

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 27 March 2018**

**(Extract from book 4)**

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## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

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Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
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Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
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Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

### Legislative Council committees

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

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

### Legislative Council standing committees

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

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

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

# participating members

### Legislative Council select committees

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

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

### Joint committees

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

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

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

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

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

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

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

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

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

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

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

### Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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**Deputy President:**

Mr K. EIDEH

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The Hon. G. K. RICH-PHILLIPS

**Leader of The Nationals:**

Mr L. B. O'SULLIVAN

**Leader of the Greens:**

Dr S. RATNAM

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

<sup>1</sup> Resigned 28 September 2017

<sup>2</sup> Appointed 15 April 2015

<sup>3</sup> DLP until 26 June 2017

<sup>4</sup> Resigned 27 May 2016

<sup>5</sup> Appointed 7 June 2017

<sup>6</sup> Resigned 6 April 2017

<sup>7</sup> Resigned 9 February 2018

<sup>8</sup> Resigned 25 February 2015

<sup>9</sup> Appointed 12 October 2016

<sup>10</sup> ASP until 16 January 2018

<sup>11</sup> Appointed 18 October 2017

<sup>12</sup> 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, 27 March 2018**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.05 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 people in Victoria. I acknowledge and pay respect 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.

### **ROYAL ASSENT**

**Message read advising royal assent on 14 March to:**

Gambling Legislation Amendment Act 2018

Racing Amendment (Modernisation) Act 2018.

### **CHILDREN LEGISLATION AMENDMENT (INFORMATION SHARING) BILL 2017**

#### *Clerk's amendments*

**The PRESIDENT (12:07)** — I have a notice following a letter to me from the Acting Clerk of the Parliaments and it is in respect of the Children Legislation Amendment (Information Sharing) Bill 2017. The Acting Clerk of the Parliaments, Mr Young, wrote to me and said:

Under standing order 14.33, I have made corrections in the schedule of amendments made by this house to the Children Legislation Amendment (Information Sharing) Bill 2017, listed as follows:

In amendment 3 of the schedule to the bill, in the new section 144SE, I have changed subsection (2)(c) to (2)(b).

In amendment 3 of the schedule to the bill, in the new section 144SG, I have inserted a close bracket, changing (d to (d).

In amendment 3 of the schedule to the bill, in the new part 5, I have changed division 3 to division 2 and division 4 to division 3.

Those amendments have been conveyed to the Legislative Assembly, which is considering this house's amendments.

### **PETITIONS**

**Following petitions presented to house:**

#### **Latrobe Special Developmental School**

To the Legislative Council of Victoria:

The petition of residents of Victoria draws to the attention of the house the substandard state of buildings that comprise the Latrobe Special Developmental School and requests that the Legislative Council of Victoria calls on the state government to provide modern, fit-for-purpose facilities, to deliver quality education for students with special needs, within the 2018–19 budget.

**By Ms BATH (Eastern Victoria) (2723 signatures).**

**Laid on table.**

#### **Belgrave railway station car parking**

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 inaction of Daniel Andrews and James Merlino to improve car parking in and around the Belgrave railway station and retail precinct, which is impacting commuters, traders and tourists alike.

The petitioners respectively request that the Legislative Council calls on the Andrews Labor government to improve parking in Belgrave, to support the local community and traders and encourage tourists to visit the area.

**By Mr O'DONOHUE (Eastern Victoria) (204 signatures).**

**Laid on table.**

### **CRIMES AMENDMENT (UNLICENSED DRIVERS) BILL 2018**

#### *Introduction and first reading*

**Dr CARLING-JENKINS (Western Metropolitan) (12:10)** — I move:

To introduce a bill for an act to amend the Crimes Act 1958 to create an offence relating to driving causing death or serious injury, in circumstances where the driver is unlicensed, and for other purposes.

**Motion agreed to.**

**Read first time.**

## ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

### Sustainability and operational challenges of Victoria's rural and regional councils

**Mr RAMSAY (Western Victoria) presented report, including appendices together with transcripts of evidence.**

**Laid on table.**

**Ordered that report be published.**

**Mr RAMSAY (Western Victoria) (12:11) — I move:**

That the Council take note of the report.

In doing so, I would firstly like to acknowledge the Environment, Natural Resources and Regional Development Committee and thank all members for their input. Some committee members are present and some have resigned from the committee, but I do note the chair, Mr Josh Bull in the Assembly; Ms Bronwyn Halfpenny, the member for Thomastown in the other place; Mr Luke O'Sullivan; Mr Tim Richardson, the member for Mordialloc in the other place; Mr Richard Riordan, the member for Polwarth in the other place; and Mr Daniel Young, who all made valuable contributions to this report.

I also note former committee members Mr Brad Battin, the member for Gembrook in the other place; Mr Tim McCurdy, the member for Ovens Valley in the other place; Mr Bill Tilley, the member for Benambra in the other place; and Ms Vicki Ward in the other place as contributors to this inquiry. I would also like to acknowledge the secretariat, who had the important role of putting together the report from numerous public hearings and submissions throughout the course of this inquiry: I would like to thank Dr Christopher Gribbin, the executive officer; Ms Annemarie Burt, research officer; Ms Sarah Catherall, administrative officer; and Mr Kieran Crowe, administrative officer.

Can I say that this is an important inquiry because, as we know, there have been many reports, both in this Parliament and in the federal Parliament, that have tried to find ways to fairly and equitably fund local government. This inquiry particularly focused on the 48 rural and regional councils, which we know have come under significant financial pressure due to cost shifting for services that are required by those regional and rural local governments. They have limited means to raise finance. They invariably rely on both federal

grants and state grants and obviously rates paid by ratepayers in those different municipalities. They have little opportunity to source additional income, particularly like our metro cousins in local government do, who can use car parks and other tools to raise finance.

Also, we noted local councils have considerable assets that require significant maintenance. I am talking particularly about roads and bridges. Throughout the public hearing process and in the submissions it was noted that the regional councils all expressed disappointment that the previous government's \$160 million country roads and bridges program was taken away from them. That program gave them opportunities to be able to invest in and maintain their significant road assets. But there is no doubt that the costs of the additional services and the new responsibilities that are being imposed on local government are having a significant impact on the financial sustainability and viability of local government, so this report cannot, like many other reports, be shelved and allowed to gather dust with no action taken.

There are 14 recommendations here, which we look forward to the government responding to in the required six months from the tabling of the report this day. I will look forward to making sure that the recommendations that the committee has made in this report, which are around trying to provide mechanisms that will give longer term sustainability and viability to local councils, are actioned. This is not a talkfest for local government funding; this is a report that gives a clear indication to the government of what it must do to give confidence to those rural and regional local governments which are expected, day by day, to incur additional costs for additional services in respect to delivery that meets community expectations.

As we know, the government has imposed a rate cap on all councils, and this has had a significant impact on our rural and regional municipalities. The government has the opportunity in responding to the recommendations in the report to ensure that we have a viable and sustainable local government sector over the next number of decades but also to identify those services that can be done by the state government itself rather than imposing the costs and resources required on local government.

I commend this report, and I encourage the government to respond to its recommendations, which deal with the long-term sustainability and viability of rural and regional councils — 48 of them in the state of Victoria.

**Mr O'SULLIVAN** (Northern Victoria) (12:16) — I endorse the comments made by Mr Ramsay in relation to rural and regional councils and some of the challenges that they face. As a member of this committee, which held many hearings right around regional Victoria in relation to the sustainability of local councils and the challenges that they have, we heard many stories of disadvantage, and it was very obvious that there is real inequity in terms of what some of the more remote areas of regional Victoria have to deal with from a council point of view compared to their metropolitan counterparts.

We talked to some of the very small councils, some which have only a few thousand people living within their communities. If you look at a council like the Buloke Shire Council — most people would not know where that is — up around the north-west part of the state, in my electorate, there are some 5500 kilometres of roads that this little council has to try and maintain. That, in one small municipality, is enough road to go from Melbourne to Darwin. The challenges that they have got in terms of providing services to a socio-economically disadvantaged community are excruciating when it comes around to budget time. One farmer I have been speaking to in the Hopetoun area pays \$50 000 in rates, and for that \$50 000 he does not even get his rubbish collected. He gets his gravel road graded once a year for the cost of \$50 000 that he has to pay.

Some of the other challenges that we heard about were that if you have got a house in the eastern suburbs of Melbourne, it might be worth \$2 million. The rates that you pay for a \$2 million house there are somewhere about \$1500 or \$1600. You can compare that to some of the smaller communities. People there who have a house valued at \$200 000 are paying \$3000 in rates. It is very, very inequitable in terms of the value of their properties and the amount of rates that they pay. That is something that is really a challenge for those communities, and they do not have the capacity to pay the enormous amount of rates that they incur when the rates notices come through.

**Motion agreed to.**

## LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE

### Drug law reform

**Ms PATTEN** (Northern Metropolitan) presented report, including appendices, extracts of proceedings and minority report, together with summary report and transcripts of evidence.

**Laid on table.**

**Ordered that report be published.**

**Ms PATTEN** (Northern Metropolitan) (12:18) — I move:

That the Council take note of the report.

In doing so I would like to recognise that this is a very significant report in weight but also in the thoughtfulness and the work that was done here. I do attest that this is probably one of the most comprehensive parliamentary reports ever undertaken into drug policy and drug legislation in Victoria, possibly in the nation — nearly 600 pages, 49 recommendations and, for the benefit of many, an abbreviated summary book of just 50 pages.

I am very pleased with the depth and the breadth of the analysis that was undertaken by this committee, and obviously this would not have been possible without the extraordinary staff, their dedication and their eye for detail. Their research skills are really to be commended. I thank the executive officer, Yuki Simmonds; researchers Raylene D'Cruz and Peter Johnston; and the administrative officer, Christianne Andonovski.

The key objective of this committee was to investigate the effectiveness of drug control laws and procedures in minimising drug-related harms and to identify approaches to drug law reform that could be adopted into Victorian law — and I do not think any of us would disagree with that. We hear constantly that we cannot arrest our way out of the drug issues, yet in my opinion we continue to try. It is time for a real paradigm shift, and I think this report provides a great pathway for that. It reflects the evidence that we received from the many peak organisations and the views of the experts and families who gave evidence to our committee. The committee received 230 submissions, had nine days of public hearings and many site visits as well as the opportunity to travel overseas to see how other jurisdictions were adopting new approaches to drug policy and dealing with the harms of drug use. We travelled to Geneva, Lisbon, London, Vancouver, Denver, Sacramento and Wellington.

This week we will hear much negative coverage about politicians, and no doubt there will be much bloodletting in this place, but for me this report exemplifies what we are here for. While I would have liked this report to have gone a bit further and have been bolder, the committee worked collaboratively, and I thank Mr Gepp and Mr Eideh in this house and Mr Howard, Mr Thompson, Mr Dixon, Ms Suleyman and Mr Tilley in the Assembly for their thoughtfulness

and true collaboration in delivering what I consider to be a useful report. The overseas travel was unique because the police came with us, so we had this great opportunity to meet with law enforcement around the world to discuss approaches around better law enforcement and better drug policy, and that is reflected in this report.

In the minute or so that I have got left I would like to mention that there are 49 recommendations here, and I think they are a root-and-branch, systematic approach to how we can improve the lives of Victorians and how we can change the approach that we take to drugs, which is not working. We are arresting more and more people. More and more people are dying due to drug overdoses, so we need to change and we need to shift our focus.

One of the main recommendations — and I think it is a really fulsome recommendation — is to add to the three pillars that we have always operated under. To those pillars of harm minimisation, supply reduction, demand reduction and harm reduction, this report recommends that we take on a fourth pillar of treatment — that we separate treatment. I do not think anyone in our community would deny the need for us as a government and as a Parliament to focus on that. We also want to see codification of diversion; some kids get arrested and charged with a small possession while other kids do not. Let us not forget that it is young people who are being arrested under our current drug laws; it is not you or me. This is a war on our children.

I thank all those involved in this report, and I hope that we will get a bipartisan approach to taking a new and smarter approach to drugs in our society. I commend this report.

**Mr GEPP** (Northern Victoria) (12:24) — I too welcome the opportunity to rise to speak briefly about this report. I will be more expansive in proceedings tomorrow. I am very grateful to the other committee members. This was my first joint committee, and to have such a wideranging, thought-provoking and deep topic to deal with was certainly a challenge.

There was the wonderful support of the committee and the secretariat staff. Indeed the approach that we got from all those who provided submissions to the inquiry certainly came with a high level of passion, but the overwhelming sense that I got from everybody who presented to the committee was that people understand the enormity of the challenge that we face in our society with drugs. It is very serious and it is very complex, and there is no one way, not one silver bullet, that will address all the issues that we see in society today. For

example, on the stigma that is often attached to misuse of drugs, most people put that down to illicit drugs — I forget the statistics off the top of my head — but I think the number of overdose deaths here from misuse of prescription drugs is something like three times the number of deaths from illicit drugs. So there are some challenges there in terms of the community and how we approach this very difficult and very, very serious and complex problem.

Some of the recommendations that Ms Patten talked about I have a stronger commitment to than to others. I am sure that that is true of all the other committee members, but again it reflects the seriousness and complexity of this issue. So thank you to the committee and thank you to the secretariat, and I look forward to expanding on my thoughts later in proceedings.

**Motion agreed to.**

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### *Alert Digest No. 4*

**Mr DALLA-RIVA** (Eastern Metropolitan) presented *Alert Digest No. 4 of 2018, including appendices.*

**Laid on table.**

**Ordered to be published.**

## BUDGET SECTOR

### Midyear financial report 2017–18

**The Clerk**, pursuant to section 27D(6)(c) of the **Financial Management Act 1994**, presented report, incorporating quarterly financial report no. 2.

**Laid on table.**

## OMBUDSMAN

### Investigation of matter referred from Legislative Council on 25 November 2015

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

**Laid on table.**

## PAPERS

## Laid on table by Clerk:

Commissioner for Environmental Sustainability Act 2003 — Strategic audit of the implementations of environmental management systems in Victorian Government 2016–17.

Crown Land (Reserves) Act 1978 — Minister's Order of 10 December 2017 giving approval to the granting of a lease at Glenfern Valley Bushland Reserve.

Duties Act 2000 — Treasurer's report of foreign purchaser additional duty exemptions for 1 July 2017 to 31 December 2017.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3) in relation to Statutory Rule No. 26

Land Tax Act 2005 — Treasurer's report of land tax absentee owner surcharge exemptions for 1 July 2017 to 31 December 2017.

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

Boroondara Planning Scheme — Amendment C279.

Gannawarra Planning Scheme — Amendment C42.

Greater Geelong Planning Scheme — Amendment C365.

Greater Shepparton Planning Scheme — Amendment C199.

Indigo Planning Scheme — Amendment C73.

Knox Planning Scheme — Amendment C161.

Latrobe Planning Scheme — Amendment C102.

Melbourne Planning Scheme — Amendment C330.

Northern Grampians Planning Scheme — Amendment C35.

Stonnington Planning Scheme — Amendment C243.

Surf Coast Planning Scheme — Amendment C96.

Swan Hill Planning Scheme — Amendment C65.

Warmambool Planning Scheme — Amendment C102.

Yarra Planning Scheme — Amendment C242.

Snowy Hydro Corporatisation Act 1997 —

Documents pursuant to section 6A relating to the sale of share in Snowy Hydro Limited —

Share Sale Agreement between the State Electricity Commission of Victoria, the State of Victoria and the Commonwealth of Australia.

Amended and Restated Snowy Regulatory Deed between the Commonwealth of Australia, the State of New South Wales and the State of Victoria.

Share transfer form between the State Electricity Commission of Victoria and the Commonwealth of Australia.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — No. 26.

Conservation, Forests and Lands Act 1987 — No. 25.

Drugs, Poisons and Controlled Substances Act 1981 — No. 31.

Magistrates' Court Act 1989 — Nos. 28 and 29.

Rail Safety (Local Operations) Act 2006 — No. 27.

Victorian Civil and Administrative Tribunal Act 1998 — No. 30.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 18 to 22 and 25 to 30.

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

National Parks Act 1975 — National Parks (Authorization to carry and use firearms or other weapons in the course of hunting deer by stalking in the Avon Wilderness Park, Tara Range Park and specified areas of the Alpine and Baw Baw National Parks) Notice, dated 6 March 2018.

Wildlife Act 1975 — Declaration of certain wildlife as unprotected wildlife on private property under section 7A, dated 27 February 2018.

Victorian Inspectorate —

Report 2017–18, No. 1, pursuant to section 30Q of the Surveillance Devices Act 1999 in relation to agencies authorised to use surveillance devices.

Report 2016–17, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to the Independent Broad-based Anti-corruption Commission.

Report 2016–17, pursuant to section 39 of the Crimes (Controlled Operations) Act 2004 in relation to Victoria Police.

Report 2016–17, pursuant to section 74P of the Wildlife Act 1975 in relation to the Game Management Authority.

Report 2016–17, pursuant to section 74P of the Wildlife Act 1975 in relation to the Department of Environment, Land, Water and Planning.

Report 2016–17, pursuant to section 131T of the Fisheries Act 1995 in relation to the Department of Economic Development, Jobs, Transport and Resources.

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Notice, Gazetted 13 March 2018.

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Health Legislation Amendment (Quality and Safety) Act 2017, sections 6 to 32, 45 to 59, Part 3 and sections 80 to 88 — 1 April 2018 (*Gazette No. S96, 6 March 2018*).

## NOTICES OF MOTION

Notices of motion given.

### BUSINESS OF THE HOUSE

#### General business

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:44) — By leave, I move:

That —

- (1) precedence be given to the following general business on Wednesday, 28 March 2018 —
  - (a) notice of motion given this day by Mr Rich-Phillips in relation to the establishment of a select committee to inquire into the misuse of electorate office staffing entitlements by 21 current and former Labor members of Parliament;
  - (b) notice of motion given this day by Ms Pennicuk in relation to the misuse of electorate office staffing entitlements and referral to the Privileges Committee;
  - (c) notice of motion 536, standing in the name of Mr Davis, to revoke amendment C298 to the Boroondara planning scheme;
  - (d) notice of motion 522, standing in the name of Ms Lovell, in relation to a regional sitting of the Legislative Council;
  - (e) notice of motion 533, standing in the name of Ms Wooldridge, in relation to mandatory residential drug and alcohol treatment for young people; and
- (2) this house authorises the President to permit notices of motion, general business, items (1)(a) and (b) as specified above, to be moved and debated concurrently.

**Motion agreed to.**

### STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

#### Membership

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:45) — By leave, I move:

That Mr Davis be a participating member of the Standing Committee on the Economy and Infrastructure.

**Motion agreed to.**

### PRIVILEGES COMMITTEE

#### Membership

**Ms PENNICUIK** (Southern Metropolitan) (12:46) — By leave, I move:

That Ms Springle be a member of the Privileges Committee.

**Motion agreed to.**

### MINISTERS STATEMENTS

#### Victorian QuickFire Challenge

**Mr DALIDAKIS** (Minister for Innovation and the Digital Economy) (12:46) — I rise to update the house on a world-leading joint initiative by the Andrews government and global healthcare leader Johnson & Johnson Innovation. As of this morning, Victoria now joins the likes of New York, San Diego, Toronto and Seoul, with applications now open — indeed from this morning — for the Victorian QuickFire Challenge: Driving Device Innovation. This challenge is a game changer for Victoria. Aimed at early-stage medical device innovations across strategic areas including cardiovascular, neurovascular, obesity and orthopaedics, the Labor government will award up to \$300 000 to the top three solutions. Successful applicants will also have access to a device prototyping lab, mentorship and coaching from Johnson & Johnson medical device experts.

Strengthening the pipeline from lab to marketplace is a key focus for our government, and this challenge will further demonstrate Victoria's capabilities to do just that. Johnson & Johnson has a long history of forming strong partnerships to develop patient-centric innovations, and I was lucky to see a fantastic JLABS facility when I travelled to Houston in the United States last year. The QuickFire challenge forms part of the new Johnson & Johnson innovation partnering office at Monash University, Clayton, which was opened by my colleague in the other place the Minister for Health in February.

Applications close on 22 June 2018, with the winners expected to be announced in early October. I encourage all members of this house to reach out to their local medical device innovators extraordinaire to encourage them to apply. Further information can be found on the JLABS website. I take this opportunity to thank both Johnson & Johnson themselves and Monash University and of course the men and women within the department who have made this happen.

### Community correction orders

**Ms TIERNEY** (Minister for Corrections) (12:48) — I rise to inform the house of an issue recently discovered regarding publicly reported data on the state's community corrections scheme. The recidivism rate, or more specifically —

*Honourable members interjecting.*

**The PRESIDENT** — I remind the house that accusations or allegations against members or the sorts of interventions that are coming by way of interjection really should only be dealt with by substantive motion. The fact is that the house has been given notice of two matters that will be debated tomorrow which are substantive motions which will in fact go to the matters that have been the subject of some interjections thus far. I indicate that it is certainly my preference — more than my preference, my expectation — that those matters will be dealt with tomorrow as part of those substantive motions and that the house should not be an unruly house in terms of proceeding with this sort of constant interjection at this time today. Minister Tierney, from the top.

**Ms TIERNEY** — Thank you, President. I rise to inform the house of an issue recently discovered regarding publicly reported data on the state's community corrections scheme. The recidivism rate, or more specifically the rate of return to corrective services from a community correction order (CCO), has incorrectly been reported in the most recent *Report on Government Services*. For the 2016–17 financial year the recidivism rate was reported as 33.1 per cent. In fact it was 16.1 percent. The department discovered the longstanding mistake in its calculation of the measure which goes back to 2008–09.

Corrections Victoria recently undertook detailed analysis in an effort to understand the reason for the increase in that rate given that there had been significant investment into the scheme by this government. It was discovered that Victoria had incorrectly applied nationally agreed counting rules and has been overestimating the rate of return. The program had been recording, in error, instances where a court made variations to a CCO. These had been counted as a completely new order —

**Mr Rich-Phillips** — On a point of order, President, I seek your guidance as to the scope of the minister's ministers statement. The minister is seeking to correct the record with respect to reporting that occurred through the *Report on Government Services* process and some errors that she says occurred in the data. I

would submit to you that that is not an announcement of a new government program or a new government initiative and is not within the scope of a ministers statement.

**The PRESIDENT** — I actually concur with Mr Rich-Phillips in terms of the point of order. Is there some new government initiative? It is not sufficient to correct the record as a matter of a ministers statement.

**Ms TIERNEY** — President, it is updating the house. I have had a question in relation to this matter. It is a new finding of the department, and I thought in terms of information to the house it would be valuable, but if the house chooses not to want that information, I would refer them to the information that was provided on Corrections Victoria's website this morning.

**The PRESIDENT** — Just as a matter of guidance, we are quite specific in terms of the expectations of the house on ministers statements. Whilst I appreciate the courtesy that the minister is extending to the house in ensuring that there is an understanding of the true position in respect of this matter and a correction of information previously before the house, the fact is that ministers statements are designed to provide information on new initiatives by the government to the house. In that context I do uphold the point of order that was made by Mr Rich-Phillips. I do not see that this is consistent with our expectations on ministers statements.

### Maternal and child health services

**Ms MIKAKOS** (Minister for Early Childhood Education) (12:53) — I rise to inform the house of the Andrews Labor government's continued investment in support of Victoria's wonderful maternal and child health service. Last Friday I was pleased to attend the first of the biannual maternal and child health conferences at the Melbourne Convention Centre. I have always enjoyed this opportunity to speak directly to all of Victoria's wonderful maternal and child health nurses and to thank them for their incredible work in supporting Victoria's children and families.

Whilst there I was pleased to launch a free new maternal and child health app which gives families access to the latest parenting tips, advice and guidance matched to the age of their child. The app provides reminders about upcoming maternal and child health appointments, warnings for parents, a list of useful contacts and an interactive Q and A function with links to trusted information online. We are investing \$930 000 over four years to continue developing the

app in consultation with families, and it will be regularly updated with new features.

I also announced additional workforce initiatives for our maternal and child health nurses that include training for our early childhood professionals to better support families affected by trauma as well as launching new clinical supervision guidelines. Today I am also pleased to announce that 77 maternal and child health nurses, the largest number ever, will receive a scholarship to enable us to increase the quality and capacity of our world-class nursing workforce. The maternal and child health nursing scholarship program will provide up to \$830 000 for registered nurses holding a midwifery qualification to complete postgraduate education in maternal and child health nursing.

The maternal and child health service is one that has come a long way in its 100-year history and is one that I am proud to have supported to enable it to be strengthened and enhanced further since we have come to government. Our 2016–17 state budget allocation was the largest state government investment into the maternal and child health service to date, and it allowed for continued service improvements. Our \$202.1 million *Early Childhood Reform Plan* in last year's budget included \$81.1 million to expand the availability of our supported playgroups across Victoria and boost maternal and child health and parenting support to provide families with strong support in early childhood. I would encourage all parents with young children to download the new app. It is free and available now and is a wonderful resource for families.

## MEMBERS STATEMENTS

### Cultural Diversity Week

**Mr MULINO** (Eastern Victoria) (12:55) — Last week was Cultural Diversity Week, and to celebrate I spoke at a forum called Digital Humanity: Exploring our Ecosystem on behalf of the Minister for Multicultural Affairs, Robin Scott. This was a forum that explored the particular opportunities and challenges in a digital economy for those in our multicultural community. The issues talked about included Victoria's vibrant multicultural community; the future of work in a digital age, and in particular how it affects our multicultural community; ways to celebrate diversity and culture; and our increasing connectedness. We heard from a range of experts, including Dean Foley, the founder of Barayamal, and Huss Mustafa, from the Commonwealth Bank, both of these people being champions of diversity in our community. The forum was attended by over 110 people representing

70 organisations right across the not-for-profit and multicultural community.

It was also an honour to be able to represent the Premier at a forum which celebrated 15 young people who were chosen to be emerging leaders from ASEAN economies. Ten of these people come from the 10 ASEAN member states and five are from Australia. This was an initiative which was sponsored by Asialink and the University of Melbourne. The University of Melbourne hosted the event. ASEAN is a set of economies which we trade with worth over \$110 billion per year, which is greater than our trade with Japan and the US. Our connections to ASEAN are often understated. It represents over 650 million people at our doorstep. These emerging leaders will be people who will be connected to Australia forever as a result of this important program.

### Australian Labor Party

**Ms WOOLDRIDGE** (Eastern Metropolitan) (12:57) — In February I called the Andrews Labor government a bunch of scandal-ridden misfits not worthy of governing. Not only that but the revelations of the Ombudsman show that we can add some other terms — rorting and thieving as well. In what has been exposed as one of the largest rorts in Australian taxpayer history, Victorian Labor stole nearly \$388 000 from Victorian taxpayers, and this is likely to be only the tip of the iceberg. To make matters worse, there was a further approximately \$1 million spent in legal expenses for a report that the government did not want done and did not want released.

Labor rorters Don Nardella and Telmo Languiller in the Assembly and Steve Herbert all apologised to taxpayers, repaid the rorted money and resigned from their senior office positions. In this house, Ministers Tierney, Jennings and Mikakos were found guilty by the Ombudsman of rorting taxpayers funds. All must follow the same precedent set by other Labor rorters and apologise to taxpayers and resign. The Premier said in September 2015, 'I take responsibility for each and every thing that happens under my leadership'. He is now saying that he knows nothing and grudgingly he is sorry that it happened. This is an insult to every Victorian taxpayer.

The buck stops with the Premier, and every Victorian knows this magnitude of systemic Labor rorting did not occur by accident or without the leadership's knowledge. How angry the Labor backbench must be, being told by their leader, 'You must cheat and thieve the taxpayer', only to find out that the leader did not even do it himself. He threw everyone else under the

bus. This is the type of person the Premier is — a rorting, lying bullyboy who has been exposed and a Premier that the Victorian community has every right to kick out in November. For the hardworking Victorian taxpayers who have been cheated and lied to, that cannot come soon enough.

*Honourable members interjecting.*

**Mr Dalidakis** — On a point of order, President, a significant part of this chamber is ignoring your ruling from earlier.

**The PRESIDENT** — I think that I will be able to manage the process, and I am sure that the acting chairs will also show some accord with the remarks that I made earlier. In fact we have one now.

### **Batman by-election**

**Mr MELHEM** (Western Metropolitan) (13:00) — I rise to congratulate Ged Kearney on her phenomenal win in the Batman by-election. It is exciting to have the first nurse in the federal Parliament. Ged is not a career politician; she is a true working-class Australian, and the federal Labor Party caucus is all the better for having her in it. Ged's campaign spoke about the real issues that matter to everyday Australians — health, education and jobs. The people of Batman have also called the Greens out on their grubby campaign tactics, and they have rejected them. The Greens need to move out of the way and allow us to go ahead with projects such as the West Gate tunnel, or else they will face similar rejections to Batman for a long time to come.

### **Western Bulldogs AFL Women's team**

**Mr MELHEM** — On another matter, I want to congratulate the Western Bulldogs AFL Women's team on their grand final victory against the Brisbane Lions over the weekend. This is a great achievement for the daughters of the west, with our first premiership in the newly created women's league.

I also want to give my support to Katie Brennan regarding the matter set to be reviewed by the Victorian Equal Opportunity and Human Rights Commission. Having a different set of rules governing infringements in the women's league, as opposed to the men's league, is not conducive to the gender equality we are aiming to foster in our young sportsmen and sportswomen. I encourage the AFL to review the rules and remove any discrepancies that exist between the AFL women's and the AFL men's games.

### **Australian Labor Party**

**Ms LOVELL** (Northern Victoria) (13:01) — The Victorian Ombudsman's report handed down last week has exposed Victorian Labor Party MPs for exactly what they are — serial rorters of taxpayers money. The possible theft of public funds by the Australian Labor Party during the 2014 Victorian election campaign was first reported in 2015, but at that time no-one realised the extent of Labor's red shirts rorts. In a rort designed by Premier Daniel Andrews and John Lenders, we now know that 21 MPs cheated the Victorian taxpayer to the tune of almost \$388 000 in order to win the last state election.

Seven of those rorters sit opposite us in this chamber, and they are looking very uncomfortable today. They have been told by their boss to spin the company line: 'Oh, we didn't know; we thought it was all within the rules'. If that is the case, why did the Australian Labor Party spend \$1 million of taxpayers funds in legal fees attempting to stop the Ombudsman from being allowed to investigate this matter? Thankfully the Premier failed in his attempt to hide the truth, and we now know of the disgraceful theft by Labor of money from hardworking Victorian taxpayers.

While government members continue to run the company line, their leader is throwing them under the bus. We know the member for Lara in the other place expressed his concerns about the dodgy scheme because he feared it was against the rules. Yet the Premier's response to the media last week was, 'No MPs expressed any concerns to me'. What a disgrace. The headline in last Thursday's *Herald Sun* summed it up perfectly: 'Labor's 21 rorting MPs — Pack of cheats'.

### **Regional forest agreements**

**Ms DUNN** (Eastern Metropolitan) (13:03) — It is now confirmed that the government, by signing off and extending the regional forest agreements (RFAs) of the Central Highlands, East Gippsland and the north-east and by continuing native forest logging, has made the clearest of choices when it comes to the environment and biodiversity, and it is a bad choice. Along with the commonwealth, the state government has continued to give a free kick to the loggers, exempting them from federal environmental laws and propping up a state-subsidised logging industry that barely pays its way and directly employs 485 people across the state. It is the highest of environmental prices to pay. Do not be fooled by the token window-dressing we saw announced today.

Extending the RFAs signals a commitment to send species such as the Leadbeater's possum and the greater glider to extinction, along with the 79 species dependent on forests for their survival. It locks in failure to provide the ultimate protection for Melbourne's water supply, threatening the quality and quantity of water shed from water catchments. It increases fire risk across the state, particularly for towns closely located to logging, such as Toolangi and Noojee. It squanders new economic opportunities for regional Victoria, forcing young people to leave local areas and migrate to Melbourne to seek work, rather than creating the great forest national park and the Emerald link to provide options for new economic activities in regional areas. And most dangerously it increases greenhouse gas emissions, contributing to damaging climate change by destroying the most carbon-dense forests in the world. It does not get more reckless than that.

### Unlicensed drivers

**Dr CARLING-JENKINS** (Western Metropolitan) (13:04) — On Tuesday, 13 March, I attended a vigil outside the Sunshine Magistrates Court in support of one of my constituents, Olivia Yassine. Olivia is the mother of Jalal Yassine-Naja, who lost his life on 14 March 2017 at the age of 13 after being hit by Ayou Deng, who was driving despite being suspended. On the day of the vigil Deng was sentenced to 80 hours community service for unlicensed driving plus additional charges unrelated to the tragedy in which Jalal lost his life. Words cannot express the injustice being felt by Olivia, who is calling for the laws to be changed. No mother should ever have to lose a child — and never to a driver who should not have even been on the road.

Being unlicensed should be considered in the same vein as recklessness or negligence for the offence of culpable driving causing death. It is Olivia's wish that such a reform be known as 'Jalal's Law' in honour of her son. In order to prevent such a fate occurring to any other parent or family again, I introduced and first read a bill on this today. It is my hope that when Jalal's Law is brought before this Parliament it will receive full support. It is my hope that no mother and no family ever has to face a tragedy of this magnitude without the full support of our judicial system.

### Western Victoria fires

**Mr RAMSAY** (Western Victoria) (13:06) — I would like to take this opportunity to thank the many volunteers and organisations who helped in the response to the south-west fires 10 days ago. Four

major fires devastated the south-west, the first igniting at about 8 o'clock on the night of Saturday, 17 March. These fires were in the Terang, Camperdown, Gazette and Garvoc regions. The fires destroyed 26 homes and 63 sheds, and livestock were lost in the thousands. More than 2000 sheep — probably closer to 3000 — were destroyed. More than 1000 cattle died; 80 per cent of them were dairy cows. This is devastating. The animal losses alone are cruel. They represent not just the loss of that animal but also the time and investment that went into them prior to the fires.

The Cobden peat fire continues to cause disruptions and concern for the aged, the young and those with vulnerable health conditions. Approximately 290 properties have been burned, totalling 15 000 hectares of land. There are 2000 kilometres of fencing that need to be replaced, and 70 of the farms devastated by the fires were dairy farms. It is the first fire event in Victoria to devastate an intensive agricultural area for some time, and it has exposed the impacts of a lack of power and water.

Thanks to the courageous Country Fire Authority (CFA) firefighters, career and volunteer alike, no human life was lost. No doubt Cobden CFA captain Billy Nelson, an Ash Wednesday bushfires veteran, is one of many who deserve mention, and with the peat fires still burning his brigade's work is not done. I thank the communities of the south-west who rallied to the call to arms to protect and provide support. As the fires' toll is still being assessed, we thank organisations like the Victorian Farmers Federation, Lions, the Salvation Army, BlazeAid and fellow neighbours, who are all working to help support the many farmers affected by providing fodder, fencing and household support.

All tiers of government were quick to provide financial relief, but special mention must go to the Corangamite council, its staff and its councillors, including the mayor, Jo Beard, who kept the fire-affected communities informed at every step of the way. The emergency services along with the Department of Health and Human Services and the Department of Environment, Land, Water and Planning are seasoned workers in responding to fires and were quick to establish relief centres at Cobden, Camperdown and Terang. The fires affected the electorates of Polwarth, South-West Coast and Lowan, and I congratulate local members Richard Riordan, Roma Britnell and Emma Kealy, respectively, for the time, effort and compassion they showed in responding to their electorates' needs and for continuing to do so. Most importantly, there are never any words or letters that command and deserve as much recognition, respect, pride and protection as the CFA.

### Hands On Learning

**Ms SHING** (Eastern Victoria) (13:08) — I rise today to congratulate the many students, staff members and schools that have participated in Hands On Learning, an exhibition that is currently taking place in Queen's Hall which celebrates the diverse and innovative ways that students can learn and engage with subjects such as mathematics. It was a great pleasure to welcome students from Kurnai College in Morwell to Queen's Hall as well as other students from all over the state who have participated in this program in partnership with Andrews Labor government and Save the Children. It was really wonderful to see this.

### Latrobe Valley youth space

**Ms SHING** — On a related matter, on Tuesday, 20 March, it was fantastic to hear the pitch for the new youth space in the Latrobe Valley, which was a commitment announced by Minister Mikakos last year. The students involved in this collective effort to determine what the priorities will be for young people throughout the valley in a space that enables them to come together were many and varied. I was really heartened by the work that went into the core co-design team's efforts and the outreach that was done for people right across the Latrobe Valley catchment about what they would like to achieve and how they would like to access information services and have an area which is designed by and for them to come together and to further consolidate the pride and the effort that is going into getting a better sense of self for many of the people throughout the valley, now and into the future.

### Leading Senior Constable Maha Sukkar

**Ms SPRINGLE** (South Eastern Metropolitan) (13:10) — Earlier this month Maha Sukkar, a leading senior constable and Dandenong resident, was inducted into the 2018 Victorian Honour Roll of Women. Maha's addition to the honour roll recognised her work in promoting cross-cultural understanding and cohesion over a 13-year career with Victoria Police. Maha's leadership includes work to tackle under-age and forced marriages in communities, family violence and radicalisation.

Maha Sukkar is a friend of mine, a constituent, an outstanding police officer and a community leader. But Maha's induction was not met with the widespread goodwill, congratulations and acknowledgement that she deserves. It was quite the opposite. A congratulatory post on Victoria Police's Facebook page was flooded with violent, sexist and xenophobic abuse. Hundreds of comments were so offensive they were

removed in accordance with Victoria Police's social media comments protocol. Of the comments that remain on the page, many are supportive but many still make for uncomfortable and offensive reading.

Maha says the abuse has only strengthened her resolve to improve cross-cultural understanding. No woman, including Maha, should ever be subject to this kind of abuse and vitriol. Today I stand to express my sincere appreciation and admiration for Maha's work and give my sincerest apologies for what she has been through. I know that so many others share my views on this issue, including the Minister for Women and Maha's colleagues within Victoria Police. This kind of abuse has to end, and all of us must step up to ensure that it does.

### Australian Labor Party

**Mr O'SULLIVAN** (Northern Victoria) (13:11) — There are seven sitting Labor members of this chamber who have been found to be a part of the coordinated and systematic rorting of taxpayers money, according to an Ombudsman's report. Two of them are here right now — Mr Leane and Ms Tierney. Along with Ms Mikakos, Mr Elasmir, Mr Jennings, Mr Somyurek and Mr Melhem, they took part in a rorting system — rorts for votes — with the red shirts brigade to influence the outcome of the 2014 election. These same seven Labor MPs, including those still in the chamber, each have personally benefited from the rorts undertaken by the red shirts brigade.

These seven Labor members signed off on the use of taxpayers money to fund electorate officers to go out and undertake work on behalf of the Labor Party in terms of trying to influence the outcome of the 2014 election. The Labor ministers who were involved, the Premier, who was involved, and the backbench Labor members who were involved should resign their positions immediately if they have a skerrick of decency about them.

It is not only that — the Labor Party, the government, went to Supreme Court, the Court of Appeal and even the High Court to stop this matter being investigated. This absolutely stinks to high heaven, and I am glad that we will have a lot more opportunities to talk about it in the coming days.

### Russell Street bombing

**Mr BOURMAN** (Eastern Victoria) (13:13) — A bit of a change of pace: 32 years ago, almost to the minute, a bomb went off outside the Russell Street police headquarters. Many people were injured, but one

person, Constable Angela Taylor, was killed. I pause to reflect on those police members who are killed in the line of duty. Today it is particularly poignant because the reason Angela Taylor was killed was that she crossed the road to go and get lunch.

### Code 9 Convoy

**Mr BOURMAN** — On a similar note, yesterday I was out the front of Parliament with Code 9 Convoy, which is about raising awareness of post-traumatic stress disorder in emergency services, mainly the police. They were on a little journey to Canberra. They said they have had enough of raising awareness, it is time for action, and I wholeheartedly agree. I got to meet Ron Fenton, who seems to be the epitome of someone almost impossible to kill when you find out what has happened to that man. He is still getting along. I wish them good luck and look forward to helping where I can.

### Regional forest agreements

**Mr BOURMAN** — Lastly, the regional forest agreements (RFAs) were signed yesterday, I do believe, for two more years. I do not believe that that is nearly sufficient. RFAs are there to provide long-term comfort for the industry, and whilst I understand that the RFAs are now aligned with other RFAs, two years really just does not help.

### Western Victoria fires

**Ms TIERNEY** (Minister for Training and Skills) (13:15) — Last week Minister Pulford and I visited fire-affected areas in the south-west to meet with local families, some of whom have lost so much, including their family homes. There were many fires on the St Patrick's Day weekend, but the four main blazes at Terang, Camperdown, Garvoc and Gazette exacted the greatest toll. The material losses caused by these fires include 26 houses, 63 sheds, thousands of livestock — dairy and beef cattle and sheep — a great deal of pasture and hay, fencing and other farming assets. Thankfully, no lives were lost.

As always in a crisis, our local communities have come together to help those in need. I congratulate the Country Fire Authority and emergency workers on a fantastic and extraordinary effort that has been so appreciated by these rural communities. Their work has been truly remarkable.

Two of the four peat fires have now been extinguished, and a 1-kilometre zone has been defined as a high-impact area. There will be carbon monoxide and

small particles in the smoke, so those living within the 1-kilometre zone are encouraged to relocate each night for respite from the smoke. All elderly patients have been relocated from the Cobden hospital. The Cobden special development school has relocated to Terang for the rest of this term. The primary and secondary school students will relocate to Camperdown for the rest of the week.

This government, as always, is supporting those in fire-affected areas. A community relief fund has been established, and people can apply for emergency re-establishment assistance plus personal hardship assistance payments for immediate needs. Agriculture Victoria is assisting with animal welfare concerns and technical support, and it is conducting damage assessments. We will monitor the need for further support in the recovery.

In the meantime my thoughts are with everyone on the ground involved with the recovery effort. I encourage them to try and get some sleep, if possible, and indeed some time with their treasured families. I also take this opportunity to thank the Corangamite Shire Council, particularly Jo Beard, the mayor, and the CEO, Andrew Mason; Southern Grampians Shire Council; Moyne Shire Council; and Colac Otway Shire Council.

### Electorate office budgets

**Mr O'DONOHUE** (Eastern Victoria) (13:17) — The Ombudsman's report into Labor's roting says on page 4, in the foreword:

... the arrangement to employ field organisers as electorate officers was an artifice to secure partial payment for the campaign out of parliamentary funds, and was wrong.

To pick up from the Leader of the Opposition, the definition of 'artifice', according to the dictionary, is:

... clever or cunning devices or expedients, especially as used to trick or deceive others.

It identifies its synonyms as:

trickery, deviousness, deceit, deception, dishonesty, cheating, duplicity ... cunning, artfulness, wiliness, craft, craftiness, evasion, slyness ... subterfuge ... bluff, pretence.

The Ombudsman went on to say:

... 21 members of the 57th Parliament breached the Members Guide.

The principal architect of the arrangement was the former Leader of the Opposition in the Legislative Council, the Hon. John Lenders.

It says:

... in seeking to maximise the use of resources available to the party, Mr Lenders crossed the line.

But the Ombudsman identified that a number of members failed to comply with the investigation and that enough money and time had been spent on legal proceedings so she could only investigate the matter by focusing on Legislative Council members. That is why we need a further investigation into this disgraceful artifice, as described by the Ombudsman.

### **Electorate office budgets**

**Ms CROZIER** (Southern Metropolitan) (13:18) — No-one believes that Daniel Andrews did not know about the systematic and orchestrated rorting of taxpayers money for electoral gain. The actions undertaken by the Labor Party and all those MPs involved were immoral, dishonest, devious and wrong on so many levels. It certainly says a lot about the man leading this state if he thought this was okay — rorting which has cost the Victorian taxpayer \$380 000 and \$1 million in trying to prevent the Ombudsman from doing an investigation — \$1.38 million that we know about. In Albert Park \$21 148 was rorted; in Bentleigh and Prahran, \$22 366.

Premier Daniel Andrews and his pathetic excuses have trashed the position and privilege of the office of Premier. His disregard for the community over the past three years and the dishonest manner in which he has spoken to the Victorian electorate on a litany of rorting issues are breathtaking. He cannot, nor can any of those opposite, nor any of his colleagues in the other place, spin their way out of the systemic rorting and lies told to Victorians.

We all know, however, that he has got form with spin and lies. He gave Victorians in the lead-up to the last election a guarantee that there would be 'no new taxes'. Every household knows that was a lie. He said the east-west link contract was not worth the paper it was written on — another lie, but an expensive one as it has cost the Victorian taxpayer \$1.2 billion. There was also the Premier's protection of the rorter Steve Herbert in chauffeuring his dogs until it finally became untenable for him to stay as a minister of the Crown and the rorting by the former Speaker and former Deputy Speaker of the second home allowance until finally we saw them shuffle off to the back bench in disgrace. Then a few months ago there was the prints for rorts scandal. As if that were not bad enough, now the biggest systemic rorting of taxpayers and the attempted cover-up have been exposed. This disgraceful —

**The ACTING PRESIDENT (Mr Purcell)** — Thank you, Ms Crozier.

### **Western Victoria fires**

**Mr MORRIS** (Western Victoria) (13:20) — Western Victoria has had a very tough time of late. The fires that began on St Patrick's Day have been devastating for many families, particularly farmers across western Victoria. Near Cobden just yesterday three schools had to be evacuated due to the peat fires that continue to burn. There have been thousands of stock losses across western Victoria, and in the vicinity of 24 homes and 57 sheds and other outbuildings as well as nearly 15 000 hectares of land have been burnt.

I want to give credit to all of the firefighters — in the vicinity of 1000 — who came from across the state to fight the terribly devastating fires that were burning across western Victoria. I note that despite all of the stock and home losses that have occurred across western Victoria, fortunately there was no loss of life. These fires across western Victoria are an indication now more than ever of the incredibly important work that the Country Fire Authority (CFA) does across the state and indeed a reminder to all in this place about the importance of surge capacity in the CFA to keep all Victorians safe.

### **Government performance**

**Mr FINN** (Western Metropolitan) (13:22) — Some years ago I was fond of saying that if Mother Teresa came to Australia she would be hailed as a modern-day saint. I think I have subsequently been proven right there. If she announced the day after her arrival that she was running for Parliament the general populace would decry her as a liar, thief and shyster. I say that by way of illustrating the contempt with which elected representatives are held in across Australia.

I have long lived in hope that the view of politicians might improve sometime soon. The Andrews government has just about buried that hope. The removal of both the Speaker and the Deputy Speaker for rorting was a major blow to the public perception of this Parliament. A minister's dogs being chauffeured around in the back seat of a government car was another blow and quite frankly made us all look quite ridiculous.

However, last week's Ombudsman report may well be the last straw as far as most people are concerned. Never before have we seen a future government embark on a deliberate, premeditated plan to rip off those it has sworn to serve. Never before have we then

seen a government embark on a deliberate, premeditated plan to cover up this theft from the public purse at a cost to the taxpayer of some \$1 million. In the eyes of the public the Andrews government has muddied this Parliament. This government stands condemned for what is a despicable attack on our democracy and the people of Victoria. The Andrews government —

**The ACTING PRESIDENT (Mr Purcell)** — Time!

## BUSINESS OF THE HOUSE

### Notices of motion

**Ms SYMES** (Northern Victoria) (13:23) — I move:

That the consideration of notices of motion, government business, 497 to 550 be postponed until later this day.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (13:24) — I wish to rise to speak to Ms Symes's motion that we adjourn the government's notices of motion listed on the notice paper. Of course one of the notices of motion that is listed as government business on the notice paper today is notice of motion 501, in the name of the Leader of the Government, which calls for the establishment of a parliamentary integrity adviser. This motion has in fact been on the notice paper in several iterations. Firstly, it was listed by the Leader of the Government on 6 June of last year and subsequently discharged and reinstated in, I think, December last year.

It is interesting that the government today is choosing to skip over the issue of this parliamentary integrity adviser motion at a time when integrity in Parliament is such a critical issue. We saw last week the Ombudsman table her report into Labor's staffing rorts, and we saw in that report the Ombudsman qualify the evidence that she received. She highlighted the fact that members of the government, particularly members of the other place, failed to cooperate with her inquiry into the misuse of staffing entitlements by 21 Labor members of Parliament. She highlighted that a number of the staff that were involved failed to attend and give evidence in relation to that staffing rort matter, so the material available to the Ombudsman was incomplete.

But we do know that certainly one of the areas the Ombudsman canvassed in her report, which we will consider in more detail tomorrow, was the need for better integrity oversight and better integrity advice for members of Parliament. The motion that Mr Jennings has before the house, motion 501, as its first element, 'Provision of advice', states:

The parliamentary integrity adviser is to advise any member of Parliament, including former members of Parliament where relevant, when asked to do so by that member, on ethical issues and integrity matters concerning the exercise of his or her role as a member. The parliamentary integrity —

**The ACTING PRESIDENT (Mr Purcell)** — Mr Rich-Phillips, the debate is actually on the postponement, not about the issue of the —

**Mr RICH-PHILLIPS** — Yes.

**The ACTING PRESIDENT (Mr Purcell)** — Yes, so if you could —

**Mr RICH-PHILLIPS** — Thank you, Acting President. It is curious that the government today is seeking to postpone this matter, because that provision states the adviser proposed by Mr Jennings would look at ethical issues and integrity matters and that the:

Adviser's advice can be sought on a range of parliamentary matters including on the application of any legislation or other guidelines adopted by Parliament that are relevant to members in their capacity as members of Parliament, the use of members' entitlements and declaration of potential conflicts of interests.

The scope of this motion and what Mr Jennings was seeking to do with this provision go directly to the matters which have been in public consideration in the last week. The issue of the use of entitlements, the issue of ethics and the issue of integrity for members of Parliament are absolutely central to what we have been discussing. This side of the house is surprised that the government today via Ms Symes's motion is moving to skip over, to ignore, this opportunity to create a parliamentary integrity adviser.

It is very clear from the Ombudsman's report last week that there are a number of members of the Labor Party who need advice on integrity, who need advice on ethics and who need advice on members' entitlements and the use of members' entitlements. That is very clear from the Ombudsman's report. This motion, which Ms Symes is seeking to postpone today and which has been on the notice paper since June last year, highlights a mechanism to provide for that, and we are very surprised, given the issues that have arisen and given they go to the heart of the Labor Party, that the government today is intending not to proceed with this parliamentary integrity adviser motion at this point in time.

**Mr FINN** (Western Metropolitan) (13:29) — I dispute the interjection that Ms Symes threw across the chamber at us just a few minutes ago, because I for one am deeply surprised —

**Ms Symes** — You are not.

**Mr FINN** — I am. Look at my face. I am very much surprised that Ms Symes is attempting to postpone this motion to another time, because I would have thought if ever there was a time in the history of this Parliament when a government needed a degree of advice on integrity, now would be it. After what we have seen over the last week, after what we have heard and what we have read over the last week or so, one would have thought now is the time — right this very minute, right on the spot almost at half past one on a Tuesday afternoon — to get the integrity adviser on board, because this is something that the government clearly needs, desperately needs, because it is obvious just at this minute that the government has no idea what integrity is.

Minister Jennings is looking at me in a quizzical manner, as he often does. He is wondering what is going on, and perhaps not for the first time. I do not know whether he understands what has occurred in this state over the last few years. I was, I have to say, equally surprised to see him standing behind the Premier last week. Here was the Special Minister of State, the man charged with responsibility for the integrity of this Parliament, standing behind the Premier in a press conference defending what very much rips at the heart of the integrity of this Parliament and indeed rips at the very heart of the integrity of our entire political system. I would have thought that Mr Jennings in particular would be very enthusiastic about getting a parliamentary adviser on integrity and would want one ASAP. He would not want to wait until tonight, he would not want to wait until tomorrow or next week; he would want one now, because, God almighty, if ever there was a need for one, this is it.

Mr Jennings desperately needs an adviser on integrity, because he clearly has no idea what exactly that is. I think even if he looked it up in his Funk & Wagnalls, he still would have no idea at all as to the meaning of integrity. Certainly if the minister did have some idea, you can be absolutely guaranteed that the government does not, from the Premier down.

The Premier came out last week, after the Ombudsman's report was released, and said, 'We've done nothing wrong. We've done nothing wrong'. Why, then, we are forced to ask, would you spend \$1 million of the taxpayers money to cover up, to make sure the Ombudsman did not get a chance to investigate, to take it to the highest court in the land, to the High Court, where the most important matters are debated and decided — at huge expense, I might say? If indeed the Premier honestly believed that the

government had done nothing wrong, why did they carry this right through to the highest court in the land? Why would that be? It seems to me that here is a Premier most certainly but here is an entire government that is in desperate need of advice on integrity, and an integrity adviser is somebody who most certainly could do that.

It is interesting and I note here in the provision of advice — I could be looking at the wrong part here — the motion does refer to providing advice to former members.

*Honourable members interjecting.*

**Mr FINN** — Now, we are not just talking about Mr Lenders. Remember Ms Beattie? She spent a bit of time in the other place. She did not do much, it has to be said. She was not a great contributor to the Parliament, but she was certainly involved in this rip-off and was named in the Ombudsman's report of last week. Indeed, Liz Beattie was named and blamed for the expense of \$24 773. I wonder where that money might have gone. Might it have gone into the seat of Sunbury? Ms Beattie of course used to be the member for Tullamarine in years gone by and actually resided in Sunbury. She then became the member for Yuroke.

**The ACTING PRESIDENT (Ms Patten)** — Mr Finn, could I ask that you return to the motion?

**Mr FINN** — This is about integrity.

**The ACTING PRESIDENT (Ms Patten)** — The motion is on consideration of postponement.

**Mr FINN** — That is right. I am just making the point, Madam Acting President, that it is absolutely crucial that we have an adviser on integrity as soon as possible. This matter cannot be postponed when you have got people spending vast sums of money. John Lenders, for example, a former Leader of the Government in this house, spent nearly \$45 000. You have got the dancing bear, Liz Beattie, spending nearly \$25 000. Marg Lewis —

*Honourable members interjecting.*

**Mr FINN** — She was not here long, and many of us actually wondered what she did up here, but in fact now we know. She was helping her comrades. There is Joe Helper, a former member, and John Pandazopoulos. Johan Scheffer: we all wondered what he was doing. We wondered that for a very long time. Now we know.

**Mr Leane** interjected.

**Mr FINN** — I will tell you what: if there is anybody in this house who needs advice on integrity, it is Mr Leane. He came out in the paper on the weekend and said he is proud of ripping off the taxpayer, he is proud of what he has done. ‘Be proud’, he said. ‘We won. That’s all that matters’. That is what he said.

**Mr Leane** — On a point of order, Acting President —

**Mrs Peulich** interjected.

**Mr Leane** — Well, there are actually two points of order now. One point of order is that Mr Finn is actually verballing something that he says I have said.

**Mr Finn** interjected.

**Mr Leane** — He is trying to say that in the paper it said that ‘Mr Leane was proud of ripping off the taxpayers’.

*Honourable members interjecting.*

**Mr Leane** — That is not what it said, so I would ask him to withdraw that. I also would ask that particular Liberal MPs, particularly Mrs Peulich, leave family members out of interjections.

**Ms Crozier** interjected.

**Mr Leane** — I just think it is a point that people should act civilly.

*Honourable members interjecting.*

**Mr Leane** — I would never do this towards any of you, including her. I would not bring up your family members.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Patten)** — Order!

**Mr FINN** — On the point of order, Acting President, look, I am not exactly sure what Mr Leane is referring to in these points of order because I have not verballled him. I was just quoting from a newspaper article in the *Herald Sun* on Saturday. Now, if he has a problem —

**The ACTING PRESIDENT (Ms Patten)** — Mr Finn, will you withdraw?

**Mr FINN** — I am happy to withdraw, but it was in the *Herald Sun*.

**The ACTING PRESIDENT (Ms Patten)** — Thank you.

**Mr FINN** — I will tell you what: I reckon the *Herald Sun* might have a bit more —

**The ACTING PRESIDENT (Ms Patten)** — Thank you, Mr Finn. Please continue your contribution on postponing government business.

**Mr FINN** — I have got a feeling —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Patten)** — Order! Mr Finn, please continue.

**Mr FINN** — As I said, it is important that we get an integrity adviser to this government as soon as possible. To be postponing this matter until some future time — I am not exactly sure when the government will debate this matter; in fact, I am sure the government does not know when the government will debate the matter, because we are never quite sure what happens in this place until it actually happens.

**Ms Symes** interjected.

**Mr FINN** — No, it is true. This government are so confused it is a dog’s breakfast. They have got no idea what is going on from 1 minute to the next, which is a sad state of affairs, not exactly related to this motion but one that we should take into consideration nonetheless.

Integrity is something that I hold very dear. I think every member of Parliament should hold integrity as something that you just do not go anywhere without. You do not leave it at the front door when you enter this chamber. You do not leave it at home. A level of integrity is something that we all owe those who we represent — the electorate. I represent half a million people, as most of us do in this place, and I owe them a degree of integrity and respect for integrity. Most of us — I think all of us in fact on this side of the house — automatically know what integrity is. But clearly those on the other side, particularly those in the Labor Party, have no idea what integrity is. They need an adviser.

**Ms Crozier** interjected.

**Mr FINN** — Cheating, lying and shysterish activity is within the DNA of the Labor Party. Artificing, that is what they have done — I think I just made up a new word — and that is within the DNA of the Labor Party. That is why they need an integrity adviser, and they need one now. In fact if I had known as I rose to speak on this motion that an integrity adviser would be

appointed, I would have sat down immediately. This government needs an integrity adviser because it has not got a clue what integrity is. It has proven that, and it continues to prove it every day. Not only did the government prove it when it went out to rip off the taxpayer to the tune of \$388 000 or \$389 000 but it ripped off the taxpayer yet again when it tried to cover up. If you try to cover something up, that tells me you have got no integrity at all. You need somebody to help you along the way; you need a hand. Surely this government needs a hand in the area of integrity. In fact the government needs a hand in a lot of areas because it is wildly incompetent as well, but that is not exactly related to this motion.

Far be it from me to discuss the fact that this morning we saw the front pages of both major Melbourne newspapers promoting the east–west link — this of course being a project that the Premier cancelled at a cost of 1.3 thousand million dollars. Can you imagine how much integrity could be bought with 1.3 thousand million dollars? Can you imagine how many Labor MPs could be bought with that? You would have Labor Party MPs crawling out of your back pocket — and that is not a pleasant thought, I might tell you.

This motion needs to be debated as a matter of urgency. This is a matter that I think every Victorian regards as being of huge importance. If the integrity of the Parliament and the integrity of our parliamentarians is to be re-established, it needs an integrity adviser, and it needs one of those as soon as possible. If anyone were to walk down Bourke Street now and ask anybody and everybody about what they think of the integrity of the Victorian Parliament and particularly the Victorian government, I think the language would turn the air blue, because the contempt of the people of Victoria toward the government in particular is through the roof. The esteem in which this government is held at the moment has never, ever been so low. We need this motion, and I am hoping that the government will reconsider its position and we can go ahead and debate it as soon as possible.

**Mr MORRIS** (Western Victoria) (13:44) — This is an important motion that we are debating today, because, as has been detailed by both Mr Rich-Phillips and Mr Finn, this motion standing in the name of Mr Jennings with regard to a parliamentary integrity adviser is crucial; it is absolutely crucial at this juncture. The problem that we are experiencing in this Parliament at the moment with regard to integrity has actually got nothing to do with the rules that are in place. The problem is the rorting; that is the real problem. It is not that the rules are deficient or anything like that. That is why an integrity adviser is absolutely

crucial, because unfortunately what we have seen under this government is not just one, not just two and not just three rorts; we have seen more rorts than that. We have seen second residence allowance rorts, we have seen printing allowance rorts and we have seen electorate office budget rorts. Unfortunately what we are discovering is that the Labor Party have not found a bucket of taxpayers money they are not willing to rort; that is what we are seeing at this point.

**Mr Finn** — They love a good rort.

**Mr MORRIS** — They do love a good rort, Mr Finn, and that is what we are seeing here at the moment. There is a need for a parliamentary integrity adviser or indeed at least a debate surrounding it because of the actions of Labor members. What we have seen here is that the Labor Party at this juncture have not found a bucket of money that they are not willing to rort. I am reminded somewhat of that phrase ‘the light on the hill’. For Chifley I think that light on the hill was actually a biblical reference, but for this current Labor Party it is just a reference to a shiny bucket of money at the top of the hill that they are trying to get their hands on. I note that the light on the hill comes from a biblical reference to the Sermon on the Mount. It comes from the Gospel of Matthew, which I think is quite interesting, because that is what the people of Victoria need — a Matthew Guy-led government come November 2018.

What we have here in this motion — and I note the provision of advice within this motion states —

**Mr Finn** interjected.

**Mr MORRIS** — I have indeed. They do not like the Bible, no. They are not interested in that higher power that may hold them to account. The motion states:

The parliamentary integrity adviser is to advise any member of Parliament, including former members of Parliament where relevant, when asked to do so by that member, on ethical issues and integrity matters concerning the exercise of his or her role as a member.

I think what we have seen of late is not that Labor members do not know right from wrong but that they just refuse to do the right thing. I know that Mr Lenders did seek some advice from Parliamentary Services about whether or not this latest rort was allowable.

**Mr O’Donohue** interjected.

**Mr MORRIS** — He was given the advice, Mr O’Donohue, that it was not allowable. He went and did it anyway. He went and rorted anyway. He went and rorted with contempt for the advice that he had

been provided and with full knowledge that what he was doing was beyond the rules. I also note that the current Premier, Daniel Andrews, was a member of the campaign committee that authorised this rort that continued on.

The good people of the Assembly electorate of Ripon had Joe Helper as their local member prior to the 2014 election. Where did his electorate officer go? That electorate officer went and helped the member for Wendouree, Sharon Knight. ‘Who was that electorate officer?’, I hear you ask. It was Michaela Settle, the now Labor candidate for the Assembly electorate of Buninyong. The Labor candidate for Buninyong has some serious questions to answer. Was she a participant in this rort in the full knowledge that it was a rort, or did she just stick her head in the sand and not ask the questions that she should have? In my view, either scenario would indicate that she is not a suitable or capable person to be a candidate for a wonderful seat such as Buninyong.

**Mr Ramsay** interjected.

**Mr MORRIS** — I think, Mr Ramsay, you are right. I think that that candidate for Buninyong should stand down or at least answer the important questions that the people of Buninyong have about her conduct in this particular matter. I do look forward to further debate on a parliamentary integrity adviser. It is something that is crucially needed, not because of the actions of anybody on this side of the house but just of those opposite.

**Ms PENNICUIK** (Southern Metropolitan) (13:49) — If I could just briefly speak to the motion —

**Mr Ramsay** interjected.

**Ms PENNICUIK** — The motion to postpone notices of motion should proceed, but there is a fair point in raising, in particular, notice of motion 501 standing in the name of Mr Jennings calling for a parliamentary integrity adviser. I would just like to point out to the chamber that on 7 June last year Mr Barber proposed that the Assembly Standing Orders Committee and the Procedure Committee meet to consider the establishment of a parliamentary standards commissioner, a much stronger integrity body than an adviser. Also we wanted the two committees to meet and report no later than 14 November last year on the establishment of a parliamentary standards commissioner.

It is a pity in fact that the two committees have not had that meeting and have not considered that and other issues that have been referred to them for consideration in a joint meeting of the two committees, the Standing

Orders Committee of the Assembly and the Procedure Committee of the Council. These are very important issues that they should be considering, including the establishment of a parliamentary standards commissioner. I would like to point out, on behalf of the Greens, that that is what we would like to see. That is in the motion that I have put on the notice paper today for debate tomorrow, and with those remarks I just wanted to point that out to the house.

**Mr RAMSAY** (Western Victoria) (13:51) — I must apologise to Ms Pennicuik because she was right. It was a short speech, and pleasantly so. Can I firstly say I feel sorry for Ms Symes. I do not know what Ms Symes is being paid as Government Whip, but I think it is probably not enough. She had the duty under the direction of the Leader of the Government in the Council to move this postponement motion. Ms Symes had to character-build by working with the previous Attorney-General, Rob Hulls. She was promised the Assembly electorate of Niddrie, but unfortunately she missed out. She got on the Northern Victoria Region ticket and —

**The ACTING PRESIDENT (Ms Patten)** — Mr Ramsay, can you please go back to the motion of postponing government business.

**Mr RAMSAY** — nearly lost that position, and now she has had to, on behalf of Mr Jennings, move a motion, which is what we are talking about, Acting President, if you are up with the current status. We are talking about the postponement of Mr Jennings’s notice of motion in relation to the parliamentary integrity adviser. It was a motion moved actually by Ms Symes to postpone this motion, and what I am saying is that it is unfortunate, with the chaos of the government in this house, that she as Government Whip has to carry out the duties that she does.

It is extraordinary, given we have just had a significant report from the Ombudsman in relation to the rorting by some members who were identified in that report. That is not to say that in fact there are not other Labor members who have not been nominated in the report who may well have been engaged in this fraudulent theft and misuse of taxpayers money. I hope this house will see fit to support a select committee that will be able to investigate and see which other Labor members, not named in the Ombudsman’s report, may well have engaged in this illegal activity.

The point I make here is that today we have the opportunity to appoint a parliamentary integrity adviser through the notice of motion of Mr Jennings to advise members of Parliament in relation to their

responsibilities but also to give advice consistent with any other legislation or guidelines. Certainly we have seen in the last few months that Labor MPs need that guidance with respect to their obligations in serving their office and their electorates.

I do want to make note that we have a very important bill to consider, the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, which the government has brought into this chamber and taken away and then brought in and taken away again. On this particular day, 3 hours ago, they dumped 29 pages of amendments to this very important bill. I spent my members statement demonstrating how critically important the Country Fire Authority is to rural and regional communities and what a great response they made to the fires in south-west Victoria that we saw 10 days ago. I am creating, I guess, the context of the chaos that we have seen in this house with respect to government business and the way that the government puts bills forward, takes them away, puts them forward and takes them away. Their priorities are totally askew.

I think the postponement of this particular motion of Mr Jennings's again exemplifies the total confusion and chaos in this house, led by the government, led by Mr Jennings and being directed by the Government Whip. It is very disappointing that the government, on a day like this when we have a significant Ombudsman's report into robbing, theft and fraud by Labor members, will not allow debate on a motion that deals with integrity.

**Mr Leane** interjected.

**Mr RAMSAY** — An integrity adviser would need to provide advice to people like yourself, Mr Leane, in respect to the way that you conduct yourself as a member of Parliament and as a member for Eastern Metropolitan Region.

**Ms FITZHERBERT** (Southern Metropolitan) (13:55) — I am really pleased to speak in favour of Mr Jennings's motion. If ever there was a motion on our notice paper whose moment had come, it would be notice of motion 501. It is surprising to me, given the events of last week and the handing down of the Ombudsman's report, with all of its uncomfortable revelations for the government, that Mr Jennings is not leaping to his feet today to move this motion and to perhaps refer to the Ombudsman's report and give us some evidence as to why it is sorely needed.

**Mr Morris** — And maybe apologise while he is at it.

**Ms FITZHERBERT** — Yes, Mr Morris, that is absolutely right; it would be an ideal opportunity to apologise for the misuse of public funds that has been identified in relation to him and his office.

I notice that Mr Jennings gave notice of this motion last December — on 13 December, in fact — and that was shortly before the time when the Ombudsman was giving a number of Labor MPs access to some parts of the inquiry that she was about to conclude so that they could get a sense of what was going to be said and have an opportunity to respond. In fact responding is something that the government has been quite slow to do. The investigation had, as the Ombudsman said on page 19 of her report, 'unusual challenges'. I think that is a very polite way of putting it.

There was an assertion of exclusive cognisance, which was referred to again as late as February 2018 by the ALP's legal adviser — because by that stage they had well and truly lawyered up, as well they should have — who reiterated this claim. I might note that the Ombudsman seemed to indicate that she did not fully accept this claim and that she thought there had been enough spent already on legal action in relation to this matter and decided to let it rest there. What that means is that we have a report that has holes in it and has a lot of unanswered questions. Even the extent to which Council members participated in this inquiry and gave feedback has been quite limited in some cases. I note in particular that Minister Mikakos, who provided a statutory declaration, does not appear to have subjected herself to questioning by the Ombudsman.

**Mr Finn** — Isn't she a lawyer?

**Ms FITZHERBERT** — She is a lawyer. Maybe that meant she was more attuned to the risk that she faced and did not want to actually put herself in that potentially incriminating position. There were of course adverse findings made in relation to Ms Mikakos. But what that means is that on page 84 we see some responses that are in my view plainly ridiculous and require further scrutiny. For example, Ms Mikakos did not recall receiving or signing the Department of Parliamentary Services forms and time sheets associated with her field organiser but accepted that in all probability she did, at or about the time she met with Mr Henderson at the commencement of his employment, saying:

I accept that it is probable that the documents were returned to Mr Mintern on my behalf.

So she accepts that this must have happened, because the documents were there, but she does not remember it at all. I think this is the sort of thing that should be

scrutinised, but at the moment we do not have sufficient scope to do this. The Ombudsman was unable to do so. The ALP was quite comfortable to continue obstructing through legal action, through refusing to participate and by putting up all manner of cover-ups and delays so that proper scrutiny could not be undertaken. What we see is a report that is extremely detailed and forensic to the extent that it is able to be.

If nothing else, the report that is on my desk as I speak is ample evidence of why we should be debating notice of motion 501. It would allow us to discuss a possible framework for addressing these failings, and it would also be an opportunity for a range of ALP members — government members — to basically fess up and to apologise for their misuse of moneys which they only actually paid back because it was identified, called out and politely suggested to them in advance that the Ombudsman thought it would be a good idea if they did that.

**Ms Crozier** interjected.

**Ms FITZHERBERT** — Ms Crozier asks a very good question: when did they pay it back? Was it the full amount? There are many, many questions. Debate on this motion would be timely. It is something we should proceed to without delay.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Electorate office budgets

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:00) — My question is to the Leader of the Government. Minister, the Ombudsman's report into Labor's employment of ALP field officers using taxpayers funds at the 2014 Victorian state election, which you were interviewed for and which you were directly quoted in, details, and I quote:

This pay arrangement — referred to as the '60:40 split' — was conceived by Mr Lenders in consultation with the ALP campaign committee.

Minister, who were the members of the ALP campaign committee?

**Mr JENNINGS** (Special Minister of State) (14:01) — I thank Ms Wooldridge for her question. My evidence in relation to this matter is covered in the Ombudsman's report in relation to my knowledge of these matters and the way in which I was asked to participate in this scheme and the way that I became aware of it, so the Ombudsman's report does cover that

already. In relation to my interview with the Ombudsman, I believe that the nature of that investigation and the interview was thorough, it was fulsome and in fact at no stage was I asked to provide further information to the Ombudsman apart from what I put on the record of interview and making comments on the nature of the report and the commentary that I was provided with the courtesy of a copy of.

Let me be very clear: I responded to any request from the Ombudsman in relation to the evidence that I provided, there were no gaps in the information that the Ombudsman sought from me and indeed I think that my record of interview, as it is included in the report, covers the relevant information in relation to me.

As part of that discussion with the investigators we actually did discuss the nature of the campaign committee. The reason why my response now is apposite to answering Ms Wooldridge's question is that I indicated to those conducting the investigation that the campaign committee of the Australian Labor Party during the course of an election cycle is not necessarily a fixed group of people that actually may regularly meet continually over the election cycle. Indeed I was a participant, for instance, in the campaign committee at the end of 2014, whereas I was not a member of the campaign committee at the end of 2013. I draw that to your attention in relation to what you may imply from that, but what I am actually saying is: if your question is, 'Who were the members of the campaign committee at the end of 2013?' —

*Honourable members interjecting.*

**Mr JENNINGS** — Well, what I am indicating to you is there was not a fixed representation of the campaign committee.

*Honourable members interjecting.*

**Mr JENNINGS** — I am not avoiding the question. It would be ridiculous for me to actually start at any point in time where there may be anything up to 20 people who may come on and off the campaign committee during the life of an election cycle. The real issue in relation to your question is: who was on the campaign committee at the time in 2013? I have already indicated to the Ombudsman and to the Parliament that I am not aware of who sat on the campaign committee at the end of 2013 as we speak.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:04) — I thank the Leader of the Government for his answer. The nature of these questions is that the

minister can go away and seek a response, which I certainly hope he will be directed to do, because regularly we do of course ask questions that a minister needs further information on. I would have thought that 20 members — even if it is 20 in relation to that — is not an unreasonable number to be able to give in answer to the direct question of the opposition and is something which the public seeks to know in relation to the campaign committee. Minister, I also ask: did the former Labor leader of this house, John Lenders, discuss his field organiser 60-40 funding plans, which have been detailed in the Ombudsman's report, with you or the campaign committee at any stage during 2013 and 2014?

**Mr JENNINGS** (Special Minister of State) (14:05) — President, in terms of what you may be considering in relation to the proposition that Ms Wooldridge has just put to you, under normal circumstances the questions that I answer, or that you expect me to answer, in my ministerial responsibility —

**An honourable member** — No, as Leader of the Government.

**Mr JENNINGS** — Or as the Leader of the Government — that is okay; I am not shirking my responsibilities. It is actually not necessarily the case that I would under normal circumstances be directed to follow up any question in relation to party administration or matters to do with political parties. That is normally ruled out of the scope of expectation. That would be the normal expectation of the chamber.

In relation to the question that you asked me, it is in the Ombudsman's report. In fact the conversation that took place —

**Ms Wooldridge** — I am asking you.

**Mr JENNINGS** — Yes, you asked me what occurred in relation to a conversation with Mr Lenders. It is in the report. Read the report.

### **Electorate office budgets**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (14:06) — My question is to the Special Minister of State, and it is of course in relation to the so-called red shirt rorts and the Ombudsman's inquiry. The Ombudsman undertook the inquiry and was also party to the court proceedings. In her most recent annual report the Ombudsman said:

I have received separate funding for that investigation — being the rorts —

which I consider to be in addition to the core work of my office.

Minister, what was the additional funding provided to the Ombudsman for the inquiry?

**Mr JENNINGS** (Special Minister of State) (14:07) — I thank Mr Rich-Phillips for his question. The operation of the Ombudsman has for a number of years been subject to supplementary funding that has been provided by the Department of Premier and Cabinet, whether it be to actually undertake investigations such as this or for the Ombudsman to acquit its statutory obligations and investigative function. In the budget settings that our government inherited, that had been the practice of the previous administration, it continues, and the Ombudsman and I share the view that that is perhaps not the best way to sustain the operations of the Ombudsman. Indeed there is a piece of legislation in the Parliament at the moment to transfer responsibility for the Ombudsman's budget to the Parliament. In fact the Ombudsman sought that transfer, and I was very happy to bring to the Parliament a piece of legislation to provide for that.

The reason why I give that important construct of the sustainability of the Ombudsman's budget is that hopefully in the years to come, if that piece of legislation passes, it will be a parliamentary appropriation for the Parliament to consider the degree of resource allocation that may be appropriate to the Ombudsman and the Parliament will determine to what scale the ongoing, enduring responsibilities of the Ombudsman's office will be funded to achieve, but whatever might be the additional resource that may be required by them it will be at the discretion and the control of the Parliament. I think that is a very sensible and wise course of action.

In relation to demonstrating the independence of the Ombudsman and for that matter the Department of Premier and Cabinet, which has provided ongoing financial support to the stability of the Ombudsman's operation, just to reinforce the measure of that independence, I do not know what the number —

**Ms Wooldridge** — She said she got separate funding for it.

**Mr JENNINGS** — I do not think there is one word that I have said in this answer that I actually have had the slightest concern about. I have indicated that in fact the Department of Premier and Cabinet have provided and continue to provide financial support for the Ombudsman's office to acquit its responsibility. They act independently of any decision that may have been made by the government in relation to this matter. In

fact I will take advice from the department about what figure may be attributed to Mr Rich-Phillips's question.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (14:10) — Thank you, Minister, for that answer and the follow-up. Likewise, in addition to the cost to the Ombudsman incurred for the investigation, the office also incurred expenditure in relation to the action in the Supreme Court, the action in the Court of Appeal and the action in the High Court. Can the minister inform the house what the cost incurred by the Ombudsman was in respect of those three legal actions in relation to this matter?

**Mr JENNINGS** (Special Minister of State) (14:10) — Again, one of the things that I would think is useful for all members of the chamber, all members of the Parliament and all members of the community to actually appreciate is one fundamental fact, and it does not take you too long to get to the part where in fact this issue is covered: paragraph 4 of the Ombudsman's report indicates that because there was a question about the jurisdictional responsibility of this chamber to make a determination the Ombudsman herself commenced action in the Supreme Court as was telegraphed in the debate in the terms of the resolution. It was foreshadowed in debate that to make sure that her jurisdiction was clarified the Ombudsman would go to the Supreme Court to provide an answer. In fact she invited this chamber and she invited the government to participate in that process.

**Electorate office budgets**

**Ms FITZHERBERT** (Southern Metropolitan) (14:11) — My question is also to the Leader of the Government and is again on the costs incurred by the taxpayer in the so-called ALP rorts affair. The government has announced that the legal cost to government of trying to stop the Ombudsman undertaking her report into the ALP's use of electorate officers for party-political purposes through the courts is \$139 000. Minister, can you provide a breakdown of that \$139 000 cost, including for example whether it includes the legal fees for the Labor field organisers that were interviewed by the Ombudsman during her investigation?

**Mr JENNINGS** (Special Minister of State) (14:12) — I thank Ms Fitzherbert for her question. Again, Ms Fitzherbert's question does actually differentiate. I am not splitting hairs in relation to my responsibility. I stand here having to assume responsibility. In fact despite a resolution having been

moved in the chamber today, at no point in time have I blamed anybody else. I assume responsibility for my part as a member of the Australian Labor Party, or my part as a minister, for anything that has actually taken place. I am not running away from that responsibility.

What I am actually indicating to the chamber, what I am assuring the chamber, is that in fact the actions that are embedded in the Ombudsman's report in relation to remedies that may have actually already occurred, reforms that may be in place or additional rigour in relation to whether it be the scope and the jurisdiction of the Ombudsman or other relevant agencies; whether it be IBAC's consideration or the Auditor-General's consideration; what it might mean for establishing the remuneration tribunal; what it means for intending to bring reform in relation to electoral reform into this place that clarifies matters of political and party activity into the future; what it means for refinements in terms of guidelines in relation to allowances or other matters in relation to how the electorate budget should be spent in the future — those things have actually taken place one after another and are referred to in the Ombudsman's report. We have actually not had an environment —

*Honourable members interjecting.*

**Ms Fitzherbert** — On a point of order, President, my question was very narrow and very clear. It was about the cost and the breakdown of the legal costs incurred by government. Mr Jennings is going to a range of other issues, and I would invite you to ask him to come back to actually answering my question.

**The PRESIDENT** — Mr Jennings does have another 2 minutes or so — a little over 2 minutes — to respond. He has provided some context, and I expect that he will address the substantive question that has been put to him in the remaining time.

**Mr JENNINGS** — I actually want to put some aspects of what is in the report as distinct from commentary that is outside the report. Whether it be through the prism of what constitutes a clarity of mind in relation to whose costs should be afforded in relation to various aspects of this or who should take responsibility for providing remedies — some of it within the Parliament, some of it within government, some of it within party administration — those things are all relevant. Indeed the nature of the court's consideration was to actually try to determine whether section 16 of the Ombudsman Act 1973 was as broad as what had been interpreted by the chamber. That is the matter that was tested in the court.

Of the \$139 000 that the member has referred to, somewhere around \$70 000 — I will find the exact number — the first case that we joined, just as this chamber joined and just as the President joined that proceeding at the invitation of the Ombudsman, cost about the first half of that consideration. The second was in relation to the Court of Appeal matters and indeed the High Court application for special leave, which was not granted. They are the ways in which that \$139 000 cost was afforded.

In relation to other matters — in relation to the cost structures of electorate offices and how that should be understood, how that should be provided to anybody seeking representation, whether it be electorate officers or whether it be MPs who participated in the Ombudsman's process — all of that legal advice was paid for either by those individuals or the Australian Labor Party.

*Supplementary question*

**Ms FITZHERBERT** (Southern Metropolitan) (14:16) — Further on the cost to taxpayers, what is the total value in cost and in hours of the work undertaken by the office of the Victorian solicitor-general in relation to any aspect of the Ombudsman's investigation?

**The PRESIDENT** — I am concerned about the supplementary question, which goes to an entirely different matter.

**Ms Wooldridge** — On a point of order, President, on that, it is very much about the cost to the taxpayers of an investigation, which is a very specific question. There are multiple aspects of it. The first one is the cost to the government, and we would argue that the cost to the solicitor-general's office is also a cost to the government but one which the government has not revealed. They are very related in terms of their issue: who pays on this very specific investigation.

**The PRESIDENT** — I will allow the supplementary question in the context of my understanding, which is that Ms Fitzherbert is seeking to establish whether or not the costs incurred by the solicitor-general's office are in fact a component of the \$139 000 that has been explained or whether or not that represents potentially an additional cost associated with the proceedings. I am prepared to allow the question and accept that it is apposite on that basis.

**Mr JENNINGS** (Special Minister of State) (14:18) — I am sure Ms Fitzherbert is very comforted by your generosity of spirit, President. Can I say that I am not daunted by it. In fact at no point in time has the

cost been associated with the role that the solicitor-general plays for the people of Victoria. The solicitor-general does not work on the basis of billable hours. The solicitor-general is a statutory appointment of the Victorian government and indeed is on a full-time wage that is not attributed in billable hours to the Victorian government or the Victorian people.

**Electorate office budgets**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (14:19) — My question is to the Minister for Agriculture. In September 2015 in question time you confirmed to the house that you contributed 'a modest portion' from your electorate office budget for ALP staff. Nonetheless you have not been named in the Ombudsman's report. Minister, can you confirm to the house that no-one employed in your electorate office worked as a field organiser, and if that is the case, why you chose not to participate?

**Ms PULFORD** (Minister for Agriculture) (14:19) — I thank Mr Rich-Phillips for his question. In the debates at the time in 2015 I did indicate that I had participated in pooling arrangements, as I think most members from most parties represented in this Parliament would have done at some point in time.

*Honourable members interjecting.*

**Ms PULFORD** — That is interesting, because we did actually seek to amend the reference so that the Ombudsman could have a look. You were not so forthcoming on that occasion, as you just seemed to be then. In fact you used your numbers with the Greens to stop that from happening, if I recall. I have always been up-front about that, and I have participated in the pooling arrangements that have existed over many years. Indeed I note that the Ombudsman made the observation that pooling arrangements have their origins back in the early 1990s. I had thought that it was more a mid-90s thing, but I stand corrected — though of course that precedes my time in the Parliament by a good decade.

What I can indicate in response to Mr Rich-Phillips's question is that all members' budgets and staffing arrangements were available to the Ombudsman, that there were some arrangements that she has sought to go into in more detail in the report and determined to look at those further and others that she did not. My budget and staffing entitlements were fully allocated within my electorate.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (14:21) — I thank the minister for her response. I note she did not answer the question as to why she chose not to participate in the staffing rorts structure. I ask: Minister, at any point did John Lenders or any other person approach you about being involved in the field organiser scheme?

**Ms PULFORD** (Minister for Agriculture) (14:22) — If I could first respond to Mr Rich-Phillips, who suggested that I did not answer the question, that I did in fact answer the question. The answer that I provided to the question was that my budget and staffing entitlements were fully allocated and were allocated within my electorate. As members know, the Ombudsman had available to her and to her office information about all members' budgets and information about all members' staffing arrangements. There were some that she has chosen to provide further comment on in the report, which is of course now a public document and that document is available for members to consider. But I absolutely reject Mr Rich-Phillips's suggestion that I did not answer the question, because I did.

**Electorate office budgets**

**Ms CROZIER** (Southern Metropolitan) (14:23) — My question is to the Minister for Families and Children. Minister, clause 8 on the electorate office and communication budget provides instruction about use of the electorate office communication budget, including, and I quote:

Members are also reminded that the electorate office budget cannot be used to support any party or political activities.

Clause 9 of the Members Guide prohibits the use of electorate officers for the member's 'political or party duties'. Minister, the Ombudsman found that you breached clause 8 and clause 9. Minister, you are a lawyer and a minister: which part of clause 8 or clause 9 did you not understand?

**Ms MIKAKOS** (Minister for Families and Children) (14:24) — I do hope that Ms Crozier has actually in fact read this report, because I know we have had a great deal of commentary from those opposite that does suggest that they have not in fact read this report. The Victorian Ombudsman has delivered an extensive report into these matters, and it has not recommended any action against anyone. The report makes it clear that the people involved in these arrangements acted in good faith and believed the

arrangements were an extension of longstanding approved staff pooling arrangements.

As is apparent from the report, I assisted the Ombudsman with her inquiries, and in fact the report contains several extracts from my statement to her. I note that the Ombudsman did not have the opportunity to examine the pre-election conduct of those opposite as well as the Greens because the Liberal Party, the National Party and the Greens joined together to preclude her from examining the conduct of staff or the conduct of any member other than Labor members. Ms Crozier and her colleagues came into this house in 2015 and voted to ensure that they themselves would not be subject to any scrutiny.

I suggest to those opposite that they go back and have a read of this report. The report makes it very clear that the Ombudsman did accept that members acted in good faith and she accepted that members had had a mistaken belief — they are her exact words, 'mistaken belief'. She made no specific adverse commentary in relation to the statements that I provided to her and the assistance that I gave to her. So I draw the member's attention back to the content of the report and the findings of the Ombudsman contained in this report.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) (14:26) — What an answer! Minister, the Ombudsman found that you breached clause 8 and clause 9 and says in her report that you were invited to be interviewed but instead of appearing for an interview for the investigation you decided to provide a statutory declaration. Why did you fail to appear in person before the Ombudsman?

**Ms MIKAKOS** (Minister for Families and Children) (14:26) — The Ombudsman in fact gave me the option of doing one or the other. The member opposite does not understand that I have provided a declaration to the Ombudsman. That is a lot more than the Leader of the Opposition did when the Ombudsman investigated the Ventnor matter. Not only did he not provide a statutory declaration, not only did he not attend any meeting, but he was criticised in the *Age* of 27 March 2014 as not having handed over important documents as part of his investigation.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Minister, that is debating and you know it. I understand the sensitivity of this matter, and I have actually been a little more lenient today than I might normally be. I do understand the sensitivity of the matter, but that is debating, very

clearly. The question put to you was: why a stat dec rather than appearing in person in response to an invitation by the Ombudsman? I think you have actually gone to that matter and indicated that you had an option, but please contain yourself to that matter.

**Ms MIKAKOS** — Thank you, President. I am getting interjections from those opposite, and I want to remind them that whilst I cooperated with the Ombudsman in her inquiries — and there are extracts of my statement in this report — that is a lot more than Mr Guy did in relation to the Ombudsman's investigation into Ventnor. That is a lot more than Mr Guy did. I remind those opposite that they made a conscious decision to come into this chamber and exclude themselves from any scrutiny at all from the Ombudsman's investigation.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Minister, I am sitting you down, because you have flouted my ruling that in fact you were debating, and you have continued to debate in your answer. You are sat down.

### **Electorate office budgets**

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:29) — My questions is to the Leader of the Government. Minister, on 2 September 2015 in this place you were asked about Labor MPs being told to employ casual electorate officers to work as field organisers. In response you said, 'What I can wholeheartedly say is that I have never seen or heard such a direction or been present in circumstances where such a direction was given'. When the same issue was raised by the Ombudsman, the minister said, 'I can't tell you the precise date, but I would have — I and a number of others would have — been asked to contribute a staffing allocation for that purpose'. Minister, why did you mislead Parliament in September 2015 when clearly you were aware of the red shirts rort scheme and the request upon Labor MPs to participate?

**Mr JENNINGS** (Special Minister of State) (14:30) — Thank you, President. You could tell by the way that I responded spontaneously to the construction of Ms Wooldridge's question that I refute her construction of the question because in fact she is conflating two issues. I stand by the direct quote that was in the report, and I stand by the direct quote that I actually gave, that she attributes to me, in relation to my answer in Parliament.

**Mr Ondarchie** — Did you mislead the Parliament?

**Mr JENNINGS** — No, I did not mislead the house. Go back and read both of those instances. I will assist you in reconciling it by saying that I was personally disappointed when I was engaged in the investigation by the Ombudsman that I recognised that the clarity of the delineation of those responsibilities that I had believed had been ingrained in the working practice of those who work in the scheme was nowhere near as clear as it should have been — nowhere near as clear.

*Honourable members interjecting.*

**Mr JENNINGS** — That is a matter that I actually regret. That is the basis on which not only I but other members of the government and other members of the Australian Labor Party have taken responsibility. We believed that in fact the delineation of responsibilities had been clearer and had been ingrained, consistent with the guidelines. I had operated on the assumption that that was the case, and it was not the case.

In fact that is the basis by which the government and the Australian Labor Party have made the decision that it is appropriate because of the potential for that blurred line that the Ombudsman refers to, that blurred line that the Ombudsman herself reports on in this report, to indicate that what is the difference between political activity, what is electorate office activity and what is party political activity is a very blurred line. The Ombudsman recognises there is a discrepancy between the nature of section 34 of the act and the guidelines, and in fact it creates a degree of uncertainty that has led to this circumstance. The Ombudsman called it out. The government has accepted that she has called it out and has acted accordingly. In fact at no point in time did I believe that my answer given to the Parliament or my answer given to the Ombudsman were inconsistent.

*Honourable members interjecting.*

**The PRESIDENT** — I am getting a headache, and that is not good for you guys.

**Ms Wooldridge** — On a point of order, President, I ask you to bring the Leader of the Government back to the question. He is talking about the confusion —

**Mr JENNINGS** — The only thing I have been talking about is the question. I have been talking about nothing else but the question.

**The PRESIDENT** — I will take the point of order first.

**Ms Wooldridge** — The question was about MPs being asked to contribute electorate office staff to the scheme. The minister has spent the entire 3 minutes

talking about the confusion about the role of the electorate officer within the electorate office and the field organiser positions. They are two different issues, and I ask you to bring the minister back to answering the question about why he told this house one thing and the Ombudsman another thing in relation to ministers and members being asked to contribute staff to the Labor rorts scheme.

**The PRESIDENT** — On the point of order, I actually accept that the minister's answer is responsive to the question in so much as the minister has put to the house his understanding at a point of time and what he has subsequently reflected on, I think in part because of the Ombudsman's report. I think that the minister has said from the outset that he does not believe there is an inconsistency in the two statements put to him — one directly to this house, the other to the Ombudsman. He suggested that he finds no inconsistency in that position, and that is an apposite answer to the question put. It might not be the answer that the opposition would wish to have, it might not even be an answer that I in a chairmanship position am entirely happy with, but it is not for me to direct the minister as to how to answer a question, and I certainly think that he has been apposite to what was put to him.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) (14:35) — Minister, a review of the question time video amazingly captures an interjection directed to the opposition from you saying, and I quote:

You are just upset you couldn't do it; you couldn't deliver it.

Minister, doesn't the interjection confirm that not only did you know about the rorts scheme, you were actually proud of ripping off Victorian taxpayers for \$388 000?

**Mr JENNINGS** (Special Minister of State) (14:35) — There are two aspects to this. I have got no idea about what the video may or may not show. I have got no idea about the nature of my interjection and what point it may have been to. I do absolutely refute that, given the circumstances where I joined the Premier the other day to actually recognise that because of these circumstances an apology was apposite and in fact the return of the money to overcome what is the potential confusion. At no point in time did I demonstrate, before or after, any hubris in relation to this matter. I refute that imputation of whatever my interjection was, although as I say, I have not actually attested to it. I have got no idea whether in fact the construction put by the member is accurate in any shape or form.

**Western Victoria fires**

**Mr PURCELL** (Western Victoria) (14:37) — My question is to Minister Dalidakis representing the Minister for Emergency Services. Last week we saw some of the most devastating fires ever in south-west Victoria, with large losses of stock and property. Twenty homes were lost as well. The firefighters and the Country Fire Authority did a great job in protecting the community with no loss of life. After the fires the community got together as they always do — they rally together — and provided support in a number of areas, including fencing, stock, clothing and money. However, there was a lack of coordination of this support that came from the community. My question is: Minister, does the government have any plans to coordinate relief efforts to assist communities following disasters?

**Mr DALIDAKIS** (Minister for Trade and Investment) (14:37) — Can I join with the member in expressing sadness for the people of the south-west who have experienced this. The greatest threat, of course, to people in bush areas is the threat of wildfire, which unfortunately, given our landscape, continues to abound summer after summer. Can I firstly say to the member that I will take the question on notice to get a more fulsome response from the minister in the other place. Can I also say that I had reason to meet with the Australian managing director of Fonterra yesterday on a different matter, and he volunteered to me that Fonterra are also looking to coordinate relief for dairy farmers who are part of their network, which I expressed great appreciation for on behalf of the Victorian government.

Can I also say that I want to express appreciation to the Victorian Farmers Federation and also the Macquarie Radio Network, which have also similarly gone about giving support and attempting to raise funds to help those that are affected. This is an issue that I know my colleague Minister Pulford, given her agricultural portfolio, is very invested in, as indeed is Minister Tierney, given her proximity both as a member and as a local. I can certainly assure the member and all of the residents down in the south-west that the government are completely focused on helping them and making sure that they get through what is a very difficult circumstance not of their own making, as we are with any community that is affected, whether it be by flood, fire, famine or otherwise. This is going to unfortunately become a far too common occurrence in our landscape going forward, and certainly we need to ensure that there is support there and that the management of that support is consistent with meeting the needs of our community. I look forward to

providing the answer from the minister within the allotted time.

*Supplementary question*

**Mr PURCELL** (Western Victoria) (14:39) — I thank the minister for his answer. I think the minister's answer actually included the issue that I raised; it is the coordination. Everyone is very generous, but it needs to be coordinated so that people who are in need get to actually access the funds that are provided by all of those generous providers. It is not only the immediate access; the real issue is going to be when this becomes old news — four to six weeks down the track when there is some other disaster or some other issue comes to the forefront. We need to make certain that the mental health of the farmers involved and also the fodder for their stock et cetera continues. My question is: is there any ongoing support and coordination of those factors for those farming and local communities?

**Mr DALIDAKIS** (Minister for Trade and Investment) (14:40) — Thank you, President. I am not sure. I will take guidance from you as to whether I can refer a supplementary to a different minister in another place to a minister in this place. I am not sure whether I can. No, I am getting the nod of disapproval for that.

Yes, the issue is one that we are well aware of. Can I go to the heart of the question from Mr Purcell and say that, for example, within my own portfolio of small business I have two small business buses, which we use, at our disposal. We are planning at the appropriate time to send them down to those communities to provide them with support. We acknowledge that sending those buses down now would not be helpful to the small business owners and farmers who are affected, in particular, so we will be coordinating the appropriate time to send them down. In fact that coordination happens at an officer level between both officers within my department and the office of the emergency services commissioner along with Regional Development Victoria. There are a range of stakeholders that I know continue to talk to each other to ensure that we get that coordination, but in any event I will seek greater clarification from Minister Merlino in the other place.

**Ms Pulford** — On a point of order, President —

**The PRESIDENT** — Your point of order would not be explaining what you are doing in your department?

**Ms Pulford** — No, I am very much seeking not to antagonise you on this day, but given this is so important to a number of people in the south-west,

specifically in relation to Mr Purcell's question, Mr Merlino's answer through Mr Dalidakis on the whole-of-government coordination will definitely be forthcoming, but on mental health support and coordination of fodder, the government made some announcements last week. Specifically I just thought if I could take 2 seconds to update the house that \$100 000 in funding has been provided to coordinate mental health services.

*Honourable members interjecting.*

**The PRESIDENT** — Thank you, Minister.

**Ms Pulford** — They don't care, but we do.

*Honourable members interjecting.*

**The PRESIDENT** — Thank you. The point of order would have been: can Mr Dalidakis refer a supplementary question to a minister in this place when in fact the questioner put it to a minister in another place? And the answer is no. That dispatches what would have been the point of order.

The information that you wish to provide, Minister Pulford, I think is of value to the house. What I would suggest, Mr Purcell, is that the minister give the courtesy to you and the house of perhaps adding this information to Mr Merlino's response, which will be forthcoming to you in writing by referral from Minister Dalidakis.

**Regional forest agreements**

**Ms DUNN** (Eastern Metropolitan) (14:44) — My question is to the Minister for Agriculture. Now that the regional forest agreements (RFAs) for the north-east, the Central Highlands and East Gippsland have been extended to 2020, can the minister advise: is there enough supply to fulfil contracts to 2020 or will mills be forced to close and hand over their wood supply contracts to the government-owned Heyfield mill or Australian Paper?

**Ms PULFORD** (Minister for Agriculture) (14:45) — That is not the question I was expecting from the Greens, I have to say. I thank Ms Dunn for her question. I can assure Ms Dunn and the house and any organisation that currently has a supply contract with VicForests that those contracts will be able to be fulfilled. Just for the benefit of members in the house, and for some context, the government is committed to modernising the regional forest agreements and a statement was issued earlier today by my colleague the Minister for Energy, Environment and Climate Change. The government announced that in addition to its

commitment to modernising the RFAs, the current RFAs, which were due to expire soon, will be extended to 2020, which will allow time for that modernisation work to be ongoing.

The government also made a number of other announcements as part of that, which may be of interest to members. We announced that we will be providing immediate protection to approximately 2500 hectares in the area around the Kuark Forest, that we will permanently protect all large and old trees with greater than a 2.5-metre diameter and that a program of landscape and pre-harvest surveys will be introduced to provide greater operational certainty to VicForests but also to improve — as we are always committed to doing — the management and protection of threatened species in timber harvesting coupes.

Specifically in relation to Ms Dunn's question and her concern that VicForests customers might not have their contracts fulfilled, VicForests will be able to fulfil the contracts that it enters into.

*Supplementary question*

**Ms DUNN** (Eastern Metropolitan) (14:47) — Thank you, Minister. Can the minister rule out that supply will be augmented by logging in closed water catchments or national parks?

**Ms PULFORD** (Minister for Agriculture) (14:47) — As I have indicated, the announcement that we have made provides immediate protection to 2500 hectares. The government is confident that it can meet its existing supply contracts whilst protecting this important area.

**Noojee logging**

**Ms DUNN** (Eastern Metropolitan) (14:47) — My question is to the Minister for Agriculture. The people of Noojee are rightly concerned about the logging scheduled to commence this April, particularly the increased fire risk caused from logging. Those local risks have been confirmed by scientific experts in the field, this expertise having been sought by Friends of Noojee's Trees. Minister, will you order logging to stop in these coupes given the significant increase in fire risk to the township and the community?

**Ms PULFORD** (Minister for Agriculture) (14:48) — I will take on notice the specific area that Ms Dunn has inquired about and provide her with a written response. As a general rule I am not in the business of directing VicForests to stop logging in every area Ms Dunn would like it to stop logging — we could only imagine where that would end — and we

are committed to fulfilling contracts that VicForests has entered into. The specific details of the area in question I will provide a written response on.

*Supplementary question*

**Ms DUNN** (Eastern Metropolitan) (14:49) — I thank the minister for taking that question on notice. But, Minister, I am wondering, as part of the assessments undertaken in terms of which logging coupes proceed, is the scientific evidence included in that assessment to ensure that communities are not put at greater threat from logging in their regions?

**Ms PULFORD** (Minister for Agriculture) (14:49) — I would certainly assure Ms Dunn that in everything we do, reflecting on the recent discussion in the house about fire safety but also in relation to managing the state's timber resource and in managing very many issues, public safety is always paramount. As I indicated, I will provide a written response to Ms Dunn's substantive question, but certainly we are as a government always mindful of our obligations to ensure members of the community are kept safe.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) (14:50) — There are 64 written responses to questions on notice: 571, 872, 10 183, 10 920–4, 11 173, 11 651, 11 824, 12 248–53, 12 335, 12 402, 12 466, 12 473, 12 475–7, 12 486–511, 12 529–35, 12 540–3, 12 548, 12 595, 12 597.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** (14:50) — In respect of today's questions I seek written responses to Ms Wooldridge's first question to Mr Jennings, the substantive question, and Mr Rich-Phillips's question to Mr Jennings, both the substantive and supplementary questions, which involve a minister in another place, so two days, and the first one, Ms Wooldridge's, is one day. Ms Fitzherbert's question to Mr Jennings, the supplementary question, is two days because it is likely to involve a minister in another place. Mr Rich-Phillips's question for Ms Pulford, just the supplementary question, and that is one day. Ms Crozier's question to Ms Mikakos, the supplementary question — the house would be aware that I did not allow the minister to complete her answer on that supplementary question.

**An honourable member** interjected.

**The PRESIDENT** — She did not run out of time; I sat her down. But I do believe the supplementary question was not addressed in the time that the minister did have available, and therefore I would seek her answer on that; that is one day. Ms Wooldridge's question to Mr Jennings — this is the second one — just the supplementary. Ms Wooldridge's question to Mr Jennings, the substantive question. Mr Purcell's question to Mr Dalidakis, the substantive and supplementary questions, which involve a minister in another place, with some extra information to be provided by Ms Pulford by way of a courtesy to the house; that is two days. Ms Dunn's question to Ms Pulford, the substantive question — this is the second question — that is one day.

Did I address Ms Wooldridge's question to Mr Jennings, the second one, question 6, just the substantive? In addressing that, a point of order was raised on that question, and I indicated that I felt that the minister was responding to the question. Ms Wooldridge has given me the courtesy of providing the actual question that was asked. I do see something of a contradiction in terms of the two matters that were explained, and I am inviting the minister to effectively consider that a little further. But as I indicated in the ruling, I did think that certainly the minister was responsive to the question on that occasion. The question also went to legal and supplementary funding, and the minister is not responsible for supplementary funding. He indicated it was the Department of Premier and Cabinet, so from my point of view it is two days.

**Mr Jennings** interjected.

**The PRESIDENT** — Yes, but there was a legal aspect to it all as well, so I am happy with two days. You are not, but I am.

## RULINGS BY THE CHAIR

### Questions on notice

**The PRESIDENT** (14:53) — I have a number of applications for the reinstatement of questions. Ms Wooldridge has asked me for the reinstatement of question 12 526, which was to the Minister for Health in another place via the Minister for Families and Children in this place. I have looked at that question. It was a two-part question, and I order the reinstatement of part 2 of that question.

Georgie Crozier has provided me with a letter requesting the reinstatement of a series of questions that

she believes were not adequately answered, and on looking at the questions and answers I am of the view that I should reinstate questions 11 784 through to 11 817, so all of the questions in that range.

In respect of a further representation to me from the Honourable Gordon Rich-Phillips on questions that he did not believe were adequately answered, I would order the reinstatement of questions 11 475, 11 483, 11 497, 11 506, 11 520, 11 528, 11 543, 11 550, 11 564, 11 565 and 11 572. With the remainder of the questions that Mr Rich-Phillips has sought to have reinstated, which is in fact five questions, I am of the view that they are still in train and that we are actually awaiting responses on those five, I understand. But for the other questions I do order reinstatement.

## CONSTITUENCY QUESTIONS

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) (14:56) — My question is for the Minister for Mental Health, and it relates to the establishment of a residential drug rehabilitation centre in regional Victoria. In the 2017–18 state budget the Andrews Labor government announced funding of \$9.7 million to acquire land in Gippsland, Hume and Barwon to establish new residential drug rehabilitation facilities throughout regional Victoria. Ten months have passed since this announcement and we are now on the cusp of a new state budget, but still the minister drags his feet on the issue, failing to make any announcements on land acquisitions to build these vital services. The minister and the Andrews Labor government are not serious about tackling the scourge of drug addiction in regional Victoria. Ten months without an announcement — more empty promises from the Andrews Labor government. Minister, what is the location of the land you promised to acquire to build a new residential drug rehabilitation facility in the Hume region within my electorate?

### South Eastern Metropolitan Region

**Ms SPRINGLE** (South Eastern Metropolitan) (14:57) — My constituency question is for the Minister for Roads and Road Safety, Luke Donellan. My question is regarding the proposed Mordialloc bypass. On the VicRoads website it is claimed that the road will reduce traffic on Springvale Road, easing congestion and improving travel times. However, the current and projected traffic count data for the roads surrounding the Mordialloc bypass are not included. Too often with road projects such as these they are built at enormous expense to the taxpayer, are ruinous to the local

environment and the proposed benefits are never realised. If these roads are to be built, then we must ensure that there is sufficient need. Minister, when will you release the traffic count data for the major roads surrounding the proposed Mordialloc bypass as well as the future traffic projections?

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) (14:58) — My constituency question is for the Minister for Education, James Merlino. It is in respect to some Crown land in Bannockburn where people are wishing to build a new school, the St Mary MacKillop Catholic primary school. I understand that there was an allocation of money, \$1 million, under round 3 of the non-government schools grants program that was to be used for this transfer of land to allow for construction of this Catholic school. There have been significant delays, and I am advised by the Golden Plains shire that this transfer is yet to happen, although I see there has been an allocation of \$1 million, as I said, under the grants scheme. My question to the minister is: when is it expected that the community of Bannockburn will have this transfer of land to allow for the construction of a new Catholic primary school at Bannockburn?

### Eastern Metropolitan Region

**Ms DUNN** (Eastern Metropolitan) (14:59) — My constituency question is for the Minister for Roads and Road Safety in relation to Rosanna Road. Residents in the surrounding area have been very vocal in raising issues around safety and amenity on Rosanna Road. They talk about issues around freight traffic and freight vehicles extending over lanes, meaning that it is very difficult for cars and indeed freight vehicles as well to traverse that road within the designated lanes, let alone if you are a cyclist on that road. Residents are calling for a redesign of local intersections to improve road safety for motorists, pedestrians and cyclists, and certainly to improve pedestrian and cycle links. My question is: given all these different issues impacting on Rosanna Road, what action are you going to take right now, not into the future, to address these concerns about Rosanna Road?

### Eastern Victoria Region

**Mr O'DONOHUE** (Eastern Victoria) (15:00) — I raise a question for the Minister for Health. It relates to the Angliss Hospital in Upper Ferntree Gully. Minister Hennessy promised that following upgrade works a dedicated 14-bed intensive care unit (ICU) would open. These works have now been finished for some time, but due to insufficient staffing, funding and

equipment, the ICU is not operational but rather is operating as a high-dependency unit. My constituency question to the minister is: when will she ensure that there is sufficient funding to enable this important ICU facility to open at the Angliss Hospital to provide the service that is so desperately needed for the hills and outer east of Melbourne?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) (15:01) — My constituency question is directed to the Minister for Energy, Environment and Climate Change, and it relates to the Ballan Recreation Reserve. The Ballan Recreation Reserve has had a number of trees felled of late, due to their age and dangerous condition. There are a number of trees between the train line and the oval at the Ballan reserve. The users of the Ballan reserve are seeking that the minister for the environment fund the removal of these trees and have that removal done when there is a closure of the Ballarat train line as a result of the works that are being done on it through the funding that has been made available from the federal government. I ask that the minister fund the removal of those trees and that that be done when the Ballarat train line is closed for upgrades.

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) (15:02) — My constituency question is to the Minister for Roads and Road Safety. For some years now I have been advocating for improvements for motorists on Sunbury Road between the township of Bulla and the Tullamarine Freeway. As I have explained to the house and the minister on a number of occasions, traffic on Sunbury Road is intolerable and is getting worse on a daily basis. Congestion on Sunbury Road was as bad as it could get — or so I thought. Recent VicRoads works have made traffic even worse, much to the disgust and anger of motorists. Minister, when can those motorists expect some relief from this appalling traffic congestion?

### Southern Metropolitan Region

**Ms FITZHERBERT** (Southern Metropolitan) (15:03) — My question is to the Minister for Energy, Environment and Climate Change. The Albert Park master plan was announced by the member for Albert Park in November last year and had as its centrepiece the reduction of the public golf course from 18 to nine holes and moving the driving range onto the current golf course site. There was, of course, a backflip on this after the public backlash. The Melbourne Sports and Aquatic Centre (MSAC) prepared plans to expand over

the driving range site because they knew in advance of the announcement of the master plan that, in their words, the driving range would be moving. Minister, my question is: who is it that authorised MSAC to be told this information, and was it you?

### **Southern Metropolitan Region**

**Ms CROZIER** (Southern Metropolitan) (15:04) — My constituency question relates to the lack of commuter parking in the Glen Eira region and in particular around the Ormond, Carnegie and Glenhuntly railway stations. The minister was happy to come out to my region and open the Ormond level crossing following its removal, one which was funded and planned for by the previous coalition government, but is not willing to come out and face the residents who have been severely impacted by sky rail, for instance. It just demonstrates how this government chooses to play its cards, but the house of cards with the rorts for votes scandal is one that will not survive the electorate's disgust at the blatant rorting and misuse of taxpayers money. Nevertheless, commuter parking is a very large issue in my region, and I would like to ask the minister what plans she has for the commuters who access these three stations with their parking needs.

### **South Eastern Metropolitan Region**

**Mrs PEULICH** (South Eastern Metropolitan) (15:04) — My constituency question is directed to the Minister for Education, and it is in relation to the government's announcement that the contracts of cleaning contractors employed by schools will be terminated and they will be replaced by regional providers, approved, obviously, by the government. I have received a copy of a letter from Hampton Park Secondary College, which is in my electorate, signed by David Finnerty, the executive officer to council, and the college council president, expressing consternation and dismay at their instructions that they should unilaterally abrogate those contracts as of 1 July 2018, with businesses immediately becoming non-viable and almost facing bankruptcy. They say that this is an absolute breach of trust and indeed will lead to significant job losses as well as a compromise of the level of service that the school receives. What they are asking is whether the minister will urgently reconsider this particular unilateral decision by the government and the negative impact that this has on the college as well as, obviously, other schools across the state.

## **BUSINESS OF THE HOUSE**

### **Notices of motion**

#### **Debate resumed.**

**Mr O'SULLIVAN** (Northern Victoria) (15:06) — I too rise to speak to the procedural motion in relation to the report by the Victorian Ombudsman into the investigation of matters referred to it by the Legislative Council in November 2015 in relation to the misuse of taxpayers money for the rorting of the red shirt brigade, which we have already heard about today and I am sure we will hear a lot more about as well. Prior to the 2014 election the Labor Party put together a program, which was engineered by John Lenders, by which members of Parliament would sign off on casual time sheets and employ people to work on behalf of their constituency in the lead-up to the election to do constituency work. What happened was that the Labor Party, members of this chamber, members of the other place and now retired members were involved in a system of rorting from the Labor Party campaign committee, as outlined by the Victorian Ombudsman. Instead of those staff being employed to do electorate work, they were actually employed using taxpayers money to do what we now know to be the red shirt rorting propaganda. What they would do is they would get the time sheets and they would sign them off for staff to do work in the electorate, but those staff would go into other electorates, into neighbouring electorates, sometimes not so neighbouring —

**Mrs Peulich** — Across town.

**Mr O'SULLIVAN** — across town — and they would work on behalf of the Labor Party undertaking direct campaign work for Labor Party members of Parliament and candidates to try and influence the outcome of the election.

There is no doubt that this was a very widespread, deliberate undertaking by members of this chamber on the other side — members of the Labor Party — and it is interesting to note that none of the people that were mentioned in the Ombudsman's report are in the chamber now. I guess they are in their offices hiding away because they know that they have done the wrong thing; they know that they have been caught out rorting taxpayers money and they are embarrassed to be in here. We have seen it already this morning and also this afternoon — the manner in which those members have conducted themselves in this chamber — they are very sheepish about what they have done. I can understand that they would be very sheepish, and they should be ashamed of what they have done because it is wrong.

They knew it was wrong, and now we see that they are trying to use some grey areas and some vagueness about the guidelines to justify what they did, saying, 'We thought it was okay'.

Well, that is not true, because we know that John Lenders, a former member of this place, a former Treasurer of Victoria no less and also a former state secretary of the Labor Party, went to the Parliament twice to seek some guidance. He went to the Secretary of the Department of Parliamentary Services twice to verify it. On both of those occasions the Ombudsman said that according to the evidence that was provided to the Ombudsman the information given back to Mr Lenders by the Parliament was that that is not okay. But Mr Lenders nonetheless forged his way through and decided that he still wanted to continue with this program that he was told very clearly on two occasions was not appropriate. So what Mr Lenders did is he obviously went and spoke to the then Leader of the Opposition, Mr Andrews — the Premier of the state now — and certainly Mr Andrews would have been well aware of the tactics that were being used.

I have been on quite a few campaign committees in my time over many years, and one thing that is certain to happen during an election campaign is that the leader of your party pretty much is at the forefront of any strategic tactics that are undertaken in relation to campaigning in marginal seats. The leader of the party — the Leader of the Opposition in this case — would have been very, very keen to understand exactly what was going on so that he could have the best opportunity that he could to win the election and then become the Premier. So for Mr Andrews to say that he might have attended some campaign meetings and he might not have attended others is absolutely incorrect. He would have known exactly what was going on at every stage. He would have known what was going on in terms of the agenda of each one of those meetings, and he certainly would have known the outcomes of deliberations taken. And not only that, senior members of his staff would have also been involved in terms of understanding the strategic tactics of the campaign committee that the Labor Party had. So there is nowhere for the Premier to hide in relation to this matter, and I think as we uncover more information, that will certainly come to light — exactly what Mr Andrews did know about all of this.

The Ombudsman has said very clearly in the report that there are gaps in the information that they have, because obviously members of the other chamber — the Legislative Assembly — decided that they did not want to participate in this process so they declined to provide any information. That is understandable from

their point of view, because they have got a lot to hide and they certainly did not want to be transparent in any way, shape or form or provide any information if they did not have to, and it is a shame that they did this.

The Labor Party when they became the government knew very well that they had done the wrong thing; they knew very well that this stank to high heaven. So what they did when this was uncovered is they went to the Supreme Court to challenge the Ombudsman's authority in relation to whether the Ombudsman could actually even investigate this matter. Because they knew that if the Ombudsman did investigate this matter, they would very clearly determine that the rules had been broken. Not only, in the end, did the Ombudsman decide that the rules had been broken but she found widespread rorting of taxpayers money to the tune of \$388 000. Once the Supreme Court decided that the Ombudsman did have the authority, what did the government do? They used more taxpayers money to take it to the Court of Appeal, and again the Court of Appeal found that it was okay for the Ombudsman to undertake this matter. What did the government do then? They decided that they would take a motion to the High Court, which was ultimately rejected as well.

For the Labor Party to come into the chamber today and say, 'The guidelines are a bit fuzzy, so we needed to test whether the Ombudsman had the right to undertake this matter' is absolute rubbish — absolute rubbish. The Labor Party were doing everything they could to try and stop the Ombudsman from uncovering the truth, because they did not want the truth to come out. The thing about the Ombudsman's report is all the truth is still yet to come out. There is a lot more underneath that the Ombudsman could not get a hold of in terms of their investigation, particularly from those in the Legislative Assembly, but I am sure that we will undertake that as we get closer to it.

If we look to how many members have actually been implicated in this in terms of the Ombudsman's report, we find that there are some 21 either sitting or retired Labor members of Parliament who undertook this rorting of taxpayers money by signing off on those time sheets for electorate office staff to directly campaign for the Labor Party in marginal seats. And I think their names should be put on the record, so I am going to name them here today.

The architect of this program was John Lenders, and he signed off on time sheets to the tune of \$44 732. Also involved were Elizabeth Beattie, \$24 000; Margaret Lewis, \$24 000; John Pandazopoulos, \$21 000; Joe Helper, \$21 000; and Johan Scheffer, \$21 000. Then we come to Jenny Mikakos, who is a minister in this very

chamber; she signed time sheets to the tune of \$21 148. Brian Tee, Marsha Thomson and Nazih Elasmr, another member of this chamber, each certified payments totalling \$21 148. Another minister in this chamber, Gayle Tierney, signed off on \$20 559. Gavin Jennings, the leader of this house and the minister responsible for integrity in this state, signed time sheets for the red shirt brigade to the tune of \$20 539. Lee Tarlamis — who I think is still an employee of Mr Jennings today — Matt Viney, Joanne Duncan, Adem Somyurek, Anthony Carbines, Candy Broad and Liliana D'Ambrosio were mentioned. Martin Pakula, the chief lawmaker in this state, was also found to have rorted his taxpayer-funded allowances by signing off on time sheets to the tune of \$5354. Cesar Melhem and John Eren were listed, as was Shaun Leane, who likes to throw all sorts of things around in this chamber; he also signed off on time sheets for the rorting of taxpayers money.

Many of those staff who were on the ground were operating in marginal seats, and they did a lot of work. They were doorknocking, telephone calling and doing a whole range of other things. They were directly trying to influence the outcome of the last state election. Some of those seats were only won by a few hundred votes, so a reasonable question that we all should be asking ourselves is: did this program actually change the course of the result of the last state election? We cannot revisit that, but what we can do is certainly speak to those people who were involved and get more clarification and more answers from them in relation to what they actually did and when and why they did it.

Another thing that I want to touch on is that I do not think the Ombudsman's report has got it completely right. I think she has misinterpreted a couple of things. When she says that none of the people involved derived a personal benefit, I think that is wrong, because if you look at some of the figures, the difference between being in opposition as a backbencher and being in government as a minister — which could have been an outcome resulting from the work that was done to influence the last election — has resulted in a very, very tidy profit for most people who are currently in government, in particular anyone who is a minister in this chamber, and there are few of them. Gavin Jennings benefited to the tune of more than \$500 000 in increased salary from being in opposition to being a minister in government with the advantages that come in relation to his pay. Minister Mikakos has also benefited to the tune of some \$500 000 personally, because that is how much more money she would have received over her four years of being in government and being paid a minister's salary as opposed to being

in opposition on a backbencher salary or even a shadow minister's salary.

Other people in this chamber have also benefited. Mr Elasmr has benefited to the tune of some \$50 000. Shaun Leane is a parliamentary secretary, which gives him a loading on his salary; he has benefited to the tune of about \$100 000 over four years as a result of this. Mr Melhem, when he was the whip, got a little bit of extra money — about \$8000. Mr Somyurek received an additional \$75 000 when he was a minister, and Minister Tierney, who has been a minister for only part of the four years, will have personally benefited to the tune of about an extra \$360 000 in ministerial salary as a result of this. The report says that no-one personally benefited from this, but I would see those amounts that I have just referred to as being a significant personal benefit.

If I was a minister and I had an extra \$500 000 as a result, I would be pretty pleased. I would be very, very pleased in fact, because that is a lot of money. That is a huge amount of money that someone can derive as an extra benefit in just four years, potentially as a result of this program. We will never know whether that program actually changed the course of the election, but what we do know is that these people are now ministers, these people are now getting a much higher salary than they would have received and they have potentially personally benefited from this program. I think the Ombudsman has got that very wrong in her report, but that is another matter.

I want to come back and finish with the person who is in charge of all this, and that is the Premier, Daniel Andrews. We know that Daniel Andrews has often said that he takes full responsibility for things that happen while he is the Premier and the Leader of the Labor Party, and there are many quotes. I will read one. He said in September 2015:

I take responsibility for each and every thing that happens under my leadership ...

So he has taken responsibility for things that happen under his leadership. He was the Leader of the Opposition when this happened. He is now the leader of the government in terms of the cover up and in terms of trying to disguise this and make sure that this did not come to fruition. Mr Andrews needs to seriously consider his position, as do those ministers who directly benefited from this and who received personal benefit. They need to consider their positions in this chamber and in this government. I think this has a long way to go. We will not rest until we see the resignations of many, many ministers in this Parliament.

**Ms CROZIER** (Southern Metropolitan) (15:21) — I also rise to speak on the motion that was put to the house earlier today in relation to government business. If you look through the notice paper, there are a number of motions, and of course there is the one which refers to:

Provision of advice

- (a) The parliamentary integrity adviser is to advise any member of Parliament, including former members of Parliament where relevant, when asked to do so by that member, on ethical issues and integrity matters concerning the exercise of his or her role as a member.

Never before have we seen such a breach of trust in terms of the systemic rotting by a government in a Parliament — certainly in the Victorian Parliament. I am not sure, but this is probably a record for the Australian parliamentary system, I would say, because of the numbers of both past and present MPs who have been embroiled in this atrocious scandal. And it is an atrocious scandal because it has brought the integrity of the office of every MP into question.

It is the actions of these people where they have rorted and cheated Victorian taxpayers that the public look upon and view, becoming increasingly cynical about what we do. I find it extraordinary that those opposite, members of the government, can sit there and blindly say, ‘We did nothing wrong. We thought we were acting within the guidelines’. Honestly, nobody believes this. Nobody believes them. Nobody believes the Premier. Nobody believes the ministers when they come out and say, ‘No, we were acting within the realm’. If you look at the Ombudsman’s foreword, she says:

Our task was to get to the truth of the matter — were entitlements misused?

She goes on to say:

Answering this has been like trying to complete a jigsaw puzzle from which, at the outset, you are not sure how many pieces are astray and whether you will have enough to see the image. In the end, although some pieces are missing because of claims of parliamentary privilege and exclusive cognisance, or simply loss of memory as some witnesses asserted, a clear picture emerged.

And it did — it emerged all right. It was a picture of systemic rotting whereby 21 past and present MPs rorted the Victorian taxpayer an extraordinary amount. As Mr O’Sullivan has just reminded the house, who was to gain out of that systemic rotting to get those votes over the line? It was those opposite, those ministers who now have ministerial salaries, and —

**Mr Dalidakis** — Who are you looking at?

**Ms CROZIER** — You are in the chamber, Mr Dalidakis. I will read you what Ms Mikakos said. She signed off on 70 time sheets for Mr Henderson, and in the report she is quoted as having said:

... I did at or about the time I met with Mr Henderson, at the commencement of his employment.

She could not recall receiving or signing the Department of Parliamentary Services forms and time sheets associated with field organiser Sebastian Henderson’s employment as an electorate officer, but she does recall around the time of his employment. So 70 days she has just signed off blindly. Honestly, how is that right? Then he goes off and works in someone else’s electorate.

This list goes on. We hear about Mr Lenders, the great architect. Let me tell you: no-one is going to believe the pathetic excuse he gave when resigning two days before this report was handed down that he was travelling around the world and spending more time with his grandchildren. He has just spent years on the public purse, and then two days before this gets handed down he pulls the pin. Honestly, Mr Lenders —

**Ms Symes** interjected.

**Ms CROZIER** — Ms Symes, they are not stupid. They understand that you are all complicit in this rotting because you knew it was happening, and you cannot get away —

**Ms Symes** — On a point of order, Acting President, I would just draw your attention to the fact that this motion is purely about postponing government business and we are straying way beyond the notice paper.

**Mrs Peulich** — On the point of order, Acting President, the establishment of a parliamentary integrity adviser is a recommendation made by the Ombudsman in relation to recommendation 748, so it is completely in order.

**The ACTING PRESIDENT (Mr Elasmarr)** — While I have some concerns myself, the point of order that has been raised by Ms Symes has got something to do with the Ombudsman’s report. I understand that motion 501 is on government business, but I think you are exaggerating it by going too much into the Ombudsman’s report. So I ask you to come back to the procedural motion.

**Ms CROZIER** — Thank you very much for that guidance, Acting President. I will not be taking up too much more of the chamber’s time. It is a procedural motion. On the government business program there are

a number of motions provided by the government, one of which specifically relates to ‘ethical issues and integrity matters concerning the exercise of his or her role as a member’.

**Mrs Peulich** interjected.

**Ms CROZIER** — As Mrs Peulich interjects, it is part of the Ombudsman’s recommendation, so I think there is a clear link. The government members, including Ms Symes, might want to try to pretend there is nothing wrong here, but there is. We have got the most devious, disingenuous and dishonest government this state has ever seen, and the Ombudsman’s report backs that up. If I could say —

**Mr Dalidakis** — No, it doesn’t.

**Ms CROZIER** — Yes, it does. It is systematic rorting, and that is the problem with you lot. That is the problem with government members. They think there is nothing wrong with the systemic rorting of taxpayers money. It is about integrity and ethics. You are dishonest, disingenuous and completely delusional.

**Mr Dalidakis** interjected.

**Ms CROZIER** — Are you taking offence?

**Mr Dalidakis** — On a point of order, Acting President, I ask the member to withdraw. The member looked at me and said that I am dishonest. I ask her to withdraw that. That imputation is not only unfounded and incorrect, it is unparliamentary.

**Ms CROZIER** — I am happy to withdraw the reference to Mr Dalidakis. I was not referring to him, in fact — and I will not debate the point — but I will say again that this government is dishonest, disingenuous and devious in terms of the systemic rorting that has been undertaken.

As has been said, 21 members were involved, of whom there are so many still remaining here, including ministers. Jenny Mikakos rorted \$21 148 and Ms Tierney rorted \$20 559. There is also Mr Jennings, the Leader of the Government. If anyone should uphold what we are doing here, it is the Leader of the Government. That is why I have real concern about the ethics and integrity of members of the government. Do they not understand how the public view this? The public are not stupid. The whole Parliament cops it. We are all tarnished by this dishonest and absolutely deceptive government.

But as members know, and as I said in my members statement earlier today, the voters are not stupid. They

saw the Premier talk to the people of Victoria down that Channel 7 camera barrel. He said, ‘No new taxes’, and we have had plenty of those. The east–west link was not worth the paper it was written on — \$1.3 billion was ripped up. There is waste on the most monumental scale, and there is this rorting, which is just the tip of the iceberg — \$387 842 that we know about and \$1 million in legal fees to prevent this very report going ahead. Why would you do that unless you did not want this exposed? The Ombudsman has exposed, as I said, just the tip of the iceberg. I look forward to debating this issue tomorrow in the substantive motion.

**Mrs PEULICH** (South Eastern Metropolitan) (15:30) — I also wish to point out the importance of debating a motion which the government has sought to defer, motion 501 on the Legislative Council notice paper, which seeks to direct the house to direct the President to join with the Speaker in establishing a parliamentary integrity adviser with certain roles and responsibilities. The motion goes on to outline some of the details, including the provision of advice, which is clearly on ethical and integrity matters concerning the exercise of a member’s role as a member of Parliament.

Quite clearly the Ombudsman’s report, which has been tabled today — technically today, electronically a few days earlier — shows that either there are some very confused people, despite the length of their experience in politics, or there is just out-and-out corruption. I think there is probably a mixture of the two. In fact I feel most for the field officers, some of whom were told and misled that this may have been a legitimate activity. But the people who have the greatest need for advice are the new members of Parliament who have benefited from this scheme.

I commend the Ombudsman on not just this report but many others, but like Mr O’Sullivan, I do have one very strong point of disagreement, and that is on the point that the outcomes of the red shirt rorting of a state election in 2014 delivered no benefit when quite clearly it delivered very, very significant benefit. It delivered significant benefit to the four ALP members who were elected, most of them in my electorate, who benefited from the public purse by virtue of political organisers being appointed through electorate office budgets. Some of the beneficiaries were Labor MPs who were able to retain their seats, such as the member for Cranbourne. The winning of Frankston, Carrum, Mordialloc and Bentleigh are examples of benefit — not just direct benefit to those who were elected but benefit to every other member of the ALP by placing them into government.

I have currently got some calculations taking place. The calculator is still running very hot, but at the moment the total to date, and it excludes many benefits, is about \$6.52 million in benefits and counting, not just \$388 000 — millions of dollars which have been used to basically hijack an election outcome.

**Ms Symes** — How do you think you lost government?

**Mrs PEULICH** — Through absolute, systematic rorting. The matters that are not detailed in the report that require further elaboration are things like the remuneration of any field officers who may have benefited by being appointed to other government positions or ministerial positions —

**Mr Morris** — Or current candidates.

**Mrs PEULICH** — Or who became current candidates — I am not sure whether they are remunerated or not, but there would certainly be many who would be remunerated and rewarded for their activities. There were also board appointments for the eight retiring Labor MPs. We all know that John Lenders was the architect of this scheme, which would have required the imprimatur of the Leader of the Opposition at the time, and Mr Jennings was not only his factional ally but also a colleague who shared office space with him. There would not have been one thought that would have crossed the then Leader of the Opposition's mind that Mr Jennings would not have been fully aware of, given that they actually shared office space in their electorate.

Not only had Mr Lenders been the Leader of the Government in this house, not only had he been Treasurer, but he was the state secretary who ran the 1996 elections, so there was no person who knew the rules better.

**Mr Davis** — 1999.

**Mrs PEULICH** — It was 1999, and I think he played a role in 1996, because I remember he was the authoriser of material that was produced by the ALP. There would have been no person who would have known the rules better, and the fact that he sought advice from parliamentary services on two occasions and did not quite get the advice that he wanted is evidence of how cunning a plan this was. The question has got to be: were there people in Mr Lenders's office who actually facilitated this rort? There are many questions that need to be answered.

In terms of the calculations of the level of rorting, the \$6.52 million excludes not only the remuneration of

field officers who benefited but also board member appointments, such as Mr Lenders's. He fell on his sword and stepped down two or three days before the report was tabled, knowing full well that he was going to be nabbed. This was actually, as I said, a very convenient way of creating the impression that the government is taking responsibility, when quite clearly this rort would not have happened without the imprimatur of the then Leader of the Opposition.

We saw that, for example, former minister Adem Somyurek, who was subject to an investigation which was neither conclusive nor referred to any external bodies, got the chop — got the sack. Here we have the report of a referral to an external body which is damning, and none of the culprits have actually —

**Mr Dalidakis** — No, it's not. Have you even read it? It is not. It doesn't even say —

**Mrs PEULICH** — I indeed have been reading it, and we will be reading it letter by letter for the next eight or nine months.

**Mr Dalidakis** — That's a good use of your time!

**Mrs PEULICH** — Look, we expect elections to be rorted in Third World countries —

**Mr Dalidakis** — How's your superannuation?

**Mrs PEULICH** — My superannuation has been suspended for me to return to service. In actual fact I was in the undefined scheme — or was it the defined scheme?

**Mr Davis** interjected.

**Mrs PEULICH** — It was the more generous scheme of the two. It is suspended while I am back in service. I am actually saving Parliament money, not costing Parliament money. The Labor Party has stolen millions and millions of dollars. It is in their DNA.

What my calculations do not factor in, for example, are the increments in salary from being a shadow minister to becoming a minister and from being a Leader of the Opposition to becoming the Premier. Inherent in that of course is access to cars and petrol for those who were elected to Parliament, such as Assembly members Mr Edbrooke, Ms Kilkenny, Mr Richardson and Mr Staikos, as well as salaries which many of them would have only dreamed of in their former lives — now I believe it is something like \$180 000. It excludes the rent of their premises, and in many instances this is very, very substantial. If you calculate that over four years, it would be edging upwards to \$1.7 million or

\$1.8 million in terms of benefits. It excludes ministerial access to a second residence allowance where relevant. It excludes access to ministerial cars and drivers. In addition to that it excludes every single Labor MP who has been able to benefit from additional payments for additional responsibilities, such as being chairs of committees, parliamentary secretaries and the like.

It is imperative that we deal with every single detail of this report. This has led to an almighty and historic theft of an election, a systematic rorting obviously conceived and given the imprimatur at the highest levels of the ALP, which has released multimillions of dollars for their party-political use. We all know what is allowed and what is not allowed. There are many examples yet to be fleshed out. There are members of Parliament who have not been named, who were not included in the 21 rorters, the 21 of the guilty party. There is still much to be fleshed out. Indeed I think the Ombudsman's report is a very, very important report which will determine the shape of democracy in this state and hopefully also lead to a clean-up of the Labor Party.

The Labor Party, we know, has got problems with corruption. We saw the royal commission at which Mr Melhem gave evidence and some of the corrupt schemes that exist that dud workers of increases in their salaries in return for money from corporations being funnelled into unions for purposes of — I would assume — membership drives and recruitment which influence preselection. They are happy to do that. They are happy to rort the public purse.

We have seen other examples such as, for example, Ted and Patch being able to be chauffeured around in ministerial cars. It is endemic in the Labor Party, and it is a travesty that this government — this party, if you blame the party — purports to represent the lowly paid workers of this state. They ought to hang their heads in shame. It is patently obvious that the plummeting of union membership has got a lot to do with the hypocrisy and the double standards of union organisers, of members of the ALP, who are in it clearly for themselves and not for the benefit of the state. I think this particular motion, whilst it only deals with one measure —

**Mr Dalidakis** — You haven't talked about communists yet.

**Mrs PEULICH** — It is worse than communism. At least with communism we know what we are up against. With this they purport or profess to believe in the principle of democracy. Indeed it is hardly democratic. As I said before, you expect this sort of

corruption to have international observers that you would need or see in Third World countries, not in the state of Victoria in the 21st century.

The motion that is listed is important, but of course there are many, many other parts of this report that are instructive and illuminating. Clearly much more work needs to be done in order to flesh out the full truth, the full extent of the rort and the full extent of the deceit. It is only the tip of the iceberg. As I said, at the moment we have got calculations happening out there and it is clocking up multimillions of dollars in terms of benefits. I think it is regrettable that the Ombudsman made the — I think inaccurate — conclusion that there was no personal benefit when clearly there are so many benefits, personal and otherwise, that indeed have been the result of this organised and systematic rort that Mr Jennings would have been completely au fait with as a person who cohabits an electorate office with the Premier, who at the time was the leader of the state opposition. There is no way that that would have happened without the then Leader of the Opposition being fully across the details and giving his tick of approval, and there is no way that the former state secretary, John Lenders, did not know the rules. He clearly did know the rules. He benefited from them. His entire life has been about deriving public benefit for party-political trickery.

Victorians deserve better. They deserve a better Labor Party. I remember when a Labor minister resigned because it was discovered that he did not pay a tax on a Paddington Bear. That was the good old Labor Party, not this group of shonks, liars, cheaters and rorters. That was when members of the Labor Party had integrity, had backbone and truly represented the working class. What happened to those standards? I think the Labor Party have got to reconnect with their base and indeed review the way that they operate as a political party and as individual members of Parliament. That is why this motion, which is being deferred by the Labor Party, should have been discussed as one of the many measures that need to be taken as a result of the Ombudsman's report, which I look forward to making more significant and more detailed contributions on in the future.

**Mr DAVIS** (Southern Metropolitan) (15:45) — I am very pleased to rise and make a contribution to the motion of Ms Symes, which is to adjourn this motion. This motion deals with the establishment of a series of integrity measures which are worthy of discussion in varying forms — whether this is precisely the form I do not know — and it is relevant today given what has been tabled in the Parliament in the last week.

What we have seen with the Ombudsman's report on the investigation of a matter referred from the Legislative Council on 25 November 2015 is a report that is an absolute bombshell. It lifts the lid on Labor rorting and corrupt behaviour by the Australian Labor Party and many within it. We know that this was bitterly fought by Labor. Labor tried to close down this inquiry by attempting from the start — in the letter that we heard about today from Mr Jennings to the Ombudsman — to block the Ombudsman's investigation, to in effect stall her investigation. There was the government's subsequent appeal of the Supreme Court ruling and then the final appeal of the government to the High Court, the highest court in the land, in a bizarre and outrageous attempt to slow down this inquiry. They were in part successful. It is clear that they were able to block some of the information that the Ombudsman should properly have had access to.

The Ombudsman Act 1973 allowed a parliamentary committee or a chamber to refer a matter to the Ombudsman. Parliament ceded that power to the Ombudsman from those days, and that has been used four times in the period. Ms Pennicuik and I remember well in the inquiry into Kew Cottages and related matters that there was a reference — the very first reference — by this Parliament to the Ombudsman on matters that required investigation by the Ombudsman. There was a recommendation from a parliamentary committee followed by a motion of this chamber. There was no attempt by the government in those days to try and block the legitimate activities of the Ombudsman and the work of the Ombudsman to investigate and dig deep to find out what was going on. But in this case the government would not allow lower house members and would not allow a range of others to speak to the Ombudsman. We know that enormous legal costs were certainly incurred in that process of trying to block the actions of the Ombudsman — the lawful actions of the Ombudsman.

We know that there are gaps, and the Ombudsman says that there are gaps in the evidence of which Parliament should be aware. The assertion of exclusive cognisance was detrimental, she said, and limited the use of coercive powers by the Ombudsman. She said that:

The effect of this was that members of the Legislative Assembly and most of their staff declined to cooperate with the investigation.

This was a cover-up by Labor. Despite that, the Ombudsman chiselled down and found that hundreds of thousands of dollars could certainly be ascribed to money that had been rorted and that it would probably be a much greater figure if she was able to get to the bottom of it. But what is clear is the enormous impact

of this attempt by Labor to divert parliamentary money for the purposes of getting themselves elected and actually getting some of their candidates elected, and indeed they diverted that money in such a way that they set up a scam. It is a crooked scheme and an artifice, in the words of the Ombudsman, but it is a crooked and corrupt scheme that was set up.

This is clear in the table on page 63, table 1, regarding the authorisation of time sheets. We have heard people in the chamber today talk about this. Gayle Tierney authorised 68 days. Lee Tarlamis — I saw him moving around the Parliament today — authorised 66 days. We know from the Ombudsman's report that Johan Scheffer was very uncomfortable with this process. He still authorised 70 days, but it is clear from his testimony that he knew there was something deeply wrong with this process. Jenny Mikakos authorised 70 days. John Lenders authorised 70 plus 78 days — 148 days of campaign work that was funded by the Parliament, by taxpayers, to get the Labor Party elected in key seats. And so it goes on: Gavin Jennings authorised 32 days and Shaun Leane, who has been scandalous in this process really and has clearly not understood the corrupt behaviour that is involved in this, authorised eight days of expenditure. Some others in this —

**Mr Dalidakis** — On a point of order, Acting President, Mr Davis has reflected on a member of this place who is actually not in the chamber to defend himself. I would ask him to withdraw.

**Mr DAVIS** — I actually did not, Acting President. I said that he had clearly not understood the corrupt processes that were behind this. I did not accuse him of any corruption at all.

**Mr Dalidakis** — We will go back via *Hansard*. That is not what you said. It is unparliamentary.

**Mr DAVIS** — I was very cautious with what I said.

**Mr Dalidakis** — No, you were not.

**The ACTING PRESIDENT (Mr Elasmarr)** — Mr Davis, I call on the Clerk to advise. We will check in *Hansard*, but if you did, I ask you to withdraw.

**Mr DAVIS** — I withdraw if the Clerk later believes that I had crossed the —

**Mr Dalidakis** — You don't need to qualify or clarify.

**Mr DAVIS** — But I do not believe that is the case, Acting President.

**Mr Dalidakis** — You can't debate. He's debating now.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! We have finished completely, thank you.

**Mr DAVIS** — I note that Gavin Jennings authorised expenditure to help the campaign of Sonya Kilkenny in the seat of Carrum. John Lenders assisted particularly Nick Staikos in Bentleigh and Neil Pharaoh in Prahran — that was a less successful outing, I have to say. But in the case of Nick Staikos, that was a highly targeted intervention by Mr Lenders using public money to get someone elected in a marginal seat. It is absolutely crooked behaviour, corrupt to the core and something that simply should not have been allowed to occur.

We know that Martin Pakula put money into the Mordialloc campaign to get Tim Richardson elected. Again, it was entirely inappropriate allowing that money to be spent — public money for campaign purposes for the Labor party, with a campaign worker put into that location to get Tim Richardson elected. Johan Scheffer bolstered the campaign of James Merlino. Adem Somyurek was forced to assist Luke Donnellan. Lee Tarlamis used his parliamentary money crookedly to actually put Paul Edbrooke in a better position to win the Frankston seat.

We know that this was crooked, crooked behaviour — crooked to the core, corrupt in fact — and ought not to have been allowed to happen. Brian Tee supported Vicki Ward by putting public money into that campaign to try and bolster her chances; they were campaigning hard several days a week at taxpayers expense, taking up money and using it for the corrupt purpose of getting someone elected for the Labor Party. Gayle Tierney worked to get Andy Richards elected in South Barwon. Matt Viney, bless his heart, worked hard to get a candidate elected in Ringwood. Shaun Leane put money into Ringwood to help get Tony Clark elected — unsuccessfully.

We know that these steps by Labor are crooked to the core and ought to be subject to the broadest inquiry. We know that the report lays out the amounts that were actually expended — and these are extraordinary amounts. John Lenders spent nearly \$45 000 — \$44 732. We saw Jenny Mikakos spend \$21 148. We know that Gayle Tierney spent \$20 559 and Gavin Jennings \$20 539 — ripping off public money to fund a Labor election campaign. It is just an extraordinary abuse of their position, an extraordinary abuse of public process, an extraordinary abuse of taxpayers money,

and the community should be very, very angry with what has occurred here.

Marg Lewis put \$24 358 — crookedly, corruptly — into the process of actually getting people in other parts of the state elected, and she did that in a way that was just simply unacceptable from anyone's reasonable point of view. There is the question of, 'Did they know?'; of course they knew. People had raised these issues, and it was clear. The rumbles that were around showed that they knew they were on the wrong side of the law, on the wrong side of reasonableness, on the wrong side of the pub test or whatever you want to call it. They knew that what they were doing was wrong, was crooked and was corrupt. Labor have got to be held to account for this.

I am hopeful that tomorrow the relevant inquiries will be put in place to achieve an outcome that would assist the community to know the full truth of the spending and the impact of those decisions by Labor. All I can say is that the community has every right to be very angry about this, because it is their hard-earned taxpayer money that has been misapplied for purposes that are completely and utterly unacceptable. The community will judge this very harshly.

Daniel Andrews's Sergeant Schultz defence is extraordinary. It was pretty clear that he was on the campaign committee for part of the period. It is pretty clear that much of this was raised at the campaign committee and was likely directed in micro detail from that campaign committee. We know as all of this is occurring that Daniel Andrews is now running for the hills, that he has his head under the doona and that he is saying, 'No, no. I knew nothing. I knew nothing. I knew nothing'. Well, nobody believes the Sergeant Schultz defence from Daniel Andrews. Nobody believes that he is that silly. The conclusion that he is that silly, to have seen all of this occur on the inside and not to have actually picked it up, is not a very good conclusion for him in any event. Either he is too much of a dunderhead or he is up to his neck in it. It is my view that he is up to his neck in it, and he ought to be held to account for it by the community. I do not believe the dunderhead defence that Daniel Andrews might offer on this, and I do not believe the Sergeant Schultz defence either. I think he was in it and he knew, and he is really on the bad side of history for this. I think the community have every right to judge him extremely harshly.

**Motion agreed to.**

**FIREFIGHTERS' PRESUMPTIVE RIGHTS  
COMPENSATION AND FIRE SERVICES  
LEGISLATION AMENDMENT (REFORM)  
BILL 2017**

*Second reading*

**Debate resumed from 8 September 2017; motion of  
Ms PULFORD (Minister for Agriculture).**

**Mr O'Donohue** — On a point of order, Acting President, I wish to bring to the attention of the house the invidious position the government has put the opposition in. Not only did it dump pages and pages of amendments on the opposition just a few hours ago, but when the opposition turned up for a briefing at 3.30 p.m. the departmental officials who were sent to brief the opposition failed to bring copies of the amendments. They then left the meeting. Members of the opposition waited 15 minutes and the officials did not return. That puts us in an invidious position that we have not been briefed on the amendments that will be put before the house that the government expects us to vote on today. It is simply not good enough.

**The ACTING PRESIDENT (Mr Elasmár)** — Order! There is no point of order, Mr O'Donohue.

**Ms SYMES** (Northern Victoria) (15:59) — It is a pleasure to make a contribution on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. It is a couple of hours later than I would have liked, but let us just get on with it and then I can go and get something to eat. I would like to begin by putting on the record this house's utmost respect for the events that have occurred in south-west Victoria in recent weeks. I know that for those of us in northern Victoria our hearts were with those who were losing property, livestock and homes. As fellow country people we had our eyes on them last week. So thank you to all of those involved, and good luck with the recovery for those that have been affected. Many of our country electorates have been in that position, and it is not a position that we envy, the one that they are in right now.

There are many, many reasons that this bill should pass: community safety, a larger pool of firefighters, better training opportunities, targeted support and resources for brigades and the opportunity to reset, move forward and simply focus on what our firefighters do best, and that is protect our communities. The Labor government has been a big supporter of fire services.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Dunn)** — Order! I cannot hear Ms Symes's contribution. I am sure she is keen to make that contribution. Can I ask for the level of interjections to go right down, please.

**Ms SYMES** — It seems many missed the solemn start to my contribution, but I will just get on with the fact that the Labor government is a big supporter of our fire services. The opposition spend a lot of time trying to deny that it happened, but they cut \$66 million from their fire services budget, placing immense pressure on the ability of our fire services —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Dunn)** — Order! I am not sure if my direction to the chamber was clear when I last got on my feet less than 1 minute ago. Can I ask members for the level of interjections to go right down so we can hear Ms Symes's contribution, please.

**Ms SYMES** — Thank you, Acting President, and I was just referring to the efforts of the Labor government to replace, over and above, the \$66 million worth of cuts to the fire services that occurred under the previous government. I am proud to say that we have, over and above, restored these cuts. We have been investing in services, recruiting more firefighters and funding more equipment than ever before.

I have spoken with overjoyed brigade captains over the past couple of years upon hearing they are receiving a grant to pay for a long-awaited building upgrade or that all-important new red truck. I am blessed to have an amazing local brigade at Broadford. Lucky for me they have only had one reason to visit my property in recent times and that is to bring Santa along to deliver lollies to my kids. I see them at every local community event, and they regularly welcome locals to open days. They are a fantastic group of people.

*Honourable members interjecting.*

**Ms SYMES** — Allen's lollies from Broadford. They are a fantastic group of people, with lots of female volunteers, I am very proud to say, and they are providing a fantastic service. I am also pleased to say that very soon, because of the Labor government, they will have a brand-new station, purpose-built for their brigade and for our growing community.

The feedback from many of the volunteer brigades I have spoken to about this legislation has been that, 'Regardless of the politics, we will do what we have always done — we will be out there fighting fires,

responding to emergencies and supporting our communities’.

No-one forgets that the Baillieu-Napthine governments hid behind the so-called science and failed to move on progressing presumptive rights when they had the opportunity to do so. It was a Labor election commitment that we would not dawdle and we would not hide behind science; we would get on with it. We had to pick it up from scratch, but I am proud to say that the hard work has been done and the important rights-based reform is now on its way for all firefighters, and it is welcomed.

Of course there is no denying that due to the history, the misinformation and the personal agendas there have been reservations from many volunteers about the reform, but in general the concept of career staff moving to Fire Rescue Victoria has been met with an open mind and a positive response. One of my Broadford brigade members said that they just want to ensure that they do not become a second-class fire service with second-rate equipment, vehicles and stations. They just want to get on with it.

There certainly was value in the fire services inquiry being able to put to bed some myths, fears and points of clarification. One matter that I was particularly interested in as a member of the committee was surge capacity. Surge capacity is the ability of the Country Fire Authority (CFA) to draw upon the significant number of volunteer firefighters, particularly those based in outer metropolitan regions, and to deploy them across the state where needed in the event of a large-scale fire.

There were opponents of the reform before the inquiry, claiming that this legislation would impact volunteers turning out for other communities in need. However, I can confirm that the overwhelming weight of evidence that we received by those most affected by this issue led to the conclusion that the impacts on surge capacity are likely to be minimal, if any at all, and even perhaps the complete opposite — an increased surge capacity. The concern is largely grounded in speculation about volunteer motives for participating in their local brigades and concern that if morale is damaged, then there will be a lack of surge capacity to fight campaign fires. Much of this speculation is centred on evidence from those claiming that volunteers in integrated brigades will not turn out. However, those who put those positions in the public arena admitted under oath that they actually had not consulted with those in integrated brigades; they had not visited an integrated

brigade, but they were pretty much happy to say what they thought those volunteers would or would not do.

Fire services leaders strongly refuted these suggestions. The evidence on this subject of Steve Warrington, CFA chief officer, was compelling:

I have heard the debate about a lack of surge capacity or there will be an erosion of volunteers. I almost take that as a bit of an insult to our volunteers. The reality is that most of our volunteers are there to support their local community.

A significant number of paid and volunteer firefighters confirmed the views put forward by the leaders of our fire services. The overwhelming majority of volunteers are absolutely committed and prepared to assist communities beyond their borders and across any number of different circumstances. A volunteer from Maiden Gully said:

I am certain employing all career firefighters in one organisation will not affect volunteer turnouts or surge capacity. I as a volunteer look forward to this new service as a great step forward for a great fire service here in Victoria to protect the community.

Paula Sutton, a CFA volunteer for 22 years from Mansfield, said:

I've read the facts of the government's proposed reforms. Everyone wins! No volunteers displaced. Surge capacity stays as it is. There is a clear process for new permanent stations to be assigned.

I could spend my whole contribution going through supportive comments from volunteers, but I do not have very many —

**Mr Ondarchie** — Two from 60 000.

**Ms SYMES** — Read the report that was put to the Parliament over six months ago, Mr Ondarchie. As I said, some firefighters actually believe that surge capacity will be enhanced. Trevor Logan, officer in charge at Wangaratta CFA, said:

I have many people who have come to me since this reform has been announced and say that, if we separate, they will re-engage with the volunteer brigade because it gives them a more fulfilling role as a volunteer.

I am very comfortable that surge capacity will not be negatively impacted, and I urge those who have a different view to look at the evidence. We received over 2000 written applications and we had many, many firefighters — paid, volunteer, management and non-management — give evidence to the committee.

The inquiry process provided a valuable opportunity for interested parties and the community to hear from the

experts on this legislation. Following the extensive inquiry there is now a greater understanding of this proposed legislation. Many of course will be dealt with through amendments to this bill. Just picking up on Mr O'Donohue's attempted point of order before the start of this debate, the 29 pages of amendments are six months old. There are minor, minor changes to those amendments that have been provided to all parties, that it has been —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Dunn)** — Order!

*Honourable members interjecting.*

**Ms SYMES** — I actually can't hear. I can't even respond to the interjections because I can't understand the muffled ranting that is going on over there.

**Ms Crozier** — Twenty-nine pages of non-minor amendments.

**Ms SYMES** — They are a replication of what was delivered to Mr Battin in the other house six months ago, with minor, minor changes, so if he has not distributed his amendments as the shadow minister, then that is a matter for your party, not ours. The evidence was compelling. As I said, I felt it was a privilege to sit on this inquiry. The need for reform was clearly spelt out. We heard loud and clear, 'No more reviews, no more inquiries'. Frankly, the experts just want us politicians to clear the way for them to deliver the changes that will bring our community safety standards up to where they should be in 2018.

The bill that I really hope will pass through this house this week provides a framework for modern fire services that will adapt to change and keep Victorians safe. We continue to hear that our state is operating a fire services system that has been unable to mature or respond to our drastically different society from when it was first implemented. Senior leaders in Victoria's fire services have made clear the challenges of operating contemporary fire services under outdated structures. Steve Warrington stated:

There is no doubt this sector needs reform. We are living in the 1950s here.

Assistant chief officer Trevor Owen pointed out the challenges faced by the CFA in dealing with growth:

You add in the complexity too of growth — the CFA has worn all the growth. Unlike the MFB, the CFA has had to wear all that. We were never built and designed to wear all that growth as an organisation. What I mean by that is that

structurally we have not been able to meet the growth from a strategic perspective.

This was a view that was supported by frontline —

**Mr Ondarchie** — Why don't you just table the document?

**Ms SYMES** — I am quoting important quotes, Mr Ondarchie. You could show a bit more respect to the experts in this field. Frontline firefighter from Ballarat city fire brigade Mr Anthony Pearce, who came to our committee to give evidence, said:

I sit here today because the changes have not happened to address the developments in our community. CFA in my opinion is being held back by the current legislation —

*Honourable members interjecting.*

**Ms SYMES** — You want to get up and say something about your captain who runs the brigade in Ballarat, do you?

**Mr Morris** interjected.

**Ms SYMES** — Why don't you make a point of order? Do you want to say something on the record about how you are discrediting Mr Anthony Pearce's character?

**Mr Morris** — I am not discrediting him at all.

**Ms SYMES** — I am sure your community probably has a bit more respect for Mr Pearce than you do.

**Mr Morris** — Corruption will do that.

**The ACTING PRESIDENT (Ms Dunn)** — Order! Ms Symes, can I remind you to direct your contribution through the Chair, please. I ask for the level of interjections to be lowered.

**Ms SYMES** — On a point of order, Acting President, I would also like the member to withdraw the inference. He referred to me as 'corrupt'.

**The ACTING PRESIDENT (Ms Dunn)** — I ask the member to withdraw.

**Mr Morris** — Sorry, Acting President, I am just seeking clarification on what I am being asked to withdraw.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Dunn)** — Order! Thank you, everyone, for your assistance. In relation to

your interjection making allegations around corruption, Mr Morris, I ask you to withdraw without qualification.

**Mr Morris** — I withdraw.

**Ms SYMES** — Thank you, Acting President. I was just referring to the evidence given to our committee by Mr Anthony Pearce, the officer in charge at Ballarat, and I commend him for the hard work that he does. He appeared before our committee because he wanted to say:

I sit here today because the changes have not happened to address the developments in our community. CFA in my opinion is being held back by the current legislation, structures and culture. History has made us; however, it should not define our future. Change is hard to implement due to cultural and historical issues. Ultimately our structure has contributed to a lack of evolution.

It is a good thing that this government is getting on with proposing to modernise our fire services. We are using this opportunity to also give volunteers more support, more funding and more independence.

The legislation will reset the culture and operations of the career fire services through the creation of Fire Rescue Victoria. Steve Warrington shared this view:

For me this is probably the only opportunity we have to change the culture of the services in the state ...

You cannot look at this through the lens of the current culture of the CFA and the current culture of the Metropolitan Fire Brigade. This is an opportunity to reset that whole balance.

I have had a lot of interjections during my contribution, so I did want to refer to some of the amendments that have been available to members of the house for about six months. The table office has prepared them formally, and what we have arranged to do —

**Mr O'Donohue** — On a point of order, Acting President, I note that Ms Symes is now speaking to the amendments, but no-one from the government has actually bothered to move the amendments. Given that the briefing by the department scheduled for 3.30 did not take place, I would ask that either Ms Symes or the next —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Dunn)** — Order! I cannot hear Mr O'Donohue's point of order. It might be straying into debate, but I am willing to let Mr O'Donohue continue.

**Mr O'Donohue** — I would ask Ms Symes or the next government speaker to, without wasting further time, move the amendments so that we can actually know what the government is talking about.

**The ACTING PRESIDENT (Ms Dunn)** — There is no point of order.

**Ms SYMES** — Just before I got interrupted by Mr O'Donohue, I was going to say that I sent the finalised amendments, which were a rehash of the six-month-old amendments, to every whip in this chamber at 11.00 a.m. I can confirm that they have been checked off by the table office, and Ms Shing will formally circulate them during her contribution, which is about 5 seconds away.

I commend the bill to the house, and I urge others to do the same.

**Ms SHING** (Eastern Victoria) (16:14) — I rise today to speak in relation to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, which is before the chamber. I note that it has had a lengthy genesis and lengthy debate in the other place. I note that it has been the subject of dozens of front pages. I note that it has been the subject of many, many interviews with the Minister for Emergency Services, Mr Merlino, and of discussions around the country, including the politicisation of the issue when we saw the current Prime Minister, Malcolm Turnbull, and Michaelia Cash attend volunteer stations and talk about presumptive rights and volunteer firefighters protections.

In this regard, and to quell any of the perhaps confected concerns which have been raised by those around the chamber, I do wish to foreshadow the tabling and circulation of amendments, which for avoidance of any doubt have been provided to the opposition not just this morning — after they were ticked off by the table office — but some six months ago. In this regard, and to pick up what Ms Symes was discussing in her contribution, I note that the changes that have been incorporated into the version of amendments that is proposed to be circulated now are minor in nature and reflect the passage of time between the debate in the Legislative Assembly on the one hand and the time at which we now debate this bill in the Legislative Council on the other. Examples of these changes include, but are not limited to, clauses 26 through 29, which change the years in question, and a reference to 'open' in relation to practices, which is changed to 'equitable'.

To give the opposition some succour in relation to the amendments which they have been complaining about not having seen, I note that those are the changes that create the differences between the two versions of the amendments. It is unfortunate that yet again we see a cheap, tacky, lowest common denominator politicisation of the issue come into play at the expense of the opposition taking the time to get across the issues. On that basis, I would seek that this version of the amendments now be provided, with the indulgence of the chamber, to any of those members who have not yet seen them.

**Government amendments circulated by Ms SHING (Eastern Victoria) pursuant to standing orders.**

**Ms SHING** — In relation to the amendments which are now being circulated, I note that there were some earlier contributions from those around the chamber about briefings on the amendments, and in this regard I am advised that at the opposition briefing the hard copies of these amendments were brought back to the meeting some 10 or 15 minutes after it had begun, thus not occasioning any inconvenience to those opposite. However, Mr Battin in the Assembly and two of his parliamentary colleagues had in fact ended the meeting and left. So it speaks volumes to —

**Mr Ramsay** — On a point of order, Acting President, that is absolutely outrageous. I was in attendance, as was Mr O'Donohue, and there were no staff in that meeting room when I was there. We waited for 15 minutes for a scheduled 3.30 meeting, Ms Shing, so do not stand there and lie to this house.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Dunn)** — Order! There is no point of order.

**Mr O'Donohue** — Further to Mr Ramsay's point of order —

**The ACTING PRESIDENT (Ms Dunn)** — I have ruled on Mr Ramsay's point of order. There is no point of order.

**Ms SHING** — As I indicated, it is unfortunate that those opposite have not invested the time to understand the substance of the amendments as they have been circulated, and I note in this regard that if they had looked at the amendments they would have a greater appreciation for what the amendments are trying to achieve — namely, to strike an appropriate balance between the rights of volunteer firefighters and the importance of supporting them to do their work across

the state, particularly in circumstances which are often incredibly difficult and traumatic, on the one hand and dealing with the increase in population and the growth in the number of Victorians in peri-urban and regional areas on the other.

In this regard I note the *Fire Services Statement*, which has been talked about expansively and extensively, was developed in consultation with numerous experts, including those from New South Wales. Mr Mullins was part of this process, as was Mr Steve Warrington and Mr Lapsley and various other heads and senior officers of agencies who are responsible for providing frontline responses in the event of emergencies, whether they are structural fires or whether they are the sorts of bushfires that we saw around Terang or those in the steep terrain in West Gippsland around Ellinbank a couple of weeks ago. If those opposite had read the amendments, they would have seen that there are in fact numerous clarifications that deal with new procedures for a fire district review panel in conducting a review of the Fire Rescue Victoria fire districts and changes to the way in which the panel may suspend its review for a period of up to 12 months to allow for support and advice to be provided.

If those opposite had read the material set out in the amendments, which have changed in a minor and contextual nature only since they were provided to the opposition some six months ago, they would have seen that changes proposed around the implementation monitor and around secondment agreements are designed to ensure processes for secondments are able to be met in a more collegiate and collaborative way to assist in growing the inclusive culture that we need across our fire services as the population grows and to assist in developing a culture within our paid and volunteer firefighting services that recognises the input of numerous people throughout our communities who give their time and energy, often at great personal cost, in order to keep their communities safe, to keep life protected and to protect property and livestock in the same instance.

We also see that the amendments contain components to deal with a firefighters registration board and a very strong recognition of volunteers. Those are amendments 1, 9, 19 and 25 and also 20. These amendments again, as those opposite would know if they had actually bothered to sit down and read them, provide the benefit of consultation that has been taking place extensively, as we said we would do, with those stakeholders in firefighting and emergency response who see every day the challenges and the divisions and the difficulty and the disunity that is caused by pitting

career firefighters against volunteers and volunteers against career firefighters, which is compromising the way in which people can work together in situations where lives are at risk.

We saw through the parliamentary inquiry that over 2000 submissions indicated the need for this issue to be addressed, and yet after eight reviews in 10 years — it is now around 10 — we have those opposite saying that their next step if elected would be to have a royal commission. The only thing that those opposite want to do is kick the can along the street rather than do the hard work associated with fire services reform. This is an issue which has been requiring attention and support ever since the 1950s and 1960s when boundaries were first defined.

Unlike those opposite, who may wish to deny that we live in a different world now, things have changed fundamentally. The technology has changed fundamentally; the basis upon which our communities operate has changed significantly. People no longer live as close to where they work as they once did and vice versa. We have corridor suburbs and we have dormitory suburbs, which are again about making sure that when we invest in infrastructure the people there have the same right to safety in an emergency response as the people who live in the middle of Melbourne do. Unfortunately, and not through any fault of our volunteer firefighting contingent, this is not the case. We know through the publication of the response time data that firefighting responses are faster from integrated stations and in areas where career firefighters are at the hub of a hub-and-spoke model working alongside volunteer firefighters or indeed in areas which are serviced by the Metropolitan Fire Brigade.

We know from all of the evidence to the parliamentary inquiry into this particular reform and we know from all of the evidence in relation to bushfire preparedness as part of the inquiry that was conducted by the Environment, Natural Resources and Regional Development Committee that every single second counts, and yet despite the fact that we have very clear differences in the response times, despite the fact that we need to make sure that volunteers are given more of what they need to do the work to keep their communities safe throughout the year and as our population grows, those opposite are living in denial. To those opposite I would say, 'Wake up', because it is no longer the 1950s. Wake up, because the state is changing in relation to the number of people who require our care and support, and those people deserve exactly the same response if their house is on fire in the outer suburbs or within our inner suburban brackets.

We are hearing time and time again that people have a legitimate expectation that their safety will be taken care of, and it is not too much to expect a fire service that is adequately supported and is given the right sort of cultural and resource-based prompts to do its work well and to do its work in an inclusive way, in a way that in fact encourages diversity and in a way that is underpinned by the right sorts of plans and equipment and the right sort of training. We see those opposite doing every single thing they can, everything that is available to them as a cheap political trick, to drag this out.

We have done the hard work over many, many months. We have listened to firefighters and community members. We have watched as reports on response time data came out and showed us that people are at a disadvantage where their firefighters do not have the resources that they need. Again, the only responses that we hear from those opposite are that this must be a sort of union beat-up. What an absolute disgrace, that Victorians are being hung out to dry because those opposite are unable to see that we need to have this conversation about fundamental reforms.

Those opposite are allergic to the hard work associated with this cultural change, this resource change, this important change in funding and infrastructure that has been much needed for so long. Those opposite will have no-one to blame but themselves when we see that this trend in relation to response time data continues, that those firefighting resources, not due to the fault of any hardworking volunteer who wants to participate, are not available to them because people live in denial about what it is that regional growth area communities and rural communities need.

I have listened to countless numbers of firefighters throughout the state, from the volunteer cohort to those who live and work within their communities and help out on an ancillary basis to those who have made firefighting their profession, their career and their life. I have listened to all of those people and do you know what? It is not actually unusual that those opposite have listened as well. We have taken very different things out of this, however. Hard work is hard. Reform is necessarily hard. It took us decades, nay, over a century, to get into this position of arch rivalry, discontent and an inability to work together and collaboratively. The only ones to suffer in this are the ones who seek to provide a frontline emergency response and the people in our community who expect a reasonable response when their house or their property is on fire and they are threatened — and they deserve more. I commend this bill with amendments to the house.

**Mr MORRIS** (Western Victoria) (16:29) — I do rise to make my contribution to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. I think this bill could have been renamed the Peter Marshall and UFU Reform Bill 2017, because that is the only reason we have this legislation before the house as we do. Why is it that this government is as beholden as it is to Peter Marshall and the United Firefighters Union (UFU)? We are yet to find out, but I am sure that in the fullness of time that will be revealed to all.

We have heard debate from others opposite that this bill has been before the house and that the proposed amendments are the same as were proposed six months ago. It is terribly disappointing that the briefing that was due to occur at 3.30 this afternoon was unduly cancelled for some unknown reason by the government and that no members other than government members have had the opportunity to understand what is in these amendments. We have also had Ms Symes say that they are the same amendments as were proposed six months ago. I am wondering then why these amendments are dated 23 March 2018.

In terms of where we are with this debate, for the government to expect us to be able to fully discuss and debate the 29 pages of amendments that are being proposed by the government —

**Mr Ondarchie** interjected.

**Mr MORRIS** — Indeed, you are spot-on, Mr Ondarchie; it is policy on the run. What consultation has been done with the Country Fire Authority (CFA) volunteers on this new lot of amendments? None. What we hear from this government is them just claiming they know nothing, saying, 'Just trust us. We know what we're doing'. Well, we know what you are doing. We know that you are selling out to the UFU, you are selling out our CFA volunteers to the UFU and Peter Marshall. We know what you are doing, and that is why we are calling you on it.

How anybody could go to war with our CFA volunteers is absolutely beyond me — those thousands of CFA volunteer firefighters who have been fighting the fires in western Victoria over the last few weeks, why you would sell them out. We have heard retorts from those opposite that this is about reforming the CFA. Rather than listening to those guys, I think what we should do is listen to the actual volunteers themselves and understand what is happening here.

I am very fortunate to have the counsel of a former member of this Parliament in Paul Jenkins. Paul Jenkins was the member for Ballarat West in the Assembly way back in the Kennett government. He is also a life member of the CFA and a former board member.

**Mr Finn** interjected.

**Mr MORRIS** — Mr Finn, he is a very fine gentleman, and he is someone that I am fortunate to speak with often. Mr Jenkins, as a former board member and life member of the CFA, understands the culture of the organisation. He understands exactly what the CFA is all about.

**Mr Ondarchie** interjected.

**Mr MORRIS** — Mr Ondarchie, I am glad you asked what he says. Mr Jenkins has informed me that the UFU have been trying to take over the CFA for 30-odd years. They have just been waiting for a government that would take the bait and back the union over the volunteers. Every government up to this point, whether it has been Liberal or Labor, has stood up to the union and said, 'No. It is the volunteers that know best how they can serve their community'. Every government up to this point has understood that the surge capacity of the CFA delivers the safety and security that we need in our state. Let us not forget we are in one of the most fire-prone places in the world, here in Victoria.

**Mr Finn** — On the earth.

**Mr MORRIS** — Indeed, on the earth, Mr Finn. What do we get from this government? We get them selling out our CFA volunteers who we need for our surge capacity. Those fires in Cobden —

**Ms Shing** interjected.

**Mr MORRIS** — Oh, Ms Shing. Ms Shing is once again choosing to mislead the house with these mistruths about the funding of the CFA. I have here just a few facts about CFA funding under the coalition. The UFU boss, Peter Marshall, also known as Daniel Andrews's boss, has claimed that CFA funding was cut under the coalition government. It is a blatant lie that there has been a funding cut.

**Mr Finn** interjected.

**Mr MORRIS** — There has been. There is a report right here. In fact, CFA funding was higher each year

under the coalition government than at any time under the preceding Labor government.

**Ms Shing** — On a point of order, Acting President, based on the evidence that was provided to the parliamentary inquiry into this reform and evidence given by Volunteer Fire Brigades Victoria that confirmed that \$66 million was ripped out of the fire service by the coalition government and that conversations were had, I would indicate that Mr Morris is in fact misleading the house.

**Mr Finn** — On the point of order, Acting President, that clearly was a debating point, that was not a point of order, and I suggest very strongly that you urge the member to stick to the standing orders. She has had her say. She should just allow Mr Morris to get on with it.

**The ACTING PRESIDENT (Ms Dunn)** — There is no point of order, and I encourage all members of this house to defer to the standing orders of the house.

**Mr MORRIS** — Very wise counsel, Acting President. Had Ms Shing chosen to listen to my contribution rather than get up and try and get the spotlight on herself, she would have heard that CFA funding in Labor's final budget compared to the coalition's four budgets is as follows: in 2010–11, the coalition had a budget of \$399 million; in 2011–12, \$537 million; in 2012–13, \$416 million; in 2013–14, \$446 million; and in 2014–15, \$457 million.

What Ms Shing is failing to take into account is that in the 2011–12 budget the coalition provided the CFA with a one-off funding increase to fund the implementation of the recommendations of the Victorian Bushfires Royal Commission. We did have a very important royal commission into the bushfires, and there were some very significant recommendations. I think that what we have seen with regard to the fact that we had no loss of life in the recent fires in western Victoria is certainly in no small part due to that royal commission and the recommendations that were implemented.

**Ms Shing** interjected.

**Mr MORRIS** — What those opposite say about a funding cut is, as I said, blatantly untrue. It is entirely a mistruth. It is something that the Labor government loves to do — to pass around mistruths about what is happening. If we just go back in time and we have a think about what has occurred under the Andrews government with regard to the CFA, we have got those opposite trying to tell us that it is such a great thing and a wonderful thing that has happened.

**Mr Finn** interjected.

**Mr MORRIS** — One must wonder, indeed Mr Finn, why is it that then minister Jane Garrett in the Assembly was forced by Daniel Andrews to resign and indeed was bullied not only by Peter Marshall but also by the Premier himself?

**Mr Finn** — Didn't he threaten to put an axe through her head?

**Mr MORRIS** — There were allegations, indeed Mr Finn, about an axe. Those opposite claim to be standing up for bullies. They say, 'Equality for all', but if anybody says anything against the UFU or against Peter Marshall — well, no, you cannot do that. He is a protected species. He is someone that cannot be said no to. It is something that many, many people in the Victorian community want an answer to as to why it is that Peter Marshall has such power over this government. I have had discussions with people about how we can explain this relationship. The way I have tried to explain it to people is that in a way Daniel Andrews is the king but Peter Marshall is the war lord, and Daniel Andrews gets to stay the king so long as the war lord says he can. That is what we are seeing here at the moment. We have a government that is entirely beholden to the UFU and cannot say no. We want to know why it is that they cannot say no, but I am sure this shall be revealed in the fullness of time.

Ms Shing did correctly make reference to the fact that we on this side of the house believe there needs to be a royal commission into our fire services, and that is something that does need to happen. The community need to have faith in our fire services, and it is unfortunate that through the divisive politics of Labor they have pitted volunteer against career firefighter. That is something that has never happened before in this state, because both have been supported by successive governments. This government is all about picking winners, and they have decided that the career firefighters are going to be the winners and the CFA volunteers are going to be the losers. They will take the great CFA volunteer organisation as it is now and they will tear it apart and in the process make Victoria a more dangerous place to live and remove that surge capacity that is certainly required to ensure that all Victorians can be safe.

Not only have we seen former minister Jane Garrett bullied out of her position but we have actually seen the board of the CFA bullied out of their positions — sacked by James Merlino when he took over as the minister. We have seen Lucinda Nolan — who was

actually hand-picked by Daniel Andrews; he picked her and then he pushed her out — sacked from the organisation. We have also had innumerable other people throughout the CFA and indeed the Metropolitan Fire Brigade as well who have been bullied out of their positions, because if you did not back Peter Marshall and their enterprise bargaining agreement then you were in the way.

**Ms Crozier** — You are in the firing line.

**Mr MORRIS** — You are in the firing line of what needs to be done, and that is something that Mr Andrews will not stand for because his boss, Peter Marshall, wants his way — and it is his way or the highway. Prior to this dispute that Daniel Andrews said he had finished many moons ago, Jack Rush, QC, someone who is exceptionally well respected by all sides of politics —

**Ms Shing** — He never went to an integrated station.

**Mr MORRIS** — Ms Shing just made my point for me — that rather than listening to the experts in their fields, Labor once again chooses to bully.

**Ms Shing** interjected.

**Mr MORRIS** — If they do not hear what they want from their experts, they will say, 'We'll disregard you, we will discredit you and we will find another expert that is going to tell us exactly what we want to hear'. They say, 'Hey, Peter Marshall, have you got an expert for us?'. This is where they are getting their advice from.

This bill is the most disgraceful bill that we have seen in a long, long while. It is a bill that the UFU and Peter Marshall have wanted for many, many moons, and this is the government that is going to attempt to give it to them. This is the government that is going to attempt to give them this legislation — to pay them back for what? That is the question that we still do not have an answer to. Why is it that Daniel Andrews will not speak the name of Peter Marshall in this place but will give him everything that he wants? This is the question that has yet to be answered but must be answered so that the community can understand what is actually going on. What is going on behind the scenes here? Why is it that Mr Andrews has bullied out his own minister? Why is it that the new minister has sacked the board? Why is it that the new CEO of the CFA has had to resign and has been bullied out by the Premier? These are questions that must be answered.

**Ms PATTEN** (Northern Metropolitan) (16:44) — I would like to speak briefly to this bill, as I was intending to do last May, I believe it was. These notes and these thoughts have been around for a while. I have looked at this legislation. I looked at it back in May. I looked at it prior to that. I was very supportive of the referral to the select committee. I think that process was actually a good process, and it showed what a parliamentary committee can do. While there were two separate reports, I know the recommendations were largely bipartisan. From the advice that I have had around the amendments, the amendments go to those recommendations, and I believe that they will improve this bill.

I am not going to speak about the rhetoric of the unions and the speculation there. This bill is around introducing a presumptive rights scheme for firefighters, and let us not forget that. This is about introducing a presumptive rights scheme for firefighters who suffer from certain diseases. This is incredibly important, and this is what I received a lot of emails about. When I went out to the fire stations in my region and when I spoke to them, this was what this bill was about. It was about the fact that their fellow firefighters on the same shift as them were suffering from cancer and were suffering from a variety of illnesses that they have had to prove were related to their work. We have seen this presumptive rights legislation go through in a bunch of other jurisdictions, and I am pleased and I am hopeful that we will see this presumptive rights scheme offered here.

I am not opposed to the new statutory body that this bill introduces, Fire Rescue Victoria, and the office of the fire rescue commissioner. I was not on the Fire Services Bill Select Committee. I have looked at the report, but in my view our current legislation is largely outdated. It does not match the Victoria of today. It does not match the needs of Victoria today. Things like the boundaries are completely out of kilter with the development that we have seen in this state, and certainly in the north I have seen that. Certainly the select committee's report gave me some faith that we had found a way forward on this bill, but listening to the debate from my office this afternoon I know that obviously is not the case.

I have got a bush property, and I understand the absolute importance of our volunteer fire brigades. For many years up until probably this year, if I have been able to, my Australia Day has been spent at the volunteer bushfire brigade of the Brindabella Valley, holding a barbecue and a fundraiser with them. It is one of the highlights of my summer, and I was very sad to miss it this year. With the selflessness and the passion

that our volunteers and our professionals have, it is like it is a calling. It is more than a profession. People who do this work love their work.

It does put a strain on their families. My brother-in-law is a firefighter. I know that he rarely speaks about some of the pain of being a firefighter, of turning up to those jobs and — particularly for him and other regional and rural firefighters — of turning up to those jobs at places that he knows, where he knows the children, where he knows the family and where he knows the generations of the family, and the trauma that that brings. I have so much respect for the firefighters, both volunteer and paid.

It seems like it was in the dim distant past, but I, like everybody else, received hundreds and hundreds of emails from volunteers and metropolitan firefighters. I understood what they were saying and their feeling that they were not consulted. After the select committee I actually felt that we had responded to that, that we had responded to the fact that people had not felt consulted around this bill, but we have now gone through this process and I have to say I actually did get a number of calls particularly from people in Northern Metropolitan Region working in the integrated sites who are entirely supportive of these changes.

When I have tried to analyse this legislation and the amendments that have been attached to it as pragmatically as I can as to whether they will benefit the state of Victoria and whether they will benefit Northern Metropolitan Region, I have fallen on the side of thinking this is worthwhile legislation. I just look at what happened recently up in Tathra, New South Wales, in the Bega Valley, where my family had a property for many years, and the dispute that happened between the two fire services out there. Actually 69 homes went down and there will be an inquiry into this, but it may be that some of those could have been saved if there had been better communication between the two services.

I appreciate that we do things differently in Victoria and I appreciate that this legislation is not mirroring the New South Wales legislation, but I make the point that it was that lack of communication and that lack of understanding between the two services that caused this confusion and caused a situation where professional firefighters were calling and saying, 'Can we come out and help?', and the rural fire service was saying, 'No, not on our patch'. This, I think, was probably a misunderstanding, but I believe that this legislation and the amendments do help clarify that in Victoria. I am not suggesting that it may not be repeated, but I think

under this new structure it will certainly be far more likely that we will avoid that type of tragedy.

I listened to Mr Purcell during question time today talk about the fires in his electorate in the south-west, where nine houses were destroyed, where we saw 1400 hectares of land burnt and where we saw the tragic death of hundreds of head of livestock. This is going to continue to occur.

**Ms Lovell** — We've seen thousands of volunteers go down to fight those fires, and this piece of legislation will destroy them.

**Ms PATTEN** — I will take up Ms Lovell's interjection. I do not concur with you, Ms Lovell. I think this legislation will assist and will clarify. I have spoken to volunteers, Ms Lovell. I have met with firefighter management. I have met with career and volunteer firefighters, and as I mentioned before, I have visited fire stations. I have considered the 700 emails that I have received on this. I have gone back to the minister. I have clarified this legislation. I have looked at the amendments. Given the conversations that I have heard to date on this, I believe that allowing for the presumptive right to compensation for cancer claims arising from the service that firefighters give is paramount to this bill.

Further funding for the Country Fire Authority is also part of this bill. Shifting the fire boundaries to take into account the growth that Mr Ondarchie and I are seeing in Northern Metropolitan Region is a positive thing. It means quicker response times. I have looked at this legislation, and I have taken the view —

**Ms Crozier** — You have swallowed the Labor line, hook, line and sinker.

**Ms PATTEN** — Ms Crozier, if you were in government, I would be as respectful of legislation you in government put forward. I am respectful of the government of the day, and I look at the government's legislation as pragmatically as possible. I would do the same if the Liberals were in government.

Despite this, I take comfort from the amendments because I watched the select committee process. I saw the recommendations that came out of that that were bipartisan and that were supported by both sides of this house — by all sides of this house. As I have stated for the last year and a half, I am in favour of fire services reform, I am also in favour of these amendments, and on this basis I will support this bill as amended.

**Ms BATH** (Eastern Victoria) (16:55) — I rise today to speak on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 that was put up — and I was ready to debate it — back in May last year, which is 10 months ago. It seems that the government decided that it was not worth pushing through and that it was not worth trying to get it up and get it through, so they pulled it and let people languish without certainty and without respect.

I commend the work done by members in the lower house and indeed members in the upper house who live in the western districts and have been so supportive of their communities in the western districts over the past few weeks with the terrible multiple fires that have occurred there. I acknowledge that Ms Emma Kealy in the Assembly has certainly been very supportive of her people, particularly in the Gazette area, where they have come under incredible pressure and suffered incredible loss. Ms Roma Britnell and Mr Riordan in the Assembly, along with Mr Ramsay and other members, have come and provided support in that space.

What I also note is that we can read very quickly through the list of the fallout from that fire, but for the farmers on the ground it is just so heartbreaking. We know that roughly 850 dairy cows, 150 beef cattle and 3000 sheep perished. In that Terang and Gazette area around 6000 hectares were burnt out, affecting many hay sheds and properties. All up 15 000 hectares were burnt. It is just a tragedy for those families. I also note that many kilometres of fence have been removed. I heard on the radio how BlazeAid was coming to the party and supporting families and farmers down there. I commend them for that.

It is interesting to note that in ministers statements in this house and the lower house today there were no ministers statements in relation to the fires in the south-west. I am sure that when we get into government and a tragedy happens, given we are people who live in our communities and understand our communities, we will be making positive statements around what we can introduce to support those people who are under so much pressure.

It is also interesting to note that whilst we have been waiting 10 months for this bill to come back into the house, only at 11.00 o'clock this morning were we provided with 29 pages of amendments. Indeed I went to the briefing. I arrived at the briefing at 3.30 p.m. and no-one was there. None of the government advisers were there. After a long period of time I realised that

they had exited without bringing information in order to support our understanding of the amendments. This is how disorganised this government is — they cannot actually brief members of the coalition and support our understanding of this bill.

The other interesting thing that I would like put on record is Ms Symes's random and ridiculous assertion that we reduced funding in our time. That is absolutely a load of rubbish. I will not go over it, because I know others have explained it year by year, but indeed we increased over that period of time cumulative funding of over \$260 million in our term of government compared to the previous Labor government.

Before looking at the bill in detail, I also want to note that the Andrews Labor government squeezes out those people in the volunteer brigades who absolutely want to make a difference in their community and improve their capacity to be volunteers. They squeeze them out so minutely by cutting off the volunteer leadership scholarship program. It is actually biscuit money to the government in many respects, but they rejected a Victorian Fire Brigades Victoria (VFBV) request for funding for this leadership scholarship program. It is not a great deal of money, but they did not provide that capacity for our local volunteers to be able to upskill to become stronger leaders and to get a certificate IV in —

**Ms Shing** — On a point of order, Acting President, Ms Bath has referred to this program as not being provided through the VFBV. It is being provided through the Country Fire Authority (CFA), so in fact you are misleading the house, Ms Bath. It continues to be made available.

**The ACTING PRESIDENT (Mr Ramsay)** — That is not a point of order.

**Ms BATH** — It just goes to show the government's contempt for the VFBV. I note that 95 per cent of all CFA brigades belong to this organisation, so it is not some random political wing. It actually represents 95 per cent of the population of the Victorian CFA brigades, and I commend them. I know a number of the delegates in my electorate of Eastern Victoria Region, and they are outstanding people. They care about their volunteers. They have a full understanding around how this operates, and they are disgusted with this bill. This bill is just a political fix.

In the words of Mr Eric Collier, who happens to be the president of the VFBV district 8 council, at the Traralgon hearing of the select committee back when we were looking into that bill:

The reform segment of the bill appears to us to have been drafted purely to resolve the industrial relations dispute. This is the EBA ...

The bill proposes a lot of changes but does not appear to deliver any actual reforms in terms of improved services of a reasonable cost. There is little detail about how the bill will be enacted and how it will operate. In effect we believe that the government is trying to sell us a pig in a poke.

The government certainly wants to establish Fire Rescue Victoria (FRV), incorporating both the Metropolitan Fire Brigade and the CFA operational staff to become a wholly paid staff operation, and basically discontinue those integrated staff where the volunteers would be in what has become a co-located station. I will talk more about co-location and how I have heard from the volunteers who have come and said to me that co-located stations just will not work.

In relation to this bill the government wants to establish the new Fire Rescue Victoria. What will happen is all the paid operational staff will be transferred to the FRV, including operational staff who currently support the volunteer brigades — operations officers, operations managers et cetera. It is interesting to note that there have been eight reports into fire services and the CFA over a period of time and not one of them has provided a clear indication that they wanted or recommended a splitting of the CFA. It is worth reading just a few. The 2009 Victorian Bushfires Royal Commission made no such statement, the Jones inquiry made none and the 2015 fire services review did not recommend cleaving the fire services. Also the Hazelwood mine fire inquiry, the parliamentary inquiry into Fiskville, the fire preparedness inquiry by the standing committee of which I was a member and the select committee did not make any such recommendation. To my mind this is a government that is choosing to support their own agenda, not choosing to support of the people of Victoria and the safety of Victoria.

It is interesting to note that one of Labor's own came out and said:

I ... am very proud of the volunteer charter.

That was the then Minister for Emergency Services, Ms Garrett in the Assembly. This government and the current minister are not proud of the volunteer charter. They have turned it into a paper plane and sent it into the fire pit. They do not care. The volunteer charter actually states that volunteers must be consulted on any matter that will affect them, and they did not consult them. I find it quite interesting that members of this chamber have stood on a hilltop and proclaimed how fantastic they have been in relation to consultation.

Well, it all occurred after the minister came out and said, 'This is what we're going to do'. I know that in my patch down in Leongatha any consultation came after this. The fact that we hear this absolute rubbish sticks in the craw of so many volunteers in Eastern Victoria Region and right across the state.

When I was listening very intently as a member of the fire preparedness inquiry it came home to me that there have been so many good people lost to collateral damage in this matter. Mr Joe Buffone said:

... I resigned ... as a result of the proposed EBA ... that ... put me in a position such that my ability to perform my statutory obligations as the chief officer under the CFA act had been fundamentally inhibited.

He went on to say:

... I would not be able to make those changes as the chief officer or make decisions without having agreement from the UFU.

To my mind it just shows that there have been decades of good people lost because of this debate and this situation. It is an absolute shame. The government talk about how they care. If they cared, they would have drilled down, asked these people for their opinion and had a proper and complete review — with consultation — to make positive changes.

In the time I have left I would like to talk about another couple of points, including co-location. New Zealand has a co-location model, and they are now moving away from that model. They feel it is not appropriate, and they are moving back to an integrated station model. It has not worked over there and it will not work here.

The other point I would like to make is around secondment. I have heard from a number of people in my electorate — from general lieutenants and general volunteers right up to quite senior people — that they are very concerned about the fact that secondment occurs where people who are in the paid employment go back into those CFA volunteer brigades and administer basically all of the operational matters, without actually having an understanding of what it is to be in the volunteer brigades and without having a basis for them. To my mind that presents a multitude of problems, and it is a great concern for the volunteers.

I would just like to touch on surge capacity. Again I acknowledge the work the volunteers did in western Victoria. Over 1000 volunteers instantaneously dropped whatever they were doing and headed out to fires. I know there were people at weddings and parties — a

whole range of normal life activities — who dropped what they were doing. This is what volunteers do: they drop what they are doing and head out. But if volunteers are continually being disrespected, if they are continually being told they cannot have an autonomous say in their own operations, they will leave. This is a matter of great sadness. It is not something that I am making up; it is what I have heard from the people on the ground. They have said that they will go and join the Victoria State Emergency Service, where they can still make a contribution and their voice will be heard. Surge capacity is certainly going to be decreased if this bill goes through.

Lastly, we should not be debating two bills. This bill today is actually two bills: this is presumptive legislation mixed with this other rubbishy bill. We could be passing the presumptive legislation today — with amendments to make it equal for volunteers because this legislation still is not equal — if it was not lumped in all together. I oppose this bill.

**Ms CROZIER** (Southern Metropolitan) (17:10) — I am pleased to be able to rise and make a contribution to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. I note that in the explanatory memorandum it says:

The purpose of the Bill is to—

provide a rebuttable presumption to claim compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** for career firefighters and volunteer firefighters who are suffering, or will suffer, from specified forms of cancer; and

amend the **Metropolitan Fire Brigades Act 1958** and **Country Fire Authority Act 1958** to modernise Victoria's fire services framework, particularly as it relates to metropolitan areas.

That all sounds very simple, and as Ms Bath just said, this should be two separate bills because we are talking about two separate issues. I have listened to the contributions of government members — in fact the whole state has listened to the contribution of the government in relation to this issue for years — and we have been in here today debating this bill that came into the Parliament in May 2017. The minister at the time said in his second-reading speech:

I call on the house to pass this bill as a priority to ensure that these reforms can be fully implemented.

In the contributions today there has been commentary from the government members saying that we have held this bill up. It has been an absolute outrage —

again from the government, who continues to mislead the Victorian public on what this issue is about, because effectively what this bill is all about is giving power to the United Firefighters Union (UFU) and the union members. Everybody can say that we do not care and that we are not looking after paid firefighters — quite the contrary. In fact what the government has done has been divisive and quite disgraceful for the tens of thousands of Country Fire Authority (CFA) volunteers.

I can say that with some understanding because my family have had a history of working as CFA members for decades. In fact my grandfather was one of the founding CFA members. My father was a member, and my brother is a 45-year —

**An honourable member** interjected.

**Ms CROZIER** — Indeed he is. He is a very decent man, and I can say that with great pride. My brother is a 45-year member of the CFA, who was out with thousands of volunteers just two weeks ago in far western Victoria.

I have friends down in western Victoria who were going about their business and then got calls to come and help fight those fires that took many parts of the community by surprise. It was a very severe day. Everybody knew that; there were warnings about it. Ash Wednesday is etched in the minds of so many of us who experienced those fires that ravaged western Victoria. It brought back a lot of memories, and it was a very difficult day. They were very, very difficult conditions. I have friends who were battling the fires of their neighbours and their friends to save property. Unfortunately some properties were not saved, but others, fortunately, including most of the ones I know, were saved.

But I have friends who were severely impacted, who had come from Bridgewater to Scotts Creek to help friends, and in fact when they were trying to get in touch what actually happened was one of my friends had ridden his bike into a dam and lost his phone while he was continuing to put out spot fires. There were horrendous conditions — 2.00 a.m., it went right through the night. Of course his family and friends close to him were very worried because nobody could contact him.

These CFA volunteers are out there doing what they know, and I think it is absolutely telling that many members of the government do not actually understand the differences in firefighting conditions, because forest fires are very different from grassfires and you have to have local knowledge of terrain and an understanding

of many of the aspects of what could affect the local community — how it might be impacted. There was story after story about the issues that arose just two weeks ago. The power went out. There was no internet connection. Phone batteries were dead because there was no power. There was confusion in many instances, but the CFA volunteers who knew those communities went out and did what they did, working with each other so effectively. That is the spirit of CFA volunteers.

Another friend, who was on his way to Timboon and Cobden around that area, was asked by six trucks where the fire station was when he pulled up. I do not know if those six trucks were paid firefighters, but they certainly were not locals. That is the point. The locals know the conditions. They know the terrain. They know where the station is. They know the surrounding properties. They know who is around. They recognise a whole range of things that others do not. For this government to allow a union to have such control over such a vital community service that does so much is just extraordinary.

We all know that. This is not anything new. Everybody knows that Peter Marshall has got the biggest grip on this deceitful, disingenuous and dishonest Premier and his dishonest government. We have had that debate about rorting. Well, this bill also says it, because they are dishonest about what they are trying to do. This is nothing more than a cover-up for the unions and the payback that this government has done. One day that will all come out. It will come out.

**An honourable member** — In the royal commission.

**Ms CROZIER** — It will come out in the royal commission. That is why we need the royal commission — because it is extraordinary. Peter Marshall waltzes around this place more than most, and one wonders what he is doing here. He is pulling the strings on this Premier, let's face it. Let's just think about the history of so many, not just the opposition members on this side of the bench but members of the community and also those directly involved. Let us just go back to the time lines.

These are the victims of Daniel Andrews's fire services crisis. In May 2015 Danny Michell, chief of staff to the responsible minister, resigns after ongoing bullying by Peter Marshall and the UFU. On 10 June 2016 Jane Garrett, the minister, is forced to resign by the Premier following a cabinet crisis meeting. I mean, we all know this happened. It goes on. On 10 June 2016 the new

minister, James Merlino, sacks the CFA board despite a Supreme Court injunction. This is extraordinary. The board members sacked were Claire Higgins, John Peberdy, Ross Coyle, Katherine Forrest, Michael Freshwater, Peter Harmsworth, James Holyman, John Schurink and Michael Tudball. On 17 June 2016 Lucinda Nolan, a very highly respected woman in her previous role within the police force and the Premier's own hand-picked CFA CEO, resigns. She resigns! Goodness me. If that does not ring alarm bells, then I do not know what does.

On 29 June 2016 Joe Buffone, CFA chief fire officer, quits, citing concerns over the UFU enterprise bargaining agreement (EBA). On 23 September 2016 Peter Rau, Metropolitan Fire Brigade (MFB) chief officer, resigns. The police minister, Lisa Neville, claimed Mr Rau resigned due to health reasons. What a lie that was — another lie by this government. In an email exchange Mr Rau's wife informed 3AW — she was so infuriated, as she should be — that he had actually resigned 'due to stress as a result of bullying by the United Firefighters Union and the current situation of the EBA'.

These are real people who have put their heart and soul into the roles that they were doing to get a better service and the reforms that everyone talks about — yet they were bullied out. It is an absolute disgrace, and you all should hang your heads in shame. The police minister was then forced to apologise for her misleading comments. There have been misleading comments across the chamber in every part of this debate and outside this chamber.

On 13 October 2016 it was revealed that more senior MFB figures were on indefinite leave, as allegations of union bullying continued. Darren Davies, assistant chief fire officer of the MFB, remains on extended leave. Andrew Zammit, MFB assistant chief fire officer, remains on indefinite sick leave. On 23 October 2016 David Youssef quits amidst the EBA strife. In March 2017 Bruce Byatt, the CFA deputy chief officer, quits. On 27 August last year Paul Stacchino, MFB acting chief officer, resigns after less than 12 months in office. The list goes on and on and on, and I am going to continue to read because it is quite damning.

On 7 July 2017 Jim Higgins, MFB CEO, quits amidst plans to restructure the Victorian fire services and create the all-professional Fire Rescue Victoria. On 7 October 2016 Bob Barry, assistant chief officer of south-west Victoria region, was allegedly sacked for being too supportive of volunteer firefighters.

**The ACTING PRESIDENT (Mr Ramsay)** — A good man.

**Ms CROZIER** — A good man, Acting President, quite right. He was sacked for being too supportive of volunteer firefighters, for heaven's sake. What does that say about the culture? Ms Shing, you talked about people being allergic to the hard work of cultural change. Your culture of bullying and what you have done to so many CFA volunteers and these good people who have been in positions of responsibility is a disgrace.

On 14 October 2017, 10 senior MFB firefighters claimed they were forced into early retirement by the UFU. On 19 January 2018 MFB president Andi Diamond quit. When she quit, the decisive vote that was then undertaken by a new board was voted on 4 to 3, and that new board member appointed by the government was just a week prior to that vote taking place. This just is an absolute joke — that you think that the Victorian public do not see through you. They are incredulous about what has gone on, and that is why we do need a royal commission.

Ms Symes, when she was talking, said that we had the amendments six months ago. What absolute rubbish. You dumped 29 pages just today and said there were no changes. You have lied again. There are changes, and they include amendments to clause 48. New section 20AB(2A)(a) provides that the CFA must obtain the written consent of the minister before:

entering into an agreement or arrangement with a person or body for the provision of goods or services by the Authority ...

Presumably this would mean the CFA would need written consent to conduct its fire equipment maintenance services, or it could mean brigades would need the minister's consent to attend community events and to conduct Santa runs as they are essentially services provided by the CFA.

The other thing that I want to say in the little time that I have got — I could go on for a lot longer because this does impact on so many people that I know and I am just quite incredulous about how the government has gone about this — is that the amendments also include the Firefighters Registration Board. The CFA will only be able to employ a chief officer, a deputy chief officer and an executive officer (EO). What is that? What is the EO? Why is there not a chief executive officer to be appointed for the CFA?

The new amendments will make no change to the original conditions of the bill, and we still have on this side of the house, as I have said, grave concerns for the future of the CFA. Volunteers will not be protected from the union and will be put at risk of being treated as second-class firefighters. I think that is absolutely right, because I actually know so many CFA volunteers who are disgusted with what has gone on under your government. All of you are complicit. You have all signed off on this. You have all seen the litany.

Your own colleague Jane Garrett in the Assembly — whatever happened to her inside that cabinet meeting not all of you will know, but it is pretty clear that she did the right thing. She did not agree with what had gone on with the union and what had gone on with the CFA. She understood that this was putting an absolute wrecking ball through the CFA. For you, the government members, not to understand the extent of what the CFA volunteers do but, through your rhetoric and your disingenuous words, to say you do just demonstrates the desperation of what you want to do to get this through on behalf of the union, Peter Marshall and all of his cronies.

If I can just conclude, Acting President Ramsay, because I know this affects your part of the region, another friend of mine also told me about some of the employees who work for him as drivers for Trotters Coaches, who evacuated a wedding party at the stables in Gazette. It was an incredible act that they did. I think that you are well aware that the CFA volunteers doused those buses with water to protect them so that they could get those buses in to get those people from that wedding party out. That was the courage of the volunteers and of those drivers, who are just decent human beings. I think all of the people should be acknowledged for the work they did — all who were involved in those fires. I said that on Twitter and I was attacked by the UFU, predictably. Nevertheless, everyone who was impacted and everyone who was involved should be acknowledged for the great work that they did, the volunteers in particular.

There are many people who have lost their homes and so much stock, property and assets, and it takes a long time to build that up and for it to come back. For many people it will take many, many months, and some may never recover. It is critical that we support them while they rebuild their lives and get on with it, but doing this will gut the CFA volunteers, many of whom are still down there fighting those peat fires at Cobden and would still be out if there was another fire. I suppose one good thing is that we are entering into the autumn

season where the hot weather is diminishing and the fire season at that point is also diminishing.

I am very concerned about the support that the crossbenchers are giving the government, because I do not think they fully understand the implications of this bill. I, like my colleagues and others, strongly oppose every ounce of what the government is doing here with this bill.

**Mr FINN** (Western Metropolitan) (17:25) — In rising to speak on this legislation today, the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, I would first like to point out that this bill is a further example of the devious nature of the government. We have a government that will try anything on. What they have done here is launch an attack on Country Fire Authority (CFA) volunteers with this presumptive rights compensation legislation by putting two pieces of legislation together and saying, 'If you want one, then you're going to have to have the lot'. It is an act of total — I was going to say 'bastardry', but I will not say that. Well, I think I will say it. It is an act of bastardry on behalf of the government. It is something that unfortunately we have come to expect from the Andrews government in this Parliament and for the term of this Parliament. There are many of us who are looking forward to November, not just to the end of this term of Parliament but indeed to the end of the Andrews government. I know there are thousands, tens of thousands, of CFA volunteers across the state who are most certainly in that category. Now, I have not spoken to them all, but I have spoken to quite a few of them, and they cannot wait for the Andrews government to be a thing of the past.

We have seen today another example of the devious nature, the dishonest nature, of the Andrews government. At 11 o'clock this morning, an hour before the house was to sit, we had land on our desks 29 pages of amendments, and we were expected to take all that in. The government said, 'Nothing much has changed; take our word for it'. Yes, sure we will! Anybody who believes this government, I have got an opera house up in Sydney to sell them, because if you believe this government you would believe anything. This government will try anything on. This government lies through its teeth, left, right and centre, and if you do not believe me, ask the Ombudsman, because she knows exactly what we are talking about.

Here we have two instances where the government has tried it on. They have put two pieces of legislation together, one attacking CFA volunteers and the other

giving compensation for firefighters. I think everybody expected that we would have the opportunity to debate these two bills separately and clearly that would have been much better. It is deeply regrettable that we have not been able to do that. It is a real slap in the face to volunteers across the state, but unfortunately it is a slap in the face that volunteer firefighters have become used to as Daniel Andrews and his merry men — did I say 'men'? I am sorry; that would get you shot in Victoria these days — or his merry band of shysters who cavort across the state.

Acting President, I do not have to tell you that the CFA and its volunteers are the salt of the earth. They are the backbone of the bush, if I can say that. As somebody who grew up in the Western District of country Victoria I know only too well the importance of the CFA and the volunteers to country communities. We have seen this in the last couple of weeks down in the south-west of Victoria around Cobden, Camperdown and right through that area to the Lowan electorate, where volunteers have been out all day and all night, quite often, fighting fires, defending properties and indeed saving lives.

I think it is fair to say — in fact I think I have heard a number of people say — that without the actions of CFA volunteers lives would have been lost in the fires over the last few weeks. So I tip my hat to the volunteers of the CFA, and I say God bless each and every one of them, because without them we would be in more strife than the early settlers. I do not think there is anybody — on this side of the house, anyway — who would dispute that.

These volunteers are selfless people, and they regard sacrifice as something that just comes with the territory. I remember the fires a few years ago on the Great Ocean Road on Christmas Day. I remember speaking to some volunteers down there who heard the fires were on and just got up from their Christmas Day lunch, walked out and did not come home for three days because they were out fighting the fires. These people do not do it for payment; they do it because they want to help their fellow citizens and their own community. They are just genuine, decent, wonderful people, and it is really very difficult to understand why the government has had it in for them over the last few years.

Even in Bulla, the area that I live in, if my house were to catch fire — God help us — the local CFA around the corner would come and put it out. I know Larry and his team at the Bulla CFA would be there in a flash. I often hear the siren go off and within a couple of

minutes the truck is heard as it rattles off to a fire or a car accident, because quite often the CFA is involved not just in fighting fires but indeed in cleaning up after car accidents and providing support for the Victoria State Emergency Service and for other emergency workers.

I well remember back in 1983 —

**Mr Ondarchie** interjected.

**Mr FINN** — Yes, it is a fair while ago, Mr Ondarchie. I remember the day after Ash Wednesday being out meeting a lot of the firefighters in the Macedon Ranges and seeing the exhaustion that they were suffering from at the time, but again they did it for the love of their community and to protect their fellow citizens. That is a fair while ago now. That is — what is it? — about 34 years ago or something like that, 35 years ago. They were doing it before and they are still doing it. They are absolute gems.

One of my earliest memories in fact was my mother baking scones — they were large quantities of scones, I have to say — for the CFA. My father was in the Warrion CFA and he was fighting the Cressy bushfires — or grassfires, I think they were actually, more to the point — back in it would have been the late 1960s or early 1970s, I think. It is a long time ago anyway, but it is certainly one of the early memories that I have. The CFA are very much a part of country communities. They are the backbone of the bush. I salute today those volunteers who do such a magnificent job.

You have got to ask: given the magnificent job that they do, that they have done and that they will continue to do, one would imagine, why would anybody attack volunteer firefighters, particularly the Premier of this state, which is one of the most fire-prone areas on the face of the earth? Where is the logic? Where is the sense in that? You can certainly understand the anger of volunteers towards the government and towards the Premier, who has treated them so abysmally, so appallingly, over the last two or three years.

I have no beef with the Metropolitan Fire Brigade (MFB) or professional firefighters, but that is not what this bill is about. This bill is largely about attacking volunteer firefighters. That is the bottom line. This bill is about control. The UFU — the United Firefighters Union — has wanted to take the CFA for years. They have seen the CFA as something that they aim for, as something that they want to control, but of course you cannot unionise volunteers, so the solution that the

UFU have put forward to the Premier is to destroy volunteers within the CFA.

When I speak to firefighters on the ground, at fire stations or just around town in Sunbury or wherever, they tell me the difficulties that they face from professional firefighters. There is a real aggression toward them by professional firefighters, and I think that is very, very sad indeed, but it does reflect what is going on in this Parliament; it does reflect what has been going on in this state for the last two and a half years since Daniel Andrews declared war on CFA volunteers.

My personal view, very strongly, is that Daniel Andrews should hang his head in shame for what he has done and for what he is doing. He will long be remembered as the man who declared war on the CFA. He will fail; I sincerely hope he will fail in what he intends to do. We know why he is doing it. We know he owes — perhaps he owns them as well — the UFU. We know what the UFU did prior to the 2014 election — the support that they gave the ALP prior to the 2014 election — and he is paying them back in spades. He is just handing it all over. This is despite the fact that we saw Jane Garrett in the Assembly, the former Minister for Emergency Services, bullied out of her job. We saw Jane Garrett by all reports threatened with an axe. Peter Marshall, the head of the UFU, threatened Ms Garrett with putting an axe in her head. Not exactly the ideal way to conduct oneself, I would have thought. I have seen Peter Marshall in the past; I have seen how he conducts himself, and yes, he is a bully. He fits in very, very well with a Premier who likewise is very much a bully.

Then we saw what happened to Lucinda Nolan, the ex-CEO of the CFA. She is an outstanding individual who made a name for herself in Victoria Police over many years. Many were surprised that she did not get the job of chief commissioner, but she went to the CFA, and she was bullied out of the CFA by a union and by a Premier who lives off bullying. That is what they do. Unfortunately in 2018 bullying is the Labor way. That is just the way it is. We have seen the CFA board sacked and bullied out because they would not do as they were told. We have seen I think now two — you may be able to correct me there, Acting President Ramsay — MFB boards gone. They too would not do as they were told, and out the door they went.

Daniel Andrews and Peter Marshall do not care how many bodies are stacking up around them; they just want what they want. They do not care what is fair,

they do not care about what is decent and they certainly do not care about consultation. Consultation in fact is just Peter Marshall and Daniel Andrews saying, 'Shut up and do as you're told or you'll be next'. That is their definition of consultation. So it is a very sad state of affairs that Victoria finds itself in in 2018. As I said, we are in one of the most fire-prone areas on the face of the earth and we have this extraordinary situation where we have legislation come before the house today — it has been sitting on the notice paper for almost a year, I might say — which in effect will be a killer blow, if passed, for the CFA as we know it.

I will be voting against this bill. I urge every member to oppose this bill, and I sincerely hope that the CFA volunteers will one day find it in themselves to forgive this rotten, filthy, disgusting government.

**Ms LOVELL** (Northern Victoria) (17:41) — It is actually with a heavy heart that I stand to talk on this piece of legislation. It is very poor timing of this government to have brought this piece of legislation into the Victorian Parliament at this time. This legislation has been around for quite some time but the government has let it languish on the notice paper, yet at a time when our volunteer firefighters have been down in the south-west of our state fighting a campaign fire, doing what they do best — protecting communities — the government has brought back this piece of legislation that upsets those same volunteers just so much because this tears at their heart. It actually sticks a dagger straight into their heart and goes against everything that has supported the Country Fire Authority (CFA) over the many, many years since it was formed.

This bill does have some good parts to it, which are the presumptive legislation parts. This bill should be split. Presumptive legislation should not be dependent on the rest of the bill passing, and as someone said before, funding for the CFA should not be dependent on this piece of legislation passing.

This morning we received 29 pages of amendments. The opposition has not been briefed on those amendments yet. A briefing was arranged. The public servants turned up but they did not even have a copy of the amendments. The public servants then left. The opposition members who were present at the briefing waited and waited and waited, and the public servants did not return. So the opposition has not even been briefed on those 29 pages of amendments, let alone had the ability to take those into account to see exactly what changes they make to this piece of legislation.

The CFA and our fire services in general are too important to play politics with. There have been a number of reviews — Ms Bath named all of those reviews in her speech. Not one single review recommended combining the fire services, yet that is what this government is pushing ahead with.

There is no doubt that our fire services need to be modernised, and it is right that we should be speaking about and debating fire services reform. But we should be doing that from a beginning and end point of improving our fire services, including improving conditions and facilitating participation for both volunteer and paid firefighters, improving the infrastructure for our volunteer and paid firefighters and delivering a modern and sustainable fire service. Unfortunately that is not what this bill is about.

This bill is designed as a political fix for an industrial dispute rather than as a foundation for improved, modern fire services. The bill has caused a lot of concern in the community and especially in the fire services community. It has been one of the most divisive agendas that I have seen a government pursue in my time in Parliament. Even the general public have noticed the divisiveness of this legislation, and I have lost count of the number of times that I have been asked by constituents why Daniel Andrews would pursue this agenda or what it is that Peter Marshall knows about Daniel Andrews that has driven the Premier to pursue it.

One of the most disappointing aspects of this legislation has been the government's secrecy and the complete lack of regard it has shown for everyone in the fire services through its failure to consult — that is, its failure to consult with the Volunteer Fire Brigades Victoria (VFBV), the CFA, the Metropolitan Fire Brigade (MFB), the emergency services commissioner and in particular the 60 000 volunteers in the CFA, despite the volunteer charter actually requiring this by law.

This volunteer charter starts out by saying:

This volunteer charter ...

is an agreed commitment by the state of Victoria, CFA and VFBV on behalf of CFA volunteers to each other ...

and that it:

ensures the state of Victoria and CFA will commit to consultation with volunteers about all matters which might reasonably be expected to affect volunteers ...

That is not what this legislation does. The charter goes on under the heading 'The CFA recognises the commitment of volunteers. The CFA shall provide its services and support to volunteers subject to the following principles'. One of those principles is to:

recognise that VFBV represents volunteers in general and ensure there is meaningful consultation, allowing enough time for real involvement, with the elected representatives of volunteers on all matters which may impact upon volunteers before the adoption or implementation of any new or changed policies, procedures or approaches ...

The VFBV does that, but the government does not.

Another principle is to:

ensure that volunteer views, opinions and concerns are fully considered before adopting any new or changed policies, procedures or approaches which impact on them as CFA volunteers.

The charter goes on to say that:

The government of Victoria recognises and acknowledges the volunteers' commitment. The state of Victoria will provide support to the volunteers subject to the following principles ...

These principles include that the government will:

consult with the elected representatives of volunteers on all matters which may impact upon volunteers including proposed legislation and the adequacy of resources to enable volunteers in CFA to deliver the agreed services.

This piece of legislation completely disregards the charter, which is so important to the volunteers and to the state of Victoria. In fact the only real consultation that has actually occurred seems to have been with the United Firefighters Union (UFU).

I have had a long association with the CFA, since I was a child. My father was not a volunteer himself but many of his mates were, and in the days when people who were not volunteers could jump on the back of a truck if they were needed, Dad would often do that when the call came. In my misspent youth I was known to be attracted to CFA uniforms, and I actually dated a career firefighter for quite some time. He lived in a household full of career firefighters, and it was those career firefighters, who had actually come through the ranks of volunteers and had later become career firefighters, who taught me to truly love the CFA and everything that it stands for.

Over the winter break I was delighted to participate as a member of the Legislative Council select committee that conducted the inquiry into this legislation. Something that stands out most in my mind from all of

the hearings I sat through is the statements from everyone about the lack of consultation. The CFA, the MFB, the VFBV, the emergency services commissioner and the volunteers all said they were not consulted.

I was greatly concerned when Mr Bates from the Department of Premier and Cabinet spoke about the lack of consultation with the Country Fire Authority and the MFB on these changes. In fact he said quite openly that the reason that they did not consult with the CFA and the MFB was that the fire services leaked information very openly. This was a slight on the management of both the CFA and the MFB.

The CFA and the MFB told us that they were only consulted in the day or two before the legislation was second read. The MFB told us that they were consulted on 19 May, and the CFA board were briefed on this the night before the legislation was introduced.

But what actually concerned me even more than the lack of consultation with these authorities was the willingness of the government to consult with the UFU. Mr Bates told us that there had been quite some number of meetings with the UFU. He told us that the UFU had got detailed briefings a week or two before the bill went to Parliament, but when the chair asked him if they were engaged before that, he actually said that they probably would have understood what was going to be in the legislation because they would have contemplated that from the sorts of questions that he was asking of them. I would like to know what those questions were that he was asking of them. Did he ask Peter Marshall, 'What do you want to be in this legislation?'. Did he ask him how he would restructure the fire services? Did he ask him how he they could restructure the fire services to favour UFU members over the volunteers?

Mr Bates also told us that in the period between January and the end of April — mind you, this is the period before they had even spoken to the MFB or the CFA — they had met with the UFU probably 12 to 15 times, maybe even more. So there was obviously extensive consultation with Peter Marshall and the UFU but a lack of consultation with the CFA, with the MFB and with the volunteers.

Another thing that worried me was the way that the chief fire officer, Steve Warrington, kept saying, 'We will make it work'. He did not say he was confident it would work, he did not say he was confident it was the right thing to do; he just kept saying, 'We will make it work'. The middle management of the CFA told us all

very clearly that they believe that the middle management should not be seconded back from Fire Rescue Victoria but should be directly employed by the CFA. It was a very clear message that came through. It was recommendation 4 of the committee's report, yet that has not been reflected in the amendments that we have before us today.

I was very disappointed to hear Craig Lapsley say during his evidence that:

This is not a proud statement for me to say, and I would not have said this two years ago: the Victorian fire services are looked at across the nation as the worst fire services in Australia.

That was a very sad thing to hear Craig say — I have known Craig for a long time; he was a career firefighter in Shepparton in the 1980s, and I know that that is not his opinion of the CFA — but that is because over the last two years Daniel Andrews has supported Peter Marshall and the UFU's position. That is why our fire services have been seen in that light over the past two years, and it is very disappointing that that has been the case.

Peter Marshall actually gave us the best quote of all. He said:

... can I say change is always a good idea for the person who thought of the change.

He also said:

To impose change without bringing people along is just a recipe for disaster.

There are a couple of good quotes there. Yes, change is good for the person who thought of the change, and I wonder if the person who thought of this change is actually Peter Marshall himself. 'To impose change without bringing people along is a recipe for disaster' is something that this government should listen to — it is probably the smartest thing that Peter Marshall has ever said — because that is exactly what this legislation is doing; it is imposing change without bringing people along. This government should scrap this legislation because it is a recipe for disaster.

Recommendation 10 of the committee's report dealt with referring the Department of Premier and Cabinet (DPC) to the Privileges Committee. Of course the government did not support that, but what we heard during the committee's inquiry was that there had been interference in the committee's work, with DPC instructing the MFB and the CFA that all submissions to come from employees of those organisations had to come back through DPC so that DPC could vet them

before they got to the committee. This led to the committee having to consider a lot of the submissions twice, because we then had to get the submissions from DPC, some of which we had already received directly. DPC were very slow at providing those submissions, and they did hinder the work of the committee. They really should be referred to the Privileges Committee, but the government of course did not support that.

There are a number of things that concern me about this legislation. It is a very divisive piece of legislation that does not provide for a modern and sustainable fire service into the future. This is a piece of legislation that is about Daniel Andrews paying back the UFU for the support that they gave him at the last state election. It is not about modernising our fire services. It is a slap in the face to the 60 000 volunteers in the CFA and particularly to those thousands of volunteers who have been down in the south-west of our state fighting the fires over the past week. The government said we could not get through this fire season without fire services reform, yet they have brought it on now at the end of the fire season, or at the end of summer — we know that it is the end of summer but that fire season has not concluded, because we are still fighting fires. But to the credit of both our career and our volunteer firefighters, they have battled on, because they work together, and they will always protect our communities. I value the work of both our volunteers and our career firefighting staff, and I am appalled by the government's lack of respect for our firefighters in this state.

**Mr ONDARCHIE** (Northern Metropolitan) (17:56) — The Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 is the bill that I rise to speak to this evening — a bill that has been around in this place for almost 12 months. Such is the feigned urgency of this government that we need to get on with it, it has been around for almost 12 months. This is the most disingenuous government this state has ever seen. There are more actors in this government than there are at Warner Brothers. There they are across the chamber from us, feigning their care for firefighters across the state when they bring this on 12 months later. Then today at the 11th hour they dropped 29 pages of amendments, as has been said across the chamber today. At 11.00 a.m. they dropped 29 pages of amendments. So important is this legislation that they drop them at the last minute and expect us to debate them. This is the form this government have. They are going to bully their way through everything.

This is a bit of legislation that has two components: a bit about presumptive rights legislation, which we

support, and another bit about reform and bullying and restructure — the spill and fill and restructure — of the fire services in Victoria. We are onto their tricks. This is a mendacious government. It continues to con and mislead the people of Victoria, a government that is impotent under Peter Marshall's control. We see it every single day. They have bullied over 60 000 Country Fire Authority (CFA) volunteers. They have bullied former minister Jane Garrett — and I do not hear anybody over there standing up in defence of her. They have bullied former CEO Lucinda Nolan. I hear nobody across the chamber standing up in defence of her. They have bullied high-ranking staff. They have bullied the board of the CFA and the Metropolitan Fire Brigade (MFB). They have bullied board chairs. It goes on and on and on.

Just days after CFA volunteers risked their lives fighting bushfires across south-western Victoria, Daniel Andrews is now trying to ram through his legislation to tear apart the CFA. Only Daniel Andrews could repay volunteers for their bravery by removing the very legislation that protects those who protect us. The Liberals and Nationals will continue to stand up for Victoria's 60 000 CFA volunteers. Today those members of the Legislative Council that side with Peter Marshall and the United Firefighters Union (UFU) will have to explain to voters at the next election why they have put an ambit claim by a union ahead of the safety of Victorians. This is why the Liberals and Nationals will immediately hold a royal commission into this issue and ensure that community safety is put first.

During the course of this whole debate and over a long period of time I have spoken to many firefighters. I respect the work of firefighters, both professional and volunteer. I spoke to a very high level fire officer. He said to me, 'I'm a union man, Craig. I've always voted Labor. My dad has always voted Labor. We have always voted Labor as a family'. But he said to me, 'I am now p...ed off and I'm angry'. He said to me that he has never seen so much government intervention in his whole career service. He has never seen so much direction to management by the UFU. He has quit now, so he has got some perspective on this, and he said, 'Peter Marshall is running his own agenda, not an agenda for fire safety in Victoria'.

Under the leadership of Kim Jong-Andrews we are seeing this time and time again in Victoria. This government has bullied experienced firefighters —

**Ms Shing** interjected.

**Mr ONDARCHIE** — I withdraw.

**Ms Shing** interjected.

**Mr ONDARCHIE** — I have just said that.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Ms Shing, I am actually in the chair, thanks very much. I will decide when it is a point of order and when it is not. Are you standing to make a point of order?

**Ms Shing** — Yes. I would seek that Mr Ondarchie withdraw.

**Mr ONDARCHIE** — I've done it.

**The ACTING PRESIDENT (Mr Ramsay)** — Mr Ondarchie has withdrawn. Thank you. Ms Shing.

**Ms Shing** — That is why I asked Mr Ondarchie —

**The ACTING PRESIDENT (Mr Ramsay)** — Actually you do it through the Chair.

**Mr ONDARCHIE** — They have bullied experienced firefighters. Some of those firefighters I have met and talked to are sad. They are depressed, they feel unloved and they feel uncared for. These are people who give so much of their lives to their local community and sacrifice their family time, their own wellbeing and often their own professional careers to look after their local community. Right now they feel unloved by this government, and why shouldn't they? They are feeling worthless, unloved, uncared for and disrespected by Daniel Andrews, Peter Marshall and those others who are leading this government.

I had a lot of experience watching the volunteers and professional firefighters during the Black Saturday bushfires that occurred very close to where I live. People in this place have heard me talk about the fact that I lost friends and my children lost friends during the Black Saturday bushfires. In the main, firefighters do a good job. But this is not about the work they do; this is about a union bullying campaign. This is about what I think in Victoria we should be calling 'Marshall law'. This is about Peter Marshall and UFU control over Victoria's firefighters. I have seen it. I have seen CFA trucks turn up in car parks with the UFU sticker placed over the CFA sticker on the trucks. I have seen at my own local station, the South Morang station, the CFA logo out at the front of the station replaced by the UFU logo. When did the UFU purchase that asset? When did the UFU purchase the truck? This is a sign of things to come in this state. I have been yelled at by UFU officials. One said to me, and I will quote this exactly, 'You want to hope your house never catches fire'. What a brave soul he is. What a threatening

person he is. We are going to see more of these bullies and thugs in Victoria if we let this through.

But I will tell you something else, Acting President: Labor members are quietly not happy about this bill. They are not saying it here because they do not want to upset their career progression by upsetting Daniel Andrews. But I know, and I have talked to them. There are Labor members on the back bench that are not happy — I see Mr O'Donohue nodding away — with this bill. In fact, if you take some history, former minister André Haermeyer said this is a bad thing. Their own former minister said this is a bad deal.

The CFA have been under extreme pressure as a result of those explosive allegations about serious sexual assault of women and wider harassment among its non-firefighting employees. So far the UFU have tried to stop this:

Several serving and former firefighters, as well as managers and support staff, have said that the problems in Victoria's highly respected fire services stem from two distinct things: culture, and Daniel Andrews' seeming inability to say no to the UFU.

A number of career inspectors have been interviewed as part of an article that was published in the *Age* in October last year. It says:

The UFU was and remains one of Victoria's strongest and most effective unions ... all knew how vehemently opposed the union was to their new jobs, and were prepared for robust blowback. But they also believed the MFB management, board and relevant ministers would be able to keep things in check. Looking back, the trio can't believe how wrong they turned out to be.

While it was one thing to be the subject of nasty work emails and unflattering 'scab' posters at stations, it was another when the bullying extended to home and family.

One particular inspector said his 15-year-old son answered the phone and was told that his dad was an 'f...ing wog scab c...'. That was to his 15-year-old son. The report states that men also said:

... they received a range of dead animals either in the mail or outside their homes. Often bandaids were sent as a reminder of their scab status. One time ...

an inspector —

received a bullet in his letterbox.

Their isolation also had an effect at fire scenes where they, as inspectors or commanders, would arrive to take command.

One recalled on several occasions having great difficulty in getting a briefing from firefighters at the scene. The firefighters made it hard for him to take

control and effectively sabotaged the MFB's chain of command. A comment that was made was that:

The UFU's obstructionist behaviour was so ingrained into the MFB culture as to have entered the local lexicon — and so embuggerance —

as a term —

was born and became a term to describe the aberrant behaviours of the UFU in the IR context. It manifests itself in conflict at every opportunity, constant attacks on management credibility, often personalised and wearing down of the other side.

After negotiations for a new enterprise agreement, it remains unsigned and this Andrews government legislation is seemingly being rammed through, with 29 pages of amendments, today.

A report by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) has been stalled in the court by the union, but it is starting to come out. This is embuggerance indeed. But I do not hear people across the chamber calling out for the details of the VEOHRC report. I do not hear it. Suddenly these people who claim they stand up for ordinary Victorians and women in the workplace have gone silent on it.

**Ms Crozier** interjected.

**Mr ONDARCHIE** — Very quiet now — very, very quiet. I go to the recommendations of the inquiry chaired by the Honourable Gordon Rich-Phillips. I will read out the recommendations so that people are clear about them. People on the other side of the chamber have talked a lot about what the inquiry did. Well, let me talk about what the inquiry did. Recommendation 6 says:

Due to the lack of implementation, operational and funding certainty, failure to undertake consultation; and consequential polarisation of fire services volunteers and staff, the bill should be withdrawn. If not withdrawn, the Legislative Council should reject the bill.

**Recommendation 7:**

Part 2 of the bill, 'Firefighters' Presumptive Rights Compensation' should be reintroduced to Parliament as a standalone bill to be considered on its merits.

Why have they tied the two things together? Because they know there is some legitimacy to the presumptive rights stuff and they are trying to force through the restructure of the firefighter service to impose 'Marshall law' on Victoria — this government that is impotent at the hands of Peter Marshall.

If we go on to the report's further recommendations, recommendation 1 is that:

The government ensure compliance with its consultation obligations under the volunteer charter and the Country Fire Authority Act 1958 prior to proceeding with any further reform of the fire services.

Recommendation 2, and I draw attention to this, is that:

The government undertake meaningful and balanced consultation with Emergency Management Victoria, the Country Fire Authority, the Metropolitan Fire Brigade, staff and volunteer representatives prior to proposing any further reform of the fire services —

'meaningful and balanced consultation', not Peter Marshall's way or the highway.

Recommendation 3 is that:

The government develop and publish a detailed implementation plan in parallel with any further fire services reform proposal.

Recommendation 4 is that:

Country Fire Authority staff should continue to be employed directly by the Country Fire Authority, and solely within the Country Fire Authority chain of command. Secondment should only be used for staff exchange/development opportunities, not as a default employment mechanism.

Recommendation 5 is that:

The government and its agencies not endorse any enterprise agreement, instrument or accord which has the effect of limiting the exercise of statutory powers of the chief officer(s) of the fire service(s).

Recommendation 8 is that:

The government ensure adequate infrastructure funding for the fire services independently of the restructure.

The report goes on to talk about a number of other things, but recommendation 10 I think is interesting. It is that:

The Legislative Council refer the Department of Premier and Cabinet to the Legislative Council Privileges Committee for investigation of its interference with the committee's inquiry.

This has smelled right from the start. Right from the very start this government have been about bullying their way through this whole process. The apologists across the chamber today stand there with their feigned hand on heart, saying, 'We really care about the firefighters'. No, they do not. They only care about what Peter Marshall wants. Because whether we like it or not, Peter Marshall is the acting Premier of this state — what he says he gets. It is interesting that today as we debate this bill in this chamber, 12 months after

the government said this was urgent, who was in the Parliament today? 'Who was wandering around the corridors today?', you ask.

**Mr O'Donohue** — CFA volunteers?

**Mr ONDARCHIE** — Not the CFA volunteers, Mr O'Donohue. Not those people who give up so much of their lives for their local communities. Who was there? The conductor of the orchestra. The conductor of the orchestra, Peter Marshall, was in the Parliament today, directing the Labor Party on how he wants this to run. This is a Peter Marshall run government. We do not know what Peter Marshall has on Daniel Andrews, but it is something. It is something, and we are going to find out. I have heard lots of people speculate on what Peter Marshall has over the Premier, Daniel Andrews. I do not take that seriously because we do not have the evidence, but I tell you what: if it walks like a duck and it talks like a duck, it is a duck. There is something desperately wrong here with this mendacious government, this rorting government.

Don't take it from me just standing up as a representative of Northern Metropolitan Region, saying, 'They are rorting'. It says it here in this report. The Ombudsman says they are rorters, the Ombudsman says they are cheats and the Ombudsman says they have stolen from Victorians, and what are they saying? 'Oh, we've paid the money back. Everything's okay'. I tell you what: it is just as if they stole Victoria's brand-new car three and half years ago. They have brought it back washed, vacuumed and full of petrol, so everything is okay now. Nothing has gone wrong. They are thieves, they are rorters and they are cheats. We know it, but forget about us knowing — Victorians know it. And I will tell you what: in not too many months time — in November of this year — Victorians are going to send this government a clear message: we don't trust you, we don't believe you, you don't stand up for us and you are out of here'.

**Ms FITZHERBERT** (Southern Metropolitan) (18:11) — I move:

That debate on this bill be adjourned until the next day of meeting.

We stand to deal with this bill which, as Mr Ondarchie was just saying, has been in existence for a year or so, but just this morning we have had a range of amendments given to us. I believe they were distributed to non-government MPs at about 11 o'clock this morning. There is quite an extensive list of amendments — there are 29 pages covering 37 clauses with multiple parts. I will be quite honest and say I have

not read these; I have been busy doing other things today. We all have busy days in Parliament, and we all have other things to do. I will be quite honest: I have not read them.

There was a briefing scheduled for this afternoon which unfortunately failed to occur, and it is not clear why it did not happen. Again I was not able to attend the briefing that did not happen, but a number of my colleagues did, including, I believe, Mr O'Donohue and Ms Bath. The briefing did not happen — the relevant staff were not there to do it for them — and so there has not been an opportunity to be taken through these amendments.

I have heard second-hand that these are the same as what has been circulated before or that they are a rehash. Again, that is hearsay on my part, but I have got no way of knowing. So I think that it is reasonable that we actually pause and take the time to go away and be briefed properly on these amendments. This is a really important piece of legislation. The government have repeatedly told us that in the time that they have been in dispute in relation to what is, at its heart, an industrial dispute. It is not actually about reforming the Country Fire Authority; it is actually about delivering on a deal to union mates, in large part. It is of course also about the rights of firefighters in regard to compensation in relation to illness as a result of their service — really, really important issues.

We need to get this right. It is important that we have an appropriate and detailed briefing on the amendments that have been put to us at literally the 11th hour and that we have the opportunity to ask questions about them. It is not appropriate to wait until the end of the process when perhaps we will have a committee stage and go through any questions that may be raised there; it needs to be done from the outset. I would have thought that if the government were serious about this they would have looked at having an orderly process for briefing all of us on this set of amendments that they are asking us to simply agree to, perhaps on a non-sitting day.

It could have been done last week, but I think the government might have been a bit busy and a bit distracted last week by some other issues. I suspect what has happened is that they have been so consumed by fronting up to what they have been trying to cover up for the last three years by taking us through an appeal to the Court of Appeal and then through the High Court to avoid scrutiny of what they have done in relation to Labor Party rorts and the funnelling of funds that are really taxpayers funds to be used for

parliamentary officers, not for Labor Party campaigns. I suspect the government has been utterly focused on these issues and on trying to wriggle its way out of them instead of looking at this piece of legislation, which it now comes in here today and tells us is critical — 'By the way, here are these amendments. Here are all these pages. Yes, that's all fine. Yes, here's the briefing that you can come to this afternoon. Whoops, that didn't happen, but nonetheless just get on with it'.

I actually do not think that is good enough. I think it is appropriate that we take some time. We could possibly have a briefing this evening or tomorrow morning. I am not sure what the plan is in terms of how long we are supposed to sit this evening, but I would have thought it possible to reschedule that briefing so that everybody in this chamber can go through the detail and ensure that they are satisfied that what is before us is appropriate and that there are no changes from what has been previously circulated in terms of amendments. As I said earlier, these are enormously detailed, and it is, I think, reasonable that we should go through and see how they differ, if at all, from what was previously put up.

**Ms Crozier** — They do.

**Ms FITZHERBERT** — I am being told by Ms Crozier that they do. All right — I would like that spelt out, and on that basis I have moved this motion.

**The ACTING PRESIDENT (Mr Ramsay)** — Thank you, Ms Fitzherbert. I have been advised you will have a 2-minute right of reply at the end.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (18:16) — I rise to support the motion moved by Ms Fitzherbert this evening to adjourn debate on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. Ms Fitzherbert has argued the case quite rightly that the government has dropped in the house today some 29 pages of amendments to what is an incredibly important bill.

The apparent urgency around this bill is interesting. This is a piece of legislation that was introduced to this Parliament in May of last year. At that point in time the government told us that this was an incredibly important piece of legislation and that it needed to pass quickly. In fact the Council formed a select committee to look at the issues — the very substantial issues — that exist with this legislation, and as part of the establishment of that select committee the Council agreed that the committee should undertake its work in a very short period of time because we were told this

piece of legislation was incredibly important and had to be passed before the 2017–18 fire season. The committee did its work, and you, Acting President Ramsay, of course were a member that committee. The committee completed its work in a diligent fashion in the time frame that the Council asked of it and indeed in the time frame the government asked of it.

When that report returned from the select committee in August of last year, the government then parked this bill. There were noises about some potential amendments from the government, but as soon as it became apparent that there were substantial issues raised in that select committee report and that there were substantial concerns among members of the Legislative Council with this bill, the government dropped it, and the bill has been languishing on the bottom of the notice paper in this place for upwards of six months. Something which we were told was of great priority, something for which we had to rush into a select committee inquiry so the government could proceed with this bill, suddenly ceased to be a priority and dropped to the bottom of the notice paper where it has languished for an extended period of time.

Now all of a sudden the government is saying this bill is a priority again. We heard from Mr Ondarchie in his contribution about Peter Marshall stalking the halls of Parliament today, and there seems to be a strong correlation between the appearance of Mr Marshall and the government's urgency on pieces of legislation like this. As late as yesterday the government had not circulated its amendments for this bill. In fact they were only circulated informally earlier today and, I believe, have now been circulated formally by, I think it was, Ms Shing as part of this debate.

We heard from Ms Fitzherbert that the government hastily convened a departmental briefing with respect to these amendments this afternoon and then failed to turn up with a copy of the amendments. When coalition members went to that briefing with the intention of being briefed on the 29 pages of amendments which have just been dropped, the officers from the department actually could not supply copies of those amendments. They subsequently went away apparently to produce them and never came back. So that briefing, as I understand it, still has not happened, but we are being asked this afternoon to pass this bill on the second reading and to consider 29 pages of amendments.

Despite the government claiming these are similar to drafts which were circulated months ago, the reality is

that these amendments are dated 23 March. They are not the amendments from months ago; they are amendments that were finalised at the end of last week. Frankly, given the government's conduct on this matter from day one through the select committee, through the evidence and through the way in which that committee was handled by members of the government and others, we have no confidence in accepting the government's assurances that these amendments dated last Friday are somehow the same as the ones that were circulated last year, so we are not prepared to take on trust those 29 pages of amendments.

Ms Fitzherbert has now moved that debate on this bill be adjourned until the next day of meeting. Of course, with general business tomorrow, that will allow for those amendments to be considered and this bill still to be taken into consideration during this sitting week. It is not an unreasonable proposition to put to the house. This bill, at the government's behest, has sat on the bottom of the notice paper for more than six months. They could have circulated these amendments before this afternoon, and it is now appropriate that this debate be adjourned off to allow members of this house to give these amendments proper consideration before the bill is brought back on the next day of meeting, which of course would be Thursday.

**Mr O'DONOHUE** (Eastern Victoria) (18:22) — I am also pleased to rise to support the motion moved by Ms Fitzherbert that the debate on the second reading be adjourned. It is interesting that we started the parliamentary day today with the President reading out a whole list of mistakes from one of Ms Mikakos's bills that passed in the last sitting week.

**Mr Morris** — An embarrassment.

**Mr O'DONOHUE** — Indeed it was an embarrassment, Mr Morris. There was a whole list of changes that needed to be made to the bill because of the sloppy drafting and the lack of oversight from the minister. To me it just reinforces the need for appropriate scrutiny and appropriate review and shows that when things are rushed, mistakes can be made.

The bill that comes before us has, as previous speakers including Mr Rich-Phillips have said, been in this place for nearly a year. Despite languishing at the bottom of the notice paper for months and months, all of a sudden this bill is a priority and an urgency today. I think it is highly disappointing and also discourteous that the amendments that are before us today were signed off on 23 March, and here we are on 27 March. They could have been provided yesterday morning. They could

have been flagged late last week or over the weekend with the shadow minister to give members of the opposition the opportunity to properly review them.

Ms Shing in her contribution said these amendment are the same as those from six months ago, and with the greatest respect to Ms Shing —

**Ms Shing** — No, I didn't say that. You are verballing me. Don't verbal me.

**Ms Crozier** — It was Ms Symes.

**Ms Shing** — On a point of order, Acting President, I take offence at the representation that Mr O'Donohue has made that I indicated that the amendments are the same as those tabled six months ago. I ask him to withdraw.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Order! I cannot even hear what Ms Shing is saying, Mr Ondarchie. Ms Shing, again.

**Ms Shing** — I take offence at the assertion that Mr O'Donohue has made that the amendments as tabled are identical in form to those provided six months ago, and I ask —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Ramsay)** — Thank you, I can actually make a judgement on it. It is not a point of order.

**Mr O'DONOHUE** — I take offence at the Victorian Labor Party rorting the Victorian taxpayer. I take extreme offence at that, Ms Shing.

The point from the members of the government is that these amendments are similar to those of six months ago. I do not know, because I have not had the time to properly review them. As Mr Rich-Phillips said, members of the opposition, including myself, in good faith attended a briefing in room 93 with members of the department. Members of the department arrived —

**Mr Jennings** — It is quite an effort to find that room.

**Mr O'DONOHUE** — That is a challenge, Mr Jennings. Departmental officials arrived. They had no copies of the amendments. They disappeared, and 15 minutes later they had not come back. So we have not been briefed on the amendments that are before the house today, despite that they are dated 23 March.

Again I ask the question: if the government finalised these amendments several days ago, why weren't they provided to the opposition? I do not know whether other parties in the chamber had earlier access to these amendments, but why wasn't the opposition given an opportunity to have a briefing and to have access to the amendments before the second-reading debate resumed this afternoon?

It is an absolutely farcical situation that this bill has been in the chamber for the best part of a year and we get pages of amendments — reams and reams — which were not actually produced until the debate on the second reading resumed. It makes it a very, very difficult position for us in opposition.

As I have said, in the context of the way this bill has languished on the notice paper and the way the government has failed to bring this bill on despite many opportunities over recent months, it beggars belief that all of a sudden this bill must be dealt with now and it must be dealt with so urgently. So I support the motion moved by Ms Fitzherbert that debate on this bill be adjourned so that the amendments that have been moved can be properly considered by the opposition parties.

**Ms PATTEN (Northern Metropolitan) (18:27)** — I rise to say that I oppose this motion. Seriously, the words that went through my head as I was listening to you talk about this adjournment motion were, 'The boy who cried wolf'. We have been filibustering. We have hardly got any piece of legislation through in the last six months. Despite there being no objections to the bill, we will sit through 8 hours of committee process — and I have no doubt that on this bill we will sit through far more than 8 hours of committee process. I expect that, and I think this is a bill that is worthy of it, unlike some other bills, like the Racing Amendment (Modernisation) Bill 2017, for which we sat through 6 hours of committee process when you had no objection to the bill. You supported the legislation, and you had no amendments. This just seems to be constant.

Honestly, I had hopes that I would come into this house and that we would pass legislation and debate it like grown-ups. I do not feel that this is occurring. I appreciate some of the arguments around this proposed adjournment, but frankly, given the last six months and the filibustering that has gone on during committee processes, I am up to my neck with it. I do not support any further adjournments or time wasting on legislation.

**Mr ONDARCHIE** (Northern Metropolitan) (18:28) — I speak to support Ms Fitzherbert's motion. On 18 August last year the government said they would closely consider the recommendations of the inquiry and report back. Here we are on 27 March and we get 29 pages of amendments for the house of review. They say, 'Here are the amendments. We expect you to look at them quickly and pass our legislation'. That is not what this house of review is designed to do. You cannot dump 29 pages on us at 5 minutes to midnight and go, 'Hey, consider these and get on with it'. They have had since 18 August to bring these amendments through. We get them at 5 minutes to midnight. I support Ms Fitzherbert's motion.

**Business interrupted pursuant to sessional orders.**

**Sitting extended pursuant to standing orders.**

**Ms DUNN** (Eastern Metropolitan) (18:30) — The Greens will not be supporting the motion in front of us. But in saying that, I do take the point the opposition is making in relation to the delivery of those amendments and the timing around them. It is less than ideal. It is short notice, and I would like to think that we could move to a practice that is far more accommodating when it comes to circulating amendments to everyone on this side of the house.

As much as I think it is important to encourage good practice I also think it is good practice to continue the debate on this bill. It is an important bill. I do not want to see it languish, and I think we need to get on with the job of what we are elected to do.

**Ms PULFORD** (Minister for Agriculture) (18:30) — The government will not be supporting Ms Fitzherbert's attempts to further delay or postpone the consideration of this bill.

*Honourable members interjecting.*

**Ms PULFORD** — Many months have passed since the introduction of this bill. There has been a parliamentary committee inquiry. This is a subject that has been extensively debated and considered through the mechanisms of the Parliament through the parliamentary committee process, and this legislation does need to be progressed. As previous speakers have indicated, we have a responsibility to do the job that the Victorian people have sent us to do. We have put up with an extraordinary amount of filibustering on the government's legislative program. This is an important reform.

**Mr Ondarchie** interjected.

**The ACTING PRESIDENT (Mr Melhem)** — Order! Mr Ondarchie, you had a go. I cannot even hear Ms Pulford speaking, so can I have a bit of quiet please. Ms Pulford, I do not think you need any assistance, do you? You may resume.

**Ms PULFORD** — Thank you, Acting President. This is an important reform. This legislation has sat on the notice paper for a long time. Members have been well aware of the proposed amendments for six months.

**An honourable member** — No, we haven't.

**Ms PULFORD** — Yes, you have, and you know you have. You come in here with your faux outrage when the matters that are before us for consideration are all very well known and understood by members in this Parliament. We have made good progress on the second-reading debate throughout the course of the afternoon. I have been in the chamber for the last hour and a half, and I have probably heard in the order of six contributions from members. Yes, there has been a fair bit of repetition in the content, but members are absolutely within their rights to contribute to the second-reading debate on this bill as is the custom of this place. But to delay the bill, and for Ms Fitzherbert to suggest with a straight face that the Liberal Party actually want to debate this bill tomorrow when we know full well that that would not be something that her leader would agree to have happen on Wednesday in this place, for government business —

*Honourable members interjecting.*

**Ms PULFORD** — Well, you talked about tomorrow.

**Mr Morris** interjected.

**Ms PULFORD** — Well, half an hour does not get us very far the way you lot filibuster; it does not, and you know it. There is absolutely no reason why this debate cannot continue. Ms Fitzherbert is next on the speaking list, I believe, and I am sure we would all be fascinated to hear her contribution to the second-reading debate and to continue this.

But I will just take a moment, because members have talked about the fire services and the importance of fire service reform, to say fires are still burning in south-western Victoria. Professional firefighters and volunteer firefighters have described the circumstances that they were facing on St Patrick's Day as the worst that they have seen. I spoke to Country Fire Authority volunteers with 40 years experience. They said, 'This is worse than we had on Ash Wednesday'. So reform of

the fire services is important. It is something that ought not wait any longer.

Ms Fitzherbert may wish to continue this debate sometime never, but it is the government's desire, and I certainly hope the desire of the majority of members in this place, that we do what we have been sent to do by the Victorian people — that we progress the legislative program and have extensive consideration of all of the issues in the bill. An opportunity has existed and continues to exist through the second-reading debate for members to express their views on this important reform. There is absolutely no case that has been made by the opposition today for further delay of this legislation.

**Mr O'SULLIVAN** (Northern Victoria) (18:35) — I certainly support Ms Fitzherbert's motion that this be adjourned until later in this week so we can debate this properly. To have 29 pages of amendments come through at 11.00 a.m. today is absolutely outrageous. This is the house of review, and we are put here to consider amendments like this, to consider legislation in detail and to take it into the committee stage where we can ask the questions that cannot be asked in the other house. We are here to act on behalf of our constituents to make sure that we look at all of the pieces of legislation in detail. That is our job; that is why we are here — to look at legislation in detail, not to just have policy by convenience when it suits us to be rushed through at a time of our choosing. We had a rushed select committee, which I was a part of, which had to be very, very tight and did not allow us to properly do the full work that we should have done in terms of consultation and hearing from people that we really wanted to hear from in that time frame, because it had to be rushed so it could be done by the end of August last year. We are now in a new year — that is how long we have had to wait for this to actually come through.

The bill has been sitting on the notice paper for months and months. There have probably been 50 pieces of legislation go through the Parliament since then, and it has been sitting at number 13 or number 17 on the list. If this is so important to the government, if it is so important that it absolutely had to be dealt with, why weren't we dealing with it back in October, November and December last year, prior to the fire season? Why do we have to rush it through today when the amendments have come out at 11 this morning? When I go back to my electorate and my community say, 'What happened with the fire services review and the amendments?', I will not be able to explain to them why we were only given a few hours to consider these new amendments or to actually justify to them what has

happened with this piece of legislation in terms of where it ended up in the Parliament, whether it gets through or does not get through. This is probably the most important piece of legislation that we will debate in this term of government.

**Ms Shing** — Is it?

**Mr O'SULLIVAN** — It absolutely is. We need to make sure that we give it all the consideration we need to ensure we understand it and make it as good as we possibly can — and if it is not good enough, it should not go through the Parliament.

The amendments were dropped on us at 11 o'clock this morning, and when we asked for a briefing at 3.30 p.m., what happened then? We have already heard commentary today about what happened: the officials turned up without the actual paperwork, the amendments, and said they could not discuss them — and when they went to get them they did not even bother to come back. They did not even bother to come back to brief this side of the house in relation to the amendments, yet you want us to continue to debate them to the end tonight. You must be joking. It is outrageous that you would consider that to be appropriate. It is outrageous that you would think that that is the way policy should be debated in this house. It is outrageous that you think that is the way that legislation and law should be formed in this state — to rush through 29 pages of amendments and say, 'It's exactly the same as what you've seen before'. It would not be exactly the same if you actually had to bring it in today; obviously it is very different to what it was previously. I do not know whether it is exactly the same or not, because we have not been briefed on exactly what the changes in these amendments are or are not. I do not know what they are, so how could we know whether these amendments are great and fix every problem or are terrible and do not fix the problem with this legislation? We do not know. I do not know. I do not know why they did not actually give us the time to understand it — give us the time to work through the amendments and figure out whether this helps us in terms of our progression with this piece of legislation or it does not. Unfortunately I am sceptical that because you are rushing it through perhaps you are trying to hide something.

**Ms FITZHERBERT** (Southern Metropolitan) (18:40) — I thank all those who have taken part and spoken, and I want to address some of the comments and contributions that have been made.

Mr Rich-Phillips made the observation, as did others, that this bill has sat on the bottom of the bills paper for some six months, and yet we have Ms Pulford telling us that reform of the fire services is important and cannot wait any longer — cannot wait until later this week, potentially. I do not really think the case has been made out.

Mr O'Donohue spoke about the fact that we have these amendments because we had sloppy drafting to start off with, and that shows the importance of getting it right. I think he is right when he says that. He is one of the members of course who went to the briefing session this afternoon that never happened, where there was no copy of the amendments. The people who were, I gather, supposed to provide the briefing disappeared and after 15 minutes had not come back. One thing that Minister Pulford did not address when she was speaking is what actually happened with that briefing. I am quite curious to know, because that is not how it normally works. I think it is symptomatic of the very rushed way that this is being dealt with.

Mr O'Donohue also raised the issue of why, if this set of amendments was finalised on 23 March, it was not circulated, at least to the opposition. There could have been a briefing at some point earlier. We have had months and months of delays, so why does this have to happen right now with these amendments that have been literally sprung on us?

Ms Patten spoke about her frustration with delays. She has left the chamber now, but I wanted to acknowledge her comments. In general terms, yes, I would agree with her that it is frustrating to have delays, but it is also frustrating to be unable to do this sort of checking and review that is actually our job. We are supposed to be clear on what it is we are being asked to pass. I have been quite open from the outset. I have not gone through these amendments in detail. I have not had an opportunity to do so, since they were given to us very late this morning. While I acknowledge her frustration, I think that she —

**The ACTING PRESIDENT (Mr Melhem)** — Thank you, Ms Fitzherbert. Your time is up.

**House divided on motion:**

*Ayes, 18*

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

Lovell, Ms  
Morris, Mr

Wooldridge, Ms  
Young, Mr (*Teller*)

*Noes, 19*

Dalidakis, Mr  
Dunn, Ms  
Eideh, Mr  
Elasmar, Mr  
Gepp, Mr (*Teller*)  
Jennings, Mr  
Leane, Mr  
Melhem, Mr  
Mulino, Mr  
Patten, Ms

Pennicuik, Ms  
Pulford, Ms  
Ratnam, Dr  
Shing, Ms  
Somyurek, Mr  
Springle, Ms  
Symes, Ms  
Tierney, Ms  
Truong, Ms (*Teller*)

*Pairs*

Dalla-Riva, Mr

Mikakos, Ms

**Motion negatived.**

**Ms FITZHERBERT** (Southern Metropolitan) (18:48) — I wanted to comment from the outset that I note Ms Pulford's comments on looking forward to my contribution, and I hope that I do not disappoint her. I was going to start by saying that it was appropriate to have the debate overseen by someone who is a long-time Country Fire Authority (CFA) volunteer, in Mr Ramsay, but he is of course no longer in the chair. But I did want to acknowledge his long history as a volunteer: I think it is appropriate that there is a member here who brings to this debate personal experience as part of his interest and knowledge of the area.

I think for all of us the CFA is part of the fabric of Australia and particularly in rural areas. Fires of course have unfortunately been rampant, since the last time we met, in and around Cobden and Camperdown in particular. The member for South-West Coast in the other place has been an active part of her community as a volunteer, as a resident and as a farmer, and she spoke with a number of us about her experience with this fire, which she described as very frightening. The member is of course no shrinking violet. She is someone who has lived on the land for many years. She understands the landscape, she understands fires and she said this was particularly frightening.

The fire started at around 11.00 p.m. Power dropped out. There was minimal if any mobile coverage for many people who were experiencing these fires. There was minimal scope to communicate. It was predominantly the CFA that stood between these people and a large out-of-control fire. I do want to acknowledge the contribution that was made by professional firefighters, who were also involved in fighting this fire, and the other emergency services workers who always contribute as well, but it is

reasonable to say that it was predominantly the CFA who were at very little notice in the middle of the night, in the dark, standing between many frightened people and their properties and an out-of-control fire.

The member for South-West Coast said that they had no radio or internet. iPads and phones were draining of their batteries very, very quickly, and because of that it was hard to know what was happening with the fire that she could see from the window of her own home. She said that they were evacuated twice, last I heard, to Warnambool from her farm, which meant packing up into the cars the dogs, photos, essential papers and things like that, all the while not being clear on what was happening with this obviously ferocious fire that could be seen from her home.

I grew up in Geelong, where the CFA was very much part of everyday life. We were all conscious of the danger that was facing CFA members as volunteers every time they went out on our behalf. I have very vivid memories of fires in the Otways. I recall one of my friends' fathers unfortunately dying in a fire as a member of the CFA, along with other members of his team, and other classmates lost homes in the same fires. We were very conscious of the heroic work that was done by CFA members on a volunteer basis for other people in their community and often in places and at times when, simply through no fault of anybody else, there was no availability of professional firefighters.

The bill that has come before us today has two purposes. One is to:

provide a rebuttable presumption to claim compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** for career firefighters and volunteer firefighters who are suffering, or will suffer, from specified forms of cancer ...

The other purpose in the words of the general purpose clause at the start is to:

amend the **Metropolitan Fire Brigades Act 1958** and **Country Fire Authority Act 1958** to modernise Victoria's fire services framework, particularly as it relates to metropolitan areas.

I think that is a blatant euphemism. I think the real purpose of this bill, as it relates to the second purpose as outlined there, is to deliver on a debt to the United Firefighters Union (UFU). That is plainly what it is about.

The two purposes of this bill could have been separated. The section in relation to cancer could have been voted on months ago had the government accepted our offer. I think, to be honest, it was shabby

and unreasonable of the government to delay doing this. That issue could have been taken off and dealt with quite separately, and we would not be having this debate tonight. But it is the case, of course, that this whole issue has been divisive, and it has been going on in this way for a very, very long time. In fact there has been effectively a trail of victims that have been left by the path that the government has taken us upon to reach this point. It appears that anyone who has voiced any concern about the terms of the settlement has been simply blasted out of the way. No-one it seems has been immune from this.

A lot of bullying has gone on along the way. We have seen the loss of CFA board members, Metropolitan Fire Brigade board members and the CEO of CFA Victoria, Lucinda Nolan. The former minister responsible for emergency services, Jane Garrett in the Assembly, ended up needing to resign over this — something that members on the other side have avoided referencing in this debate — and was, we found out later, bullied along the way. So who is left at the end of the day? There is the Premier and there is Peter Marshall, who I gather has been in the building today, no doubt overseeing things and making sure that things proceed as required.

In the time that is available to me I want to speak briefly on some of the issues with this bill. Concerns have, as other people have said, been aired in a number of places. Jack Rush, QC, made a particularly eloquent and well-informed contribution to the debate. He did it very publicly through the media by speaking on radio, and from memory I believe he wrote an opinion piece as well. He spoke as someone who I think has possibly a very unique perspective on the CFA and on firefighting in the regions. I want to quote from part of what he said when he was discussing this back in 2016. He is a member of the rural community and he is also a barrister, and he said:

In 2007 our farm was saved by the CFA, and in 2009 I had the opportunity of investigating fire, CFA and fire services. What we learned out of that was the incredible importance to this state of the CFA, but more particularly volunteers. And the whole ethic of volunteers is, I think, put under threat by what's going on and what you are seeing.

Without volunteer firefighters in this state, the state is at risk. And everything that is done in relation to firefighting and the way in which this is being looked at should place volunteers first.

I think it should be distressing to everyone to see the people behind me and what they have put into their community, and to think that they have been put into this position basically because their interests have not been properly investigated and looked into.

He said that he had looked at the enterprise bargaining agreement (EBA), which is at the heart of all this, and he said that he thinks it is 'highly unsatisfactory for volunteer firefighters'. He said, among other things, 'What you're losing is the ability of the CFA and the volunteers to run their own show, and I think that's of critical importance'. It is important to maintain that, he said, and I am paraphrasing slightly here, because you need to recruit into the CFA and you need to get volunteers who will know that they can use their local knowledge and their skills to help fight fires. The CFA, he reminded us, has 60 000 volunteers.

When he was asked about the Fair Work Commission's recommendation that said the role of volunteers would not be altered and whether he disagreed with it, he said:

Yeah, I do, and I think what we've seen, as I understand it, advice has been provided to government by Crown counsel to indicate that that's not the situation. I don't think you would see a minister resigning if it was all well and good. I have my own views on the EBA. I think the fact that we've lost a minister supports where I'm coming from.

Eloquent words from Jack Rush.

There has of course been a really sad history of bullying along the way. The former minister, Jane Garrett, has spoken of her experiences and the very memorable phrase used by Peter Marshall that he would put an axe through her head or that someone would put an axe through her head. I do not want to misquote that, but certainly there was a reference to an axe being put through the minister's head by somebody. She spoke about how there had to be protocols put around communication with her in relation to the EBA because she was being bullied when she was on holiday with her family away from the workplace.

I think we all accept that there are times when the kind of work that we do is going to impact on our family, our weekends and our evenings and what we would consider to be not normal working hours, but I recall reading and sympathising with the predicament that was described in terms of the minister receiving quite threatening phone calls in the process of dealing with this EBA, which of course she ultimately rejected very strongly on a point of principle.

We also found that the UFU head, Peter Marshall, had threatened and bullied a senior government staffer over delays in appointing firefighters to government jobs. This was something that came out through the parliamentary inquiry. Danny Michell, who was chief of staff to the former minister, Jane Garrett, told the inquiry that one Friday night in 2015 Mr Marshall had

lashed out at him. He said Peter had called him and that:

It started very chummy-chummy — 'Hello comrade', all that type of stuff — and by the end of it I broke down.

He said the level of behaviour, language and threats was absolutely bullying and put him under significant distress, leading him to quit soon after. He said:

... it was a lot of profanity towards the end: 'We can never trust all you people' ... 'We've had enough', 'You can all go and get ...

And this had been a pattern that has gone along with this EBA. There has been a pattern that anybody who has raised questions or queried whether it is really appropriate, queried whether it is going to diminish in any way the CFA, has been bullied, has been pushed out of their role or has been sacked, and it has been made very clear to them that this is going to go through one way or another. Some have speculated in this debate as to why that is the case, and at this stage we do not know, but it is extremely remarkable for a Premier to lose so much skin, to lose ministers and to lose board members. An array of people who got in the way have simply been pushed out of the way in favour of the UFU and their preferences in relation to this EBA.

The dispute that we see goes back a very long way. One particular log was presented back in March 2015, more than two years ago at this stage. That included a 32 per cent pay rise over the next three years for paid firefighters. Please do not misunderstand me on this point: I think paid firefighters do an extraordinary job. They put their lives at risk, they face dreadful danger and they go out there every day to look after other people, but like everyone they need to have a fair process and a fair system for deciding what their terms and conditions are. This has all been at the heart of it. It has been about demarcation and about taking over the CFA, which has been the goal of the UFU for many, many years.

We saw dissent within cabinet in April 2016. We saw a leaked copy of the EBA going to the *Herald Sun* in April 2016, which basically showed the proposal for control of the CFA to be surrendered to the UFU. There has been a lot of back and forth. In the end in May 2016 we saw the Premier — surprise, surprise — backing the UFU takeover of the CFA, the CFA refusing to sign the union takeover deal and formally rejecting it. Ultimately we saw Jane Garrett resigning over that. We saw the former Minister for Women, Fiona Richardson, speaking out about issues with the deal and also backing the former minister, Ms Garrett, with concerns that what was being put on the table was

discriminatory. We also saw at around the same time the Minister for Industrial Relations, Natalie Hutchins, in a quite embarrassing situation, asserting to Parliament that the Fair Work Commission President had told her that the deal would improve diversity, only for him to deny that, forcing her to admit to Parliament that she misled the house. So, as I said, there has been a trail of victims coming behind this one.

Earlier there was a debate about putting off this debate until later this week because of the amendments that have been proposed. These are quite extensive. As I mentioned earlier, these were circulated at 11.00 a.m. to the opposition. They are dated 23 March, but they certainly did not come to us then. It would have been useful if they had, because there would have been an opportunity to read them, to ask questions and to see if there was any change from what had previously been circulated. I mentioned earlier that a briefing was supposed to have occurred this afternoon. It did not happen. That is very regrettable. I still do not understand why it did not happen. Lastly, I confess, as I said earlier, that I have not read these amendments in the detail that they require — checking them against the various sections and subsections which are intended to be changed as a consequence of these amendments.

The government is really coming at this in a rush and all of a sudden. Having had this bill at the bottom of the business table for many, many months, it is demanding that we deal with it now. As I said earlier, we would have dealt with the presumptive section of this bill months ago. The government would agree —

**The ACTING PRESIDENT (Mr Melhem)** — Thank you, Ms Fitzherbert. Your time has expired.

**Ms WOOLDRIDGE** (Eastern Metropolitan) (19:04) — It is actually with quite a bit of sadness that I rise today to speak on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. I say I rise with sadness because the impact of this legislation will be to tear apart the Country Fire Authority (CFA). The CFA, I think, holds a very special place in the heart of all Victorians. There are approximately 60 000 volunteers who are called out night and day to save lives, to save properties, to save livelihoods and to save communities. I really am always just so impressed by the commitment, the passion and the drive that our CFA volunteers have for the work they do. The fact that they will come out in the middle of the night, at the drop of a hat, whenever they are called to fulfil their role of keeping our community safety is just exemplary. I think it is exceptionally sad that this government — Daniel

Andrews, James Merlino and Labor members of Parliament — are seeking to destroy what is in effect one of the most inspirational aspects that we have here in Victoria, the volunteering spirit within our CFA volunteers.

I also think the way this legislation has been dealt with is highly disrespectful, as has been outlined by other members, particularly Mr Rich-Phillips, who was obviously integral in relation to the Fire Services Bill Select Committee that considered this legislation. They were put under immense pressure to conduct their examination of this legislation in an exceptionally short time frame. That time frame was actually amended and brought forward so that the inquiry was concluded earlier. This legislation languished for over six months after the inquiry concluded. Only now is it being rushed through, as we see today with its listing on the notice paper. Twenty-nine pages of amendments were tabled just this morning, at 11 o'clock. To be honest, we want to examine the detail of those amendments, some of which have been circulated before. There are some changes. I have got to say, in light of what we have seen from this Labor government, we do not trust or take them at their word that it is exactly the same as what we have seen previously. We want to look at the detail and we want to examine it word by word, because we know when it comes to destroying the CFA that they will use any means or any mechanism to get their legislation through to undermine the role of the CFA in Victoria.

When we have seen the exceptional work over the last week of our CFA and our firefighting brigades protecting lives and homes across western Victoria — the work that they did, the difference they made and the stories that people have been telling about the continued heroism that they show in protecting our community — to then turn around and come into this Parliament to seek to destroy and tear apart the CFA, repaying our volunteers for their bravery by seeking to push through this legislation, we do not believe that that is appropriate. We believe it is highly disrespectful. We are fighting to make sure that our CFA volunteers can continue to exist, continue to do the work that they do and continue to protect the lives of all Victorians. We are standing up for the CFA. We are not giving in and siding with Peter Marshall and the United Firefighters Union, as we see repeatedly from Daniel Andrews — inexplicably in many cases. We believe that the CFA volunteers are worth fighting for, and we have fought for them every step of the way.

I have heard from the CFAs in my electorate in relation to this legislation. Many do not support this legislation.

Of course there is a small proportion who do. But the feedback that I have had is that it will seek to undermine the roles that they play. I have both integrated CFA stations and volunteer stations, and the volunteers time and time again say that this is going to have a dramatic impact on all volunteers. It is going to have a dramatic impact on their ability to respond to fires and a dramatic impact on their ability to save lives and to save homes. That is, we believe, unacceptable and not worth supporting.

I think it is worth going through just some of the elements and concerns that we have in relation to this bill, and there are a number of them. First of all, on the front of presumptive legislation there is a genuine belief that Daniel Andrews and the Labor Party have completely played politics with this bill by putting both the presumptive legislation and the legislation to break up the CFA into the same bill. Nearly 12 months ago we could have actually dealt with the issue of presumptive legislation and had that well progressed. There is a very positive amendment suggested by Mr Young, if we get to that stage, to split this bill and deal with those two issues separately. We do not believe that the politics that Daniel Andrews continues to play by putting these two issues together into one bill is acceptable; we do not support that.

In fact James Merlino in the other place promised to deliver presumptive legislation within the first 100 days of government, but there are still a number of concerns in relation to this legislation. For example, the bill only provides cover for firefighters with one of the specified cancers on or after 1 June 2016. Many firefighters believe that this will leave them without the cover that they seek. They are also of the view that this presumptive legislation will unfairly discriminate against volunteers in comparison to their career counterparts. There are a number of questions about the fairness of the onus of proof required. Once again the presumptive legislation is seeking to undermine our volunteer firefighters in relation to this important issue.

The second aspect is surge capacity, and this is an area that we are very concerned about in relation to this bill because we believe that it will result in a decrease in volunteer firefighters and therefore a decrease in our surge capacity, which we need at critical times like the weekend that we just had.

A number of volunteer firefighters have said to me that they love being a firefighter and they love the CFA. They have been very hesitant to speak out because there have been ramifications for them and their roles when they have spoken out on this issue — or in fact any

issue. This is what we see from this Labor government — a very punitive approach. You speak out against them, and they will come down on you like a tonne of bricks. In fact one volunteer firefighter said to me that he received a very severe reprimand for speaking out on CFA issues and that he is not going to do that anymore because his son, who is just working his way through the volunteer training program, wants to become a CFA volunteer firefighter and he does not want to put his son's commitment and passion for the CFA in jeopardy. That is how extreme this is and how extreme the Labor government is in its actions against people who speak out and have their say, which might be different to what this government believes, on matters that affect them. I think that is exceptionally sad and absolutely unacceptable.

If we do have fewer volunteers — and we have seen that some volunteers have taken the dramatic step of walking away and no longer being volunteers — it will mean that we have a reduced emergency response capability and a reduced ability to do fuel reduction burns and other mitigation measures. There will be less community education, there will be less fire equipment maintenance and there will be less support for our junior members — the future of the CFA.

The other issue is consultation. Daniel Andrews and his government have, by avoiding proper consultation, broken the CFA volunteers charter, which is enshrined in law. The Premier did not consult with the CFA or the communities they protect about this plan, and unfortunately we see this time and time again. The only consultation that took place was with union chief Peter Marshall. Even as recently as today the volunteer firefighters had not had time to look at the details of the amendments, and this failure to consult with volunteers has been a repetitive exercise.

There is also great concern about the changing of boundaries and the Fire District Review Panel. This panel is meant to provide the Labor government with greater powers to change the fire district boundaries but to do so with little scrutiny. Once again, everything is a mechanism to reduce the input of the people who put their lives on the line, day in, day out, in the protection of our homes and Victorian communities — to remove their capability to have a say in these vital matters that affect them. There is significant concern about the new boundaries. Contrary to claims by the Labor government and the United Firefighters Union that these changes to fire services will increase community protection, there are actually no changes to the boundaries in the bill so once again one thing is being said and the reality is quite different.

There is also the issue of chain of command at co-located stations. It is our view that this legislation creates confusion as to the chain of command for volunteer firefighters in emergencies in Fire Rescue Victoria districts. This confusion risks compromising communications, wasting precious time during emergencies and putting at risk the safety of firefighters on the ground. It is very concerning if this undermines the firefighters' ability to do the job that they are there to do.

There are serious questions about what happens to CFA volunteer assets. It is our view that there is confusion in this bill about the assets of the CFA brigades and how these are to be dealt with. The bill legislates power to seize CFA brigade assets, such as vehicles, property and cash, until 1 July 2019, and many volunteer stations have acquired property portfolios, vehicle appliances and significant sums of cash savings through the amazing fundraising work and fire equipment maintenance services that they perform. We have all been out there supporting our CFAs. Our local CFA conduct a fireys run. I have been very proud to donate to support their activities over the years and help them with that. Well, these assets could be seized, and that is of great concern.

The establishment of Fire Rescue Victoria itself essentially abolishes the Metropolitan Fire Brigade (MFB) board and the MFB chief officer, adding them to the long list of people who have gone in this process. They will be replaced by a fire rescue commissioner and a deputy fire rescue commissioner, appointed by who other than the minister. We all know that the minister has just been doing exactly what he has been told to do by Peter Marshall and Daniel Andrews.

Members who have been forced out or sacked by Daniel Andrews — and this has lost hundreds of years of emergency service experience — include former minister Jane Garrett in the Assembly. What a disgrace that was. I think the public has respect for the single minister in this Labor government who has been prepared to stand up publicly for what she believes in and then get sacked by the Premier for having her say. The former CFA board was sacked, as was CFA chief fire officer Joe Buffone, CFA CEO Lucinda Nolan, MFB chief officer Peter Rau, MFB deputy chief officer David Youssef, MFB CEO Jim Higgins, MFB acting chief officer Paul Stacchino, the MFB deputy chief officer, the MFB board and most recently Andi Diamond, the MFB president. What a long list of distinguished, committed individuals who have been sacked by Daniel Andrews for daring to stand up against what he wants — for actually putting forward

views on how we can keep our communities safe, how we can protect our CFA volunteers and how we can make sure that we continue to have, celebrate and support our 60 000 CFA volunteers, who put their lives on the line each and every day in putting out fires and protecting our community.

What we actually need is not this legislation but a royal commission into Victoria's fire services. We want to make sure that we can protect those who protect us. This legislation is not good enough to pass. It actually should not pass, and we will certainly not be supporting this bill.

**Mr DALLA-RIVA** (Eastern Metropolitan) (19:19) — I rise to speak in respect of the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. From the outset I advise that I share my colleagues' views over here that the bill ought to be separated, as was indicated earlier. There are components within the bill which I think have a broad range of support in respect of compensation for career firefighters and volunteer firefighters who are suffering from specific forms of cancer as a result of their work and the activities of their day-to-day duties.

The thing that concerns me as a member of the Environment and Planning Committee is we did undertake an extensive review of fire services preparedness. As part of that we took a lot of evidence from various people in the Country Fire Authority (CFA) and we conducted quite an extensive amount of examination, both public and through submissions, including from Mr Marshall and those who either had been involved in the CFA board or had been recently removed from the CFA board as well as existing or new CFA board members.

We also took evidence from a range of people who felt that the legislation or the proposed changes went well beyond what was expected of the CFA as a volunteer organisation and that the various changes that are embedded in the bill that is before the chamber would give great power to the United Firefighters Union (UFU). That was a view held not only by the former CFA board members but also by the former Minister for Emergency Services responsible for the CFA, who raised her concerns. The interesting thing in all this is the result of people putting their views forward about where the CFA sits within the UFU was that anyone who did not believe or who had a differing view was basically terminated from their position. I think that is the fundamental issue with the bill before us here.

There is a view that the bill ought to be separated and that there ought to be a bill that presents itself in terms of the compensation component, which has been discussed by many members here, and that there should be another bill for the second component, which the explanatory memorandum says is also a purpose of the bill, and that is to:

amend the Metropolitan Fire Brigades Act 1958 and Country Fire Authority Act 1958 to modernise Victoria's fire services framework, particularly as it relates to metropolitan areas.

I think the issue that the chamber is trying to grapple with is that, yes, this is a bill that crosses into both areas but it ought to be a bill that at one point segregates an area which I think has now got broad general agreement. There may be variations about what components within that particular part of the bill could be agreed to or not, but I think there is a general move from where people may have been a few years ago to now, when the presumptive rights legislation is perhaps something that ought to be considered.

I know there has been lots of conjecture about Mr Marshall in his role as the UFU chief, but there was one thing that did come out in the evidence, and that was his concern and passion for dealing with this particular issue. If there is one thing that was demonstrated in the evidence that Mr Marshall provided, it is that he is like a dog with a bone — he does not let go. This is one of those particular issues where he was quite adamant that there needed to be some recognition.

In the context of the chamber — obviously I cannot make comments because there is no specific bill only on that particular issue — I think it is fair to say it would not be hard for the bill to be segregated and to have a full and wholesome discussion in respect of the presumptive rights legislation. One of the fundamental constraints, I guess, of the Fire Services Select Committee was looking at some of the impacts and some of the concerns that may have been raised had there been a bit more control of the CFA as a volunteer organisation by an organisation that is pretty much operational in its day-to-day activities. Volunteers provide the services that I do not think any government could provide across the state. It is just financially not possible. There is a reliance on the volunteer base to augment operations and that was certainly what we heard. It was about supporting and augmenting the day-to-day operations of either the CFA operational members or the Metropolitan Fire Brigade (MFB) in what they were doing, because as we know the MFB is really sitting within a small area and as Melbourne has

expanded the CFA has moved into very densely populated areas.

Regarding the legislation, I think it is incumbent for us to understand — just for the *Hansard* record of course — that I have heard evidence that the amendments that have been proposed to be moved in committee by Mr Jennings are quite extensive. They go for pages. I think there are 29 pages and 37 separate amendments to the bill. From what I heard in the debate earlier from the government side, these amendments were put forward six months ago or thereabouts. These were things that were already known and therefore releasing them today was not an attempt to entrap us in any way. The realities are that if you look at what Mr Young has done in terms of his instruction to the committee, this was sort of known well before. It has been sitting there with the intention of being used should the bill pass. It says:

I give notice that contingent upon the Firefighters' ... Bill ... being committed, I will move —

and there is a whole range of amendments that have been proposed.

Essentially my understanding, as I indicated earlier in my contribution, is that it was proposed that the bill would be split into two parts, the first part being the presumptive rights compensation and the second part being the Fire Services Legislation Amendment (Reform) Bill 2017. That is clear in Mr Young's instruction to the committee. That makes sense in terms of what was proposed.

From my perspective as the former chair and now as the deputy chair of the Scrutiny of Acts and Regulations Committee (SARC), the government has whole departments, an array of bureaucracy, interdepartmental communications and obviously the parliamentary services. It also has cabinet and all the subcabinets, committees and everything else to go through this. The reality is that the bill is quite extensive. It is quite detailed and lengthy legislation, but then we have got all these amendments from the government. Just for the record, often the government may introduce in the committee of the whole maybe one or two amendments. They may fall out of, for example, a SARC report. SARC may through its process discover that there is some issue or some unintended consequence, and governments of all persuasions have brought in amendments. We often raise particular issues in our annual SARC report that the committee has identified, and those issues have been addressed by the government — whichever, as I said, is in power.

The concern that I have with this legislation is the number and extent of the amendments that are proposed to what is a government bill. It is unusual, where the government has the capacity and the number of resources, both human and financial, to develop and implement a bill, to have such a huge number of amendments. That concerns me, and I have raised this before.

**Business interrupted pursuant to standing orders.**

**Sitting extended to pursuant to standing orders.**

**Mr DALLA-RIVA** — Going back to the start — no, I will not do that. We used to do that when we did not have time limits. Mr Strong, for those who do not remember him, was a very good advocate, especially after dinner, when there were no cameras and no microphones. He used to go on ad nauseam for hours when we had no time limits — but I digress. I see Ms Shing is a bit perplexed.

**Ms Shing** — I am not perplexed. I am just wondering if you have actually read the amendments.

**Mr DALLA-RIVA** — I have read the amendments. I have read them in depth and I have studied them. As I said, the concern I have is that the government has put up an enormous number of amendments to a bill which is quite extensive in itself. I just make a point of that; that is all. It is neither here nor there. We will go into committee of the whole, we will go through each of the amendments — that is fine — and we will vote as normal. As I said, it is unusual for a government to bring in a huge number of amendments to its own legislation. That is all; I just make that point. As I said, usually it is done following a SARC report.

I do not propose to talk much longer on this. I just say that we think that the legislation is flawed and that it needs to be taken back. Of course on that basis I will not be supporting the bill.

**Mr YOUNG** (Northern Victoria) (19:32) — I rise tonight to speak on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. It is a good thing that we are discussing these issues so much, as is evident in the number of discussions that have happened and revolved around this issue over a number of years and the number of inquiries and investigations that we have had into the Country Fire Authority (CFA) and the fire services. They are a very, very important part of our community, particularly in this state and this country. In this part of the world, where we are very prone to the

dangers of fire, it is very important that an organisation such as the CFA has the ability to keep us safe.

I would like to begin by saying thank you to all of those volunteers who volunteer with the CFA. I know quite a lot of CFA volunteers myself. I have a lot of friends who spend a lot of time volunteering with the CFA. The sacrifices that they make out of the goodness of their hearts, wanting to be an asset to their community and to protect their community, are very admirable. They spend a lot of time doing that. I know a couple of guys who I can guarantee where they are every Sunday. They will be down at their local CFA station every Sunday. They get up early, and they go down there. They do whatever they have to do, whether it be maintaining their equipment, looking after the gear that is in the station or introducing new CFA members to the authority and making sure that they are trained, experienced and know what they doing so that they can also make a contribution.

It is not just Sundays when these blokes are down there taking part in the normal activities. At every opportunity that they can volunteer they stick their hand up and do it. I am not talking only about attending fires; I am talking about the peripheral stuff around the CFA, because it is bigger than just an organisation whose members attend fires and implement fire prevention. It is bigger than that. It is about a community coming together for a cause. These guys in particular that I know are not just down there training and maintaining the gear but they are also out at fundraisers and community events, providing information.

If you go to your local Bunnings, you often see a CFA group there. They are always trying to raise money because it is very hard for organisations like that to maintain their equipment and to keep on top of things with the limited funds that are provided to them. Often we see CFA assets being purchased by CFA brigades themselves, with no help from the government. It is a great thing that communities can rally for things that are needed.

You see these guys at fundraisers, at sausage sizzles at Bunnings and at community events. Just a couple of weeks ago I was fortunate enough to attend the Seymour agricultural expo. Right next door to us were the police, the State Emergency Service and the CFA. I had a good chat with those guys. They are always likeable people who relate easily to the ordinary people who are out and about at an agfest, because they are part of the community. That is the type of people they are. Having them at those events, in their own time and providing that service, is a really great thing for the

community. They give out information that the community needs to make sure they are safe in the case of an emergency and they provide advice on how to ensure that when you live in regional Victoria you can maintain your property in such a way that it reduces the fire risk. That information is really important.

The CFA volunteers spend their entire lives on this cause, to make sure that communities are kept safe. That is what really annoys me about the conversations around this bill. This is a group of people who dedicate their time and are often away from their families. Many sacrifice their work lives. They leave work when they need to attend a fire. The people who volunteer with the CFA have been treated appallingly throughout this process. They have not been listened to, they have not been consulted with, they were not part of the process and there was no engagement by the government up to the point of putting a bill on the table.

That goes from the new volunteer, who has only just signed up and who may have only been a volunteer for a week and is just getting an idea of what the organisation is about, to the professionals who provide such an experienced service and all the way up to the top management of the CFA, which is really confusing when we are talking about a bill such as this, which will have such a big impact and is so important to the state. None of those people were really consulted throughout the drafting of the bill. Those at the top level of the CFA did not find out about it until the bill had already been drafted and plonked in front of them. They were told, 'That's it. That's what you're getting'.

My biggest problem with this bill is the process. There are issues with the bill, which I will talk about. To be honest right from the start, the fact that this bill was pulled together using a process that is not right should be reason enough to not support it. Any other piece of legislation we have comes from an issue. An issue is identified, stakeholder groups will talk to government, government will work out what solutions there may be, an arrangement is made for a piece of legislation to be put in front of us and the law is changed. They usually come through a process of identifying an issue.

What we have seen with this bill is that the process that identifies an issue was not an issue raised by the CFA or even the Metropolitan Fire Brigade (MFB) in relation to an operational matter; it was raised by way of the government and a union trying to get through a very, very controversial enterprise bargaining agreement (EBA) that has caused so many problems throughout the sector. I am really not going to dwell on the merits of the EBA — what is right or wrong about

it — because that has been done enough over the last couple of years. It has certainly been fleshed out well and truly by the number of committees that have inquired into this issue, and I am talking historically over the last little while. It has been going on for a long time. I think enough discussion has been had around the actual EBA and what implications it will have, but that really is at the core of the reason we have this bill sitting in front of us.

I want to clarify that the bill does two things. The first part is about the firefighters presumptive rights compensation. That is not the issue that I am going to be talking about for the majority of my contribution, because I think, as has been mentioned by many other members in this place, it is an issue that has been fleshed out over a long period of time. We have had numerous inquiries into it. Numerous people have come forward to share their experiences about presumptive rights. It is an issue in itself, but it has been worked through quite extensively, and there seems to be a far more broad acceptance of moving forward with presumptive rights for firefighters who are suffering from certain types of cancer due to the nature of their work.

So given that there is a more broad acceptance of presumptive rights I will not talk about it much. Most of the focus of what I am talking about is on the second part of this bill, which is the fire services reform. This particular reform was raised not through an operational issue and not through a consultation process with people on the ground who identified an issue, whether it be more or different equipment that they need, more funding, more people on the ground or more resources for getting volunteers or more full-time paid firefighters. It has not been an issue identified through those processes. This has been put in front of us because of an issue identified with industrial action.

The opposition to the EBA and the attempts to force it through took a lot of casualties along with it. I have to say that a lot of people who staked their careers on this issue have left their careers and walked away on the principle of this matter — from the then Minister for Emergency Services to the entire CFA board at the time, followed by the resignation of the CEO and the chief officer. And then in the context of all that happening we even had the MFB chief executive officer resign, followed by the resignation of the chief officer and the acting chief officer.

So this issue has taken a lot of scalps. But that happened, and the government pushed forward. The government did not really care about those people who

had stepped aside on principle and had given up their careers to do the right thing, in their eyes. The government pushed forward, and we came to a situation where they were being held back by another roadblock in changes to the commonwealth Fair Work Act 2009. Again, I am not going to dwell on whether those changes to the commonwealth Fair Work Act were right or wrong. The timing of them in the context of this debate is very suspect, but they happened, and it did put a stop to what was going to be the government's and the union's EBA progression in this state. So as a result we got this bill.

We got this bill which was going to provide a workaround. It was going to provide that workaround because of the changes to the commonwealth Fair Work Act that would stop any EBA being entered into that may be prejudicial to emergency services volunteers, which on its merits sounds pretty good. But it needed to be worked around, so we got this restructure of fire services in Victoria as a result. The problem with that, as I said, is that it has not arisen from an issue that is operational in nature. It has not even arisen from an issue through our services that is cultural in nature. It is something that was worked on behind closed doors for quite a while. That is very evident from the way in which this bill was dropped on everyone in its completed form before anyone had a chance to have input into it, before anyone was asked to discuss how a restructure of the fire services would impact both the MFB and the CFA and how it would impact the employment of people in the MFB and particularly the CFA, because this piece of legislation does have a lot of parts that will seriously impact people employed by the CFA.

So the way in which it was brought about did not allow for that input and it did not allow for those issues to be worked through. That is very evident not only from the speed and secretive nature in which it was developed but by the lack of any other information provided around it. This is something that I raised quite a number of times during the committee inquiry into this bill which happened over the winter of last year. On a number of occasions it was pointed out that you cannot just slap a bill like this in front of everyone and expect us all to understand how it is going to work and expect everyone to be able to grasp how this is going to play out in the future without a lot of forward planning, a lot of steps in place to make sure it flows and works well and a lot of work done on trying to predict outcomes that need to be carefully taken care of to make sure that we have it right in this bill.

We have had no information around the implementation. There has been an endeavour to set up something — to plan a plan — but there has been no actual information on how it will be implemented, whether it be operational in nature or whether it be by way of funding. A particular point that I want to dwell on is that the funding scheme in place for the CFA now, and the MFB — the fire services in general — provides funding for both the MFB and the CFA. Numerous times we have tried to find out how the funding arrangements would change. Most of the overall fire services funding goes to the CFA by virtue of their size, the number of employees they have and the number of pieces of infrastructure and equipment they have out in regional areas and their need to have so much. If we are going to now remove a large chunk of the CFA in its full-time employed capacity and put them into another organisation, with it has to go funding — you cannot have one without the other.

So far I have not been provided with any information that tells us how much funding in the CFA's current budget will be moved with the full-time operational personnel that are going to go to the new organisation of Fire Rescue Victoria (FRV). That is a really important issue because there are many different things that are funded in the CFA. It is not just funding a big pool where everyone picks out what they need. It is very carefully planned how the funding is spread. A portion of it will be for paying full-time employees, not just in operational roles but also in support roles. Then there is the portion that is spent on equipment. There is a portion that is spent on infrastructure. We do not really have a clear idea of how much of the CFA's budget is spent on each of those things. During the inquiry the bean counters who were put in front of us, who are supposed to have a much better idea about this issue than me, could not answer questions that I had in relation to how much of that funding would go from the CFA to the new organisation, Fire Rescue Victoria. It is a real cause of concern for me that I cannot be certain that the CFA will not be left short as a result of this.

The government has had a lot of rhetoric around this space and they have committed to a number of funding initiatives to increase resources for the CFA. They have been identified through various means. Some of them were identified throughout the course of the discussion of this bill. Some of them have been identified historically through other inquiries and through other ways when departments and independent bodies have looked at fire services. I commend the government for acting in that space and providing a notion that those things will be funded — increased funding to the CFA — but the reality is that those things are needed

now. Those things are not needed contingent upon the passing of this bill and the restructure of the fire services. Any identified funding that the government has come up with that could possibly help the CFA in any way and that they are willing to commit to as part of this package, in our view, should be going ahead regardless of whether this legislation is passed or not. The CFA is not all of a sudden going to be okay with their resourcing, equipment and infrastructure. If this bill does not pass through the house and does not come into effect, the CFA is not going to magically find a money tree that is going to pull them out of any problems they might have. So any issues that have been identified need to be funded now in full.

In terms of the things the bill will do, it will restructure the MFB into a new organisation called Fire Rescue Victoria, which will be great. Everyone will get new uniforms — that will be critical! There will be a lot of talk about that. I dare say there will be a lot of discussion about what those uniforms should have on them and possibly even the same old arguments around whether certain people should have uniforms that match others and this and that. There could even be discussions on colours and new logos and all sorts of things. I dare say it is going to take a lot of time. It is certainly going to be a big cost. We see those kinds of costs incurred all the time when new governments come in and change names of departments and start changing the set-up of the way in which things have worked for a long time, right down to uniforms, to the point where they have to go and reclothe everyone.

It is a fringe issue, but it is certainly something worth mentioning. We see it in so many other departments. There is probably not a need for something like that to be happening with this organisation, but in changing the Metropolitan Fire Brigade into a new organisation, Fire Rescue Victoria, that will have to be done.

The change is much deeper than the visual changes in uniforms. The restructure of the MFB is right from the top. It is going to be a very big restructure and a big change from the way in which it has historically been run. We are doing away with the board. We are going to be doing away with the CEO and the chief officer, and they will be replaced by a commissioner. There has been a lot of talk about the merits of going to this model. I will be interested to see how this model will work. It has been used in other places, such as our police force. It seems to work well in some cases. There are also issues that have been identified with it. It is not something that I am completely sold on right now, but it is something that I am not going to die in a ditch over. It is something that will be interesting to watch.

I hope for the sake of the organisation that that top-level management structure method will be a good way for them to keep control of command and have a very clear line of command under direction from the minister, while also having a commissioner who will have the ability to inform the minister about things that the minister may not be across. A commissioner taking on the roles of the board, CEO and chief officer is a really big step, and I would hope that we get someone in that role who is very well versed in fire services in this state and can be a good asset.

Given that we will not have a board anymore, there will need to be other ways in which we garner information from a wider group, make decisions and provide strategy and direction. This bill introduces a strategic advisory committee which will, I would imagine, provide much of the discussion, information and direction that a board would provide for an organisation, information which can be fed through a commissioner and then to the minister.

This bill also makes very significant changes to the way in which our fire district boundaries work. This is one of the issues that has been discussed at some length throughout the whole process of this bill and the committee inquiry into it. It is probably one of the least contentious issues. It is agreed upon by everyone that we are working on quite an old model. That goes for a lot of areas, not just this area. But in terms of fire boundaries, we are working on an old model, and I do recognise that since those fire boundaries were originally drawn there has been a lot of growth. This state has seen enormous growth in metropolitan areas, far too much for my liking. We have got a real problem with overpopulation and the way in which our city is growing. The number of people who are living in metropolitan areas compared to regional areas causes so many issues, but that is another discussion.

I recognise that we have changed quite significantly in this state to the point where a look at the fire district boundaries is a very appropriate step to take. Because of the nature of our opposition to the changes to the structure of the fire services, which would include the 35 integrated stations being absorbed into Fire Rescue Victoria and with them their fire districts, I struggle with accepting the proposal that is put forward in this bill to change those boundaries. Right at the outset that causes a problem from our perspective. We do not agree that those 35 integrated stations should be absorbed into FRV, so it is very hard to also accept the changes to the fire district boundaries that are proposed by this bill. But we do recognise that fire districts do need to be looked at. They do need to be monitored and

kept on top of. That is one aspect of this bill that we can be in some sort of agreeance with, because this should happen.

The other part of this bill that we can agree on is the establishment of a review panel to review and periodically make recommendations on changes to the fire district boundaries. It is great to see a panel being created that will do that, but the mechanism by which the changes will be made needs to be a little clearer. This is something that I will seek some clarification on in the committee stage, because it is a very drastic change to the way in which the fire districts are changed and manipulated. We have to be clear on what that process is, who makes the decisions and then, given the restructure of the chain of command in the organisation, how that would filter up and where those decisions would be made.

Again we agree that this is something that does need to be looked at. But I want to make absolutely sure that we are careful about the way in which it is applied and that the structure in place is going to provide positive outcomes for any future changes in fire districts, because there are a lot of issues that come with it, particularly when we talk about expanding into areas that are integrated or expanding into areas that have a very high volunteer capacity by the nature of the longstanding CFA stations in those areas. Big changes to the space in which our independent fire services operate can have very big impacts on volunteers, and it is something that is talked about a lot in terms of the amount of volunteers we need to keep in metropolitan areas and on those outer fringes of Melbourne for the sake of our surge capacity for when we have campaign fires and serious fires that need that surge capacity to be available. So while the fire district boundaries and their impacts on those areas on the fringes and outskirts of metropolitan Melbourne have not been talked about a lot during this process, they are something that I am in agreeance with. I reiterate that while I am in agreeance with that, we need to look at it but we also need to be very careful about how it is actually implemented.

This bill has evolved somewhat over the journey, and it now includes a lot of references to the CFA in various ways. A lot of them seem to express pretty fluffy sentiments. From looking at the government's amendments today, which I received this morning, they sound more like a substantive motion that would be put to the Parliament so we can talk about the CFA and say nice things about the great job that they do, which is all well and good, but the way in which it is put into this bill is somewhat confusing to me. Fluffy sentiments like that do not really belong in a piece of legislation

that is supposed to set out our law in a very deliberate and precise way. It is confusing as to why they are in there. I dare say they will be part of the negotiations that will happen when people are trying to win over support for this bill, because all of those fluffy sentiments are pro volunteers. I think that the progression of the bill has caused those additions to be made in an attempt to win over the votes of people who would be looking out for the volunteers. We see right through them. We understand a bill is what it is, and broad sweeping statements like some of the amendments circulated this morning are not going to cut it.

I turn now to another part of this bill, and I will read from the minister's second-reading speech:

The bill will enshrine the important role of volunteers in the CFA by inserting an additional responsibility for the CFA board to support the effective and sustainable recruitment, development and retention of volunteer officers and members to deliver capability in the provision of the authority's services.

That, I think, is a very important factor if we are going to go down the path of this restructure. It is very important that the CFA have the imperative and the ability to do everything they can to try and hold on to the volunteers that they have, to ensure that they are not going anywhere and to ensure that they are happy in what they are doing, that they feel that they are making a valuable contribution and that they want to be involved and have the drive to be involved.

That does not just go for the volunteers that we already have; that goes for any prospective volunteers and the recruitment of anyone who may want to be a volunteer in ensuring that we have a constant inflow of volunteers. We are constantly losing volunteers on the one hand, so we have got to have them coming up via various other pathways, whether that be through recruitment drives amongst the general populace or through initiatives with young people and by getting kids involved. That is really important.

I have seen some of the great work that the CFA has done with kids in getting them involved as junior volunteers. When I was younger my best mate was actually a junior volunteer. He competed in some CFA games as a kid, so I had the opportunity to go and watch him do that a couple of times. It was really awesome to see. It was great to see kids getting on board with something like that. Along with a lot of the other recreational activities that we try to improve and encourage, involvement in the CFA gives kids a chance to be outside doing something constructive for the

community and doing something good for their health. It will keep them fit, keep them active and keep them mentally on track and in the right place.

Kids who are involved in things like the CFA are really good kids. They are not the kinds of kids who are getting in trouble, being vandals, doing drugs and all those other sorts of things. They are the kinds of kids who have their heads screwed on right. So having that element as an additional part of the CFA's responsibilities enshrined in this legislation is I believe very important. We need to ensure that the CFA have the ability, the need and the want to drive their volunteer numbers upwards.

As we grow as a state and as a population a lot of things change, and we are constantly needing more volunteers. The number of volunteers moving away was talked about quite extensively throughout the inquiry process. It is really unfortunate when we look at some of the statistics around losing volunteers that we have. It seems to be an ageing demographic that is involved in the CFA. Whether that be because these days people want to volunteer in different areas and do different things or whether that be because people just do not want to volunteer these days, something needs to be addressed in that space. We need to look at why that is happening. I do not think it was addressed enough during the committee inquiry. I do not think it has been addressed enough as an idea that should be applied to this bill during its drafting and during the last 12 months in which we have been waiting for it to come on.

I do not think it has been addressed enough by the CFA even — and it may not be their own fault. I think it is crucial in ensuring the future of this organisation that we have volunteers to run it. That is a broader issue. I hope it is one that moving forward we can take some steps on improving. I know the government are interested in that area. They have been very vocal about it, and I know they will do everything they can to ensure that the CFA has the ability to drive volunteer numbers and to promote the idea that volunteering for the CFA is a great thing for the state and a great thing for an individual and that more people should be doing it.

Moving away from that, though, the insertion of this responsibility of the CFA is very important in the context of this bill because there is going to be a severe impact on CFA stations around the metropolitan area and in regional areas that are integrated stations. There is going to be conflict between FRV taking over their building — taking over where they have been housed

for years and years and for decades in many cases. It would be great if I could stand here and say that everyone is going to work together, we are all going to be one big, happy family and there are going to be no issues, but we already know that there are a number of issues in integrated stations.

We know there are a number of conflicts between full-time employees and volunteers. Those issues are often owing to cases of personal conflict. Some people just do not get along with other people for no particular reason. Some of those issues are cultural in nature, where some particular groups may think they have a right to be in that space more so than another group. But we have to recognise that those issues already exist, and we need to be doing more to stop those issues where they already exist now instead of moving forward with taking over 35 integrated stations and turning all of their districts into FRV districts, under a new organisation, with a new name on the door. We will again see problems in integrated stations such as we have seen before, where, say, change rooms are off limits to certain people because others claim ownership of them et cetera.

I would like to believe and would love to be able to stand here and confidently say that these issues are not going to happen, but unfortunately they will happen, given the history of some of these issues, given the nature of the way this bill has come about, given the fact that certain cohorts on certain sides of those issues have not been involved in the process and are unhappy about the process while other sides, still not having been involved in the process, are very favourable to it. So just the nature of this bill is going to cause conflict. When we start to implement it and roll it out over the 35 integrated stations and integrated station areas, it will cause those problems.

Despite those issues and despite the need or desire from many volunteers to walk away from it because of those issues, the ability of the CFA to drive volunteer numbers upwards is going to be crucial. I can guarantee there are people who have already walked away from the CFA because of this; there are volunteers who have been doing it for decades who have walked away from the CFA because of this. There will be more casualties from it. It is very unfortunate. It is certainly not what I want to see happening, but I think it is going to be a reality, so the responsibility enshrined in this bill for the CFA board to actively try and counter that is very important.

The next part of this bill goes to the way in which it will be implemented in terms of equipment, buildings,

infrastructure and all other assets. It is designed in such a way and it will be explained to you in such a way as to suggest that the FRV will step into place and the resources they need will just be sitting there. At the same time, right next to the resources that this new organisation, FRV, will need will be enough resources and equipment for the CFA; that will also be in those integrated stations.

So we will have the situation where, when CFA brigades have worked tirelessly over a long period of time to buy their own assets, to buy their own pieces of equipment, there is now going to be an argument and a debate over what parts of their asset register, if there even is a register yet, will be transferred over to the FRV. We would like to see an endeavour from the government to make sure the CFA retains all of its assets, because they belong to the CFA, but I think it is going to be an impossible task for the government to try and resource the new organisation, FRV, because it is going to be very costly to replace all of that equipment.

Also, with equipment and increases in resourcing such as infrastructure to actually fight fires come the need and demand for more staffing. We are going to find that some of those integrated stations will have increased staffing. I think that is just a natural progression of the way things are going to go anyway regardless of this bill, but with it will come difficulties around just simply fitting into the building.

If we have this new organisation, FRV, in the building with an increased number of staff, there will be limited space for everyone, and I fear that volunteers will be pushed out. Numerous volunteers out there fear the same thing, and they have conveyed that to me quite a lot — that they will have their equipment taken off them, have their building rebadged and be just simply pushed out. That is one of the things that goes to the issue of retaining volunteers and making sure the CFA have the ability to hold onto those volunteers, because we are going to see issues around the literal space in which they operate being too squishy to accommodate both the FRV in a boosted capacity as well as the CFA.

I am not saying that is a problem necessarily. We do recognise that increasing populations do require an increase in services, an increase in equipment to perform those services and an increase in the number of full-time firefighters to provide those services. The very nature of it is that we are going to have to find somewhere for everyone to fit. With the restructure proposed in this bill it is very clear where the divide is going to be, and I fear that the people who are going to lose out will be the CFA volunteers.

In the very short amount of time that I do have left to speak I want to comment on what I believe is probably the most important part of the bill as far as threshold issues go and the only part of the bill that the government has not budged on. During discussions they have been pretty accommodating in talking about ideas — although they have not delivered on any of them in a way that has been satisfactory to me — on a range of things that will affect this bill and a range of ways in which it could be improved, but this is one that has been a threshold issue for them, and it is unfortunate because it is also a threshold issue for me and for our party's support on this bill. It also is the issue that goes to the heart of why this bill is in front of us — that is, the arrangement of removing full-time employed operational staff from CFA, putting them into FRV and then having them seconded or borrowed back by the CFA. The ability for the CFA to be the masters of their own destiny, control their own operations and do what they see fit as directed by their board, their chief officer, their experts, their consultants and everyone else who has input — their volunteers — and for them to actually administer their own organisation will be diminished by having to borrow staff, borrow resources and second people from another organisation.

We talk about the cultural division between full-time employed staff and CFA volunteers in integrated stations. That division will be even worse when you have those staff walking around with a different uniform to those volunteers. That division will be expressed in their uniforms; it will be a blatant thing. I fear it will escalate the issues between full-time employees and volunteers, and it will also diminish the CFA's ability to run their organisation how they see fit. There have been changes by the government, amendments to this bill, that address the CFA's ability to direct people who are seconded back to them as well as to discipline them. It is notional; they can terminate their secondment but they still remain an employee of FRV, so there really is no disciplinary action available to the CFA in terms of employment over a serious matter.

This is the issue. It is the threshold issue. It is the reason that this has been brought about. It is because the government has introduced this bill on the back of industrial action and this is the literal item that translates into fixing that industrial action. It is the reason this bill is unacceptable — this bill is not to fix the fire services but is a workaround for a government and a union that could not get their act together, that could not come to reasonable terms, that kept pushing ahead with a controversial EBA and had to find some

other way of doing it. This bill could have been brought about by a process whereby CFA volunteers, full-time CFA employees and MFB employees were sat down and asked — and I asked this during the committee inquiry — ‘If you were given the chance to sit in front of your boss and tell them what you need to do your job better, what would it be?’. Not once did I hear someone say that they would take all of the full-time employed capacity out of CFA — not once.

What they need to do their job better is resourcing; they need more money, they need more staff put into the CFA, not another organisation. They need more assets, they need more support from government to drive volunteerism, they need more engagement with people at the top and they need people in managerial roles in this organisation to listen to the volunteers. Those are the things that they told me that they need. They do not need a restructure of the fire services, especially one as dramatic as this. When you look at other parts of the world such as New Zealand, they are going in the opposite direction where they have got different fire services that they are bringing into one big family, because they recognise the problems when you have conflicting fire services, so they are going in the opposite direction.

I am not saying that is the place we should be headed to in this state. What I am saying is that when we try to make dramatic changes to the fire services, we need to do it for the right reasons. This bill has not been done for the right reasons. Those right reasons need to be to improve the ways in which our volunteers and our full-time employees can do their jobs so they can get out there and be part of the community they are keeping safe. If this bill was put to me with those reasons, I would have a very different position on it. But the process is wrong, the reason it is here is wrong and for that reason I will not be supporting it.

**Mrs PEULICH** (South Eastern Metropolitan) (20:16) — I rise to speak on the Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. It is now the end of March 2018 and this bill has been on the notice paper for six months. I presumed the government was not confident of the numbers on the floor, in particular those members of this chamber — the house of review — who have strong links and roots in rural and regional Victoria and who reportedly have some very strong concerns about a range of elements of the bill. The government today has introduced 29 pages of amendments without a briefing for members of Parliament on a piece of legislation that has been poorly conceived. The consultation process involving the key

stakeholders has been non-existent, with the exception of the United Firefighters Union (UFU). The process as outlined in the *Inquiry into the Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 — Final Report* of the Fire Services Bill Select Committee shows some very serious concerns about the process, attempts to coerce witnesses and so on. So it is an appalling example of how not to develop legislation, if you want it to pass.

The government has decided they have got the red shirt rorts on the agenda this week and they certainly need a distraction. Indeed if they really wanted this legislation through, they could have done it a long time ago by simply splitting the bill in two: one dealing with the firefighters presumptive rights compensation issue and the other being the fire services reform, which is certainly much more contentious. There have been other examples where it has been decided by this chamber to split a complex bill, cunningly conceived and packaged to give it additional political clout, and that has forced the hand of government in the past. That could have easily been done, so there is no justification whatsoever for this government to try and ram through 29 pages of amendments without properly briefing this chamber — this house of review — and moving extension after extension today in order to bring about a vote because they think they are one number up. They think they have got one number up insofar as the misfortune of another member of this chamber, Dr Rachel Carling-Jenkins, can be exploited to put through this piece of legislation. I think it is deplorable. The whole process stinks to high heaven.

Before I get into the substance of my contribution I commend Mr Young on his contribution. It is the first time I have seen or heard Mr Young speak at some length on legislation, and he has done so methodically and in ample detail, combining both his understanding of the legislation — obviously reflecting his serving on the select committee and his own personal experience — and his very reasoned argument and considered position. The government could do far worse than to adopt Mr Young’s recommendation to split the bill and allow the speedy passage — speedier passage given the government has been deliberately delaying this — of the presumptive rights compensation side of it and allowing the fire services legislation, in particular the 29 pages of amendments, to be considered properly by this house of review.

The select committee report has certainly collected a little bit of dust since it was tabled, but considering the short amount of time that was available to do the work

that the select committee was established to do I think there is merit in reminding ourselves of some of the issues that were raised in that committee. The committee was chaired by the Honourable Gordon Rich-Phillips and its members included Mr Mulino; Ms Hartland, who has moved on since then; Mr Shaun Leane; Ms Wendy Lovell; you, Acting President Melhem; Luke O'Sullivan; Simon Ramsay; Harriet Shing; Jaclyn Symes; Daniel Young; and Rachel Carling-Jenkins, who was a participating member.

The chairman's foreword summarises very well some of the issues and the context of this legislation and some of the concerns. I think it is ironic that on the tail end of some fairly aggressive fires in western Victoria the Country Fire Authority (CFA) volunteers who risked their lives fighting those bushfires recently are now being thanked. This is Daniel Andrews's thankyou note to the CFA volunteers of south-western Victoria for their efforts in fighting the recent fires, which saw lots of livestock lost, lots of sheds lost, a number of homes lost — fortunately no human life was lost but certainly many lives have been turned inside out and back-to-front.

Today's press release by Brad Battin, the shadow Minister for Emergency Services, who has been outstanding in prosecuting the case for the CFA volunteers, has restated the Liberal-National parties coalition position, and that is that we will continue to stand up for Victoria's 60 000 CFA volunteers. That is the reason we have sought an adjournment until later this week. We want to consider the amendments that have been foreshadowed and also, I would imagine, the strong support for Mr Young's position that the bill should be split into two so that there can be a speedy passage of the presumptive legislation and more detailed consideration of those reforms about which numerous people, key stakeholders, certainly most of the submitters to the select committee, have expressed very strong concern.

In fact we question, given the lack of consultation, the concerns, the sackings — and I will come back to that — the misguided content of the policy and therefore the legislation, and the appalling process. The people are bad, the process is bad, the legislation is bad and you ask: why? Why does this Premier risk everything, including the gutting of the CFA volunteers, in order to get this through? We can only assume it is because of his union mate Peter Marshall, the UFU, capitulating to 850 paid firefighters, unionists, and being prepared to throw under the bus the CFA volunteers.

They are two very different cultures. Indeed the spirit of volunteerism in Australia is probably the strongest of any country in the world and is something that has been a hallmark and a significant factor in the protection of our communities from fire and of course other elements. These people do put their lives on the line at all times. They leave their places of work, leave their own homes and are up for sleepless nights all the time because they know their communities. They are part of those communities, they raise money for those communities and they recruit for those communities. They are a part of the community. They are not just a fly-in squad that works to union regulations or union rules and their enterprise bargaining agreement conditions.

I would like to quote two paragraphs of a press release from Mr Battin in the Assembly today. He said:

Those members of the Legislative Council that side with Peter Marshall and the UFU will have to explain to voters at the next election why they have put the safety of Victorians over an ambit claim by unions.

He went on to say:

This is why the Liberal-Nationals commitment to hold a royal commission into this issue and to ensure community safety is put first.

Some may say, 'Well, you'd expect a Liberal to say that', but in actual fact it is not just him. Having had the benefit of being in the upper house and the lower house, I do recall a former minister for emergency services, André Haermeyer, also having this fight with the UFU and Peter Marshall. The exact words used on the ABC website are, and I quote:

A former emergency services minister and colleague of Victoria's Premier Daniel Andrews says the clash with the largely volunteer-run ... (CFA) risks public safety.

...

André Haermeyer, a former Labor politician and a supporter of Mr Andrews, said it risks alienating volunteers critical to Victoria's firefighting.

'I'm not wanting to cause undue alarm, but these things do affect public safety', he said.

...

Mr Haermeyer said under the current rules, volunteer firefighters can be prevented from taking immediate action in emergency situations.

That is what I think goes to the nub of my concerns about this reform — that indeed by having to defer to the paid firefighters they will not have the agility to respond to emergency situations as they arise, they will

not have command over their own assets and the unionised firefighters will have that power of veto.

Mr Haermeyer went on to say:

Under the existing industrial relations infrastructure in Victoria, that can't happen without the union effectively being called in to agree to that redeployment of resources to a particular location and being told why.

The article goes on to say:

According to Mr Haermeyer, instability caused by the firefighters union is the common factor, and something he experienced during his time as minister.

There is a recurring theme, a recurring character, and we wonder what it is. What sort of hold does he have over the Premier after campaigning for him on the booths at the last state election? We saw the Ombudsman's report and read about the recent red shirt rorts. The 2014 state election was a Labor rort in many ways, and the role of the UFU was an important component of it.

I am absolutely appalled that there are members of Parliament here who think that it is okay, that it is legitimate and that it is acceptable to introduce 29 pages of amendments and say we do not need more time — that this bill does not deserve to be adjourned until say, Thursday, by which time we would in actual fact have an opportunity to be briefed. It is appalling. It is disgraceful. Let me say, having been here for 21 years, karma is a very important thing to remember. The test of democracy is how people use it when they hold the levers of power. Let me say it reflects very poorly on the government, it reflects very poorly on members of the Greens and it reflects very poorly on the Reason party, because at the end of the day these issues are much too important to use the jackboot tactics and the thuggish behaviour that obviously has been learned and finessed in the thuggish unions of the UFU and the like. The question is: what does Mr Marshall have over Daniel Andrews?

The number of casualties of this particular campaign to decimate the CFA include the Metropolitan Fire Brigade deputy chief officer, who quit in —

#### **Business interrupted pursuant to standing orders.**

**Ms TIERNEY** (Minister for Training and Skills) (20:30) — I move:

That the sitting be extended.

#### **House divided on motion:**

*Ayes, 19*

Dalidakis, Mr ( <i>Teller</i> )	Pennicuik, Ms
Dunn, Ms ( <i>Teller</i> )	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
Mulino, Mr	Truong, Ms
Patten, Ms	

*Noes, 18*

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

*Pairs*

Mikakos, Ms	Atkinson, Mr
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#### **Motion agreed to.**

**Mrs PEULICH** (South Eastern Metropolitan) (20:36) — The litany of casualties is extensive, the most prominent being Jane Garrett in the Assembly, the former minister, who, as a member of the Socialist Left faction, had the backbone to stand up to the United Firefighters Union, as did André Haermeyer, who was actually of Labor Unity. So you had two Labor ministers from opposing factions both standing up for their principles. This Premier, who we have seen lead a major rort against this state, is pushing for the cannibalisation of the Country Fire Authority (CFA) and everything that they stand for.

The litany of casualties has been enumerated: Bruce Byatt, the CFA deputy chief officer; Paul Stacchino, the Metropolitan Fire Brigade (MFB) acting chief officer; Jim Higgins, the MFB CEO who quit; and Bob Barry, the CFA south-west region assistant chief officer. The list continues. It is absolutely deplorable, and I urge the house to vote for an adjournment.

**Mr BOURMAN** (Eastern Victoria) (20:37) — I rise today to speak on the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. It is no secret that we are not voting for this, and I am not going to go through, ad nauseam, as to why. Mr Young has done that for me, well and truly and for a good 44 minutes — a sterling effort. But the message I got from the

Shooters, Fishers and Farmers Party is that they wanted us to vote no. Not everyone of course, but the vast majority of people came to me and said very clearly that there was absolutely no way they wanted us to vote for it, and that is the way we are going to continue.

The Country Fire Authority (CFA) and the Metropolitan Fire Brigade (MFB) are both fine organisations. Both the volunteers and the paid firefighters do an excellent job. They do a dangerous job. One of the comments I heard that sticks with me from when I was in the police academy, which applies to them too, is that there are times when people call for the CFA, but who do the CFA or MFB call? No-one. They are there to deal with it. These people, whether they are paid or volunteers, go out there and deal with it. They cannot call anyone else, and that shows the mettle of the people involved.

My memories of the CFA go back quite a long time. When we first came to Victoria back in the 1980s we moved to a farm, and the expectation — I was too young, so I was fairly safe from this — was that my dad would join the local CFA and help. We got there at the beginning of summer, and within a couple of months we got a knock on the door at about 3.00 a.m., and my dad was gone for two days. Back then his training involved somebody saying, 'Here's a wet sack; go for it'. When he came back he was a bit smoky. There were a lot of other people there, and they would just get up in the middle of the night or the middle of the day and they would go and deal with it. They knew the only help was more CFA or MFB or whatever the case may be. That is the thing we need to remember. There are a lot of people talking about the bill, the this and that, but in the end it is the people on the ground who are putting themselves out there for the service of the state, and I think it is very, very important that we remember that.

Over the course of my time in the police I came across the MFB quite a few times, because all my time was in Melbourne. From a police point of view it is a bit different. A lot of the time they are there before we are, and I was spending a lot of time sitting outside burnt-out places talking to the MFB because I was a crime scene guard. I can assure you that that is not very interesting after 8 hours of just sitting there and just talking to random people about nothing.

The underlying thing that I think I have taken from this bill, and it was a bit of a disappointment when I saw it happen in the beginning, is the presumptive rights legislation. The presumptive rights legislation is something I would love to have seen happen already. People go into these situations and they are breathing

god knows what. You cannot just sit there and wait for something to sort itself out; you have to go in and deal with it. If they have got breathing apparatus, they will do it. Personally, I know myself that when I was doing traffic direction for a factory fire one year I was breathing in a whole lot of stuff; I really do not even want to think about what was in that factory, and that was only one time. Now obviously in the presumptive rights legislation it is not just the one time. I think this is a good thing, and it is a little bit of a shame that we are getting towards the middle of our fourth year and it has not been done. I would suggest, no matter how this bill actually turns out, whether it gets through the second reading or not or whether it gets split or not — or particularly if it does not get split I should say — that the government deals with it and deals with it very quickly.

I hope that both sides of Parliament will take this and run with it, because no-one wants cancer, no-one wants to get cancer from their job and no-one wants to be left hanging when they get that sort of thing. The numbers that I have seen are pretty clear that some sorts of cancer are statistically way out of kilter among fireys. That goes for both paid fireys and volunteers, because cancer knows no bounds, it knows no gender, it knows nothing like that. Cancer really does not care whether someone is paid to be at a fire or not, and so I think it is very, very important that both volunteers and paid fireys are treated exactly the same. They are the ones that get sick and they are the ones that have to deal with it. When you think about the volunteers, they are doing it for nothing and they are doing it for the good of the state.

This sort of thing also brings up the issue of post-traumatic stress disorder (PTSD). Every emergency services worker goes to things that they would rather not — that is all part of the gig. They do things that will impact their lives forever, and they see things that they will never forget. I think everybody who has been in the emergency services has had that kind of experience. I count myself pretty lucky, because it is safe to say that I do not have PTSD — but how long is a piece of string?

With Code 9 Convoy, which I made mention of earlier today, it is not just the police; it is all the emergency services. As you can imagine, the ambulance services are first on the scene for a lot of things, and it was quite a while ago — and I am not entirely sure of the situation now — but at one stage the fire brigade were turned into first responders, and what that meant was that more often than not on a busy night they were first to witness some pretty gruesome stuff. I think that

introduced a level of difficulty to their lives that no-one really appreciated.

We are now 20 years or so down the track from when this all happened, when I was about, but I think we just need to take a moment to think about the human cost of everything we are doing tonight. We are going to vote on this tonight, that is fairly obvious, but I do encourage members should it get through to the committee stage, that they consider Mr Young's amendment, which is quite a chunky amendment — it goes on for quite a while and thankfully it was tabled rather than us having to listen to him talk for the full half-hour.

I do not know how the government intends to deal with this. I do not know whether the government is going to support that or what it is going to do, but I think there is a very important message the government should be sending to the firefighters and the emergency services in general: the care that they need is there. On that note, I am going to wind up and let the next speaker have the call.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (20:45) — I am pleased to make some remarks this evening on the long-awaited Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017. This is a bill with which I have had some involvement since the Fire Services Bill Select Committee was established by the Council back in June of last year to look at a number of the issues which arose from this bill.

We should put in context what we see across Victoria from our Country Fire Authority (CFA). Of course in the last 10 days we have seen in the south-west of the state the role that the CFA plays in supporting our community. Last Thursday I was with Roma Britnell, the member for South-West Coast in the other place, on what was a pre-organised visit to the south-west but which coincided with the aftermath of the fires. What was evident from that visit was the incredible role that CFA volunteers played in fighting those fires in the south-west and the regard with which they are held in those communities.

Over the course of that visit I heard an anecdote. When the fires started the previous Saturday night in the Cobden-Camperdown area, there were a number of events on in those local towns. There was a wedding, there was an engagement party, there was a 40th birthday party and there was a 70th birthday party. Over the course of that Saturday evening those four events emptied out as guests went off as CFA volunteers to fight those fires around Cobden and

Camperdown. That really highlights the commitment of CFA volunteers to protecting their communities, and that is why this Parliament has such an obligation to ensure that we protect those CFA volunteers. This legislation before the house tonight fails to do that.

Last week we received a report from the Ombudsman on Labor's staffing rorts. That report described the structure that was put in place for those staffing rorts as an artifice — an artificial structure designed to get an outcome, in this case in relation to staffing rorts. What we have before the house tonight is a piece of legislation which is also an artifice. It is a piece of legislation which has been brought to this house by the government to get a political outcome for Peter Marshall.

We saw over the course of the first two years of this government an attempt by the government to force the Country Fire Authority to adopt an enterprise bargaining agreement (EBA) which the United Firefighters Union (UFU) wanted. This was an enterprise bargaining agreement which was not in the interest of the CFA, was certainly not in the interests of CFA volunteers and was not in the interest of the Victorian community. It was in the interests of the UFU and Peter Marshall, and for that reason the government and the Premier — the Premier in particular — sought to ram that through the CFA.

In order to do that we saw the loss of senior CFA executives — the chief executive and the chief fire officer — we saw the board of the CFA turned over when they refused to agree to that EBA which was not in the CFA's interest and was not in the Victorian community's interest and we saw the board stacked with members who would be compliant. What then happened was commonwealth legislation under the Fair Work Commission provisions, which required EBAs in organisations such as the CFA that involve volunteers — and of course there are around 57 000 to 60 000 volunteers in the CFA. That commonwealth change to the federal legislation meant that the impact of that EBA on volunteers needed to be taken into consideration when it was looked at by the Fair Work Commission.

The way in which the EBA was structured was completely at odds with the interests of volunteers. It was an EBA which sought to vest in the UFU, vest in Peter Marshall and his cronies, effective right of veto over many decisions of the CFA management, CFA tasking, CFA asset allocation and ultimately the way in which volunteers are used through the CFA. Because of

that the Fair Work Commission could not sign off on that EBA, given the new commonwealth framework.

What we then had was this piece of legislation brought to the Parliament — legislation which sought to separate the volunteers from the paid staff in the CFA; vest paid staff with Metropolitan Fire Brigade (MFB) paid staff in a body called Fire Rescue Victoria (FRV); put the paid staff under the EBA, which Peter Marshall wanted, and do it in such a way that they were removed from the volunteers and therefore not caught by the new provisions of the Fair Work Act 2009; and then once that EBA was in place second those paid staff back to the CFA. It was entirely an artifice to get around the changes to the commonwealth Fair Work Act to allow that EBA to be put in place in respect of the CFA at the cost of the Victorian community and at the cost of the 57 000 CFA volunteers in this state.

Not surprisingly this legislation has met with enormous resistance across Victoria. Last June the Legislative Council established a select committee, which I chaired. That select committee travelled across Victoria. We had hearings here in Melbourne, we had hearings in Wangaratta, we had hearings in Swan Hill, we had hearings in the Latrobe Valley and we had hearings in Hamilton to understand the perspective of CFA volunteers and CFA brigades. Virtually without exception the opposition from CFA volunteers to this legislation was strong, it was deep and it was genuine.

One of the reasons for that opposition was the complete lack of consultation around the development of this bill. We heard through the course of the committee that there was no meaningful consultation undertaken in the development of this bill. In fact the only party which was consulted about the development of this bill was the United Firefighters Union. The development of this bill did not sit with the Department of Justice and Regulation, which oversees emergency services like the CFA and the MFB; it was taken into the Department of Premier and Cabinet. It was tasked to Tony Bates, who is the deputy secretary and the government's preferred fixer at the moment, to develop the legislative framework. This was done in combination with Peter Marshall from the UFU and nobody else. In fact we received oral evidence through the course of the committee hearings from Mr Bates and Mr Eccles, the secretary — but he was very clear that it had nothing to do with him; it was all Tony Bates — which was then corrected by Mr Bates in written submissions subsequently that set out the time frame for consultation and made it very clear that the bill was worked up with Peter Marshall, so not with the CFA volunteers, not with the CFA itself and not with the MFB.

In fact in developing this legislation the government was in breach of the existing legislation, which requires the government to undertake consultation with representatives from CFA volunteers through Volunteer Fire Brigades Victoria (VFBV) in the development of any legislative proposal. The government completely ignored that legislative obligation under the existing act in their rush to get a bill which would satisfy Peter Marshall through creating this artifice of Fire Rescue Victoria so that the EBA could be agreed to.

In considering this bill, how it had been put together and the damage it was doing to fire services across Victoria, the committee made a number of recommendations. The key recommendation that came out of the select committee is that:

Due to the lack of implementation, operational and funding certainty; failure to undertake consultation; and consequential polarisation of fire services volunteers and staff, the bill should be withdrawn. If not withdrawn, the Legislative Council should reject the bill.

That was a very strong statement, but it recognises the failures which had taken place around the development of this legislation, the way in which it had alienated 57 000 volunteers across Victoria and the way in which the government needed to go back to the drawing board. What we are seeing today is not the government going back to the drawing board. The government received this report from the select committee last August and essentially parked the legislation following the tabling of that select committee report until today — until tonight — when we have a member of the Council absent and the government is forcing through the second-reading vote on the basis that a member is absent and it believes it has the numbers to pass it.

The government has not gone and consulted with the VFBV and with other representatives of volunteers. It has not addressed the concerns which were raised across the state through the course of that committee's hearings. It has simply waited until it could see an opportune moment where a number is different in this house — in this case a member of the Council being absent tonight — and now seeks to ram it through without addressing any of the concerns which were raised through the course of that committee consideration.

One of the key issues that arose through the committee's consideration of the bill was the fact that there was no implementation planning, no operational planning and no funding certainty as to how the Fire Rescue Victoria model was going to work. That

reflected the fact that this was put together simply as an artifice to get the UFU EBA in place. None of the planning work had been done to understand how Fire Rescue Victoria would operate with the secondment, for example, to the CFA, which was proposed for the paid staff; what role the chief officer of the CFA would have in determining who those paid staff were; and what authority and direction the chief officer of CFA would have over those paid staff. Basic decisions as to how this model would work had not been made. The planning had not taken place because it was not important. All the government wanted to achieve was a structure that would allow the UFU EBA to be signed, with no regard to how it was going to work in practice.

We received considerable evidence over the course of the hearing. We asked questions of the Department of Treasury and Finance (DTF). We asked questions of the emergency services commissioner and the chief officers — the acting chief officers, I should say, of both fire services, given they were virtually changing by the day as officer after officer resigned in the two fire services, whether they were the CEO, the chief fire officer or the acting chief fire officers. The turnover was extraordinary as the implications of this proposal came to light, and it was very evident that none of the planning work had been done to understand how this would be implemented and how it was going to operate if the legislation was passed.

So having parked the bill for six months, we are in exactly the same situation. There is still no planning around the implementation of this legislation. There are still no details around the funding of this legislation and the implications it has particularly for the CFA, which will lose substantial funding with the shift of staff to Fire Rescue Victoria. The Department of Treasury and Finance unbelievably had no understanding of how much funding would be transferred from the CFA to Fire Rescue Victoria as a consequence of shifting the paid staff into the new body. It beggars belief that there was not a single estimate of the value of that funding shift from the CFA to FRV, but that was the evidence we received from DTF through the course of the hearing, which again just emphasises the lack of planning which has gone into the development of this bill and reinforces that the bill was for one reason only, and that was to deliver that EBA to the UFU.

The second key recommendation of the select committee was to recognise part 2 of the bill, which relates to presumptive rights legislation, the creation effectively of a reverse onus mechanism whereby people who are firefighters and who contract certain cancers are able to lodge compensation claims with

WorkCover in the case of paid firefighters and through the fire services in the case of volunteers and have those claims accepted on the basis of the fact that they have cancer, with the onus on the agency to prove that the cancer was not related to firefighting.

That is something that we believe should be considered on its merits. The government in opposition committed to introducing legislation in its first 100 days to provide for firefighters compensation legislation. They did not do that. They left it until last year and tried to tie it to this restructure of the fire services — basically if you want the presumptive rights legislation, you have to take the restructure. We do not believe that is appropriate. We believe that the bill, if it proceeds beyond the second reading, should be split and that the presumptive rights legislation should be considered on its own merits. The restructure in this bill is nothing but an artifice to deliver for the UFU. It is not in the interests of fire services, it is not in the interests of the Victorian community and it should not be supported.

**Mr DAVIS** (Southern Metropolitan) (21:01) — I am not pleased to speak —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Patten)** — Order! Mr Davis, please.

**Mr DAVIS** — This bill is a very serious matter, and I must say that the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 is a very loosely titled bill. It is not a reform bill at all. In fact this bill is a travesty. It should be split in the way that has been outlined by Mr Young and others. The presumptive legislation is an important change and something that is relevant and supported, but the other matters in the bill are not supported. This is fundamentally a grab for power by the United Firefighters Union (UFU). All of those who support this bill are people under the control of the UFU. I want to be quite clear that this is payback by the Labor Party to the UFU for the support that it got at the last election. It is clear from the results of many of the electoral booths that the Labor Party is in huge debt to the UFU.

I was fortunate enough to be a member of the committee that inquired into fire season preparedness. That committee looked at many matters around fire season preparedness, only one of which was related to these issues of the workforce and the UFU enterprise bargaining agreement (EBA). But what is very clear is that the government has been determined to push through this enterprise bargaining agreement for

whatever its own reasons are and for whatever hold the UFU and Peter Marshall have very directly on this government. It is clear that the Premier in particular is beholden to Mr Marshall and will do whatever is required to pay him back.

It is also quite clear that the government has left a trail of destruction and damage as it has proceeded down this course. The destruction includes the former minister, who I think in every way was an honourable person and who tried to do the right thing by firefighters and the community. After all, this is about a better community outcome, but this bill will not deliver a better community outcome. What is also clear is that not only was the minister removed or forced out but others were forced out as well. In this committee we heard extraordinary evidence from Lucinda Nolan that chilled many of us. We heard about the impact of the government's approach and the attempt by the government to force her out of her position at the Country Fire Authority (CFA).

The CFA of course is a very important institution for our state. It provides the massive surge capacity that is so important with regard to the state's need to have preparedness for fires. Without those thousands and thousands of volunteers — tens of thousands of volunteers across the state — we would not have the surge capacity that we need in Victoria to respond to bushfires, and this is a very bushfire-prone state.

The findings of the minority members of the committee on the inquiry into fire season preparedness make interesting reading. We found:

It is a fundamental and non-negotiable requirement that the Country Fire Authority remains a united and integrated organisation with a single workforce made up of paid and volunteer firefighters and that they are considered equally important. The principle of 'One CFA' must be the basis of all of the organisation's operations.

The truth of the matter is that the UFU and a certain approach to paid firefighting will dominate once this bill is through. That is a direct repudiation of that 'One CFA' focus.

The second finding we made is:

Any arrangements that place the needs of one part of the CFA's workforce ahead of another's runs contrary to the principle of 'One CFA'.

We see all the signs of that now, with the replacement of the board and the push that is on within the CFA to deliver a UFU-controlled CFA. That will break down the huge contribution and capacity of volunteers.

Our third finding was:

Regardless of the legal interpretations of the cabinet-endorsed proposed agreement between the CFA and the United Firefighters Union, the negotiations have led to substantial stress to volunteers, particularly in regional Victoria. This stress has the potential to lead to a loss of volunteers, which could over time reduce the capacity of the CFA to protect the community from major fire events.

This is the point that I think is important to make: we need to cherish those volunteers and we need to protect those volunteers. This bill does not achieve that.

Finding 4 from the minority of the committee was that:

The committee considers that the proposed cabinet-endorsed agreement contains a veto which the union may choose to exercise in its own interests.

All of the evidence that we heard again and again is that the EBA — the old EBA but particularly the new proposed EBA — would lead to a de facto veto by the UFU. That will lead to poor fire outcomes, less safety in the community and a weakening of the CFA's position.

Our finding 5 was:

The committee is firmly of the view that such a veto is not in the public interest. Where lines of authority are blurred and the chief officer's authority is undermined by what is in effect a union veto, the community may be put at risk given the need in bushfires for swift and decisive decision-making by the incident controller and the chief officer.

We also said that:

Claims that a requirement to 'consult and agree' do not represent an effective veto are disingenuous and any clause that requires the agreement of both parties prior to implementation of a policy has the potential to limit the capacity of the chief officer and the CFA to make operational decisions.

We went further and said:

The committee believes that the weight of evidence was such that there are legitimate concerns that the cabinet-endorsed proposed agreement —

which has since been supported by the government again —

may cause confusion on the fireground which could result in suboptimal and potentially catastrophic outcomes, both for firefighters and communities.

We said:

The committee does not support any agreement which adds to confusion and believes a clear chain of command must be a priority of any agreement and in that context does not support

any clause that creates ambiguity, such as clause 35.4 in the publicly available version of the agreement ...

We also made the point that:

The committee does not support clauses that direct specific numbers of categories of firefighters, whether paid or volunteer, be present on the fireground prior to commencement of firefighting operations, noting —

it is obvious in fact —

the risk that such clauses pose risks to firefighters and the community.

The committee minority members were also strongly of the view that decisions regarding equipment must be made on empirical evidence. This was a chief officer decision and a CFA decision, and it was not a decision that could be held to ransom by the union. These are all very serious concerns with the EBA that is to be implemented and the parallel process in this bill that will give huge power — massive override power — to the union. It is very clear that this is not in the public interest.

We talked at length about training and the importance also of surge capacity, which I have referred to. A minority of the committee found that the CFA surge capacity is critical to firefighting capacity in Victoria and must be protected. We heard the importance of the edge-of-the-city CFA members. So, for example, in the eastern part of Melbourne CFA members form a reservoir of additional volunteers who can be called on by country Victoria when it is needed down into the Gippsland area in that case.

Finding 14 is that the minority was concerned about the reduction in morale coming from the constant fighting that was going forward. We also were concerned by what we heard regarding the legal steps and lack of process concerning the \$484 000 payment by the CFA to the UFU. There was an entirely absent formal process and a lack of documentation. There was involvement of the minister's office and the office of the Premier, and that raised for us major concerns. There was no adequate formal process, and really it ought to be investigated by the relevant independent officers. We recommended that the CFA immediately publish all details and documentation concerning the payment. This of course has not been followed. The minority of the committee also believed that IBAC should investigate that \$484 000 payment.

In fact I pay tribute to the work of Brad Battin in the Assembly and the important policy that has been announced that, if the coalition is elected, there will be a royal commission into these matters, because it really

needs to be thoroughly investigated. We need a body with the powers to get to the bottom of this. This is a corrupt process that has been operating with this government. The control by the UFU over the Labor Party is nothing short of extraordinary. It is an impact on the community that has been felt right across country Victoria. Country Victorians cherish the CFA. They believe it has got huge importance, and it does. It has a great history and a great legacy, and all of that is being tampered with by this legislation. It will be fundamentally weakened forever after the passage of this legislation if indeed it is passed.

I want to make comment too about the behaviour of the government today, bringing so many pages of amendments with no process involved while knowing that a member who is opposed to this bill is absent and ill and has been in serious difficulty over recent periods. I believe it is a travesty that the government has pushed forward in this way. It is fundamentally anti-democratic. They have had months to bring this bill forward, and they are doing it at a time when that member of this chamber is not able to be present. I think that that points to a fundamentally bankrupt approach. The government and indeed the Greens, I have to say, have not behaved well on this.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Patten)** — Order! Mr Davis, please continue.

**Mr DAVIS** — Thank you, Acting President. I have to say that the whole process involved with this bill has been disgraceful from the perspective of a process that has not been fair and has not been democratic, and I do think that the government has sought to take tactical advantage of a member's lack of presence, that being done in a way that seeks to avoid their vote because they have a very clear view of what their vote may be.

**Mr Dalidakis** interjected.

**Mr DAVIS** — You may think this is funny, Mr Dalidakis, but I certainly do not believe it is funny. I believe this is disgraceful behaviour by the Andrews Labor government. It did not need to be this way. It could have treated this fairly. This bill could have been brought on at any point over the last six months. Week after week after week the government chose not to bring it on. It waited and waited and waited — and pounced when a member it knew would oppose the bill was ill and unable to be here tonight. That is a travesty. It hits directly at the legitimacy of the passage of this bill, using a machinery technique of that type.

I think the government ought to be ashamed of itself, and I think that other members of this chamber ought to be reflecting on their involvement in that process on this tragic occasion.

**Mr JENNINGS** (Special Minister of State) (21:15) — It is my responsibility to conclude the second-reading debate in relation to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017, the bill that has been listed as no. 1 on the notice paper for the last fortnight. When the house adjourned in the last sitting week, the government put this item as no. 1 on the notice paper that day, and from that day until now it has been the government's intention to introduce this bill. For a fortnight the government has flagged its intention to deal with this bill today. This bill has been a long time on the notice paper, as many members of the chamber have indicated.

Many members of the chamber have said that if in fact this was a priority why should it not have been brought forward. The government felt that over the summer period our firefighters should be given an opportunity not to have political pressure placed on them while they were acquitting their responsibility on behalf of the community, which they do each and every year. The Victorian community is eternally thankful and grateful for their contributions, whether they be voluntary firefighters or career firefighters.

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Patten)** — Order! Can we please listen to the minister summing up. You have all had your opportunity to contribute to this debate.

**Mr JENNINGS** — Thank you, Acting President. I think the disappointing thing — probably the interjections from the other side have made it a bit difficult — was that a point was made that we should give credit where credit is due to voluntary and career firefighters who acquit more than a labour of love. They put their own lives on the line to keep the rest of our community safe. That was the point that I was making at the time that the opposition chose to shout me down.

*Honourable members interjecting.*

**Mr JENNINGS** — That is the point that I continue to make at a time when the opposition is trying to shut me down.

The thing that all of us should be eternally grateful for is the selfless sacrifice of our firefighters. These reforms should be introduced to make sure that the working life of career firefighters and the voluntary participation of volunteer firefighters through the Country Fire Authority (CFA) are enhanced into the future. There should be certainty on the basis of resource allocation and the support and structures that are provided to those firefighters each and every day of the year as they acquit their important responsibilities on our community's behalf.

The sad truth about the importance of our firefighting services is that the current model of fire services is predicated on a very longstanding structure of fire services that have been waiting for over 100 years for the opportunity to be brought into the modern era. Indeed the structure of the CFA has been remarkably unchanged for the last 60 years. The government recognises that the important role that the CFA plays in keeping the community safe —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Ms Patten)** — Come on! Let us finish this. Let the minister speak.

**Mr JENNINGS** — Thank you, Acting President. I was actually trying to put on the public record the important role that the CFA plays each and every day. There are over 1200 volunteer brigades that populate the Victorian landscape, keeping communities safe right around the state. Those brigades will be protected and enhanced through the support that is being provided within this piece of legislation.

The structure of the CFA has responsibility for 60 per cent of the metropolitan firefighting effort. So 60 per cent of the urban sprawl in metropolitan Melbourne now relies on the combination of volunteer brigades and 35 integrated stations that have been part of the CFA. Whilst there have been fundamental changes in the level of acuity that the firefighting services have to deal with, whether that be through hazardous risks, whether it be through terrorism activity, whether it be through physical infrastructure that is put at jeopardy because of firefighting, the complexity of firefighting has been increasing over the course of the decades in light of changes and pressures that are put on population and put on through the pressures of climate change, the intensity of fires and the circumstances of keeping our community safe.

It rings true to any sensible member of our community that the requirement for a full-time professional firefighting capacity needs to be enhanced through the

combination of the 47 metropolitan fire brigade stations that are currently supporting the metropolitan area and to be enhanced by 35 integrated stations that now become, as a result of this reform, part of Fire Rescue Victoria. That is at the heart of the consideration of this bill and the commitments that the government has made to support that reform and indeed to keep our communities safe.

If you consider what has been the extraordinary contribution of our voluntary brigades and plot them from 2006 to 2016, you will actually see that that extraordinary commitment of voluntary brigades has seen over that period of time the number of call-outs reduce from 18 958 to 15 603. At the same time, during that decade, the involvement of career firefighters and integrated brigades has increased from 19 806 to 27 167. Through that historical evidence it is demonstrated that the community has come to rely on the firefighting capability of integrated stations. That has been the case for the last decade, it is anticipated to be the projection now and into the future, and this reform has undertaken a restructuring of the way in which fire services are designed to be able to achieve that outcome.

It does so by embedding in the legislation a mechanism to change the boundaries and the responsibilities of the Metropolitan Fire Brigade, so it amends the act to create a new structure, Fire Rescue Victoria, that will now have the responsibility of employing and undertaking the work of integrated stations across the metropolitan and regional landscape, as I and other members of this chamber have identified. It also recognises that there needs to be ongoing support for volunteers —

*Honourable members interjecting.*

**Mr JENNINGS** — I am reluctant to respond to the barrage of interjections, but the government has demonstrated in many tangible ways that the previous administration clearly did not respond in relation to reducing the resource allocation to the CFA during its tenure. In fact this government recognises that it is incumbent upon us to increase the resources of providing volunteer brigades.

Indeed when the bill was announced a package of \$56 million was immediately identified to support and fund the strengthening of volunteer recruitment and the retention training options and expanded brigade support as recognition that now and into the future there needed to be additional support provided to volunteers. Not only did we announce that at the time this piece of

legislation was being introduced; we augmented it at the time when the government responded to the consideration by the select committee.

The second thing that we actually recognised is that within this piece of legislation there is a need to make sure that the commitment to our firefighters is actually delivered on, which is the commitment to make sure that their courage, their bravery and their commitment — in the unfortunate circumstances where firefighters may have had terminal diseases, where they may have had cancers, and in fact they had been denied their presumptive rights by the previous government —

**Ms Shing** — Three times!

**Mr JENNINGS** — Three times the previous government had the opportunity to introduce presumptive rights legislation during its term, and three times it refused to do so. This government made a commitment on coming to office that it would change that situation; it would deliver on the promise to make sure that those career firefighters who suffered from specific forms of cancer would actually be provided with a —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The minister to continue, without assistance.

**Mr JENNINGS** — Thank you. For career firefighters suffering from specified forms of cancer where that cancer is presumed to be due to the nature of their employment, for the purposes of claiming compensation under the Workplace Injury and Rehabilitation Compensation Act 2013, that has been delivered as part of this legislation. Beyond that, the government has also recognised that volunteer firefighters suffering from specified forms of cancer where that cancer is presumed to be due to the nature of their services as a firefighter, for the purposes of claiming compensation under the same act, should be provided for within this bill. That is actually something that the other side — despite their sanctimonious pretence that they were actually interested in treating in a compassionate and humane way firefighters in those circumstances who were dying — in fact had the opportunity to address, but they did not take action.

They had the opportunity in relation to doing something about the circumstances at Fiskville when it was found that firefighters in their very training were exposed to hazards that led to illness patterns and cancers that had such a devastating effect on the firefighting services, but they took no notice. Indeed they took no notice of

review after review that has been undertaken into the fire services over the years, which includes the Bushfires Royal Commission in 2009, the 2011 Jones inquiry, the 2015 fire services review and the 2014 Hazelwood mine fire inquiry.

I am a bit surprised that Mr Davis did not talk about that. It was one of his shining glories as Minister for Health. He went missing at the Hazelwood mine fire. He and his colleague Ms Wooldridge, who was nominally responsible for the recovery effort, went missing. They did not step up and actually provide the support to the people in the valley at their time of greatest need in relation to the health risk that was associated with the mine fire. Indeed the parliamentary committee that was established during this term of government recognised that there were significant failings of accountability and responsibility demonstrated at Fiskville. The CFA were negligent in their obligations to those who were trained at the Fiskville facility, which led to illness and risk to their lives, which was totally ignored by the other side and totally ignored by the board of the CFA at the time.

**Ms Shing** interjected.

**Mr JENNINGS** — They were totally negligent in relation to their responsibility. This government recognised there is a need — there is a human need, there is a legal need, there is a financial —

*Honourable members interjecting.*

**The PRESIDENT** — Thank you! Ms Shing, you provoked that.

**Mr JENNINGS** — There was a human, compassionate need to actually respond to the suffering of firefighters, and the other side of this chamber failed comprehensively on every occasion when they had an opportunity to remedy that. They took no action. This government has taken action. This government has embedded those matters in this legislation. We will deliver on that commitment. We will deliver on our undertaking to make an integrated, comprehensive fire service to keep our community safe. We are not going to be sidetracked or thrown off the important legislative reform in relation to keeping our community safe, respecting firefighters and dealing with them in a respectful and compassionate way.

You failed. You failed. You failed. You failed. You failed comprehensively to deliver any legislative —

*Honourable members interjecting.*

**The PRESIDENT** (21:31) — Order! Mr Finn, 15 minutes.

**Mr Finn withdrew from chamber.**

**The PRESIDENT** — The minister's time has run out.

**House divided on motion:**

*Ayes, 19*

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

*Noes, 18*

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

*Pairs*

Mikakos, Ms Finn, Mr

**Motion agreed to.**

**Read second time.**

**The PRESIDENT** — As I understand it, as a result of the extension of the sitting it has been determined that we will deal with the instruction motion proposed by Mr Young at this point.

*Instruction to committee*

**Mr YOUNG** (Northern Victoria) (21:37) — I move:

That it be an instruction to the committee that they have the power to divide the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 into two bills as follows:

- (a) a **Firefighters' Presumptive Rights Compensation Bill 2017** being the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 with the following changes:

FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT  
(REFORM) BILL 2017

1098

COUNCIL

Tuesday, 27 March 2018

- (i) Long title as follows:

“A Bill for an Act to provide a rebuttable presumption for career firefighters and volunteer firefighters suffering from specified forms of cancer for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** and for other purposes.”;

- (ii) Short title as follows:

“**Firefighters’ Presumptive Rights Compensation Bill 2017**”;

- (iii) Heading to Part 1 of the Bill;

- (iv) Clause 1 as follows:

“**1 Purpose**

The purpose of this Act is to provide a rebuttable presumption for—

- (a) career firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their employment for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**; or
- (b) volunteer firefighters suffering from specified forms of cancer that the cancer is presumed to be due to the nature of their service as a firefighter for the purposes of claiming compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013**.”;

- (v) Clause 2 as follows:

“**2 Commencement**

This Act comes into operation on the day after the day on which it receives the Royal Assent.”;

- (vi) Heading to Part 2 of the Bill;

- (vii) Heading to Division 1 of Part 2 of the Bill;

- (viii) Clause 3 as follows:

“**3 Definitions**

- (1) In this Act—

*advisory committee* means the advisory committee established under section 19;

*Authority* means the Victorian WorkCover Authority;

*career firefighter* means a person who is or was employed by a fire service as a firefighter

in a role in which firefighting duties are or were a substantial portion;

*CFA* means the Country Fire Authority established under the **Country Fire Authority Act 1958**;

*firefighter* means—

- (a) a career firefighter; or
- (b) a volunteer firefighter;

*firefighting* means exposure to the hazards of a fire scene, including extinguishing, controlling or preventing the spread of fires;

*volunteer firefighter* means a person who is or was a *volunteer officer or member* within the meaning of the **Country Fire Authority Act 1958** in a role in which firefighting duties are or were a substantial portion.

- (2) A reference in this Act to *employment* in relation to a career firefighter includes *appointment*.”;

- (ix) Clause 5 renumbered 4;

- (x) Heading to Division 2 of Part 2 of the Bill;

- (xi) Clause 6 renumbered 5;

- (xii) Clause 6 as follows:

“**6 Determination of the qualifying period**

- (1) For the purposes of determining a period under section 5(1)(c), the following periods may be combined—

- (a) any period during which the worker was employed as a career firefighter; and
- (b) any period during which the worker served as a volunteer firefighter.

- (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a worker has been employed or has served as specified in subsection (1)(a) or (b) may be combined.

- (3) If a worker has been employed or has served as specified in both paragraphs of subsection (1) at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).”;

- (xiii) Clause 8 renumbered 7;

- (xiv) Heading to Division 3 of Part 2 of the Bill;

- (xv) Clause 9 renumbered 8;

(xvi) Clauses 9, 10 and 11 as follows:

**“9 Determination of the qualifying period**

- (1) For the purposes of determining a period under section 8, any period during which the volunteer firefighter was employed as a career firefighter may be combined with service as a volunteer firefighter.
- (2) For the purposes of subsection (1), any consecutive or non-consecutive periods during which a volunteer firefighter has been employed or has served as specified in subsection (1) may be combined.
- (3) If a volunteer firefighter has been employed or has served as a volunteer firefighter and a career firefighter at the same time, that period of concurrent employment or service is to be counted once only for the purposes of subsection (1).

**10 Determination of whether a firefighter is a volunteer firefighter for the purposes of this Division**

- (1) Subject to section 7(2), if a firefighter is serving as a volunteer firefighter at the time the injury occurs, they are to be taken to be a volunteer firefighter for the purposes of this Division.
- (2) Subject to section 7(2), if a firefighter has ceased employment or service as a firefighter, they are to be taken to be a volunteer firefighter for the purposes of this Division if their most recent service or employment as a firefighter was as a volunteer firefighter.

**11 Determination of whether section 8 requirement is met**

- (1) For the purposes of determining whether a volunteer firefighter attended fires to the extent reasonably necessary to fulfil the purpose of their service as a firefighter under section 8, the Authority must seek an expert opinion from the advisory committee.
- (2) In providing the expert opinion to the Authority, the advisory committee must have regard to—
  - (a) any relevant records, brigade records, CFA data, employer data and local knowledge; and
  - (b) any other matter prescribed by the regulations.
- (3) The Authority—
  - (a) must have regard to the expert opinion provided to the Authority under subsection (1); and

(b) is not required to make a determination that is consistent with the expert opinion provided under subsection (1).”;

(xvii) Heading to Division 4 of Part 2 of the Bill;

(xviii) Clause 12 as follows:

**“12 Special consideration**

- (1) If a firefighter—
  - (a) suffers an injury that is a disease referred to in column 1 of the Table in Schedule 1; and
  - (b) would not be entitled to the presumption under Division 2 or 3 only because the firefighter does not satisfy the relevant qualifying period; and
  - (c) can prove in accordance with this Division that the firefighter has had an exceptional exposure event in a firefighting capacity whether within or outside Victoria while employed or serving as a firefighter—

the injury is presumed to be due to the nature of their employment or service as a firefighter.

- (2) A firefighter who intends to rely on subsection (1) must make an application for special consideration in accordance with section 14.”;

(xix) Clause 14 renumbered 13;

(xx) Clause 14 as follows:

**“14 Application for special consideration**

- (1) An application for special consideration must be—
  - (a) in the manner and form prescribed by the regulations; and
  - (b) made to the Authority.
- (2) An application for special consideration may only be made—
  - (a) at the same time as a claim for compensation is made; or
  - (b) after a claim for compensation has been made but before the claim has been accepted or rejected; or
  - (c) within the period of 60 days after the claim for compensation has been rejected.
- (3) In subsection (2) and section 15, a *claim for compensation* means a claim for

compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of which the presumption under Division 2 or 3 is invoked.”;

(xxi) Clause 15 of the Bill omitted;

(xxii) Clause 16 renumbered 15;

(xxiii) Heading to Division 5 of Part 2 of the Bill;

(xxiv) Clause 17 renumbered 16;

(xxv) Clause 17 as follows:

**“17 Compensation for certain diseases due to firefighting by volunteer firefighters**

- (1) Subject to section 18, if an injury to a volunteer firefighter is deemed under this Act to be due to the nature of their service as a firefighter, the volunteer firefighter must make a claim for compensation under the **Workplace Injury Rehabilitation and Compensation Act 2013** in respect of that injury.
- (2) The compensation must be paid in accordance with and subject to the **Workplace Injury Rehabilitation and Compensation Act 2013** as if the volunteer firefighter were a worker within the meaning of that Act and the disease were an injury arising out of or in the course of their employment.
- (3) A claim for compensation must be made to the Authority in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013**.
- (4) All matters relating to compensation must be determined in accordance with the **Workplace Injury Rehabilitation and Compensation Act 2013** by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court, as the case requires.
- (5) In making a determination in relation to any matter referred to in subsection (2), the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court must, as far as practicable, be guided by reference to the applicable provisions of the **Workplace Injury Rehabilitation and Compensation Act 2013** governing the corresponding matter in that Act.
- (6) For the purpose of assessing compensation, the pre-injury average weekly earnings of a volunteer firefighter is to be computed by the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court—
  - (a) by reference to the volunteer firefighter's employment by any employer or

employers during the relevant period before the injury; or

- (b) if the volunteer firefighter was not then working under a contract of service, on any basis that, in the opinion of the Authority, the Conciliation Service, a Medical Panel, the County Court or the Magistrates' Court, is best calculated to give the appropriate compensation for the volunteer firefighter's loss of earning capacity—

but so that any relevant maximum limits imposed by the **Workplace Injury Rehabilitation and Compensation Act 2013** are not exceeded.

- (7) For the purposes of enabling a return to work of a volunteer firefighter, the Authority may do any of the following—
  - (a) plan the volunteer firefighter's return to work;
  - (b) approve a provider of occupational rehabilitation services for the purposes of planning the volunteer firefighter's return to work under paragraph (a);
  - (c) provide alternative assistance or programs to the volunteer firefighter or in respect of the employment of the volunteer firefighter.
- (8) The Authority must make any payment of compensation under this section out of the WorkCover Authority Fund.
- (9) For the purposes of subsection (8), any reasonable costs and expenses (including legal costs) incurred in administering claims under this section are taken to be a payment of compensation.”;

(xxvi) Clause 19 renumbered 18;

(xxvii) Clauses 19 and 20 as follows:

**“19 Establishment of advisory committee**

- (1) The Minister must establish an advisory committee for the purposes of this Act in accordance with the regulations.
- (2) The purpose of the advisory committee is to provide an expert opinion to the Authority as to—
  - (a) whether a volunteer firefighter has attended fires to the extent reasonably necessary to fulfil the purposes of service as a firefighter as required by section 8(1)(c); or
  - (b) whether a firefighter has had an exceptional exposure event.

**FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT  
(REFORM) BILL 2017**

Tuesday, 27 March 2018

COUNCIL

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(3) Without limiting the generality of section 21, the regulations may make provision for or with respect to—

- (a) the appointment of the advisory committee, including—
  - (i) the number of members; and
  - (ii) the experience or qualifications of members; and
  - (iii) remuneration of members; and
- (b) the powers and procedures of the advisory committee, including conditions of confidentiality of information provided to the advisory committee; and
- (c) the form of an expert opinion and the process for providing an expert opinion to the Authority.

**20 Payments**

- (1) The Authority must make any payments necessary for the purposes of the administration of this Act (other than section 17) out of the WorkCover Authority Fund.
- (2) There is to be paid into the WorkCover Authority Fund out of the Consolidated Fund, which is to the necessary extent appropriated accordingly, the amount of any payments under section 17.”;

(xxviii) Clause 22 renumbered 21;

(xxix) Parts 3 to 9 of the Bill omitted;

(xxx) Schedule 1;

(b) a **Fire Services Legislation Amendment (Reform) Bill 2017** being the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Bill 2017 with the following changes:

(i) Long title as follows:

“A Bill for an Act to amend the **Metropolitan Fire Brigades Act 1958**, the **Country Fire Authority Act 1958** and certain other Acts to reform fire services and for other purposes.”;

(ii) Short title as follows:

“**Fire Services Legislation Amendment (Reform) Bill 2017**”;

(iii) Heading to Part 1 of the Bill;

(iv) Clauses 1 to 3 as follows:

**“1 Purpose**

The purpose of this Act is to—

- (a) amend the **Metropolitan Fire Brigades Act 1958**—
  - (i) to abolish the Metropolitan Fire and Emergency Services Board and to establish Fire Rescue Victoria to take on its functions; and
  - (ii) to abolish the positions of Chief Executive Officer of the Metropolitan Fire and Emergency Services Board and Chief Officer of the Metropolitan Fire and Emergency Services, and to establish the positions of Fire Rescue Commissioner and Deputy Fire Rescue Commissioner; and
  - (iii) to establish the Strategic Advisory Committee to advise Fire Rescue Victoria; and
  - (iv) to change the boundaries of the Fire Rescue Victoria fire district; and
  - (v) to provide a new mechanism for changing the boundaries of the Fire Rescue Victoria fire district by establishing the Fire District Review Panel to review the Fire Rescue Victoria fire district; and
- (b) amend the **Country Fire Authority Act 1958**—
  - (i) to make it an objective of the Country Fire Authority to support the recruitment, development and retention of volunteer officers and members; and
  - (ii) to recognise the Country Fire Authority as a fully volunteer fire fighting service; and
  - (iii) to allow certain functions to be performed and powers to be exercised within the Fire Rescue Victoria fire district; and
- (c) make consequential and other amendments to other Acts.

**2 Commencement**

This Act comes into operation on a day to be proclaimed.

**3 Principal Act**

In this Act, the **Metropolitan Fire Brigades Act 1958** is called the Principal Act.”;

- (v) Part 2 of the Bill omitted;
- (vi) Heading to Part 3 of the Bill renumbered 2;
- (vii) Clauses 23 to 41 renumbered 4 to 22;
- (viii) Heading to Part 4 of the Bill renumbered 3;
- (ix) Clauses 42 to 45 renumbered 23 to 26;
- (x) Heading to Part 5 of the Bill renumbered 4;
- (xi) Clauses 46 to 52 renumbered 27 to 33;
- (xii) Heading to Part 6 of the Bill renumbered 5;
- (xiii) Clause 34 as follows:

**34 New sections inserted**

After section 98 of the Principal Act insert—

*“Transitional provisions relating to the Fire Services Legislation Amendment (Reform) Act 2017*

**98A Definitions**

In sections 99 to 120—

**approval date** has the meaning given by section 105(5);

**commencing day** means the day on which Part 2 of the **Fire Services Legislation Amendment (Reform) Act 2017** commences;

**Country Fire Authority instrument** means an instrument (including a legislative instrument other than this Act) or an oral agreement subsisting immediately before the approval date—

- (a) to which the Country Fire Authority was a party; or
- (b) that was given to, or in favour of, the Country Fire Authority; or
- (c) that refers to the Country Fire Authority; or
- (d) under which—
  - (i) money is, or may become, payable to the Country Fire Authority; or
  - (ii) other property is to be, or may become liable to be, transferred to or by the Country Fire Authority;

**instrument** includes a document and an oral agreement;

**liabilities** means all liabilities, duties and obligations, whether actual, contingent or prospective;

**property** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

**rights** means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

**the transitional provisions** means sections 99 to 120.

**99 Fire Rescue Victoria**

On the commencing day—

- (a) the Metropolitan Fire and Emergency Services Board is abolished and its members go out of office; and
- (b) Fire Rescue Victoria is the successor in law of the Metropolitan Fire and Emergency Services Board; and
- (c) all rights, assets, liabilities and obligations of the Metropolitan Fire and Emergency Services Board immediately before its abolition become rights, assets, liabilities and obligations of Fire Rescue Victoria; and
- (d) Fire Rescue Victoria is substituted for the Metropolitan Fire Brigades Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Metropolitan Fire and Emergency Services Board; and
- (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Metropolitan Fire and Emergency Services Board.

**100 Fire Rescue Commissioner**

On the commencing day—

- (a) the offices of Chief Officer and Chief Executive Officer are abolished and the holders of those offices go out of office; and
- (b) the Fire Rescue Commissioner is the successor in law of the Chief

- Officer or the Chief Executive Officer (as the case requires); and
- (c) all rights, assets, liabilities and obligations of the Chief Officer or the Chief Executive Officer become rights, assets, liabilities and obligations of the Fire Rescue Commissioner; and
  - (d) the Fire Rescue Commissioner is substituted for the Chief Officer or the Chief Executive Officer as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires); and
  - (e) Fire Rescue Victoria may continue and complete any other continuing matter or thing commenced by or against or in relation to the Chief Officer or the Chief Executive Officer (as the case requires).

**101 Transfer of staff**

- (1) A person (referred to in this section as a *transferred employee*) employed by the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board immediately before the commencing day is to be regarded as—
  - (a) having been employed by Fire Rescue Victoria with effect from the commencing day; and
  - (b) having been so employed on the same terms and conditions as those that applied to him or her, immediately before the commencing day, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires); and
  - (c) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that he or she had accrued, as an employee of the Chief Officer, Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) immediately before the commencing day.
- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately

before the commencing day, as an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire Emergency Services Board (as the case requires).

- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer, the Chief Executive Officer or the Metropolitan Fire and Emergency Services Board (as the case requires) because of this section.
- (4) Nothing in this section prevents—
  - (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
  - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment with Fire Rescue Victoria.

**102 Transfer of Country Fire Authority staff**

- (1) A person (referred to in this section as a *transferred employee*)—
  - (a) who was appointed to perform functions under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
  - (b) to whom the following apply immediately before the commencing day—
    - (i) the transferred employee was performing a transferred function specified in column 1 of the table in Schedule 3; and
    - (ii) the transferred employee was performing that function at an integrated fire station, or Country Fire Authority premises, at an address or location set out in column 2 of the table in Schedule 3; and
    - (iii) the transferred employee belonged to a staff classification specified in

column 3 of the table in  
Schedule 3—

is to be regarded as—

- (c) having been employed by Fire Rescue Victoria with effect from the commencing day; and
  - (d) having been so employed on the same terms and conditions as those that applied him or her, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise; and
  - (e) having accrued an entitlement to benefits in connection with that employment that is equivalent to the entitlement that he or she had accrued, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day.
- (2) The service of a transferred employee as an employee of Fire Rescue Victoria is to be regarded for all purposes as having been continuous with the service of the transferred employee, immediately before the commencing day, as an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise.
- (3) A transferred employee is not entitled to receive any payment or other benefit by reason only of having ceased to be an employee of the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise because of this section.
- (4) Nothing in this section prevents—
- (a) any of the terms and conditions of employment of a transferred employee being altered by or under any law, award or agreement with effect from any time after the commencing day; or
  - (b) a transferred employee from resigning or being dismissed at any time after the commencing day in accordance with the then existing terms and conditions of the transferred employee's employment.

### 103 Transfer of other Country Fire Authority staff

- (1) The Minister may direct the Country Fire Authority to transfer a person, or persons included in a class of persons, to the employment of Fire Rescue Victoria on and from the day specified in the direction, if the person or persons—
- (a) were employed to perform functions or duties under the **Country Fire Authority Act 1958**, whether by the Chief Officer or the Country Fire Authority under section 17 of the **Country Fire Authority Act 1958** or otherwise, immediately before the commencing day; and
  - (b) were not transferred to Fire Rescue Victoria because of the operation of section 102.
- (2) If the Minister gives a direction under subsection (1) in relation to a person, or persons included in a class of persons—
- (a) the person or persons are taken to have been employed by Fire Rescue Victoria with effect from the day specified in the direction; and
  - (b) section 102 applies as if—
    - (i) the person had been transferred under that section; and
    - (ii) references in that section to the commencing day were references to the day specified in the direction.
- (3) The Minister must not give a direction under subsection (1) on or after 1 September 2018.

### 104 Superseded references

- (1) On and after the commencing day, in any Act (other than this Act), or in any instrument made under any Act or in any other document of any kind—
- (a) a reference to the Metropolitan Fire and Emergency Services Board is taken to be a reference to Fire Rescue Victoria; and
  - (b) a reference to the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board is taken to be a

reference to the Fire Rescue Commissioner; and

- (c) a reference to the metropolitan district or the metropolitan fire district is taken to be a reference to the Fire Rescue Victoria fire district.

- (2) To avoid doubt, in this section a reference to the Metropolitan Fire and Emergency Services Board, the Chief Officer of the Metropolitan Fire and Emergency Services or the Chief Executive Officer of the Metropolitan Fire and Emergency Services Board includes deemed references under section 99 of this Act.

**105 Minister may direct Country Fire Authority to give an allocation statement**

- (1) The Minister may give a direction to the Country Fire Authority requiring the Country Fire Authority to give to the Minister a statement (an *allocation statement*) that—

- (a) sets out the property, rights, liabilities and obligations of the Country Fire Authority that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations of the Country Fire Authority that relate to the following—

- (i) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
- (ii) staff assigned to such a station or such stations or premises; and

- (b) identifies the location of any such property of the Country Fire Authority and identifies the rights, liabilities and obligations; and
- (c) allocates that property and those rights, liabilities and obligations to Fire Rescue Victoria; and
- (d) includes such other information about that property and those rights, liabilities and obligations (other than information about their value) as is specified in the direction.

- (2) Without limiting subsection (1), a direction under subsection (1) may specify either or both of the following—

- (a) the property, rights, liabilities and obligations of the Country Fire Authority;
- (b) one or more classes of property, rights, liabilities and obligations of the Country Fire Authority—

that are to be allocated to Fire Rescue Victoria on the approval date, which must be property, rights, liabilities and obligations or classes of property, rights, liabilities and obligations of the Country Fire Authority that relate to either or both of the following—

- (c) one or more integrated fire stations or Country Fire Authority premises situated at an address or location set out in column 2 of the table in Schedule 3;
- (d) staff assigned to such a station or such stations or premises.

- (3) Despite subsection (1) and (2), a direction under subsection (1) must not have the effect that any of the following are to be allocated to Fire Rescue Victoria—

- (a) a property that is a Victorian Emergency Management Training Centre;
- (b) a property that is a Country Fire Authority District Headquarter.

- (4) If the Minister gives a direction to the Country Fire Authority under subsection (1), the Country Fire Authority must give the allocation statement required by the direction to the Minister before the end of the period specified in the direction.

- (5) The Minister may approve the allocation statement.

- (6) If the Minister approves the allocation statement—

- (a) the Minister must sign the statement; and
- (b) the date on which the Minister signs the allocation statement is the *approval date*.

- (7) The Minister may give more than one direction under subsection (1), but must not give a direction on or after 1 July 2019.

**106 Property, rights and liabilities allocated in accordance with allocation statement**

On the approval date of an allocation statement—

- (a) all property and rights of the Country Fire Authority, wherever located, that are allocated under the allocation statement, vest in Fire Rescue Victoria in accordance with the allocation statement; and
- (b) all liabilities of the Country Fire Authority, wherever located, that are allocated under the allocation statement become liabilities of Fire Rescue Victoria in accordance with the allocation statement.

**107 Allocation subject to encumbrances**

Unless an allocation statement otherwise provides, if property and rights vest in Fire Rescue Victoria or liabilities become liabilities of Fire Rescue Victoria under the allocation statement—

- (a) the property and rights so vested are subject to the encumbrances (if any) to which they were subject immediately before so vesting; and
- (b) the rights to which the Country Fire Authority was entitled in respect of those liabilities immediately before they ceased to be liabilities of the Country Fire Authority vest in Fire Rescue Victoria.

**108 Substitution of party to agreement**

If, under an allocation statement, the rights and liabilities of the Country Fire Authority under an agreement are allocated to Fire Rescue Victoria—

- (a) Fire Rescue Victoria becomes, on the approval date of the allocation statement, a party to the agreement in place of the Country Fire Authority; and
- (b) on and after the approval date of the allocation statement, the agreement has effect as if Fire Rescue Victoria had always been a party to the agreement.

**109 Country Fire Authority instruments**

Unless an allocation statement otherwise provides, each instrument relating to property, rights or liabilities allocated to Fire Rescue Victoria under the allocation

statement continues to have effect according to its tenor, on and after the approval date of the allocation statement, as if a reference in the instrument to the Country Fire Authority were a reference to Fire Rescue Victoria.

**110 Proceedings**

Unless an allocation statement otherwise provides if, immediately before the approval date of the allocation statement, proceedings relating to property, rights or liabilities allocated to Fire Rescue Victoria (including arbitration proceedings) to which the Country Fire Authority was a party were pending or existing in any court or tribunal then, on and after the approval date, Fire Rescue Victoria—

- (a) is substituted for the Country Fire Authority as a party to the proceedings; and
- (b) has the same rights in the proceedings as the Country Fire Authority had.

**111 Interests in land**

Without affecting the generality of the transitional provisions and despite anything to the contrary in any other Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or law, if, immediately before the approval date for an allocation statement, the Country Fire Authority is, in relation to property, rights or liabilities allocated to Fire Rescue Victoria, the registered proprietor of an interest in land under the **Transfer of Land Act 1958**, then on and after the approval date—

- (a) Fire Rescue Victoria is taken to be the registered proprietor of that interest in land; and
- (b) Fire Rescue Victoria has the same rights and remedies in respect of that interest as the Country Fire Authority had.

**112 Easements**

If Fire Rescue Victoria acquires any right in the nature of an easement as a result of an allocation under the transitional provisions, that right is taken to be an easement even though there is no land vested in Fire Rescue Victoria which is benefited, or capable of being benefited, by that right.

**113 Action by Registrar of Titles**

On being requested to do so and on delivery of any relevant instrument, the Registrar of Titles must make any recordings in the Register that are necessary because of the operation of the transitional provisions.

**114 Taxes**

No stamp duty or other tax is chargeable under any Act in respect of anything done under the transitional provisions or in respect of any act or transaction connected with or necessary to be done because of the transitional provisions, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities under an allocation statement.

**115 Evidence**

- (1) Documentary or other evidence that would have been admissible for or against the interests of the Country Fire Authority in relation to property, rights or liabilities allocated to Fire Rescue Victoria under an allocation statement is admissible for or against the interests of Fire Rescue Victoria.
- (2) The **Evidence Act 2008** applies with respect to the books of account of the Country Fire Authority and to entries made in those books of account before the approval date for an allocation statement, whether or not they relate to Fire Rescue Victoria property, as if those books of account and entries were business records of Fire Rescue Victoria.

**116 Validity of things done under the transitional provisions**

Nothing effected by, or done or suffered under, the transitional provisions—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
- (b) is to be regarded as placing any person in a breach of or as constituting a default under any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or any provision in any agreement, arrangement or understanding including, without limiting the generality of the foregoing, any provision prohibiting, restricting or regulating

the assignment or transfer of any property or the disclosure of any information; or

- (c) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of or to terminate any agreement or obligation; or
- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any property, right or liability; or
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
- (f) is to be regarded as frustrating any contract; or
- (g) releases any surety or other obligee wholly or in part from any obligation.

**117 Transitional provision relating to the Fire Services Property Levy Act 2012**

- (1) Despite the amendments made by **Fire Services Legislation Amendment (Reform) Act 2017**, for the purposes of calculating the levy for the levy year commencing on 1 July 2017 or 1 July 2018 under section 14 of the **Fire Services Property Levy Act 2012**—
  - (a) a reference in the **Fire Services Property Levy Act 2012** to the Fire Rescue Victoria fire district is taken to be a reference to the metropolitan fire district within the meaning of this Act as in force immediately before the commencing day; and
  - (b) a reference in the **Fire Services Property Levy Act 2012** to the country area of Victoria is taken to be a reference to the country area of Victoria within the meaning of that Act as in force immediately before the commencing day.
- (2) In this section—

*levy* has the meaning given by section 3 of the **Fire Services Property Levy Act 2012**; and

*levy year* has the meaning given by section 3 of the **Fire Services Property Levy Act 2012**.

**118 Transitional provision relating to insignias**

An insignia prescribed for the purposes of section 34(1)(pa) is taken for all purposes to be an insignia of Fire Rescue Victoria, on and after the commencing day, until a new insignia is prescribed.

**119 Transitional regulations**

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Fire Services Legislation Amendment (Reform) Act 2017**.
- (2) Without limiting subsection (1), the regulations may make provision for or in relation to—
  - (a) persons employed by the Country Fire Authority or the Chief Officer of the Country Fire Authority;
  - (b) the sale, transfer or disposal of property property, rights, liabilities and obligations of the Country Fire Authority to Fire Rescue Victoria or otherwise.
- (3) Regulations under this section may—
  - (a) have a retrospective effect to a day on or after a day not earlier than the day on which this Act receives the Royal Assent; and
  - (b) be of limited or general application; and
  - (c) differ according to time, place or circumstance; and
  - (d) leave any matter or thing to be decided by a specified person or class of person.
- (4) To the extent to which any provision of the regulations takes effect from a date that is earlier than the date of its making, the provision does not operate so as—
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its making; or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its making.

- (5) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (6) Sections 6 and 7 of the **Subordinate Legislation Act 1994** do not apply to any regulations made under this section.
- (7) This section expires on 1 July 2019.

**120 Renaming of Act— Savings provision**

- (1) On and from the commencing day, any reference in any Act (other than this Act), regulation, subordinate instrument, or other document whatsoever to the **Metropolitan Fire Brigades Act 1958** is to be construed as a reference to the **Fire Rescue Victoria Act 1958**, unless the contrary intention appears.
- (2) Except as in this Act expressly or by necessary implication provided, all persons, things and circumstances appointed or created by or under this Act or existing or continuing under this Act immediately before the commencing day continue under and subject to this Act to have the same status, operation and effect as they respectively would have had if this Act had not been amended by section 23 of this Act.
- (3) Nothing in this section limits or otherwise affects the operation of the **Interpretation of Legislation Act 1984**.”;

- (xiv) Clause 54 renumbered 35;
- (xv) Heading to Part 7 renumbered 6;
- (xvi) Clauses 55 to 128, renumbered 36 to 109;
- (xvii) Heading to Part 8 renumbered 7;
- (xviii) Heading to Division 1 of Part 8 of the Bill;
- (xix) Clause 129 renumbered 110;
- (xx) Heading to Division 2 of Part 8 of the Bill;
- (xxi) Clauses 130 to 133 renumbered 111 to 114;
- (xxii) Heading to Division 3 of Part 8 of the Bill;
- (xxiii) Clauses 134 to 136 renumbered 115 to 117;
- (xxiv) Heading to Division 4 of Part 8 of the Bill;
- (xxv) Clauses 137 to 143 renumbered 118 to 124;
- (xxvi) Heading to Division 5 of Part 8 of the Bill;

**FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT  
(REFORM) BILL 2017**

Tuesday, 27 March 2018

COUNCIL

1109

(xxvii) Clauses 144 to 146 renumbered 125 to 127;  
(xxviii) Heading to Division 6 of Part 8 of the Bill;  
(xxix) Clause 147 renumbered 128;  
(xxx) Heading to Division 7 of Part 8 of the Bill;  
(xxxi) Clause 148 renumbered 129;  
(xxxii) Heading to Division 8 of Part 8 of the Bill;  
(xxxiii) Clause 149 renumbered 130;  
(xxxiv) Heading to Division 9 of Part 8 of the Bill;  
(xxxv) Clause 150 renumbered 131;  
(xxxvi) Heading to Division 10 of Part 8 of the Bill;  
(xxxvii) Clauses 151 to 153 renumbered 132 to 134;  
(xxxviii) Heading to Division 11 of Part 8 of the Bill;  
(xxxix) Clauses 154 and 155 renumbered 135 and 136;  
(xl) Heading to Division 12 of Part 8 of the Bill;  
(xli) Clauses 156 and 157 renumbered 137 and 138;  
(xlii) Heading to Division 13 of Part 8 of the Bill;  
(xliii) Clause 158 renumbered 139;  
(xliv) Heading to Division 14 of Part 8 of the Bill;  
(xlv) Clauses 159 to 163 renumbered 140 to 144;  
(xlvi) Heading to Division 15 of Part 8 of the Bill;  
(xlvi) Clause 164 renumbered 145;  
(xlviii) Heading to Division 16 of Part 8 of the Bill;  
(xlix) Clause 165 renumbered 146;  
(l) Heading to Division 17 of Part 8 of the Bill;  
(li) Clause 166 renumbered 147;  
(lii) Heading to Division 18 of Part 8 of the Bill;  
(liii) Clauses 167 to 169 renumbered 148 to 150;  
(liv) Heading to Division 19 of Part 8 of the Bill;  
(lv) Clause 170 renumbered 151;  
(lvi) Heading to Division 20 of Part 8 of the Bill;  
(lvii) Clause 171 renumbered 152;  
(lviii) Heading to Division 21 of Part 8 of the Bill;  
(lix) Clause 172 renumbered 153;  
(lx) Heading to Division 22 of Part 8 of the Bill;

(lxi) Clauses 173 and 174 renumbered 154 and 155;  
(lxii) Heading to Division 23 of Part 8 of the Bill;  
(lxiii) Clause 175 renumbered 156;  
(lxiv) Heading to Division 24 of Part 8 of the Bill;  
(lxv) Clause 176 renumbered 157;  
(lxvi) Heading to Division 25 of Part 8 of the Bill;  
(lxvii) Clause 177 renumbered 158;  
(lxviii) Heading to Part 9 of the Bill renumbered 8;  
(lxix) Clause 159 as follows:

**“159 Repeal of amending Act**

This Act is **repealed** on 1 July 2020.

**Note**

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**);”;

(lxx) Schedule 1 of the Bill omitted.

(c) That each Bill be printed and considered separately by the Council.

In doing so, I just want to really quickly make a comment on it. I did realise when I sat down after my contribution before that I had not spoken about my amendment as of yet, so I will do that very quickly right now. This instruction motion is to do one thing — it is a very simple one despite its length — and that is to create two bills out of this bill by separating the presumptive rights compensation component of this bill from the fire services reform component of the bill. It is in light of a great many people expressing concern about these two issues being debated and moved forward together. People feel betrayed that presumptive rights have been lobbed in with what is a contentious issue, and they would like to have that issue debated and progressed on its own merit. So the intention of this motion is just to have two separate bills moving forward: one to deal with presumptive rights and one to deal with the fire services reform.

I note Mr Jennings’s comments in his summing up and would like to just simply say that if the government truly does not want to get distracted in talking about presumptive rights of firefighters, then it should support this motion and let us go to committee. We could possibly, even by the end of this week, have a bill passed to give firefighters presumptive rights, and that would be possible with this motion.

**Mr JENNINGS** (Special Minister of State) (21:39) — Thank you for the tone of your contribution, Mr Young, and I will give you the benefit of the doubt that you believe in presumptive rights. It is something that a number of people on the other side have actually argued, but I doubt sincerely that they have a commitment to presumptive rights because in fact when they had an opportunity to act politically to deliver presumptive rights they chose not to do it, and they chose not to do it on a number of occasions. But I give you the benefit of the doubt that you sincerely believe in it.

In the spirit of sincerely believing in it, I say that we sincerely believe in it. We sincerely believe in it, and in fact it is our intention to have a bill passed by the end of this week that does just that. It is our intention to pass a bill this week in its complete form to enable presumptive rights to be applied for career firefighters and volunteer firefighters and that there be a clear and transparent medical assessment process that enables them to get access to presumptive rights in a way that other jurisdictions have introduced and that Victoria has lagged sorely behind.

But the reason we do not want to separate the bill is that Victoria has also lagged sorely behind in relation to a modern firefighting service. The overwhelming number of submissions that were received by the select committee indicated that there is a need for a modern firefighting service to enhance the capacity, the work and the emergency management regime between integrated stations and the stations that have previously been under the control of the Metropolitan Fire Brigade, and what has been the fantastic work that has been undertaken by more than 1200 volunteer stations right around Victoria.

There is also a need to modernise the way in which resources, training, support and backup are given to a career firefighting capacity that relies on, will continue to rely on and will continue to provide support to the volunteer firefighting effort right across our state, and a need to focus on the best way in which we can guarantee what we can account for now as the urban boundary changes when the firefighting effort increases over time in relation to urban growth, which not only occurs in Melbourne but also occurs in regional Victoria. How do we actually start for the first time in more than 50 years to address that urban development pattern and the pressures that our communities are under? That is the reason why this reform has been linked. How do you keep communities safe, how do you get better response times, how do you gear resources and backup to make sure that you get the

right tailored fire service to support the needs of our community now and into the future and, ultimately, how do you treat firefighters with respect?

People try to take the high moral ground. There are some people on the other side who laud, and I do not doubt that many of the contributions by people on the other side will laud, the contributions of volunteer firefighters now and what their prospective contribution will be in the future for all the right reasons. They understand that we need to provide tangible support, not rhetorical support. We need to go beyond that to give financial support. We need to give equipment and we need to provide training and opportunities, and all of those things are embedded not only in this legislation, the integrated legislation, but in the support packages that the government announced when the bill was introduced, when we responded to the select committee and indeed in undertakings that we have made in successive budgets to deliver on those outcomes.

We are determined to deliver a better integrated fire service for our community to keep it safe and to respect our firefighters. That is our intention. It continues to be our intention. We may divide on the way you may think that can most appropriately be undertaken, but what the government can say is that of the 10 recommendations that came through the select committee that we did not control we agreed to seven of them — either totally supported or supported in principle — and we have also picked up the minority recommendations of the select committee. The government has responded to nine out of the 12 issues that have been identified through the select committee process.

**Mr O'DONOHUE** (Eastern Victoria) (21:44) — On behalf of the opposition I am pleased to indicate our support for the motion before the house to split this bill into, in effect, two separate bills. It was interesting listening to the Leader of the Government make his contribution. He has really outlined why this bill should be split. He has talked about the two very different elements to the bill that is before us: the presumptive rights and then the broader changes that are proposed to fire services in Victoria — two unrelated, significant proposed changes.

When this bill was introduced I remember the commentary from many about the shock and disappointment that these two issues had been put together, particularly given the cross-chamber support for presumptive rights reform. I congratulate Mr Young on moving this very detailed and very lengthy motion. At its heart it is a very simple proposition that as a chamber we should deal with the two different elements

of this bill as separate pieces of legislation. Each in and of itself is complex and has many, many unanswered questions, as Mr Rich-Phillips flagged in his second-reading contribution. We want to see the two elements of this bill dealt with separately.

It is a great pity that the government has chosen politics over outcome when it comes to these changes. While this bill has been languishing at the bottom of the notice paper for months and months, with a crossbench member absent the government has seized an opportunity. But the reality is that the presumptive rights aspect of this bill, with appropriate scrutiny, could have been passed many, many months ago. I again congratulate Mr Young on moving this motion. The opposition will be supporting it.

**Ms DUNN** (Eastern Metropolitan) (21:46) — In speaking to this particular motion I would like to refer back to comments my former colleague Ms Hartland made to this house, and I must say that this is in fact the first time I have spoken as the emergency services spokesperson for the Greens. In her contribution Ms Hartland talked about the need for reform, and the work of the select committee proved that the reforms that are contained within the bill were needed.

Probably even more important than that work is the fact that presumptive rights for compensation are well overdue. I would certainly be doing my colleague Ms Hartland a disservice to put at jeopardy that particular part of the legislation. Ms Hartland worked tirelessly on behalf of firefighters in relation to that issue. It was a matter that was very dear to her heart, and in fact it is a matter very dear to all of the Greens, who campaigned for this.

It is pretty galling to sit here and listen to some of the contributions when I recall that historically the opposition, the government at the time, rejected Ms Hartland's bill on presumptive rights. It is pretty galling to remember that at the time the former emergency services minister, Mr Wells in the other place, said that there was no science to back the need for presumptive legislation. It is an extraordinary turnaround, and I welcome the turnaround in relation to their discovering the science around that. I think it is incredibly important for this chamber to give the speediest passage possible to the bill in its entirety, and the Greens will not be supporting this motion.

**House divided on motion:**

*Ayes, 18*

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr

Crozier, Ms  
Dalla-Riva, Mr  
Finn, Mr (*Teller*)  
Fitzherbert, Ms  
Lovell, Ms  
Morris, Mr (*Teller*)

Peulich, Mrs  
Purcell, Mr  
Ramsay, Mr  
Rich-Phillips, Mr  
Wooldridge, Ms  
Young, Mr

*Noes, 19*

Dalidakis, Mr  
Dunn, Ms  
Eideh, Mr (*Teller*)  
Elasmar, Mr  
Gepp, Mr  
Jennings, Mr  
Leane, Mr  
Melhem, Mr  
Mulino, Mr  
Patten, Ms

Pennicuik, Ms  
Pulford, Ms  
Ratnam, Dr  
Shing, Ms  
Somyurek, Mr  
Springle, Ms  
Symes, Ms  
Tierney, Ms  
Truong, Ms (*Teller*)

*Pairs*

Davis, Mr

Mikakos, Ms

**Motion negatived.**

**Ordered to be committed next day.**

**ADJOURNMENT**

**Ms PULFORD** (Minister for Agriculture) — I move:

That the house do now adjourn.

**Shepparton radiotherapy services**

**Ms LOVELL** (Northern Victoria) (21:55) — My adjournment matter is for the Minister for Health and it relates to radiotherapy services in Shepparton. In a response I have previously received from the minister she stated that the Department of Health and Human Services had met with private health provider GenesisCare to discuss their planned facility in Shepparton. This answer leads me to believe that she herself has not spoken to GenesisCare. Therefore the action I seek from the minister is that she provide a commitment to meet personally with the management of GenesisCare to discuss options to ensure all patients can access publicly funded radiotherapy treatment locally in Shepparton.

The minister needs to recognise the importance of radiotherapy treatment in Shepparton, and the story of local woman Angie Archer provides the human side to the current situation. Angie is a 58-year-old woman who lives in Shepparton with her partner and her 32-year-old disabled son, Luke. Angie was diagnosed with early breast cancer in early November 2017. She underwent a lumpectomy in mid-December and two lymph nodes were also removed. After recovering from her operation Angie was given the choice of receiving

her six-week course of radiotherapy either in Bendigo or Albury — not in Shepparton, because we cannot do that. Whichever location Angie chose, she would be forced to travel for life-saving treatment and be away from the comforts of home for a long period. More pressing for Angie was that being far away from home, she would have to make alternate care arrangements for Luke, who is severely disabled and requires 24/7 high-end care.

Angie commenced her five-day-a-week radiotherapy treatment at Peter Mac in Bendigo in late January 2018. Her current weekly routine is to travel over to Bendigo on a Monday morning when she receives her first treatment for the week and then to stay at a local caravan park on Monday, Tuesday and Wednesday nights, again receiving her daily treatment each morning. Angie receives her Thursday treatment before travelling back to Shepparton to collect Luke from emergency respite, where he stays for three nights a week. Angie takes Luke to his usual workshop on Friday and travels to Bendigo and back for her final treatment for the week. This allows her to pick up Luke on Friday afternoon for the weekend before starting the routine again the following Monday.

When I spoke to Angie she told me that she was happy that GenesisCare will eventually establish a radiotherapy facility in Shepparton and thankful that future patients will not have to travel for treatment as she did. Angie also made it very clear that if the state government did not adequately fund the future GenesisCare facility for public patients and she still needed treatment, she would be unable to afford local treatment and again would have to travel. This is Angie's last week of radiotherapy treatment and the last week of having to travel to Bendigo away from her home and her son. Her doctors believe her prognosis is very good. I thank her for sharing her cancer experience with me.

### **Docklands Demons Ice Racing Club**

**Mr ELASMAR** (Northern Metropolitan) (21:58) — My adjournment matter is for the Minister for Sport, the Honourable John Eren. I note that applications for the sporting club grants program have recently closed. The sporting club grants program provides a range of assistance to local sporting clubs, from essential uniforms and equipment to helping clubs and their volunteers develop their skills through the provision of funding for training and helping clubs build their capacity and plan for the future ahead. The Docklands Demons Ice Racing Club have made an application to this fund for uniforms that are cut-proof and compliant with the standards of the International Skating Union.

The action I seek from the minister is that he give favourable consideration to this application and provide me with an update on how the Docklands Demons Ice Racing Club's application is progressing.

### **Shakti Australia**

**Ms SPRINGLE** (South Eastern Metropolitan) (21:59) — Shakti was started in the United Kingdom by a family violence survivor over 30 years ago. From there, Shakti New Zealand was established seven years later, followed by Shakti Australia, which was started by a group of nurses in 2012. This organisation developed organically, driven by women survivors of family violence with their origins in Asian, African and Middle Eastern migrant communities. Shakti's model is based on a one-stop, integrated and culturally specialist response to family violence within these communities. It also places a heavy emphasis on working with survivors as role models and agents of change.

The culturally diverse communities and women that Shakti works with often face problems that are common to the wider community in terms of family violence, but they face a range of additional barriers, including cultural norms of remaining silent and low levels of awareness about legal and human rights protections and services. They are also vulnerable to some specific forms of abuse that are less prevalent in the wider community — for example, marital rape, dowry abuse and forced marriages. Shakti is run almost exclusively on volunteer labour to staff two drop-in centres and a telephone helpline. Financial assessments by the organisation put the total value of services provided over five years at \$961 000. Over the same period, funding from local government, federal government and private trusts amounted to \$204 000.

Shakti is a prime example of a grassroots organisation providing vital services to some of the most vulnerable people in our communities, with almost no funding. Despite an announcement from the government in late 2017 regarding support for multicultural communities in family violence prevention, we remain in the dark about what that program entails and no tender process has been launched. The action I am seeking is for the minister to meet with Shakti to be briefed on their work and impact and to explore opportunities for funding some of these important services.

### **Lara goat farm**

**Mr RAMSAY** (Western Victoria) (22:01) — My adjournment matter tonight is for the Minister for Agriculture, the Honourable Jaala Pulford, and I am pleased to see she is in the chamber tonight, because

she may well want to respond verbally and directly to me, rather than with a written response. I have raised this issue as a constituency question and have actually had no reply at all, so it does give me an opportunity through the adjournment to raise it again. The matter is actually before the City of Greater Geelong council meeting tonight, and it refers to a proposed 4500-goat intensive farming and processing plant cum meat processing plant cum milk processing plant cum intensive feedlot.

While I do not begrudge the potential opportunity for businesses to establish themselves in the City of Greater Geelong region and create jobs and economic wealth, I do begrudge the fact that the current planning laws have allowed this planning permit to go through in a farming zone that sits adjacent to an industrial zone that has no significant buffer and a residential zone. Quite rightly the residents of Lara have raised significant concerns in relation to health particularly, which is why I want to refer the matter to you, Minister, in relation to the potential spread of Q fever. An infectious disease centre professor has said, 'Well, that's all right, we can just vaccinate all of Lara'. All of Lara is about 14 000 residents, so I am not sure if that is overly practical.

What is a concern obviously is that we are now looking at the site, after the approval by the administrator of Geelong of this planning permit, and I assume it may well go to VCAT. We are actually encouraging the establishment of an industry that will have a significant impact on the residents of Lara given it is 100 metres away from a school, a kindergarten and residential housing. It is quite a large feedlot-cum-processing plant which I am sure does not even meet the criteria of a farming zone. That might be something she might want to discuss with the planning minister.

Minister, in the meeting tonight 700 residents were very concerned about this newly established business. The City of Greater Geelong council's hands are tied as I understand it, but as the Minister for Agriculture you have a responsibility to make sure that there will not be a potential spread of Q fever. The action I seek is for you to give us confidence, and I seek some documentation in respect to the work that has been done as part of the planning permit to guarantee the safety of those residents in Lara if this proposal goes ahead.

### **Merrilands Community Centre**

**Ms PATTEN** (Northern Metropolitan) (22:04) — My adjournment matter is for the Minister for Training and Skills. The action I am seeking is for some

government support to help build a community workspace at the Merrilands Community Centre in Darebin, where they are doing a lot with very little. I was there last week. I met Italian pensioners. I saw some English lessons and a range of classes for people with disabilities. Plus, numerous sporting and social clubs use that facility for games and functions. Amongst those are women who are on correction orders. As I have learned in my time here, these women are some of the most disadvantaged in our society.

The new space that they are hoping to build will assist disadvantaged learners: young people; migrants; as I mentioned, women completing their correction orders; and seniors. They are all seeking introductory courses into trades. This is a way for students, particularly students that find learning very difficult, to discover new skills. It gives them a taste. These pre-accredited introductory courses will also lead into apprenticeships, including carpentry, plumbing, horticulture and hospitality. This is for students who find it very difficult to enter into some of those larger TAFE facilities. This gives them a taste. Also, every day that they go there they get to achieve something, which is fantastic for their confidence, and they are going back for more.

They want to build this shed that allows for this type of pre-training and these pre-accredited courses. Unfortunately they raised all the money but they are now \$57 000 short. This was due to some unforeseen circumstances. They had to move the location of the shed slightly. The soil tests that were fine 5 metres away are not fine in this area, so they are seeking \$57 000 to build this project and to build this community workplace, which will have an enormous benefit for the people of Darebin and for the number of disadvantaged learners that use the Darebin centre.

I also think that this actually calls on the role of the minister as Minister for Corrections as well, but I would seek her support as Minister for Training and Skills to provide the funding for this shortfall.

### **Belgrave railway station car parking**

**Mr O'DONOHUE** (Eastern Victoria) (22:07) — I raise a matter for the Minister for Public Transport, and it relates to car parking in the Belgrave township. The issue of car parking in Belgrave associated with the railway station and the connectivity between the railway station, the Burwood Highway main shopping precinct and Puffing Billy has long been an issue that has limited the opportunities for growth of the small businesses in the main retail precinct. Despite the growth in the popularity of Puffing Billy, the increase in numbers on Puffing Billy —

**Ms Pulford** — Have you met my sister-in-law yet?

**Mr O'DONOHUE** — Sorry?

**Ms Pulford** — You might meet my sister-in-law. She is very involved in this campaign.

**Mr O'DONOHUE** — I welcome the minister's support of my campaign and members of her family who want to join my campaign. The increase in visitors to Puffing Billy has not translated to the same sort of increased activity for the small businesses and traders in the Burwood Highway precinct of Belgrave. This, as I say, has been a longstanding issue. The commuter car parks at Belgrave are often full by 6.00 or 6.30 in the morning, and there is limited on-street parking on the Burwood Highway, which leaves little opportunity for people wishing to park and use those shops.

Together with my colleague David Davis, public transport spokesperson, I have spoken to a number of local traders and other people who are very concerned about this issue. On Friday I joined with John Schurink, the Liberal candidate for the Assembly seat of Monbulk, in collecting petitions from local traders, and today I presented a petition calling for action from the Andrews Labor government. I congratulate Mr Schurink for everything he has done in making this such a significant issue — a man of integrity and a man of impressive values who has contributed a great deal to his community and will contribute much more as the member for Monbulk.

The action I would seek is that the public transport minister in consultation with the local member, who has had 18 years but has failed to fix this issue, provide a solution in the upcoming May budget to improve car parking at Belgrave railway station and to improve connectivity between the railway station and the Belgrave retail precinct and between the car park, the railway station and Puffing Billy.

### **South Melbourne public housing estate**

**Ms CROZIER** (Southern Metropolitan) (22:10) — My adjournment matter this evening is to the Minister for Housing, Disability and Ageing in the other place, Mr Foley, and it is in relation to public housing in my electorate and Mr Davis's electorate of Southern Metropolitan Region. Unfortunately Ms Fitzherbert is not in the chamber at the moment, but she has been doing a tremendous job highlighting the safety concerns of many residents living both in and around public housing.

Obviously we all know that crime under the Andrews government has skyrocketed, and it is no different within public housing. Unfortunately we have got situations that are very dangerous, and I refer to one in the South Melbourne area in the Assembly electorate of Albert Park, which is the minister's own electorate. He seems to be turning a blind eye to this very, very concerning issue. It relates to Park Towers in South Melbourne, which according to some residents is a very dangerous place. In a recent article they spoke of their terror, about how they were living in fear on a daily basis. They talked about how police are constantly called to the area. The article says:

Constant crime has left them feeling like prisoners in their unit, and police can take hours to arrive despite being called to the building almost every day.

The article goes on to describe — and there are pretty graphic pictures, I might add — syringes in alleyways, drug dealing, blood and faeces spattered and smeared on walls and ice-addicted people roaming and literally terrorising residents in their own homes, so it is not an understatement to say it is becoming a very dangerous place.

As I said, the local member and minister responsible has done very little to provide safety and security not only for those residing in and visiting Park Towers but also those service providers who attend Park Towers to provide care and services to the tenants. District nurses went in pairs and then they went in threes to Park Towers. They had to go in threes as it was too dangerous to attend on their own, let alone in pairs. But now I am told that it is even too dangerous for those district nurses to go in threes, so the action I seek from the minister is that he confirm that Park Towers is now too dangerous for the district nursing service to attend, as I have been told by those that live in and around the area.

**The PRESIDENT** — Ms Crozier, I would prefer a better action than that.

**Ms CROZIER** — What; that he confirm?

**The PRESIDENT** — Yes. You are actually asking the minister for an opinion there.

**Ms CROZIER** — Okay. Well, I will rephrase it if I may, President. The action I seek from the minister is that he guarantee the safety of those service providers, and in doing so can he guarantee that the district nursing service is attending those residents in need at Park Towers.

### North-east link

**Ms DUNN** (Eastern Metropolitan) (22:13) — My adjournment matter this evening is for the Minister for Roads and Road Safety. On 8 February I submitted a question on notice to the Minister for Roads and Road Safety, asking when further public consultations would be held on the north-east link. His response, received 21 March, stated, and I quote:

In addition to the well-attended community drop-in sessions already conducted across the north-east, further sessions are planned in late February and during March in Blackburn North, Kew, Rosanna, Greensborough, Bulleen, Watsonia and in the CBD.

None of these consultations have taken place. The action I seek is that the minister for roads follow through with his commitment and direct the North East Link Authority to proceed with these drop-in sessions and provide transparent and comprehensive information to the community.

### Short-stay accommodation

**Mr MORRIS** (Western Victoria) (22:14) — My adjournment matter this evening is for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation. It relates to the sharing economy for accommodation and the like that is present on the internet and which is growing in popularity. I recently met with some providers of accommodation in Ballarat. They are somewhat concerned about some of the adverse impacts that these accommodation providers could have on both the accommodation-providing industry as well as for those who choose to stay in such accommodation.

We well know that the more regulated hotels and motels and the like have quite stringent compliance arrangements for fire safety and other measures that to this point are not being applied to some of the more casual accommodation providers throughout the community. It is obviously very important when people are staying in accommodation for short periods of time that the appropriate safety measures are in place so that in the event of a fire or other emergency people are able to get out quickly. Without the appropriate exit signs and the like it can be quite difficult to do so. At the same time there needs to be a balance in terms of what is provided in these accommodation spaces to make sure that there is not undue encumbrance and burden on those providing this accommodation.

There is also a concern that some of these casual accommodation providers are having an adverse impact on the availability of rental accommodation, especially

due to some of the more onerous requirements that have been imposed by this government on landlords in the very recent past.

The action that I seek from the minister is to detail to me and the concerned hotel accommodation providers in my electorate about what it is that the government is intending to do to address the rise of these online accommodation providers.

### Macedon Ranges planning

**Mr DAVIS** (Southern Metropolitan) (22:17) — My matter for the adjournment tonight is for the attention of the Minister for Planning in the other place. It concerns the government's approach to planning in the Macedon Ranges. This is a very sensitive area to the north of Melbourne. There is significant population growth pressure. It is an area that is distinctive in a number of ways and needs proper overlays and protections.

The Liberal Party of course has a very long history of protecting that area going back to the days of Athol Guy and other early members for the area, and particularly the statement of planning policy no. 8, which was brought in by the Hamer government in 1975 as the principal protection for this unique area. That has provided significant protection over the years. The government has a bill on distinctive areas, a landscape bill, which will seek to declare it a distinctive area, and we support the principle behind that. We will seek to move amendments to that bill to require the government to make those declarations with respect to the Macedon Ranges.

But we are very, very concerned — and I note the visit of my leader, Matthew Guy, along with our Macedon electorate candidate Amanda Millar, to the Macedon Ranges in recent days. She is a very strong candidate and a very strong, fierce advocate for her local area. They drew attention to the growing concerns in the community following large and indeed angry public meetings as people have begun the fight against Labor's localised planning statement that is proposed for the area. This sees a massive expansion of the town boundaries and would devastate the area. It would destroy much of the distinctive nature of the Macedon Ranges.

This localised planning statement is fully supported by the local member in the Assembly, Mary-Anne Thomas, who has not been prepared to stand up to the planning minister and has not been prepared to stand up to the bullying approach of the Premier and others who are determined to roll like steamrollers across the Macedon Ranges, destroying the distinctive and unique

characteristics of the region. I know that the Liberal Party and the coalition are committed to protecting the Macedon Ranges, and we will certainly work very hard to ensure that that is the case.

What I am asking the planning minister to do is act immediately to withdraw the flawed localised planning statement (LPS) that he is proposing for the area. The draft that is being circulated is a deeply flawed document, and the coalition will remove it if it is promulgated. We will act to protect the area in concert with our long-held principles of protecting the Macedon Ranges. The residents association up there and others are very determined advocates, and we will support them in their opposition to the LPS.

### Responses

**Ms PULFORD** (Minister for Agriculture) (22:20) — I have adjournment matters from a number of members: Ms Lovell to the Minister for Health; Mr Elasmarr to the Minister for Sport; Ms Springle to the Minister for the Prevention of Family Violence; Ms Patten to the Minister for Training and Skills; Mr O'Donohue to the Minister for Public Transport — and a shout-out to my sister-in-law, who is a shopkeeper in the Belgrave shops and runs a wonderful business there; Ms Crozier to the Minister for Housing, Disability and Ageing; Ms Dunn to the Minister for Roads and Road Safety; Mr Morris to the Minister for Consumer Affairs Gaming and Liquor Regulation; and Mr Davis to the Minister for Planning. I will seek a response from the relevant ministers for all members on those matters.

Mr Ramsay raised a matter for my attention in my capacity as the Minister for Agriculture. What I would say in response to that is what I said to Mr Ramsay when he raised this as a constituency question, which is that this is not a matter that I have the capacity to intervene in as the Minister for Agriculture. This is a matter that is very much one for the Greater Geelong City Council. It relates to a planning decision that the council made in relation to a proposed agricultural facility, and while I have responsibility for existing facilities around animal health and biosecurity, I do not have responsibility for the human health impacts of any type of facility.

The Minister for Energy, Environment and Climate Change is the responsible minister for the Environment Protection Authority Victoria, and of course the Minister for Health has responsibility for public health. I am not in any way seeking to diminish our interest in this issue, and I am certainly conscious of the views of many in the community, but I am also conscious that

Nuchev have been keen to find a location for their proposed farm for some time and that there are significant employment benefits that can be derived from this project.

This is, I guess, another good example of why we need clear guidelines for local councils to assist them in making their decisions around planning, particularly for intensive animal industries. The planning minister and I have been doing a great deal of work to that end over the last couple of years. For the residents of Lara, I would say that we have certainly heard your concerns and respect absolutely your right to convey them to the Geelong city council, as you are doing reasonably effectively. To the Geelong city council, we would say this is a matter for them to resolve and wish them the very best in their deliberations on this matter, which presents some significant concerns from members of the community.

It is also a significant development. The local council planning process, as I understand, has been lengthy and has given consideration to all of these matters. But I am unable to assist Mr Ramsay much more on this particular issue as it does not fall within our jurisdiction and certainly not mine as Minister for Agriculture.

I also have written responses to adjournment debate matters raised by members on a range of dates that I am not going to read out.

**Mr Ondarchie** — I raise a point of order, President, which relates to a matter that I raised with the Minister for Families and Children on 8 February 2018. Under standing order 4.13(1), a response is due to me from the minister within 30 days. Today marks 47 calendar days since I raised that adjournment matter and I am yet to receive a response. I have had confirmation from the minister at the table tonight that one of the written responses in the matter that I have raised is not for me tonight. So under standing order 4.14(1), I now seek a satisfactory explanation from the minister as to why a written response has not been provided.

**Ms PULFORD** — On the point of order, President, I am not in a position to provide much light on this for the house at this hour, but I am happy to undertake to raise this with the relevant minister and to have her respond at the earliest possible opportunity.

**Mr Ondarchie** — Further on the point of order, President, could the minister determine when that will be, given we are now at 47 days?

**Ms PULFORD** — On the point of order, President, I am unaware of the matter that was raised, unaware of the contents of any potential answer and so, no, I would

just be guessing. What I would say is that as a government we are absolutely committed to ensuring that members are provided with responses at the earliest possible opportunity. I have glanced around the 20 or so answers to members questions on the adjournment from a variety of ministers and, as I said, I will raise the matter that you are interested in with Minister Mikakos in the morning if you like.

**Mr Ondarchie** — On the point of order, President, I then seek through you, from her, a satisfactory explanation as to why I do not have a response.

**The PRESIDENT** — On that basis, the house stands adjourned.

**House adjourned 10.26 p.m.**

