

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 24 July 2018

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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(from 16 October 2017)

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Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Mr L. B. O'SULLIVAN

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Dr S. RATNAM

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Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁸	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ³	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Mr Luke Bartholomew ⁹	Northern Victoria	Nats
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Drum, Mr Damian Kevin ⁴	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini ¹¹	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark ⁵	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred ⁷	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph ⁶	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Truong, Ms Huong ¹²	Western Metropolitan	Greens
Melhem, Mr Cesar	Western Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
			Young, Mr Daniel	Northern Victoria	SFFP

¹ Resigned 28 September 2017

² Appointed 15 April 2015

³ DLP until 26 June 2017

⁴ Resigned 27 May 2016

⁵ Appointed 7 June 2017

⁶ Resigned 6 April 2017

⁷ Resigned 9 February 2018

⁸ Resigned 25 February 2015

⁹ Appointed 12 October 2016

¹⁰ ASP until 16 January 2018

¹¹ Appointed 18 October 2017

¹² Appointed 21 February 2018

PARTY ABBREVIATIONS

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

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Tuesday, 24 July 2018

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.06 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:06) — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first peoples of Victoria. I acknowledge and pay my respects to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

CONDOLENCES

Bernard Phillip Dunn, OAM

Ms PULFORD (Minister for Agriculture) (12:07) — I move:

That this house expresses its sincere sorrow at the death, on 15 June 2018, of Mr Bernard Phillip Dunn, OAM, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and to the people of Victoria as a member of the Legislative Council for the North Western Province from 1969 to 1988 and as Leader of the National Party in the Legislative Council from 1979 to 1988.

In doing so I would like to reflect on a man who everyone describes as a very lovely individual and a wonderful community member. Mr Dunn sadly lost his battle with cancer on 15 June this year at the age of 73, which really is not that old at all, and I am sure there would have been plenty more years of wonderful living that might have been.

Mr Dunn has been remembered by many as a wonderful father and grandfather, a great friend, a loyal colleague and an exceptional community member. He married his high school sweetheart, Dot, and called her his soulmate. Together they had five children, 11 grandchildren and eight great-grandchildren.

Mr Dunn enjoyed a long and decorated political career spanning decades. Starting his political career in 1969, Mr Dunn was elected as a member of the Legislative Council for North Western Province for the then Country Party. Bernie went on to be the deputy leader for the renamed National Party in 1976, and he then became leader

in 1979 in this place, at the time that he was given the responsibility of shadow education minister.

Members who know their Victorian political history and the sequencing of governments and the times when there were, particularly, changes of government may be puzzled by this, as I was, because that period from 1979 to 1982 was a period of a Liberal government. I did puzzle over this, but having had some assistance from Mr O'Sullivan and having made some inquiries with a number of people, I have learned that this was a period in the coalition's history where the two parties were operating separately and so the National Party was not in government. Whilst Mr Dunn was the Leader of the National Party in this place, it was at a point in its history when it was not in a relationship with the Liberal Party, even though the Liberal Party was in government at the time. That particular question about Mr Dunn's career also gives us some insights into the nature of the relationship between the parties over time.

Mr Dunn was born into a farming family in Warracknabeal, and he had a wonderful appreciation for regional Victoria. He and his family settled in Horsham. After having served in Parliament, in 1997 he was elected to the Horsham Rural City Council. There are a number of us in this place and in the other place who cut their political teeth or developed some experience in local government prior to coming into state government, but I could not help but reflect on how this in some respects might almost be a better order to do this in: some involvement — and a long and distinguished involvement — in local government having had the benefit of all the experience here in the Victorian Parliament.

Mr Dunn served in the Horsham Rural City Council until 2005. I feel like I just missed him, because a number of us in this place were elected to represent this area of western Victoria from 2006, which was very shortly after Mr Dunn finished his period at council. During this time he was the chairman of the Horsham Regional Livestock Exchange for 15 years and was very well respected within that industry.

In the 2007 Queen's Birthday honours Mr Dunn was awarded a Medal of the Order of Australia for service to the Victorian Parliament, local government, the agriculture sector and the community of Horsham.

Aside from his considerable professional and career achievements, Mr Dunn's passion was his family and his community. Tributes have poured in since his death, with old colleagues, community members and politicians praising his goodwill and sincere dedication to every community he was a part of. If I could quote his son Luke, 'Bernie was an honourable man, kind and loving, and he was never afraid to give his opinion or advice', which is of course a wonderful thing in someone in this line of work or indeed in local government. In this business sometimes we can forget how kind and loving and what champions of community politicians are and can be. Every account I have heard of Mr Dunn has been that he was, and this has certainly been evident in recent times from the Horsham community's sadness.

On behalf of the government I would like to express my deepest sympathy to the Dunn family and to those in the community who felt that Bernie Dunn touched their life. As deeply saddening as this is, the family may perhaps be able to take solace that Bernie is now at peace with his Dot.

Mr O'SULLIVAN (Northern Victoria)
(12:13) — On behalf of The Nationals and the Liberals it gives me great pleasure to speak on the condolence motion for the Honourable Bernie Dunn.

Bernie was born in Warracknabeal to a farming family, and he attended the local school. He was a wheat and sheep farmer in the Warracknabeal region. Later Bernie and his wife, Dot, settled in Horsham, where they had five children. In my research it was interesting to note that Bernie's wife, Dot, was from a little place called Yarto, which is just outside Patchewollock, my own home town.

Bernie was a member of the Country Party and served as vice-president of the Young Country Party from 1968 to 1969. He certainly played a significant role in the Young Country Party over that time. Just after that he went on to be the vice-president of the Lowan district council — just after 1969 or about 1970. In 1969 he was elected to this very chamber as a member for North Western Province. At the time Bernie was elected he was just 25 years of age, and at that time he was the youngest person ever to be elected to state Parliament, and that could be an honour that he may very well still hold to this day. Bernie became the deputy leader in this place when the party was renamed the National Party back in 1976. He later

went on to be the Leader of the National Party in this chamber in 1979. During that time he served as the shadow minister for education.

Bernie retired from state politics in 1988 after 19 years in this place, and he was later replaced by Ron Best, who most of us would know quite well also. Bernie's passions while he was in this chamber were particularly around the areas of agriculture, local government and education.

Bernie was from a farm at Warracknabeal, a grain farm, and he went on to have a series of farms in the Horsham area. He was particularly very proud of the fine wool that he was able to produce from that property along with some of the members of his family.

On learning of Bernie's death, the *Wimmera Mail-Times* in its front-page headline described Bernie as 'a giant of a man and a mayor', and Bernie certainly was all of those things the *Wimmera Mail-Times* said of him.

After his time in state Parliament, Bernie's interest in the community actually blossomed even further. Bernie joined the administration of The Nationals and was state president from 1990 to 1995. It was during this time that I got to know Bernie very well, because I was a very junior staff member at The Nationals back at that time.

I remember that on one particular occasion when I was manning the phone I got a call from a journalist from the *Australian* newspaper. The state director happened to be away and uncontactable at the time so the friendly journalist from the *Australian* just happened to ask my opinion on a couple of matters. Unfortunately one of those matters was the negotiations at the federal level around the coalition arrangements for the Liberals and The Nationals. After I suggested what my personal opinions were in relation to the sensitive negotiations that were taking place the journalist asked what my title was within the organisation, and being a very junior staffer back then at The Nationals I happily volunteered my position.

To my interest, the next morning there was a significant newspaper article in the *Australian* quoting my personal opinion on the delicate negotiations between the Liberals and The Nationals at the federal level on their coalition agreement. With the state director away I had to make one of those calls that you do not really want

to make to the state president to indicate what had happened and what was actually in the *Australian* newspaper. Bernie was very good about it and thankfully I was 'on message', but as Bernie said to me at the time, 'This is a very, very valuable lesson that you will never, ever forget'. He was very much right: that may have been the most significant political message in terms of dealing with the media that I ever learned in my life — to be very, very careful. I continue to be very, very careful to this day. That is certainly one of the fonder memories I have in terms of dealing with Bernie Dunn, who was very much a gentleman in terms of the way he went about doing all of the sorts of business he was involved with.

In 2001, due to his service to The Nationals, Bernie was awarded life membership of the party. That was something he was very, very proud of, as was his family. In 1997 Bernie was elected to Horsham Rural City Council. He served on that council for eight years, including five years as the mayor. Bernie was awarded the Medal of the Order of Australia back in 2007 in the Queen's Birthday honours for his service to the Victorian Parliament, local government, the agriculture sector and the community of Horsham. Within each one of those segments of his public life, Bernie served with distinction in terms of his fierce representation in all of those areas.

Bernie's contribution to public life did not stop there. He was a member of the Livestock Saleyards Association of Victoria for nine years and was an Australian Barley Board member for 16 years. He also helped form the Leukaemia Auxiliary at the Royal Children's Hospital in 1973 after the death of one of his children at that time due to leukaemia.

I, along with my Nationals colleagues, had the pleasure of abseiling with two of Bernie's children, Troy and Luke, in the Grampians earlier this year. I can proudly say that that was one of the most terrifying things I have done in my life, but I am also happy to say that Tim Bull in the Assembly was even more scared than I was.

To the remaining members of Bernie Dunn's family I pass on the condolences of this chamber, from The Nationals and the Liberals, but also very much and very importantly on behalf of those people from the North Western Province whom he represented.

Dr RATNAM (Northern Metropolitan) (12:19) — On behalf of the Victorian Greens I too would like to express our deepest condolences and sympathies to the family, friends and loved ones of Mr Bernard Dunn. We note and recognise his extensive service to the state Parliament, serving in the Council in various positions. Upon leaving the state Parliament he probably deserved a well-earned retirement, but instead decided to contribute to his community further, serving at local council both as a councillor and mayor for a number of years.

I note the incredible work that has been outlined previously and the appointments and acknowledgements of his deep contribution to the community. He also volunteered on a number of community associations and board appointments and voluntary positions and contributed greatly through those positions as well.

I reflect that at moments like these we realise that as representatives and politicians we likely have more in common than difference in terms of our recognition and contribution to community service, to strengthening our democratic institutions and to caring for others. Our thoughts and deepest sympathies go to his family, his friends, his loved ones and his colleagues in this place who knew him and cared for him as well.

The PRESIDENT — I ask members to signify their assent to the motion by rising in their places for 1 minute.

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

The PRESIDENT (12:22) — Pursuant to standing orders, as a further mark of respect for the memory of the late Bernard Phillip Dunn the sitting of this house will now be suspended for 1 hour.

Sitting suspended 12.23 p.m. until 1.29 p.m.

ROYAL ASSENT

Messages read advising royal assent to:

26 June

Appropriation (2018–2019) Act 2018
(Presented to the Governor by the Speaker of the Legislative Assembly)

Labour Hire Licensing Act 2018

Marine and Coastal Act 2018

Serious Offenders Act 2018

3 July

Advancing the Treaty Process with Aboriginal Victorians Act 2018.

RULINGS BY THE CHAIR

Constituency questions

The PRESIDENT (13:31) — Members, I would just like to convey a brief ruling to you on this occasion in regard to constituency questions.

In recent sitting weeks I have ruled a number of constituency questions out of order and have allowed some others that I considered to be borderline with respect to meeting the sessional order requirements. As a result, I indicated I would provide the house with a reminder of the rules in relation to constituency questions.

Sessional order 4 provides the rules around constituency questions. It states:

- (1) At the conclusion of questions without notice up to ten members may ask ministers an oral question relating to a constituency matter.

When the sessional order was introduced in February 2015 and again in March 2016 I provided the house with some guidance with respect to what elements are required for a valid constituency question, especially as distinct from an adjournment matter. I will provide some clarity around this again on this occasion.

A constituency question must, one, be clearly directed to a minister; two, fall within state jurisdiction; three, ask a question seeking information, not call for an action; and four, relate to a specific matter in the member's region. I think the first two points are obviously very clear. In particular, questions that relate to matters outside

the scope of the minister's jurisdiction, such as opposition policies or federal matters or policies, are out of order. In relation to the third point about seeking information and not action, I remind members that they have three minutes during the adjournment debate to seek an action from a minister.

It is the fourth point that is creating confusion. It is not enough to briefly mention your region and then use the remaining time to discuss a statewide issue or policy. The matter raised must have a direct connection to your region and your constituents. This does not prevent the matter from also being relevant to other regions, but the matter should not be so general as to have only incidental relevance to a member's region. Members may make an initial reference to a broader issue but then must narrow the question down to a specific matter within your region. If the question does relate to a statewide issue or policy, you must clearly indicate how the issue or policy is applicable to your region.

PETITIONS

Following petitions presented to house:

Sentencing legislation reform

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the lenient sentencing in our legal system is causing criminals to see no consequences for their actions. This is allowing them to continue to reoffend committing violent crimes and making the people of Victoria feel unsafe going about their daily business and in their homes.

The petitioners therefore request that the Legislative Council call on the government to address the current leniency in the sentencing of criminals in our legal system and ensure that the sentencing provides a deterrent to repeat offenders committing violent crimes, which in turn will allow Victorians to feel safe again.

By Mr BOURMAN (Eastern Victoria)
(248 signatures).

Laid on table.

Container deposit scheme

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the serious issue of no container deposit schemes within Victoria. Litter is a serious environmental and

community issue that needs to be addressed. South Australia is leading the way with its recycling programs, which are putting millions of dollars back into communities. This money which can be used for families to buy groceries, community gardens to buy sustainable equipment and local schools to invest in children's education. Surely we want to do the same in Victoria.

The petitioners therefore request that the Legislative Council call on the Premier and the Minister for Energy, Environment and Climate Change to find a way to fund schemes like the container deposit scheme throughout metropolitan and regional Victoria.

By Dr CARLING-JENKINS (Western Metropolitan) (73 signatures).

Laid on table.

Safe Schools program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that programs such as the 'Safe Schools Program (SSP)', 'Catching on Early' and 'Catching on Later', which were founded and supported by the Australian Safe Schools Coalition, teach students inappropriate content comprised of comprehensive lesbian, gay, bisexual and transgender (LGBT) gender theory and as a result undermine religious, cultural and family values. We fear that children who are exposed to this type of highly sexualised content may become very likely to develop stress, peer pressure and high levels of confusion regarding sensitive topics such as sexuality, reproduction and gender. Within these programs and against parents' wishes, Australian children are:

- (1) instructed to role-play LGBT sexual scenarios;
- (2) given inappropriate LGBT material in the form of books and referred to sexually explicit LGBT material online;
- (3) taught gender theory equates to fact and many other troublesome practices creating confusion and discontent.

Initially marketed as an anti-bullying program, the SSP proves to have nothing to do with anti-bullying and instead is about advancing a fringe LGBT sexual ideology by targeting Australian children of all ages and coercing them into contemplating or even engaging in LGBT lifestyle.

The petitioners therefore request that the Legislative Council call on the government to thoroughly review these programs and ultimately disband them.

By Dr CARLING-JENKINS (Western Metropolitan) (325 signatures).

Laid on table.

Woorayl Street reserve, Carnegie

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:

1. the City of Glen Eira has the least open space per head of population of all Victorian local government areas;
2. as such, any and all remaining heritage trees are precious to Glen Eira residents and need to be retained wherever possible;
3. Rosie (pictured) and the remaining handful of eucalypts at Woorayl reserve are under threat by the state government's proposed development of the station precinct next to Carnegie station.

We therefore call upon the Andrews Labor government to cancel plans for development of the Woorayl Street reserve and re-establish this as open space.

For Mr DAVIS (Southern Metropolitan) by Ms Fitzherbert (207 signatures).

Laid on table.

Bangerang Cultural Centre

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the closure of the Bangerang Cultural Centre in Shepparton due to a lack of funding.

The petitioners therefore request that the Legislative Council of Victoria ensures that the Andrews government provides permanent, ongoing funding to reopen the Bangerang Cultural Centre and ensure its future and longevity without delay.

By Ms LOVELL (Northern Victoria) (701 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms LOVELL (Northern Victoria).

Mickleham and Somerton roads, Greenvale

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the inadequate arterial road infrastructure, increased traffic volumes and ongoing safety issues on Mickleham Road and Somerton Road, Greenvale.

The petitioners therefore request that Legislative Council call on the government to prioritise the duplication upgrades of Mickleham Road and Somerton Road, Greenvale.

By Mr ONDARCHIE (Northern Metropolitan) (408 signatures).

Mr Ondarchie — I thank the Greenvale Residents Association and local advocate Jim Overend for their work.

The PRESIDENT — It is not customary or really appropriate to have commentary on petitions; it is a formal process of introducing a petition to the house. Notwithstanding we appreciate petitioners taking the effort to advise the house of their opinions, we do not really entertain commentary from members as part of this formal process.

Laid on table.

Beechworth Secondary College

Legislative Council electronic petition:

The petition of the residents of Beechworth, Yackandandah and other concerned citizens of the state of Victoria draws to the attention of the Legislative Council the urgent need for funding to update the education facilities at Beechworth Secondary College to modern standards.

Victoria proudly brands itself as the Education State, yet at Beechworth Secondary College students and teachers have been left to make do with outdated and substandard classrooms.

As a community, we believe that the students at our school have a basic right to a 21st century learning environment. Students at Beechworth Secondary College should have the same opportunities as other students across the state.

We understand that the government needs to balance the needs of 1500 schools but the needs of this school have been overlooked for too long.

The Victorian government has a \$1.4 billion surplus in the current budget cycle and yet this school has an urgent and long overdue need for infrastructure funding. Given this, we believe that the government should immediately allocate the funds required to complete the redevelopment of Beechworth Secondary College.

Beechworth Secondary College has waited over 10 years for this allocation of funding. Building plans are finalised and the school community is eager to end the uncertainty and get on with creating the best possible learning environment for our young people. We are just waiting on government support to make this happen.

The petitioners therefore request that the Legislative Council calls on the government, and in particular, the Minister for Education, the Hon. James Merlino, MP, and the Treasurer, the Hon. Tim Pallas, MP, to deliver, before November 2018, the full allocation of funding required by Beechworth Secondary College to implement its entire redevelopment plans.

By Ms SYMES (Northern Victoria) (352 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Ms BATH (Eastern Victoria) presented *Alert Digest No. 10 of 2018, including appendices.*

Laid on table.

Ordered to be published.

Regulations and legislative instruments review

Ms BATH (Eastern Victoria) presented 2017 report, including appendices.

Laid on table.

Ordered to be published.

Ms BATH (Eastern Victoria) (13:39) — I move:

That the Council take note of the report.

In doing so I would like to make a couple of comments in relation to this annual review — a report that looks at the activity of this subcommittee during the fourth year of the 58th Parliament. My motivation in doing so is to recognise our wonderful staff that we have in this place. Whether it be a joint, select or standing committee, we have outstanding people. I would like to pay homage to Mr Nathan Bunt and particularly to Ms Helen Mason, who between sitting weeks works tirelessly on creating a seamless subcommittee meeting for us to review the nuts and bolts of the regulations and legislative instruments. Whether she is reviewing building practices and building regulations or oyster farm fishing, she does it with outstanding professionalism. I would also like to acknowledge Mr Simon Dinsbergs and Ms Sonya Caruana, as well as Professor Jeremy Gans for being our legal

eagle and for putting things in terms that a non-legal eagle can understand. I would also like to thank Ms Lizzie Blandthorn as our chair and the Honourable Richard Dalla-Riva for filling in while Ms Blandthorn was away on maternity leave. I also thank Mr Josh Bull, Mr Steve Dimopoulos, Ms Sonya Kilkenny and Mr John Pesutto.

Whilst it will not be the go-to reading for everybody, it is certainly a report that is useful and really looks at the nuts and bolts behind the scenes and the way we deal with our regulations and instruments that keep the world ticking.

Motion agreed to.

OMBUDSMAN

Child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented report.

Laid on table.

Recommendations

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented second report.

Laid on table.

PAPERS

Laid on table by Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to the Conveyancers (Qualifications and Experience) Regulations 2018.

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

Boroondara Planning Scheme — Amendments C263 (Part 1), C268 (Part 3) and C299.

Casey Planning Scheme — Amendment C237.

Frankston, Mount Alexander and Wyndham Planning Schemes — Amendment GC90.

Greater Geelong Planning Scheme — Amendments C373 and C381.

Greater Shepparton Planning Scheme — Amendment C196.

Hobsons Bay Planning Scheme — Amendment C109.

Hume Planning Scheme — Amendments C222 and C223.

Knox Planning Scheme — Amendment C163.

Maribyrnong, Melbourne, Port Phillip and Stonnington Planning Schemes — Amendment GC82.

Melbourne Planning Scheme — Amendments C190 (Part 2), C325 and C332.

Melton Planning Scheme — Amendment C197.

Mitchell Planning Scheme — Amendment C132.

Mitchell and Whittlesea Planning Schemes — Amendment GC101.

Moonee Valley Planning Scheme — Amendment C187.

Mornington Peninsula Planning Scheme — Amendment C221.

Queenscliffe Planning Scheme — Amendment C29.

Stonnington Planning Scheme — Amendment C279.

Victoria Planning Provisions — Amendment VC150.

Whittlesea Planning Scheme — Amendment C192.

Wodonga Planning Scheme — Amendments C125 and C127.

Statutory Rules under the following Acts of Parliament —

Associations Incorporation Reform Act 2012 — No. 81.

Australian Consumer Law and Fair Trading Act 2012 — No. 98.

Building Act 1993 — No. 100.

Commercial Passenger Vehicle Industry Act 2017 — Nos. 84 and 85.

Estate Agents Act 1980 — Nos. 82 and 97.

Health Services Act 1988 — No. 83.

Marine Safety Act 2010 — No. 101.

Mineral Resources (Sustainable Development) Act 1990 — No.78.

Motor Car Traders Act 1986 — Nos. 94 and 95.

Planning and Environment Act 1987 — Nos. 92 and 93.

Professional Boxing and Combat Sports Act 1985 — No. 79.

Public Health and Wellbeing Act 2008 — No. 99.

Road Safety Act 1986 — Nos. 87 to 89.

Service Victoria Act 2018 — No. 90.

State Superannuation Act 1988 — No. 80.

Subordinate Legislation Act 1994 — No. 91.

Surveillance Devices Act 1999 — No. 96.

Transport (Compliance and Miscellaneous) Act 1983 — No. 86.

Victorian Civil and Administrative Tribunal Act 1998 — No. 77.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of —

Compliance code: Hazardous substances made under the Occupational Health and Safety Act 2004.

Rail Safety National Law National Regulations (Fees) Variation Regulations 2018.

Statutory Rule Nos. 74, 75, 78, 79, 81 to 89, 91 to 101, 103 and 104.

Legislative instruments and related documents under section 16B in respect of —

Amendment to the code of Practice for the Operation of Breeding and Rearing Businesses 2014 under the Domestic Animals Act 1994, dated 12 June 2018.

Determination of annual fees for driver accreditations and regulatory fees, made under the Commercial Passenger Vehicle Industry Act 2017, dated 7 June 2018.

Determination of specifications relating to fare calculation devices, security cameras installed in commercial passenger vehicles and wheelchair accessible vehicles, made under the Commercial Passenger Vehicle Industry Act 2017, dated 7 June 2018.

Notice of declaration of the Melbourne Magistrates' Court, Melbourne Children's Court, Melbourne County Court and Melbourne Supreme Court as each being a venue of a court under the Criminal Procedure Act 2009, dated 20 June 2018.

Victorian Lottery System Requirements Version 2.0, made under the Gambling Regulation Act 2003, dated 12 June 2018.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Justice Legislation Amendment (Access to Justice) Act 2018 — Parts 4, 7 and 9 — 1 July 2018 (*Gazette No. S284, 19 June 2018*).

Labour Hire Licensing Act 2018 — Part 1, Part 4, Divisions 2, 4, 5 and 7 of Part 7 and Part 9 — 27 June 2018 (*Gazette No. S305, 26 June 2018*).

Legal Identity of Defendants (Organisational Child Abuse) Act 2018 — 1 July 2018 (*Gazette No. S305, 26 June 2018*).

Planning and Environment Amendment (Public Land Contributions) Act 2018 — 2 July 2018 (*Gazette No. S305, 26 June 2018*).

Service Victoria Act 2018 — 1 July 2018 (*Gazette No. S284, 19 June 2018*).

PRODUCTION OF DOCUMENTS

The Clerk (13:43) — I have received the following letter dated 3 July from the Acting Attorney-General, Marlene Kairouz, MP:

I refer to the Legislative Council's resolution of 20 June 2018 requiring the Leader of the Government to produce to the house by 2.00 p.m. on 4 July 2018 the following:

a copy of all documents in full, concerning the Andrews government's agreement to give Cricket Victoria ownership of buildings and fixtures at Junction Oval for the duration of its lease ('the agreement'), including —

1. a copy of the 30 June 2016 lease pertaining to Junction Oval, and any subsequent changes to the lease;
2. ministerial briefings and all correspondence, including emails, relating to the agreement, between the Department of Environment, Land, Water and Planning, the Department of Economic Development, Jobs, Transport and Resources, the Department of Premier and Cabinet, the Minister for Sport, the Premier, the Minister for Planning, the member for Albert Park, Cricket Victoria and Cricket Australia, and their lawyers and agents;
3. all contracts, assessments and analyses of the value of the buildings and fixtures;
4. ministerial briefings and all correspondence, including emails and contracts, about the use of the name CitiPower Centre; and
5. ministerial briefings and all correspondence, including emails and contracts, about community access to the CitiPower Centre.

The Legislative Council's date for production of the documents does not allow sufficient time for the

government to respond to the Council's resolution. The government is in the process of collating and considering the relevant documents for the purpose of responding to the order. The government will endeavour to provide a final response to the order as soon as possible.

I have a further letter dated 17 July from the Attorney-General:

I refer to the Legislative Council's resolution of 20 June 2018, seeking the production of all documents from 1 February 2017 concerning the Andrews government's trial of a medically supervised injecting centre.

The Legislative Council's date for production of the documents by 17 July 2018 does not allow sufficient time for the government to respond to the Council's resolution. The government is in the process of collating and considering the relevant documents for the purpose of responding to the order. The government will endeavour to provide a final response to the order as soon as possible.

NOTICES OF MOTION

Notices of motion given.

The PRESIDENT (13:52) — Members, I just wish to make a comment, having noted the notice of motion given by Ms Wooldridge. The comment that I make is that I regard this as a particularly serious matter. Often motions are moved that call on a Premier to dismiss a minister or call on someone to resign. In this case the motion seeks to remove a member from an office within this house, and it is a serious matter. I plan to be in the chair tomorrow for the conduct of this debate, and I certainly trust that it will be a debate that is prosecuted properly and without interjections and any nonsense that might surround what is a significant matter.

I make the point though to members who might be preparing contributions for the debate tomorrow that I regard this as a very narrow motion. The motion goes to a concern that the house may well have about not having a Deputy President in place to undertake the duties that are associated with that position, but it is a narrow motion, and I expect the contributions to have regard to that. In other words, I note, for instance, other matters are circulating at this time, including the so-called red shirts investigation, which is in the first instance before the Privileges Committee, and I believe that we should have respect for that process. But secondly and perhaps more importantly, Mr Eideh, I note, was not mentioned in the Ombudsman's report and to my knowledge had no involvement with that process and therefore references to that I

think would be outside the scope of this motion. I also believe that any matters concerning the former Speaker and Deputy Speaker in the other place are also not relevant to this motion, and I would not be seeking to have those matters canvassed tomorrow, because those matters concerned entitlement claims, which are quite distinct from the circumstances that Mr Eideh is involved with.

I would point out to the house that I have been advised by the director of the Department of Parliamentary Services — I had obviously some knowledge of this in the process along the way — that the referral that was made to IBAC was in respect of irregularities in the processing and approvals of certain accounts within Mr Eideh's office. Those processes did not appear to involve Mr Eideh directly but were matters where the reference was made in regard to staffing actions. This house may well judge that Mr Eideh has an accountability, and I certainly do not intrude on the debate in terms of the canvassing of those accountability matters, but certainly Mr Eideh himself was not subject to the reference by this Parliament, by Mr Lochert, under requirements of legislation for reference to IBAC in his case.

Furthermore, Mr Eideh has on a number of occasions asked me and others, including Mr Lochert, if we could obtain some sense from IBAC as to the progress of their investigation and whether or not Mr Eideh is likely to face further account or indeed is exonerated for any actions associated with what we on an initial forensic examination of circumstances in that office suggested were irregularities in some accounting practices. Obviously I have indicated to Mr Eideh that it would be improper for me to intervene or indeed to seek any acceleration of the investigation by IBAC. This matter is within their hands and totally within their jurisdiction, and it is improper for anybody else to interfere in that process. Clearly the integrity of that process is crucial to all of us.

We have attempted this week to see if there is a time frame that is likely to be followed in respect of this matter, and we are told that at this stage IBAC is unable to conclude the matter and to make any determinations. I simply put that as context. As I said, I do not wish to waylay the debate; I simply wish to ensure that it is conducted in a way that is relevant to the matters, that is respectful of the circumstances that are in existence and certainly understands Mr Eideh's position. As I said, the house may well proceed with this motion

obviously on the basis that it is concerned about the fact that there is not a Deputy President acting or in place and discharging the duties of that office. Indeed there might also be a view of the accountability of Mr Eideh, notwithstanding that he from the Parliament's analysis was not subject to the reference that we made to IBAC. To that extent, I simply provide that as guidance for what I regard as a very important debate tomorrow.

BUSINESS OF THE HOUSE

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (13:59) — By leave, I move:

That precedence be given to the following general business on Wednesday, 25 July 2018:

- (1) order of the day 11, second reading of the Environment Protection Amendment (Container Deposit and Refund Scheme) Bill 2016;
- (2) notice of motion given this day by Ms Wooldridge in relation to the continuing absence from office of the Deputy President;
- (3) order of the day 2, resumption of debate on the Firearms Amendment (Silencers) Bill 2018;
- (4) notice of motion given this day by Ms Wooldridge, noting the government's failure to comply with the order to produce the Department of Health and Human Services weekly compendium documents; and
- (5) notice of motion given this day by Mr Davis in relation to the coalition's east-west and north-east link transport package.

Motion agreed to.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Prisoner release

Mr O'DONOHUE (Eastern Victoria) (14:00) — My question is to the Minister for Corrections. Minister, it has been revealed that 13 prisoners have been unlawfully released from custody since early 2015. That is 13 prisoners who need to be imprisoned for the protection of the community that you have illegally released. Minister, of the 13 offenders mistakenly released from custody under your government's watch, how many have involved a decision of the adult parole board?

Ms TIERNEY (Minister for Corrections) (14:01) — I thank the member for his question. The fact of the matter is that unlawful releases do occur in the system, and they often occur through administrative errors. They are unacceptable; even one day out or half a day out of the system is unacceptable. Can I say that in terms of unlawful releases the rate of unlawful releases in this state for this year is lower than what it was when Mr O'Donohue was the minister.

Mr Ondarchie interjected.

Ms TIERNEY — As I said, Mr Ondarchie, unlawful releases are not acceptable, but the fact of the matter is that they do occur and they have occurred under the previous government and they have occurred under this government. We have updated the IT system to make sure that the incidences of these sorts of things are stopped or reduced, and indeed there has been training that has been implemented. Both of those things did not happen when the previous government were in power and when they knew that there were a significant number of unlawful releases into the community.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:02) — Noting the minister failed to address the substantive question, I ask by way of supplementary: Minister, it has been reported that one of the prisoners, one of the 13, was released in 2015 by the adult parole board when a full list of his offending was not provided to the adult parole board by Corrections Victoria. This offender was serving sentences for multiple crimes, including violence-related offending. Minister, how is it that the adult parole board did not have at its fingers all the facts about this offender's criminal history when making its decision to grant a parole order?

Ms TIERNEY (Minister for Corrections) (14:03) — Again, I thank the member for his question. As I said, I should point out that unlawful releases happen each year, albeit in very small numbers. For example, a violent criminal, someone who had jumped bail and assaulted a police officer, was released in 2013 and was not recovered for 172 days. In 2014 there was a violent criminal who assaulted his victim with a weapon. His remand warrant was lost, and he was released and not recovered for nearly two months.

Now, these sorts of things happened under the previous government and indeed under the watch of Mr O'Donohue himself.

Honourable members interjecting.

Ms TIERNEY — There were four others who were released.

The PRESIDENT — Minister, you are debating. You are reflecting on a previous government. The question is quite clear: it goes to decisions of the adult parole board. So it is not even a matter of criticism of the government to that extent; it is actually looking at adult parole board decisions. It is a fairly clear question. We do not need to go backwards to actually understand the circumstances of this question posed to you.

Ms TIERNEY — Thank you, President. I thank the member and indeed others for the interjections that I have been receiving, but they took me to a number of the points that I was making.

With respect to matters that are dealt with by the adult parole board, much of the information is provided by corrections and the department.

The PRESIDENT — Time. Thank you, Minister.

Prisoner release

Ms LOVELL (Northern Victoria) (14:05) — My question is for the Minister for Corrections. Minister, can you list for the house how many times extended lockdowns occurred in Victorian prisons in 2017 and in which prisons they occurred?

Ms TIERNEY (Minister for Corrections) (14:05) — I thank the member for her question. Of course I would not have that level of detail before me. Lockdowns happen for a variety of reasons: they happen in terms of incidents that may occur in the facility, it may be in terms of construction that might be going on for periods of time, it may be in terms of weather conditions. There are a whole range of reasons why prisoners and prisons are in lockdown, and clearly that is the case under this government and it has been the case under previous governments. There is nothing new about lockdowns, and there is usually a good reason for them.

Supplementary question

Ms LOVELL (Northern Victoria) (14:06) — Minister, as a result of the extended lockdowns in 2017, what is the sum total of days that were reduced from prisoners' time in custody as a result of the emergency management day provisions for extended lockdowns?

Ms TIERNEY (Minister for Corrections) (14:06) — Oh, for goodness sake, President. I mean, these are operational issues that are dealt with and managed by the well-oiled machine called Corrections Victoria, who well manage the corrections system in this state.

Prisoner release

Mr FINN (Western Metropolitan) (14:06) — My question is to the Minister for Corrections. Minister, what is the process for calculating emergency management days (EMDs) as a result of extended lockdowns?

Ms TIERNEY (Minister for Corrections) (14:07) — Again, President, and indeed to Mr Finn, in terms of the calculations that are used, these are calculations that are used by Corrections Victoria and indeed these are arrangements that are authorised by the commissioner for corrections, and in the absence of the commissioner, the acting commissioner.

Supplementary question

Mr FINN (Western Metropolitan) (14:07) — We will just keep asking questions until she knows an answer. It is reported that in 2017 four prisoners were mistakenly released from prison early as a result of a miscalculation of time reduced as a result of extended lockdowns. Minister, how did this occur and who was responsible for this bungle?

Honourable members interjecting.

The PRESIDENT — Enough! Mr Finn, it is to my great misfortune that I did not hear your supplementary question because of interjections. Please put it again.

Mr FINN — Minister, it is reported that in 2017 four prisoners were mistakenly released from prison early as a result of a miscalculation of time reduced as a result of extended lockdowns. Minister, how did this occur and who was responsible for this bungle?

Ms TIERNEY (Minister for Corrections) (14:08) — I thank the member for his question. Look, the concept of emergency management days is just not new; it is not a new concept. They have been in place since 1992 and have been used by successive governments. They are a critical tool in maintaining order at times when prisons in regular operation may be compromised due to an emergency or another activity. The commissioner or, as I said, the deputy commissioner considers the granting of EMDs and only following an assessment of the circumstances of the disruption and the behaviour of prisons that have been affected. This is the consistent approach that was taken in the 2012 incident at Fulham when, as a result of industrial action, a number of emergency management days were issued to a significant number of prisoners.

Prisoner release

Mr O'DONOHUE (Eastern Victoria) (14:10) — My question is to the Minister for Corrections. Minister, in January this year it was revealed that a serious criminal who had been unlawfully released only returned to custody after his mum talked him into handing himself into police. Following that incident then acting minister Ms Mikakos ordered an inquiry into this major security corrections stuff-up. Minister, when was that review completed and how many recommendations were made?

Ms TIERNEY (Minister for Corrections) (14:10) — I thank the member for his question. If there are incidents like this that occur, corrections undertakes an investigation. These are investigations that involve all concerned and that track down exactly what has happened, and then there are recommendations formulated and then implemented.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:11) — Minister, I again refer to the review ordered by Minister Mikakos. Minister, have all the recommendations of the review you just referred to been implemented and will you release it, with appropriate security redactions, in the interests of transparency?

Ms TIERNEY (Minister for Corrections) (14:11) — In terms of that report, that will not be released because it does go to issues that impinge on the security of the security and correctional system.

Prisoner release

Ms FITZHERBERT (Southern Metropolitan) (14:11) — My question is also to the Minister for Corrections. Minister, I again refer to the bungling from your government that has seen 13 prisoners unlawfully released from custody into the community. Minister, how many unlawful releases from custody have there been in 2018?

Ms TIERNEY (Minister for Corrections) (14:12) — The question was about the issue of the number of unlawful releases. In 2013 it was 0.05 per cent; in 2014 —

The PRESIDENT — Order! Minister, I have already told you that I do not want to hear debating.

Ms TIERNEY — I am getting there.

The PRESIDENT — You may be getting there, but you are not getting there quick enough for me because on every occasion today you have gone back into past history. In fact you have not answered any of the questions. I am going to ask for all of them to be given written responses because you have not answered any of them. You seem to have a significant amount of information on what happened in a previous government but nothing about what is happening now, and all the questions are about now. I expect the answers to be provided on that basis.

Ms Mikakos — On a point of order, President, I think it is appropriate that the member is able to provide context around these issues, because we have inherited a range of problems, issues that were not addressed by the previous government, whether it is in the correctional system or in the youth justice system. I think it is appropriate for the minister to be able to give the house context about the IT and other limitations that she has inherited that the previous minister and the previous government failed to address.

Mr O'Donohue — On the point of order, President, the minister is reflecting on former Minister Herbert, and I do not think that is helpful to the debate.

Ms Shing — Further to the point of order, President, the preambles to this question and to a number of other questions have in fact been somewhat provocative and have invited context. Where the word 'bungling' is used, that presupposes that things are not now where they

were previously. In the event that these questions are asked in this way, I put in fact that the position open to the minister is —

Mr Finn interjected.

The PRESIDENT (14:14) — Mr Finn, 15 minutes.

Ms Shing — to address the assertion that there has been bungling by providing that context in the response.

The PRESIDENT — There is some validity to Ms Shing's point that when questions are provocative — when they do include the sorts of adjectives or descriptions that have been suggested — it does provide greater licence to a minister in the view of the Chair. However, I think in this particular case — you can go, Mr Finn.

Mr Finn withdrew from chamber.

Mr Leane interjected.

The PRESIDENT — Do you want to join him?

On the point raised by Ms Mikakos in terms of providing context, I am not sure what standing order she is referring to. However, in terms of answers that ministers do provide to the house I do allow some context. But members know — and ministers in particular know — that answers to questions are not to go back into criticising other governments or criticising the opposition. Where there has been a specific question asked, which has been the case with most of the questions asked today, we have had a repeat of this 'Well, this is what happened in the past'. Everybody understands that in fact many of these processes have been in place in the past; that is accepted. That is the context — maybe — and as to the fact that there might have been some issues with those in the past, yes, I accept that too. But these questions do become specific when they have been placed on the record today and I do expect that the minister will provide answers to those specific questions and not simply dwell on what may or may not have happened in the past in a manner of debating as distinct from providing necessary context.

Mr Dalidakis — On a point of order, President, mindful of what you just said and further to Ms Shing's point of order, you have advised this house previously that in relation to interjections

provoking a minister you give greater licence to the minister in their response, and I just ask you to be mindful of that and that the level of interjection has been extremely high and provocative.

Honourable members interjecting.

The PRESIDENT — Thank you for your assistance; it is much appreciated! Actually the level of interjections on most occasions when these questions have been put has been reasonable. In a couple of cases there was a reference to a problem with an interjection when there was not any, but certainly the major issue with interjections was when Mr Finn proposed his question and I could not hear him, and I am sure the minister could not either, which may have actually led to part of our problem now. Ms Tierney to continue.

Ms TIERNEY — Thank you, President, and I do indicate that the questions that I have been asked have been very, very specific and highly operational, and they would be better asked of the commissioner for corrections. Leaving that to one side, what I can say in terms of unlawful releases is that the rate has remained very low. I had only been on my feet a few seconds, President, before you went to your feet, so I will start from the other end of the column, which is 2018: 0.03 per cent of unlawful releases as per proportion of total prison discharges. In 2017 it was 0.05, it was 0.04 in 2016, in 2015 it was 0.04, in 2014 it was 0.04 and in 2013 it was 0.05.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:18) — Minister, one of the reasons cited for these unlawful releases is human administrative error because of the reliance on paper-based files and manual checking by corrections officials. Minister, as at today has this system been fully automated and digitised or is it still reliant on the paper-based systems that led to these stuff-ups in the first place?

Ms Shing interjected.

The PRESIDENT — I do take Ms Shing's point that 'stuff-ups' is a fairly provocative way to ask a question.

Ms TIERNEY (Minister for Corrections) (14:19) — Despite the growth in the prison population and the subsequent growth in prisoner discharges, the rate remains very low. There is a dedicated team of 25 staff within corrections that

deals with the recording and verification of sentence calculations and prisoner discharges. Several projects, including a new IT system, are underway to continue to improve the processes and to reduce the risk of errors — something that did not happen under the previous government. These projects are expected to mitigate the risk of any future unlawful releases by allowing the tracking and audit of all warrants. The IT system is in its final stages and will be fully operational this year, and this government will deliver that.

Prisoner transport

Mr O'DONOHUE (Eastern Victoria) (14:20) — My question is to the Minister for Corrections. Minister, the prisoner transport order system was due to be completed in September 2016 at a cost of \$3.76 million. Despite being approaching two years behind schedule, the delivery of this system is yet to be finished and the budget has blown out to \$7.54 million — a 100 per cent budget blowout. Minister, how do you explain the blowouts on this important system in both time and taxpayer money?

Ms TIERNEY (Minister for Corrections) (14:20) — I do have an issue in terms of people coming in here and making certain allegations that I have no way of verifying. It is often the case that I get asked these sorts of questions by Mr O'Donohue, and indeed by Ms Lovell on several occasions. I do not wish to comment at this point in time until he can provide me with evidence of the basis on which he asks that question.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:21) — That was a very poor attempt by the minister to cover up for the fact that she has absolutely no idea what the question was about. I ask by way of supplementary: Minister, the reporting component of the project, the business intelligence, has been outsourced to knowledge, information and technology services (KITS) and is awaiting a revised schedule, including the planned delivery date. Why was a decision made to outsource this component of the project rather than keep to the original scope of the project?

Ms Tierney — I did not hear part of that question, President.

The PRESIDENT — Mr O'Donohue, can you repeat your question.

Mr O'DONOHUE — Thank you, President. As I was saying, it is clear from the minister's substantive answer that she has absolutely no idea about this topic, so I will ask by way of supplementary —

Mr Dalidakis interjected.

Mr O'DONOHUE — I will take up the interjection, President. It is not helpful; it is not helpful at all. It is not helpful that the minister has no idea about her own portfolio.

Mr Dalidakis interjected.

The PRESIDENT — Thank you! Mr O'Donohue, just to the supplementary question.

Mr O'DONOHUE — Thank you, President. The reporting component of the project, the business intelligence, has been outsourced to KITS and is awaiting a revised schedule, including the planned delivery date. Minister, why was the decision made to outsource this component of the project rather than keep to the original scope of the project?

Ms TIERNEY (Minister for Corrections) (14:22) — Again I thank the member for his question. The fact of the matter is that the corrections system is a huge, complex system with many, many contracts. The fact of the matter is that I do not manage a lot of those contracts. These are highly specific issues that the member asks about, and I am not in a position to provide that sort of information, but again I do not necessarily take what he is saying as actual factual evidence of what he is purporting is occurring.

VicRoads tender process

Mr MORRIS (Western Victoria) (14:23) — My question is to the minister representing the Minister for Roads and Road Safety. I refer to recent road line-marking work being undertaken by VicRoads, specifically as part of the regional Safe System Road Infrastructure Program, and to the grave concerns put forward by the line-marking industry that VicRoads have automatically awarded this contract work to its internal service, SprayLine, without any transparency or adherence to the government's own tendering guidelines.

As the minister would be aware, neither the ministerial direction nor the act provides an exemption for VicRoads to adhere to public tendering in circumstances where it has a wholly owned contracting arm. So I ask: what specific process was followed by VicRoads in effectively automatically awarding itself such a significant amount of line-marking work in breach of tendering and ministerial direction guidelines?

Ms PULFORD (Minister for Agriculture) (14:24) — I thank Mr Morris for his question around line marking and arrangements entered into by VicRoads. This is a matter for the Minister for Roads and Road Safety, Luke Donnellan, and I will seek a written response from Minister Donnellan for Mr Morris.

Supplementary question

Mr MORRIS (Western Victoria) (14:24) — Thank you, Minister. It is understood that the Victorian Government Purchasing Board guidelines require government agencies to follow a fair and transparent process in allocating works to ensure value for money for the Victorian public and businesses. Minister, how can Victorian taxpayers have any certainty that their money has been used as effectively as possible in the absence of a tender process by VicRoads in this specific case?

Ms PULFORD (Minister for Agriculture) (14:25) — I can certainly assure Mr Morris that the government take very seriously our responsibility to drive the best possible value for Victorian taxpayers in our tendering arrangements, and that is a whole-of-government position. I will seek some further advice, as I indicated in my answer to the substantive question, for Mr Morris.

National Energy Guarantee

Dr RATNAM (Northern Metropolitan) (14:25) — My question is to the minister representing the Minister for Energy, Environment and Climate Change. With the 10 August meeting on the National Energy Guarantee (NEG) fast approaching, the Victorian government has yet to indicate its position on the NEG. Modelling released last week showed that the NEG would not reduce emissions, will not drive investment in renewable energy and will not address climate change, but it will keep energy prices higher compared to a scenario with a more ambitious reduction target. The NEG has also been criticised

for a ridiculously low 26 per cent emission target that cannot be changed and has been described as an ‘enabler for coal’. My question is: on what conditions will the Andrews Labor government support the federal coalition’s National Energy Guarantee?

Mr JENNINGS (Special Minister of State) (14:26) — I thank Dr Ratnam for her question. I share many of the concerns that she has expressed in relation to the design of the NEG as we currently understand it. The very real challenge for this nation is to acquit multiple responsibilities in relation to energy supply — that is, to provide certainty and confidence at consumer level, at industry level and in terms of driving new investment in energy. That confidence is actually something that this nation could have sorely done with for more than a decade, I would have suggested. Beyond that, in terms of the contribution that various elements play in terms of the price to industry and the price to households, it has been an obvious driver of concern to all governments around the country and continues to be of concern to all governments around the country and indeed our community.

Beyond that, in terms of your concerns about whether the targets for greenhouse gas abatement and the mechanism by which that could be achieved would be effective or be subjective to a political override of the will of the government of the day, if that is your concern, that would be my concern as well. Now, within that, what I volunteer to you about concerns that Victoria may have about the NEG is I am not in a position to pre-empt on behalf of my colleagues or the government what our preconditions for agreement to the NEG may be. But I can assure you, and I can assure the chamber and the community, that we are actively considering each and every one of those issues that are embedded in your question.

Supplementary question

Dr RATNAM (Northern Metropolitan) (14:28) — Thank you, Minister, for your response. So far only the ACT Labor Greens government is sticking its neck out for the climate and renewable energy in the debate on the NEG, indicating that they will find it very difficult to support the NEG without a more ambitious target and if the scheme continues to back coal. So my question is: will the Andrews government join with the Labor Greens government in the ACT and stand up for renewable energy by rejecting the NEG unless it

provides for an increased emissions reduction target and a fast transition to renewable energy and away from coal?

Mr JENNINGS (Special Minister of State) (14:28) — I reckon an astute listener to my first, substantive answer may have actually realised that the threshold of the confidence I can convey to the chamber and the community was reached during my substantive answer. Those issues that you are concerned about are live issues for the government in Victoria to consider and indeed for the nation to consider. We are about three weeks out from the critical time frame by which we will address these issues. I encourage you to continue to be concerned about those issues and keep an eye out for them. Certainly within government I will be doing the same.

Child abuse national redress scheme

Ms SPRINGLE (South Eastern Metropolitan) (14:29) — My question is for the minister representing the Attorney-General. While the pending introduction of a national redress scheme for care leavers has been met with widespread support and relief from campaigners, there are some fundamental flaws with that scheme that need to be urgently addressed. The Care Leavers Australasia Network, CLAN, has been campaigning for indexation of past payments to be dropped from the scheme. Many care leavers received small amounts of compensation in the past and legal fees often ate up a significant portion of these payments. There is a concern that some people will receive no top-up payment once indexation has been applied, or tiny amounts, despite having gone through the potentially retraumatising process of applying through the national redress scheme. My question for the Attorney-General is: when Victoria signed up to the national redress scheme, did you agree to the indexation of past payments?

Ms TIERNEY (Minister for Training and Skills) (14:30) — I thank Ms Springle for her question, a question that is directed to the Attorney-General and is in relation to the national scheme and a specific question in relation to what he knew at the time of signing up. That matter will be referred to the Attorney-General, and he will respond in writing within the guidelines.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (14:30) — I thank the minister for her answer. Has the Victorian government examined what the implication of indexation of past payments will be for Victorian survivors of abuse, and if so, what are the findings of your inquiries?

Ms TIERNEY (Minister for Training and Skills) (14:31) — I thank Ms Springle for her supplementary question. Again, this is a specific body of work that has been asked about in relation to work undertaken by the Attorney-General, and I will refer that to the Attorney-General, which I am assured will be responded to within the prescribed time.

Written responses

The PRESIDENT (14:31) — In respect of today's questions, I direct written responses to Mr O'Donohue's first question to Ms Tierney, the substantive and supplementary questions, in one day; Ms Lovell's question to Ms Tierney, the substantive and supplementary questions, one day; Mr Finn's question to Ms Tierney, the substantive and supplementary questions, one day; Mr O'Donohue's question to Ms Tierney, the substantive question, one day; Mr O'Donohue's third question to Ms Tierney, the substantive and supplementary questions, one day; Mr Morris's question to Ms Pulford, the substantive and supplementary questions, two days; and Ms Springle's question to Ms Tierney, the substantive and supplementary questions, two days.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:32) — There are 375 responses to questions on notice that have been provided to me: 11 377, 11 904–12 246, 12 560, 12 640, 12 667–8, 12 672, 12 674, 12 676, 12 683, 12 686–8, 12 691, 12 693, 12 705–13, 12 716, 12 779–80, 12 783, 12 798–805.

Ms Fitzherbert — On a point of order, President, in response to the minister's answer to my substantive question, we asked how many unlawful releases from custody there had been, not the proportion. I ask that you request that the

minister provide a written response that gives the number of releases, not the proportion.

The PRESIDENT — I would prefer to have had the number rather than a percentage as well, but I am not in a position to direct the minister on how to answer the question. Whether I was delighted with that answer or whether you were satisfied with that answer, the fact is the answer was apposite to the question, and that is why I did not seek a written response.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) (14:34) — My question is for the Minister for Roads and Road Safety and relates to Bolton Street in Eltham. This is the very street the *Herald Sun* recently queried as to whether it was the worst road upgrade in the state. This \$10.5 million project dragged on for seven months, causing massive problems, and is now completed according to the VicRoads website, but there are a number of continuing problems. One is large potholes at the Sherbourne Road intersection roundabout, which have been filled several times but continue to drop. For the last few weeks the only remedial work has been the installation of a sign warning motorists that the road is uneven. Parts of the footpath, which are graced with power poles in the middle, have been dug up and have protruding pipes. But the major issue is the non-operation of the lights, predominantly on the Nillumbik side, which are still not working three months after the so-called completion. It has left parts of the street, particularly near intersections, in near darkness, thereby negating the claims that the upgrade has made the road safer. So I ask: why are the lights still not working and when is it planned to rectify this situation and the other issues that I have referred to?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:35) — My constituency question is for the Minister for Energy, Environment and Climate Change, and it is in relation to the Yarra Flats Park across Ivanhoe and Eaglemont. At the moment the park is currently in a fairly degraded state with weed infestation, broken gates and fencing, dilapidated Heidelberg Artists Trail structures, a billabong that is fully overgrown with weeds including thistles — *tradescantia* is throughout the park — and a pile of

rubbish that has been by the Yarra Trail for around 12 months. As well as this degradation, there has been pressure on the park from commercial interests that want to use the park for commercial purposes. It is worth noting that the park is looked after by the Riverland Conservation Society. My question is: will the minister ensure Parks Victoria get the appropriate funding they require to address the concerns at Yarra Flats Park?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:36) — My question is to the Minister for Mental Health. After more than 12 months of sitting on his hands the minister has finally announced Wangaratta as the home of the Hume region's new residential drug rehabilitation facility. Whilst it is great news for people suffering addiction in Victoria's north-east, Shepparton and the Goulburn Valley again miss out on this vital rehabilitation service. After appealing to VCAT, the Australian Community Support Organisation (ACSO) obtained a planning permit to establish a drug and alcohol rehabilitation centre at the existing Brookfield homestead between Numurkah and Wunghnu. ACSO was seeking state government funding for the project, but the Wangaratta announcement has seen the Brookfield site put up for sale, leaving the Goulburn Valley without a much-needed facility of its own. With the announcement that the new residential drug and alcohol rehabilitation facility for the Hume region will be in Wangaratta, will the minister give a commitment to fund a second residential drug and alcohol rehabilitation centre for the Hume region in the Goulburn Valley?

Western Metropolitan Region

Ms TRUONG (Western Metropolitan) (14:37) — My question today is for the Minister for Public Transport, Jacinta Allan. Brimbank City Council and the community tell me that the level crossings on the regional rail link line at Robinsons Road and Station Road in Deer Park and Fitzgerald Road in Sunshine West are increasingly creating problems for traffic. I saw for myself that the boom gates can be down for 35 minutes in an hour during peak times. Given that train numbers are increasing as the population booms, could the minister tell me if there are plans to remove these level crossings and when?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:37) — My question is to the Minister for Emergency Services and relates to the Lucas fire brigade and indeed its operations. The Lucas fire brigade is operating out of a new station in Ballarat’s growth area to the west, and I am informed that it is operating as a non-integrated Country Fire Authority (CFA) station — indeed what I am told is the first of its type in Victoria. So what we are seeing here is the government potentially implementing by stealth its plans to destroy the CFA. Their legislation has failed, but it appears by stealth they are trying to implement their plans to remove volunteers from the CFA. So my question to the minister is: can the minister confirm whether or not the Lucas fire brigade is indeed the very first non-integrated CFA brigade in Victoria?

Western Victoria Region

Mr RAMSAY (Western Victoria) (14:38) — My constituency question is to the Minister for Water, and it is in relation to a motion that the Victorian Farmers Federation (VFF) moved at its conference in Ballarat last week with respect to the Barwon Downs bore field. This bore field provides water from the aquifer to Geelong and also in part to Colac, and significant pressure has been placed on that aquifer in relation to providing those water needs in the second largest city in Victoria. The VFF are looking for a cap on the water being taken out of that aquifer, and I ask the minister to investigate whether in fact the current licence renewal provided by Southern Rural Water is appropriate for that aquifer and whether the Victorian Farmers Federation’s concerns in relation to the withdrawal of that water have credibility?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (14:39) — My constituency question is for the attention of the Minister for Public Transport. It is in relation to the removal of level crossings along the Frankston line, in particular the Skye and Overton roads level crossing removal and the near completion of the sky rail, for which no-one voted and no-one wanted. It appears that no other works have actually been undertaken, such as, for example, adjustment to signalisation to actually improve traffic movement and to achieve the reductions in congestion that have been promised. I ask the minister to review plans for other traffic

measures. I ask the minister to explain what actions she will take in order to address traffic congestion that should go hand in hand with the works that her government has been responsible for.

The PRESIDENT — Mrs Peulich, that really is calling for an action by way of review.

Mrs PEULICH — But what action has she taken?

The PRESIDENT — The question is?

Mrs PEULICH — The question is: could the minister explain what action she plans to take in order to improve the traffic flow around the Skye and Overton roads intersection where sky rail has been built and no improvements to traffic congestion have occurred?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:41) — My matter is for the attention of the Minister for Public Transport. It concerns the Worrell Reserve in Carnegie, an important reserve that is a small well-treed area of land that is slated by the government for development under its sky rail proposals. The community is furious, and a number of petitions have been tabled in this Parliament against the government’s removal of open space and the chopping down of large established trees right in the centre of the Carnegie area. The Liberal Party and the National Party have committed to reverse the government’s plan if elected, so I ask the minister: what steps would she be prepared to take to reconsider this matter?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:42) — My constituency question is to the Minister for Roads and Road Safety. Minister, as I previously suggested, the so-called safety works on Sunbury Road between Oaklands Road and the Tullamarine Freeway will do nothing to ease the bottleneck that currently exists. Indeed as the population continues to grow this is one of three bottlenecks on Sunbury Road that will get worse. This morning it was appalling, and even after the works are completed the journey Sunbury bound will be even worse. Minister, what plan do you have to fix this bottleneck and make the lives of Sunbury and Bulla residents so much easier?

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:42) — My question is for the Minister for Public Transport, and it concerns businesses and Pascoe Vale South residents that are worried about the new tram terminus to be built on Melville Road in my electorate of Northern Metropolitan Region. Local businesses are concerned about parking, safety and their ability to function. One shop owner said she was 99 per cent sure that she would lose her business if the terminus went ahead, and local businesses feel the government's consultation process was not very satisfactory. A lot of businesses rely on customers driving past and stopping to shop, and the local member for Pascoe Vale is more concerned about ideology and pushing up power prices than looking after small business. My question is: how will you, Minister, support those businesses affected by the construction of the terminus?

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (14:43) — I advise members that I have received a request from Ms Wooldridge for the reinstatement of several questions on notice, and I have had a look at those questions. In respect of question 12 650, Ms Wooldridge was referred to a website source for that information, and we have been unable to actually find that information at the address suggested. Members, ministers in particular, will know that I do not have a lot of enthusiasm for reference to other sources as a means of answering questions. In any event, when that information is actually not at the place that the member has been directed to, it compounds the issue. I certainly reinstate 12 650.

In respect of three other questions, I am of the view that they have not been answered. They are questions 12 637 to the Minister for Agriculture for the Minister for Roads and Road Safety; 12 627, which is also to the Minister for Agriculture on behalf on the Minister for Public Transport; and the third question in this set was 12 625, which is again to the Minister for Agriculture for the Minister for Public Transport. As I said, I am of a view that those three questions have also not been answered, and I reinstate them.

MINISTERS STATEMENTS

Kindergarten funding

Ms MIKAKOS (Minister for Early Childhood Education) (14:45) — I rise to update the house on the continued record investment of the Andrews Labor government to build, upgrade and improve kindergarten facilities across Victoria. Last week I had the pleasure of visiting Swinburne Avenue Children's Centre in Gisborne together with the local member for Macedon in the Assembly, Mary-Anne Thomas, to announce that it would be one of 451 kindergartens across Victoria to share in \$1.6 million worth of grants through the 2018–19 children's facilities minor grants capital program. It gave me the opportunity to discuss with staff and parents their new kindergarten refurbishments, which include \$5700 to create a sensory garden and play area and to upgrade computers and technology. This comes on top of a \$120 000 election commitment that has already delivered a fantastic playground. The minor grants program provides infrastructure expansion grants to increase the space of kinders, refurbishment grants to approve the amenity of any indoor or outdoor space such as shade sails over sandpits and IT grants to purchase desktop computers, laptops or tablets.

It is wonderful to see the excitement of kindergartens all around the state already, and here is just one example I saw in the *Bendigo Advertiser* of 24 July, quoting kindergarten teacher Chris Glozier, who was thrilled by the news that the Neangar Preschool would receive a \$10 000 grant to conduct an interior acoustic refit. She said:

Having the acoustic noise reduction panels will make a significant difference ... ensuring that children are in a much calmer and quieter learning and play space.

It will create a quieter space for children to learn, particularly those with autism.

As a government we have invested \$123.6 million over the past four years towards building, upgrading and improving kindergarten facilities in this state, more than triple what the former Liberal government appropriated in their entire term. We have funded an additional 8250 three and four-year-old kindergarten places since coming to government. We will continue to work in partnership with local government and other providers to meet the growing demand for kindergarten across Victoria and to give our

youngest Victorians the first-rate facilities that they deserve and a great start to their education.

Aboriginal children and young people

Ms MIKAKOS (Minister for Families and Children) (14:47) — I rise to inform the house of what the Andrews Labor government is doing to address the overrepresentation of Aboriginal children in out-of-home care and to better support Aboriginal children and their families. I was pleased to co-chair the ninth Aboriginal Children's Forum on 27 June with the CEO of Winda-Mara Aboriginal Cooperative, Michael Bell. At the forum I was pleased to announce a further \$13.7 million to continue our Australian-first Aboriginal Children in Aboriginal Care program. This initiative allows a child to receive culturally sensitive planning and decision-making from an Aboriginal community-controlled organisation (ACCO) that understands their needs.

Currently the Victorian Aboriginal Child Care Association (VACCA) is the first organisation to be authorised to exercise legal guardianship over Aboriginal children. This extra funding will enable VACCA to continue its important work as well as allow two further casework teams at three other ACCOs to increase the number of Aboriginal children receiving this type of support. This is a vital part of our government's commitment to Aboriginal self-determination, because we know Aboriginal children who are cared for by an Aboriginal community-controlled organisation have a greater connection to culture, which can in turn lead to better health and wellbeing.

We are currently transitioning the case management of Aboriginal children in the child protection system to our ACCOs. This year's budget also provides \$13.3 million to transition more cases from the department to our ACCOs. It was great to discuss the positive progress that we are making in this respect at the Aboriginal Children's Forum. Aboriginal children and young people case managed by ACCOs will have the opportunity to thrive in a culturally safe and connected environment. This funding is part of the 2018–19 budget allocation, which provided \$47 million for Aboriginal children and families through the groundbreaking Aboriginal children and families tripartite agreement, Wungurilwil Gagapduir: Aboriginal Children and Families Agreement, between the Andrews Labor government, the families and children's sector and our ACCOs.

In addition to this budget investment, I also announced a further \$6.4 million to be provided to our ACCOs to grow their services and the capacity of their workforce by supporting more Aboriginal people to complete a Vocational Education and Training or higher degree, including social work or community services. Over the past four years, this government has invested \$225 million in Aboriginal child and family services to intervene earlier, to build family capacity and to ensure that Aboriginal children in care are connected to community, culture and to their extended families.

MEMBERS STATEMENTS

Country Fire Authority Mooroopna brigade

Ms LOVELL (Northern Victoria) (14:50) — I rise to pay tribute to the volunteers of the Mooroopna urban fire brigade, which recently held its annual presentation night. A number of award winners were presented with various medals and awards, including Leonard Balfour, Cara Disint, Stephen Foster, Noel Wood and Lyle Sinclair, who all received a National Medal. The Rookie of the Year award was awarded to David Kidman and the Captain's Award went to Glen Topp. The Black Memorial Trophy, awarded each year to a firefighter who regularly goes above and beyond the call of duty, was awarded to Larissa Ballard — no doubt a wonderful honour for Larissa. The prestigious Firefighter of the Year award went to Steven Johnson, another dedicated protector of the local community, and I congratulate him on receiving this award. I would like to congratulate all the award winners and thank Captain Ray Stockwell and the entire membership of the Mooroopna urban fire brigade for the tireless work they do in keeping our community safe.

Nathan Barolli

Ms LOVELL — I would like to congratulate Nathan Barolli from Shepparton East on being named the Apple & Pear Australia Ltd Rising Star of the Year, awarded for his exceptional commitment and passion towards the apple and pear industry. Nathan is a third-generation orchardist, helping run his family-owned Barolli Orchards, growing many varieties of apples, pears and plums. Nathan is a fine example of the quality young fruit growers of the Goulburn Valley, and I congratulate him on this award.

Margaret Court

Dr CARLING-JENKINS (Western Metropolitan) (14:51) — Last weekend I had the honour of once again meeting Margaret Court during a dinner at Southern Lights Church. An Australian champion both on and off the tennis court, she has an amazing life story that has impacted many people. Margaret's list of achievements is nothing short of extraordinary. She was the first woman during the open era to win a singles grand slam. In total, she won 64 grand slam championships, more than any other player. Additionally, she is the only player to have won the grand slam in both doubles and singles. Known for her powerful serve and volley as well as her exceptional endurance, she was deservedly elected to the International Tennis Hall of Fame in 1979 and had Melbourne's Margaret Court Arena named in her honour. The hall of fame reference states:

For sheer strength of performance and accomplishment there has never been a tennis player to match Margaret Smith Court.

She went on to become a Christian pastor of a church in Western Australia, where she continues to serve her community through providing 22 tonnes of food in hampers to feed over 3000 homeless and needy people each and every week. Despite being demonised last year simply for robustly expressing her support for retaining the traditional definition of marriage, her legacy lives on. She continues to inspire many people, including myself, to strive for greatness in everything that we do.

Max Williamson

Ms SHING (Eastern Victoria) (14:53) — I rise today to pay tribute to the late Max Williamson, who was for 82 years a contributor to the Morwell community in so many different ways. He was a leader and a genuine community spearhead in making sure that every part of our community grew and grew strongly. He played a role in Advance Morwell, in the Morwell Jaycees, in Morwell High School and in the organisation now known as Latrobe Valley Enterprises. He was a huge part of making sure that Christmas times were festive and decorative, and in making sure that the community had and maintained pride. At this moment, right now, people are farewelling him at his funeral service in Morwell. Vale Max Williamson. Thank you for all that you have done.

Ziba Haji Zada and Laa Chol

Ms SHING — I rise today to make two names known to the public record for all of the wrong reasons, Ziba Haji Zada and Laa Chol, two more women who have lost their lives in horrifically violent circumstances at the hands of men. It has to stop, it must stop, and — irrespective of the narrative that is continuing, often in an inflammatory and duplicitous way in public circles — we must do more to understand the nature of gendered violence and to combat it, not just now, not just reactively, but now and into the future, and to throw as many resources at this problem as need to be allocated, because it is simply not good enough.

Steve Moneghetti Track

Mr MORRIS (Western Victoria) (14:54) — The temperature might have only been 8 degrees, but the excitement was palpable as Matthew Guy, alongside our Ballarat candidates, Amy Johnson and Andrew Kilmartin, announced that a Liberal government will light the Steve Moneghetti Track around Lake Wendouree. It was great to have Mona himself there for the announcement, which has been many years in the making. Fortunately for us Mona did not join us for our lap around the lake after the announcement, but I would like to thank the WIN News and 9 News western Victoria crews who did join us for more than half of the 6 kilometres as we ran around Lake Wendouree.

Only a Matthew Guy government is going to ensure that this project does proceed. This project has enormous support amongst the Ballarat community. It will improve safety around the lake and encourage many more people to get out, get fit and get active. What was Labor's response to this announcement, you ask? They say they are 'looking into it'. They have had nearly four years to commit to lighting around Lake Wendouree, and yet they still fail to do so. What is clear is that only a Matthew Guy-led Liberal government will light Lake Wendouree.

Australian Lebanese Medical Association

Mr ELASMAR (Northern Metropolitan) (14:56) — On Sunday, 24 June, I was pleased to represent the Premier, the Honourable Daniel Andrews, at a special event held by the Australian Lebanese Medical Association. I was pleased to address the community and the religious people at the event held for the receipt of the unique gift of a

defibrillator. There were several VIPs present, including the Consul-General of Lebanon in Melbourne, His Excellency Ziad Itani; my colleague Mrs Inga Peulich; and from the other place Ms Bronwyn Halfpenny.

Dr Sumaya Abulhosn, Victorian president, and Dr Walid Ahmar, national president, of the Australian Lebanese Medical Association, are extraordinary individuals whose wonderful kindness in making this donation demonstrates clearly to us all their considerate and passionate commitment to the Australian-Lebanese community. So it is with heartfelt thanks to the Australian Lebanese Medical Association that we will have a defibrillator for the use of our own parishioners. I pray to God that we will never need it, but it is comforting to know it is there.

Royal Children's Hospital virtual training program

Mr ELASMAR — I attended an event at the Royal Children's Hospital in Parkville on 10 July. The event was the launch of a virtual training program for hospital medical professionals on how to deal with difficult patients and difficult circumstances, a timely and much-needed training program in today's climate of mental health issues and drug-related assaults. The Minister for Training and Skills, Ms Tierney, should be commended for this most worthy initiative.

Australian Lebanese Medical Association

Mrs PEULICH (South Eastern Metropolitan) (14:57) — I wish to echo Mr Elasmars' commendation of the Australian Lebanese Medical Association and in particular the national and state presidents for the incredible stewardship they provide their community and also for the various medical and community causes and projects they have spearheaded.

Sheikh Abdel Azim Al-Afifi

Mrs PEULICH — I extend my sincere sympathies on behalf of the Liberal and National parties on the recent passing of Sheikh Abdel Azim Al-Afifi, the Grand Mufti of Australia, to his family and members of the Muslim community. I had the privilege of attending his funeral, which took place after Duh prayer at the Al-Taqwa Masjid — or mosque. I attended to pay respect on behalf of the Liberal and Nationals parties to this fine man's contribution to the

Islamic community. The mourners turned out in droves, in large numbers, and he will be difficult to replace, given his very short time in the position. We certainly look forward to his good work continuing.

Laa Chol

Mrs PEULICH — I would also like to express my sadness and offer my condolences and sympathies to the family and victim of yet another senseless attack that has resulted in the death of 19-year-old Laa Chol in the early hours of Saturday morning. Laa Chol died after reportedly being stabbed by gatecrashers at a party she attended at EQ Tower in Melbourne's CBD. Her mother, family and friends are all saddened by this news. Her beloved soccer club, the Skye United Football Club, paid tribute to her on Sunday with a touching post on Facebook, and I quote:

Laa was an integral part of our women's team since joining in March this year.

All our love, thoughts and prayers go out to Laa's family, friends and teammates.

Her death was the result of a senseless act that should not be tolerated no matter who has committed it.

Laa Chol

Ms SPRINGLE (South Eastern Metropolitan) (14:59) — On that note, I rise to offer my condolences to Laa Chol's family also. It seems like just yesterday that we were mourning the death of Eurydice Dixon, vowing to step up the challenge of violence against women in our communities. And yet here we are again mourning the death of another young woman whose life has been tragically and brutally cut short. I also acknowledge the tribute that Ms Shing paid to other women who have lost their lives in recent times to this terrible epidemic. Laa Chol was an intelligent and positive young woman. She was from Pakenham in Melbourne's outer south-east. She was a second-year legal studies student and a talented soccer player. Our thoughts are with Laa's family, her community and her teammates as they grieve her loss.

I am gratified to hear Mrs Peulich's comments just now, because frankly I have been appalled and horrified that Laa's family and friends have faced politicisation and racialisation of her death during this difficult time. It has been heartening to see the

statements from the Premier and the police calling this behaviour out for what it is, which is racial vilification and blatant political opportunism. While the opposition desperately grasps for yet another opportunity to marginalise and vilify Victorians of African origin — of whom I am the mother of two — and to generate fear and anxiety in our communities as a family mourns the tragic loss of their daughter —

Honourable members interjecting.

The ACTING PRESIDENT

(Mr Melhem) — Order!

Ms SPRINGLE — While it is true we are facing an urgent crisis, the Liberal Party could not be more wrong about the nature of this crisis. The crisis is that we are facing a growing epidemic of violence against women, and that is the crisis we must urgently address as a community, demonstrating the highest order of leadership, solidarity and commitment.

The ACTING PRESIDENT

(Mr Melhem) — Can I just remind members that members have only 90 seconds to make their members statements — I think the President has made a ruling on this a number of times — and members need those 90 seconds to get their message across. I think less interruptions would be helpful.

Honourable members interjecting.

Ms Shing — On a point of order, Acting President, the interesting part of Mr Davis's interjection just then was that he asserted that Ms Springle was being provocative in her members statement. During the time of Ms Springle's statement expressing sorrow at the death of yet another woman, Mr Davis interjected in an entirely unparliamentary way, taking up around 15 seconds of Ms Springle's time. I put that that should be taken into consideration.

Mr Davis — On the point of order, Acting President, the terrible incident that has been referred to was something that everyone in the chamber is deeply concerned about, but I responded to provocative commentary, and that is why I responded to parts of that latter commentary in that presentation.

Honourable members interjecting.

The ACTING PRESIDENT

(Mr Melhem) — Are we done? Order! I will just repeat exactly what I said 2 minutes ago. I think we just have to reflect a bit on that. When members are making a members statement they should be heard in silence.

Livestock theft

Mr O'SULLIVAN (Northern Victoria)

(15:03) — In my contribution I want to acknowledge the announcement that was made just last week by this side of the chamber in relation to a dedicated livestock and rural crime squad that was announced at the Victorian Farmers Federation annual conference.

Crime in relation to farms is something that is starting to get out of hand. We have seen it time and time again, particularly around the theft of livestock. I have made contributions here before in relation to that, so I am very pleased that this side of the chamber have made a commitment that we will establish a dedicated livestock and rural crime squad which will consist of about 20 new specialists who will investigate rural crimes. With the increased value of wool and also lamb in particular, we have seen a significant increase — up to 40 per cent in some areas — in livestock theft from farms. This is creating a significant problem for farmers, who are losing a considerable amount of money as a result of that, but also traditional police are not the best qualified to handle this situation, and therefore a dedicated livestock and rural crime squad will be absolutely crucial in being able to come in and address these crimes that have been committed on farm and to help those farmers go to sleep at night knowing that their stock is not being stolen.

Cultural diversity

Mr EIDEH (Western Metropolitan) (15:05) — On 27 June I attended a panel discussion and reception at the State Library of Victoria hosted by the Department of Foreign Affairs and Trade's Victoria state office in partnership with the state library. The reception was a celebration of Australia's culturally diverse, open, innovative and globally connected economy and society. The Australian government's 2017 *Foreign Policy White Paper* highlights the fact that Australia is a migrant nation and that the Australian government considers our diversity a national strength. Diaspora communities often have the connections, language skills and cultural understanding to assist

Australia in deepening ties with other countries, and they help to facilitate trade and investment. Diaspora communities can also influence how Australia is perceived internationally.

The event was attended by the President of the Legislative Council and other parliamentarians; members of the consular corps; representatives of international business chambers; representatives from government, business and educational institutions; Australia Awards scholars; and alumni of the Australian government's New Colombo Plan.

I congratulate Jenny Bloomfield and the organisers of this important event, which highlighted and celebrated the tremendous value our diaspora communities bring to Melbourne and Victoria.

Dubai trade seminar

Mr EIDEH — On a related trade matter, I also attended the Dubai FDI government 2018 trade mission to Australia seminar on 28 June. The event offered firsthand insight into Dubai's thriving economy, which is strategically placed as a gateway to 2.4 billion consumers. The event presented networking opportunities for government and business key industry decision-makers to advance trade opportunities and investment interests between Australia and Dubai. I congratulate the organisers of this important event.

Waterway management

Ms DUNN (Eastern Metropolitan) (15:07) — As I am sure many in this chamber are aware, Melbourne has some of the highest quality drinking water in the world; however, you would not think that by looking at the state of some of our waterways. Our iconic Yarra River is polluted, its water quality is poor and it is often filled with rubbish. We pollute it at its early reaches and tributaries, where VicForests logs endangered mountain ash in catchments that not only feed the Yarra but provide 70 per cent of Melbourne's water supply. This logging, clear-felling and coupe burning leave the landscape vulnerable to erosion. Erosion results in sediment, debris and ash from coupe burns washing into our waterways, polluting the Yarra catchment. We pollute this river system along its length from agricultural run-off and failing septic tanks through to run-off from our roads, driveways and stormwater system that feeds straight into our river systems. By the time the

river reaches Melbourne's CBD the water is a filthy mess of sediment, pollutants and rubbish. But the Yarra is far from the only river in such a state. The waters of the Maribyrnong in Melbourne's west do not fare much better either, and nor do the many creeks and smaller rivers that feed our larger and more iconic waterways.

The health of Victoria's catchments, rivers, wetlands, groundwater systems and estuaries underpins the health of our environment, communities, agriculture and industry. The actions of one community affect the water quality of waterways downstream. Our waterways are important community assets, and I implore people within and outside of this chamber to continue to take action at all levels to ensure that our waterways are cleaner and healthier for our environment and for future generations.

Commercial passenger vehicle industry

Mr DAVIS (Southern Metropolitan) (15:08) — I am pleased to announce today that the Liberal Party and the National Party will appoint former Premier Jeff Kennett to head the commercial passenger vehicle section — the former Taxi Services Commission — if we are elected to government in November. That will provide a very valuable and significant step for the hire car, ridesharing and, importantly, taxi sector. We know his commitment to the sector, and we also know that it will be necessary to conduct an inquiry into the adequacy and fairness of commercial passenger vehicle transition arrangements, including the botched management of the Fairness Fund that has been pointed to by the Ombudsman and the bizarre set of payments and non-payments from the fund that have left many taxi families destitute in some cases. This has sent a terrible signal to those who work hard. In many cases migrant families who have sought to undertake a very significant accumulation of assets have had those stripped away from them by Daniel Andrews and Jacinta Allan.

What has occurred is plainly wrong, and indeed the community knows that it is quite wrong, so this is an important step. Jeff Kennett obviously is eminently qualified to take on this particular role. The sad point is that certain Labor MPs like Steve Dimopoulos and Nick Staikos in the Legislative Assembly have not been prepared to stand up for their communities.

Officer Senior Football Club

Mr MULINO (Eastern Victoria) (15:10) — My members statement is, firstly, to congratulate the Officer Senior Football Club on the wonderful recognition of its life members. I attended a luncheon at the club on Saturday, 14 July, where the club acknowledged the work of its life members in providing many, many hours of service to the club, and also acknowledged members of the volunteer board. I saw many, many netball teams and football teams in action throughout the course of the day. This is one of many such clubs throughout my electorate and indeed throughout the state. I want to acknowledge this club and all the work that its life members do.

Geelong city deal

Mr MULINO — Can I also put on the record that the government still looks for a near-term resolution on the Geelong city deal, something I have been working on for quite some time — working on actively with Minister Pulford in this place, who has carriage of the convention centre and the Shipwreck Coast. This government of course put up \$153 million in the last budget for that city deal. Indeed as was reported during the course of the week the government has now shared all the information that was requested with the federal government. This is a project that we look forward to resolving in the very near future with the federal government and indeed the City of Greater Geelong and neighbouring councils. This will provide up to 975 jobs per annum and billions of dollars of benefit for the community.

Community safety

Mr FINN (Western Metropolitan) (15:12) — Last week the Prime Minister of Australia expressed his grave concern about the impact of Victoria's gang problem. On cue Premier Daniel Andrews chimed in with his oft-used claim that there is no gang problem in Victoria. It therefore came as somewhat of a surprise to turn on the radio this morning and hear that the government is preparing legislation to deal with Victoria's gang problem — presumably the same gang problem the Premier assured us as late as last week does not actually exist. Is it any wonder this government continues to preside over a crime crisis in this state? Is it any wonder gangs run rampant in our streets when the Andrews Socialist Left government cannot make up its mind from one

week to the next as to whether these gangs actually exist?

I have a message for the Premier from the people of the western suburbs. Premier, gangs and the associated violence do exist. They are very real. Gangs have been terrorising many parts of Melbourne's west for almost the entirety of this government's term. The Premier can deny their existence as much as he likes, but it will not make the problem go away. In fact it will just encourage gang members to run amok further. What we have witnessed over the past close to four years is a government totally negligent in its responsibility to protect the community. We can give thanks that in 123 days change is coming. The Guy government will rid our streets of the gangs and make Victoria safe again.

ELECTORAL LEGISLATION AMENDMENT BILL 2018

Committee

Resumed from 22 June.

Clause 45 further discussed.

The ACTING PRESIDENT
(**Mr Elasmr**) — I believe the minister has further amendments.

Mr JENNINGS — Yes. I have further amendments, and I ask that they be circulated now. I move:

1. **Suggested amendment to the Legislative Assembly** —

Clause 45, page 51, lines 3 to 34, page 52, lines 1 to 31, page 53, lines 1 to 33 and page 54, lines 1 to 27, omit all words and expressions on these lines and insert—

“207G Definitions

In this Division—

claimable expenditure means expenditure for administrative expenses as determined by the Commission, subject to the following—

- (a) the following expenditure is included—
 - (i) expenditure for the administration or management of the activities of the eligible party or elected member;

- (ii) expenditure for conferences, seminars, meetings or similar functions at which the policies of the eligible party or elected member are discussed or formulated;
 - (iii) expenditure in respect of the audit of the financial accounts of, or claims for payment or disclosures under the Act of, the eligible party or elected member;
 - (iv) expenditure on the remuneration of staff engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to the time that the staff are engaged in those matters;
 - (v) expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in subparagraphs (i) to (iii) for the eligible party or elected member to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in those matters;
 - (vi) expenditure on office accommodation for the staff and equipment referred to in subparagraphs (iv) and (v);
 - (vii) expenditure on interest payments on loans;
- (b) the following expenditure is not included—
- (i) political expenditure;
 - (ii) electoral expenditure;
 - (iii) expenditure for which an elected member has claimed a parliamentary allowance as a member;
 - (iv) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria;

election quarter, of a year in which a scheduled general election period

occurs, means the quarter of that year beginning on 1 October;

independent elected member means an elected member who is not a member of a registered party;

scheduled general election period means the period commencing on 1 July in a year that a general election under section 61(1)(a) is to be held and ending on the day that the general election is held (both days inclusive).

207GA Entitlement to administrative expenditure funding

- (1) Subject to this section and section 207GB, the following are eligible to receive an annual amount of administrative expenditure funding as follows—
 - (a) for an independent elected member, an amount of \$200 000;
 - (b) for a registered political party, an amount of—
 - (i) \$200 000 for the first elected member; and
 - (ii) \$70 000 for the second elected member; and
 - (iii) \$35 000 for each of the third to the forty-fifth elected members.
- (2) The Commission must make payments of administrative expenditure funding under this section quarterly in advance.
- (3) In an election quarter, the Commission must make payments of administrative expenditure funding—
 - (a) in advance on a pro-rata basis for the period—
 - (i) beginning on 1 October of that year; and
 - (ii) ending in the day of the general election; and
 - (b) in arrears on a pro-rata basis for the period—
 - (i) beginning on the day after the day of the general election; and
 - (ii) ending on 31 December in that year.
- (4) The entitlement to receive a quarterly payment of administrative expenditure funding is to be calculated on a pro-rata basis for—

- (a) each day in the quarter that an elected member is an independent elected member; or
 - (b) each day in the quarter that an elected member is a member of a registered political party.
- (5) In a scheduled general election period—
- (a) an independent elected member only has an entitlement under subsection (1) if the independent elected member subsequently nominates as a candidate under section 69 and stands for election to the Parliament of Victoria at the general election; and
 - (b) a registered political party only has an entitlement under subsection (1) in respect of each elected member of the registered political party who subsequently nominates as a candidate under section 69 and stands for election to the Parliament of Victoria at the general election as an endorsed candidate of that registered political party.
- (6) Despite subsection (3), the first payment of administrative expenditure funding is to be—
- (a) payable from 1 August 2018; and
 - (b) paid on a pro-rata basis for the period commencing on 1 August 2018 and ending on 30 September 2018.
- 207GB Request to Commission to receive administrative expenditure funding**
- (1) For the purpose of having an entitlement to receive payments of administrative expenditure funding in respect of a scheduled general election period, the registered officer of a registered political party or the registered agent of an independent elected member must provide a request in writing to the Commission that the registered political party or independent elected member receive payments of administrative expenditure funding for the period.
- (2) A request under subsection (1) must—
- (a) be in the form determined by the Commission; and
 - (b) in the case of a request by the registered agent of an independent elected member, state that the independent elected member intends to stand for election to the Parliament of Victoria at the general election in that year; and
 - (c) in the case of a request by the registered officer of a registered political party, state—
 - (i) that all of the elected members intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party; or
 - (ii) if all of the elected members do not intend to stand for election to the Parliament of Victoria at the general election in that year as endorsed candidates of the registered political party;
 - (d) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding that is not used to incur claimable expenditure must be repaid to the Commission; and
 - (e) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding will not be—
 - (i) paid into the State campaign account; or
 - (ii) used to incur any of the following expenditure—
 - (A) political expenditure;
 - (B) electoral expenditure;
 - (C) expenditure for which an elected member has claimed a parliamentary allowance as a member;
 - (D) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.
- (3) For the purpose of having an entitlement to receive payments of administrative expenditure funding in respect of any period other than a scheduled general election period, the registered officer of a registered political party or the registered agent of an independent elected member must provide a request in writing to the Commission that the registered political party or independent elected member receive payments of administrative expenditure funding for the period.

- (4) A request under subsection (3) must—
- (a) be in the form determined by the Commission; and
 - (b) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding that is not used to incur claimable expenditure must be repaid to the Commission; and
 - (c) include an acknowledgement from the registered officer or registered agent that administrative expenditure funding will not be—
 - (i) paid into the State campaign account; or
 - (ii) used to incur any of the following expenditure—
 - (A) political expenditure;
 - (B) electoral expenditure;
 - (C) expenditure for which an elected member has claimed a parliamentary allowance as a member;
 - (D) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.
- (5) A request under subsection (3) continues in effect until—
- (a) a new request is provided under subsection (3); or
 - (b) the commencement of the next scheduled general election period.
- (6) If an elected member ceases to be a member of a registered political party and becomes an independent elected member during the term of the Parliament, the registered agent of the independent elected member must provide a request to the Commission under subsection (1) or (3) for the purpose of having an entitlement to receive payments of administrative expenditure funding.
- (7) If the number of elected members of a registered political party increases during the term of the Parliament, the registered officer of the registered political party must provide a new request to the Commission under subsection (1) or (3) for the purpose of having an entitlement to receive payments of administrative expenditure funding in respect of the increase in the number of elected members.
- (8) If the entitlement of a registered political party decreases during the term of the Parliament because the number of elected members of the registered political party has decreased, the registered officer of the registered political party—
- (a) is not required to provide a new request to the Commission under subsection (1) or (3); and
 - (b) is required to notify the Commission, within 28 days of the decrease in the number of elected members occurring, of the number of elected members of the registered political party so as to enable the Commission to calculate the payment of administrative expenditure funding in accordance with section 207GA(4).
- (9) If the entitlement of an independent elected member decreases during the term of the Parliament because the elected member has ceased to be an independent elected member, the registered agent of the independent elected member—
- (a) is not required to provide a new request to the Commission under subsection (1) or (3); and
 - (b) is required to notify the Commission, within 28 days of the elected member ceasing to be an independent elected member, that the elected member has ceased to be an independent elected member so as to enable the Commission to calculate the payment of administrative expenditure funding in accordance with section 207GA(4).
- (10) For the purposes of a request made under this section before 25 November 2018—
- (a) if the request is made under subsection (1), subsection (2) applies as if subsection (2)(e)(i) were omitted; and
 - (b) if the request is made under subsection (3), subsection (4) applies as if subsection (4)(c)(i) were omitted.
- (11) For the avoidance of doubt, if a request under this section is not provided to the Commission before a payment of administrative expenditure funding is due to be made by the Commission, the entitlement to the payment of administrative expenditure funding is not affected but the Commission cannot make the payment until the request is provided to the Commission.

207GC Annual return

- (1) The registered officer of a registered political party or the registered agent of an independent elected member must, within 16 weeks after the end of each calendar year, provide an annual return to the Commission that—
 - (a) is in the form determined by the Commission; and
 - (b) specifies that the registered political party or independent elected member has in relation to the calendar year spent or incurred claimable expenditure—
 - (i) not less than the amount of the entitlement to administrative expenditure funding under section 207GA; or
 - (ii) less than the amount of the entitlement to administrative expenditure funding under section 207GA, being the amount specified in the annual return.
- (2) An annual return under subsection (1) must be accompanied by a declaration made by the registered officer of the registered political party or the registered agent of the independent elected member providing the annual return stating that the registered officer or registered agent has no reason to believe that any matter stated in the annual return is not correct.
- (3) If the Commission has not been provided with an annual return within the period specified in subsection (1)—
 - (a) the registered political party or independent elected member is to be taken to have incurred no claimable expenditure in relation to the calendar year; and
 - (b) the registered political party or independent elected member must repay to the Commission in accordance with section 207GF the total amount of payments of administrative expenditure funding received in relation to that calendar year.

207GD Audit of annual return

- (1) An annual return under section 207GC(1) by the registered officer of a registered political party must be provided to the Commission with the certificate of a registered company auditor within the meaning of the Corporations Act.
- (2) An annual return under section 207GC(1) by the registered agent of an independent elected member must be provided to the

Commission with the certificate of an independent auditor advising that the statement has been audited in accordance with Australian Accounting Standards as specified in section 334(1) of the Corporations Act.

- (3) A certificate under subsection (1) or (2) must state that the auditor—
 - (a) was given full and free access at all reasonable times to all accounts, records, documents and papers relating directly or indirectly to any matter required to be specified in the annual return; and
 - (b) examined the material referred to in paragraph (a) for the purpose of giving the certificate; and
 - (c) received all information and explanations that the auditor requested in respect of any matter required to be specified in the annual return; and
 - (d) has no reason to believe that any matter stated in the annual return is not correct.
- (4) An annual return is to be taken not to have been provided to the Commission unless the certificate required by this section is attached to the annual return.

207GE Powers of Commission

- (1) If the Commission is satisfied on reasonable grounds that information provided in the annual return or the certificate is materially incorrect, the Commission may by notice in writing request the auditor to provide further information as specified in the notice within 14 days of the date of the notice.
- (2) If the auditor fails to provide the requested information, the Commission may by notice in writing request the registered officer of the registered political party or the registered agent of the independent elected member to provide further information as specified in the notice within 14 days of the date of the notice.
- (3) If the registered officer of the registered political party or the registered agent of the independent elected member fails to provide the requested information, the Commission may—
 - (a) withhold any payment under section 207GA until the requested information is provided; or
 - (b) if a payment has already been made under section 207GA, recover the payment under section 207GF.

207GF Recovery of administrative expenditure funding

- (1) If a registered political party or an independent elected member has received a payment of administrative expenditure funding in respect of any quarter that exceeds the entitlement at the end of that quarter as a result of being calculated on a pro-rata basis under section 207GA or for any other reason, an amount equal to the excess must be—
 - (a) deducted by the Commission from any amount of administrative expenditure funding payable to the registered political party or the independent elected member in respect of any subsequent quarter; or
 - (b) if the Commission makes a request in writing to the registered officer of the registered political party or the registered agent of the independent elected member, repaid to the Commission within the period specified in the request.
- (2) If the total amount of the payments of administrative expenditure funding received in respect of a calendar year by a registered political party or an independent elected member is greater than the amount of claimable expenditure specified in the annual return in respect of that calendar year, an amount equal to the excess must be—
 - (a) deducted by the Commission from any amount of administrative expenditure funding payable to the registered political party or the independent elected member in respect of any subsequent quarter; or
 - (b) if the Commission makes a request in writing to the registered officer of the registered political party or the registered agent of the independent elected member, repaid to the Commission within the period specified in the request; or
 - (c) if the registered political party or independent elected member is not entitled to receive payments of administrative expenditure funding in the subsequent quarter, repaid to the Commission within 60 days of the date of the notice requesting the payment.
- (3) If a registered political party has received any payments of administrative expenditure funding in respect of a scheduled general election period and some or all of the elected members of the registered political party did not stand for election to the Parliament of Victoria at the general election as an endorsed candidate of that registered political party, the total amount of payments of

administrative expenditure funding in the scheduled general election period in respect of the elected members who did not stand must be repaid to the Commission by the registered political party within 60 days of the end of the calendar year in which the payments of administrative expenditure funding were made.

- (4) If an independent elected member has received any payments of administrative expenditure funding in respect of a scheduled general election period and the independent elected member did not stand for election to the Parliament of Victoria at the general election, the total amount of payments of administrative expenditure funding in the scheduled general election period in respect of the independent elected member must be repaid to the Commission by the former independent elected member within 60 days of the end of the calendar year in which the payments of administrative expenditure funding were made.
- (5) If the registered political party, independent elected member or former independent elected member does not repay any amount required to be repaid to the Commission under this section, the Commission may recover the amount as a debt due to the State in a court of competent jurisdiction.

207GG Prohibition on the payment or use of administrative expenditure funding

- (1) The registered officer of a registered political party or the registered agent of an independent elected member must ensure that any payment of administrative expenditure funding received on or after 25 November 2018 is not paid into the State campaign account.
- (2) The registered officer of a registered political party or the registered agent of an independent elected member must ensure that any payment of administrative expenditure funding received by the registered political party or the independent elected member is not used to incur any of the following expenditure—
 - (a) political expenditure;
 - (b) electoral expenditure;
 - (c) expenditure for which an elected member has claimed a parliamentary allowance as a member;
 - (d) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the eligible party to a Parliament other than the Parliament of Victoria.

- (3) If the Commission becomes aware that a payment of administrative expenditure funding has been paid or used in contravention of subsection (1) or (2), the Commission must notify the registered officer of the registered political party or the registered agent of the independent elected member that the registered political party or the independent elected member must pay a penalty equal to 200 per cent of the amount paid or used in contravention of subsection (1) or (2) to the Commission within 60 days of the date of the notice.
- (4) If the registered political party or the independent elected member does not pay the amount specified under subsection (3), the Commission may—
- (a) deduct the amount from any amount of administrative expenditure funding payable to the registered political party or the independent elected member in respect of any subsequent quarter; or
 - (b) if the registered political party or independent elected member is not entitled to receive payments of administrative expenditure funding in the subsequent quarter, recover the amount as a debt due to the State in a court of competent jurisdiction.”.

I will take the opportunity as my amendments are being circulated to remind members of the committee of where we are at in terms of the committee’s consideration and the effect of these further amendments.

In the first instance when we reported progress at the end of the last sitting week we were at clause 45. The committee had considered and opposed amendment 32 moved in my name. I draw to the committee’s attention that all of the previously circulated amendments in my name from 32 to 47 have effectively been defeated as a consequence of amendment 32 being opposed by the committee. The new suggested amendments in my name circulated today headed ‘Further amendments’ will do a number of things, and I want to draw those to the committee’s attention.

The subject matter of the last item we dealt with was the ability of political parties and members of Parliament to receive an amount of financial support to acquit administrative functions associated with their registration, their auditing and their accountability in their activities as a political party or indeed as individual members of Parliament and to acquit other administrative responsibilities. The amendments that have been circulated in my name today, specifically further

suggested amendment 1, outline the items by which the bill will now cover what are claimable expenditure items as part of administrative functions. I will provide a shorthand ready reckoner of the new definition for claimable expenditure, which is outlined in suggested amendment 1.

This means that claimable expenditure includes administration or management of the activities of the eligible party; expenditure on conferences, seminars, meetings or similar functions; expenditure in respect of the audit of the financial accounts of the party; expenditure in relation to the remuneration of staff; expenditure on equipment and vehicles used by the staff of the political organisation; expenditure on office accommodation; and expenditure on interest payments and loans. What is not included as relevant expenditure under the administrative stream are activities that would be associated with political campaigning, electoral expenditure as already defined within the bill or other expenditure that MPs may be entitled to claim as activities covered by their parliamentary allowances or other payments that are made from the Parliament.

The quantum that is outlined in this amendment indicates that for an Independent elected member the amount of administrative funding would be \$200 000 a year. For a registered political party the administrative funding amount would be \$200 000 for the first elected member, \$70 000 for the second elected member and \$35 000 for each of the third to the 45th elected members, meaning that the payment structure is limited to 45 members. So the quantum difference between what was discussed last time, when the amendment I moved was defeated, is that there has been a positive financial return to the National Party, a slightly negative one in relation to the Greens party, a slightly negative one in relation to the Shooters, Fishers and Farmers Party, a slightly negative one to the Liberal Party and a significantly reduced number for the Australian Labor Party.

Basically, if we had a look at the proportion of members of the current Parliament in Victoria and the allocation of this administrative funding, we would actually see that the Labor Party, which currently holds something in the order of 47 to 48 per cent of the seats in the Parliament, would be receiving something in the order of 36 per cent of the funding; the Liberal Party would be pretty much receiving the same proportion of the

allocation of funding as they have seats in the Parliament and every other party would be receiving something beyond what their numerical representation is on a per-member basis. So the effect of this reallocation of the money has been an internal reallocation from the major parties to the smaller parties, and the biggest financial reduction occurred for the Labor Party from the proposal that is before you.

The suggested amendments that have been circulated in my name, whilst they provide for that administrative funding, place some obligations in relation to the way in which that money can be procured by political parties or by Independents and the accounting and auditing processes that would justify that expenditure. They are based upon the premise that the electoral commission will receive a request from a political party or an Independent member to make the payments based upon their numerical strength. That will be adjusted in the course of a parliamentary term, should there be either additions or subtractions to the numerical number of a registered political party or smaller parties or Independents. There will be an obligation for the parties or the members to notify the electoral commission of that change of their status, and there will be an adjustment made by the commission in relation to that notification.

The additional requirement that applies in the last term of an electoral cycle is that Independent members will be required, in the name of receiving that payment, to give undertakings to the electoral commission that they will stand at the election and acquit the equivalent amount of that expenditure in administrative activity during the course of that final year of the electoral cycle, and if they do not stand or they do not actually acquit the administrative funding at that level, they will be required to make and the commission will be empowered to receive repayments of that amount.

Within the electoral cycle there will be a requirement for an annual return to be provided by a registered political party and an Independent member to the commission, which includes a statement of audit in relation to the expenditure of those administrative matters to the satisfaction of the commission to indicate that the commission believes that that funding has been appropriately used, and the commission is appropriately empowered, as I say, to seek further auditing and further information. Indeed if the commission is not satisfied, the commission has the ability to make sure that those moneys are returned.

They are the effects of the further amendments 1 and 2 that I have just circulated to the committee. I think that that is an appropriate place for us to recommence the committee's consideration of the bill.

Mr RICH-PHILLIPS — Thank you, Minister. Obviously the committee is somewhat at a disadvantage in considering these further amendments. I note your first amendment that you have just spoken to runs to some nine pages, which the committee has just received, and many elements of this amendment with respect to the administrative funding proposal are radically different to the previous amendments and radically different to the bill as drafted, so the committee is being asked to consider quite a different structure to that which was previously proposed by way of amendment and previously proposed by way of the bill. So I would like to go through it in some detail with the minister.

Can I firstly clarify a comment you made in your introductory comments with respect to the payment from the commission of the administrative funding. You referred to, if I understood your comments correctly, the entitlement to administrative funding changing for a party — changing if the number of MPs of the party changed — which suggests it is not set based on the result at a general election. For example, in this Parliament we have seen some members change party, and we have seen some party members become Independent members in the other place. So will you just clarify your comments around what that administrative funding is based on, please?

Mr JENNINGS — Certainly. The amendments do provide for changing circumstances during the course of the term. They are designed to provide an administrative flow of the determination of the commission of who is eligible for what funding on the basis of three elements. One is in fact the reporting of political organisations. I use the term 'organisations', which in this context covers registered political parties and Independents. If they inform the commission of their standing, which is able to be verified by the elected members of the Parliament, then on that basis those payments would continue subject to annual return and the satisfaction of the completion of the annual return throughout the cycle.

If a variation occurred where individuals may leave a party and join another party, then there are two circumstances that are covered by these amendments. One is the application process and the notification process of either the receiving or the relinquishing political organisation. It would be incumbent within the amendments for those organisations — the relinquishing and receiving organisation — to actually inform the commission. The commission would then make payments eligible to the receiving organisation and the readjustment of the initial payment to a registered political party. That occurs throughout the entirety of the term.

In the final year of the payment that is made to any individual member of the Parliament, there would be a requirement beyond the request for funding from the commission. There would be an additional statement and commitment that would need to be made that that member will contest the election, and the basis of receiving the payment will be, if they do not contest the election, that they would acknowledge that they are not entitled to the funding and the funding would be returned. If they do not acquit the administrative allocation and the auditing of their activities, then equally that money would need to be returned to the commission. That would be the variation for individuals. For registered political parties, in terms of their reporting requirement to the electoral commission, they would be obliged to indicate to the commission the number of members that continue through the term and those who are not going to return in the final year.

Mr RICH-PHILLIPS — Thank you, Minister. Does that effectively mean the money follows the member of Parliament from party to party?

Mr JENNINGS — The method which I have just outlined to you effectively means that that would occur.

Mr RICH-PHILLIPS — Minister, noting your point that effectively the money follows the member of Parliament, just for clarity could you talk through a scenario particularly regarding the end-of-term arrangements? If a person representing party A is elected to Parliament at the 2018 election, their entitlement is paid on the basis of the calendar year, as I understand it, so the party would be paid \$200 000 in respect of 2019, 2020, 2021 and 2022. In the first scenario that MP decides not to seek re-election. What happens to the party funding that they receive in that four-year

period, given they have decided not to seek re-election?

Mr JENNINGS — It is simply not paid to anyone; it is not redistributed to anyone.

Mr RICH-PHILLIPS — So the party would retain the \$200 000 for each of the four years of the term that the person was an MP between the two elections?

Mr JENNINGS — No, if the person has left a registered political party —

Mr RICH-PHILLIPS — Sorry, in this first scenario the person is elected this year to represent party A, they stay with party A for the duration of the next term of Parliament and they choose not to seek re-election at the 2022 election, so they are a member of one party for the duration of the next term of Parliament.

Mr JENNINGS — No, the provision in the bill is that if they leave the party during that term or do not contest the subsequent election, then the party is required to indicate that to the commissioner and the funding is reduced accordingly.

Now, I stand by the last thing that I said to the committee before I was encouraged to go and have a conversation, but that adjustment takes place between 1 July and the end of the election period. So that adjustment means the payment for the period of July to November diminishes for the number of MPs who are not going around again. But assuming that there is no change and nobody leaves the party, parties will receive payments structured on three and a half years for the number of individual MPs who were elected at that point in time; the funding would be allocated in that way. For the last five months there would be an adjustment depending upon how many MPs were contesting the next election.

Mr RICH-PHILLIPS — Again a simple scenario: for a party with one MP who is not recontesting I take it from that that the adjustment means the sum would be reduced — they would not be receiving \$200 000 in that final year.

Mr JENNINGS — We are talking about an individual now?

Mr RICH-PHILLIPS — We are talking about a party with one MP, just to keep it simpler.

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — So the party in the final year of the term would not be receiving \$200 000 in respect of their one MP because that one MP is not recontesting. What is the basis of that? Isn't the administrative funding to cover the administration costs in that last year of Parliament?

Mr JENNINGS — The logic is to cover the administrative functions over the entire cycle. So I would encourage us to think about that and to remind ourselves that with the \$200 000 we are talking about the payment structure diminishes for every MP beyond one, so a party of one or an Independent member gets \$200 000 but a party of two gets \$270 000 and a party of three gets \$305 000. In relation to this logic, the only members of Parliament who would have potentially a very significant change as a proportion of the quantum — the relative proportion of how much money they will be receiving — are the Independent members, who would need to make a determination from 1 July onwards as to whether or not they are going to seek re-election. If an Independent member does not seek re-election, then they would not receive that payment for five months, which would be five-twelfths of \$200 000.

Mr RICH-PHILLIPS — Minister, so that would apply in the same way for a single-MP party, given that is a common scenario in this Parliament currently?

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — So in effect the single-MP party will have received \$700 000. That is \$200 000 in the first year, \$200 000 in the second, \$200 000 in the third and then \$100 000 in the fourth year, rather than the full \$200 000 by four that an ongoing party member would have received.

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — Thank you, Minister. Can I take you back: this amendment seeks to insert a definition of 'claimable expenditure' which is quite prescriptive around the matters that administrative funding can be expended on, if I understand the intention correctly. Can you outline the reason why you have elected to insert this fairly prescriptive definition around what administrative funding can be acquitted on?

Mr JENNINGS — Within the scheme now, within the bill now, there will be definitions of

claimable expenditure for administrative expenses, there will be political expenditure and there will be electoral expenditure. The important element that underpins the legislation will be to keep them separate and to make sure that there is a continuity in relation to the key organisational responsibilities and auditing functions that a party has to comply with, which include the auditing and accounting practices in relation to how they spend public funding on political campaigning, but it is designed to ensure that they are kept separate. So clearly the part of the further amendment that I have just indicated reinforces that the money that is allocated for this administrative function cannot be paid into the state campaign account. The state campaign account is the exclusive location where political expenditure can be expended from on the part of a political party, and it is the only account which public funding for electoral results can be paid into. So it establishes a scheme that delineates the types of functions and activities that are appropriate to be acquitted in relation to administrative functions.

This is consistent with the structure of the New South Wales legislation in relation to administrative funding. Administrative funding in New South Wales, which has been established for some time, is paid at a higher rate than the rate that is set within this amendment. They have this requirement to provide clarity and guidance for the issues that will need to be in the statement of audit about the way in which money is expended. There were, I think, quite legitimate concerns expressed that we could have an unintended consequence of increasing administrative functions, and funding for organisations and individuals could have been such that we create an incentive for personal benefit rather than acquitting the functions that you would expect political parties to acquit.

So cumulatively we have tried to provide for greater clarity about the expenditure items and clarity that in fact it cannot be contaminated with public funding and other sources of funding which support political expenditure or campaign expenditure. We are also providing for an auditing mechanism to make sure that the money is acquitted and not actually squirrelled away to make somebody a profit on the way through, because the electoral commission would be required to actually see how much has been acquitted in the administrative expenditure.

Mr RICH-PHILLIPS — Minister, just on that last point about the acquittal of the electoral

commission with the electoral funding which is paid following the election, as you know there is a requirement for electoral expenditure to have been acquitted in order to receive funding, and the total funding from the electoral commission is reduced if the expenditure on electoral matters is reduced. Is there a similar mechanism proposed here around administrative expenditure — that when the acquittal is done there must have been an amount of administrative expenditure equal to the administrative funding, or rather the administrative funding is reduced to equal the amount of administrative expenditure?

Mr JENNINGS — There is a requirement, so let me just find it. I heard two elements to the question, and I just want to go back. One is: do you have to actually spend that amount of money or not? Suggested section 207GC, on the annual return, outlines that the registered officer of a registered political party or the agent of an Independent elected member must, within 16 weeks after the calendar year, provide the commission with the information. Section 207GC (1)(b) then specifies, in relation to the calendar year, what is spent or incurred claimable expenditure:

- (i) not less than the amount of the entitlement to administrative expenditure funding under ... 207GA; or
- (ii) less than the amount of the entitlement to administrative expenditure under ... 207GA, being the amount specified in the annual return.

What that means is you cannot claim any more if you have to spend more than you claim, and if you have spent less than your entitlement, then there are provisions under 207GF for how that can be remedied.

Mr RICH-PHILLIPS — Thank you, Minister; that is helpful. And that acquittal is on an annual basis rather than a four-year cycle basis?

Mr JENNINGS — It is on an annual basis.

Mr RICH-PHILLIPS — On that basis years where there is overexpenditure, which could be given it is administrative, but nonetheless the final year, that cannot be recouped against years where there is underexpenditure against the admin entitlement?

Mr JENNINGS — There is no mechanism within the amendments for that to occur. There are always checks and balances and there are always

some positive signs and some negative signs in relation to this. What this clearly indicates to a stable party administration is there is a predictable, certain income stream during the course of the electoral cycle both on the administrative side and indeed with the scheduled payments that actually come to political parties through the public funding. The income is very predictable, very stable, and I would suggest a good organisation should be able to manage the peak and trough of their effort in accordance with knowing what that predictable stable income stream will be.

Mr RICH-PHILLIPS — Thank you, Minister. I take you back to the definition we started talking about, which is claimable expenditure. That definition sets out that:

claimable expenditure means expenditure for administrative expenses as determined by the Commission, subject to the following—

- (a) the following expenditure is included ...

and there are three elements which you read out: elements (i), (ii) and (iii). Element (iv) is expenditure on the remuneration of staff engaged in those first three administrative activities, and element (v) is expenditure on equipment or vehicles used by staff when engaged in those first (i), (ii), (iii) elements. Element (vi) is expenditure on accommodation for the staff and equipment which are used for the administrative purposes. My question here is how a party or a registered officer of a party is to make the distinction between a building which is used for party administration and a building which is obviously used for political campaigning, given the bill says expenditure on the building is claimable. But for administrative purposes, how does a party director make that distinction?

Mr JENNINGS — In the example that you have given I would suggest that the office accommodation is office accommodation, which is referred to in (vi); and in (ii) expenditure for conferences, seminars, meetings or similar functions I would think would cover the events that you describe.

Mr RICH-PHILLIPS — But not exclusively? Does it need to be exclusive use? Does it need to be apportioned or is it the fact that a building is used for party administration and therefore the cost of that building is a claimable expense, irrespective of the fact that the building is also used to run a campaign?

Mr JENNINGS — I do not see that they are mutually exclusive propositions. I thought you were talking about campaign events as distinct from running a campaign. There is nothing to preclude a political party operating a political campaign out of their accommodation, and their office accommodation, in the circumstances that you have just described, has not altered, unless you actually think there is going to be a significantly different accommodation that is provided for those different functions.

Mr RICH-PHILLIPS — No, I was contemplating a party headquarters where the party is administrated from but also where the party runs its political activities from. Can I just clarify the fact that the party undertakes its administration from its party headquarters and therefore under this provision expenditure on lease or ownership of that party headquarters would be a claimable expense by virtue of the fact that that is where the administration takes place, irrespective of the fact it is also the place where the political campaigning takes place?

Mr JENNINGS — Absolutely, yes.

Mr RICH-PHILLIPS — Minister, likewise in relation to equipment or vehicles used by the staff, the computer system will be used for administration but it is also going to be used for political campaigning. The motor vehicle given to the party director will be administrative but it will also be campaign-related or used for campaign purposes. For the avoidance of doubt can we also clarify that those assets that are used would also be claimable expenditure because they are used for administration, notwithstanding the fact they are also used for campaign purposes?

Mr JENNINGS — Just before I give the same sort of answer I gave last time, I am going to have a chat.

I took the wise counsel, and the good news is that the wise counsel's view was not too different from mine. Ultimately at the end of the day if you actually consider it from the commission's perspective, what are they looking at in relation to auditing or tracking this expenditure? So if we actually say that party A has 10 vehicles available to them continually throughout the electoral cycle, then you would assume that any expenditure that has been associated with those 10 vehicles would be claimable on the administrative side. If that same party decided to lease 30 vehicles during the

course of the last three months of the electoral cycle, then you would expect that the commission would interpret that to be campaign expenditure and deem that that needs to be acquitted appropriately. The commission would issue guidelines in relation to how judgements would be made and the acquittal process would be undertaken in relation to this expenditure.

The intention in this committee, the intention in this legislation, the intention of the compliance regime within the commission is not an entrapment method. It is meant to be providing clarity rather than an entrapment, so it will be incumbent upon the electoral commission to deal with practical guidance in the ways that we would deal with similar issues to the ones that you are teasing out with me. I am happy for you to tease them out with me, but my expectation is that the commission will be formally required to issue guidance so that parties are absolutely clear about the way in which they can comply with this legislation.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, in a similar vein, element 4 is in relation to expenditure on the remuneration of staff, and it is a little different to the other elements because it explicitly calls out that it is expenditure on remuneration as it relates to staff time for staff engaged in those administrative functions, which on the face of it seems to indicate that party administrators will need to keep time sheets or other records which delineate between a staff member doing administrative work and a staff member doing campaign work. I think you would probably find most staff members in political parties do elements of both. There would be few where there are dedicated admin staff and dedicated campaign staff. What are the expectations in terms of a party being able to acquit against that requirement? A state director, for example, will be doing administration and will be doing campaign work, obviously. What level of granularity is required to meet the requirements of this provision for a director but also the balance of the staff of the party?

Mr JENNINGS — To answer your question and to put it in the context of other matters — that are difficult for us all to get our heads around, can I say to you — I have spent a lot of time trying to get my head around this. So whether it be this piece of legislation, whether it be expenditure in electorate office budgets or the way in which electorate officers are going to acquit their responsibilities into the future, I think there should

be consistency that applies through all of these pieces of legislation and a framework that enables a bit of clarity into the future where that clarity has not existed previously.

The logic that is in this bill in terms of political campaigning and expenditure, the logic that is in the remuneration tribunal bill and the logic that applies to the guidelines that I have encouraged the Parliament to assume in the last year has been that, in the time and the resource allocation that is dedicated to the persuasion or the encouragement of a voter to vote for a political party, the minute you actually give a direct message where your dominant purpose is to direct a vote or procure a vote or persuade a vote — the minute you turn over any resource allocation to that activity exclusively as the dominant purpose — then that is political expenditure and that should be acquitted in that manner. So whether it is an electorate officer, whether it is an electorate budget, whether it be a political party, that is the dividing line.

So that is the schema. That is the philosophical and legislative intent, to actually provide that consistency. What that will mean is — and the answer to your question is — yes, either there will need to be time sheets or there will need to be job descriptions that account for the various activities. So a job description which could be completely administrative in function, an enduring administrative function, may never have to actually have a time sheet that accounts for a different apportionment of time. As you described, an employee who works within a political party may for three years work on administrative functions and in the last year work on campaign functions, and in fact that would provide clarity, moving in that time frame from that three-year period to the last-year period. But there may be some staff who in fact may spend four days of the week in the first three years on administrative functions and basically every day of the week in the last year, or any variation in between.

What we would be encouraging through this legislation and the way in which the commission will enforce this legislation is to support parties in adopting a clear accounting framework where they apportion the time frame. It is not prescribed because in fact there is a recognition of continuous campaigning, and all political parties have a continuous campaigning effort during the course of an election cycle. It will have peaks and troughs in relation to when the campaign is on, but what we are hoping is that the administrators of parties

will be clear in the way in which they can comply. Again, it is not set up to be entrapment; it is actually to provide that clarity of thought and then clarity of administration, and I will be eternally grateful the sooner there is an alignment between the way in which the Electoral Act works with how parliamentary administration works and electorate offices work. I think we will be in a better spot.

Mr RICH-PHILLIPS — Thank you, Minister. That certainly indicates there is going to be a fairly substantial administrative requirement on parties in terms of acquitting time where staff are shared across functions. Can I also ask you with respect to item 7 on that list of claimable expenditure, which is expenditure on interest payments on loans, is there any requirement around the principal purpose of those loans in terms of the interest being claimable?

Mr JENNINGS — That is not defined here. It is basically assuming that in fact the loans relate to the functioning of the political parties, so it does have that in-built assumption. It obviously would relate to internal purposes of a political organisation rather than external ones, but it is not limited to whether it is actually loans that relate to the accommodation, the vehicles or the cash flow of the organisation. If it relates to money that has been specifically purposed for political expenditure, it would be ruled out because in fact it is not deemed to support political expenditure. In fact there is an amendment coming up that I circulated last time we were here in which loans can be secured against the first payment of public funding that is going to apply, so there is an ability for a servicing of a loan to be dealt with in that way by securitising the first instalment of public funding in the next election cycle. I would not envisage that this facility would be used for political campaigning.

Mr RICH-PHILLIPS — Thank you, Minister. That is where I was going with the question, not surprisingly. It is not clear to me, though, from that definition of claimable expenditure, at least standing alone, that if funds were borrowed as a bridging loan to pay for campaign expenditure or political expenditure that interest would not be claimable. You indicated your view that it is not, because the loan relates to funding a campaign or funding political expenditure. Can you clarify why you believe interest on a loan for campaign expenditure would not be claimable expenditure,

because on an isolated reading of paragraph 7 it appears that it would be?

Mr JENNINGS — First of all, my advisers actually believe that what I have indicated to you is correct. They say that apart from what is in the following line in the definition that has been added that I drew attention to a few minutes ago —

- (b) the following expenditure is not included—
 - (i) political expenditure ...

in the first instance it would be understood to be inconsistent with the use that Mr Rich-Phillips is seeking, but very importantly where this proposed section 207G fits in the act is totally within a provision that relates to administrative funding. The heading within the act under which it is actually inserted is a heading of administrative funding. The last reason why they believe that that would be the case is something that I am looking for here in relation to proposed section 218B, which creates an offence for subverting the prescriptions and the limitations of public funding and the use of moneys in and out of the state political campaign. There is a prohibition in 218B proposed by clause 57 of the bill that actually prevents anything that would be designed to circumvent the intentions of that delineation.

Mr RICH-PHILLIPS — Thank you, Minister. I guess 218B is probably something we would be happy to come to when we get to that particular clause because, you are right, that is the clause about schemes to circumvent, but there is a big question around what is a scheme to circumvent. If you are reading the black-letter law and you are looking to work up to the black-letter law, what exactly is a scheme? If you read that black-letter law and it does not say you are prohibited from doing X and you do X, is that a scheme or is that not a scheme? Perhaps that is a discussion we can have when we get to 218B, because I am not sure that clarifies a lot.

Mr JENNINGS — That was a rhetorical flourish.

Ms FITZHERBERT — Minister, I just have a query also about that line regarding expenditure on interest payments on loans. I want to flesh out loans for what, and to some extent you have already answered that. But my other question is: whose loans? Who is able to take out loans that would be caught within this amendment?

Mr JENNINGS — The party is able to take out the loan.

Ms FITZHERBERT — So it would not be a loan that is taken out by an individual? It has to be the party?

Mr JENNINGS — Well, the only variation to that would be if it is an individual member of Parliament, and for that individual member of Parliament, in my interpretation of the issues that I have just been teasing out with Mr Rich-Phillips, it would be for the purpose of administrative activities, so not for other purposes.

Again, going back to the issues we have been discussing before, a commission will be looking at the quantum of money that is actually spent on administrative functions by political organisations, in this case including individuals. If a loan is taken out to serve administrative functions of that individual, then I cannot envisage that they would have such a disproportionate administrative requirement, and alarm bells would be ringing if in fact a significant loan were actually taken out on behalf of that individual for administrative purposes. The commission would be all over that in relation to seeing what purposes that money was being put to.

Ms FITZHERBERT — Just to clarify: the way this is spelt out it is intended to be used by parties or by an individual Independent member of Parliament; it is not intended to be used, for example, by me if I chose to take out a loan and use it for administrative purposes? If you could just clarify.

Mr JENNINGS — Definitely not. Stick with your party.

Ms FITZHERBERT — I have some questions about the sections that relate to the entitlement to receive payments of administrative expenditure based on elected members' intention to stand for Parliament. I just want to flesh that out a little bit, as to what it means and what sorts of obligations it imposes. I guess what I want to focus on in the first instance is: are there any specific obligations that are spelt out anywhere in relation to members and flagging their intentions, because in this section the obligation is borne by the registered officer of the political party but that person is actually acting on information that others may or may not give. I was wondering if you could address that sort of grey area as I perceive it?

Mr JENNINGS — For individuals there would be a certificate that is required that would need to be completed by an individual, so you are not uncomfortable with that bit. The bit that you are uncomfortable with is actually an agent or a registered officer of a party making those undertakings on behalf of their party.

Ultimately what it will mean is that this is most relevant in the last few months before an election. So basically the authorised officer of your party, for instance, will be issuing a certificate to the effect of, 'I believe on the information that I have that 44 members of the Liberal Party will recontest the election'. That would be a no-change basis, and on that basis the commission would authorise the payment and make the payment. If and when it gets to the stage where only 40 members of the Liberal Party recontest the election, as distinct from 44, an adjustment would be made after the election on the difference between what was claimed as the 44 and the 40 that actually stood. That is how it would work.

Dr RATNAM — I have no further questions. I would just like to make a couple of comments on clause 45 and this amendment. Firstly, we are very glad to see the government has heard a number of our concerns, as raised in the previous stage of this debate a number of weeks ago now, and looked to introduce more robust processes on admin funding, as has been canvassed in a number of the questions that have been raised so far in the committee, including the definitions, the processes for applying funding requirements — that you actually had to expend this administrative funding — the audit requirements and a number of the other provisions around the quarterly payments et cetera.

The Greens still believe that the \$200 000 for the first elected member of Parliament is too high, for a number of reasons that we canvassed in the previous debate, and we had canvassed some alternative arrangements for spreading that out so as not to undermine the cohesiveness, particularly of small parties, and not to give incentives to members of Parliament who might want to leave their parties and become Independents for the allure of that funding. However, the amendments that are being canvassed today do go some way to address a number of those concerns, and we are prepared to accept them. So we will not be opposing the amendment, because of the provisions, protections and checks and balances that have been outlined in this much more substantive amendment document as well.

I just want to put that on the record, and also to add that in line with all the worries that we have around the amount that is being proposed, although it has been reduced, we do not want to put the bill at risk because we do believe, as we canvassed in the previous debate, that this bill is significant, it is transformative, and the substance of it at its very core is to get big corporate donations and influence out of politics to ensure that we increase and strengthen the integrity of our political systems, and for that reason we will not be opposing this amendment.

Mr RICH-PHILLIPS — Minister, again on the definition of claimable expenditure, can I take you to item b(iv), which is the exclusions from claimable expenditure. Item (iv), as I read it, relates to expenditure related to members of Parliament or parliamentary members of parties who are not members of the Victorian Parliament — that is, most of our party's federal members of Parliament. Does it mean that the registered officers of parties will need to make a distinction between administrative expenditure that relates to their state parliamentary operations and their federal parliamentary operations?

Mr JENNINGS — I should not be colloquial in my understandings of how these party organisations work. My experience is that pretty much all of the heavy lifting in relation to party administration is taken at the state level, but let me come back and then we will talk.

As a starting point, this provision is very similar to what the provision is in New South Wales in terms of the regime that has been applied there, and I think it has been applied quite successfully. As Mr Rich-Phillips is aware, there are a number of amendments moved in my name to ensure that there is a carve-out of political expenditure between state and commonwealth expenditure, and we do not limit commonwealth activity within party organisations. However, within this exercise it may well be that, again, subject to potentially the commonwealth regulating this space, there will need to be a delineation, but until that delineation occurs we will not be insisting on that practice at an administrative level. Clearly it is delineated in relation to campaign activity. If the administration of a state branch of a registered political party can and does delineate its activities on the basis of state and federal jurisdiction, then it may be wise to account for that, but in the experience of the Australian Labor Party, for instance, I think that is a very difficult delineation. In campaign function it

is very clear; in administrative function it is not so clear, and very little administrative burden is undertaken at a commonwealth level in a state branch. It is almost exclusively a state branch activity.

Mr RICH-PHILLIPS — Minister, that is essentially what I was seeking — to understand that this does not create the obligation to delineate between administrative expenditure that might be state or federal party related. I take your point that it is often difficult to delineate. For example, a party will maintain a database of party members, which is to the benefit of the state party and to the benefit of the commonwealth party. Likewise with electoral roll material and so forth, all of which incurs administrative expense, to delineate between the state party as the beneficiary or the federal party as the beneficiary and therefore apportion it, I think, would be particularly difficult. I take it from your answer that that delineation is not required by virtue of this provision.

Mr JENNINGS — It is not mandated in the way that political campaign accounting is delineated — yes.

Mr RICH-PHILLIPS — Minister, again, to clarify the item above, which is one of the carve-outs, which is expenditure for which an elected member has claimed a parliamentary allowance as a member, just to be clear about what we are referring to with ‘has claimed a parliamentary allowance’: is that an item of expenditure where an elected member has sought a reimbursement from an electorate office budget and has claimed allowances?

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — And equally, as you would appreciate, members receive an electoral allowance, which they are paid with their remuneration, which is used on all sorts of community activities — raffle tickets, advertising et cetera. This provision is not intended to include things that are paid for out of that electoral allowance, which is paid to the member on a fortnightly basis?

Mr JENNINGS — That is correct. Ultimately those things, as you know, are paid in the manner that you just described and are not claimable with the Australian Tax Office in relation to their expenditure. It is not the intention of this legislation to change that in any way.

Mr RICH-PHILLIPS — I will leave that one there then. I note that that phrase is used a number of times through this provision, and I take it from your answer that that intention is the same on each occasion where that phrase is used.

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — Minister, can I ask you about the effective dates of this provision if it is inserted in the bill. The administrative funding will start to flow to registered parties and Independents on 1 August. Can you just clarify whether, when the first return to the Victorian Electoral Commission is required from parties and candidates, that will be in respect of the 2018 calendar year and is required within 16 weeks of the end of the calendar year, and equally, the prohibition on the administrative funding being used for campaign purposes, whether that will apply to funding which is paid on 1 August and 1 September. And is there one other payment — in October?

Mr JENNINGS — No, it is only for the quarter.

Mr RICH-PHILLIPS — Does it apply to payments made before the election?

Mr JENNINGS — To answer the question in reverse order, there is no requirement for the state political campaign to be established prior to the 2018 election. So that answers your question. The logic of applying the administrative funding prior to the election is to enable the political party to establish an administrative practice and a capacity to comply with all its obligations after the 2018 election. That is the logic of applying before, so that from day one of the new electoral cycle the political parties will be in a position to comply with the new accountability framework.

The prohibition in relation to the expenditure of the money that actually comes to a political party between now and the election will be that it is intended to be accounted for as administrative funding, so there will be the same obligation. There will be an enduring obligation to account for it — that money — as to be acquitting its administrative responsibilities. That should be for political organisations such as yours or mine very easy to acquit, because in fact we have establishment parties that in fact have offices, staff, vehicles and an enduring administrative responsibility — easy to acquit.

To answer your question, is that \$10 the same \$10 as the \$10 that may be allocated that you may get through this stream of funding — the same \$10 —

Mr Finn — The taxpayers!

Mr JENNINGS — Well, it is all taxpayers money — absolutely it is — and you will be the beneficiary of it, Mr Finn. That money should be acquitted in administrative activity, but there will not be a mechanism of an audit trail from the commission. It is the quantum of money. It is not actually the absolute tangible cash that actually has to be acquitted; it is the quantum of the acquittal that is required by the commission.

Mr RICH-PHILLIPS — Thank you, Minister. In that regard, can you just clarify that the first annual return that goes to the VEC will be required in respect of the 2018 calendar year?

Mr JENNINGS — The advisers are confidently nodding their heads. I was just looking for it myself, but they are confident about that.

Ms FITZHERBERT — I have a query. Just going back to this issue of interest payments that can be claimed, does this anticipate that a party could take out a loan to repay an overpaid entitlement and then claim the cost of the interest under this amendment?

Mr JENNINGS — I do not understand your example.

Ms FITZHERBERT — If you have a situation where someone has had an overpayment — for a legitimate reason within the terms of the bill — and some money needs to be repaid and the party or individual take out a loan to make the repayment, is the interest cost allowable under these amendments, which refer to expenditure on interest payments on loans as being claimable expenditure?

Mr JENNINGS — I think the example that you give is very difficult to justify as administrative expenditure, so I think it fails that test, and that is what the commission would be looking for.

Ms FITZHERBERT — I also want to ask a further question or two about this issue of elected members and their intention to stand for election. There are a lot of variables in this, as we both know. What about circumstances in which, for example, a seat is abolished as part of a redivision

and a member wants to continue their political career. They are not going to be standing in that seat at the election, but they may still have an intention to stand. Is that valid under this amendment?

Mr JENNINGS — No individual receives the money. The only individuals who receive the money are individual MPs. Otherwise the only recipient of the money is the political organisation, and they are receiving a quantum based upon the number of members that are recontesting the election. So within the context that you describe, the real answer to your question is: with the intention of that member in the example that you have given, have they been preselected or endorsed by your party to stand somewhere else? If an existing member is actually endorsed in that fashion, then in fact the payment would be unaffected.

Ms FITZHERBERT — So in that case they actually need to have an intention to stand for election and they need to have endorsement; is that what you are saying?

Mr JENNINGS — By the party, yes, because the whole payment is structured to the party, not to the individual. So the answer is yes, with that party. If they leave the party and they stand as an Independent, then they are eligible as an Independent to apply for themselves if they are going to contest, but they would need to contest the election.

Ms FITZHERBERT — I think this issue of the registered officer relying on the intention of the elected members is problematic in some ways in a practical sense. If I could give an example which is a bit close to home in some ways: the member for Brunswick in the Assembly indicated that she was not going to continue and run for election for the seat of Brunswick, but still apparently wanted to stand somewhere. Does she have an intention to stand for election under the terms of this amendment? In her circumstance, for example, she had said, 'I'm not going to run for Brunswick', but was looking for another seat, and there has been a process of — eventually, I read — finding one. I understand that if she is endorsed for a seat other than the one that she holds that is a different issue, but it goes to this issue of intention.

It just seems to me that that is not a black-and-white measure for the purposes of handing over public money. I just want to know if

you would comment on the member for Brunswick's circumstances as they relate to this?

Mr JENNINGS — Definitely no to the second part. On the first part, the purpose of this provision relates to the intention of the primary purpose of this provision, and it applies to all MPs on the basis of their intention. So the whole scheme in this element has been derived from what is a reasonable expectation that taxpayers may have in relation to a confidence that individual MPs will not accumulate money in the last year without contesting an election. The logic has been driven by that. When you apply that rule to political parties, then you actually relate to the anomaly or the concern or the conundrum that you have actually been talking about — what does it mean for political parties? — because in fact at that point in time you just have to start talking about the intentions of individual MPs.

In relation to how admin funding works, the practical implementation of this issue is that the maximum payment is 45 members for parties of the order of magnitude of yours and mine. Your party at the moment has 44, which in recent terms is the low watermark for your party. A high watermark for your party might mean that it gets to be 60 or so. So within that 60 — if that was the prevailing circumstance for your party — 15 members could actually decide to retire or leave the party and you would still be receiving the maximum. That is the reality of the situation we are talking about. In the case of the Labor Party, if 14 of our members could not recontest, that would not change our payment at all.

Mr RICH-PHILLIPS — I just put on the record that the coalition will not support this amendment from Mr Jennings. As indicated, we obviously only received this nine-page amendment when the committee started today. There is a lot of complexity in this, a lot of potential ambiguity in it, so we will not support Mr Jennings's further amendment 1.

The ACTING PRESIDENT
(**Mr Elasmarr**) — The question is that the amendment moved by Mr Jennings, suggested amendment 1, be agreed to. For members' information, this is a test for his amendments 2, 3 and 4 as well.

Committee divided on suggested amendment:

Ayes, 22

Bourman, Mr	Patten, Ms
Dalidakis, Mr	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Eideh, Mr (<i>Teller</i>)	Ratnam, Dr
Elasmarr, Mr	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	Truong, Ms
Mulino, Mr (<i>Teller</i>)	Young, Mr

Noes, 18

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

Further suggested amendment agreed to.

Clause postponed.

Clause 46

The ACTING PRESIDENT
(**Mr Elasmarr**) — We are debating clause 46. I know, Mr Jennings, that the test was in further suggested amendment 1, but you still need to move your further suggested amendment 2 to clause 46.

Mr JENNINGS — I move:

2. **Suggested amendment to the Legislative Assembly** —

Clause 46, page 55, line 8, after "Division" insert "1C or".

This is a consequential renumbering as a result of the suggested amendment that the committee has just passed in clause 45.

Further suggested amendment agreed to; clause postponed; clauses 47 to 49 agreed to.

Clause 50

Mr JENNINGS — I move:

48. **Suggested amendment to the Legislative Assembly** —

Clause 50, page 57, line 18, after this line insert—

(3) In section 211(3) of the **Electoral Act 2002**, after “the election” insert “or the candidate is elected at the election”.

For the committee’s benefit we go back to the list of amendments that were circulated in my name last sitting week which outline an amendment to clause 50. The effect of that suggested amendment 48 is to provide that a payment for the first preference votes applies for successfully elected candidates in addition to candidates who receive at least 4 per cent of first preference votes. That is a significant change that we have actually made to introduce payments for funding for small parties that have a member of the Parliament but do not receive 4 per cent of the primary vote.

Mr RICH-PHILLIPS — The coalition will not support this amendment and indeed will not support clause 50 of the bill. This is the clause which inserts the new level of electoral funding as we discussed when we started the committee stage in the last sitting week. This is the provision which takes current electoral funding from \$1.20 indexed to about \$1.73, I think, in current money paid for each first preference vote received by a candidate who achieves more than 4 per cent of the primary vote and lifts that to \$6 for a first preference vote received by a Legislative Assembly candidate and \$3 received by a Legislative Council candidate for a first preference vote. This is obviously a substantial increase in the impost on Victorian taxpayers for the cost of elections, and of course it introduces the differential between Council and Assembly members which we also discussed in that committee stage back in June.

The amendment by the Leader of the Government now seeks to expand that pool further in terms of the candidates who can receive electoral funding and remove the current 4 per cent threshold for a number of candidates who are subsequently elected to Parliament. We do not believe that expanding this mechanism at this higher rate — the \$6 and \$3 rate — is an appropriate use of taxpayers funds. We all know of course the pressures that Victorian taxpayers are under currently with day-to-day household expenses, and there is no community support for paying political candidates and political parties \$6 per vote in the lower house and \$3 per vote in the upper house. So we will oppose Mr Jennings’s amendment and we will oppose clause 50 of the bill.

Mr JENNINGS — It is incumbent upon me to inform the committee that this amendment extends provisions of public funding to elected members that do not receive at least 4 per cent of the first preference votes. This amendment recognises that while some elected members in the upper house have not received more than 4 per cent of the public votes, their support is sufficient under Victoria’s system of preferential voting to elect them to the Parliament. Preference flows form an important part of the voting system in Victoria, and this amendment recognises the public support for elected members who enter the Parliament on the basis of preferences.

Committee divided on suggested amendment:

Ayes, 22

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

Noes, 18

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

Suggested amendment agreed to.

The ACTING PRESIDENT

(**Mr Elasmar**) — Members, just for your attention, the suggested amendment moved by Mr Jennings to clause 46 was agreed to. That means that clause 46 by itself stands postponed under standing order 14.15(3). Now it is the same case here. Suggested amendment 48 moved by Mr Jennings has been carried. I know Mr Rich-Phillips has indicated he wants to vote against the clause, but now clause 50 stands postponed under standing order 14.15(3).

Clause postponed.

Clause 51

Mr RICH-PHILLIPS — Minister, clause 51 inserts a new provision to follow section 212(2) of the Electoral Act 2002 in relation to the payment of electoral funding. The insertion states:

The amount payable is reduced by double the amount of the part of the amount of any political donation that is received in contravention of this Part by ...

an endorsed candidate or an Independent candidate. Can you outline what the effect of what appears to be a double penalty, or a penalty of double the amount, is in respect of the electoral funding provision?

Mr JENNINGS — Well, my reading is the same as yours. If a political donation exceeds the cap, the amount that exceeds the cap is then reduced from public funding twofold. So if it is anything above \$4000 — say, \$6000 — then the \$6000 is reduced to \$4000 and you pay a double penalty, a \$4000 penalty.

Clause agreed to.**Clause 52**

Mr JENNINGS — I move:

49. Clause 52, page 60, line 23, omit “(2)(a), (b)” and insert “(2)(b)”.

This is something that I flagged in the committee stage earlier today in relation to a question that I received about loans. Amendment 49 makes a very simple change to the clause, but a very significant one, in relation to the financing structure of the campaigning of political organisations. What this means is that a party can use the first instalment of the scheduled payments that it will receive after an election as collateral for a loan leading up to the preceding election for political purposes.

Mr RICH-PHILLIPS — This is a provision that the coalition will not support. We obviously have concerns about the way in which the funding model is being dramatically expanded by this bill, and we do not believe it is appropriate to effectively further expand that to allow the prepayment to be used as a collateral payment. Therefore we will not support Mr Jennings’s amendment 49.

Committee divided on amendment:

Ayes, 22

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

Noes, 18

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

Amendment agreed to.

Mr JENNINGS — I move:

50. Clause 52, page 62, line 27, omit “50(2)” and insert “52(2)”.

This is a consequential renumbering as a result of the new clause in amendments 10 and 11.

Amendment agreed to.**Committee divided on amended clause:**

Ayes, 22

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

Noes, 18

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

Clause agreed to.

Clause 53 agreed to.**New clause****Mr JENNINGS** — I move:

NEW CLAUSE

51. Suggested amendment to the Legislative Assembly —

Insert the following New Clause to follow clause 53—

‘CC New Division 2A inserted in Part 12

After Division 2 of Part 12 of the **Electoral Act 2002** insert—

“Division 2A— Policy development funding**215A Policy development funding**

- (1) The Commission must make payments of policy development funding to eligible registered political parties to reimburse costs relating to policy development in accordance with this section.
- (2) An eligible registered political party is entitled to an annual payment of policy development funding equal to the greater of—
 - (a) the sum of \$1.00 for each first preference vote given for a candidate who was endorsed by the registered political party at the previous general election; or
 - (b) \$25 000.
- (3) A registered political party is an eligible registered political party if—
 - (a) the registered political party has been a registered political party for the whole of the calendar year; and
 - (b) the registered officer of the registered political party did not receive a payment under section 212(3) in respect of any election during the calendar year or the previous general election; and
 - (c) the registered political party was not entitled to receive a payment of administrative expenditure funding under section 207G during the calendar year; and
 - (d) the Commission is satisfied that the registered political party

operates as a genuine political party; and

- (e) the registered officer of the registered political party has complied with subsection (4).

- (4) For the purpose of having an entitlement under subsection (2), the registered officer of the registered political party must, within 20 weeks of the end of the calendar year, provide to the Commission a statement, in the form approved by the Commission, specifying that the registered political party has spent or incurred policy development expenditure in relation to the calendar year—

- (a) not less than the amount of the entitlement under subsection (2); or
- (b) less than the amount of the entitlement under subsection (2), being the amount specified in the statement.

- (5) For the purposes of subsection (4), **policy development expenditure** means expenditure as determined from time to time by the Commission but does not include political expenditure or electoral expenditure.

- (6) The registered officer of the registered political party must ensure that any payment received from the Commission under this section is not—

- (a) paid into the State campaign account; or
- (b) used for electoral expenditure.

215B Audit of statement

- (1) A statement under section 215A(4) must be provided to the Commission with the certificate of a registered company auditor within the meaning of the Corporations Act.
- (2) A certificate under subsection (1) must state that the auditor—
 - (a) was given full and free access at all reasonable times to all accounts, records, documents and papers relating directly or indirectly to any matter required to be specified in the statement; and

- (b) examined the material referred to in paragraph (a) for the purpose of giving the certificate; and
 - (c) received all information and explanations that the auditor requested in respect of any matter required to be specified in the statement; and
 - (d) has no reason to believe that any matter stated in the statement is not correct.
- (3) A statement is to be taken not to have been provided to the Commission unless the certificate required by this section is attached to the statement.

215C Powers of Commission

- (1) If the Commission is satisfied on reasonable grounds that information provided in the statement or the certificate is materially incorrect, the Commission may by notice in writing request the auditor to provide further information as specified in the notice within 14 days of the date of the notice.
- (2) If the auditor fails to provide the requested information, the Commission may by notice in writing request the registered officer of the registered political party to provide further information as specified in the notice within 14 days of the date of the notice.
- (3) If the registered officer of the registered political party fails to provide the requested information, the Commission may—
 - (a) withhold any payment under section 215A until the requested information is provided; or
 - (b) if a payment has already been made under section 215A, take proceedings to recover the payment under section 215D(4).

215D Making of payments

- (1) An amount is only payable if the statement required to be provided to the Commission has been provided to the Commission.
- (2) The amount payable is—
 - (a) if the statement specifies that not less than the entitlement has been spent or incurred, the whole of the entitlement; or

- (b) if the statement specifies that an amount that is less than the entitlement has been spent or incurred, an amount equal to the amount specified in the statement.
- (3) If an amount is payable under section 215A, the Commission must make the payment to the registered officer of the registered political party within 30 days after the Commission has been provided the statement.
- (4) If a payment is made and the recipient is not entitled to receive the whole or a part of the amount paid, that amount or that part of that amount may be recovered by the Commission as a debt due to the State by action against the person in a court of competent jurisdiction.”.

For the committee’s benefit, this is an amendment that was circulated in the last sitting week. It inserts new provisions 215A to 215D, which establish a new form of public funding for smaller parties in the form of a policy development fund. The policy development fund is designed to level the playing field for parties seeking representation in Parliament by lowering the barriers to entry for smaller parties, including new parties. The fund is limited to parties who are not eligible to receive administrative funding and will be used to reimburse those parties for the costs associated with policy development. In this way the fund acknowledges that smaller parties have very different costs to established parties, whose funding is directed towards more administrative things, like staffing costs, office rent, IT and systems.

The policy development fund also seeks to address concerns that the cap on political donations may have an adverse impact on the development of new parties. A political party will be eligible for annual payments from the policy development fund if the political party has been a registered political party for the whole of the calendar year, the political party did not receive public funding for the calendar year or the previous general election, the political party was not entitled to receive administrative expenditure funding during the calendar year, the electoral commission is satisfied the political party operates as a genuine political party and the registered officer has provided the required documents to the VEC setting out the amount of policy development expenditure incurred by the political party in a calendar year. An eligible political party will receive funding to

reimburse costs incurred for policy development equal to the greater of the sum of \$1 for each first preference vote given for a candidate who was endorsed by the political party at the previous general election or \$25 000.

Mr RICH-PHILLIPS — Minister, this is obviously a new provision — it is not in the bill. What is the rationale for now seeking to introduce this policy funding mechanism that did not exist when the bill was put together?

Mr JENNINGS — The committee will be aware that there have been a number of amendments made to the bill in the last two sitting weeks that have a consistent theme. The consistent theme is to shift —

Mrs Peulich — Bribery and corruption.

Mr JENNINGS — No, exactly the opposite, Mrs Peulich, of bribes and corruption, because in fact the whole intention of this legislation is to reduce the potential for sectional interests to dictate public policy. That is the intention of the bill. This is an allocation of public money —

Mr Finn — Taxpayers money.

Mr JENNINGS — taxpayers money, as Mr Finn says — to provide for political expression of will and political activity. The recurring element of these amendments has been to redistribute the proportion of public funding away from the major parties towards small political parties. Whether those parties have members within the Parliament or whether they seek to have members in the Parliament or seek to participate in the parliamentary process, this funding provides them with a base level of funding that enables that participation, and it is modelled on the system that is in place in New South Wales.

Mr RICH-PHILLIPS — Thank you, Minister. I just clarify: you said ‘irrespective of whether they have members in Parliament or are seeking to have members in Parliament’. This amendment obviously predated the amendment we just made, a couple of clauses back, which provides that any party with an elected member receive electoral funding — they do not have to meet the 4 per cent threshold. Therefore my reading of this is the policy development funding would only be available to parties that are in fact not represented in Parliament, because every party in Parliament will now receive electoral funding.

Mr JENNINGS — That is correct.

Mr RICH-PHILLIPS — Thank you, Minister. Am I correct in my understanding that a registered party is not required to contest an election in order to be eligible to receive the policy development funding — they merely need to be a registered party and not receive those other funding streams that we have discussed?

Mr JENNINGS — This just goes back to the definition of registered political party within the act. The VEC will deregister any party that does not have any member that has stood within five years, so five years is the threshold. If an election has actually occurred within that five years, there would be an expectation of the electoral commission that a registered political party would have stood a candidate at the election. If in fact five years passes, and an election passes in the interim, that they have not stood a candidate, they would not be eligible for this funding.

Mr RICH-PHILLIPS — Thank you, Minister. In respect of the eligibility for this policy development funding, the criteria is a party has been a party for a whole calendar year. With the insertion of this amendment into the bill, when would the first tranche of policy development funding be payable? Would it be payable in respect of the 2018 calendar year for those parties which have been registered for all of this calendar year?

Mr JENNINGS — The answer to the question is that it will be paid following the return that is actually made by the registered political party after the 2018 election, just as other political parties will be acquitting their requirements and their eligibility for funding from the electoral commission in the same time frame.

Mr RICH-PHILLIPS — But that will be in respect of having been registered for all of 2018?

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — So, Minister, the first tranche of funding will only be payable to those parties that are currently registered and that are not represented in Parliament now?

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — So there are a number of parties that are currently seeking registration that will not be recipients of that

funding, at least in respect of 2018. Can I ask about the criteria for what is policy development? The amendment provides:

... *policy development expenditure* means expenditure as determined from time to time by the Commission but does not include political expenditure or electoral expenditure.

What are the parameters around the definition of 'policy development'? Yes, the commission will provide guidelines, but what is the government's expectation and what is the Parliament's expectation of policy development as the basis for the guidelines the commission will produce?

Mr JENNINGS — My belief would be that the commission will be looking for expenditure relating to the distribution of policy documents, forums and opportunities for discussion, seminars on policy discussions or perhaps the publication of the treatise of such an organisation. Those are the types of activities that you would assume. So some of it could be in publication form; some of it could be in relation to forums, seminars or conferences — those types of activity.

Mr RICH-PHILLIPS — Minister, would there be any parameters around the scope of that policy? Could a party that spent its time developing a defence policy or a foreign affairs policy, which are not state-based policies, be eligible for funding under this provision? The reason I ask the question is that there is the potential for groups which have not traditionally been political parties seeing the opportunity to have a funding stream of \$25 000 a year to support their activities and seeking to become a political party even though their focus may not be on matters of Victorian government administration, nonetheless we are creating an opportunity for their activities to be funded by virtue of their being a political party. So would the parameters around policy development include a need for them to be matters of essentially Victorian government administration?

Mr JENNINGS — I will not even identify the examples, but it may well be that from time to time parties of our order of magnitude become confused about state and federal issues. So I —

Mrs Peulich — But not at the cost of public funds. That is a bit of a difference.

Mr JENNINGS — So this is a very modest expenditure of public funds —

Mrs Peulich — Modest? It will be a field day.

Mr JENNINGS — I doubt that it will be a field day, and I doubt that the electoral commission will be making assessments of either the scope of policy offerings or their effect on the electorate, because they do not make that assessment about any of us, so they are unlikely to do so. You would hope, in the spirit of the legislation within this jurisdiction, that the political discourse will accord with state responsibilities and state policy matters, but in fact there is no prescription on that because the wisdom of any political party establishing a policy platform that may concentrate on state or federal issues is not applied to anybody else.

Dr RATNAM — I would just like to speak briefly to this amendment and speak to how important this type of funding is for smaller political parties and for the health of our democracy. As we have remarked previously in the debate, political plurality is really important to the Greens and it is really important to political debate, and it is really important to the health of our democracy to challenge the two-party system that has actually led to a number of issues with our democracy that this Parliament deals with on a daily basis. We appreciate the barriers to small parties engaging in politics, and this funding will go a long way to supporting those political parties to have a meaningful and more powerful say in our democratic and political debates.

Committee divided on suggested amendment:

Ayes, 22

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

Noes, 18

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

Suggested amendment agreed to.

New clause postponed.

Clause 54**Mr JENNINGS** — I move:

NEW CLAUSE

52. Clause 54, page 67, line 6, after this line insert—

“(9) For the purposes of this section, any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity—

- (a) is not to be included for the purposes of calculating the sum of political donations made by the donor for the purposes of subsection (2)(b); and
- (b) does not require the provision of a disclosure return under subsection (2) or (4).”

The amendment that I am moving now is amendment 52 that was circulated in the last sitting week. The effect of this amendment is to insert a new section 216(9) to clarify that a disclosure return is not required for a political donation made or received for commonwealth electoral purposes and not paid into the state campaign account of the recipient. This is one of a series that we moved last time, and there will be a number of others today, to make sure that in introducing these reforms we do not fall foul of commonwealth law in relation to donations or administration funds that come into political organisations in Victoria. So it is one further amendment to make sure that we do not fall foul of commonwealth provisions.

Mr RICH-PHILLIPS — The coalition will be supporting this amendment and the following amendments, which relate to making the distinction between matters relating to commonwealth campaigns and Victorian campaigns, be it in relation to donations, and also in relation to expenditure. So, as the minister said, there are a number of amendments which make that distinction on an expenditure basis and a donation basis, and the coalition will be supporting that range of amendments, which clarify that distinction.

Amendment agreed to; amended clause agreed to.

Clause 55**Mr JENNINGS** — I move:

53. Clause 55, page 69, lines 12 to 14, omit all words and expressions on these lines and insert—

“exceeds the general cap is made for Commonwealth electoral purposes and is not paid into the State campaign account of the person or entity.”

54. Clause 55, page 72, line 13, before “The” insert “(1)”.

55. Clause 55, page 73, line 31, after this line insert—

“(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”

56. Clause 55, page 73, line 33, before “The” insert “(1)”.

57. Clause 55, page 75, line 14, after this line insert—

“(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”

58. Clause 55, page 75, line 17, before “The” insert “(1)”.

59. Clause 55, page 76, line 35, after this line insert—

“(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”

60. Clause 55, page 77, line 2, before “The” insert “(1)”.

61. Clause 55, page 78, line 18, after this line insert—

“(2) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii) or the sum of all outstanding debts to a person or entity during a financial year under subsection (1)(b)(v), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”.

62. Clause 55, page 79, line 12, after this line insert—

“(3) For the purposes of calculating the sum of all amounts received from a person or entity during a financial year under subsection (1)(b)(ii), any amount that is a political donation made or received for Commonwealth electoral purposes and is not paid into a State campaign account of a person or entity is to be disregarded.”.

We are now on clause 55, and we go back to the amendments that I circulated last time we sat. All of them are designed to make sure that the Victorian law does not fall foul of commonwealth reporting obligations.

Amendments agreed to.

Mr JENNINGS — I move:

63. Clause 55, page 79, line 18, after this line insert—

“217NA Annual returns in respect of financial year commencing on 1 July 2018

The period in respect of which an annual return is to be provided in respect of the financial year commencing on 1 July 2018 is the period commencing 25 November 2018 and ending on 30 June 2019 and this division is to be construed accordingly.”.

This is an amendment that was circulated last time in my name, and it provides that the annual return in respect of the 2018–19 financial year is for the period from 25 November 2018 to 30 June 2019. What that means is that the political parties will be required to make their first annual return in relation to the compliance regime of the new funding arrangements and the new donation reform, so the first return provided by those parties to the electoral commission will cover the period 25 November to 30 June next year.

Amendment agreed to.

Mr JENNINGS — I move:

64. Clause 55, page 81, in item 3 of the TABLE, omit “\$2000” and insert “\$4000”.

Amendment 64 has already been tested by earlier amendments, and is in fact to change the threshold by which a political party will be recognised as coming within the provisions of the bill. It increases the \$2000 threshold to \$4000 of political expenditure before it will be covered by provisions of this legislation.

Amendment agreed to.

Mr JENNINGS — In relation to what I am about to move, it is the item that was circulated in my name earlier today. It is connected to clause 55 by relating to the returns being provided to the electoral commission. It is to insert a table in amendment 4 about the quantum of payments that have to be accounted for within that annual return. Those numbers are the same as we have already adopted in the committee, being for a party \$200 000 for the first member, \$70 000 for the second member and \$35 000 for subsequent members. I move:

3. **Suggested amendment to the Legislative Assembly** —

Clause 55, page 80, line 10, after “return” insert “provided under this Division”.

Mr RICH-PHILLIPS — Acting President, I seek your clarification on whether we are referring to Mr Jennings’s further amendments 3 and 4 or just —

The ACTING PRESIDENT

(**Mr Melhem**) — At this point we are only dealing with amendment 3; we are going to come to amendment 4 shortly. We are dealing with amendment 3 at this point in time, which amends new section 217P. It is a consequential addition of words as a result of Mr Jennings’s further amendment 1. We are only dealing with amendment 3 at this stage.

Mr JENNINGS — Sorry, Acting President, I was segueing perhaps too quickly. Further suggested amendment 3 is a consequential amendment in relation to further words to be inserted to make it consistent with further suggested amendment 1, which I moved earlier today. So it is a consequential amendment.

Mr RICH-PHILLIPS — So, Minister, just for the avoidance of doubt I want to clarify that your further amendment 3 has the effect of providing that an annual return in relation to administrative expenditure is not required to be published by the commission. There are some returns that will be published by the commission, but the effect of this amendment is to provide that a return in relation to administrative expenditure will not be published.

Mr JENNINGS — It is to clarify that an annual return given to acquit administrative expenditure funding will not be published by the commission. That is the effect of the amendment. New section 217P will only require an annual return given under the disclosure and reporting scheme to be — sorry, I have got a very circular explanation.

I have been encouraged to answer what I think was the first question. Administration funding and the broader application of the annual return will not be published. It will only be elements that relate to the political expenditure that are actually published.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, a further question arises in relation to the reporting regime under this bill both in this provision but also more broadly. For the first time a lot of information is being reported to the VEC which traditionally has not been reported to the VEC about expenditure by parties — obviously campaign expenditure and administrative expenditure. Can you clarify — and I do not know the answer to this — whether the VEC is subject to the Freedom of Information Act 1982 and whether therefore these returns, even those elements which are not published, could be accessible under the Freedom of Information Act?

Mr JENNINGS — We believe that whilst the VEC is covered by freedom of information legislation, in terms of the reporting requirements in the annual return publishing and the release of information that the VEC would undertake they would be consistent with the obligations and expectations established within this act. Any matter beyond that in terms of anything that dealt with privacy or other considerations in terms of the public interest in the exemptions and the release would be constrained by the VEC's view about the appropriateness of that information being released, just as the pre-existing circumstances may have occurred. The only change in this matter in terms of disclosures that will be imposed because of this legislation does not add to the disclosure regime

beyond the scope of what is provided for within this bill.

Mr RICH-PHILLIPS — Thank you, Minister. It is a bit difficult to take comfort from that insofar as the commission is subject to the FOI act and there is not an exemption for the commission. We saw as recently as yesterday information which was previously understood to be personal information — the names and salaries of staff in the previous government — apparently released under FOI. So the scope for personal data to be released under FOI is seemingly there. There is nothing in this bill which seeks to say information that comes in in returns — the unpublished information that comes in in returns — is not subject to the FOI act. It would ultimately come down to the commissioner saying, 'No, it's exempt', and potentially an applicant seeking a review by the FOI commissioner and subsequently a review by VCAT, which could overturn the electoral commissioner's view that the unpublished contents of the returns are in fact not subject to FOI.

Mr JENNINGS — I accept that. It may be a bit of an unfortunate 24 hours in which you ask that question, but the way that you described it is the way that it would operate in practice. This legislative reform is not designed to change the practice and the consideration that the VEC would undertake to acquit its obligation under its primary act, which this is, and its appropriate consideration of the scope or limitations of how the FOI act should apply to it. By design you would actually hope that they would be able to acquit the appropriate decision in achieving obviously what is a potential privacy policy concern that you have raised.

Further suggested amendment agreed to.

Mr JENNINGS — I move:

4. Suggested amendment to the Legislative Assembly —

Clause 55, page 81, omit items 4 to 8 of the TABLE and insert—

“4 Section 207GA(1)(a)— \$200 000

5 Section 207GA(1)(b)(i)— \$200 000

6 Section 207GA(1)(b)(ii)— \$70 000

7 Section 207GA(1)(b)(iii)— \$35 000”.

I apologise to the committee that I got ahead of myself before by starting to talk about this matter. This amendment replaces \$2000 with \$4000 in the indexation table under new section 217Q. This is a consequential amendment as a result of amendment 19, which changed the threshold amount to qualify as a third-party campaigner from \$2000 to \$4000.

Mr RICH-PHILLIPS — We do not support these new thresholds, but as this is just the indexation provision I do not intend to divide on this amendment.

Further suggested amendment agreed to.

Mr JENNINGS — I move:

66. Suggested amendment to the Legislative Assembly —

Clause 55, page 81, after item 10 of the TABLE insert—

“10A Section 215A(2)(a)— \$1.00

10B Section 215A(2)(b)— \$25 000”.

On the way through, just for the committee’s benefit, I am not moving amendment 65 as previously circulated. I am moving amendment 66, which has the effect of inserting the amounts referred to in the policy development funding provision as inserted by amendment 51 into the indexation table. This is a consequential impact of amendments that have already been adopted by the committee.

Mr RICH-PHILLIPS — Again, this is a provision that we do not support, but as it is again just the indexation provision we will not divide on it.

Suggested amendment agreed to; clause postponed; clause 56 agreed to.

Clause 57

Mr RICH-PHILLIPS — Minister, I would like to ask you — we touched on this earlier — about the provisions of new section 218B, ‘Offence to enter into or carry out scheme’. What I am seeking here is to understand what is a scheme. New section 218B says:

- (1) A person must not enter into, or carry out, a scheme, whether alone or with any other person, with the intention of circumventing a prohibition or requirement under this Part.

Now, what is not clear is what that actually means. If a party or an individual finds a way in which to comply with the act and they may change what they are doing in order to comply with the act — there is a new act, new provisions, all parties and Independent candidates will be looking at what they do with donations, funding, electoral expenditure et cetera — and they interpret the act to apply in a certain way, how does this provision affect their decision to make certain arrangements which they believe comply with the act?

Mr JENNINGS — Ultimately it relates to two things. For the person who could have this offence alleged against them, ultimately it depends upon their disclosure and the clarity of transfer of money going back from third-party campaigners, associated entities and political donors into political organisations or registered political parties. In fact the prescriptions of the bill are to outline a clear passage of transparency, because each of those entities that I have just described — third-party campaigners, associated entities, registered political parties — can actually spend as much money as they like in the political system.

What they cannot do is transfer payments from one to the other or find some financial device to actually change the intention of the bill, which is to limit the transfer of money from one to the other to a \$4000 capped limit. So the importance for the person who is potentially subjected to these offence provisions is that they need to be able to account clearly what, if any, transfer of money between those entities occurred.

If they enter into a mechanism or a scheme, as you described, that obscures or hides from public view the transfer of money from one of those entities to another, then that is the offence. The requirement then from the commission is to make an assessment about whether this has been a manipulation of the transparency provisions and the clarity of that, or a mechanism or a scheme that has been designed to obscure that. The commission would determine that on the basis of the evidence before it. If in fact people have acted in good faith, that would be a legitimate defence in relation to how the legislation works.

Mr RICH-PHILLIPS — Thank you, Minister. That provides some clarification, but if I could give you an example. The bill does not provide a cap on affiliation fees, so if a third-party campaigner that is currently a donor to a party decides in conjunction with that party that it will

change its relationship and it will now pay an affiliation fee to the party — so it might pay a \$10 000 affiliation fee, because affiliation fees are allowed and donations are not — would that be a scheme for the purposes of an offence under this provision?

Mr JENNINGS — It would be if that \$10 000 ended up as part of a political campaign. If it ends up in a political campaign fund, then yes, it would. This is a conversation we had at great length last time in the committee. Affiliation fees we actually think will reach a natural ceiling because in fact the money will be quarantined in its use to administrative funding. If it transfers into the political campaign funding, then that would fall foul of the legislation.

Mr RICH-PHILLIPS — So in that instance, Minister, it would be a breach of the legislation, quite apart from this provision, because they would be using affiliation fees for a purpose which the bill does not permit for the use of affiliation fees?

Mr JENNINGS — Yes.

Mr RICH-PHILLIPS — If it was used for administrative expenditure, though, it would not be a scheme under this provision, it would not be a breach of this provision?

Mr JENNINGS — That is true.

Mr RICH-PHILLIPS — Can I use another example, Minister, where again a third-party campaigner traditionally made a donation to a party which ran a campaign. The party and the third-party campaigner look at the new provisions in this bill and decide that the third-party campaigner will undertake a political campaign. So it liaises with the party, the party tells it what creative it wants, what approach it wants to take, basically designs a campaign for the third-party campaigner, but it is the third-party campaigner that actually commissions the campaign and undertakes the expenditure — \$50 000, whatever, a large amount above the thresholds in the bill; would that be a scheme for the purposes of this provision?

Mr JENNINGS — Ultimately the test that the commission would apply to what you just described is whether the third-party campaigner was acting independently and with a degree of autonomy or a degree of direction and being a coordinated part of the registered political party's campaign. Ultimately it would be assessed on the

evidence that is available. There is nothing to preclude third-party campaigners running campaigns that may run in parallel or recommend voting for any party, but it needs to be clear who is paying for it, how they are paying for it and how much they have spent on it. In relation to the direction or influence, there may be question marks that the commission would actually examine in relation to the degree of whether that is a contrivance or whether that is a true separation of entities.

Mr RICH-PHILLIPS — But, Minister, the difficulty with that is that the provisions around what a third-party campaigner can do do not require them to act independently. There is nothing in the sections of the bill we talked about back in June that says a third-party campaigner must act independently or must not act in concert with a registered political party. So are you suggesting that this catch-all provision on schemes now introduces a requirement for independence in the actions of a party or a third-party campaigner?

Mr JENNINGS — No. You asked me for some examples, and I think I gave you some comfort in relation to that, but it is a matter of the allocation of money being clear, the allocation of money being accounted for as part of either a separate campaign or an integrated campaign. You would expect in a system such as ours that in fact there will be parallel third-party campaigns and political campaigns by registered parties. Ultimately at the end of the day it is the clarity of the delineation of the resource that is allocated and the decision-making that is associated with the structure of the campaign.

Clause agreed to; clauses 58 to 62 agreed to.

New clause

Mr JENNINGS — I move:

NEW CLAUSE

67. Insert the following New Clause to follow clause 62—

‘DD New sections 222DB and 222DC inserted

After section 222DA of the **Electoral Act 2002 insert—**

“222DB Review to be conducted

(1) The Minister must cause an independent review of the operation of the amendments of this Act made by

the Electoral Legislation Amendment Act 2018 (the *2018 amendments*) to be conducted by an expert panel appointed under section 222DC.

- (2) The review must be completed within 12 months after 25 November 2022.
- (3) The review must examine and make recommendations in relation to the following—
 - (a) whether this Act should be further amended to provide for a cap on political expenditure and if so—
 - (i) whether the cap should apply generally or to specific persons or entities;
 - (ii) the value of the cap;
 - (iii) the consequences of a failure to comply with the cap;
 - (b) the impact of the 2018 amendments upon third party campaigners, small community groups and not-for-profit entities;
 - (c) the operation of the disclosure scheme given effect to by the 2018 amendments including, but not limited to, the operation of disclosure returns;
 - (d) the effectiveness of the 2018 amendments so far as they relate to electronic assisted voting.
- (4) The review may examine and make recommendations in relation to contemporary trends and issues in respect of the electoral funding including, but not limited to, the funding of political parties or candidates (however described).
- (5) The Minister must cause a copy of a report of the review to be laid before each House of Parliament on or before 10 sitting days after the day on which the review is completed.
- (6) If the review recommends that this Act be amended, the Minister must use the Minister's best endeavours to ensure that the Act is amended in accordance with the recommendations before the general election to be held in November 2026.

222DC Review to be conducted by expert panel

- (1) The review of the 2018 amendments must be conducted by an expert panel

comprised of 3 members appointed by the Minister.

- (2) Before appointing the expert panel, the Minister must propose 3 members to the Electoral Matters Committee established under section 5 of the **Parliamentary Committees Act 2003**, each of whom must have experience in one or more of the following areas—
 - (a) community advocacy and engagement;
 - (b) legal and regulatory compliance;
 - (c) contemporary issues relating to electoral funding.
- (3) A proposed member must not be any of the following—
 - (a) a current employee of a public service body, a public entity or a special body (within the meaning of the **Public Administration Act 2004**);
 - (b) a current employee or executive of a registered political party;
 - (c) the current Electoral Commissioner or an employee or other member of staff of the Commission;
 - (d) a current or former Member of the Parliament of Victoria.
- (4) The Electoral Matters Committee may, within 30 days of receiving advice of 3 proposed members of the expert panel from the Minister, veto one or more of the proposed members.
- (5) If the Electoral Matters Committee vetoes one or more of the proposed members, the Electoral Matters Committee must propose 2 alternative member for each vetoed proposed member, each of whom—
 - (a) must have experience in an area specified in paragraph (2)(a), (b) or (c); and
 - (b) must not be a person specified in subsection (3).
- (6) If the Electoral Matters Committee proposes 2 alternative members for a vetoed proposed member, the Minister must appoint one of the alternative members instead of appointing the proposed vetoed member, unless the alternative member does not satisfy the requirements of subsection (5)(a) and (b), in which case the Minister must ask

the Electoral Matters Committee to propose another member.

- (7) In conducting the review, the expert panel may inform itself as it sees fit, having regard to appropriate privacy considerations relating to electronic assisted voting.”’

This amendment will provide for a review to be conducted of these amendments with a particular focus on the impact of the caps, the impact of the scheme on third-party campaigners and not-for-profit organisations, the operation of real-time reporting and the effectiveness of electronic-assisted voting reforms.

Reviews of significant legislative reforms are increasingly common and will provide a useful opportunity to consider the operation of the amendments after the first election cycle. The review will be conducted within 12 months of the November 2022 general election, and a copy of the report will be tabled in Parliament. The review will be conducted by three independent experts with relevant experience in community advocacy and engagement, legal and regulatory compliance, and contemporary issues relating to electoral funding. To preserve the independence of the expert panel, the panel will not include current MPs, the Victorian electoral commissioner or members of the commission’s staff or members of the Victorian public sector. The Electoral Matters Committee will have a veto power over the proposed members and must provide two alternative appointees with the required skills for every vetoed member. The minister must then choose from the alternate candidates.

Mr RICH-PHILLIPS — Minister, just one question: why wasn’t this included in the original bill?

Mr JENNINGS — As you know, we believe in continuous improvement.

Dr RATNAM — I would just like to speak briefly to this review clause. The Greens support a review of the amendments made by the bill that we are debating, and we believe that such significant changes should be subject to review. In particular I want to highlight that the review will specifically look at expenditure caps, as mentioned in my second-reading speech. The lack of expenditure caps in the bill is the most significant missed opportunity, we believe, with this legislation. It will also look at the disclosure scheme. While the bill provides a significant improvement, it is short

of best practice, and an online continuous real-time disclosure regime should be brought in as soon as possible. We would expect such a review — as countless reviews before have found — to recommend even stricter disclosure. It will also cover the impact of the changes on not-for-profit and small community groups, and I covered our concerns about the impact of the bill on these groups earlier in my contributions.

The Greens’ negotiations with the government have ensured that these matters are covered in the review, and we thank the minister for incorporating those. The terms of reference are wide enough to ensure any unforeseen matters can also be considered and that other trends in electoral funding will be subject to review.

New clause agreed to.

Clause 63

Mr JENNINGS — I move:

5. **Suggested amendment to the Legislative Assembly** —

Clause 63, page 87, lines 13 to 30, omit all words and expressions on these lines and insert—

‘(2) Without limiting the generality of subsection (1), the following are entitled to be provided with one Parliamentary adviser—

- (a) each independent elected member of the Parliament of Victoria;
- (b) the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has only one elected member.

(2A) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than one elected member but less than 6 elected members, is entitled to be provided with—

- (a) 2 Parliamentary advisers; and
- (b) one Parliamentary adviser for each 2 elected members of the party.

(2B) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than 5 elected members but less than

12 elected members, is entitled to be provided with—

- (a) one Parliamentary adviser; and
- (b) one Parliamentary adviser for each 2 elected members of the party.

(2C) Without limiting the generality of subsection (1), the Leader of any party represented in the Parliament of Victoria which is not a party forming Government and which has more than 11 elected members, is entitled to be provided with one Parliamentary adviser for each 2 elected members of the party.

(2D) For the purposes of determining the entitlement under subsections (2), (2A), (2B) and (2C)—

- (a) the number of elected members of a party represented in the Parliament of Victoria; and
- (b) the number of independent elected members of the Parliament of Victoria—

is to be determined as at the date that the result of the general election at which the members are elected is declared by the Commission under section 121 of the **Electoral Act 2002**.

(2E) The entitlement determined under subsection (2D) is to be recalculated as at the date that the result of an election, other than a general election, is declared by the Commission under section 121 of the **Electoral Act 2002** only in relation to—

- (a) the elected member who held the seat that became vacant and resulted in the holding of the election; and
- (b) the candidate that is declared elected at the election and is an elected member of a party represented in the Parliament of Victoria or an independent elected member of the Parliament of Victoria.”.

My apologies to the committee. I got ahead of myself before, but on this occasion I intend to move further suggested amendment 5 in my name, which was circulated today. This amendment is proposed in place of amendments 68 and 69 circulated in my name on 22 June. This amendment replaces new sections 99(2) and 99(2A) of the Public Administration Act 2004 as inserted by clause 63 of the bill.

The amendment will provide new ratios for calculating the entitlement to employ parliamentary advisers as follows: an Independent elected member or a party with only one elected member is entitled to be provided with one parliamentary adviser; a party with two to five elected members is entitled to be provided with two parliamentary advisers and one parliamentary adviser for each two elected members; a party with six to 11 elected members is entitled to be provided with one parliamentary adviser and one parliamentary adviser for each two elected members; and a party with 12 or more elected members is entitled to be provided with one parliamentary adviser for each two elected members.

The entitlement will be determined as at the date when the result of the general election is declared by the Victorian Electoral Commission. The entitlement may be recalculated following a by-election, supplementary election or re-election, but only in relation to the elected member whose seat has become vacant, resulting in the election, and the candidate at the election who is declared elected.

Mr RICH-PHILLIPS — Minister, I have a couple of questions. I take from that final provision that where a member leaves a party that will not result in a change of the staffing level that was previously provided to the party.

Mr JENNINGS — That is correct.

Mr RICH-PHILLIPS — Minister, could you just run through in numerical terms the difference in the staffing allocation of what this amendment does versus proposed amendment 68, which you previously introduced? Obviously you spoke about the ratios in this proposed amendment, and there were ratios in the previous proposed amendment. Can you give the committee an indication of what the actual effect of the relative amendment is? Is it to provide more staff to smaller parties and have it taper out at a lower level for major parties? Is it an overall reduction in the number of staff which would have been provided under the former model? In simple terms what is the actual effect of these ratios which you have talked about? Obviously, we have not had the opportunity to calculate their actual impact, but presumably the government has done that. Could you just compare this with your previously proposed clause 68, please?

Mr JENNINGS — In fact I will go back even further. I am pleased to do this because this is something that had I been left to my own devices I would have done at the beginning of this term to give guarantees to non-government members about the number of their advisers. I am glad I am finally catching up close to the end of the term.

During the course of this term there had been 28 advisers provided up until this point in time across the Parliament to support MPs. Currently the coalition have 22 members. Under this proposal there will be an additional five positions if they act as a coalition, but 22 advisers for the Liberal Party and five advisers for the National Party. The Greens currently have one full-time equivalent, and this would actually take it to five. The Shooters, Fishers and Farmers Party currently have one, and this would take it to three. The Australian Conservatives have one, and they will stay at one. Reason Victoria is at one, and they will stay at one. Vote 1 Local Jobs is currently at one, and they stay at one. The member for Shepparton has one, and she will receive one. The member for Morwell currently does not have one, but he would be entitled to one if re-elected. The member for Melton does not have one, and he would be entitled to one if he is re-elected.

Mr RICH-PHILLIPS — Thank you, Minister. In contrast to your previous proposed amendment 68, are you able to give an indication —

Mr JENNINGS — The beneficiaries of this change have been the Liberal Party, the National Party, the Greens and the Shooters, Fishers and Farmers Party. Each of them have picked up either one or two advisers.

Mr RICH-PHILLIPS — Relative to amendment 68?

Mr JENNINGS — Yes.

Mrs Peulich — Four extra ones for the Greens. Is that correct? From one to five?

Mr JENNINGS — Yes, but Mr Rich-Phillips asked a different question.

Dr RATNAM — I have no further questions, just a few comments. The Greens believe this is an important amendment that will enable MPs of smaller parties more staffing resources to better engage with Parliament in the business we conduct here. The Greens, for example, cover all portfolios,

all bills and all other parliamentary business in this place, and we do so with extremely limited staff as has just been outlined. We helped negotiate this amendment with the government and believe it will help ensure business in this place and the debates we conduct on important matters are the better for it. It goes a long way to improving the health and strength of our parliamentary systems and therefore our democracy too.

Mr RICH-PHILLIPS — The coalition will not oppose this amendment either. I just place on record, to balance the table that Mr Jennings outlined, that of course the government as an incumbent government has substantial resources as well. I think the story on Channel 7 last night indicated something in the order of 260 staff, but Mr Jennings might want to correct me.

Mr Jennings — No, I don't.

Mr RICH-PHILLIPS — The allocation that we are talking about today should be kept in that context as well.

Mrs PEULICH — If I may just ask a question. Have there been any estimates as to the additional costs for the additional staff members in terms of technology, space, desks and rooms — any indication of the cost of that?

Mr JENNINGS — The cost that is associated with the increase from what was provided for within the bill, in terms of staffing costs to this cost, is in the order of \$638 000.

I have to interrupt business.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Committee resumed.

Mr JENNINGS — I have finished in relation to the cost of the staffing. In relation to the on costs, that will have to be factored in in the running of the Parliament.

Mrs PEULICH — So the costs of additional access to IT officers, desk space and so on have not been factored into these calculations?

Mr JENNINGS — That will be an additional cost.

Further suggested amendment agreed to.

Mr JENNINGS — I move:

6. **Suggested amendment to the Legislative Assembly —**

Clause 63, page 88, line 8, lines 4 to 9, omit all words and expressions on these lines and insert—

'candidate' has the same meaning as it has in section 3 of the **Electoral Act 2002**;

'elected member' has the same meaning as it has in section 206(1) of the **Electoral Act 2002**;

'general election' has the same meaning as it has in section 3 of the **Electoral Act 2002**;

'independent elected member' has the same meaning as it has in section 207G of the **Electoral Act 2002**;

'party' has the same meaning as *'registered political party'* has in section 3 of the **Electoral Act 2002**.'.'.

This is a consequential amendment to assist the implementation of the scheme that I have just outlined. So it is to support that provision inserted by that last amendment. Further suggested amendment 6 inserts new definitions of 'candidate', 'elected member', 'general election', 'independent elected member' and 'party' within the relevant section, which is section 99, of the Public Administration Act 2004, and these terms will have the same meaning as provided within the Electoral Act 2002. So it is to provide consistency to enable that scheme that we have just adopted in further suggested amendment 5 to be implemented.

Further suggested amendment agreed to; clause postponed; clause 64 agreed to.

Progress reported.

Suggested amendments reported to house.

Report adopted.

Ordered to be returned to Assembly with message informing them of decision of house.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Bangerang Cultural Centre

Ms LOVELL (Northern Victoria) (18:35) — My adjournment matter is for the Minister for Aboriginal Affairs. The action that I seek is for the minister to provide assistance to the Bangerang Cultural Centre to establish a business model that will ensure the centre's long-term operation. For 36 years the Bangerang Cultural Centre has been the jewel in the crown for the Bangerang people, Australia's first Aboriginal cultural keeping place. I have spoken many times in this place about the importance of the Bangerang Cultural Centre to the Bangerang people and have asked that the minister commit funding to ensure the centre remained open. I warned that without adequate support the Bangerang Cultural Centre would be forced to close. All funding applications and requests by me and the Bangerang people have been ignored by the minister, and the centre has now ceased operation. More than that, the treatment of the Bangerang Cultural Centre by the minister has been nothing short of disgusting. The vague, generic responses I have received from the minister to questions on this issue show the utter contempt Minister Hutchins has for the Bangerang Cultural Centre and the Bangerang people.

On 7 December 2016 I raised the matter in an adjournment debate for the minister. Her reply nearly six months later stated that her department did not have a funding stream available for Bangerang's request. The minister added in her response that she would pass my request to the Minister for Creative Industries. Fourteen months later I am yet to receive any further response.

On 8 September 2017 I again asked the minister for a funding commitment for the Bangerang Cultural Centre. The response I received from the acting minister was verbatim from the first response, without mention of forwarding it to the creative industries minister.

On 19 January 2018 I wrote to the minister warning that the cultural centre would be forced to close without urgent government assistance. The reply dated 27 February stated that I would receive subsequent advice shortly. I am still waiting for the further advice. To add insult to injury, the minister toured Bangerang Cultural Centre on 10 July and told the management she was there to announce funding for another Aboriginal organisation but not for the Bangerang.

I once again implore the minister to intervene and ensure the reopening of the Bangerang Cultural Centre and its ongoing operation. The action that I seek from the minister is for the minister to cease ignoring the terrible plight of the Bangerang Cultural Centre, which has been forced to close its doors, and acknowledge the importance of the centre to Indigenous people by providing assistance to establish a business model to ensure the centre's long-term operation.

Merri Creek

Ms DUNN (Eastern Metropolitan) (18:37) — My adjournment matter tonight is for the Minister for Water and is in relation to erosion and sediment in the Merri Creek. Much of my adjournment matter has been provided to me by the Merri Creek management committee, who are very concerned with the dramatic change of colour in the Merri Creek. They report that from its usual darkish hue it has gone to a worrying pale-yellow hue, reporting that many locals reported to them their concerns about that. They report that the spate of yellow muddiness began after rain in mid-May and continued for more than three weeks — an unprecedented time. Old hands in the region said that the turbidity in the Merri Creek was much worse than anything they had seen in their decades of creek watching. What caused the massive pollution event? Was it natural or the result of disturbance from urban development activity?

The pale yellow colour of the Merri Creek is the key clue that the committee followed in its investigation. The colour is far from normal for the Merri. Most of the Merri catchment drains dark basalt-derived clay soils which give the creek its usual dark colour, but some of the Merri's upper tributaries drain areas with a very different geochemistry — the highly weathered subsoils are very erodible and pale in colour.

Kalkallo Creek near Donnybrook was a prime suspect. Information from others and a quick visit by the Merri Creek management committee confirmed this creek was thick with pale yellow sediment. Nearby, also in Donnybrook, Merri Creek carried far less sediment. Kalkallo Creek is notorious for its erosion gullies, metres deep, in its headwaters near Old Sydney Road. Less well known are the highly erodible sodic subsoils in the flatter parts of the catchment. The management committee has seen these subsoils rapidly lose their structural integrity when wetted. Worryingly, these soils appear to

extensively underlie new residential and employment areas being developed west of the Hume Highway.

The committee made two site visits in May and identified major problems. Exposed subsoil in a constructed waterway near Donnybrook Road was fast eroding and the structure of the waterway was failing; a sediment basin was full of sediment-laden water, but much of the sediment was not settling to the bottom of the basin, instead flowing downstream; and the construction of a temporary drain on the north side of Donnybrook Road has led to the exposure of yellow subsoil and significant erosion, which needs to be brought under control. They detail a range of issues in relation to that, but mostly they are in relation to essentially a lack of planning controls around this that could have prevented these issues from being problems in the first place.

The action I seek is that the Minister for Water urgently investigate this issue and ensure corrective action is taken to bring this important urban waterway back to better health.

High Street, Reservoir, level crossing

Mr ONDARCHIE (Northern Metropolitan) (18:41) — My adjournment matter tonight is for the Minister for Public Transport in the other place, and it concerns the Level Crossing Removal Authority and the High Street, Reservoir, level crossing. In 2014 the local member, Robin Scott, said by way of many signs around the area that only Labor will remove the Reservoir crossing. Over two years ago, in January 2016, the government announced that they will remove the Reservoir and Preston crossings. Rightly so, they expressed that these two crossings were two of the most dangerous and congested crossings in Melbourne's north and said that contracts and work would begin in 2018.

What we have come to learn of this Labor government is that they love glossy announcements but they are very slow to deliver. According to the Level Crossing Removal Authority website, both projects are still in the planning phase. After two years, no decision has been made on the final design. According to the website, option 1 is to build a rail bridge over High Street, which would be around 9 metres high at its highest point and 1 kilometre long, with a new island platform above ground; and option 2 is to lower the train line into a 1.3-kilometre-long open

trench under High Street with the new station platforms below ground level.

We have experienced the ugliness of sky rail in the northern suburbs already. Further north, people are frustrated with sky rail; they are angry. They are angry about the fact that sky rail has occurred up there when they were never promised that that was going to happen. It was always going to be at grade or below grade. They have got these monumental bridges coming over their houses, and they are being kept awake at night.

The action I seek from the minister is to rule out sky rail for this section of line in Reservoir before the upcoming election and end the delays for this project.

Family violence

Ms PATTEN (Northern Metropolitan) (18:42) — My adjournment matter is for the Attorney-General. The action I seek relates to the unintended gendered impacts of the government's proposed mandatory sentencing reforms, and I note that they are yet to come before this house.

I have received representations from Fitzroy Legal Service, the Centre for Excellence in Child and Family Welfare and other peak bodies, whose concerns I share. They stress that the risk of a mandatory jail term for injuring a police officer may in fact have the unintended consequence of deterring victims of family violence from calling police for help in the first place, heightening their risk of harm and forcing family violence further underground. They provided two examples to me: families caring for loved ones with mental illness or drug problems choosing to manage those dangerous emergencies alone; and victims of family violence choosing not to call the police for fear of retribution from their partner should that call lead to their partner being locked up.

Given an injury under this proposed legislation means temporary mental harm, a significant pain or an injury that is more than superficial or trivial, it could occur incidentally in the course of an arrest, particularly where the family member is affected by mental illness, alcohol or drugs. The consequence is that someone who desperately needs police assistance may simply not call them because they are conflicted in their desire to protect their loved one. Certainly I heard comments made that it would just take this happening once — for example, in somewhere like

the Fitzroy flats — and one person being locked up and everyone in that whole community would be reluctant to call the police.

Accordingly the action I am seeking is that the Attorney-General, in recognising these potential effects, causes them to be monitored in a detailed and comprehensive way as part of the reforms that probably will go through this house shortly, with a mechanism to review the legislation should we see a flattening in family violence reporting or an increase in serious family violence incidents.

Mair Street, Ballarat

Mr MORRIS (Western Victoria) (18:45) — My adjournment matter is for the attention of the Minister for Roads and Road Safety and it relates to the redevelopment of Mair Street and more broadly Sturt Street as well, in Ballarat.

I am in receipt of an email from someone I believe is an employee of VicRoads. It reads:

Hi all,

Just wanted to drop a ... line in regards to the comments made in the *Courier* today about parking in the CBD (referring to Sturt Street but it's all the one CBD of course).

Those assertions do not reflect our position on the matter as we continue to develop our projects in the CBD.

This VicRoads worker who has written this is actually referring to the Minister for Roads and Road Safety when he says, 'Those assertions do not reflect our position on the matter'. One must ask: who is actually running VicRoads? Is it the minister or is it Mr Matt Hustwaite, who sent this email saying that the views of the minister do not reflect the position of VicRoads?

The position put by the minister in the quote from the *Courier* referred to in this email was:

The problem at the moment is that there's lots of car parking — I'll go there today and park in the main street — but that's disturbing in itself because it means there's not enough people coming in and using the area.

Let's be blunt, there are far too many car parks in the CBD vacant, and that is a serious issue.

The idea that you would have a CBD with car parks everywhere indicates we're not getting enough passing pedestrian trade.

That particular quote does not reflect the view of the vast, vast majority of people in Ballarat who understand that there is actually a significant problem with the lack of parking within our CBD. The Minister for Roads and Road Safety is completely detached from reality and from the general view of the Ballarat community — that is, that we have a significant issue with car parking in Ballarat. Indeed this is a view that the Ballarat council has been grappling with for a while. The fact that the minister for roads has decided to come to Ballarat and dictate to our community and say that we have an appropriate level of car parking is just absolutely absurd, and it is something that our community wants nothing to do with.

However, more specifically I wanted to go to the issue of the Mair Street redevelopment, where the government has proposed slashing something in the order of 200 car parks from Mair Street. The issue is that the traders in Mair Street have been seeking the plans for the redevelopment from VicRoads, but VicRoads have refused to give these plans to the traders so they can appropriately assess what impact it is going to have.

The action I seek is for the minister to immediately release the government's plans for Mair Street so that the community can have certainty, and in particular the traders, about what impact this will have on their businesses.

Tibetan community

Ms TRUONG (Western Metropolitan) (18:48) — My adjournment matter is for the Premier, Daniel Andrews. The current environmental threats facing Tibet are a powerful reminder of our interconnectedness as a species and a biosphere. The Tibetan Plateau is known as the Earth's third pole because of its strategic importance as the largest repository of fresh water outside the North and South poles. It is the source of the Earth's eight largest river systems, and it sustains more than 1.4 billion people.

Tibet is also a climate change epicentre. It is warming at nearly three times the rate of the rest of the Earth, with the glaciers in the Himalayas disappearing at a rate of 7 per cent a year. These events are made worse by rapid urbanisation, deforestation, desertification, natural resource extraction and the introduction of mass hydroelectric projects. This has occurred as China has become increasingly hostile to the Dalai

Lama's widely supported calls, since 2008, for Tibetan autonomy, not separation.

I was fortunate to attend a Refugee Week panel in Footscray in late June, where I learned that 153 Tibetans, mainly Buddhist priests, have self-immolated since February 2009. The local Victorian Tibetan community held strong and talked about the 153 activists literally destroyed over the plight of the Tibetan people and the destruction of their country. Such direct action lends consideration to the degree to which their human freedoms are under threat.

In representing a multicultural community that holds human rights as both fundamental and pre-eminent, it is important for the Victorian Parliament to support our communities and advocate for human rights around the world. Today I call on the Premier to publicly support the human rights of the Tibetan people and the Dalai Lama's position on Tibetan autonomy; to endorse independent media, non-government organisations and the United Nations having unfettered access to all Tibetan areas; and to publicly support the Victorian Tibetan community's advocacy for a meaningful dialogue between the Dalai Lama and the Chinese leadership towards a peaceful resolution.

The PRESIDENT — Ms Truong, I have got to rule that out because it is a national issue. It is not one that you can actually invite the Premier to take a position on. In fact it is beyond his jurisdiction and the jurisdiction of the state government to actually be involved in those sorts of matters. I guess the value for you is that you have got it on the record on this occasion and you have learned a lesson, but it does not stand as an adjournment item.

Community safety

Mr FINN (Western Metropolitan) (18:50) — I wish to raise a matter this evening for the Premier. It concerns his comments once again of recent times that there are no gangs in Melbourne and that we do not have a gang problem. I wish to refer him to the Facebook contribution of a resident of Point Cook on Sunday of last week. The resident said:

Please take caution when walking around P/Cook community at night, my son last night was bashed unconscious by group of 8 Sudanese whilst on his way home. Phone stolen, keys etc., when he came to his senses from being KO'd they asked him to reset his

phone and for iCloud info, when he couldn't remember they KO'd him again. Started with 2 jumping him then 6 more came from behind bushes and one had a knife and my son had some minor cuts as he tried to resist. Police have all info albeit it limited, but this post is for all to PLEASE take extra care, the assault occurred around SL shopping area not far from McDonald's.

This is not an isolated incident. I have over the last two years on numerous occasions been notified of incidents in which people have been assaulted, attacked, bashed and robbed in the western suburbs of Melbourne by gangs. For the Premier to say that there are no gangs, I have to say, leaves me almost speechless. Certainly the people of the west know that that is not true, and the more he denies the reality of it the more they regard him with a fair degree of disdain.

What I am asking the Premier to do is to join me in the western suburbs. I will be very happy to take him to meet the victims of gang violence so that he can be aware of the impact of this very severe problem. I know it is not just in the western suburbs; it is in quite a few areas in Melbourne, but I am just concentrating here on the west. I would be very happy to take the Premier around to meet a number of people who have been victims of gang violence in Truganina, Tarneit, Point Cook and Werribee. These are areas where gang violence is rife. I think it is very, very important that the Premier as the leader of this state is aware of what is going on in the state that he leads. I ask the Premier to join me, and I will, as a very great pleasure, introduce him to a number of victims of the gang violence of which I speak.

Sports funding

Ms BATH (Eastern Victoria) (18:54) — My adjournment debate matter this evening is for the Minister for Sport in the other place. It beggars belief that Daniel Andrews is prepared to give \$225 million for a free kick to rebuild Etihad Stadium, when many local sporting clubs, particularly in rural and regional Victoria and in my electorate of Eastern Victoria Region, are struggling for basic facilities. While the AFL gets a free multimillion-dollar kick, the Andrews government is introducing loan facilities where grassroots players and clubs have to come cap in hand to ask for a loan to rebuild their basic facilities, and then they have to pay it back with interest.

The irony is not lost on many families across Gippsland. Let us look at one example of a great

club that desperately needs an upgrade to its clubrooms and could do with an absolute grant rather than a loan and an interest-free payment. The Churchill Rams soccer club has shovel-ready plans. Their old facilities were built before the Boer War — they are antiquated. They are no longer fit for purpose in any way. They have a great club with many juniors coming on. They are rebuilding their women's team, but it is incredibly difficult to encourage women to come and play and then stay afterwards when the shower facilities are so substandard.

The cost of the build is \$500 000 — that is the minimum cost for one of the loans. Now, if they were to pay back the loan at the current rate over a 15-year period, the cost each month would be close to — just under — \$3500 per month. To repay that is out of the reach of most families and many small businesses, let alone a not-for-profit club of mums and dads. The scheme says that it will pay half the interest rate, but also interest rates are subject to fluctuating markets and therefore in this current climate are apt to rise in the future.

There are other clubs around — I could list a whole range — from the netball clubs in Leongatha to Yallourn-Yallourn North Football Netball Club and the recreational reserves in Lucknow and Boisdale up in East Gippsland. We have great kids, and they need to be encouraged to play a variety of sports, particularly our girls, and have positive life experiences through great clubs. My action for the minister is to replace this loan scheme with a grants scheme instead that the Churchill Rams and a whole range of other clubs can use to receive the funds they need to upgrade and renew their facilities.

Munro Street, Hawthorn East, public housing

Ms CROZIER (Southern Metropolitan) (18:56) — My adjournment matter this evening is for the attention of the Minister for Housing, Disability and Ageing, Martin Foley, in the other place, and it relates to a public housing block which is located in Munro Street in East Hawthorn. My office has been contacted by a number of people, and in particular two of the tenants have contacted me recently on separate occasions, regarding the disturbing behaviours of some of the tenants in this block and the Box Hill housing office's inability to deal with the serious matters that have been raised.

The block was originally occupied, according to the two residents that phoned me, by quiet elderly residents who kept to themselves. In more recent years I am told there has been an influx of tenants who display both mental health and drug and alcohol issues, leading to antisocial and illegal activities. One of the tenants told my office that they had been forced to relocate temporarily due to the drug fumes invading her unit, with police being required to regularly attend the block.

This is not the only public housing facility where residents fear for their safety due to the illegal activity and antisocial behaviour of some of the other tenants, and indeed I acknowledge some others who come into these public housing facilities. I have raised in this place previously the ineptitude of the Andrews government in dealing with the serious crimes that are occurring within public housing. Just like other Victorians, public housing tenants deserve to be safe in their homes. But, as we all know, crime is gripping the state, with Daniel Andrews in denial about the crime crisis in Victoria.

Mr Finn — He can deny it as much as he likes.

Ms CROZIER — Yes, Mr Finn, he can deny it as much as he likes, but these people, like many, many other Victorians, know what is going on around their streets and their communities.

But let me get back to this main issue. At this particular site there have been claims of bullying, abuse and threats by tenants, which have been relayed to the Box Hill housing office, which, it is claimed, has failed to deal with these matters. These are in addition to those other antisocial and crime-related issues that the police have to deal with on a regular basis. The action I seek from the minister is that he investigate these issues at this particular public housing site and provide an assurance that the Box Hill housing office will address the behavioural concerns raised by these very concerned tenants.

Mac.Robertson Girls High School

Ms FITZHERBERT (Southern Metropolitan) (18:59) — My matter is for the Minister for Education in the other place, and it is in relation to Mac.Robertson Girls High School. I note with interest the announcement that was made by the minister back on 11 March in relation to fixing the imbalance between the number of boys and girls in select entry schools and also the issues that

Mac.Rob has with capacity, which they have been arguing for some time. Last year almost 56 per cent of the 4000 select entry places in Victoria went to boys, and these places were across four schools. It is clear that Melbourne High, which caters for boys, has capacity for around 400 more students than Mac.Rob, and Mac.Rob has been very interested for some time in expanding its capacity so that it can provide extra spaces for girls and young women.

I note that the announcement made by the government said that options will be looked at to expand Mac.Rob, including 'increasing capacity on the current site and leasing or buying a new site', but that the review will not look at expanding the current site adjacent to the school in Albert Reserve 'to ensure the surrounding parkland is not affected'. I must say I do not understand why a distinction is being made on this front in relation to Mac.Rob, because the government has been quite comfortable in building a brand-new school within Albert Reserve and indeed finding new facilities for Parks Victoria. Parkland is being used for those two projects but not in relation to Mac.Rob, which for some reason, despite the fact that it has been there for decades, is put in a special category. Indeed one of Mac.Rob's issues is the amount of land that they have. While I am told Melbourne High has 7 hectares for 1375 students, Mac.Rob has 0.57 hectares and has 943 young women, so there is a huge difference there.

I note that some \$500 000 worth of funding was announced in order to review how select entry provision for girls is affected and also to look at options for creating more capacity for Mac.Rob. What I would like, by way of action, is an update on progress to date on these actions that were announced on 11 March, and in particular I would be very interested to hear from the minister, as part of that update, an account of what the Victorian School Building Authority has been doing in partnership with Mac.Rob to progress the objectives that were announced on 11 March.

Glen Eira planning scheme

Mr DAVIS (Southern Metropolitan) (19:02) — My matter for the adjournment tonight is for the attention of the Minister for Planning in the other place, and it concerns the planning scheme in Glen Eira. Glen Eira is an area that needs significant protection. I note that it is an area where in 2013–14 Matthew Guy as planning minister provided significant protection through

neighbourhood residential zone layers to prevent the intense development of many areas of the municipality. Under this government those neighbourhood zones have been trashed, have been weakened significantly, removing the two-dwelling cap and allowing a cap of nothing. There is no cap: you can have as many dwellings as you wish on a property. Indeed the general residential zone issues are also significant, with an increase in height and, as of right, three storeys in many locations.

Parallel with that there has been a battle by many in the City of Glen Eira to protect Elsternwick, Bentleigh and Carnegie. The minister put temporary height restrictions in Bentleigh and Carnegie a year or so ago, but the issue remains: what will occur now? We know that the council has asked the minister, through section 20(4) of the Planning and Environment Act 1987, for its draft structure plans for Elsternwick, Bentleigh and Carnegie to be approved. Residents believe there has been insufficient justification for some of the proposed heights. For example, in Elsternwick 12 storeys is significant and is likely to change the area of Elsternwick that has that proposed height very significantly so that it would be unrecognisable from its current shape. What would justify an increase of five storeys in Carnegie and some of those other areas of Glen Eira?

I say that there needs to be a change of government and there actually need to be protections in Glen Eira that protect open space and indeed protect the quality of life, the livability of Glen Eira, which has one of the lowest amounts of open space of any municipality. The council has done significant strategic work, but I ask the minister to come forward with clear policies. I do not necessarily endorse the structure plans put forward by the City of Glen Eira. I ask him, though, in the coming months before the state election to come forward with structure plans and arrangements that provide sufficient protection. That does not mean five storeys as of right in Carnegie and Bentleigh, and it does not mean 12 storeys in Elsternwick. So I ask him to act and come forward with those structure plans before the election.

Responses

Mr DALIDAKIS (Minister for Trade and Investment) (19:05) — We have had adjournments this evening from Ms Lovell to the Minister for Aboriginal Affairs regarding the Bangerang Cultural Centre; from Ms Dunn to the Minister for

Water regarding urgently investigating the issue and remediation of Merri Creek; from Mr Ondarchie to the Minister for Public Transport concerning the Reservoir rail crossing; from Ms Patten to the Attorney-General asking him to monitor the effects of legislation on family violence reporting; from Mr Morris to the Minister for Roads and Road Safety in relation to releasing the Sturt and Mair streets redevelopment plans; from Ms Truong, which you ruled out of order; and from Mr Finn.

President, I seek your guidance in relation to Mr Finn's matter. At the beginning of Mr Finn's adjournment matter he asked for the Premier to acknowledge that there are gangs, and at the end he added a secondary adjournment issue. My understanding is that we only provide for one adjournment issue to be raised, so I just seek guidance.

The PRESIDENT — Mr Dalidakis, I did listen to the adjournment matter, and it is my view that the action sought is to have the Premier visit the area with Mr Finn and meet with some of the people who have been affected. The opening gambit of his matter where he said he wished the Premier to give an acknowledgement first of all was not requesting an action, so it would not really have been an adjournment item if it was an action. But it was really to suggest that the Premier had not understood the issue, and the action sought was to bring the Premier to meet with people.

Mr DALIDAKIS — Thank you, President. I think you are far more generous than that deserved, but nevertheless, can I —

Honourable members interjecting.

Mr DALIDAKIS — Well, you know, as the minister on duty I can provide any commentary I want, so let me say that the adjournment provided by the member, President, was really an outrageous abuse once again of this Parliament. To attack an ethnic group and to be racist and call them Sudanese instead of where they are actually from —

Mr Ondarchie — On a point of order, President, following the adjournment matters it is the role of the minister to either pass on the adjournment matters or discharge them. The minister is now debating a point that was made during the adjournment matter, and I ask you to

bring him back to either discharging the matter or passing it on to the relevant minister.

Mr DALIDAKIS — Thank you to the pious and principled Mr Ondarchie. Can I say, without any shadow of a doubt, that this government sympathises with any victim of crime —

The PRESIDENT — I have not ruled on the point of order, and you have just continued.

Mr Ondarchie, I understand the point that you are making. The minister is able, actually, in his response to make the comments that he sees fit. As long as they remain apposite to the item that has been raised, then I do not have a problem with the minister making those comments.

I do point out, though, that the action Mr Finn sought was to get the Premier to visit the area with him. I do not know that it is the prerogative of another minister to actually deal with that on this evening and to dismiss it as an action or to discharge it as a matter on this occasion, because I would have thought that the invitation was to the Premier and that that ought to stand as far as this adjournment item.

Mr Finn — On a point of order, President, prior to Mr Ondarchie's point of order the minister made comments that more than suggested — in fact he said it straight out — that I had made racist comments. I find that deeply offensive, and I ask him to withdraw.

The PRESIDENT — I unfortunately did not hear Mr Dalidakis. Mr Dalidakis, did you make an interjection along those lines?

Mr DALIDAKIS — President, it was not an interjection. The member called these people Sudanese, and in reference to that I said that that was indeed a racist comment, to be able to determine their heritage as Sudanese without having any understanding of indeed who the perpetrators were.

The PRESIDENT — I do get concerned about this on a broader scale in terms of some of the reportage of matters where it is claimed that certain comments are racist when in fact they —

Mr DALIDAKIS — Are just ill informed.

The PRESIDENT — If they are a matter of fact, then they are not racist in terms of a description of an individual or a group. In this

context I share your view that I am not sure Mr Finn is in a position to actually determine the race of all of the people or the background of all of the people who were involved in, particularly, the vicious attack that he detailed to the Parliament, but it is not racist as such. I would certainly hope that there was some foundation rather than a judgement by the informant to Mr Finn based on appearance. I would hope that there was something more substantive to it than that, and I have to accept on face value that Mr Finn has established that. In terms of the way in which he has put the matter to the house tonight, I certainly do not think that he was being racist if he has established that fact.

Mr DALIDAKIS — President, I will withdraw. Allow me to say that it is most regrettable that a group in our community have been identified without any evidence to suggest where they have come from. Let me make that point, of course.

Can I say that on one previous occasion in the almost three years that I have been a minister I have discharged one of Mr Finn's other requests to walk through a local community with the local member. That was, I believe, with Mr Wade Noonan at that time on a different matter in relation to level crossing works being done. Can I discharge this by saying the Premier has no desire to go anywhere with Mr Finn. We as a government absolutely sympathise with any victim of crime anywhere in Victoria, regardless of what that crime is, we have a range of support services for victims of crime and we will discharge the adjournment on that matter.

We also have an adjournment matter from Ms Bath to the Minister for Sport in relation to a request that the government replace the loan scheme with a grant scheme. Let me discharge this one as well because the loan scheme, Ms Bath, actually sits on top of the community sports grant funding, so it is not an either/or option. We have both applications of funding for sporting clubs throughout Victoria.

There was an adjournment matter from Ms Crozier to the Minister for Housing, Disability and Ageing in relation to the Box Hill tenants' issue; from Ms Fitzherbert to the Minister for Education in relation to an update on progress of the Mac.Robertson Girls High School announcement — personally it might be nice to also acknowledge both my mother and my sister

were students of Mac.Rob, so it is an important adjournment item to pass through; and from Mr Davis to the Minister for Planning in relation to structural zoning policies. This will be passed through, but can I just add that Mr Davis did make mention of a certain height limit for buildings in Elsternwick, but under the previous government there was construction of an 11-floor building on Glen Huntly Road near Glenhuntly train station.

Further to that, we have written responses to 58 adjournment debate matters which we have for your perusal.

Mr Finn — On a point of order, President, my view is very strongly that the minister is in no position to discharge the adjournment matter that I have raised unless he is displaying extraordinary abilities of clairvoyance or something. It may well be that the Premier does have no desire to go anywhere with me; I do not know. I have only asked him to come with me to meet some victims of gang crime, but I think it is a bit rich for the minister to try and second-guess what the Premier may do in this particular instance. I ask you to direct the minister to actually pass this request on to the Premier so that he can respond to it himself.

Mr Dalidakis interjected.

The PRESIDENT — I actually disagree. I can, and in fact I will. On this basis, as I indicated in my remarks earlier — and I do appreciate your making a withdrawal, which I actually had not asked you to do, but I do appreciate that — this is a sensitive matter and I share your concern about the branding of people within the community, no matter what background they have. Whether it is faith based or race based or whatever, it is alarming to have people targeted in commentary if in fact it is not with foundation. So I share your concern about that, and I think that we have all got to work a lot harder in some of these areas.

But as I said in those remarks, it is my view that this matter cannot really be discharged by a minister in this place because it was a direct invitation to the Premier, and I believe that it is his prerogative to actually deal with that and quite possibly to indicate that he does not wish to meet with these people in the company of Mr Finn. But I believe it is the Premier's right to establish that, rather than the minister's.

I do not recall the Wade Noonan precedent that you have indicated tonight occurred. It is possible

it was on an evening that I was not in the chair, because I believe that I would have had a consistent position at that time as well that where there is a direct invitation to somebody to attend or to visit, and there have been many examples of that in the house, in fact it is the prerogative of that person to discharge the matter rather than the minister at the table on the evening. But I thank all members for that.

Ms Bath — On a point of order, President, along the same lines, the minister has discharged my matter in relation to a loan scheme, and I was not asking for an either/or; I was asking Minister Eren to take that money and put it into small grassroots club grants in addition to — separate from — that scheme. So the minister is going into territory where he really does not have jurisdiction, because he has not got the sports portfolio.

The PRESIDENT — On that one, I will have a look at *Hansard* in respect of the request and Mr Dalidakis's response this evening.

Mr DALIDAKIS — Can I just clarify that in fact in discharging that I pointed out that there is already an existing community facilities support program and that project funding is separate from the loan scheme, so there is no need to create more funding, because we already have an existing funding program.

The PRESIDENT — I will look at the matter and if necessary make comment back to the house tomorrow. The Clerk advises me that perhaps what I should clarify, and this is certainly my position, is that I am not seeking to prevent ministers from discharging matters in the adjournment debate. Ministers are entitled to discharge matters if they have knowledge of those matters. Whilst they might not be the minister responsible, if they have knowledge of those matters, then it is fair enough for them to discharge the matters. So I am not overturning that position that we have had as a convention of the house, and indeed I believe that that is also covered by our standing orders over an extended period. So the practice of the house stands.

I have simply made the decision in respect of Mr Finn's item tonight as specific because of the way in which it was raised and the nature of that matter, and that is the basis of that decision this evening. But, as I said, I uphold the right of ministers to discharge matters as part of the

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adjournment debate where they have knowledge and can in an informative way respond appositely to matters that have been raised. Ms Bath's I will have a look at overnight.

The house stands adjourned.

House adjourned 7.19 p.m.

