohibits the unauthorised buying of tissue, but this law does not apply to offences committed internationally. It is extremely concerning that this law could be circumvented by people going overseas for a transplant. While there is anecdotal evidence of this happening, a more systematic approach to data collection in this area is required to find out the extent of this issue, and that is what I am asking the minister for.

My concern is the unethical sourcing of organs, especially from China. David Matas and David Kilgour, both of whom have won an International Society for Human Rights award and were nominees for the 2010 Nobel Peace Prize for their work on organ harvesting, have confirmed that China is harvesting over 10 000 human organs every year, predominantly from political prisoners, many of whom are guilty of nothing more than being members of the peaceful Falun Gong community.

A number of constituents in my area practise Falun Gong, and they have made representations to me on behalf of their international counterparts. For those who do not know, Falun Gong is a spiritual practice rooted in ancient Chinese culture. They are a very peaceful group of people with central tenets of truthfulness, compassion and tolerance. Falun Gong is freely practised in over 80 countries of the world. There is a large group of Falun Gong practitioners in the Wyndham area, but in China practitioners are heavily persecuted.

As far back as 1999 the Communist Party of China launched a campaign to eradicate the Falun Gong through extensive propaganda, massive imprisonment, torture and organ harvesting — atrocities which reportedly continue to this day. We understand that many organs are transplanted into patients from Western countries, such as Australia, as part of a growing transplant industry which brings billions of dollars to the Chinese economy.

I hope that the minister heeds my call for an investigation into this matter with sincere interest and, if Victorians are known to be participating in these activities, that appropriate policy measures will be implemented.

VicRoads relocation

Mr MORRIS (Western Victoria) — The adjournment matter I wish to raise this evening is for the attention of the Minister for Roads and Road Safety, Mr Donnellan. Recently I came into possession of a document entitled *Victorian Labor's Plan for Jobs and*

Growth — November 2012 — Victorian Labor Opposition. I noted that page 63 of this document refers to a case study under the heading ‘Relocations Strengthen Regional Centres’. It states:

The former Victorian Labor government aggressively supported the relocation of major Victorian government agencies to regional locations, underpinning investment in critical hubs. In 2001, the Bracks government announced its decision to relocate a substantial portion of the State Revenue Office’s functions to Ballarat. This was followed in 2002 with the announcement of the shift to Bendigo of the Rural Finance Corporation and, in 2005, the announcement that the Transport Accident Commission would relocate to Geelong, creating hundreds of local jobs and injecting millions of dollars into the surrounding economy. These successful relocations were built on in 2010 when Premier John Brumby announced that State Trustees would open a new Bendigo regional office with 100 jobs and a new 50-person VicRoads call centre in Ballarat. These, and other initiatives, created over 1200 new government jobs in regional Victoria.

It is incredibly important that jobs do come to regional Victoria. I was pleased that the 50-person VicRoads call centre in Ballarat was mentioned in this particular case study, the then Labor opposition’s position for jobs and growth in Victoria.

It is with this that I come to the action that I seek from the minister — that is, that he fulfil the commitment made by the coalition government to relocate the VicRoads headquarters from Kew to Ballarat, bringing 600 jobs and \$60 million of annual economic activity to the great city of Ballarat.

Greening the Pipeline project

Mr MELHEM (Western Metropolitan) — The matter I wish to raise is for the attention of the Minister for Water in the other place, the Honourable Lisa Neville. The local community in the western suburbs is very excited about the Greening the Pipeline project that is commencing with support from Melbourne Water and VicRoads.

I note that the project aims to convert part of the heritage-listed main outfall sewer pipeline into parkland. The vision is to create a vibrant space that will connect communities and provide a unique space to meet, play and relax. Community engagement in the initial pilot 100-metre parkland in Williams Landing is very exciting, and it will be important to make sure that there is a wide level of community engagement and support for this project.

The action I seek is that the minister ensure that the following organisations be invited to participate in the project: BayWest BUG, Werribee Historical Society, LeadWest, Friends of Skeleton Creek and Altona Bay

Wetlands, Truganina Landcare Group, Westbourne Grammar School, Al-Taqwa College, Truganina South Primary School, Truganina Hornets Soccer Club, Werribee Environmental Community Park, NatureWest, Williams Landing Estate Residents Association, Truganina Community Group Inc. and Truganina Residents Association. I hope the minister will extend an invitation for these organisations to participate in the next step of the project.

Parkville College

Ms PATTEN (Northern Metropolitan) — My adjournment matter is for the Minister for Families and Children, Minister Mikakos. On 31 May I visited the Melbourne Youth Justice Centre in Parkville, and I was very lucky to be shown around by the director of secure services, Ian Lanyon, and to meet his incredible staff. Yet again I was at a corrections facility being so impressed and moved by the compassion, care and dedication of the staff.

What was particularly inspiring was to see a fully functioning school, Parkville College, operating within the corrections centre. I went into one of the classes, a science class for the boys. They were doing what they called the ‘Scorpion Project’. They were costing how much it would cost to have scorpions in their classroom, how they would care for them, how they would feed them and what it would take to look after these insects. They had been successfully looking after some stick insects, and they were moving up to scorpions. I was very taken by this but was a tad disappointed when I heard that that probably was not going to happen and that having scorpions in a correctional facility may not be a great idea.

But this facility also had retired greyhounds and customs dogs and was moving to have some animals at the school’s regional facility. We all know the research around therapy animals and the benefits of caring for animals — it teaches empathy, maturity and responsibility. It was really lovely seeing this at a corrections facility. That almost seemed quite cute, but the reality is that most of the kids there do not know what care is. They have not been cared for, they have no-one who cares for them and they have no role models. They have no idea what it means to be loved and cared for.

Ian Lanyon mentioned that, as a police officer, he had seen the grandparents and the parents of these children through the system, so he was seeing a third generation, and they were parents themselves — they had children.

The action I am seeking is to break this cycle by having young parents attend childcare facilities with professional carers to provide guidance and education. I would like the minister to consider implementing a program where these parents can attend a childcare program with their children to learn parenting skills and break this vicious cycle.

Level Crossing Removal Authority

Mr DAVIS (Southern Metropolitan) — My matter tonight is for the attention of the Premier. It concerns a document from the Auditor-General's office, *Public Participation in Government Decision-making — Better practice guide*. I must say it is a very impressive guide to good public participation in government decision-making.

However, the particular project I wish to draw the Premier's attention to is the project conducted by the Level Crossing Removal Authority (LXRA), the sky rail project. I have been working my way carefully through the Auditor-General's better practice guide and looking at the achievements — or the non-achievements — of the LXRA with respect to the sky rail project.

I draw the Premier's attention particularly to page 5, which deals with transparency, consultation and public participation principles in figure 4. It deals with public sector values: integrity, impartiality, accountability, respect and human rights. The public participation principles in broad are responsiveness, transparency and integrity, openness, accountability, inclusiveness and awareness. There are such points as:

Providing appropriate time and resources to ensure that those affected can participate in a meaningful way.

There are points on:

Embedding in all decision-making processes an openness to appropriately understanding and incorporating the views of those affected by decisions and providing access to all relevant information about the decision in a manner that participants can understand, so that their contributions may be fully informed.

There are many of these points here, such as 'making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest' and 'acting fairly by objectively considering all relevant facts'. On all of these the LXRA has failed.

And let us not make the mistake of forgetting that the sky rail project was announced by the government on 6 February and its consultation proceeded largely after it had made the announcement. So which method are

we going to use to remove level crossings? Well, we are actually going to tell you, and then we are going to come along and see how you feel. The consultation was in fact a sham. It was an absolute shambles and a travesty, and what I would say is that the Premier needs to go back and review the activities of the LXRA against the very worthy principles that have been put out by the Auditor-General.

I must say, I give the LXRA a fail on its approach — a straight fail — and I think this document should stand as a useful guide, but on all counts it appears to me to have failed, and I ask the Premier to review it against the guidelines put out by the Auditor-General.

The PRESIDENT — Order! Who did the Auditor-General report to with that report?

Mr DAVIS — The Premier, is my understanding. I am happy to be corrected on that, but my understanding is that he reports to the Premier.

The PRESIDENT — He reports to the Parliament, actually.

Mr DAVIS — That is right, but the departmental resources — —

The PRESIDENT — Order! It is just that I am concerned that we mentioned last night about directing these matters to the right minister, and the Premier is not responsible for the level crossing authority, so the question is whether or not the report that you have referred to is relevant in respect of the Premier's responsibilities.

Mr DAVIS — President, the Premier might also wish to review the minister's own behaviour against these same principles.

The PRESIDENT — Order! That is a very different matter, and that is not what the adjournment item is about. It is not really the right comment to make in this forum at this time. If there are concerns about a minister's performance, then, as we have said before, it needs to be a substantive motion. I will let it stand at the moment.

Box Hill transport interchange

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Jacinta Allan. Previously in this chamber I called on the minister to organise for me to go out to the Box Hill interchange with a number of people from her department to look at a number of things. One of the issues that we did look at with the

departmental people last week, when the minister kindly arranged my requested visit, was the after-hours access between the bus exchange and the train station. The Public Transport Victoria (PTV) officials and I had a good conversation. The officials flagged a few suggestions that may improve this particular issue of after-hours access between the two modes of transport. The action I ask of the minister is for her to help facilitate anything PTV comes up with as far as what may be a remedy to the situation.

Former Lands Department chemical inquiry

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Energy, Environment and Climate Change, the Honourable Lily D'Ambrosio, and it regards the government's response to an inquiry into chemical sprays used by the then Lands Department workers in the Ballarat region between 1965 and 1995. The inquiry found employees used more than double today's standard tolerable intake of dangerous chemicals which could cause cancer. The former Minister for Environment, Climate Change and Water, Lisa Neville, made an election promise to establish an independent inquiry, and it was a key priority after she was elected. However, her response to the findings of the inquiry was pretty lacklustre and has even been described by the impacted workers as a bit of a farce.

The Australian Workers Union is on the record asking for a parliamentary inquiry similar to the recently completed Fiskville investigation. To date, the government's response has included a telephone consultation with an interstate doctor and health screenings in Melbourne. However, spray hands told the Ballarat *Courier* late last month that they had not been individually contacted about the screenings. The *Courier* even described its response as bewildered.

The screenings are meant to check for a history of chloracne, soft tissue sarcoma and non-Hodgkin's lymphoma. All of these are very serious diseases linked to toxic chemicals used by the spray hands, but somehow these former workers were not treated to the courtesy of direct contact about the screenings and had to discover the government's response through the media. The government has also not stated how many workers will be entitled to the health screenings. Given the high dissatisfaction from those affected, the action I seek from the current environment minister is to outline what further response will be given to support these former workers exposed to toxic chemicals during their employment with the Lands Department.

Western Metropolitan Region soccer

Mr EIDEH (Western Metropolitan) — My adjournment matter is for the Minister for Sport, the Honourable John Eren. My electorate of Western Metropolitan Region is one of the most multicultural and diverse communities in Victoria, which is something that we in my electorate are very proud of. My electorate is also one of the most engaged when it comes to the world game of football. People in Western Metropolitan Region come from all parts of the globe and have made significant contributions to the state economically and socially. Melbourne's west is also home to many well-established and emerging football clubs, including Melbourne Knights Football Club, Sunshine George Cross Football Club, Heidelberg United Football Club and Altona City Soccer Club amongst others. Many families within my electorate engage and support these clubs, which have teams from under 6 right up to the seniors. It is also home to a growing number of female footballers.

With the Andrews Labor government having supported the double-header at Etihad Stadium with the Matildas versus the New Zealand Football Ferns and the Socceroos versus Greece, both of which were thrilling games, can the minister inform the house of how this major event has sought to engage the western region's multicultural community, including the Greek and New Zealand community? Also, how do events such as the double-header with the Socceroos versus Greece and the Matildas versus New Zealand help to support and create jobs in the visitor economy whilst encouraging grassroots sport participation amongst local young boys and girls in my western region?

Is it true that these positive outcomes are only possible when a government has a Minister for Sport who shows leadership, as opposed to an opposition that is displaying contempt for our sports sector and which has failed to appoint a shadow sports minister since the resignation of Damian Drum? As the alternative government for the sporting capital of the world, those opposite do not even have a shadow sports minister.

The PRESIDENT — Order! That is a bit rich!

Sunbury police numbers

Mr FINN (Western Metropolitan) — The house may recall that in the last sitting week I raised a matter for the attention of the Minister for Police. I raise this matter for the Minister for Police as well. The matter I raised in the last sitting week was to ask the minister to facilitate the transfer of Diggers Rest into the Sunbury police region.

Mr Morris interjected.

Mr FINN — Indeed, Mr Morris, it does make sense. But what I had not taken into account was something that the police association brought to my attention very, very quickly. Mr Iddles was on the front page — or it might have been page 3 — of the local paper last week to inform me that in fact that would be an outrageous thing to do because already the police in Sunbury are stretched beyond breaking point, as indeed are the police in Melton. I know for a fact that the police in Werribee have been stretched for a very, very long time.

This seems to me to be a pretty appalling situation, particularly given that Sunbury is an area that is about to experience a population explosion. There are a number of developments that are about to go ahead, and we are about to see, over the next few years, an extraordinary growth in the population of Sunbury. Obviously that growth will bring problems — perhaps problems with the law. I am not suggesting that the minister should interfere in operational matters of the police — I would never suggest that for a moment — but clearly we have a problem in the Sunbury area with a lack of police. I certainly take on board the views of the police association on that one.

So I ask the minister to provide for the chief commissioner sufficient police numbers to protect the Sunbury area and the people in it so that perhaps in future we might be able to get to a situation where Diggers Rest can come into the Sunbury region. In the meantime we just need sufficient numbers to protect the people of Sunbury and surrounds, and I ask the minister to do that as a matter of urgency.

Ms Lovell — On a point of order, President — and I seek your guidance on this — I was not in the chamber but I was listening in my office, and I think Mr Eideh raised a matter for the Minister for Sport suggesting that the coalition does not have a shadow Minister for Sport. I am not sure that that actually fits with the adjournment guidelines — that would be within the jurisdiction of the minister anyway — but the coalition certainly does have a shadow Minister for Sport, and that is Peter Walsh, who has taken on Damian Drum's portfolios.

The PRESIDENT — Order! It is not really a point of order as such. However, in this week and particularly today, when I think there is a little too much testosterone being thrown around, it is a difficult day. I think a lot of people need to take a pretty deep breath tonight and back off. In respect of Mr Eideh's contribution, I perhaps inappropriately made a side comment that I thought it was a bit rich that Mr Eideh

reflected on the fact that there was not currently a shadow sports spokesperson. In taking the point of order — as I said, it is not really a point of order — I note that that reflection was something that really just adds to the difficult issues I think people are having, one with another, at the moment. Clearly a member resigned who had held that position. There was a designated position within the opposition ranks. The member resigned and has not yet been replaced. As I understand, one of the other shadow ministers has taken on responsibility on a temporary basis for that position — —

Ms Wooldridge interjected.

The PRESIDENT — Order! Is it a permanent position?

Honourable members interjecting.

The PRESIDENT — Order! All right, so there is a shadow Minister for Sport, who I understand now is Mr Walsh. Is that correct?

Mr Herbert — It wasn't the action.

The PRESIDENT — Order! I know, but the point of order has been raised. The comment was inaccurate, and it was not really helpful to a more harmonious relationship between members going forward for the rest of this week, which I hope will prevail tomorrow.

Whittlesea Community Connections

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for the Prevention of Family Violence. It is in relation to the Whittlesea Community Legal Service, a Whittlesea Community Connections service, which I had the pleasure of visiting with my colleague Mr Ondarchie last week when I was out visiting parts of his electorate. We met with a number of organisations and people who are dealing with these matters, not only in my responsibility area of early childhood education but also in the very important area of family violence. We had a very good meeting with the Whittlesea Community Legal Service, which is doing a terrific job in relation to the numbers of people, particularly women, it is seeing come through its service each day. The staff cited figures to us that in the most recent quarter, that being from 1 January to 31 March this year, they have seen 128 new clients across all the services that they provide. That equates to around two new reports coming through their doors each day. With that, they are really struggling to keep up with demand.

There is greater awareness, of course, with the Royal Commission into Family Violence. It has brought greater awareness among many communities right across Victoria, which is a very good thing, and we have seen the reporting of incidents go up across the state. I think it is incumbent on government to cater for these demands. Whittlesea Community Legal Service has in its family violence unit two part-time family violence lawyers who have been funded out of the Department of Justice and Regulation. The funding for those two positions runs out at the end of this year. That is a concern that the staff hope will be addressed when that funding issue comes up. In the meantime they are really seeking an immediate injection of funding to be able to deal with this situation that they are seeing on a daily basis — that is, two reports each day. Whittlesea Community Legal Service is providing very good services across a range of areas, particularly in the area of family violence.

Whilst there are various reviews and committee inquiries being undertaken to look at the implementation of the recommendations of the royal commission, the action I seek is that the minister look at the needs of Whittlesea Community Connections and provide urgent funding to assist with its demands in relation to family violence reports — two a day.

Ambulance services

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Health in the other place, and it concerns ambulance response times. Recently the government released ambulance response times for the first quarter of 2016, and this was done largely without any fanfare. The figures show that average response times during the first quarter of 2016 for code 1 emergencies are in many places worse than they were for the same period in 2015. Code 1 is of course the most urgent category for an ambulance response, and it is used for seriously ill and injured patients.

In the first quarter of 2016 only 12 of 79 local government areas across Victoria achieved the government's benchmark of 85 per cent of all code 1 responses arriving within 15 minutes. Of those 12, 5 had longer average response times — that is, Banyule, Darebin, Maribyrnong, Warrnambool and Yarra. Two local government areas no longer reach the 85 per cent benchmark when previously they did — that is, Greater Dandenong and Maroondah.

In opposition the ALP told us that every second counts, and it claimed there was a war on ambos because of a long-running dispute over a new enterprise bargaining

agreement (EBA) for ambulance employees. There is no doubt that ALP members milked the ambulance EBA dispute for all it was worth. This makes their comments about the current dispute about the firefighters all the more hypocritical. The day after the election Premier Daniel Andrews told us that the war on ambos was over. If there were any truth to this at all, surely it would follow that we would be seeing significant improvements in ambulance services right across the state, but we simply are not. In fact in many places ambulance response times are going backwards.

I am going to give some average figures now for code 1 response times in a variety of municipalities. In the City of Maribyrnong average code 1 response times have increased from 9 minutes and 58 seconds to 10 minutes and 58 seconds, an increase of exactly 1 minute. In the Shire of Corangamite, which covers Timboon, Camperdown and Cobden, it has gone from 20 minutes and 8 seconds to 21 minutes and 56 seconds, an increase of nearly 2 minutes. In the Shire of Gannawarra, which covers Quambatook, Cohuna and Kerang, it has gone from 18 minutes and 7 seconds to 20 minutes and 39 seconds, an increase of more than 2 minutes. In Darebin it has gone from 10 minutes and 57 seconds to 11 minutes and 25 seconds. In Moonee Valley it has gone from 11 minutes and 39 seconds to 12 minutes and 12 seconds. In Towong it has gone from 25 minutes and 12 seconds to 26 minutes and 37 seconds. In Mildura the average code 1 response time has increased year on year from 11 minutes and 14 seconds to 11 minutes and 37 seconds.

Daniel Andrews promised that he would improve ambulance response times across Victoria, but in many parts of Victoria, both city and country, they have simply got worse. The reason why is that there never was a war on ambos. There were issues with, in particular, population growth, very remote locations and people calling ambulances when they did not need them. The action I seek is for the minister to commit to developing a plan for improving ambulance performance, having regard to population growth rather than confected claims of a war on ambos.

Local government reform

Mrs PEULICH (South Eastern Metropolitan) — The adjournment matter I wish to raise is for the attention of the Minister for Local Government. I refer to the review of the Local Government Act 1989, which is currently underway and will not be completed for some time, as well as recent changes — which I supported, may I add — that allow for a councillor to be suspended where there is a proven case of a breach of conduct, rather than dismissing a whole council. This

has generated a number of calls to me from councillors who may perhaps be seen by some council staff as being a bit difficult because they may be persistent, they may be dogged or they may be asking too many difficult questions or upsetting the existence of local government staff.

It brings to my mind the joke that schools would be great if there were no students or that hospitals would be great if there were no patients. Unfortunately I think that a common view amongst some council officers may be that local government would be great without councillors. There may be some others who share that view. I actually think that good councillors are worth their weight in gold, and we want to see more good councillors and fewer bad ones elected to local government.

Currently the Local Government Act has many provisions that relate to the conduct of councillors. There have been onerous codes of conduct that have been developed for councillors. However, there are limited provisions that apply to council staff. There is a provision in relation to having to declare a conflict of interest, and there is a requirement under section 95AA that a chief executive officer develop a code of conduct for council staff and indeed that staff have access to the code, but the act does not actually require that the code be made available to councillors as well. Indeed there is insufficient detail across the sector that governs the way that council staff conduct themselves, and of course given the growth in the sector they are growing in number, so urgent work needs to be done.

I would like to recommend the matters that Mr David Davis raised earlier in his reference to a better practice guide, and in particular the public sector values focus, and that this be given consideration in relation to the further work that needs to be done in developing more comprehensive codes of conduct that apply to staff in the local government sector. This is long overdue, especially in the context that an individual councillor could be suspended as a result of council staff perhaps working together to make that possible. I call on the minister to incorporate that in the review of the Local Government Act.

Responses

Mr HERBERT (Minister for Training and Skills) — In regard to the following matters, I will refer them on to the relevant ministers.

Ms Lovell had a matter for the Minister for Public Transport regarding train services to Shepparton.

Mr Bourman had a matter for the Minister for Agriculture with regard to listening to the concerns of local residents in Glenaladale.

Ms Symes had an issue for the Minister for Health regarding funding assistance with an application for funding for Northeast Health Wangaratta.

Ms Hartland had an issue for the Minister for Housing, Disability and Ageing in relation to introducing a training scheme for assistance dogs.

Ms Bath had an issue for the Minister for Roads and Road Safety regarding Poowong Consolidated School speed sign funding.

Ms Tierney had a matter for the Minister for Families and Children and Minister for Youth Affairs regarding south-west youth, delivering services and a meeting with the minister to talk about their experiences in that delivery.

Dr Carling-Jenkins had a matter for the Minister for Health, seeking an investigation into organ harvesting.

Mr Morris had an issue for the Minister for Roads and Road Safety regarding fulfilling coalition policy with regard to VicRoads. That will be an interesting response.

Mr Melhem had a matter for the Minister for Water regarding meeting with a range of stakeholders about the Greening the Pipeline project.

Ms Patten had a matter for the Minister for Families and Children, seeking the provision of guidance and education for parents of troubled children to break the cycle.

Mr Davis had an issue for the Premier, seeking a review of the Level Crossing Removal Authority.

Mr Leane had an issue for the Minister for Public Transport regarding the Box Hill interchange inspection and visit.

Mr Ramsay had an issue for the Minister for Energy, Environment and Climate Change, seeking further response on actions for workers who were involved in the 1965 to 1995 chemical spraying report.

Mr Eideh had a matter for the Minister for Sport, seeking information about how major world-class soccer events in Victoria support clubs and people in the west.

Mr Finn had an issue for the Minister for Police, following some publicity about his earlier call for

Diggers Rest police to go into Sunbury, calling for more police resources for the Sunbury area through the police commissioner.

Ms Crozier had an issue for the Minister for the Prevention of Family Violence, seeking greater resources to meet the needs of Whittlesea Community Connections.

Ms Fitzherbert had an issue for the Minister for Health, seeking the development of a plan for code 1 ambulance response times for her area's population growth.

Mrs Peulich had an issue for the Minister for Local Government, seeking a more comprehensive code of conduct for council staff.

I shall refer all those matters to the relevant ministers.

I have a written response to an adjournment debate matter raised by Mr Davis on 9 February 2016.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 6.39 p.m.