

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Wednesday, 31 August 2016**

**(Extract from book 11)**

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

**By authority of the Victorian Government Printer**



# HANSARD<sup>150</sup>



1866–2016

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

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

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

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

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

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

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



## **The Governor**

The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(from 20 June 2016)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016] . . . . .	The Hon. J. A. Merlino, MP
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects. . . . .	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade . . . . .	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .	The Hon. L. D’Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports. . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections . . . . .	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources. . . . .	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing . . . . .	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development . . . . .	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms G. A. Tierney, MLC

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

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

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

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

The Hon. D. M. ANDREWS

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

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>4</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>5</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>6</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

<sup>1</sup> Elected 31 October 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Resigned 3 September 2015

<sup>4</sup> Elected 14 March 2015

<sup>5</sup> Elected 31 October 2015

<sup>6</sup> Resigned 2 February 2015

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

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

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

## Joint committees

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

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

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

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

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

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

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

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

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

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

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



# CONTENTS

## WEDNESDAY, 31 AUGUST 2016

CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016	
<i>Introduction and first reading</i> .....	3211
PETITIONS	
<i>Mountain Highway, Bayswater</i> .....	3212
<i>Country Fire Authority enterprise bargaining     agreement</i> .....	3212
<i>Charlton and Donald child care</i> .....	3212
DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) ACT 2016	
<i>Least cost capacity expansion principles order</i> .....	3213
DOCUMENTS .....	3213
MEMBERS STATEMENTS	
<i>Geelong visitor economy</i> .....	3213
<i>Regional tourism</i> .....	3213
<i>Bayside College</i> .....	3213
<i>Benalla Business Network</i> .....	3214
<i>Jayde Romero</i> .....	3214
<i>Unconventional gas exploration</i> .....	3214, 3220
<i>Cybersafety and cyberbullying</i> .....	3215
<i>Battle of Long Tan commemoration</i> .....	3215
<i>Lions Park, Riddells Creek</i> .....	3215
<i>Hepatitis</i> .....	3215
<i>Charles Slucki</i> .....	3215
<i>Mental health</i> .....	3216
<i>Dimboola Food Festival</i> .....	3216
<i>Farm risk management grants</i> .....	3216
<i>Dean Lawson</i> .....	3216
<i>Lowan electorate roads</i> .....	3216
<i>Monica Hayes</i> .....	3216
<i>Aberfeldie Jets</i> .....	3217
<i>Livingstone Primary School</i> .....	3217
<i>Holy Saviour School</i> .....	3217
<i>Vermont Secondary College</i> .....	3217
<i>Whitehorse Showtime</i> .....	3217
<i>Water policy</i> .....	3217
<i>Bendigo Thunder</i> .....	3217
<i>Millgrove community events</i> .....	3218
<i>Healesville High School</i> .....	3218
<i>Geelong Cement Bowls Club</i> .....	3218
<i>Eurack Avenue of Honour</i> .....	3219
<i>Polwarth electorate roads</i> .....	3219
<i>Mercy Regional College</i> .....	3219
<i>Nepean School</i> .....	3219
<i>Firefighting aircraft</i> .....	3219
<i>Narrawong reserve committee of management</i> .....	3219
<i>Rural Press Club of Victoria awards</i> .....	3220
<i>Beyond the Bell</i> .....	3220
<i>Mitch Freedman and Daniel Bowman</i> .....	3220
<i>Great South Coast Ice Challenge</i> .....	3220
<i>Furlong Road, St Albans, level crossing</i> .....	3220
<i>Britax workers</i> .....	3220
<i>St Helena Maltese-Australian Social Club</i> .....	3220
<i>Goulburn-Murray irrigation district</i> .....	3220
<i>Broadmeadows electorate</i> .....	3221
STATEMENTS ON REPORTS	
<i>Family and Community Development     Committee: abuse in disability services</i> .....	3221, 3223
<i>Public Accounts and Estimates Committee:     budget estimates 2015–16</i> .....	3222, 3224, 3225
<i>Economic, Education, Jobs and Skills     Committee: portability of long service leave     entitlements</i> .....	3225
CORRECTIONS LEGISLATION AMENDMENT BILL 2016	
<i>Statement of compatibility</i> .....	3226
<i>Second reading</i> .....	3231
EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016	
<i>Statement of compatibility</i> .....	3234
<i>Second reading</i> .....	3235
TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016	
<i>Statement of compatibility</i> .....	3236
<i>Second reading</i> .....	3236
PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016	
<i>Second reading</i> .....	3238, 3249, 3280
QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS	
<i>United Firefighters Union Victorian secretary</i> .....	3239
3240, 3241, 3242	
<i>Ministers statements: unconventional gas</i> .....	3240
3241, 3242	
<i>Country Fire Authority former chair</i> .....	3243, 3245
<i>Ministers statements: wind industry</i> .....	3245
<i>Country Fire Authority enterprise bargaining     agreement</i> .....	3245, 3246
<i>Ministers statements: level crossings</i> .....	3247
SUSPENSION OF MEMBER	
<i>Member for Bass</i> .....	3246
CONSTITUENCY QUESTIONS	
<i>Bayswater electorate</i> .....	3247
<i>Essendon electorate</i> .....	3247
<i>Gippsland South electorate</i> .....	3247
<i>Dandenong electorate</i> .....	3248
<i>Hastings electorate</i> .....	3248
<i>Yuroke electorate</i> .....	3248
<i>Ripon electorate</i> .....	3248
<i>Yan Yean electorate</i> .....	3249
<i>South-West Coast electorate</i> .....	3249
<i>Carrum electorate</i> .....	3249
MATTERS OF PUBLIC IMPORTANCE	
<i>Employment</i> .....	3260
JOINT SITTING OF PARLIAMENT	
<i>Legislative Council vacancy</i> .....	3287
POLICE AND JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2016	
<i>Second reading</i> .....	3292
ADJOURNMENT	
<i>Kilmore and District Hospital</i> .....	3308
<i>Bolton Street, Eltham</i> .....	3308
<i>Caulfield Racecourse Reserve</i> .....	3309

# CONTENTS

---

<i>Dandenong electorate police resources</i> .....	3309
<i>Warramate Hills Nature Conservation Reserve</i> .....	3310
<i>Country Fire Authority Greenvale brigade</i> .....	3310
<i>Shepparton bypass</i> .....	3310
<i>Sunbury Road duplication</i> .....	3311
<i>PenBus service</i> .....	3311
<i>Essendon Fields employment</i> .....	3312
<i>Responses</i> .....	3312

**Wednesday, 31 August 2016**

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

**The SPEAKER** — Order! Introduction of bills? Introduction of bills? Notices? Petitions.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Attorney-General, introduction of bills.

**Mr Clark** — On a point of order, Speaker, it appears to me that the Attorney-General is seeking to introduce a matter when the call has now moved beyond that matter. For the due operation of the house, it is important that ministers seek the call at the time that is appropriate for them to introduce bills. If a minister goes out and gives a press conference saying they are going to bring a bill into the house but they cannot get their act together to actually bring the bill to the house, I think that is very regrettable.

**Ms Allan** — On the point of order, Speaker, I appreciate that those opposite do not have much better to do than just play some games in the house, but I think it was pretty clear that in the movement of people around the chamber the Attorney-General was on his feet as people were moving in and out of the chamber. I do not think we need to be taking lectures from those opposite about being asleep considering the four years they were in government. I suggest that you have appropriately handled it and ask that the Attorney-General be given the call.

**Mr Crisp** — On the point of order, Speaker, I clearly heard you call twice for introduction of bills, and the Attorney-General did not make his intentions known.

**Mr Pakula** — On the point of order, Speaker, when you called ‘introduction of bills’ I was on my feet and reaching back from the whip. Speaker, it defies belief that the opposition would seek to use this point of order to delay the introduction of this very important bill.

**The SPEAKER** — Order! In the circumstances and given that we had not effectively gone on to another item, I have sought advice on the subject, and I believe the advice received is the correct advice — namely, that we had not effectively gone on to another item. Therefore I do not uphold the point of order. I do, however, call on all ministers to be very attentive to the Chair when the Chair calls on ministers, in this case for introduction of bills.

## **CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016**

*Introduction and first reading*

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

That I have leave to bring in a bill for an act to amend the Crimes Act 1958 to create new offences of carjacking and home invasion, to amend the Sentencing Act 1991 to provide that mandatory terms of imprisonment apply to the offences of aggravated carjacking and aggravated home invasion, to amend the Bail Act 1977 to include aggravated carjacking, home invasion and aggravated home invasion as show-cause offences under that act and for other purposes.

**Mr CLARK (Box Hill)** — I ask the Attorney-General to give a brief explanation of the bill and in particular how it differs from the bill that is currently before the Legislative Council.

**Mr PAKULA (Attorney-General)** — I thank the member for Box Hill for inviting me to give an explanation, including how it differs from the private members bill introduced in the other place. That was introduced in the other place after the government had announced an intention to bring forward this bill.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Sandringham will come to order.

**Mr PAKULA** — I am not sure how serious the opposition are when they say they would like an explanation.

**The SPEAKER** — Order! The Attorney-General should be providing a brief explanation of the bill.

**Mr PAKULA** — I am endeavouring to do so, Speaker. I am endeavouring to provide the member for Box Hill with the information that he seeks. The bill will introduce offences of carjacking, aggravated carjacking, home invasion and aggravated home invasion, and it differs from the private members bill in the other place in a range of respects. First of all, it is a government bill rather than a private members bill. Given that the former government had four years to introduce legislation — —

*Honourable members interjecting.*

**Mr PAKULA** — My point is — —

**The SPEAKER** — Order! The member for Warrandyte has been warned.

**Mr PAKULA** — I am sure we will hear lots more about bad behaviour later on today, Speaker. The

opposition had four years to legislate. They are now in opposition, and it is the responsibility of the government to legislate.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Hawthorn is now warned.

**Mr PAKULA** — Secondly, the private members bill in the other place does not include home invasion. It does not include aggravated — —

*Honourable members interjecting.*

**Mr PAKULA** — Well, the question was how does it differ, and I am providing you with that detail. It does not include home invasion or aggravated home invasion. Equally the private members bill introduced in the other place does not have aggravated home invasion, home invasion or aggravated carjacking as show-cause offences, as this bill does.

**Mr Hodgett** — On a point of order, Speaker, given the government has got no — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have warned the members for Warrandyte and Hawthorn. I will not warn them again. The deputy opposition leader is on his feet, and I would imagine he would expect the members on his side of the house to respect his contribution on a point of order.

**Mr Hodgett** — Speaker, given the government's newfound enthusiasm to plagiarise our bills, can I welcome it to have a look at our Uber bill and to have a look at the no body, no parole bill. We look forward to that being introduced to the house tomorrow.

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

**Motion agreed to.**

**Read first time.**

**PETITIONS**

**Following petitions presented to house:**

**Mountain Highway, Bayswater**

To the Legislative Assembly of Victoria:

This petition draws to the Legislative Assembly's attention the desperate need to keep the existing three-lane carriageway in each direction on Mountain Highway, Bayswater.

As part of the Bayswater level crossing removal project, the plan is to reduce the road's capacity by 33 per cent.

Mountain Highway is a busy thoroughfare for businesses, local families and those heading to the Dandenong Ranges and surrounds.

The petitioners therefore request that the Legislative Assembly require the Andrews Labor government to leave the capacity of Mountain Highway as it is and not remove any lanes.

**By Ms VICTORIA (Bayswater) (199 signatures).**

**Country Fire Authority enterprise bargaining agreement**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union (UFU).

Volunteer firefighters have protected Victorians for more than 100 years across Victoria, and as a community we support the volunteers and send this message to Daniel Andrews and the Victorian Labor Party: keep your hands off the CFA.

**By Mr McCURDY (Ovens Valley) (799 signatures).**

**Charlton and Donald child care**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that there is a chronic lack of occasional and long-term childcare places in Charlton and Donald; further, that a city-centric approach to child care cannot work and that an appropriate solution is in-venue family day care.

The petitioners therefore request that the Legislative Assembly of Victoria requests the government work with the Donald and Charlton communities to establish community appropriate childcare delivery models.

**By Ms STALEY (Ripon) (114 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Ms VICTORIA (Bayswater).**

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

**Ordered that petition presented by honourable member for Ripon be considered next day on motion of Ms STALEY (Ripon).**

**DELIVERING VICTORIAN  
INFRASTRUCTURE (PORT OF  
MELBOURNE LEASE TRANSACTION)  
ACT 2016**

**Least cost capacity expansion principles order**

**Mr PALLAS (Treasurer), by leave, presented order.**

**Tabled.**

**DOCUMENTS**

**Tabled by Clerk:**

Auditor-General — Audit Committee Governance —  
Ordered to be published

*Improving Cancer Outcomes Act 2014* — Victorian cancer  
plan 2016–2020

Statutory Rules under the following Acts:

*Building Act 1993* — SRs 103, 104

*Infringements Act 2006* — SR 101

*Land Act 1958* — SR 102

*Victorian Environmental Assessment Council Act 2001* —  
Government response to the Victorian Environmental  
Assessment Council's Marine Investigation.

**MEMBERS STATEMENTS**

**Geelong visitor economy**

**Mr EREN** (Minister for Tourism and Major Events) — I rise to update the house on the work of the Andrews Labor government to grow the visitor economy for Geelong and surrounding regions. In July the Andrews Labor government announced \$1 million to develop plans for a new business case for a Geelong convention centre. Deakin University's waterfront car park will be the focus of the study for a convention centre. Previous work suggests a convention centre would deliver an estimated 600 jobs during construction and 270 ongoing jobs in the region.

However, pending the completion of the study, the Andrews Labor government is continuing to grow Geelong's visitor economy. It was a thrill to host Atlético Madrid in Geelong as they took on Melbourne Victory, who defeated the European powerhouse 1-0 in front of a strong crowd of 17 000. On top of this we just announced that international cricket is coming to Geelong for the first time — on 19 February the Southern Stars will take on New Zealand before the Aussies host Sri Lanka. Other events we have coming up include the Cadel Evans Great Ocean Road Race,

the Festival of Sails, the Avalon air show and the National Cricket Inclusion Championships.

I want to particularly acknowledge the hard work and advocacy of my colleagues on these matters, including the member for Geelong, the member for Bellarine and a member for Western Victoria Region in the other place, Gayle Tierney. Combined with the establishment of Visit Victoria, our new visitor economy strategy, the Wander Victoria campaign and the Regional Events Fund, the Andrews Labor government is committed to growing not only Geelong's visitor economy but that of all of our regions.

**Regional tourism**

**Ms ASHER** (Brighton) — I wish to refer members of the chamber to an article which appeared on 14 August 2016 in the *Sunday Age*, on page 4, headed 'Tourism chief has grand plans for parks', and I quote:

National parks such as Wilsons Promontory, the Grampians and Point Nepean should be opened up for more private development to boost the number of people visiting regional Victoria, according to the state's new tourism boss.

It goes on to say:

Visit Victoria chief executive ... has called for more hotels, restaurants or nature-based activities to be built in some of the state's most fiercely protected destinations.

It is very clear to me that the CEO of Visit Victoria has not consulted with the government, because in actual fact one of the first acts of this Labor government was to cancel a contract to sensitively develop the Point Nepean National Park and to pass legislation to reduce lease terms, which makes development more difficult. On top of that, the government also paid compensation for that cancelled contract as well, which is now becoming a habit.

I advise the Minister for Tourism and Major Events, and I acknowledge he is in the chamber at the moment, to have a serious and rational discussion with his new CEO of Visit Victoria, because I suspect his new CEO will be able to give the government some very, very good ideas on how to promote tourism and how to promote yield in regional Victoria, which is what he needs to do.

**Bayside College**

**Mr NOONAN** (Minister for Industry and Employment) — I had the great pleasure to recently visit Bayside P-12 College's Williamstown campus to inspect their upgraded technology wing. This new learning space has been completely overhauled and will

now provide students with a wonderful opportunity to exercise both their hands and minds in areas such as woodwork, metalwork and electronics.

I am proud that the Andrews government contributed \$300 000 towards this upgrade, but the real credit must go to college principal Andrew Harnett, campus principal Nolene Symons and the rest of the college community. Our students will benefit from this important investment. On the day of my visit the president of the student representative council, Anna Van Rooden, spoke of the importance of this upgraded learning area. This is what Anna said on the day of my visit:

Technology studies allow our students to be hands-on learners and to produce actual, functional models ...

Technology studies allows students to think and work independently, it allows students the freedom to make and learn whilst giving students the developmental tools to become strategic planners and problem solvers.

The pride displayed by students on completion of their models and eagerness to take them home to show parents is astounding.

I thank you on behalf of all the students at Williamstown campus for the wonderful facilities we now have to work in.

I want to thank Anna for her wonderful words. I also want to congratulate the Bayside College community who are committed to providing their students with every opportunity to lift their academic achievements.

### **Benalla Business Network**

**Ms RYAN** (Euroa) — I rise today to acknowledge the many wonderful businesses which make Benalla such a vibrant and diverse community. Last week the annual Benalla Business Network excellence awards were held, and many outstanding businesses and individuals were nominated. I would like to offer my warmest congratulations to all award nominees and in particular mention the category winners, being Sole Step, Benalla Street Art committee, D&R Henderson, Winton Motor Raceway, Dosser Panels, Comfort Inn Benalla, Tailgate Campers, Toyworld Benalla, CJC Onsite Auto Electrics, Blooms on Bridge, Benalla Timber Products, Tomorrow Today Foundation and Benalla Health. I would also particularly like to mention Shannon Goss and Phil Schultz, who won individual awards for customer service, and to congratulate the Benalla Business Network on its outstanding leadership for business in Benalla under the leadership of Louise Armstrong and Jenni Cogger.

### **Jayde Romero**

**Ms RYAN** — I would like to recognise the bravery and quick thinking of my seven-year-old constituent Jayde Romero from Heathcote. Earlier this month Jayde saw thick smoke pouring from her home and alerted a close family friend, Noel Land, who was looking after her and her five-year-old sister Courtney at the time. They were able to get to safety in time, but Jayde followed Noel back inside when he went to investigate the origins of the smoke to make sure he was okay. Even though she said she was ‘a little bit scared’ Jayde said she ‘had a book, and it says in the book that you’ve got to tell an adult’, and she wanted to make sure Noel would be okay. I commend Jayde for her courage in such a scary situation, and I look forward to visiting Heathcote Primary School next month to present her with a special bravery award.

### **Unconventional gas exploration**

**Mr BROOKS** (Bundoora) — Yesterday’s decision to permanently ban the exploration and development of all onshore and unconventional gas, including fracking and coal seam gas, is great news not only for regional agricultural communities but also for regions like Melbourne’s north, where the food and beverage manufacturing sector is a key part of the economy and has the potential to grow significantly.

Victoria is already the nation’s top food and fibre producer, with exports valued at over \$11 billion, and we need to build on this strength, in particular to grow exports into the booming Asian middle-class markets, where Victoria’s reputation for clean, quality produce is a key advantage. Anything that threatens that reputation also threatens this export potential. Melbourne’s north already has a booming food and beverage sector, with an estimated 400 businesses generating a gross regional product of some \$2.6 billion per annum and an estimated 10 500 jobs. These businesses range from small specialist food producers to large multinationals like Mission Foods, Baxters and Nestlé.

Melbourne’s north has some strategic assets that will help to grow this sector further. It is situated on the doorstep of Victoria’s northern food bowl and irrigation districts, connected by the Hume Freeway. It is home to the wholesale fruit and vegetable markets. It has got easy access to the port of Melbourne to get export produce to market and is home to Melbourne’s curfew-free airport. It is home to La Trobe University’s renowned pre-farmgate education programs and RMIT University’s post-farmgate education programs, and it has a highly trained, culturally rich workforce and the availability of land for this growing sector. The

Andrews Labor government's decision to ban fracking and protect the food and fibre industry's reputation is a great outcome for Melbourne's northern suburbs, for the people who work in the sector and in terms of the 7000 jobs it will help create in the future.

### **Cybersafety and cyberbullying**

**Mrs FYFFE** (Evelyn) — I would like to bring the Minister for Education's attention to a Facebook page, Bully Stoppers, managed by his department, the Department of Education and Training. The purpose of this page is supposed to be distributing cybersafety and anti-bullying tips to parents and children. There is a school in my district where students have fallen foul of online pornography rings. In one case a girl has pleaded with the site's administrators to take down the pictures of her. I ask: why is this Facebook page sitting silent, with almost 4000 likes but zero articles or posts promoting anti-bullying messages or cybersafety? Will the minister step up and fulfil his obligations to educate parents and children about bullying and cybersafety?

### **Battle of Long Tan commemoration**

**Mrs FYFFE** — I would like to raise a matter, which I did not get the opportunity to raise in the last sitting week, about the 50th anniversary of the Battle of Long Tan. On 18 August 1966 D Company entered the Long Tan rubber plantation. In less than an hour they were under fire from a much larger Viet Cong force. Only the lightning response of a New Zealand artillery battery saved D Company from annihilation. This year our Vietnam veterans and their former Republic of Vietnam allies led the Anzac Day march as we honoured all those who served and died for our nation. This year a Vietnam Veterans Day service was held at Boronia, and the Yarra Valley Vietnam Veterans Group played an important part in this regional day. It was a very moving service attended by a large crowd, and I would like to thank everyone involved in the organisation.

### **Lions Park, Riddells Creek**

**Ms THOMAS** (Macedon) — Riddells Creek local Narelle McGellin has a big dream, and importantly she has put in the hard work to make that dream a reality. Under Narelle's leadership I have watched the transformation of Lions Park in Riddells Creek into a beautiful play space for children of all abilities. Last week I joined Narelle and children Tahlia and Liam to celebrate another milestone in the step-by-step redevelopment of the park — the last fundraising push to install an all-abilities carousel to complement the beautiful sensory garden and the double flying fox, which is a real crowd favourite, that have already been

installed. I also want to acknowledge the work of Camille Koch, whose GoFundMe campaign, as of last night, has raised \$11 664. With generous donations from Variety Victoria and local organisations, including the GREAT Association and the Shared Table, Narelle's dream of an all-abilities carousel is almost a reality. Congratulations, Narelle, on your leadership and your dedicated voluntary service to the community of Riddells Creek.

### **Hepatitis**

**Ms THOMAS** — On Wednesday, 24 August, I was pleased to attend the Kyneton community lunch to speak about the Andrews government's hepatitis B and C strategies as part of Hepatitis Victoria's Liverability Festival. Community lunches are a weekly event that bring together Kyneton's diverse community in a warm and welcoming environment. Thanks and appreciation to Catherine Christmass for the delicious and healthy food and for the work she does coordinating the lunches each week, and to Mary Hogarth, coordinator of the Kyneton Community & Learning Centre, for proving what we already know — that is, that our neighbourhood houses are at the heart of our communities.

### **Charles Slucki**

**Mr THOMPSON** (Sandringham) — On Friday, 26 August 2016, family, friends, former students and teachers gathered together at Okie Dokie in Braeside to honour the memory and legacy of Charles Slucki, Victorian Teacher of the Year 1996. Charles died unexpectedly last year. Conversations with Charles and fellow teacher Dr David Taylor could last 2 to 3 hours as the realms of good ideas were explored. Ideas which were realised saw functions organised with Sir Zelman Cowen, Sir James Gobbo and Victorian humanitarian Moira Kelly. Student journeys were supported. Berendale students were mentored. Charles was Victorian Teacher of the Year in 1996 while at Sandringham College. He later taught at Mount Scopus Memorial College, where he oversaw the development of a new theatre. He led student tours to London and New York.

Charles dedicated his professional life to mentoring, teaching, encouraging and inspiring his students to be the best they could be. He had a selfless vision of the common good, which he sought to advance. He gave belief and self-confidence to his students. His greatest delight was his family — wife, Mich, and his children, Jacob and David, and their families — following their sporting, academic and career journeys. Charles wove golden threads as a storyteller and director/producer,

seeking to build a better world both within his family and beyond. According to former student Guy Stayner, speaking on behalf of former students, ‘Charles believed in all of us. The legacy of Charles “Sluggo” Slucki lives on through us’.

### **Mental health**

**Ms KNIGHT** (Wendouree) — Something fantastic happened on Facebook recently, and I am not talking about my post about Guns N’ Roses touring. I am talking about a group of young men who spoke about something that it is really, really important. They talked about the incidence of violence against women and they talked about the suicide of young men. They said only 20 per cent of people know that suicide is the most likely cause of death for men aged under 45, and they said let us show men across the world that #ItsOkayToTalk, take a selfie and take a few friends and get the message out. That is exactly what they did — young men talking about young men to young men — and it was so important. There were some personal stories as well from my own son.

There is still a prevailing thought that mental illness and the treatment of mental illness should be hidden from society when it is that hiding and shame which makes it the terrible and heartbreaking curse it is. I would love to live in a world where telling someone you take antidepressants or see a therapist regularly is no different from telling someone you take anti-inflammatories or see a physio regularly, because that is when the scourge of suicide and depression, which wreaks havoc on all of us in society, will finally start to fade. I want to really congratulate those young men, a lot of whom I know and have known since they were babies, for talking about what is really important and for talking about their own stories.

### **Dimboola Food Festival**

**Ms KEALY** (Lowan) — Congratulations and thank you to Mary Clarke and the Dimboola Food Festival organising committee for their tremendous efforts in delivering a highly successful inaugural Dimboola Food Festival. This festival is a fantastic opportunity to proudly celebrate our reputation in western Victoria as premium food producers. Thank you also to the sponsors, volunteers, very supportive vendors and hundreds of people that turned out to support this great event. I wish Dimboola and the food festival committee every success for what is very likely to become an iconic food event for our region in years to come.

### **Farm risk management grants**

**Ms KEALY** — A number of local food producers have contacted my office regarding the drastically underfunded farm risk management grants program. This fund was launched on 30 June 2016 and was oversubscribed within 10 working days. Our food producers are trying their best to futureproof their businesses against the challenges of seasonal conditions. It is cruel for the Melbourne Labor government to drip-feed drought support funding for the sole purpose of increasing its number of media releases. If Labor is serious about providing farm risk management grants to support our food producers, it must immediately announce another significant tranche of funds.

### **Dean Lawson**

**Ms KEALY** — Congratulations to Dean Lawson, editor of the *Weekly Advertiser*, for recently winning a Golden Quill Award for Australian editorial critique as part of the 60th International Society of Weekly Newspaper Editors conference. This prestigious award is fitting recognition of Dean’s commitment to providing a unique insight and considered perspective on local issues and, as a result, achieving high-quality journalism which holds great interest for local readers. Well done, Dean. You should be exceptionally proud of your achievement.

### **Lowan electorate roads**

**Ms KEALY** — Following the recent wet weather, the Henty, Wimmera, Western and Glenelg highways have deteriorated to an absolutely appalling and dangerous state. Large potholes and crumbling road shoulders are the norm, and it simply is not good enough. Labor must immediately reverse its drastic funding cuts and provide sufficient funding to VicRoads to allow it to do its job and keep our roads safe for local road users.

### **Monica Hayes**

**Mr PEARSON** (Essendon) — I rise today to remember the life of Monica Mary Hayes, former mayor of the City of Essendon. Born in Sydney, Monica became the first tertiary-educated member of her family when she completed a psychology degree at the University of Sydney in 1975. Monica’s career took her to Melbourne, where she worked as a clinical psychologist at the Elizabeth Street Clinic for a number of years and subsequently in the role as the workplace representative for the union, the Victorian Public Service Association.



Monica and her husband, Geoff Fary, moved to Moonee Ponds, which precipitated Monica's decision to run for council, and in 1985 she was elected to represent the Moonee Ponds ward on the Essendon City Council, campaigning around the issues of improved streetscapes and the preservation of historic areas from inappropriate overdevelopment. Monica became mayor of the city in 1987. Monica was particularly interested in environmental issues and was an effective spokesperson for the areas and residents affected by the Coode Island explosion in 1991. She also remained an Essendon councillor until 1991.

Later Monica and her family moved to Portarlington, and Monica once again became heavily involved in the community and was the recipient of the inaugural City of Greater Geelong Women in Community Life Award in 2015. A long-term and proud Labor Party member and office-holder, she was also an active campaigner for refugee rights.

Last year Monica was diagnosed with motor neurone disease, and she passed away on Friday, 26 August 2016, the way she wished to — at home, without intrusive medical intervention and surrounded by her beloved family. Monica is survived by her husband, Geoff Fary, and her two children, Sam and Bec. Vale, Monica Hayes.

### Aberfeldie Jets

**Mr PEARSON** — Congratulations to the Aberfeldie Jets under-10 girls side for making it into this week's elimination final. A stirring win against St Christopher's last week saw the girls advance to the next stage in the finals series. One more win and the girls will make it into the grand final. Congratulations to the coach, Julian Wilson, and the girls, Abbey, Aimee, Aurelia, Charlotte, Holly, Jessica and Mavi. Go Jets!

### Livingstone Primary School

**Mr ANGUS** (Forest Hill) — It was a pleasure to recently attend the Livingstone Primary School year 6 production, this year entitled *Go for Gold*. It was a great production, with very impressive acting, singing and dancing. I congratulate all the students and staff involved in the production, both onstage or backstage, on a great team effort.

### Holy Saviour School

**Mr ANGUS** — I was pleased last week to attend the annual Holy Saviour School art show. Once again the standard of artwork was fantastic, with incredible

creativity from the students on display for all to see. It was a special treat to have year 6 student Grae playing the harp during the show. I congratulate all the students on their work and also the staff for organising the show. I also thank year 6 student Michelle for showing me around the exhibition.

### Vermont Secondary College

**Mr ANGUS** — I recently had the pleasure of attending the Vermont Secondary College's annual production, which this year was *Legally Blonde*. As always it was a great production, with plenty of impressive acting, singing and dancing. I congratulate all the students and staff involved in the production, both onstage and backstage, on a terrific production.

### Whitehorse Showtime

**Mr ANGUS** — The annual Whitehorse Showtime production, this year entitled *Legend has it ...*, was another fantastic performance by scouts and guides of the Mount Dandenong region. Well done to all those involved, in particular producer and executive director Doug Wright and his large team of volunteers who work so hard each year to put this event on.

### Water policy

**Mr ANGUS** — The editorial from last weekend's *Sunday Herald Sun* correctly and clearly identified the, and I quote, 'utter folly of the Victorian government's white elephant desalination plant'. The heading 'Cash down the drain' is a great description of the consequences of the current state government's placing of a water order from the desalination plant. All Victorians must remember that this failed Labor project is costing us all \$1.8 million per day for 27 years, excluding water. The recent water order will add further cost of living pressures on Victorian household budgets, costing an additional \$27 million. As the editorial states:

... ordering this water was all about justifying that ill-considered Labor decision to build the plant in the first place.

It goes on to say:

... past and present state Labor governments have saddled the very people who elected them with cost blowouts ...

### Bendigo Thunder

**Ms EDWARDS** (Bendigo West) — Women's football is growing in popularity, and Bendigo is proud to have its own Victorian Women's Football League team, the Bendigo Thunder. The Bendigo Thunder

survived a last-quarter challenge from Melbourne University on Sunday to maintain their unblemished record and earn a Victorian Women's Football League premier division grand final berth. The Thunder stormed through the home and away season undefeated, finishing six games clear at the top of the ladder with a 15-0 record and a massive percentage of 291.5.

In front of a big crowd at Bendigo's Queen Elizabeth Oval (QEO) that was a strong endorsement of the growing popularity of women's football, the Thunder were 11-point winners in the second semifinal. For Melbourne Uni it was a case of bad kicking is bad football as the visitors were beaten, despite having four more scoring shots than the Thunder, who prevailed 5.4 (34) to 2.11 (23). The big crowd at the ground of the QEO seemingly took its toll on a weary Thunder in the final term as Melbourne Uni dominated, but nevertheless the Thunder prevailed to be winners on the day.

The Thunder will play either Melbourne Uni or Deer Park, who clash in the preliminary final in two weeks. The grand final is in three weeks. It will be the second time Bendigo Thunder has qualified for a grand final berth. The last time, four years ago, they were proud champions, and Bendigo will be cheering them on again this year as they go for their second premiership.

This year former assistant coach and player Cherie O'Neill has taken the reins as senior coach after a difficult internal trauma, with Steve Beavis stepping in as assistant coach. The club has thrived under their leadership. Go, Thunder!

### Millgrove community events

**Ms McLEISH** (Eildon) — There has been a lot happening in Millgrove lately. The Millgrove Residents Action Group has had a great 12 months. The local market is their main source of fundraising, and the market does not just happen; it takes a lot of effort, dedication and commitment. I commend the Millgrove Residents Action Group for driving this project, because that has allowed them to progress key projects such as pathway works and plantings. The township looks an absolute treat at the moment with the daffodils in blossom.

The local Wesburn-Millgrove Country Fire Authority fire station is right down the road, and I was pleased to again be able to attend the brigade's annual fundraiser, the Red Hot Fireman's Ball. It is always great to see young members of the brigade taking a lead role. Richard and Sheridan Ireland put in a great effort both before and on the night. Generous sponsors donated a

wide range of wonderful auction items and raffle prizes. It was good to see members of other local brigades in support as well. Although it was a great night, sadly the Sam Knott Hotel shut its doors the next day, which was a low day for the community.

### Healesville High School

**Ms McLEISH** — I want to commend the staff and students at Healesville High School, who again went all out and put on a good fun musical — *Legally Blonde*. Directed by Trent Morison, the students did their best and looked like they had a lot of fun. Hannah Chan-Algie did a great job in the lead role. Other main roles were played by Marc Jones, Chenile Chandler, Tiani Heatherich, Sam Elliot, Rory Davies, Amber Winthrop, Nikita Aldridge, Waularna Hume, Lucy Brown and Jacob Sheldrick. Front and back of house crews also did a great job. It was pleasing to see a number of younger students get involved. Congratulations to all. It was also pleasing that the Salvation Army maintained a role.

### Geelong Cement Bowls Club

**Ms COUZENS** (Geelong) — It was a great honour to attend the 90th birthday celebrations for the Geelong Cement Bowls Club on Friday night. The recreation club was formed in 1926 by workers with the support of the owners, Australian Portland Cement. The original clubrooms burnt down in 1930. In 1935 the company purchased two National Trust buildings, the Geelong orphanage asylum, built in 1855, and the common school building, built in 1865. The new bowling green was opened in 1940, and the old school building was used as the clubrooms until 1977. In 1977 the Jubilee hall was opened, financed by the recreation club, the workers group, and the company. This is still the clubrooms today.

The decision to close the Geelong cement company in 2001 could have been the end of the cement bowls club. However, a group of members worked hard to reach an agreement with the new owner to save the club. The club purchased the green and clubrooms and has a lease agreement on the second green, which is part of the old school land. This lease agreement remains in place today.

I congratulate the president, Brian Lever, committee members and all those before them for keeping the cement bowls club going for 90 years. It was a great privilege to be part of this historic event on Friday night.

### **Eurack Avenue of Honour**

**Mr RIORDAN** (Polwarth) — I was very honoured to be one of the special guests at the centenary of the Eurack Avenue of Honour commemorations. The Eurack Avenue of Honour was one of the first avenues of trees planted to commemorate those who enlisted for the First World War. Planted in 1916 by the local Eurack school community, the trees are doing well, and their markers have been restored with much dignity. I would like to thank Shirley, John, Mary and Alan Carew, the members of the Eurack Recreational Hall committee, and the members of the Rosebank Lodge, who put together such a special day, having researched the lives of all the men from the Eurack district that offered their service.

### **Polwarth electorate roads**

**Mr RIORDAN** — I wish to bring to the house's attention the active work of residents in the Naringal, Nullawarre and Ayrford districts, among some, who have been campaigning long and hard for increased funding and appreciation of the need for safe and fit-for-purpose roads. I would like to acknowledge the persistent efforts of Simon Craven and Rob Wallace, who will be meeting with me next week to launch a petition and a campaign to get a fair share of funding for one of the most important dairy districts in the state. The locals also know that their road network is expected to cater for thousands of international tourists returning from the Great Ocean Road, adding to the danger of a substandard surface.

### **Mercy Regional College**

**Mr RIORDAN** — I wish to thank the principal of Mercy Regional College, Camperdown, Dr Darren Egberts, for the invitation to help judge the years 9 and 10 public speaking awards. It was fantastic to see such talented young people getting the opportunity to test their skills to what I thought was a very high standard. The winner from year 10, Demby McKenzie, did an excellent presentation on 'Australia has enough room to share', and runner-up, Tully Watt from year 9, did a sterling job with a 5-minute speech in verse on 'The book is not dead'.

### **Nepean School**

**Ms KILKENNY** (Carrum) — Recently I was delighted to join the member for Frankston at the Nepean School in Seaford. We were invited there by a number of the students who were putting on a morning tea and information session called 'Sit in my shoes'. Something overcame me that day. I can only describe it

as sheer joy and admiration as I watched, with happy tears, their presentation. These students, aged between 15 and 17, have physical disabilities and complex health issues. Some have intellectual disabilities, some have extremely rare conditions and some are in chronic pain. But to watch them was the most humbling and inspiring experience.

They invited us there to tell us why we need accessible toilets in the community — proper accessible toilets, with hoists and adult change tables. They told us why too often they miss out on doing what young people do and about how they have to plan their days around the location of an accessible toilet or otherwise make sure they do not drink or eat — just so they do not have to go to the toilet — or in many cases just hope for the best.

I have thought about those students and that school many times since my visit. These students reminded me about compassion and resilience. All too often we get caught up in the issues that distract us from what life is all about.

I thank Carolyn Gurrier-Jones, the amazing principal at this incredible oasis, and I thank an extraordinary group of young people who are making such a difference and who deserve every opportunity — opportunities that we all take for granted. Molly, Cassy, Ethan, Oran, Daniel, Tyler, Creahdence, Sean, Ali and Ryan — your families must be very proud of you. And thank you for sharing your stories.

### **Firefighting aircraft**

**Ms BRITNELL** (South-West Coast) — The insult to country people is a trend seen in all decision-making of this government. To take a firefighting sky crane from Ballarat, leaving the west of the state exposed — one of the most fire-prone parts of the Victoria — and place two cranes in Melbourne is simply defying logic. It is not what the volunteers consider reasonable, but clearly what the people who do the hard work for nothing and who have a wealth of experience think is not even worth finding out. No consultation; no respect; typical.

### **Narrawong reserve committee of management**

**Ms BRITNELL** — The theme continues in my electorate, with the committee of management at Narrawong reserve getting the sack, with not one MP — from Labor, from any house, or any Independent for that matter — except for me, even bothering to meet with them following their letter to the department seeking input into a way they could manage

a challenging situation. Instead of any consultation, they simply got a letter sacking them all, which is typical bullying behaviour of this government.

### **Rural Press Club of Victoria awards**

**Ms BRITNELL** — Congratulations to Bridget Judd from the ABC News Warrnambool office and staff at the Warrnambool *Standard* and *Portland Observer* for their success at last week's Rural Press Club of Victoria awards.

### **Unconventional gas exploration**

**Ms BRITNELL** — Yesterday we saw a ban on fracking. Given this government's track record, do I trust them? No. They have shown no respect or understanding of the country to date. I will watch them carefully, and I will protect the farming assets. I understand the true value of farming, and they will not hoodwink me.

### **Beyond the Bell**

**Ms BRITNELL** — I congratulate the team from Beyond the Bell. The hard work to date has paid off. I have no doubt the result will be impressive of this worthy project. Well done.

### **Mitch Freedman and Daniel Bowman**

**Ms BRITNELL** — Congratulations also to young horse trainers Mitch Freedman and Daniel Bowman, who were joint winners of the Inaugural Colin Alderson Rising Star Award at the Scobie Breasley Medal night at Flemington last Thursday.

### **Great South Coast Ice Challenge**

**Ms BRITNELL** — Congratulations too to the ice challenge team on declaration day.

### **Furlong Road, St Albans, level crossing**

**Ms SULEYMAN** (St Albans) — On Friday, 26 September, I had the opportunity to visit, with the Minister for Industry and Employment, the construction site of the new Ginifer railway station and inspect the new station building and the ongoing works to remove the dangerous level crossing at Furlong Road in St Albans. The minister and I were pleased to see that the upgrade of the St Albans level crossing has a minimum of 90 per cent local content and is also required to use 100 per cent local steel products. Not only are we removing the dangerous and congested level crossing at St Albans station, but we are supporting local jobs and businesses while we get rid of it.

### **Britax workers**

**Ms SULEYMAN** — I would also like to update the house on the status of the Sunshine Britax factory dispute. Last week the member for Footscray and I visited the Britax picket and provided our support to the many local workers and families affected by Britax's unfair decision to shift manufacturing operations to China, leaving many local workers out of a job. I am happy to report that all workers have now returned to work after successfully negotiating new training and redundancy packages, making the transition just that little bit easier for workers and their families.

### **St Helena Maltese-Australian Social Club**

**Ms SULEYMAN** — On another matter, I congratulate the president, Victor Bartolo, and the committee members of the St Helena Maltese-Australian Social Club for a fantastic feast celebration and a very happy 36th anniversary. Victoria is home to the largest Maltese community outside of Malta, and we are extremely grateful for their contribution to our community.

### **Goulburn-Murray irrigation district**

**Ms SHEED** (Shepparton) — I rise to speak on the concerning future facing our farming communities as the Murray-Darling Basin plan continues to be rolled out. The Goulburn-Murray irrigation district water leadership forum, which I chair, met last week with the consultants it commissioned to undertake a socio-economic impact study in relation to the plan. Sadly we expect the results of that study to show what our Murray River communities on both sides of the rivers predicted, and that is that the consequences of the rollout of the plan are already having a negative impact across the region. It is this evidence which will give us the capacity to advocate strongly against the 450 gegalitres of water which is envisaged by the plan will be taken away, in addition to the 2750 gegalitres provided for the environment.

Our water forum is not opposing the environment receiving its 2750 gegalitres as provided; it is how that water will be achieved which is the concern. It has been the intention of all parties to the Murray-Darling Basin agreement that 650 gegalitres would come from water-saving projects. As time moves on it is becoming clear that that target may not be achievable, and it raises fear in our communities that the commonwealth government will come back in and attempt to buy back water from our farmers, removing water from the district. There must be a commitment to no more water leaving the consumptive pool. We will be handing our

report to the Victorian Minister for Water as soon as it is ready for her to take to the ministerial council meeting in November to advocate on behalf of our local irrigation communities.

### **Broadmeadows electorate**

**Mr McGUIRE** (Broadmeadows) — I want to thank the Minister for Industry and Employment for coming to my electorate.

**The ACTING SPEAKER (Ms Blandthorn)** — Order! The time for making statements has now ended.

## **STATEMENTS ON REPORTS**

### **Family and Community Development Committee: abuse in disability services**

**Ms McLEISH** (Eildon) — I rise to speak about the report tabled by the Family and Community Development Committee on the inquiry into abuse in disability services. I am a member of that committee; in fact, I am deputy chair. In August last year an interim report was tabled. The final report was tabled in May this year, and finally I have the opportunity to speak on it. The interest and wellbeing of people with a disability is paramount, so this report is important as part of their ongoing protection. Behaviour which poses a risk to the safety and wellbeing of people with a disability is unacceptable and should not be tolerated in any circumstances. This report is intended so that the abuse will not be tolerated. We want to minimise the circumstances in which abuse can occur.

By way of background, our inquiry was conducted in two stages, as I have mentioned, and we did an interim report last year. We received 100 submissions and had 100 witnesses. There were 15 public hearings held in the city and in regional areas, and we had 17 site inspections, and these were also all around the state. They were particularly valuable, especially when you heard from witnesses and read submissions and then went along to see some of these premises. On top of that, we then made 49 recommendations, and I urge everybody in the Parliament to have a look at those recommendations. In terms of contributions, I think we actually received less than we hoped. I think there was a little bit of inquiry fatigue around the Senate and the Ombudsman. There is also the Royal Commission into Institutional Responses to Child Sexual Abuse. There was overlap, and this was very tiring and draining.

Now, I do want to thank very much the contributors to our inquiry. There were a lot of service providers, statutory authorities, government bodies and members

of the public who were in some way connected to the industry. They included family members as well as community visitors and also people with disability. Their contributions were made through hearings or through written submissions.

I also want to thank the staff that were involved in the second part: Greg Gardiner, Kelly Butler, Helen Ross-Soden and Ashley Coleman-Bock. I really want to say that the role and the work of Kelly and Greg were particularly impressive. Their memories are enviable, and they were able at all times to put arguments forward for both sides of any issue that came up. They were so across their topic. It was really terrific.

I also want to commend the work of Hansard. They are often out there with us. I want to particularly single out Maria Hansen and Patrick Spillane. They travelled with us to Mildura, and it was great to get to know them. Their approach is so professional and low key. They are so personable and interesting, and they have amazing backgrounds. I think it is easy for us to not think about the absolute talent that we have in the Hansard pool.

The purpose of this report was to prevent abuse in the sector and understand why it occurs and how it is able to occur. We knew going into it that some matters get reported but that there are plenty that are under-reported and plenty that do not get reported at all. We wanted to have a look at some of these areas. We know that there have been some very high profile, abhorrent cases. We know also that the whole scheme is changing, with the introduction of the national disability insurance scheme (NDIS). Through this we had to keep the focus on the fact that often the most disabled are the most vulnerable; they cannot speak for or defend themselves. There are a lot of issues here, and they are very complex.

I could really talk for ages on this because there is so much to cover. I did want to mention that some of the topics we did look at were the experiences of abuse in the sector, barriers to reporting, mandatory reporting and improvements in the processes for reporting abuse. We looked at the workforce, its gender, the prevention of abuse, the role of advocacy, the future of Victoria's oversight body and, as I have mentioned, the rollout of the NDIS. One of the areas we began looking at was deaths in the sector and some of the first recommendations are around that area. It is very difficult to get a handle on it because the way it is reported does not help — it does not make it easy — so we recommended changes to the Coroners Court database so that we can find out about it a little bit more easily. You do not know whether the deaths in the

sector are the result of abuse or neglect or indeed natural causes. There is so much to talk about, and I am sure I will do so on another occasion.

### **Public Accounts and Estimates Committee: budget estimates 2015–16**

**Ms WARD** (Eltham) — Today I am speaking about the Public Accounts and Estimates Committee report on the 2015–16 budget estimates. In particular I want to highlight some of the findings in chapter 3.4 under the heading ‘Economic overview’. On page 62 it is noted that full-time employment growth had been completely flat during the previous Liberal government and that, sadly, the main growth — of what growth there was — was in part-time jobs. I am very pleased that the Andrews government is working hard to fix this neglect.

Our commitment is to create 100 000 new jobs. On top of that we have introduced the \$100 million Back to Work scheme and the \$200 million Future Industries Fund. We have created the Premier’s Jobs and Investment Panel to provide advice on allocating \$508 million for jobs and advice, and we are also reopening the TAFEs closed by the previous government, including Greensborough, and restoring TAFE funding. The panel is an independent panel made up of industry and business leaders.

Labor wants to and will work with business to create jobs. This is what we need in this state: we need more jobs, and we need a conversation with business. We need business to support jobs, and we need business to support workers, so it is distressing that some business leaders are incapable of understanding the difference between investing in human capital and seeing workers as a negative cost, a cost they need to cut.

It is here that I would like to highlight Carlton & United Breweries (CUB). CUB is a massively profitable company owned by international beverage giant SABMiller. They have decided that the best way to expand on their already extremely healthy profit margin is not to make better beer, to make tastier beer, to work more efficiently or to implement new practices; it is to cut their workers and cut their wages. Let us have a look at what chairman Jan du Plessis says in the 2016 SABMiller annual report:

The AB InBev offer values the company at US\$106 billion, representing a total return to shareholders of about 1500 per cent since listing in London in 1999. This is a tremendous achievement.

It is quite an amazing achievement, yet with all of that value for investors, that huge return, they have decided

to ruthlessly hide behind a pea and thimble trick of what appears to be a dodgy EBA agreed to by three casual workers in Western Australia and use it to force 55 workers from their jobs — to sack them and demand that they reapply with a 65 per cent pay cut. This is outrageous. This is not innovative management. This is not agile. This is not responding to business pressures. This is neglecting, ignoring and disrespecting your workers.

While this trick might be legal, it is not right, it is not fair and it does not respect workers or their families. These workers have now been on strike for 12 weeks. It is incredibly distressing, and I can only imagine the hardship that these people and their families are experiencing while they fight for their jobs and the pay they were awarded 13 weeks ago, and that this company is ruthlessly wanting to cut.

Victorians are working hard to recover from a slumbering state over the four years of the previous government, and they are doing it together, but a group of highly paid CUB management seems to think that the way forward is to make fellow Victorians poorer, making it harder for them to pay bills and feed their families. They want the same work to be done but at 65 per cent less pay. They want wages slashed, and they will go to the trouble of fighting the workers in legal jurisdictions rather than pay people what they are worth.

But what do you expect from a company that smashed the sales of Australia’s no. 1 beer by tampering with the recipe, making it taste worse so that they could pay less tax? The more money you make, the more tax you pay. It is simple. That is the way it should be. If you are making a good profit, pay a good tax and pay your workers a proper wage. Not CUB, they know the cost of everything but the value of nothing, and that includes their workforce as well as the taste of their beer.

Let us have a look at what CUB management are making whilst they refuse to respect their workers. In 2011 former Fosters head John Pollaers was in the top job for only eight months, yet he received a \$5.2 million payout — \$23 000 a day.

**Ms Staley** — On a point of order, Acting Speaker, I ask that you bring the speaker back to the report that she is speaking on; she has not mentioned it for quite a few minutes. I do not believe what she is talking about was in the report at all, so I would ask you to bring her back to the report.

**Ms WARD** — On the point of order, Acting Speaker, what I am speaking about is employment and wages and valuing workers — —

**The ACTING SPEAKER (Ms Blandthorn)** — Order! The member for Eltham does not actually have the call. There is no point of order. The member's time has expired.

### **Family and Community Development Committee: abuse in disability services**

**Mr T. BULL** (Gippsland East) — It is a pleasure to rise and make a contribution on the Family and Community Development Committee's report on its inquiry into abuse in disability services, and I note in making this contribution that we are currently awaiting the government's response.

The committee made a range of recommendations around various forms of assault and mistreatment in the disability sector. They include sexual assault, physical assault, verbal, emotional and psychological abuse, financial abuse, neglect and deaths of people with disability living in supported residential services. It also made a number of recommendations around other restrictive practices. Among the many findings and recommendations there are a few I want to touch on in this contribution. The first is the improved recording and investigation of deaths in disability care. It is among the first recommendations made in this report.

Recommendation 1.1 is that the Victorian government fund the Coroner's Court of Victoria to undertake the necessary ICT improvements to facilitate accurate reporting and analysis of deaths of people with a disability. Recommendation 1.2 is that the Victorian government make the legislative changes necessary to provide for the coroner to report all deaths that occur in disability services directly to the disability services commissioner, which I think is an important step. The third recommendation related to this point is that the Victorian government renew funding for a disability services commissioner to undertake a more comprehensive annual review of all deaths that occur in disability services. The results of this review of course should be made public. These recommendations go to the very heart of improved recording and investigation procedures, and I would certainly encourage the minister to — and I am sure he will — give these particular recommendations strong consideration in his report.

Recommendations 1.4 and 1.5 go to the heart of improved recording by Victoria Police to include disability as a demographic characteristic. Rather than

just reporting an incidence of abuse as an incident, a more detailed level of reporting would be required.

Zero tolerance and improved training is obviously a major and key focus area, and that is covered in recommendation 2.1. We have seen many cases of mistreatment that unfortunately cast a stigma over the disability care workforce. Whilst in some cases that is deserved by those individuals, it is not deserved by the many people working in disability care who do an outstanding job in caring for the clients they are looking after. Having zero tolerance and improved training is obviously a major key focus area, and providers must ensure they play an active role in ensuring that appropriate behaviours and standards are met. As recommendation 2.1 suggests, the disability services commissioner and the department also have crucial roles to play in this area.

Improved reporting and more detailed reporting of incidents is clearly another big part of improvements that need to be made right across the sector and therefore recommendation 2.2 is that the Department of Health and Human Services change its critical incident management system to include descriptions that emphasise the impact that acts of abuse have on people with disability. As I touched on earlier, the department should cease using the term 'incident' and instead employ terminology that reflects the type of abuse. Some of the examples provided in the report that has been tabled go into specifics around sexual assault, physical assault, violence, allegation of assault and disclosure of assault, verbal, emotional and financial abuse, and general neglect. These are much better descriptions to use in relation to incidents than simply using the term 'incident'.

In the short time remaining to me I want to quickly jump to recommendation 4.1. This addresses the critical area of workforce screening and recruitment, registration, induction and supervision, ongoing training and professional development, certification and workforce culture for those working in the system. Improvements in this area are absolutely critical to ensure we have the right people looking after the most vulnerable in our society. This may include introducing a working with vulnerable people check, which is worthy of very strong consideration by the minister. We await the government's response in relation to these matters I have raised in respect of this and many other recommendations, and hopefully we will see a raft of improvements.

### Public Accounts and Estimates Committee: budget estimates 2015–16

Mr PEARSON (Essendon) — Acting Speaker Blandthorn, it is wonderful to see you on this day, the last day of winter, and to be standing beneath this heavenly canopy fretted with golden fire — it is a beautiful day!

I am delighted to make a contribution in relation to the Public Accounts and Estimates Committee report on the 2015–16 budget estimates, and I particularly draw the house's attention to section 8.2.3, 'Asset investment funding — *Asset Recycling Initiative*'. This is an important aspect of the report because it refers to the fact that the commonwealth government has previously agreed that it will provide up to 15 per cent of the value of asset sales, referred to as divestments, as long as the proceeds are spent on infrastructure investments.

This is an important initiative because as a state we have over the course of many generations acquired various assets that have come into our possession. The port of Melbourne as an asset was something that was built over a long period of time, over successive generations, and it is fair and reasonable for a period of time that it was of course owned by the state. However, in the 21st century it is a fair question to ask whether some of these assets should remain in state ownership. Is that the best possible use of that capital or, alternatively, should that capital be recycled to be funded into other forms of infrastructure investment and development, which would not possibly have been perceived or entertained 10 years ago, 25 years ago, 100 years ago?

This initiative is important because it is trying to find a way to incentivise the state, and I quote from the commonwealth budget papers from 2015–16:

[The *Asset Recycling Initiative*] creates an incentive for the states to unlock funds from existing state-owned assets to invest in additional infrastructure that will support economic growth and enhance productivity.

The fact that the proceeds of the sale of the port of Melbourne will be ploughed into removing 50 of Melbourne's most dangerous level crossings will have a profound impact upon productivity in our state. It will ensure that we can start to run more trains on those lines, which is important because, when you think about it, so much of the economic growth, so much of the wealth, is going to be concentrated around specific clusters within a 5 or 10-kilometre radius of the Hoddle grid in Melbourne.

We cannot allow a situation where just because you live on the suburban fringe or in a regional area you are precluded from participating in that great economic wealth story. You need to make sure you have got very good, strong transport linkages to enable people to be able to either get the train to work or to travel smoothly on the roads so that they can participate in those new economy jobs which are going to create so much of our wealth and prosperity as a community going forward. It is an important initiative.

I also want to draw the house's attention to page 166 of the report, where we look at the components of general government sector asset investment. Broadly there are three ways the state can do this. The first is direct investment — that is, the traditional method where general government sector bodies directly manage the construction or acquisition of assets. The second is investment through other sectors, where the government provides funds to other sectors, mainly the public non-financial corporations (PNFC) sector, to deliver asset investment projects in support of government policy — and here we would be talking about the water authorities; they would be the majority of the PNFC sector. Finally, there are public-private partnerships, where the government enters into an agreement with the private sector to finance and construct assets on behalf of the government. The private sector operates and retains the assets for a period of time established in the contract and then usually passes the ownership to the government.

These are important initiatives, and the reality is that as time has gone on capital markets have matured and there is a diversity of products in the market now that did not exist previously. The other point to note in relation to public-private partnerships is that the return that the private sector is seeking from these long-term contracts is much lower now — lower and longer — than was previously the case. Whereas, say, 10 years ago, before the global financial crisis when you had a lot of deal activity in the marketplace and you had capital markets going into overdrive, you were looking at returns of 6 to 8 to 10 per cent in order to whet the private sector's appetite to look at participating in those public-private partnership projects, the reality is now we are in a low rate environment. You are looking at deflation in many markets of the world, and the reality is that many private sector players are looking at a return of more like between 2 and 4 per cent, so there is an opportunity to look at pursuing more public-private partnerships so that we can address the infrastructure requirements of the state going forward.



**Economic, Education, Jobs and Skills  
Committee: portability of long service leave  
entitlements**

**Mr ANGUS** (Forest Hill) — I am pleased to rise today to speak on the report from the Economic, Education, Jobs and Skills Committee, entitled *Inquiry into portability of long service leave entitlements*, which was tabled in this place in June. I note at the outset that page iii of the report lists the committee members, which comprises seven in total. I want to particularly focus my comments on the minority report, which is included at the back of the document at page 201 of the report. As I looked at the so-called minority report, the first thing that struck me about it was that there were four names listed as signatories to this report, which then leads to the obvious question: how can it be that more than half the members of the committee have signed off on what has in fact been included in the report as a minority report.

This led me to the Deputy Chair's foreword in that minority section, and I just want to read an extract from that which explains to the Parliament and to the people of Victoria what has happened here, and I quote:

In the history of decades of joint parliamentary investigatory committees in Victoria, there is no record of a minority of committee members ever rescinding the will of the majority of the committee with the casting vote of the chair. The casting vote of the chair ultimately provides the chair with two votes, one deliberative, and the other casting when there is a tied vote. This occurred on two occasions in this committee.

Decisions made by the vote of the full committee were rescinded by stealth when a committee member was, unfortunately, absent. This was then followed by the reintroduction of motions that had formally been opposed by a vote of the full committee.

In addition to this unprecedented action, it was disappointing that members of the committee were unable to review the full assembled report prior to its adoption.

...

As a 'majority report' is one supported by a majority of committee members, the signatories to this report believe it, therefore, constitutes the majority report.

To get more information on that, I turned over to the extracts of proceedings contained at pages 193 to 199 of that particular report. You can see that there was a meeting on Wednesday, 13 April 2016, at which a range of matters — there were seven members there; that is the entire committee — were dealt with. And then we see some two and a half weeks later, on Monday, 2 May 2016, that there was a series of motions; indeed there were 11 matters that were dealt with by the committee which overturned the previous

decisions that had been made by the full committee. Not only were the original motions as passed by the full committee replaced by motions that had been previously defeated, but there were other matters as well within those particular motions.

It is an extraordinary situation that we have got here. So far as I am concerned, if this is not perverting what the intention of the committee and the entire committee process was, I just do not know what is. At the committee meeting on 2 May 2016 the chairman, as I said, a Labor government member, used his casting vote 11 times to overturn the will of the majority of the committee members and thus completely changed the report. That is an absolutely extraordinary situation. On the day this report was tabled, my colleague the member for Ringwood articulately conveyed to the chamber what had gone on here, and to say the fact that that has got no further, as I understand it, is a surprise to me is an understatement, but that is the way it is, I suppose.

Just in conclusion, we have got a committee report tabled in this place falsely saying it reflects the will of the committee when the clear evidence contained within that document itself shows that that is not the case. It is yet another shameful example of the bullying and arguably corrupt practices that are being used by the current Labor government to get its own way in any area. In my opinion this report will go down in history as an example of a ruthless government abusing the parliamentary practices for its own ends. We have got the will of the majority of members of a duly constituted committee of the Parliament of Victoria being overridden just as a result of an unfortunate absence of one of the members of that committee at a particular committee meeting. To descend to this level and overturn previous motions is an extraordinary abuse of power.

**Public Accounts and Estimates Committee:  
budget estimates 2015–16**

**Mr McGUIRE** (Broadmeadows) — I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates for 2015–16, particularly in relation to the contribution by the Minister for Industry and Employment, who referred to how working as a collective presents the government with an opportunity to drive strategic advantage from that collaboration across the economic portfolios within government.

This is a critical strategic proposition, and this is what I am calling for us to do not just in the state of Victoria but also nationally. We need a new era of enlightened federalism to harness the collective strength of the three

tiers of government, business and civil society to revitalise one of Australia's great economic engine rooms for the 21st century, Melbourne's north. Put simply, it is time to turn postcodes of disadvantage into postcodes of hope. It is time to reimagine communities that have underwritten Australia's prosperity for generations with their muscle, sweat and manufacturing nous but now face managed decline because of the Australian government's position that it wants to be a bystander rather than a participant.

In the countdown to the end of our once-proud automotive industry, it is time to define a new future beginning in the community that has so often given so much: the capital of Melbourne's north, Broadmeadows. The failure to do so is known and understood. The economic, social and political consequences are accepted. The value of a fair go has been established internationally. Globalisation has many benefits, but in blue-collar communities its creative destruction can mean individuals and families can lose their livelihoods. Such divisions between the winners and losers of globalisation highlight the backlash that has led to the Brexit vote in the now dis-United Kingdom, support for Donald Trump in the United States of America and Hansonism in Australia.

Connecting the disconnected is a critical local, state, national and international concern. Put bluntly, I want Broadmeadows to be remembered for the rise of CSL, not the demise of Ford's manufacturing, and for how we harness elegant science to create jobs and export life-saving blood products, not how we lose high-skilled jobs and Australia's once-proud automotive industry.

Former Prime Minister John Howard declared in 1998 he could not imagine Australia without a strong automotive industry. But here is how things have evolved, and this goes to a critical issue that needs to be addressed. The Abbott federal government pocketed \$800 million from the automotive transformation scheme, which was designed to help supply chain businesses survive the end of Australia's automotive manufacturing decline by finding new markets. The federal government declared that the money would be used for higher priorities.

We have just seen a federal election fought by the coalition that said the highest priority was jobs and growth. If that is to be anything more than a mantra for an election, more than just a hollow three-word slogan, now is the time to actually be involved, become a partner and actually look at where these investments can be made to invest in businesses to find new markets. This is really what we are talking about, and

this is the approach that is required; to look at how we reinvest in these areas, the so-called postcodes of disadvantage, to make them postcodes of hope for the 21st century. This is a proposition that is now firmly established about how we need to address such communities.

It has even come from the new Prime Minister of Britain and Tory leader, who talked about the need to fight against burning injustice. She described this basically as class, race and gender and said in her inaugural speech as Prime Minister — this is Theresa May:

The government I lead will be driven not by the interests of the privileged few but by yours.

These were the people that she was talking to: those for whom sometimes life can be a struggle and where they work around the clock.

This is a very important debate at a critical time for the evolution not just of these issues in my electorate of Broadmeadows but more broadly as well.

## CORRECTIONS LEGISLATION AMENDMENT BILL 2016

### *Statement of compatibility*

#### **Ms NEVILLE (Minister for Police) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Corrections Legislation Amendment Bill 2016.

In my opinion, the Corrections Legislation Amendment Bill 2016, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The bill amends the Corrections Act 1986 (Corrections Act) to:

- a. establish a new safety role for prison officers in the security and emergency services group (SESG) of Corrections Victoria in supervising prisoners on parole, drawing on recent reforms in relation to serious sex offenders;
- b. provide a clear power for the Secretary to the Department of Justice and Regulation to issue a warrant, or authorise an application for a magistrate's warrant, authorising:
  - i. a police officer to break, enter and search a public place or private residence to arrest and

return an unlawfully released prisoner to custody; or

- ii. a prison officer or an escort officer to arrest the prisoner in a public place and return them to custody;
- c. improve and clarify the information-sharing provisions in part 9E to expressly incorporate current ministerial authorisations permitting a relevant person (such as corrections staff) to share personal or confidential information about offenders and prisoners:
  - i. for the purpose of the Working With Children Act 2005 (Working With Children Act) to protect children from sexual or physical harm; and
  - ii. with correctional services authorities in other states, territories or countries (in particular New Zealand) to prevent crime and to monitor offenders who may pose risks to the community;
- d. provide an exemption from liability for any damage or injury caused by the use of reasonable force by corrections staff to ensure a consistent approach to exemption from liability throughout the Corrections Act;
- e. make technical or miscellaneous amendments to improve the operation of the Corrections Act, including clarifying the power for prison governors and regional managers to delegate functions and powers under the Corrections Regulations 2009, in addition to the Corrections Act, and removing references to abolished home detention orders.

***New powers in relation to high-risk situations involving prisoners on parole***

Clause 8 inserts a new division 5A into part 8 of the Corrections Act. The new division provides additional powers to specified officers in relation to a prisoner on parole. 'Specified officer' is defined by reference to the Serious Sex Offenders (Detention and Supervision) Act 2009, and includes prison officers appointed as community corrections officers in accordance with section 12(4) of the Corrections Act.

The additional powers in new division 5A only apply if the commissioner believes on reasonable grounds that the circumstances of the supervision of a prisoner on parole would otherwise pose a high risk of violence or other threat to the safety of any officer engaged in the supervision of the prisoner or any other person (new section 78G(2)). Further, the powers may only be exercised when supervising or assisting in the supervision of the prisoner on parole, and must be exercised in accordance with any direction given by the commissioner (new section 78G(3)). The commissioner may by instrument delegate to any employee of the Department of Justice and Regulation any of the commissioner's powers and functions, other than the power of delegation (new section 8AB).

*Powers to direct, use reasonable force, and apply an instrument of restraint*

New section 78H provides that specified officers may:

direct a prisoner on parole to do or not do anything that the specified officer believes on reasonable grounds is necessary for the safety of any person;

use reasonable force to compel a prisoner on parole to obey a direction if the specified officer believes on reasonable grounds that the use of force is necessary to prevent the specified officer, the prisoner on parole or any other person from being killed or seriously injured. This may include the use of a weapon, other than a firearm (for example, an extendable baton or capcicum spray), if the weapon is subject to an exemption order made under the Control of Weapons Act 1990;

apply an instrument of restraint to the prisoner on parole if the specified officer believes on reasonable grounds that it is necessary to do so to prevent the prisoner on parole or another person being killed or seriously injured. The instrument must be approved by the secretary and used in the manner determined by the secretary.

New sections 78I(5) and 78J(4) provide that a specified officer may, if necessary, use reasonable force in carrying out a search or seizure respectively (discussed below).

Section 78I also provides that the search may continue only for as long as necessary to achieve the purpose of the search. New section 78K provides that immediately before a search or seizure is carried out, the specified officer must inform the prisoner that —

- (a) the search or seizure (as the case requires) is to occur; and
- (b) reasonable force may be used to assist in the conduct of the search or seizure.

Section 78L requires the use of reasonable force or application of an instrument of restraint to be reported by the specified officer to the commissioner who, in turn, must report these matters to the Secretary to the Department of Justice and Regulation.

The power to use reasonable force to compel a prisoner on parole to obey a direction and apply instruments of restraint will necessarily involve the physical restraint or apprehension of a person. This may constitute an interference with the prisoner's freedom of movement (section 12), bodily privacy (section 13), and security of person (section 21).

The use of force may reasonably interfere with these rights provided it occurs within the framework of the law and with the objective of protecting public order, people's lives or property. Human rights principles require that the law and policies governing the use of force protect life to the greatest extent possible and confine the circumstances in which force is used. Any use of force must be no more than absolutely necessary and strictly proportionate to achieving a clearly defined lawful purpose.

From time to time there are continuing safety risks to the community, especially community corrections staff, in the supervision of some prisoners on parole. The provisions in the bill are necessary for the important purpose of addressing safety concerns in high-risk situations associated with

supervising prisoners on parole by community corrections staff, especially in the case of prisoners on parole who require after-hours home visits to check electronic monitoring equipment, or where home attendance to check compliance with a curfew or alcohol abstinence condition has been assessed as high risk. These restrictive conditions are increasingly being imposed by the adult parole board. Breaches of parole conditions identified as part of specified officers' exercise of powers in supervising prisoners on parole may lead to cancellation of parole.

The legislation ensures that these powers may only be used in circumstances in which they are strictly necessary. First, the powers only apply if the commissioner believes on reasonable grounds that the circumstances of the supervision of the prisoner on parole poses a high risk of violence or other threat to the safety of any officer engaged in the supervision of the prisoner or any other person (new section 78G(2)). This will ensure that the powers only apply to a limited cohort of prisoners on parole, namely those whose supervision is reasonably believed to create a high-risk situation. For example, a prisoner on parole may be assessed as posing a high risk of violence if that prisoner has a history of serious violent offences on parole, is an influential gang member, or has a history of violent crime and is linked to outlaw motorcycle clubs. Such persons may present a danger to officers tasked with their management, as well as to the community.

Further, the powers may only be exercised when supervising or assisting the supervision of the prisoner on parole, and must be exercised in accordance with any direction given by the commissioner (new section 78G(3)). Even where these conditions are met, the powers can only be used where the specified officer believes on reasonable grounds that it is necessary for the safety of any person, or to prevent death or serious injury. The Corrections Act ensures accountability for any use of these powers by requiring that, under new section 78L, specified officers must report any use of force or application of an instrument of restraint to the commissioner, and the commissioner must then report to the secretary. In addition, as the officers exercising these powers are public authorities under the charter, they have an obligation to act compatibly with human rights protected by the charter, including the right to life (section 9), the right to humane treatment when deprived of liberty (section 21) and the right to protection from cruel, inhuman or degrading treatment (section 10).

The provisions meet important community expectations that specified officers have appropriate powers to adequately supervise or manage high-risk prisoners on parole. This expectation forms part of a broader and legitimate expectation that officers with duties under the Corrections Act are able to fulfil their role in contributing to public order and public safety. The powers also assist the secretary in meeting his or her implicit duty of care to ensure a safe working environment for community corrections staff and specified officers.

Existing operational procedures for prison officers exercising similar powers under the Corrections Act ensure that the use of force is always proportionate to the relevant safety risk and is a last resort. Officers are trained to appropriately assess security risks and must identify possible courses of action that involve the use of all other options before resorting to the use of force to manage risks to safety, such as verbal direction, communication or negotiation.

Accordingly, I am satisfied that any interference with human rights caused by new sections 78H, 78I or 78J is compatible with the charter.

#### *Search and seizure powers*

New division 5A, inserted by clause 8, provides that the commissioner may give a direction to a specified officer to search the part of a residence occupied by a prisoner on parole, and any thing belonging to or in the possession of, or under the control of, the prisoner at the residence (new section 78I). The commissioner may also direct a specified officer to search and examine the prisoner on parole (with a garment search or a pat-down search) at the residence. The commissioner may only give a direction under this section if he or she reasonably suspects a search is necessary to monitor compliance with a parole order, or reasonably suspects the prisoner on parole of behaviour or conduct associated with an increased risk of the prisoner reoffending or breaching the conditions of the parole order.

During a search, a specified officer may seize any thing found in the possession or under the control of the prisoner on parole that he or she reasonably suspects will compromise the welfare or safety of a member of the public or the compliance of the prisoner on parole with the parole order, or which relates to behaviour or conduct associated with an increased risk of the prisoner on parole reoffending or breaching the conditions of the parole order (new section 78J).

These new search powers are relevant to the right to privacy of a prisoner on parole, as the powers involve an interference with the prisoner's home, correspondence and bodily integrity. It is arguable that, in the absence of a requirement to seek a warrant, these searches have the potential to arbitrarily intrude into the private and home spheres of prisoners subject to parole orders.

However, I am of the view that any such interference will not constitute a limit on a prisoner's right to privacy, as it will occur lawfully and not arbitrarily. The prohibition on arbitrariness requires that any interference with privacy must be reasonable or proportionate to a law's legitimate purpose. These powers only apply to prisoners on parole where the circumstances of their supervision have been assessed as posing a high risk of violence or other threat to the safety of any person. It is critically important that those charged with supervising such persons in the community be provided with sufficient tools to monitor compliance with parole conditions to reduce risks of further offending. The management of prisoners on parole, particularly in high-risk situations, poses challenges for Corrections Victoria, due to the complex nature of factors which may contribute to a particular prisoner's level of risk and due to the parole conditions that a prisoner may be subject to, which regulate behaviour in a number of contexts, such as electronic monitoring, curfew, drug and alcohol consumption and supervision. The availability of immediately executable search powers where there is a reasonable suspicion that it is necessary to monitor compliance with parole conditions, or a reasonable suspicion arises that the prisoner on parole is engaging in conduct or behaviour associated with reoffending, provides a valuable tool to enforce compliance with parole conditions and respond to conduct or behaviour which has a real likelihood of causing harm to the community.

In my view, the powers contain sufficient safeguards to prevent overreach. The search provisions only apply to offenders in high risk situations. For the powers to be lawfully exercised, the commissioner must possess the requisite

reasonable grounds that the search is necessary. With respect to concerns regarding bodily integrity, I note that the search is limited to a garment or pat-down search only. It is my view that the nature and scope of the searches are proportionate to the protective aims of the provision. I am of the view that these powers strike an appropriate balance between upholding the privacy of offenders and the community's expectation that those tasked with supervising high-risk prisoners on parole be provided with necessary and effective tools to discharge this function. I do not consider there to be any less restrictive means reasonably available to ensure the safety of the community and prevention of future violent offending.

While I note that the search powers have the potential to indirectly interfere with the privacy of other persons who may reside with a prisoner on parole in the community, the search power only permits searches to be conducted in relation to parts of the residence occupied by the prisoner on parole or items belonging to, or in the possession or control of that prisoner. I do, however, acknowledge that even though these search provisions do not target a third party residing in the same residence, a search of a residence may lead to an interference with a third party's privacy as a consequence of their proximity to the prisoner on parole. I am of the view that there are no less restrictive means reasonably available to protect third party privacy rights in this situation, and I am satisfied these search powers are compatible with the charter with regards to the protective and preventative aims of the search powers, which include furthering the safety and protection of that third party.

The power to seize items also engages the right not to be deprived of property other than in accordance with the law in section 20 of the charter. The right has been interpreted as requiring that a person must not be deprived of property other than in accordance with clear, transparent and precise criteria. In this case the amendments meet these criteria, as specified officers may only seize items that they reasonably suspect will compromise the welfare or safety of a member of the public or the compliance of the prisoner on parole with the parole order, or which relates to behaviour or conduct associated with an increased risk of the prisoner on parole reoffending (for example, prohibited drugs or weapons). Further, the commissioner is required under new section 78M in the bill to establish and maintain a register of seized things. Further protections for offenders' property rights are built into the search and seizure provisions by new sections 78I(6), 78K, 78L, 78M, 78N and 78O, such as the provisions requiring specified officers to photograph or otherwise record all items seized and provide a receipt with sufficient particulars for seized items. In my view, any deprivation of property associated with such seizures will occur in accordance with law, and so the right to property is not limited by these provisions.

#### *Powers concerning drug and alcohol testing*

New division 5A, inserted by clause 8, also provides that prisoners on parole must, at the direction of a specified officer, submit to breath testing, urinalysis, or other test procedures approved by the secretary for detecting alcohol or drug use (new section 78P). A specified officer may give a direction under this section if the specified officer has reasonable grounds to suspect that the prisoner on parole has breached a condition of the parole order by consuming alcohol or drugs.

Compelling a prisoner on parole to submit to alcohol or drug tests engages the right to privacy in section 13(a) of the

charter. Privacy covers the physical and personal integrity of a person, and includes the freedom from compulsory blood, breath or urine tests. However, as the tests will not be unlawful or arbitrary, I do not consider that the right to privacy is limited by the new section 78P. This is because the powers are confined to high-risk prisoners on parole, and a specified officer may only direct a prisoner on parole to undergo testing if he or she has reasonable grounds to suspect the prisoner has breached a condition of the parole order by consuming alcohol or drugs.

If the testing is capable of constituting medical treatment, the new section 78P may limit the right of a prisoner on parole not to be subject to medical treatment without consent under section 10 of the charter.

The power to direct prisoners on parole to submit to drug and alcohol testing will be for the legitimate purpose of ensuring that the person is complying with any relevant parole conditions, which in turn lessens the risk of the prisoner reoffending or posing a danger to the community. The interference caused, if any, with the right not to be subject to medical treatment without consent is relatively minor, appropriately circumscribed, and proportionate to the end sought to be achieved. In my view, there are no less restrictive means available to meet the objective of ensuring a prisoner on parole is complying with parole conditions concerning the use of drugs or alcohol.

For completeness I note that new section 78R further provides that a specified officer may also take for analysis a sample of a substance that the officer believes to be a drug of dependence or alcohol that is found in the possession of the prisoner on parole and that was not lawfully in his or her possession. The specified officer must advise the commissioner as soon as possible if he or she takes such a sample. While this new section may engage the right not to be arbitrarily deprived of property in section 20 of the charter, in my view the right is not limited as any deprivation of property will be in accordance with the law.

#### *Return of prisoner unlawfully released*

Clause 16 inserts a new section 108A which clarifies and expands the secretary's existing power to return a prisoner to custody if that prisoner is unlawfully released. If a prisoner who is not legally entitled to be released is released from custody, the secretary may issue a warrant, or authorise an application to a magistrate for a warrant, authorising a police officer to break, enter and search any place where the prisoner is reasonably believed to be, and to arrest the prisoner and return the prisoner to prison. The secretary may also issue a warrant, or authorise an application to a magistrate for a warrant, authorising a prison officer or escort officer to arrest the prisoner and return the prisoner to custody. An officer authorised by a warrant to arrest a prisoner and return the prisoner to prison may detain the prisoner temporarily at a police goal, police station, hospital or medical facility if it is impractical to immediately return the prisoner to prison, or if the prisoner requires urgent medical attention.

These powers may constitute an interference with a person's right to privacy, right to liberty, and right to freedom of movement. However, any limits imposed by the provision are reasonable and demonstrably justifiable in accordance with section 7(2) of the charter. The provisions only apply in limited circumstances, and will only affect prisoners who are subject to an existing custodial order requiring that prisoner to be held in prison. In such circumstances, these powers ensure that the prisoner can be swiftly returned to custody as

appropriate. The provision also ensures that prisoners can be temporarily held in other facilities where it is appropriate and practical to do so. The return of the prisoner is for the purpose of ensuring the prisoner remains in custody to serve the sentence of imprisonment imposed by an independent and impartial court. There are no less restrictive means reasonably available to achieve the purpose of the provision.

I therefore consider that the powers in new section 108A are compatible with the rights in the charter.

### ***Information sharing***

Section 104ZY of the Corrections Act provides for circumstances in which a relevant person may use or disclose personal or confidential information. This includes: information relating to the personal affairs of a person who is or has been an offender or a prisoner; information relating to the classification of a prisoner; information identifying a person or his or her address (or from which any person's identity or address can be reasonably determined); information given to the adult parole board that is not disclosed in a decision or reasons for decision of the board; information contained in a report given to a court that is not disclosed by the court's decision or reasons for decision; business, financial or commercial information that relates to the provision of correctional services or certain agreements under the Corrections Act; information concerning the investigation of a contravention or possible contravention of the law by various specified persons; information concerning the management of prisoners or emergency management procedures or plans; information concerning security systems and measures; and information given to an independent prison visitor.

Section 104ZY(1) includes two broad instances where sharing personal or confidential information is permitted: where it is reasonably necessary for the performance of official duties of the relevant person or any other relevant person, or where it is reasonably necessary for the performance by the relevant person of certain specified other duties (such as law enforcement duties or for the enforcement of a court order). Section 104ZY(2) further lists a number of specific circumstances when a relevant person may use or disclose personal or confidential information.

These laws authorise a discretion to disclose personal and confidential information about offenders through a case-by-case assessment.

Clause 13 expands these information-sharing powers by expanding the definition of 'relevant person' to include various bodies including: the Secretary to the Department of Justice and Regulation; the secretary and employees of the Department of Health and Human Services and service providers acting on its behalf; certain persons appointed under the Public Prosecutions Act 1994; the secretary and employees of the Department of Immigration and Border Protection of the commonwealth and service providers acting on its behalf; and the secretary and employees of the Attorney-General's department of the commonwealth and service providers acting on its behalf. These amendments are designed to ensure that the information-sharing powers in the Corrections Act are, where appropriate, consistent with the powers in the Serious Sex Offenders (Detention and Supervision) Act 2009.

Clause 14 further expands the information-sharing powers by amending section 104ZY(2) to enable disclosures of information relating to requests for information under the

Working With Children Act 2005. The underlying purpose of these information-sharing amendments is to support a working with children scheme that aims to ensure protection of children from sexual or physical harm. Clause 14 also clarifies that section 104ZY(2)(k), which enables disclosures to the commonwealth Department of Immigration and Border Protection for the purpose of determining the eligibility of a prisoner to remain in Australia, includes information relating to former prisoners.

Clause 14 also authorises disclosures of confidential or personal information to a correctional services authority (including a parole authority) of another state, territory or country, if the information relates to a person who is or has been an offender or prisoner and the disclosure is reasonably necessary to ensure the other jurisdiction can properly supervise, or assess the risks of reoffending by, that person. The sharing of information in this context is principally aimed to prevent crime and to monitor offenders who may pose risks to the community. Safeguards are contained in the bill. For example, disclosures to any foreign jurisdictions can only be made with the written authority of the secretary, who will consider all the circumstances on a case-by-case basis before authorising such a disclosure. The compliance of the other jurisdiction with international human rights treaties and information privacy principles will be one of the relevant considerations for the secretary in making a decision to authorise disclosure.

The provisions engage the right to privacy by broadening the circumstances in which confidential or personal information may be used or disclosed under the Corrections Act. However, any interference with the right to privacy is neither unlawful nor arbitrary. The provisions ensure that information can be disclosed to and used by persons or bodies which require that information to carry out their authorised functions. The persons who can access information can only do so for the limited circumstances set out in the Corrections Act. I consider that adequate protections are in place to ensure that personal or confidential information is not used or disclosed inappropriately, and therefore I consider that these provisions are consistent with the right to privacy in section 13 of the charter.

### ***Limitation of liability***

Clauses 5 to 8, 10 and 12 each introduce amendments to the Corrections Act to limit the liability of certain persons exercising powers under the Corrections Act to use reasonable force and to apply an authorised instrument of restraint in certain limited circumstances. These provisions restrict a person's ability to bring legal proceedings against such persons in certain circumstances, which may engage the right to a fair hearing under section 24 of the charter by impeding access to the court.

The powers affected by these amendments are contained in:

sections 42, 43 and 45 of the Corrections Act, which authorise prison officers, if necessary, to use reasonable force to compel certain persons to leave a prison in limited circumstances;

section 90, which provides that an officer may in limited circumstances use reasonable force to compel an offender to obey a direction given for the purpose of the management, good order or security of a location;

section 104I, which provides that the regional manager, a community corrections officer or a specified officer

may in limited circumstances use force to compel a monitored person at a community corrections centre to obey a direction, and may apply an authorised instrument of restraint to the monitored person;

new section 78H, discussed above, which provides that in limited circumstances reasonable force and instruments of restraint may be used in relation to certain high-risk prisoners on parole; and

new sections 78I and 78J, which provide that in limited circumstances reasonable force may be used in relation to certain prisoners on parole, in cases of high risk, in exercising search and seizure powers.

The provision of these immunities is consistent with various other protections from liability in the Corrections Act for persons who use reasonable force in specified circumstances. These immunities are designed to maintain the effectiveness of relevant officers under the Corrections Act in carrying out functions directed to maintaining order and security in correctional facilities or to protect community safety. Without some protection from litigation, relevant officers may hesitate to use reasonable force or apply an instrument of restraint, notwithstanding that doing so may be required to prevent safety risks, including to prevent serious injury or serious property damage.

Providing a statutory immunity to such officers will facilitate the proper exercise of powers which are in the public interest, and which the community expects will be effectively exercised when necessary. Further, these immunities only extend to cover use of reasonable force or instruments of restraint in circumstances where it is necessary to carry out specified functions, and liability will still arise for any unreasonable or unnecessary use of force that has not been exercised in accordance with a relevant provision of the Corrections Act. Accordingly, officers will still remain accountable for any improper, unreasonable or unauthorised use of force, and a cause of action will remain for any person who has suffered injury or damage in such circumstances.

Accordingly, I am satisfied that that the limitation of liability in this context does not limit the right to a fair hearing and is compatible with the charter.

The Hon. Lisa Neville, MP  
Minister for Police

### *Second reading*

**Ms NEVILLE** (Minister for Police) — I move:

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under standing orders:**

In summary, the bill will amend the Corrections Act 1986 to:

- a. establish a new safety role for the security and emergency services group (SESG) of Corrections Victoria in supervising prisoners on parole, drawing on recent reforms in relation to serious sex offenders;
- b. provide a clear power for the Secretary to the Department of Justice and Regulation to issue a

warrant, or authorise an application for a magistrate's warrant, authorising:

- i. a police officer to break, enter and search a public place or private residence to arrest and return an unlawfully released prisoner to custody; or
  - ii. a prison officer or an escort officer to arrest the prisoner in a public place and return them to custody;
- c. improve and clarify the information-sharing provisions in part 9E including to expressly incorporate current ministerial authorisations permitting a relevant person (such as corrections staff) to share personal or confidential information about offenders and prisoners:
- i. for the purpose of the Working With Children Act 2005 (Working With Children Act) to protect children from sexual or physical harm; and
  - ii. with correctional services authorities and parole authorities in other states, territories or countries (in particular New Zealand) to prevent crime and to monitor offenders who may pose risks to the community;
- d. provide an exemption from liability for any damage or injury caused by the use of reasonable force by corrections staff to ensure a consistent approach to exemption from liability throughout the Corrections Act;
- e. make technical or miscellaneous amendments to improve the operation of the Corrections Act, including clarifying the power for prison governors and regional managers to delegate functions and powers under the Corrections Regulations 2009, in addition to the Corrections Act.

### **Safety role for the security and emergency services group in relation to parole**

There are continuing safety risks to the community, especially community corrections staff, in the supervision of some prisoners on parole. These safety risks are more likely to occur in relation to particular categories of prisoners on parole whose offending profile, subsequent evidence of escalating behaviour or residence environment indicate a high risk of violence. This is particularly so when combined with after-hours home visits by community corrections staff, for example, to check electronic monitoring equipment, compliance with a curfew or an alcohol abstinence condition.

The bill addresses these safety risks by establishing a new safety role for prison officers in the SESG in supervising prisoners on parole, drawing on recent reforms in relation to serious sex offenders.

Recent reforms under the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) established a new type of officer to assist in the management of serious sex offenders, called 'specified officers'. These officers have certain safety powers when assisting in the supervision of serious sex offenders. The 'specified officers' are intended to

be the prison officers in the SESG who are also community corrections officers.

The bill extends the safety role of SESG to supervising prisoners on parole. Safety risks to community corrections staff are posed from time to time in the supervision of prisoners on parole. The risk profile of the prisoner on parole may be related to their criminal history and/or their behaviour while on parole. Prisoners on parole can include serious sex offenders and serious violent offenders. Other prisoners on parole may be subject to conditions such as electronic monitoring or other restrictive parole conditions requiring attendance and close supervision. Breaches of parole conditions identified as part of SESG's new safety role may lead to cancellation of parole.

Community corrections officers currently have general powers to use reasonable force to respond to threats of death, serious injury or serious property damage. Under the bill, prison officers in the SESG, in their new safety role as a special class of community corrections officers, may supervise prisoners on parole and use additional safety measures when using reasonable force.

The additional powers in the bill include application of instruments of restraint, garment or pat-down searches of the prisoner on parole or at the prisoner's residence, and the power to seize items on safety or welfare grounds or due to a risk of reoffending or the risk of breaching the parole order. The SESG officer may also conduct alcohol or drug testing of the prisoner on parole.

Supporting these reforms will be a legal exemption to use extendable batons and capsicum spray. This will be authorised by a subsequent Governor in Council order under the Control of Weapons Act 1990. These powers will be defensive and aim to ensure protection of any person, including community corrections staff. No firearms will be used.

The powers are modelled on those currently exercised by specified officers under the SSODSA. However, under the bill, before the new safety powers can be used by the SESG, the circumstances surrounding the supervision of the prisoner on parole must be assessed by the commissioner of Corrections Victoria as otherwise posing a high risk of violence or other threat to the safety of any person.

This threshold is higher than that under the SSODSA because in the context of parole, the SESG will be engaging with a much larger category of offenders in the community who may pose a range of risks. As these are significant powers involving the use of reasonable force, a high risk is an appropriate threshold.

Supporting the reforms will be an enhancement of current processes used by Corrections Victoria in conducting risk assessments of the offender's residence and risk of violence.

To ensure oversight of the exercise of these stronger powers, SESG officers will be subject to the direction of the commissioner of Corrections Victoria. The bill requires specified officers to report on instances of use of reasonable force to the commissioner who is then required to report these matters to the Secretary to the Department of Justice and Regulation.

The new role of SESG officers in supervising prisoners on parole in the community does not undermine the proper role

of Victoria Police. The SESG officers will be, in effect, specialist community corrections officers responding to safety issues when supervising a prisoner on parole in the community. Corrections Victoria will continue to work closely with Victoria Police including on after-hours responses that require police support and under the enhanced operational model supporting the broader SESG role in the bill.

Any breaches of parole conditions or risks to community safety identified as part of the SESG's new safety role in supervising prisoners on parole may lead to a report to the adult parole board who may cancel parole.

The bill builds on recent sentencing reforms for violent offending against custodial staff in the prison environment in the Crimes Legislation Amendment Act 2016, which recognised the ongoing risk of violence in the correctional environment.

The bill is one of the many actions the government is taking to deliver on its duty to keep community corrections staff and other members of the community safe.

#### **Unlawful releases from custody**

There is currently a lack of a clear and express power in the Corrections Act for the return of unlawfully released prisoners to custody. This undermines community safety and confidence in the corrections system.

There are currently general powers under the Corrections Act which can be used to return a prisoner to custody after they are mistakenly released into the community. However, the current powers do not allow police officers (or any other officers) to break and enter premises for the purpose of taking charge of the prisoner and therefore, currently the prisoner must be located in a public place. The amendments in the bill remove the anomaly that a prisoner could seek to avoid capture by entering a private home.

The bill provides clear powers for the Secretary to the Department of Justice and Regulation to issue a warrant, or authorise an application to a magistrate for a warrant, for the return of an unlawfully released prisoner to custody. The warrant can authorise a police officer to break, enter and search a public place or private premises to arrest and return the prisoner to custody. Alternatively, the warrant can authorise a prison officer or escort officer to arrest the prisoner in a public place and return the prisoner to custody. A magistrate issued warrant may be used, for example, to return a prisoner who may be at risk of leaving Victoria or there are other criminal proceedings on foot.

These express powers will provide greater clarity and protection for police officers or other officers who return the prisoner to custody. It is important that the clear power can be recited to the prisoner and accompanied by a legally valid warrant issued under a power in the Corrections Act.

#### **Information sharing under part 9E of the Corrections Act**

There is currently a lack of transparency on the face of the Corrections Act regarding some circumstances where the disclosure of confidential information may be appropriate.

Part 9E of the Corrections Act governs the use and disclosure of private and confidential information about offenders and prisoners in the Corrections system. These laws authorise a



discretion to disclose personal and confidential information about offenders. It is not mandatory. It is a case-by-case assessment.

These laws are intended to cover all situations where use or disclosure of personal or confidential information about offenders and prisoners may be necessary. Under part 9E, however, the minister can authorise use or disclosure of that information in unexpected situations that fall outside those specifically identified.

There are currently two ministerial authorisations in force, which permit a relevant person (such as Corrections staff) to share personal or confidential information about offenders and prisoners:

- a. for the purpose of the Working With Children Act 2005 to protect children from sexual or physical harm; and
- b. with correctional services authorities in other states, territories or other countries (such as New Zealand) to prevent crime and to monitor offenders who may pose risks to the community.

The current ministerial authorisations have been in place for approximately one year and are ordinarily intended to be temporary and limited.

The bill makes these two new categories of information sharing explicit in the Corrections Act to provide greater transparency and includes further classes of persons who may use or disclose that information to ensure consistency between the two information-sharing schemes under the Corrections Act and the serious sex offender legislation.

*Information sharing under the Working With Children Act 2005*

The bill confirms in the Corrections Act the first ministerial authorisation which assists decision-making under the Working with Children scheme, for the purpose of protecting children from sexual or physical harm.

The amendment confirms information about offenders and prisoners may be shared in response to a request for information under the Working With Children Act for the purposes of assisting the Victorian Civil and Administrative Tribunal making a decision about an applicant.

The bill will also permit sharing information for other purposes of the Working With Children Act, including to identify whether a serious sex offender under a supervision order has committed an offence by applying for a working with children check despite being prohibited from doing so.

*Information sharing with other jurisdictions*

The bill confirms in the Corrections Act the second ministerial authorisation that was made in response to Corrections Victoria receiving a number of requests for information about offenders from overseas correctional services authorities, in particular New Zealand, due to recent changes to deportation laws by the commonwealth regarding criminal offending by persons with visas. The bill also permits information sharing between parole authorities and with correctional services authorities either in or outside Australia.

The information sharing between correctional services authorities and parole decision-making authorities in these cases is principally aimed to prevent crime through the supervision and assessment of risks posed by offenders who move between jurisdictions in or outside Australia. This measure further protects community safety.

As per current practices, the sharing of information will be limited on a case-by-case assessment of each request, rather than a blanket approach. Under the bill, any sharing of information with other foreign jurisdictions must be carefully scrutinised.

The bill contains legal safeguards to ensure information sharing with other countries is assessed on a case-by-case basis with senior level oversight. The Secretary to the Department of Justice and Regulation must be satisfied that sharing the information is appropriate in all the circumstances and has authorised such disclosure. This will include a high level consideration of the particular jurisdiction that has made the request, for example, having regard to Australia's obligations under international law in relation to human rights and whether the particular foreign jurisdiction is similarly compliant.

These measures in the bill will assist in keeping our community safe and promote cooperation between overseas corrections authorities where appropriate.

**Use of reasonable force — no liability clauses**

The Corrections Act authorises the use of reasonable force by various officers in specified circumstances. Some provisions provide that these officers cannot be sued for any injury or damage caused by the use of reasonable force. However, the exemption does not apply uniformly in all cases where reasonable force can be used under the Corrections Act.

This may cause potential uncertainty in the legal protections for corrections staff. The bill fixes this anomaly and extends the exemption from liability uniformly throughout the Corrections Act. This will ensure that persons who lawfully exercise reasonable force on safety grounds can do so without fear of liability. This bill adopts the approach taken in the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016, which exempts from liability corrections officers and police officers who use reasonable force in exercise of their official duties.

This bill represents further action this government is taking to strengthen the corrections system and to protect our community.

I commend the bill to the house.

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

**Debate adjourned until Wednesday, 14 September.**

## EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016

### *Statement of compatibility*

#### **Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Equal Opportunity Amendment (Religious Exceptions) Bill 2016 (the bill).

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

#### **Overview**

The Equal Opportunity Act 2010 (EO act) prohibits discrimination on the basis of a specified attribute of a person in certain areas of public life, such as employment, education and the provision of goods and services. The EO act also sets out 'exceptions' to discrimination, which recognise that discrimination may be justified in certain circumstances.

Sections 82 and 83 of the EO act currently provide for exceptions for the conduct of religious bodies and schools in all areas covered by the act.

The bill modifies the application of these exceptions in the area of employment by reinstating an 'inherent requirements test' for a religious body or school that wishes to rely on a religious defence to discriminate in this area. The modified exceptions provide that the EO act's prohibitions on discrimination will not apply to anything done in relation to the employment of a person by a religious body or school where conformity with the body or school's religious doctrines, beliefs or principles is an inherent requirement of the job, and, because of a particular personal attribute, the person does not meet that inherent requirement.

The purpose of reinstating the inherent requirements test is to better balance a person's right to equality and to be free from discrimination with the need to protect the right to freedom of religion and belief. This is to ensure that both of these rights can be appropriately recognised and enjoyed.

#### **Human rights issues**

##### *Relevant human rights*

There are two rights recognised by the charter that are relevant to the bill: the right to recognition and equality before the law (section 8) and the right to freedom of thought, conscience, religion and belief (section 14).

##### Recognition and equality before the law

Section 8 of the charter provides that every person has the right to enjoy their human rights without discrimination. It also provides that every person is equal before the law, is entitled to the equal protection of the law without

discrimination, and has the right to equal and effective protection against discrimination.

The value underpinning section 8 is personal dignity. To treat somebody differently because of a specified attribute, rather than on the basis of their individual worth and merit, can undermine personal autonomy and self-realisation.

The exceptions to the prohibition on discrimination in the EO act, including the religious exceptions, act as a defence to discrimination and prevent relief from being sought in relation to conduct that would otherwise be unlawful. As such, the exceptions limit the right to equality protected by the charter and should be reasonable and demonstrably justified.

##### Freedom of religion and belief

Section 14 of the charter provides that every person has the right to freedom of thought, conscience, religion and belief. This right includes the freedom to have or adopt a religion or belief of the person's choice, and the freedom to demonstrate the religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.

The purpose of the religious exceptions in sections 82 and 83 of the EO act is to protect the right to freedom of religion and belief, and, in particular, the freedom to demonstrate a religion or belief in practice and teaching, as part of a community. This protection is important in a pluralistic society that values freedom of religion.

These current religious exceptions carefully set out the scope of the protection afforded to the freedom of religion and belief, including by defining the persons or bodies that can rely on the exceptions, and limiting the attributes that are relevant to the exceptions to those that might conflict with core beliefs and values held by religious bodies and schools.

By reinstating the inherent requirements test, the bill further qualifies the scope of the religious exceptions in the area of employment.

The charter makes it clear that only human beings have human rights. It is therefore not necessary to consider whether the bill limits any human rights of religious bodies and schools, as employing organisations rather than human persons. In any case, to the extent to which the bill, in reinstating an inherent requirements test, might limit any such rights, I am of the view that any limit of the right to freedom of religion of a religious body or school must be appropriately balanced against the right of job applicants and employees to be free from discrimination.

##### *Balancing the rights*

The bill's reinstatement of the inherent requirements test in sections 82 and 83 of the EO act modifies the existing balance between the right to equality and the right to freedom of religion and belief. As noted above, both rights are important and both are recognised under the charter.

As the Victorian Court of Appeal held in *Christian Youth Camps Ltd v. Cobaw Community Health Services Ltd* [2014] VSCA 75, the balancing of these rights does not involve the privileging of one right over the other, but a recognition that the rights coexist. It is up to Parliament to decide how best to balance these rights.

The inherent requirements test imposes a stronger requirement on religious bodies and schools to demonstrate the necessary religious basis for discrimination on religious grounds. However, it will continue to allow a religious body or school to discriminate in employment in appropriate circumstances, namely where conformity with the doctrines, beliefs or principles of the particular religion is an inherent requirement of the relevant position.

The inherent requirements test takes into account the nature of the religious body or school, and the religious doctrines, beliefs and principles in accordance with which the body or school is conducted.

However, the defence will only be available where conformity with religious doctrines, beliefs or principles is an inherent requirement of the employment in question, and, because of a particular personal attribute, an employee or job applicant does not meet that inherent requirement. This approach ensures that there is a direct relationship, and a necessary connection, between the religious doctrines, beliefs or principles of the body or school, and the need to discriminate in employment because of those religious doctrines, beliefs or principles.

Further, the test will only apply in relation to personal attributes of an employee or job applicant that are likely to conflict with religious doctrines, beliefs or principles, namely: having a different religious belief to the body or school or no religious belief, or the person's sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

There are inevitably different views about how to balance sections 8 and 14 of the charter. In my view, the approach adopted by the bill — that is, the reinstatement of the inherent requirements test — is the least restrictive means available to achieve the objective of striking the appropriate balance between the rights to equality and freedom of religion.

While continuing to recognise that religious bodies and schools have an important role as an expression of freedom of religion practised in community, the inherent requirements test ensures that the large number of people employed, or seeking to be employed, by these organisations are better protected from discrimination. It is therefore an approach that allows both the right to equality and the right to religious freedom to be appropriately recognised and enjoyed.

The Hon. Martin Pakula, MP  
Attorney-General

*Second reading*

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

That this bill be now read a second time.

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

The Andrews Labor government is proud to introduce the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. The government believes that it should stand up for people's rights and has made a strong commitment to put equality back on the agenda in Victoria.

An important part of this commitment to equality is reversing changes to the religious exceptions in the Equal Opportunity Act 2010 (the act) made in 2011. The changes removed an 'inherent requirements test' for employment by a religious body or religious school, which was intended to limit the ability of such organisations to discriminate unreasonably against people with particular characteristics.

The removal of this test has meant that too many Victorians remain vulnerable to unjustified discrimination in employment, particularly because of their sexual orientation or gender identity.

A large number of people are employed by or seek to be employed by religious bodies and schools in Victoria, in a range of different positions. In these circumstances, it is fair to ask these organisations to demonstrate the necessary connection between their religious beliefs and principles, and proposed discrimination in employment because of an individual's personal attribute.

In line with our clear election commitment, the bill will amend the religious exceptions in sections 82 and 83 of the act to reinstate the inherent requirement test, as it was enacted in 2010, in order to ensure that the religious exceptions operate more fairly.

Under the bill, a religious body or school will still have the scope to discriminate in employment on religious grounds. Importantly, the inherent requirements test takes into account the nature of the religious body or school, and the religious doctrines, beliefs and principles in accordance with which the body or school is conducted.

This test recognises that different religious bodies and schools adopt different approaches to the application of religious beliefs and principles within their organisations. Some religious organisations have an approach that requires participation by all staff in their religious mission. Others only seek religious adherence from staff in particular positions.

However, the defence will only be available where conformity with religious doctrines, beliefs or principles is an inherent requirement of the job in question, and, because of a particular personal attribute, an employee or job applicant does not meet that inherent requirement. This approach will ensure that there is a necessary connection between the religious doctrines, beliefs or principles of the body or school, and the need to discriminate in employment because of those religious doctrines, beliefs or principles.

The test will only apply in relation to personal attributes of an employee or job applicant that are likely to conflict with religious doctrines, beliefs or principles, namely: having a different religious belief to the body or school or no religious belief, or the person's sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

In this way, the bill does not privilege the right to equality over the right to freedom of religion. Instead, it balances the rights more fairly, so that both can be appropriately recognised and enjoyed.

Further, the inherent requirements test will not force religious bodies and schools to employ people with attributes that conflict with their religious beliefs. Nor will it put an end to religious schools. What the test will do, and appropriately so, is require those organisations that do seek to discriminate in employment on religious grounds to demonstrate the

necessary connection between their particular religious beliefs and the need to discriminate.

With this bill, the government is following through on its election commitment to reinstate the inherent requirements test in the act's religious exceptions. The bill will restore a fairer balance between the right to equality and the right to religious freedom than exists currently.

I commend the bill to the house.

**Debate adjourned on motion of Mr PESUTTO (Hawthorn).**

**Debate adjourned until Wednesday, 14 September.**

## TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2016

### *Statement of compatibility*

**Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Traditional Owner Settlement Amendment Bill 2016.

In my opinion, the Traditional Owner Settlement Amendment Bill 2016, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The bill seeks to enhance the operation of the Traditional Owner Settlement Act 2010 (Vic) (the act) and to ensure that the act provides an attractive alternative to seeking a Federal Court determination under the Native Title Act 1993 (cth) for Victorian traditional owner groups.

The bill amends the act in order to:

- a. ensure that grants of Aboriginal title made under part 3 of the act do not have any adverse impact on existing interests;
- b. enhance the operation of Land Use Activity Agreements under part 4 of the act, including providing for formal measures to resolve instances of non-compliance with those agreements;
- c. streamline the operation of Natural Resource Agreements (NRAs) under part 6 of the act, to provide for access to and use of natural resources to be authorised directly by an NRA, rather than by natural resource authorisation orders; and to extend the operation of an NRA to land owned by traditional owner group members or a traditional owner group entity; and
- d. provide for other minor and related matters.

#### **Human rights issues**

##### Human rights protected by the charter that are relevant to the bill

##### *(a) Section 19(2) — Distinct cultural rights of Aboriginal people*

Section 19(2) of the charter provides that Aboriginal persons hold distinct cultural rights and must not be denied the right to enjoy their identity and culture, and to maintain their language and kinship ties. Section 19(2) recognises that Aboriginal persons in Victoria have a distinctive, material and economic relationship with the lands and waters, and a right to maintain that relationship. The bill enhances the cultural rights of Aboriginal persons which are provided for under section 19(2) of the charter.

Currently, there are no formal consequences where a land use activity contravenes a land use activity agreement (part 4 of the act). The bill will amend part 4 of the act so that a traditional owner group entity can apply to the Victorian Civil and Administrative Tribunal for an order enforcing a land use activity agreement. This enforcement mechanism will provide traditional owners with greater enjoyment of their distinct cultural rights under section 19(2) of the charter. This amendment is also consistent with the right to a fair hearing under section 24 of the charter.

Natural resource authorisation orders under part 6 of the current act, which give effect to natural resource agreements, fail to provide sufficient security of enjoyment of traditional owner rights and fall short of the natural resource rights available under the Native Title Act 1993 (cth). The bill will enhance the cultural rights of Aboriginal persons under section 19(2) of the charter by increasing the access to and use of natural resources across different public land types, increasing the number of exemptions to offences that may prevent the exercise of natural resource rights, and by permitting traditional owner group members to access and use natural resources on land owned by them or the traditional owner group entity.

##### *(b) Section 20 — Property rights*

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. The bill promotes property rights by amending part 3 of the act in order to ensure that all existing interests survive the grant of Aboriginal title as part of a land agreement and are consistent with section 20 of the charter. The bill ensures that grants of Aboriginal title will not adversely affect any lawful state or third party interest in public land.

As noted, the bill provides for the protection of the property rights of traditional owners, by enhancing compliance with Land Use Activity Agreements under part 4 of the act.

The Hon. Martin Pakula, MP  
Attorney-General

### *Second reading*

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

That this bill be now read a second time.

## Speech as follows incorporated into *Hansard* under standing orders:

### Introduction

The Traditional Owner Settlement Act is the government's and traditional owners' preferred approach to resolving native title claims in Victoria. Since its passage in 2010, the government has reached settlements with the Gunaikurnai people of Gippsland and with the Dja Dja Wurrung people of the Loddon Valley.

As at August 2016, six other traditional owner groups are considering an offer, are in negotiations, or are seeking to enter settlement negotiations under the act.

Victoria is the only state in Australia that has co-designed, with traditional owners, a comprehensive alternative to the Native Title Act.

The impetus for Victoria's alternative framework was the ad hoc and inadequate outcomes delivered by the federal native title system in a costly, unnecessarily adversarial, technical and time-consuming manner. For a heavily settled state like Victoria, the Native Title Act requirement for claimants to demonstrate an unbroken connection with their lands since the arrival of Europeans does not provide a good foundation for delivering land justice.

Victoria's Traditional Owner Settlement Act has already delivered concrete outcomes such as grants of freehold title, grants of Aboriginal title to enable joint management of parks and reserves, and a simplified and enhanced regime for managing activities that affect native title rights. The act also delivers economic outcomes and helps support the good governance and long-term financial sustainability of traditional owner corporations. It embeds Victoria's traditional owners as partners with government, now and into the future. This relationship brings benefits to both parties as well as the wider Victorian community.

Based on the experience of the last six years, this bill will make some adjustments to the act to ensure that the act continues to be an attractive alternative to the Native Title Act.

The bill will amend the act in four areas.

### Definition of public land

The bill provides for an amended definition of 'public land'. Paragraph (f) of the definition of public land — a 'catch all' provision — will be repealed. This amendment will not reduce the amount of land potentially available under the act, as all reserved and unreserved Crown land is included within the other limbs of the definition of public land.

### Grants of Aboriginal title

The bill will amend the Traditional Owner Settlement Act in order to ensure that grants of Aboriginal title can be made without unintended consequences for any existing interests in land. This change is necessary in order for the state to deliver on some outstanding commitments to make grants of Aboriginal title under the Gunaikurnai and the Dja Dja Wurrung settlements.

### Land use activity agreements

The amendments will enhance compliance with land use activity agreements by extending the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction to resolve disputes and make enforcement orders. A traditional owner group entity will be able to apply to VCAT for an enforcement order or interim enforcement order against a person if a land use activity contravenes, has contravened, or, unless prevented by the enforcement order, will contravene the act. Parties affected by the orders will be notified and have the opportunity to make objections and be heard. It is anticipated that these amendments will serve to promote voluntary compliance and prevent the need for a traditional owner group entity to make such applications.

### Natural resource agreements

Many traditional owner groups have expressed concerns about whether part 6 of the act adequately secures the natural resource rights that are provided for traditional owners under the Native Title Act. In response, the bill will better facilitate the exercise of traditional owner rights to access and use natural resources.

The amendments provide for traditional owner access to and use of natural resources to be authorised directly by a natural resource agreement, rather than as at present by a subsequent natural resource authorisation order.

The bill provides for subsidiary decision-making powers in relation to a natural resource agreement, allowing representatives of the parties the flexibility to agree to either relax or tighten the scope of access to and take of a particular resource, depending on the local circumstances. There is also provision for the relevant minister to suspend the operation of a part of a natural resource agreement, for no longer than six months, to deal with an urgent circumstance, such as an outbreak of disease.

The bill also extends the operation of a natural resource agreement to land owned by traditional owner group members or the traditional owner group entity. This amendment was sought by traditional owners and will prevent the traditional owner group members from needing to seek multiple permissions from relevant authorities to undertake activities on land that they or their entity own. While this amendment extends the operation of the principal act to land other than public land, its beneficial purpose justifies this extension.

In order to have practical effect, a natural resource agreement must be accompanied by exemptions from certain offence provisions in the state regulatory regime for natural resource and land management. The bill amends various acts to ensure that traditional owners acting within the authority provided by a natural resource agreement will not commit an offence.

### Conclusion

This bill seeks to build on the experience of the last six years to make improvements to the principal act to ensure that it continues to be an attractive alternative to the Native Title Act. The bill includes many provisions sought by traditional owners and has been developed in close consultation with the Federation of Victorian Traditional Owner Corporations and Native Title Services Victoria.

The Traditional Owner Settlement Act strongly aligns with this government's commitment to support self-determination for Aboriginal Victorians, which is also being progressed through work to develop a treaty. As my colleague, the Honourable Natalie Hutchins, Minister for Aboriginal Affairs, has noted, any treaty process will need to take account of settlement agreements made under the Traditional Owner Settlement Act. Settlements under the act recognise, name and treat with respect Victoria's first peoples, the traditional owners. They are, in themselves, vehicles for self-determination for Victoria's traditional owners.

I commend the bill to the house.

**Debate adjourned on motion of Mr M. O'BRIEN (Malvern).**

**Debate adjourned until Wednesday, 14 September.**

**PUBLIC ADMINISTRATION AMENDMENT  
(PUBLIC SECTOR COMMUNICATION  
STANDARDS) BILL 2016**

*Second reading*

**Debate resumed from 13 April; motion of Ms ALLAN (Minister for Public Transport).**

**Mr M. O'BRIEN (Malvern)** — I am pleased to rise to speak on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. This is a relatively brief bill, and its brevity befits its lack of substance. This is a bill which does not deliver on what the Labor Party promised prior to the last election. The Labor Party promised to make significant changes and, as they put it, to raise standards in relation to government communications. By contrast, all this bill does is create a framework for governance of communication and advertising by public sector bodies. It really does not add to what we already have in Victoria.

Victoria currently has a public sector code of conduct. There is a code of conduct for employees. There is a code of conduct for directors of Victorian public entities. So this code already sets out limitations on the public sector and how communications should be undertaken. It is very important that taxpayer money is not used to promote political parties. Quoting from the code of conduct for directors of Victorian public entities, in the foreword it says:

As the public sector continues to adapt and evolve, it is essential that it retains the key attributes that have allowed it to play its critical role with the full confidence of government and the wider community for over a century. Those key attributes are its apolitical nature ...

It then goes on. Looking at the Victorian Public Sector Commission's code of conduct for employees, in section 2.2, 'Remaining apolitical', it says:

Public sector employees conduct themselves in an apolitical manner. They implement and administer the policies and programs of the elected government. They avoid in the course of their work, any participation in activities which support a political party ...

These are the standards that we already have in place, so you have to question what the further guidelines —

**Ms Green** interjected.

**Mr M. O'BRIEN** — I am sorry, member for Yan Yean; do you have something to say?

**Mr Brooks** interjected.

**Mr M. O'BRIEN** — No wonder you're not on the frontbench, mate.

*Honourable members interjecting.*

**Mr M. O'BRIEN** — No wonder you're not on the frontbench, Brooksy — just not up to it.

We already have requirements that public servants in communications in the public sector be apolitical and not be promoting political parties, but of course since we have seen the Andrews Labor government come to office, we have seen not just the government but the public sector throw those standards out the window. We have seen the use and the misuse of taxpayer-funded resources to promote not just initiatives of the government but to promote the Labor Party. Here is a tweet from Public Transport Victoria (PTV) on 29 January this year:

Local Labor member Shaun Leane opens new upgraded #RingwoodStation and bus interchange ...

The first point of course is that that project was funded by the former coalition government. But the second point is: why is Public Transport Victoria promoting that a particular MP is a member of the Labor Party? That is completely contrary to the code of conduct that is already in place. This was called out by a member of the press gallery. Andrew Lund of Channel 9 tweeted:

Surely 'Local MP' would do? Not up to PTV to do Labor's PR for them?

And Mr Lund was absolutely right. He called out the disgraceful abuse of taxpayer resources by PTV under this government to promote the Labor Party instead of promoting government policies. When I also drew attention to it, PTV then deleted the tweet. But they had to be called out by a member of the press gallery and

called out by a member of the opposition before this disgraceful misuse of public resources was corrected.

They are not the only ones. The Department of Treasury and Finance, my old department, put out a spin-laden tweet that could have been written in the office of the Treasurer — in fact it probably was written in the office of the Treasurer. It was trying to promote labour market stats on 19 May 2016, trying to put a positive spin on unemployment data when 13 916 Victorians lost full-time jobs that month. You would have thought that the Department of Treasury and Finance might have been better off just to keep their mouths quiet and just let that one go through to the keeper when you have a month during which 13 916 Victorians lost a full-time job. Oh, but no, the Treasurer has his department out there spruiking a month of data where nearly 14 000 Victorians have lost a full-time job. This is absolutely disgraceful spin that this Labor Party government have coopted the public service into delivering.

We could also look at Sustainability Victoria, which on 22 August retweeted a press release from the Minister for Finance talking about the government's Greener Government Buildings program. This is not just announcing a particular policy; this is a press release that engaged in a party political attack against the Liberal and National parties, that engaged in a party political attack against the coalition. Yet here is Sustainability Victoria, a statutory agency, a so-called independent public sector agency, sending out to its 11 200 followers a party-political attack against the Liberal and National parties. This is a disgraceful misuse of public sector resources, and this is clearly in contravention of the Victorian public sector code of conduct.

We have a public service that is either so biased or so bullied by the Premier and this Labor government that they are now resorting to acting as the propaganda arm of the Labor Party instead of upholding the values of the Victorian public sector. And there are more examples to come. This is what we are dealing with. We are dealing with a bill which is talking about standards when those standards are already being trashed.

**The SPEAKER** — Order! The member for Malvern will continue his contribution when this debate is next before the house.

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### United Firefighters Union Victorian secretary

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Premier, you keep saying if I have an allegation to make, then make it, so, Premier, here you go. You knew that Peter Marshall — —

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members will come to order and allow the Leader of the Opposition to put a question.

**Mr GUY** — You knew that Peter Marshall was bullying the member for Brunswick. Your office knew; your adviser J. P. Blandthorn wrote a memo to you about it. He even intervened in September 2015 to try and stop it. Premier, my allegation is that you knew, you were told, you did nothing about this repeated bullying of a female colleague, and you have come into this Parliament and lied about what you knew. So, Premier, tell the house: what part do you claim of this is wrong?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition put a question to the Premier. The Premier will respond. The house will remain silent.

**Mr ANDREWS** (Premier) — Thank you very much, Speaker. I am indebted to the Leader of the Opposition for his question, and I will indicate to him that the entirety of his question is wrong.

*Honourable members interjecting.*

**Mr ANDREWS** — Lecturing people about bullying while you shout at them — what credibility have you got? Zero. All of your fantasies are just that — fantasies.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I note that my substantive question did put to the Premier, 'Your office knew; your adviser wrote a memo to you about it, he even intervened to try and stop it', and the Premier says that is false. If, Premier, you are so confident that what I have alleged is totally wrong, will you commit to giving sworn testimony — writing a sworn statement — to put clearly on paper — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Ivanhoe. I will not warn the member again. The Leader of the Opposition is on his feet asking a question of the Premier. That will happen in silence.

**Mr GUY** — If the Premier is so confident that what I have alleged is totally wrong, will he commit to giving sworn testimony — writing a sworn statement — to put clearly on paper once and for all that his former minister, her staff, his adviser and my allegations are totally wrong, yes or no?

**Mr ANDREWS (Premier)** — There are some in this place who know quite a bit about sworn statements to courts and multimillion-dollar secret settlements — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition on a point of order, in silence.

**Mr Guy** — On a point of order, Speaker, on relevance, I know it is difficult for the Premier given he has been complicit in the bullying of women. I know that is difficult for him, but I asked, on relevance, a yes or no question, and I would hope that he would answer it as such.

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

*Honourable members interjecting.*

**Mr ANDREWS** — There were some appearing on *Kitchen Cabinet* well before they put it on air. Well before it came on air there were some people running their own little kitchen cabinet: ‘Let’s carve up this land, and then you can buy it and I’ll rezone it’. We know what you were up to. I am asked to give a commitment — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I remind the Leader of the Opposition that yesterday I invited him to come and see me in my office. I make that invitation again and request that the Leader of the Opposition visit me some time in the afternoon. The Premier, on the question put by the Leader of the Opposition, to continue in silence.

**Mr ANDREWS** — I am asked to give a commitment, and I will give the following commitment: we will continue to rebuild schools and hospitals, to create jobs, to fund our police properly, to make sure that the infrastructure this state needs is not talked about but instead built. That is our commitment and that is our record.

### Ministers statements: unconventional gas

**Mr ANDREWS (Premier)** — I am very pleased to rise to reflect on yesterday’s very important announcements to ban fracking right across our state. Having grown up in country Victoria, I am not surprised that there has been such a strong reaction in regional communities the length and breadth of this state to this important announcement, an announcement that sees Victoria once again doing what we do best — leading our nation. That is what Victoria does best when you have got a government that actually does things, not a government that fritters away and wastes the precious gift of office. But it is not simply members of the government who are pleased and proud of this leadership position. The Victorian Farmers Federation said, and let me quote:

The government’s decision is a win for Victorian farmers ...

...

We cannot put at risk Victoria’s status as the nation’s biggest food and fibre exporter ... for the sake of some short-term gains from gas industry.

I could not have put it better myself. That is very, very strong support from the Victorian Farmers Federation. They are to be praised for the leading role that they and their members have played in leading this debate.

Then of course there is further support for our leadership position. Julie Boulton, a dairy farmer from Seaspray, said, and I quote:

It has been so heart-wrenching at times, when we thought the drill rigs were coming and there was nothing we could do, but we pulled together as a community and decided to fight this threat to our farmland, water and health and today’s decision is just fantastic ...

‘We are ecstatic’, says Julie Boulton. And so are we, Speaker, to deliver this leadership outcome. This is about values and getting it done.

### United Firefighters Union Victorian secretary

**Mr GUY (Leader of the Opposition)** — My question is to the Premier. Noting the member for Brunswick’s statement yesterday, where she stated that she clearly felt mistreated, I ask: as Premier, as the man with the duty of care for the member for Brunswick and her staff, will you now intervene, take advice and refer this matter to either WorkCover, the equal opportunity commission or, if need be, Victoria Police?

**Mr ANDREWS (Premier)** — I thank the Leader of the Opposition for his question. The member for Brunswick issued a statement yesterday and, I think,



has made some further comments today and has indicated that she is going to lodge a complaint. I want to be very clear about this: with any complaint that is made, the complainant, in any circumstances, should be treated fairly, and the process and the complaint should be taken seriously, and it should be done properly. That is my expectation. I am sure every member of the government and, I would hope, every member of the Parliament would support that process.

If, and it now seems when, a complaint is made, it is my view — and I am sure I am joined by all government members — and it is the government's view that that complaint should be dealt with properly and appropriately. That is the fair thing to do. That is the right thing to do, and as I have said many times, anybody who has behaved inappropriately should feel the full force of whatever sanction is appropriate to them, depending on the circumstances. That is appropriate, and that is the position that I would put forward today, and I think I am supported, hopefully, by every member of the house.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — An allegation of bullying was made against Adem Somyurek in the Legislative Council, and you asked him to stand down while being investigated. You even publicly suggested sending the allegation to the police. Premier, if you are prepared to do this with Adem Somyurek, why are you not prepared to intervene and prevent Peter Marshall from abusing, intimidating or bullying anyone else in your government?

**Mr ANDREWS** (Premier) — The Leader of the Opposition seems to be somewhat confused about these matters. There is no complaint. The statement from the member for Brunswick yesterday and, as I understand it, comments that have been made this morning have confirmed that no complaint has been made. It would appear one is going to be made, and my judgement is that complaint, if it is made, should be taken seriously, properly and appropriately and any process around that complaint should be a proper process. So the Leader of the Opposition is manifestly confused, as is so often the case.

**Ministers statements: unconventional gas**

**Mr NOONAN** (Minister for Industry and Employment) — Yesterday, as the Premier said, was a very important day, especially for our farmers and food and fibre sector. We have made a decision to take clear, permanent action to ban fracking and unconventional gas in Victoria. This is all about certainty. Certainty is

what so many people have been waiting for. Understandably this decision has brought great relief for many people living in country Victoria. Since the announcement my office has been inundated with emails, messages and phone calls from across Victoria. Those who rely on our pristine environment for their livelihoods, their income and indeed their future have expressed strong endorsement for our decision.

I would like to take the opportunity to thank everyone who has sent messages through. Here are some samples of the many messages. An email from a cattle farmer from Freshwater Creek states, and I quote:

We appreciate that you listened to the communities and understood our very real concerns about water, health, property values, environment, tourism, agriculture ...

And this one is from a resident in Longford:

... you've taken a massive weight off the collective shoulders of all those who have been worried about this for many years, we really appreciate it.

But sadly not everyone has supported this decision. Some want us to leave the door open on fracking and coal seam gas. Of course I speak of the Victorian Liberal Party and their puppetmasters in Canberra, who issued a press statement yesterday calling for the door to be left open on future opportunities.

**Mr Clark** — On a point of order, Speaker, the minister is now proceeding to debate the issue rather than advise the house. Therefore, in accordance with sessional order 5, I ask you to bring him back to making a ministers statement.

**Ms Allan** — On the point of order, Speaker, I ask that you rule out the point of order raised by the manager of opposition business. Sessional order 5 makes it very clear that any minister may make a statement to the house about matters related to their portfolio, and I think matters relating to policy are absolutely in the confines of the minister's portfolio on this issue. He is also absolutely entitled to reflect on risks or potential changes to that policy, which is entirely in accordance with sessional order 5. I ask you to rule this point of order out of order.

**The SPEAKER** — Order! The minister has in passing referred to other subjects. I think the minister has made sufficient comments on that. The minister will come back to making a statement.

**Mr NOONAN** — I do refer members to that media release, but I would also say that some have been silent on this issue. Bear in mind that this is the biggest single issue in regional and rural Victoria, and we have not

heard anything from the Leader of the National Party or any of The Nationals about their position on this. We are standing up for country Victorians while others sit silent.

**United Firefighters Union Victorian secretary**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Noting the member for Brunswick's statement yesterday says clearly, 'I have been finalising a formal complaint about the treatment that I and my staff received during my tenure as the minister', I ask — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is — —

**Mr Battin** interjected.

**The SPEAKER** — Order! The member for Gembrook will come to order. The Leader of the Opposition is on his feet on an important question, a substantive question to the Premier. The Chair expects all members to allow the Leader of the Opposition to put the question in silence. The Leader of the Opposition, to conclude his question.

**Mr GUY** — I ask: Premier, are you confident that your conduct has at all times to your former minister and her staff been appropriate?

*Honourable members interjecting.*

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

**Mr ANDREWS** (Premier) — The answer to the question is yes.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask the Premier: have you ever acted in an intimidatory, abusive or degrading manner, either by way of your language or conduct, toward your former minister or her former staff during the period she was the Minister for Emergency Services?

*Honourable members interjecting.*

**The SPEAKER** — Order! Opposition and government members will come to order and allow the Premier to respond to the supplementary question from the Leader of the Opposition.

**Mr ANDREWS** (Premier) — Again the answer is no. If the Leader of the Opposition wants to make an allegation, then he ought to do so, and frankly he ought to be quick about it.

**Ministers statements: unconventional gas**

**Ms NEVILLE** (Minister for Water) — I rise to speak a little bit further about our world-leading decision — and it is a world-leading decision — to ban onshore unconventional gas and why it is so critical to our water security and quality of water in Victoria. We did, as I said yesterday, some water science studies, and that helped us really understand the fact that this could have an enormous impact on our groundwater, our surface water and our ecosystems, with the potential for very high impacts, particularly in Gippsland, in relation to waterways and creeks due to the extraction of groundwater.

Good quality water and water security, we know, is at the heart of the future development of agriculture here in Victoria, particularly in the dairy areas. The Premier yesterday was in one of those areas where we have just invested \$30 million into extending to that community and the dairy industry the benefits from the water grid, connecting into the water grid and providing water security in the communities of Korumburra. What the science tells us is that the risks are too great, and that is why we are banning it.

I had a bit of a look at other commentary on this yesterday, and I really do not know what the view of those opposite is. At one level you are adopting our policy and at another level it is, 'We don't like that policy; we are condemning that policy'. All I know is that those opposite, particularly the party that thinks they stand up for farmers, have been silent on this — people like the member for South Barwon, who has been out there with the words and no action — —

**Mr Clark** — On a point of order, Speaker, the minister is now beginning to debate the issue rather than advise the house. I ask you to bring the minister back to compliance with sessional order 5.

**Ms Allan** — On the point of order, Speaker, again it is similar to the response I made in response to the previous point of order raised by the manager of government business, it is entirely appropriate for the minister to reflect on public commentary — —

**Mr Hodgett** — Opposition business.

**Ms Allan** — Oh, sorry, did I give you a promotion? Congratulations — —

**The SPEAKER** — Order! The Leader of the House, through the Chair. The Leader of the House on a point of order, concisely.

**Ms Allan** — It is entirely appropriate for the minister to reflect on public commentary that has been made about the government's position that was announced very clearly yesterday and to provide that information to the house, which is exactly what she was doing. Considering there will be further legislation in this space, it is entirely appropriate for this to be considered by this Parliament.

**Ms Ryall** — On the point of order, Speaker, I support the manager of opposition business in his point of order. It is entirely inappropriate, when a minister is making a statement to the house, for them to debate the issue. That is what is inappropriate. This is not the time for debate. It is a time to make statements in relation to business, not to subject others to a rant, and that is obviously what it was. I ask you, Speaker, to bring the minister back to making a statement in line with what the manager of opposition business has said.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Ferntree Gully will come to order. The member for Bundoora, on a point of order, in silence.

**Mr Brooks** — On the point of order, Speaker, I think the member for Box Hill and the member for Ringwood are confused. Sessional orders were changed just before the parliamentary sitting break. Sessional order 5, as the Leader of the House — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bundoora, in silence, on a point of order.

**Mr Brooks** — Sessional order 5 simply says in relation to ministers statements that ministers talk about matters related to their portfolio. It is a very broad remit for ministers. That is exactly what the minister was doing. She should be allowed to continue.

**The SPEAKER** — Order! The Chair has accepted so far the minister's statement making a very broad statement. The Chair now requests that the minister comes back to making that statement.

**Ms NEVILLE** — The research says to us that it is too risky for our water security to go down this path. It is on this side of the house that water matters, agriculture matters and the regions matter. Actions speak louder than words — all the words you have got

to say about supporting country Victoria, but no actions. You are leaving the door open for fracking. You are leaving the door open to wrecking Victorian communities.

**The SPEAKER** — Order! The minister's time has now expired.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of The Nationals, seriously, on a substantive question. The Leader of The Nationals is entitled to silence when asking a question.

### Country Fire Authority former chair

**Mr WALSH** (Murray Plains) — Thank you very much, Speaker. It is a very serious question, and the question is to the Premier. Former Country Fire Authority (CFA) chair John Peberdy has given sworn testimony to the fire season preparedness hearings stating that he was bullied and coerced by the Minister for Emergency Services. Premier, this is sworn evidence from the former CFA chair of yet more bullying behaviour engulfing your government. Premier, do you plan to counsel your Deputy Premier for his bullying behaviour, or is this yet another example of bullying that you are willing to accept?

**Ms Allan** — On a point of order, Speaker, in raising this I do not do it insofar as I am sure the Premier will more than adequately dispatch with the question. However, I raise it in the context — —

*Honourable members interjecting.*

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

**Ms Allan** — I raise it in the context that a member of Parliament has, through question time, raised a serious allegation against another member of Parliament, and question time — —

*Honourable members interjecting.*

**Ms Allan** — You are such captains of respect over there.

**The SPEAKER** — Order! The Leader of the House will continue through the Chair.

**Ms Allan** — The Leader of the National Party has been here for a very long time and would know that there are other forms of the house that can be used, by way of substantive motion. To make an allegation against another member of Parliament it needs to be

done through substantive motion. Perhaps the Leader of the National Party may wish to reword his question so it is in accordance with the parliamentary rules, and then the Premier will, as I said, more than adequately dispatch the question. But I would suggest the Leader of the National Party is treading a very fine line in making an allegation through question time that should be dealt with through more appropriate forms in the house.

**Mr Clark** — On the point of order, Speaker, as I understand the Leader of The Nationals' question, he was at first instance citing evidence given to a parliamentary committee and simply recounting the evidence that was given by Mr Peberdy, and then he put a question to the Premier, which of course leaves the opportunity open to the Premier to answer that question. So on my listening to the points that were made by the Leader of The Nationals, he has complied with the sessional and standing orders, and his question should be allowed to stand.

**Mr WALSH** — Further on the point of order, Speaker, you have previously accepted questions and questions have been answered around the issue dealing with Adem Somyurek in the Legislative Council. This is no different to that, and I would ask you to let the question stand.

**The SPEAKER** — Order! The Chair forms the following judgement. I refer to standing order 118:

Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.

The Chair rules that the Leader of The Nationals will rephrase his question and make it conform with the practices of the house.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of The Nationals could refer to the transcripts.

**Mr WALSH** — On a further point of order, Speaker, could you — —

**The SPEAKER** — Order! I have ruled. I have asked the Leader of The Nationals to rephrase his question.

**Mr WALSH** — Speaker, can you please explain what part does not comply?

**The SPEAKER** — Order! The Chair is advised that the Leader of The Nationals cannot cast judgement or

make imputations or personal reflections on another member except by substantive motion. I ask the Leader of The Nationals to rephrase his question, and the Chair will consider it.

**Mr WALSH** — My question is to the Premier. Former CFA chair John Peberdy has given sworn testimony to the fire season preparedness hearings stating that he has been bullied and coerced by the Minister for Emergency Services. My question is: Premier, do you plan to counsel your Deputy Premier for his bullying behaviour, or is it yet another example of bullying you are willing to accept?

**The SPEAKER** — Order! The Chair allows the question.

**Mr ANDREWS (Premier)** — Whilst I am happy to concede that the Leader of The Nationals has apparently read the transcript of that hearing, I do not think that parliamentary committee has reported yet, and I have to say to you I have not seen that testimony.

*Honourable members interjecting.*

**Mr ANDREWS** — Well, those opposite can shout all they want —

**The SPEAKER** — Order! The Premier, in silence.

**Mr ANDREWS** — but they are hardly in a position to dispute when I say I have not seen that testimony. I have not. Therefore I would need to check that. I am terribly sorry; I would need to check that.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Deputy Leader of the House is warned.

**Mr ANDREWS** — I will tell you what: I am not taking the word of anyone opposite about any of these matters, and I will check the testimony for myself. I will not be taking the word of the member for Warrandyte, for instance, or anyone else. That is appropriate, I believe, on a matter that the Leader of The Nationals is indicating is a serious matter. It ought to be checked, and I will do that. I am more than happy to do that. In the interim of course those opposite could ask the Deputy Premier, who is sitting just here — —

**Mr Walsh** — On a point of order, Speaker, on the issue of relevance, the Premier obviously says he has not read the transcript. Could I suggest that he actually takes it on notice and provides a response tomorrow?

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

**Mr ANDREWS** — As I was saying, I have not seen that testimony, and I would need to check it and review it. I think that is appropriate given the seriousness of the allegation that apparently has been made. But let us just check that out for accuracy's sake; I think that is a very important thing to do.

In the meantime I am certain that my honourable friend the Deputy Premier would be only too happy to answer a question about any matter of his conduct. He is an outstanding minister doing an outstanding job. While some people are talking about fire season preparedness, the Deputy Premier is delivering fire season preparedness. After all I would have thought that was a good deal more important than the political games that those opposite are consumed with.

*Supplementary question*

**Mr WALSH** (Murray Plains) — John Peberdy also gave sworn testimony stating that the way the government conducted itself to the Country Fire Authority board was, in his words, acting with 'a gun to our head', 'coercion' and, yet again, more 'bullying'. Premier, is this behaviour indicative of the culture of bullying and intimidation that is being accepted by you and your government?

**Mr ANDREWS** (Premier) — I can only reiterate to the Leader of The Nationals that given that he just suggested that I ought take it on notice, I will look at the transcript. I am happy to — —

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition will allow the Premier to continue without disruption. The Premier to continue, in silence.

**Mr ANDREWS** — I am simply trying to do as the Leader of The Nationals has suggested, and the leader of the Liberal Party is upset with that apparently. He needs to get his act together. I am happy to review what the questioner indicates is testimony and to come back to the house if I have anything to add.

**Ministers statements: wind industry**

**Mr WYNNE** (Minister for Planning) — I rise to update the house on how the Andrews Labor government is reinvigorating Victoria's wind industry. We created a one-stop shop for wind farm approvals and we are seeing results. Now that the Andrews Labor government is banning fracking, it is the national leader in sustainable energy. This will create thousands of new jobs, many of those in regional Victoria. By 2020, 25 per cent of electricity generated in the state will

come from renewables. There is a pipeline of new wind farm proposals under assessment with my department because we brought confidence back to the wind industry sector. This includes 119 turbines for Murra Warra, near Dimboola, to power more than 200 000 homes. I recently approved 96 turbines for Dundonnell and 13 turbines for Kiata.

Unlike fracking, which we will ban, wind energy projects will not damage the clean, green reputation of Victoria's 190 000-job agriculture sector. We are supporting every single one of those agricultural jobs. In contrast, the Clean Energy Council said the work of those opposite would drive more than \$3 billion worth of investment away from Victoria. Thanks to the Andrews Labor government, we will have 40 per cent of all electricity in the state generated by renewables by 2025. Labor is creating jobs and setting the national benchmark for renewables.

**Country Fire Authority enterprise bargaining agreement**

**Mr BATTIN** (Gembrook) — My question is to the Premier. Clause 65.1 of the Country Fire Authority (CFA) enterprise bargaining agreement states:

The employer will ensure that the employees are not subjected to any form of bullying or harassment.

Premier, with this standard applying to the CFA, who will legally ensure that it will be adhered to by your current Minister for Emergency Services and the head of the United Firefighters Union?

**Mr ANDREWS** (Premier) — I cannot tell the member how grateful I am for asking this question. Here was me thinking that every clause in the enterprise bargaining agreement (EBA) was terrible. Apparently the EBA is okay now. Every workplace should be free — —

**Mr Guy** — Except for yours.

**Mr ANDREWS** — And just keep shouting at me about bullying. Just keep shouting at me about bullying. You are making your case so eloquently. Just keep on shouting. Honestly!

So apparently the EBA is not all bad after all — that is the first thing we have learned from those opposite. But on a serious note — —

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition will come to order. The opposition asked a

question of the Premier. The Premier is entitled to respond to the question in silence.

**Mr ANDREWS** — This is how it is going: Monday was level crossings removed and new stations in place. Tuesday was getting rid of fracking. Today is about making sure — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Warrandyte has been warned.

**Mr ANDREWS** — Keep shouting, keep shouting! We know you are angry to be over there, where the community put you. Today was about law reform around carjacking. We will wait and see; tomorrow will be about more reform, more change, more hard work to make sure this state does what it does best: lead our nation.

*Honourable members interjecting.*

**Mr ANDREWS** — A point of order!

**Mr Guy** — On a point of order, Speaker, on relevance. The question was very clear about legally ensuring who would be able to oversee those who — what the Premier has not mentioned this week — might combat bullying. We know he does not want to talk about bullying, but that is what the question — —

**The SPEAKER** — Order! The Leader of the Opposition will resume his seat. The Premier will come back to responding to the question.

**Mr ANDREWS** — Thanks, Speaker. Yet again, shouting at me about bullying. He just does not get it. Every workplace should be a safe workplace. As far as individual clauses — —

*Honourable members interjecting.*

**Mr ANDREWS** — Again, shouting about bullying. He does not want to learn. He refuses to understand how ridiculous he looks. The issue is the Fair Work Commission will look at the agreement clause by clause at an appropriate time and then either provide certification or not. As for the individual operation of clauses, I would need to get advice on that, but again — my judgement — I would hope every member — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will continue in silence. The Chair has warned a number of members and will not want them again.

**Mr ANDREWS** — There are perhaps not many things that all of us in this place would agree on, but surely we could agree on the fact that every workplace ought to be a safe workplace, and a decent EBA would be one that — —

**Mr Paynter** interjected.

**Mr ANDREWS** — This is how seriously they take the issue.

**Questions and statements interrupted.**

## SUSPENSION OF MEMBER

### Member for Bass

**The SPEAKER** — Order! The member for Bass will leave the house for a period of half an hour.

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

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Country Fire Authority enterprise bargaining agreement

**Questions and statements resumed.**

*Supplementary question*

**Mr BATTIN** (Gembrook) — Yesterday at the fire season preparedness hearing Peter Marshall launched a vicious attack on volunteers, with very few facts involved in it, to distract from the current bullying allegations against him. Premier, can you guarantee that the EBA your cabinet has signed off on, which you just said before you have not read, will ensure that this man does not bully our 60 000 volunteers while you sit idly by?

**Mr ANDREWS** (Premier) — Again I am genuinely indebted to the member for his question. The enterprise bargaining agreement — apparently they like some bits and do not like others — is going to deliver, in partnership, with this government extra firefighters for Ballarat, for Bendigo, for Shepparton, for Morwell, for Frankston, for Cranbourne, and the list goes on and on. So while others are playing cheap, obvious political games for their own purposes or raising money under false pretences for the Liberal Party — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Gembrook will come to order.

**Mr Clark** — On a point of order, Speaker, this was a very serious question about protecting CFA volunteers from bullying. The Premier should not be engaging in political debate and contradicting his own sanctimonious attitude on these issues, and I ask you to bring him back to answering the question asked by the honourable member.

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

**Mr ANDREWS** — Every single Victorian supports our CFA volunteers and our career firefighters. This government supports those two groups of courageous Victorians with more funding, better equipment and consistent support for this and every fire season thereafter.

### Ministers statements: level crossings

**Ms ALLAN** (Minister for Public Transport) — I am just so pleased today to be able to rise to provide a further update to the house about yet more substantial progress that is being made on removing 50 dangerous, congested level crossings. It gives me great pleasure to be able to advise the house that major works have commenced on the removal of all nine level crossings between Dandenong and the city. I was pleased to join the outstanding member for Oakleigh on Sunday to mark this event. This is not just a great project in terms of removing level crossings. I can inform the house that it is going to create up to 2000 jobs, and there are 780 people on the job right now as part of this project.

We are setting a cracking pace, and I want to talk for a moment about the progress of the removal of two level crossings in Bayswater. Major works are well underway at this site, led by Laing O'Rourke, and work is expected to finish next year. You would think that this sort of project — getting rid of two level crossings, improving road safety and road congestion in this area — would receive great backing from the local community, and you would be dead right; it does. The community support it, the Knox council support it — there has been a fantastic amount of support out there in that local area. So you can just imagine how stunned I was — just stunned and shocked — to learn of a protest meeting that was called against this project.

*Honourable members interjecting.*

**Ms ALLAN** — I know, it is unbelievable. It is almost unbelievable, and who would have thought that the star attraction at this protest meeting was the

member for Warrandyte? Who would have thought he was the star attraction of the show?

To put the house out of its misery, the member for Bayswater organised this protest meeting. What a disgrace! We are getting on with removing these level crossings, even if she does not want them gone.

## CONSTITUENCY QUESTIONS

### Bayswater electorate

**Ms VICTORIA** (Bayswater) — (9976) Today I rise to ask the Minister for Public Transport — and I am sorry she has just left the chamber — what design guidelines were followed for the new Bayswater railway station platforms, specifically the undercover areas, as part of the Bayswater level crossing removal project, which I wholeheartedly support and about which she was wrong in her ministers statement. Concerned constituents have raised the issue of inadequate roof covering with me after being told that the platforms will not be fully covered from the elements when the new station is built. Minister, adequate roof covering is a must in the rain, hail or indeed sun. It would be another slap to Bayswater and other local commuters if they were to be forced to stand out in the wet, the cold or the blistering heat. Surely the allocation of funding, whilst seemingly not enough to keep six lanes open on Mountain Highway, not supported by the public, is enough to provide proper shelter at the train station.

### Essendon electorate

**Mr PEARSON** (Essendon) — (9977) I direct my constituency question to the Minister for Education. Minister, what is the latest information on the appointment of an architect to design Strathmore Secondary College's school upgrade? Funding was provided in the most recent state budget for master planning Strathmore Secondary College. The appointment of an architect is a critical milestone in this important project and my community are keen to learn more about this exciting project.

### Gippsland South electorate

**Mr D. O'BRIEN** (Gippsland South) — (9978) My question is to the Minister for Emergency Services. Does the government have any intention of providing future funding for Country Fire Authority station upgrades, and if so, when? I asked the previous minister this question and effectively received no answer. There was no government funding provided in either the 2015–16 or the 2016–17 budgets, unlike under the

previous government, which provided \$125 million to rebuild or upgrade 250 fire stations. In fact that project came in under budget so further stations were able to be constructed. In my electorate Yarram, Foster and Mirboo North are all stations in need of rebuilding. They are small stations that are barely large enough to accommodate modern-day fire trucks. The chipped bricks at the Yarram station attest to this, showing how tight the fit is. The Foster and Mirboo North stations are similar, and new sites are needed to allow for expansion and safety improvements. Again I ask the minister to outline and fund a capital program to help improve our fire stations.

### Dandenong electorate

**Ms WILLIAMS** (Dandenong) — (9979) My constituency question is to the Minister for Training and Skills in the other place. I ask: how will the new Skills First TAFE system improve the quality of training in Victoria and the job outcomes for aspiring students in Dandenong? Dandenong is the home of the second largest industrial precinct in the country. We are also proud to have a world-class training facility in Chisholm Institute. One of the key factors in the sustained success of our industrial hub and also the prosperity of the region is ensuring local workers are properly skilled and trained to meet the requirements of local employers. A skilled workforce is vital to attracting jobs in the modern economy, as we all know. It is exciting to hear that the government is focused on better connecting key sectors in our economy. My constituents in Dandenong are keen to hear how the Skills First program will ensure students get the right skills for the jobs of the future.

### Hastings electorate

**Mr BURGESS** (Hastings) — (9980) My question is to the Minister for Energy, Environment and Climate Change. Late in the term of the Liberal-National government a commitment of \$1 million was made to assist the Oberon Association to bring the HMAS *Otama* submarine ashore. This commitment followed on from delivery of an election commitment made on behalf of the coalition in 2010 to provide the *Otama* with a home adjacent to the Hastings marina. I ask the Andrews government to provide information on what assistance it is able to provide to finally bring this great tourist attraction ashore in Hastings.

Thanks to the then Minister for Environment and Climate Change, the member for Warrandyte, the Liberal-National government fulfilled its 2010 election commitment by providing a home for the submarine adjacent to the marina in Hastings. A further \$1 million

commitment was made specifically to help bring the submarine ashore and importantly to provide the funding partners that the Oberon Association had indicated were ready to assist with an indication of government support for the project. The funding was to be made available when all necessary preparatory work had been completed by the proponents and its financiers. Bringing the *Otama* submarine ashore is an important project to the people of the Hastings area. It is a unique and historic vessel that will become one of Victoria's great tourism attractions.

### Yuroke electorate

**Ms SPENCE** (Yuroke) — (9981) My constituency question is to the Minister for Police. What information can the minister provide to Greenvale residents in my electorate who are concerned about crime in the area? Members of the Greenvale Residents Association (GRA) wrote to my office to express concern about recent crime levels, and I am sure the GRA and all Greenvale residents would be appreciative of an update from the minister with respect to this important issue. Members of the GRA were able to hear directly from Victoria Police at their regular meeting on 25 August. I thank the local police, who do an outstanding job, for taking the time to update residents right across Yuroke with respect to the local response to crime. I look forward to working with the minister and local residents to ensure that we continue to put community safety at the centre of everything we do.

### Ripon electorate

**Ms STALEY** (Ripon) — (9982) My question is to the Minister for Resources. What steps is the government taking to provide a project assessment pathway for the Stawell Big Hill project, given the impact on the ongoing operational decisions of Stawell Gold Mines and economic development initiatives such as the Stawell Underground Physics Laboratory (SUPL), exploration activity and Nectar Farms? In February 2015 Stawell Gold Mines requested the government to provide a project assessment pathway for its Big Hill enhanced development modified project. I draw to the minister's attention the fact that public financial records show that Stawell Gold Mines posted a half-year operating loss of \$2 million without any clear project assessment pathway; that partnerships such as SUPL rely on the ongoing operation of the mine and its future is in doubt without any clear project assessment pathway; and that economic development is further compromised because the Nectar Farms initiative is now embroiled in anti-goldmining opposition because of there being no project assessment pathway.



### Yan Yean electorate

**Ms GREEN** (Yan Yean) — (9983) My constituency question is to the Minister for Public Transport. When will Public Transport Victoria and other relevant authorities begin consultation with the local communities of Hurstbridge, Wattle Glen, Diamond Creek and Greensborough about the preferred route, timetables and stops for the proposed 343 bus. The new route 343 bus service will enhance public transport services for these communities, providing extra morning services which are much needed in Melbourne's north-eastern suburbs. The improved services along this rail corridor will, I know, be warmly welcomed by Diamond Valley residents.

### South-West Coast electorate

**Ms BRITNELL** (South-West Coast) — (9984) My question is to the Minister for Energy, Environment and Climate Change. Minister, what is the latest information available on lease arrangements for the Warrnambool Greyhound Racing Club? Last week the shadow Minister for Racing and I met with the club's general manager and administrator to discuss ongoing issues around securing a long-term lease for its Warrnambool showground site. The club's lease expired earlier this year and, despite ongoing negotiations, it is yet to be resolved, causing frustrations and putting at risk the \$1.8 million allocated by Greyhound Racing Victoria. Without security of tenure, this grant may be lost. The grant will improve facilities available to the wider community who use the rooms for functions too. The club is also without a board after the previous board was sacked in March. The administrator says he is hopeful of having a new board in place within the next year and hopes the lease issue can be resolved soon so the club does not lose the money and can improve its facilities. Minister, what is the latest information provided on the progress of this issue?

### Carrum electorate

**Ms KILKENNY** (Carrum) — (9985) My constituency question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation. Minister, what is being done to protect homebuyers in my electorate of Carrum from the practices shown by some local real estate agents when they significantly underquote the sale price of houses?

Since being elected I have spoken to many homebuyers frustrated by the practice of some real estate agents of severely underquoting house values. I recently met with a constituent who is renting in Seaford and looking to

buy. She told me about the regular experience of her and her partner showing up to inspect houses which are advertised in their price range and spending money on building inspections only to see those houses sold at prices way over what was advertised — in some cases more than 25 per cent above the estimated selling price. The constituent said they were recently at an auction in Seaford where they were advised the property would sell for around the high \$500 000 mark. It sold for \$710 000, when the reserve price was \$680 000. I know this constituent and many others in Carrum look forward to hearing what measures will be taken to help homebuyers in my electorate.

## PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016

### *Second reading*

#### Debate resumed.

**Mr M. O'BRIEN** (Malvern) — Prior to question time I was going through a number of examples of where under this Andrews Labor government the public service has become politicised and has been using its communications arms to promote the Labor Party in a party-political manner — something which is completely at odds with the code of conduct for Victorian public sector (VPS) employees. I again remind the house that section 2.2 of that code, headed 'Remaining apolitical', states in part:

Public sector employees conduct themselves in an apolitical manner. They implement and administer the policies and programs of the elected government. They avoid in the course of their work, any participation in activities which support a political party —

and on it goes. I was referring directly before the break to Sustainability Victoria retweeting a government press release which attacked in a partisan way the Liberal and National coalition parties. This is the sort of thing which is completely not only inappropriate but improper for any public sector department, any public sector agency, to do. So to have this government come in here and introduce a bill which purports to raise standards or set higher standards for the conduct of public sector communications is an embarrassment, because this government cannot comply with the existing code of conduct for the Victorian public sector, let alone seek to impose higher standards.

I mention and place on the record that the opposition will be watching Victorian government departments, Victorian government public sector agencies, like hawks. We are not going to cop the public sector

departments — the agencies of the state — being used and abused by this Andrews Labor government for party-political purposes. We will be using the avenues available to us to personally take action against those departments and against individuals in those departments who breach the Victorian public sector code of conduct, and who act in ways that promote the Labor Party and the interests of the Labor Party, as opposed to doing their job, which is to support the government.

The government and the Labor Party are separate things. That is reflected in the Victorian public sector code of conduct, and it needs to be respected, and it needs to be adhered to by all VPS employees. The Liberal and National parties and the opposition will be on the tails of anyone in the VPS who strays from that path. We are not going to have taxpayer resources used on a political propaganda arm for the ALP.

We know that the Labor Party is very good at rorting taxpayer resources: we know they did it with Victorian parliamentary resources before the election. I am sure all members are delighted that the Victorian Supreme Court has ruled that the Ombudsman can now proceed with her inquiry into the rorting of Victorian public resources by the Labor Party before the last election. The Labor Party has a track record on this. They have form on rorting public resources for party-political ends, and that is why this bill is so hypocritical. It also explains why this bill effectively does nothing to raise any standards.

Looking at the current Andrews Labor government, I note an article in the *Herald Sun* of 10 January this year by Peter Mickelborough, headed 'Victorian government spin doctors cost taxpayers \$110 million'. The article states:

Victoria now has more than 1100 spin doctors controlling the state government's message to voters.

Just think about that: more than 1100 spin doctors. It would be better if the government spent a bit more money on employing real doctors instead of spin doctors. Maybe the ambulance response times would not be going backwards the way they are if the government spent a bit more money on health and a bit less on its political health. The article goes on:

The army of media advisers and communications officers is used by the Andrews government and its agencies to manage public perception and promote their programs.

With a wage bill estimated at \$110 million there are twice as many spin doctors in Victoria as MICA paramedics —

I will just say that again: there are twice as many spin doctors in Victoria as mobile intensive care ambulance paramedics —

and three policy spruikers for every highway patrol officer.

We have got a government that is blowing \$110 million of taxpayers money on spin doctors. Now, of course, we know that ministers have media advisers. When I was a minister I had media advisers. There is nothing wrong with that. But there must be a clear delineation between the activities of the public service and the activities of ministers. There must be a distinction between the government — that is, the ministers — and their political activities. Of course a government minister is going to talk up their party to an extent allowed by the rules, but to have so-called apolitical Victorian public sector employees engaging in party-political spruiking for the Labor Party is a disgrace and is completely contrary to the VPS code of conduct.

When it comes to government advertising we see that this government, despite lots of promises before the election about how it was going to reduce government advertising, actually held a big press conference last week to announce more government advertising. This is a press release from the Premier dated 25 August 2016 and headed 'Victoria: a new state of momentum', with lots of glitz and glamour. In all that press conference and the press release I did not hear or see any reference to the fact that Victoria's unemployment currently sits above the national average. If we have got such momentum in this state as the Premier and his government would have us believe, why is our unemployment rate higher than the national average? Maybe that is something that the Premier could answer. This press release states:

Launched today by Premier Daniel Andrews, during his economic address at *Jobs for Victoria*, the \$2.5 million 'Victoria: A State of Momentum' campaign showcases the state's strengths as a business destination.

So it is a \$2.5 million spruiking campaign. I wonder how much truth will be in this campaign. Will they be saying, 'Victoria: a state where taxes have gone up 21 per cent in just two years'? Will it be, 'Victoria: a state where the Treasurer has introduced three new taxes in breach of his election promise'? Will it be, 'Victoria: a state where the government rips up multibillion-dollar contracts'? Will it be, 'Victoria: a state where public sector wages have blown out over 15 per cent in two years'? There are plenty of things which the government could promote if it were honest, but of course we know this is not about honesty. This is not

about telling the truth. This is simply about political spin on the part of the Andrews Labor government.

I will be very interested to see where these advertisements run, because if these ads are genuinely about attracting business investment to Victoria — and that is a goal which I think is one shared across the chamber — I would not expect to see any of those ads run in Victoria. If this is about attracting new investment, I would expect these ads to be run in interstate markets and I would expect these ads to be run in overseas markets. I would not expect to see a single ad run in Victoria. If the ads are run in Victoria, all you can suggest is that this is a government which is desperate to try and use public money to spin a false impression of the state of Victoria's economy to the people of this state.

If this is about attracting outside investment, you do not need to spin it in Victoria. You should be running this campaign in other states, other territories and other countries. So if we see any of these ads running in Victorian print, on the Victorian radio or TV or online, we will know that this is just another lie from Labor, that this is not about attracting investment from other jurisdictions to Victoria at all; this is all about this Andrew's Labor government using taxpayers money to try and spin a false impression of this state's performance under Labor to the people of this state.

Clause 5 of the bill, which inserts section 97A into the act, states:

The objects of this Part are —

- (a) to establish standards to ensure that public sector communication is in the public interest ...

Again, that is hardly groundbreaking. I am not quite sure what it is about establishing standards to ensure that public sector communication is in the public interest that is revolutionary; and particularly I do not see what is different in that from what is already contained in the Victorian public sector code of conduct. The second object is:

- (b) to ensure that public sector communication is not party political ...

I think I have already established and I suspect other speakers from the Liberal and National parties will further establish the fact that this government is already using and abusing the Victorian public sector to promote its own party-political interests. So if the Andrews Labor government cannot comply with the existing rules about not having party-political public sector communication, what makes anybody think that

passing some further standards would change its behaviour?

We know what the Labor Party are like when it comes to using public money for party-political ends; we know they just cannot help themselves. Whether it is ripping off the Parliament to spread their Labor campaign, or to pay for their Labor campaign, as occurred before the last election, or anything else, we know it is a party of rorters. We know they have been ripping the taxpayer off for years for their own political ends, and there is nothing in this bill which is going to change that at all. The third object is:

- (c) to provide for specific standards for public sector communication advertised on television.

Now it does show how technology dumb this government is that it has not actually defined in this bill what television is. For example, does it include internet television, or is it just broadcast television? Nobody knows. The government cannot answer the question. It is not defined in the bill anywhere. It might have passed members opposite by, but there is not just one form of television anymore. There are different forms of television, but this bill fails to define what is actually meant by television.

When it comes to public sector communications I suppose there are questions about what these standards will apply to. I refer to the time that members of the Andrews Labor government cabinet took acting lessons from a Sydney-based actor to try and teach them how to act. Is that something which is covered by the standards in relation to public sector communication? We know that there has been a lot of feigned outrage by members of the ministry. We know there is faux outrage expressed all the time. We know that this is a government that is far more reliant on spin than substance. But, seriously, if this is a government which has to go and resort to getting Sydney actors in to teach their ministers and give them acting classes — acting classes! — you really have to wonder what are they even there for. There are a lot of queries about this bill and exactly what it does apply to.

We know what happened before the last election. I refer to an article in the *Herald Sun* of 6 October 2014 headed 'Taxpayers fund Labor polls, ads', which refers to \$50 000 for a US media consultant. The article, by Michelle Ainsworth and James Campbell, states:

Victorian taxpayers have footed the bill for Labor phone polls, political advertising and a social media consultant to help with Facebook pages.

The office of opposition leader Daniel Andrews used a budget provided for work-related expenses through the

Department of Premier and Cabinet to pay for a range of politically sensitive items.

Labor advertising, a \$50 000 political consultant and phone polling agencies were all on the list.

And the article goes on. This is a government which has proven its inability to actually use taxpayers money correctly, and yet it comes in here with a weak bill which does nothing to improve standards, does nothing to actually require any higher performance out of itself, and expects to get praise for it.

When it comes to Victorian government advertising I think the gold star of outrage, the gold star of rip-off, was won by the Brumby Labor government. Who forgets the *Victorian Transport Plan* — the \$38 billion transport plan? We saw the ads on TV, we heard the ads on the radio and we saw the advertising on the freeways saying it was all part of the plan. The trouble is the only things that were funded were the ads. There was no funding for any infrastructure. There was no funding for any of the projects. The only things that were funded were the ads!

I refer to this document, *Victorian Government Advertising Report 2014–15*, a document of the current Labor government, and it shows ‘Government media expenditure — historical comparison’. The high water mark going back to 2008–09 was in 2009–10, when the Brumby Labor government spent \$130.3 million on government media expenditure. So that was just in the lead-up to the 2010 election — surprise, surprise! What it also shows is that from 2010–11 through every year of the coalition government, expenditure on government media reduced.

So in the Brumby Labor government’s last year it was \$130.3 million. In the first year of the coalition it was \$112.8 million. Then in 2011–12 it came down to \$103.1 million. Then in 2012–13 it came down again to \$98.4 million. Then in 2013–14 it came down again to \$96.1 million, and then in 2014–15 — so the financial year that included the election period — it was \$94.9 million. So in every single year of the former coalition government the coalition cut expenditure on government media advertising. We cut it. And as we got closer to the election the expenditure fell. Now, you contrast that with the rorters of the Labor Party, who in their election year spent \$130.3 million of taxpayers money on advertising on projects that were never funded.

A lot of government advertising is on things that are relatively uncontroversial. As the Minister for Gaming at the time I was very pleased to have founded the Victorian Responsible Gambling Foundation. It was

given a 42 per cent increase in its budget compared to the previous arrangements, and a great deal of that budget went to enhancing the quality and the level of advertising to promote responsible gambling, because that is something which I think is an important issue in our society.

I think that governments have got an obligation as the beneficiaries of revenue from gambling activity, and we have a responsibility to support those people who have got problems. We need to support them with counselling, with treatment, with research and with communications to let them know where they can get help and also to warn them of the dangers of problem gambling, because there is an inherent danger in gambling in that some people do find themselves falling into very serious trouble.

Can I say, having been the minister in that portfolio for a period of time, I had the privilege of meeting with a number of people whose lives were turned upside down by problem gambling, and I think it is absolutely essential that governments do execute their responsibilities to support those people. Advertising where people can get help is an important element of that, so I do not think anybody is complaining about problem gambling advertising.

Just on problem gambling, I would note that in their first budget this government actually cut \$2 million out of the Victorian Responsible Gambling Foundation. Given all the money that this government has wasted, why would you look for cuts from problem gamblers? That is just something which I do not think can be justified. I hope members opposite feel embarrassed by it, and I hope that money is restored in future budgets, because it certainly should be.

In relation to the Transport Accident Commission advertising, again this is something which I think Victoria has been a leader in, and there is a need to inform people. Drink-driving ads, particularly leading up to holidays, are a major issue. We do need to make sure that there is money invested in educating the community. So there is no question about that.

Where the projects were actually happening, the projects were being funded and the money was there for them, then, yes, the former government did inform people as to what was happening. When there are contracts signed for a funded project like the east–west link, then it is entirely appropriate that people know about it. Contrast that to the former actions of the Brumby government while also looking at this current Labor government here, and we are seeing these Level Crossing Removal Authority advertisements, of which

the government might say, 'It's about trying to inform people'. It is as much about political spin as about anything else. Workmen go in there with their shiny orange overalls on and remove the boom gates. Oh, no, there is no spin in that at all, is there? No, that is just informative of course. And there is a pig flying through the chamber as well!

The fact is that this government has demonstrated itself to not have lived up to any of the standards it set itself before the election. The fact is it has coopted and politicised the Victorian public service into promoting the Labor Party's political brand at the expense of its own public sector code of conduct. It has demonstrated itself to be completely untrustworthy when it comes to public money. In fact I refer to an article from 10 June 2016 by James Campbell, and I quote:

As a Labor veteran said this morning: 'It's a gangster government, mate'.

That is what we are dealing with here; we are dealing with a gangster government. So when a gangster government bowls up to this chamber with a bill and says, 'We are going to raise standards of public sector communications', the fact is this is a weak bill. This bill sets no higher standards than those currently in place, and the Labor Party and the Andrews Labor government have shown themselves to be completely incapable of meeting the standards that are already there. That is why this bill is nothing less than a sham. It is why the words of those opposite ring hollow. We are not interested in what you say; we are interested in what you do, and what you do is rip off Victorian taxpayers every chance you get.

**Mr BROOKS** (Bundoora) — After that load of rubbish you might expect that members on this side of the house might take some issue with what the member for Malvern has just been saying as lead speaker, but in fact I want to thank the member for Malvern. I want to thank the former Treasurer and all of those people on that side of the house who sat around the cabinet table, because I think we would not have seen this bill if it was not for them, if it was not for the Moving Victoria campaign, the lowest point in government advertising, the most Orwellian, ridiculous advertising. And the lowest point of that were the ads at Southern Cross station for airport rail. Who could forget the ads, the big banners that were like something out of a George Orwell film? I think the big banners said, 'From train to plane in 25 minutes', just forgetting to tell Victorians that it was not until 2026 that that rail link was actually supposed to have been built. What an absolute fraud on the Victorian people!

I think it was that advertising campaign, part of the Moving Victoria campaign, which was the last straw on the camel's back, when people said, 'We've had enough of the way governments spend taxpayers money on advertising'. I think those opposite therefore should share some of the credit for this bill being in this place, because of their ridiculous waste of Victorian taxpayers money. It is not just me, as you see when you look at some of the media coverage of that campaign. Clay Lucas wrote an article in the *Age* of 26 May 2015 talking about the report written by the consultants for the Napthine government and saying it revealed that the Moving Victoria campaign, in his words:

... culminated in a \$5 million ad binge in the weeks before the state election.

A \$5 million binge — unbelievable! He wrote:

Most galling were ads inside trains promoting an airport rail link with services departing every 10 minutes.

Of course you had to wait until 2026. I hope there is no-one down there waiting for the train, because it is not going to be there for a very long time. Those opposite were caught out telling fibs to the Victorian people and then sending them the bill. Those opposite did not explain to the Victorian people; they were not transparent. They did not say how much this campaign was costing prior to the election. They kept that secret. They kept all of those sorts of details secret. Not until you are in government do you find documents like the *Moving Victoria Campaign Evaluation*, completed by consultants who were advising those opposite when they were in government. It is an interesting read in terms of their communications strategy on this project, effectively saying: how do we convince people there is lots of stuff happening in transport when there is actually nothing happening in transport?

What is really heartening to me is that the Victorian people are way too smart for those people opposite. They were way too smart to be hoodwinked by those opposite. I just want to quote from a couple of excerpts from the then secret consultant's report, the *Moving Victoria Campaign Evaluation*. They said the study they conducted in 2013 found:

... the community's general lack of community knowledge and understanding of current transport projects reinforced a sense of cynicism and a widespread belief that 'little is being done'.

That is probably because little was being done at that point in time. We know those opposite did nothing in transport for Victoria and nothing to deal with the significant population growth Victoria was

experiencing and continues to experience. The report goes on to say:

A heightened sensitivity to spin following recent electioneering also suggested that any government communications on transport needed to avoid 'empty slogans' and self-congratulatory tones —

something like we have just heard from the member for Malvern —

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

**Mr BROOKS** — And he is still going.

I am just going to flick through this document. It is a fascinating read. On page 29 this evaluation says that:

Second-by-second responses to both metro and regional TVCs in wave 1 —

the particular phase of that campaign —

showed a positive response to the creative that was likely to facilitate viewer engagement with the messaging. However, specific mention of east–west link around the middle of the ad generated less positive reactions.

Well, of course, all those of us who were out on ground in the electorates and throughout Victoria during that period when those opposite were pursuing east–west knew it was a dud. People were telling us it was a dud — a dud project that those opposite are still wedded to.

On top of that the train-to-plane banners down at Southern Cross station, as I said, I think take the cake for being some of the worst and most cynical political advertising that I have ever seen in the run-up to an election. They would have been bad enough if they had been paid for by the Liberal Party, given they were so misleading, but to have had them paid for by the taxpayer I think was just scandalous. I do not see any reason why the Liberal Party should not repay that money to the Victorian taxpayer. It is not likely that we will see that happen, though.

In contrast Labor at the time made a commitment that it would legislate to end that sort of advertising. I am very proud to be here today as part of a government that is again delivering on its commitments, again putting its values into practice and putting a piece of legislation into this house that will do exactly what it said it would do prior to the election. In November we said that. We said that we would limit government advertising to the necessary purposes of government advertising. There are areas of government advertising that are quite valuable and important: public health campaigns and

genuine information around things like transport projects. I think those things are quite reasonable.

The bill sets out the key principles for public sector communications — for example, in relation to television, they need to promote public safety, personal security or behavioural change; promote social cohesion, civic pride or community spirit within the general public; promote commercial or economic development within the state; generate revenue for public sector bodies or for the state through the consumption of products or services delivered by or in partnership with public sector bodies; and promote compliance with legislative requirements. These are all very sound principles for the expenditure of public money when it comes to advertising.

There are a lot of transport projects in particular occurring at the moment under the Andrews Labor government, so I would disagree with the member for Malvern, who called some of the ads around that program 'spin', because I think it is important that, when train stations are closed while level crossings are removed, people know that they will need to get a replacement bus instead of a train. There is some disruption. We have always said there will be some disruption with the massive transport infrastructure upgrade program that we have. It is important to make sure people have that information — that they know that a station is going to be closed or that there will be replacement buses running on a line or that there are going to be some track works or that there are going to be speed reductions because of roadworks — so they can make alternative traffic arrangements and factor these things into their daily schedules.

In my part of Melbourne there is so much happening currently in terms of transport projects or that will come online very soon that I actually want that information out in my local community. I want people to know that they can expect disruption in certain places at certain times, because there is going to be a lot happening. In the north-eastern suburbs of Melbourne — and my colleagues the members for Eltham and Ivanhoe will agree with me on this — there is a list of projects that are either underway or about to kick off that will cause disruption. We want people to be aware of these things. We have got not just the big metropolitan-based projects like Melbourne Metro, the 50 level crossings, the western distributor, the Chandler Highway bridge duplication, the Grange Road level crossing removal, the Hurstbridge line duplication project and the Mernda rail extension but also the new Plenty Valley bus services, which are just fantastic, more car spaces being created at Watsonia station, the Rosanna level crossing

removal and I think a new station at Rosanna in the member for Ivanhoe's electorate.

Yan Yean Road is being duplicated out to Kurrak Road in the member for Yan Yean's electorate, Plenty Road is being duplicated out to Mernda, the rail line is being extended to Mernda and of course new E-class trams are running on route 86 right out along Plenty Road in my electorate. That is a massive transport agenda and something those opposite did not even imagine in their wildest dreams in their time in office. With those sorts of projects or programs underway, people need to know about them. They need to know when those works are going to happen, the inconvenience that might be caused and how they can get around it. This bill makes sure that that money is spent responsibly. I commend the bill to the house.

**Ms KEALY** (Lowan) — It is a great privilege today to speak on behalf of The Nationals and the Liberal-National coalition on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. Just as an outline, the purpose of the bill is to amend the Public Administration Act 2004 to create a framework for the governance of communication and advertising by public sector bodies. It is interesting to note that there is very, very little change between the existing legislation and the bill before us today. We do see that clause 5 inserts new part 5A in the principal act in relation to communication and advertising by public sector bodies. The new part is intended to establish standards to ensure that public sector communication is in the public interest, to ensure that public sector communication is not party political and to provide for specific standards for public sector communication advertised on television.

I do note that in introducing these provisions into the legislation some duplication seems to result. As somebody who has been a member of the public sector I had to sign off on a code of conduct, as every public sector employee has to. Within that code these specific guidelines are in place — that you may not act in any way which is party political. So I think that the cut and thrust of this is really that it is a bit of a stunt by the Labor government and perhaps another example of where we see Labor, which has a strong history of this, saying one thing but doing another. This bill fails to deliver any real reform. It is a sad blight on this government that they feel that they have to introduce a bill such as this just so that they can say, 'See, we did something. We made it a better system'. But when you actually look at what actions the Labor government are taking, it is clear that they are consistently, time and time again, wasting taxpayers money, particularly around advertising.

I refer to a recent *Herald Sun* article — in fact it was published on 30 August this year — under the headline 'Victorian government spin doctors cost taxpayers \$110 million', which I found quite astonishing to read, and I quote:

Victoria now has more than 1100 spin doctors controlling the state government's message to voters.

Further, it says:

With a wage bill estimated at \$110 million, there are twice as many spin doctors in Victoria as MICA paramedics, and three policy spruikers for every highway patrol officer.

If we look at rural and regional Victoria, where there are certainly lots of challenges around access to health services, it is astonishing that this Labor government's view seems to be, 'We'll invest in spin doctors rather than medical doctors and reduce the number of paramedics we've got around the place'. I find it astonishing that a government would need so many people — 1100 people — in order to sell its message. It just goes to show what is really happening behind this Labor government and the farce of introducing this bill in this place.

I would like now to refer to the minister's second-reading speech, because there is an interesting comment in it around ensuring that the taxpayer, the Parliament and the Victorian community have a right to expect that there are clear and rigorous standards in place for publicly funded advertising and to provide assurance that it will occur for the benefit of the public and deliver value for money. It is an interesting change of tack by the Labor government — that it wants to now start delivering value for money — when it paid \$1.1 billion to not build the east-west link.

I have done some quick sums. We saw a paltry amount of money reannounced for the Lowan electorate recently or for south-west Victoria — \$44 million — which was expected to fix some potholes in 240 kilometres of road. If you do the sums on that, that means the money that Labor wasted in not building the east-west link actually would have repaired over 6000 kilometres of road in the Lowan electorate. I know people who travel on these roads every day, and they are absolutely falling apart. We are very, very welcoming of the wet weather that we have been having, but with the number of potholes that we are seeing around the place I think there are more potholes than there is road surface in some of our highways, including the Henty Highway, the Glenelg Highway, the Borung Highway and the Wimmera Highway.

It is just appalling to have Labor all of a sudden saying they are going to deliver value for money when they

have wasted opportunities time and time again to actually deliver some real benefit, particularly to country Victoria. We hear over and over again from this government that Victoria has 25 per cent of the country's population but only receives 9 per cent of the federal infrastructure funding. Why do they not take that philosophy to their own governance of the state of Victoria? Country Victoria has 25 per cent of the population but we get less than 3 per cent of the infrastructure funding.

**Mr Pearson** interjected.

**Ms KEALY** — You have cut the guts out of any of the great funding structures that the Liberal-Nationals coalition had in place when we were in government, including the country roads and bridges program. We have seen enormous cuts, hundreds of millions of dollars in cuts, in the country roads budget. We have seen the Regional Growth Fund completely go. We have seen support pulled from our local governments, which have the most extensive road networks in the state.

**Mr Pearson** interjected.

**Ms KEALY** — Perhaps we will talk about this point of delivering value for money, which again is outlined in the second-reading speech. The government has decided to switch on the desalination plant, a white elephant, perhaps one of the most significant white elephants in the state. When the desalination plant is finally switched on water levels in Melbourne will be at about 70 per cent. The water will certainly not be required, and I am sure that those users who will have to pay an additional \$12 will certainly be thanking the Labor government for getting the desalination plant turned on just to prove it is not a white elephant, even though we all have to pay \$1.8 million a day for 27 years for it. Value for money is certainly not part of Labor's history, and there is no indication that is going to change anytime soon. Certainly the introduction of this bill will not change that.

Other examples of Labor waste include Peter Mac, where Labor decided to cancel the building of the private hospital there, cutting vital beds which would have ensured more cancer treatment being delivered in Victoria. It also cost the hospital \$20 million in philanthropic donations — \$20 million of private investment to achieve more cancer treatment in this state, which would benefit all Victorians. Is it value for money? That is certainly something that is not synonymous with the Labor government.

I could go through many, many other of the white elephants that we have seen over the years. Myki was not only poorly designed and put together but we also saw it was way over budget. We had to pick up the pieces and pull it together through the term of the last government and did it exceptionally well. Now Labor is saying, 'We have decided that myki did such a good job of stuffing it up the first time around that we're going to get them back in for another project. Isn't that a fabulous idea?'. Is it delivering value for money? I think not. The north-south pipeline is another example of pure Labor waste, which is just what we expect.

I move further through the second-reading speech and see there is some discussion here that this bill will deliver significant reductions in advertising expenditure. I would love to know exactly how much money you think you are going to save by introducing this bill when it does not bring in any significant change. I do look forward to seeing these huge reductions in expenditure in that advertising line. Where are we going to see the cuts? I really want to see who is going to be cut. Maybe one of the spin doctors — or perhaps a thousand of the spin doctors — might have their job on the line. I am not sure how they would react to that. Perhaps they might spin out and say some negative things in the media about that, if you had to cut back those people. But I suggest that the spin doctors might be the last people we see losing their jobs in any of these reforms.

As I have gone over in many of my points, I think the introduction of this bill is purely a political stunt to give Labor an opportunity to say, 'See, we are doing something about it', but when you look at the words and compare it to the actions, this is just another example of the Labor government saying one thing and doing another.

**Mr PEARSON** (Essendon) — I am delighted to make a contribution in relation to the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. I do so from the point of view of having had a fair bit to do with advertising companies over a long period of time. My previous company was part of a holding company and we had a lot of advertising agencies in our group. I had a great opportunity to talk to a lot of people who worked in advertising and who had tracked the path that advertising had gone on going back to the immediate post-*Mad Man* era of the 1970s when you had burgeoning advertising budgets to now having really a lot of pressure being applied to the way in which advertising budgets are constructed and the way in which advertising is communicated.



Listening gently to the member for Lowan's contribution, and I think the member for Malvern also quoted this figure of \$110 million for so-called spin doctors, it is an interesting figure because, unlike the federal government and unlike local government, our bread and butter as a state is service provision. That is what we do. We run schools, we run hospitals, we run rail, we run road networks — that is what we do. We run a lot of services that impact significantly upon the community. Now, \$110 million has been quoted. Let us think about that for a moment — \$110 million does sound like a lot of money.

**Mr Katos** — It is!

**Mr PEARSON** — Okay, it is. The member for South Barwon says it is, and I agree with him. I would also say, though, that it is in the context of a state budget of \$60 billion.

**Mr Katos** — And that's okay?

**Mr PEARSON** — Well, what I would say to you would be that if you look at the amount as a proportion of the state budget, it would be 0.183 cents in the dollar. So if you are trying to run an administration where you are making significant impacts upon the daily lives of the community, because you are running schools, you are running hospitals, you are running a rail network, you are running a road network, you are running a justice system and you are trying to prevent people from getting drunk or using drugs and getting behind the wheel, it follows — does it not? — that you are going to have to spend money on advertising and communications, and I would have thought that less than 0.2 cents in the dollar for a government administration would be a reasonable amount of money to spend.

The member for Lowan also seemed to indicate that this piece of legislation seems to be just some sort of spin in itself. The reality is that this is the first time that there is a framework that has been put on the statute books. Previously there were guidelines, and we know what happens if you do not comply with guidelines. You say, 'Well, I'm sorry, sir, I didn't comply with the guidelines. It is a misdemeanour. Mea culpa, mea culpa, mea maxima culpa', and you move on. This is l-a-w — law. So if you breach this legislation, there will be sanctions. I think all of us would recognise that there is a massive difference between breaching guidelines as opposed to breaching the law. It is obvious. The reality is that advertising is an important component of the state government business I have outlined.

The reality is that if you want to change society and change the way in which people live their lives, you can employ a vast array of public servants to look at running and constructing programs — you can do that — but the most effective way to change people's behaviour is to empower the individual to make better decisions. That is the most effective tool of public policy. A classic case would be the road transport campaigns that successive administrations in this state have run since the 1970s. I think in 1970 our population was probably a couple of million and the road toll in 1970 was well over 1000 people. Here we are looking at well over 6 million people and our road toll, while too high — it is clear to anyone that any death is a regrettable incident — the death toll of around about 200 of our population of over 6 million is a great improvement.

Part of it comes down to the effectiveness with which advertising is communicated. David Ogilvy, who was the doyen of modern advertising in the 1950s, said, 'The consumer is not an idiot; she is your wife'. That was important because what Ogilvy was trying to say, when he set up Ogilvy & Mather back in the 1950s in New York, was that you have to try to make sure that the way in which you construct your advertising and the way in which you speak to people is courteous and respectful, and you engage with them. That is why advertising has been successful for so long. This bill is important because we are looking at a diffusion of the audience, and you need different communication methods.

Look at Harold Mitchell. Harold Mitchell is a media buyer who set up his business in the 1970s, and he was very successful. Why? Because he realised that if you could aggregate your advertising expenditure, you could make significant gains for the client and a media buying agency could clip the ticket on the way through, and he built up a very successful business. That is no longer the case. You do not necessarily pay commissions on your media buy in the way in which you did in the past, and instead what you are looking at is a number of different communication methods.

I remember being here with you, Deputy Speaker — you as a member in the other place and me as a humble staffer, and it was all about trying to get into the *Herald Sun* or about trying to get on Channel 9 news. If you did not get in to the *Herald Sun* and did not get on Channel 9 news, you were not doing your job. That is no longer the case. In looking at the way in which information and media are being consumed, they are being consumed through myriad platforms. Yes, it is TV, and it might be radio and print, but it is also Facebook, Twitter and Instagram. It might be outdoor

advertising or guerrilla marketing. There are a whole range of different methods of communication now that did not exist 5 years ago or 10 years ago. This bill is important because what it seeks to do is to make sure that we have a broad umbrella approach to these methods of communication.

I did listen to the frustrated thespian, the member for Malvern, and his faux outrage that seemed to last for half an hour. I do sometimes think you almost need to submit a WorkCover claim when you have to sit through the member for Malvern's contributions for half an hour. It was a stretch. But I was disappointed that the member for Malvern did not once mention the Moving Victoria campaign. The member for Malvern talked about value for money. I tell you what was not value for money — the Moving Victoria campaign. The former administration blew \$15 million on a year-long campaign, most of it shovelled out the door just before the government went into caretaker mode, in the forlorn hope that the government would be returned. It was an #epicfail; it was an absolute, epic fail. That is the reality. So I was disappointed that when the member for Malvern was castigating this administration and castigating the former Brumby administration for its communication methods, he was strangely silent about the \$15 million that as former Treasurer he would have signed off on, that went out the door and was just wasted.

The member for Malvern also in his contribution attacked the announcement last week about the state of momentum campaign and said that these ads should not be running in Victoria. Why on earth would you say that? Should you not communicate to businesses in Victoria about what is happening in this state — about the projects and the opportunities that are available? If you follow the member for Malvern's logic to its conclusion, we should have ads playing in Victorian lounge rooms promoting Sydney, Brisbane, Hobart, Perth, Hong Kong, Singapore or New York to encourage our homegrown businesses to make investment decisions interstate or offshore. That is what is saying. He does not want to know the good news story that is happening in this state. He does not want to see information disseminated and communicated to these great businesses, many of which we have grown and fostered and nurtured and developed, that underpin our very strong economy. We are leading the nation once again after four years of slumber. He does not want to see those advertising campaigns running locally. What a joke. I think it just goes to show a remarkable lack of knowledge and understanding, not just of advertising and the advertising industry, but of the fundamental role that advertising can play as an

enabler for greater growth and development and the economic expansion of the state.

I commend the bill to the house. It is a great piece of legislation — the first time ever — and we are getting on with it.

**Mr KATOS** (South Barwon) — I rise to make a contribution on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. I might start with part of the second-reading speech that outlines the stated objectives of the bill:

establishing standards to ensure that public sector communication is in the public interest;

ensuring that public sector communication is not party political; and

providing for specific standards for public sector communication advertised on television and advertised generally.

With regard to that I could cite many examples. I might start with the first objective. It is one thing to promote the activities of government when it comes to health or the road toll, as the member for Essendon touched on, but when you start getting the blatant political stuff in there, people simply do not like it. I have an example here that was posted on Facebook on 3 April this year by Parks Victoria, which is a body that should be apolitical. The member for Warrandyte, who is at the table, being a former environment minister, would concur with that — that Parks Victoria should be an apolitical body. It was advertising some expenditure on a penguin colony in St Kilda. The first line of the post reads:

The Andrews Labor government has announced \$250 000 to help protect and monitor St Kilda's iconic little penguin colony.

The funding will ensure visitors can continue to enjoy the penguins who call the St Kilda pier and breakwater home.

As we thought normal, should that not say, 'The Victorian government has announced'? After all, it is the Victorian government. Last time I looked, it was not 'the Andrews Labor Parks Victoria'. There is an example there for all to see of a Facebook post where they are in clear breach of the standards they are trying to implement with this very bill.

The member for Malvern also mentioned the Brumby government's *Victorian Transport Plan*, the \$38 billion unfunded transport plan. Again, advertising this plan would have been in breach of this bill. That \$38 billion plan was by and large unfunded. How could you then advertise an unfunded transport plan? The Brumby government — the masters of government spending,

spending \$133 million of taxpayers money in the lead-up to the 2010 election on their own blatant government advertising — would have been in breach of the very bill we are now debating. The bill fails to introduce any real reform.

On the issue of taxpayer-funded political advertising referred to in this bill, as I said earlier, when you look at the history of the Labor Party, particularly the way they have spent money and particularly the Brumby government, you see that a lot of the things the Brumby government did would have been in breach of this very bill we are debating.

There are also issues around television. There is no definition of ‘television’. Are we talking about free-to-air? Are we talking about Foxtel? Are we talking about other forms of pay television through the internet? The definition of television should be in there to clarify that once and for all.

I might also touch on some of the comments the member for Essendon said with regard to the \$110 million in spin doctors, as reported in the *Herald Sun* of 10 January 2016 under the headline ‘Victorian government spin doctors cost taxpayers \$110 million’. Basically the member for Essendon’s justification for that is, ‘Well, we have got a \$60 billion budget, so what is \$110 million? It’s really just a drop in the ocean when you are looking at a \$60 billion budget’. Well, to the member for Essendon and to those opposite, \$110 million of other people’s money might just seem like a drop in the ocean, but what the \$110 million could fund is critical around the state. I could just use examples in my electorate, but I will touch on that in a moment.

The member for Essendon talked about the road toll. At this point highway patrols are down by a third across the state of Victoria due to different policies, but the government has invested \$110 million in spin doctors rather than putting on extra highway patrols, which is quite extraordinary. The member for Essendon is wondering, and those opposite are wondering, perhaps why the road toll is starting to increase. I can tell them something: there is no substitute for a uniform police presence out on our roads to deter people from doing the wrong thing — and that is simply not there. But again, \$110 million is a lot of money.

There is another choice that could have been made, for example, instead of these spin doctors. At the moment I have got police stations being cut in the South Barwon electorate. Waurn Ponds last week was cut. On Tuesday the minister defended the police; by Wednesday she had thrown them under the bus and

was indicating that it is actually their fault that the hours had been cut. So 16 hours counter service has been cut back to 8 hours at the Waurn Ponds station, in one of the largest growth areas in Victoria. Yet it is okay to have so many spin doctors working for the state of Victoria.

Schools in the electorate of South Barwon are being ignored. Bellbrae Primary School, Mandama, Ceres, Highton and Bellaire primary schools, and Nazareth Catholic Primary School are all being ignored by this government. In fact I asked the Minister for Education to come down and visit Bellbrae over a year ago; I still have not had a response.

You can also look at other things. With regard to the metro rail tunnel that is presently being proposed, any advertising for that is in breach of this bill. It is not funded. The metro rail tunnel is unfunded. It has got line items with contingency after contingency, and here we have the Premier and the Minister for Public Transport going crying to Prime Minister Malcolm Turnbull for more money, thinking that the federal government is simply an ATM. This very project would be in breach of this bill. Any advertising for Melbourne Metro would breach this bill. It is not funded.

The Treasurer is in the house. I do not know if he is even listening; he is probably not. He might not know if it is funded or not — —

**Mr Pallas** interjected.

**Mr KATOS** — It is funded, he is saying. Well, could he just point out in which contingency fund it might be? I do not know; he has got a lot of contingency funds in the state budget.

*Honourable members interjecting.*

**Mr KATOS** — Yes, there are many things in the budget and there are a lot of contingencies. With regard to this bill, it makes no real changes to anything that is already in the Public Administration Act 2004. It is just another example of not just that \$110 million is spent on spin doctors but that spin doctors have been working overtime with this bill — because that is all it is.

**Mr EDBROOKE** (Frankston) — It is indeed an honour to rise today and speak on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. It is obviously an interesting one, when you consider the previous four years under a Baillieu-Napthine-Shaw government, which I guess in a lot of ways is the catalyst for this bill. In essence what this bill does is take the advertising and propaganda out of governments — and we did see that

from 2010 to 2014. The thing is when you do nothing you cannot rely on advertising to show that you have actually done something. You cannot fake it till you make it.

Things come to mind with the previous government. When I was working as a firefighter I was seeing advertising saying that there was no crisis in the fire service; meanwhile, they were shutting stations down and trucks were not responding to places. I was seeing advertising in the *Herald Sun* — full-page adverts — prior to the 2014 election essentially stating and telling the populace that there was no ambulance crisis, even though ambulance response times were blowing out and ambos were actually in dispute. It was actually like a scene out of *Utopia*. In fact I think the first episode of *Utopia* aired in August 2014, probably after having almost four years of great scriptwriting from the former Liberal government. This bill has been brought before the house to actually protect our taxpayers from this type of propaganda.

Unfortunately we did see some massive spends under the previous government. It was just a massive bill from the bombardment of advertising that ran in the last desperate final months of a Napthine government. The official annual advertising tally for the 2014–15 financial year shows that Victorian departments spent a total of \$94.9 million, which is absolutely disgraceful. This was slightly down from the \$96.1 million in the previous year. We have got to see taxpayers get value for money, and in stark contrast we are actually doing things now and getting things done and advertising for the sake of people knowing what we are doing.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Business interrupted under sessional orders.**

## MATTERS OF PUBLIC IMPORTANCE

### Employment

**The ACTING SPEAKER (Ms Thomson)** — Order! I have accepted a statement from the Minister for Industry and Employment, proposing the following matter of public importance for discussion:

That this house:

- (1) notes that the Andrews Labor government has:
  - (a) created over 150 000 jobs since being elected in November 2014, including over 33 000 in regional Victoria;
  - (b) exceeded its election commitment target to create 100 000 full-time jobs in its first two years;

- (c) continued to support the creation of new jobs through its major infrastructure agenda that will create over 15 000 jobs during construction;
  - (d) attracted more private investment and jobs to Victoria through the Victoria: A State of Momentum campaign;
  - (e) implemented its election commitment from 1 January 2016 of 10 per cent of labour hours on major projects over \$20 million to be dedicated to apprentices, trainees and engineering cadets;
  - (f) announced further reforms to increase jobs and improve workforce participation, including boosting opportunities to put local jobs and industry first through changes to the Victorian Industry Participation Policy; and
- (2) condemns the former Liberal-Nationals government for increasing unemployment from 4.9 per cent to 6.6 per cent and sacking thousands of workers across the public service.

**Mr NOONAN** (Minister for Industry and Employment) — When the Premier and Labor pledged to create 100 000 jobs back in October 2014 the Liberals scoffed and referred to the policy as a ‘jobs sham’. Labor made that pledge from opposition, and history shows it then went on to win government back in 2014. Labor understood then and Labor understands now the importance of jobs. Labor understands the value of a job and Labor understands the dignity that a job brings. After four years of inertia under the previous state government, Victorians agreed with us. Not two years later we have not only achieved our objective but have gone beyond that — well and truly. We have created more than 150 000 jobs in less than two years in government.

That is why last week the Premier declared that Victoria is a state of momentum — not a state of stagnation any longer, which we had under the previous government. We are getting on with the job. We are leading the nation in terms of full-time job creation. Our economy is thriving. Our population growth is charging ahead: people want to live in Victoria. New businesses are setting up in Victoria. Our construction sector is also booming. Why? Because this government, the Andrews government, is restoring confidence to Victoria.

Consider our record compared to the record of those opposite. They had four wasted, stagnant years in government: wasted in terms of jobs creation, wasted in terms of building critical infrastructure —

**Mr Watt** interjected.

**Mr NOONAN** — and wasted in terms of building momentum, the member for Burwood — it is nice to have you here.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Burwood is not in his place.

**Mr NOONAN** — Between 2010 and 2014 the coalition government created just 96 000 jobs over that four years. Let us say that again: 96 000 jobs. These figures are even more striking when we look at full-time employment. Across the four wasted years of the coalition we had only 17 000 full-time jobs — and it is nice to have the former Treasurer, the member for Malvern, in the house, because I am sure he will try and account for those 17 000 jobs. Since Labor took office we have created more than 111 000 full-time jobs in Victoria in less than two years, and we have fulfilled our election commitment, creating 100 000 jobs within our first two years — a result unimaginable by those opposite and a result that comes after they referred to our policy as a ‘jobs sham’.

Victoria now has the fastest full-time growth rate in the nation, and we have a massive infrastructure agenda, which we will ensure will create many immediate jobs and many more jobs for years to come. We are getting on with the job of building world-class infrastructure, which Victoria needs. We know that infrastructure will create jobs and new investment opportunities for Victoria, and that is why we are investing almost \$2 billion in education — restoring our TAFEs and building our schools — and in hospitals and in health services. That is why we are expanding our rail network and cutting congestion on our roads. These investments alone will create 15 000 jobs in the short term. That pipeline of infrastructure is all about catering for our growth and making Victoria a more attractive place to invest and live.

I remember the first two years of the Baillieu government. Those who have been in this chamber for a while all remember those first two years. They were dominated by nothing — absolutely nothing was happening. By contrast, let me go through a list of things that have happened in our first two years. We are getting on with removing those 50 dangerous level crossings. We are getting the western distributor built, plus the Monash Freeway upgrade, the Tulla widening project and the Metro rail tunnel, which our government has fully funded — —

**Mr Watt** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Burwood will stop interjecting or return to his seat.

**Mr NOONAN** — The Hurstbridge line is being upgraded. There is the Mernda rail extension. I know there are many in the house who want to see that project built, and it will be built. We have the Ballarat line upgrade; new metropolitan and V/Line trains; \$924 million to build our education state and, importantly, restore our TAFE system; and \$982 million to boost our health sector, including more ambulances.

We remember that divisive ambulance dispute. We remember the blow-out in ambulance waiting times. We remember that well. People were dying waiting for those ambulances. It is only Labor who are restoring our ambulance services, and we are providing \$200 million for our regional health infrastructure. I could go on, but it is all about the momentum and it is all about the largest capital infrastructure project Victoria has ever seen. I challenge those opposite to highlight what they believe they did and what their legacy is in Victoria other than crippling TAFE, other than the war on paramedics and other than Geoff Shaw. Creating over 150 000 jobs in under two years — —

**Mr Watt** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Burwood! If the member wishes to interject, he should go back to his seat.

**Mr NOONAN** — Creating over 150 000 new jobs in less than two years has not happened by accident. I want to acknowledge that it is largely the private sector that creates most jobs, but it does need a willing partner. The private sector needs a government that is prepared to listen and then take action. The private sector has spoken, and the jobs being created speak volumes about the business confidence in Victoria right now. The government has established a new \$116 million investment attraction fund so that we can seize those new opportunities. This is about generating thousands of new jobs for Victoria.

A number of companies have indicated that Victoria is where they want to do business. I have spoken to the Parliament in the past about the decision, the very important decision, by Woolworths Holdings Limited to base their headquarters here in Melbourne. Firstly, we have secured 600 existing jobs at Country Road — jobs that could have gone to Sydney. Secondly, we have generated an additional 820 jobs through the relocation and consolidation of David Jones to our great

state, a state that leads in the area of retail, that leads in the area of fashion, that leads in the area of food culture. These jobs are coming to Victoria because we are working hard to get them. Other companies, like NewCold and Tyrrells, are also establishing new facilities in Victoria and creating over 200 jobs. These companies are part of our ongoing work to facilitate new investment in Victoria.

In 2015–16 the Victorian government had a target to facilitate 4600 jobs and attract \$2.1 billion in investment. I am pleased to report that this target was significantly exceeded. In fact in the 2015–16 period the Victorian government attracted over \$2.4 billion in investment and facilitated 5500 new jobs. That includes over 105 different projects that were facilitated and, importantly, 47 of those were facilitated in regional Victoria. Our state of momentum advertising campaign will continue this trend. We want to continue to be Australia's gateway for trade and investment. Victoria, as we all know and as we are all proud of, is a great product. We should be putting our case wherever we can, and that is what this advertising campaign will do; it will encourage investment, grow our exports, create more jobs here in Victoria and of course create more opportunities for Victorian businesses. Between now and the end of the year we expect to have created an additional 2200 jobs directly through our facilitation.

Earlier this week I visited Industry Beans, a small business cafe and coffee roasting facility in Fitzroy. I met with two dedicated brothers, Trevor and Steven, who started this fantastic business in 2012. They emailed the Premier in January this year seeking advice and support to help grow their business. Trevor told me that within 24 hours he had received a response to his email and within a week he was speaking to a Victorian government investment manager about the possible opportunities for the Victorian government to work with them. That is why I was so pleased to be there on Monday morning to, in a very practical way, help deliver the good news about the grant their business has received to grow their business in Melbourne's north, to create 20 jobs and, importantly, to create 16 new jobs for retrenched automotive workers. We all know who gave up on automotive workers. It was not the people on this side of the chamber. Those who gave up on auto workers and the auto industry are sitting on the opposition benches now. We are helping Industry Beans grow, and they are a great homegrown success story.

During this time of jobs growth it is also important that we focus on those people who face additional barriers to employment. It is Labor's view that every Victorian regardless of their background should have a right to

the dignity of a job. This is of course an issue close to my heart and one of the reasons that brought me into Parliament. I know through my own volunteer work from before I came into Parliament, which was with the YMCA Bridge Project, a project that gives young offenders a pathway from the juvenile justice system back into the community to make a meaningful contribution, how important a job is for those young people.

This is a project that recently celebrated its 10th anniversary, and I was thrilled to be able to speak at the Melbourne town hall to mark that important moment. The project has achieved so much. Consider this for a moment: currently the return rate for young offenders returning to prison is greater than 50 per cent, but when those young people come into contact with a program like the YMCA Bridge Project less than 5 per cent return to our prison system. That is a fantastic, ongoing achievement which has been reflected in the fact that that particular project has received the national crime prevention award.

The Bridge Project not only generates a fulfilling and constructive career for many disadvantaged young people but it also saves the Victorian community an estimated \$2.8 million per year by keeping young people out of the justice system. It is that involvement and that experience that has shaped my thinking in relation to the industry and employment portfolio.

The Jobs Victoria Employment Network (JVEN) will deliver that same dignity to many thousands of Victorians who face multiple barriers to finding work. This is a project that speaks to Labor's values. Last year the Victorian government conducted a review of employment services available to jobseekers. The review found that federal programs such as jobactive are largely effective for people who are job ready. However, they are not effective for people who face complex barriers to employment and require more intensive support.

We know that there are about 50 000 unemployed Victorians who have been registered with commonwealth job services for three years or longer. The Jobs Victoria Employment Network provides \$39 million over four years to 38 employment providers throughout Melbourne and regional Victoria. These employment providers will provide personalised and flexible support and assistance to people in terms of getting them job ready, finding and placing them in employment and then helping them maintain the ongoing stability of that employment. That is a very important program for people who may suffer, for example, an intellectual disability and may just simply

need the support of finding a way, on public transport, to get to a job. An employment provider, through our JVEN program, will be able to offer that sort of support. Consider another example of a young Aboriginal who is hoping to get a start in the construction industry but cannot get a white card because they do not have any forms of identification. These are the sorts of barriers that can be overcome using employment providers.

Our program will create more than 4000 jobs for disadvantaged Victorians. That is a very important initiative. These are jobs going to those who have been left behind and have fallen through the net under the commonwealth system. The program will bring together employers who are looking for staff with our employment providers. All that support will come as a result of the Victorian government's program. It is the sort of program that was cut by the previous government in its first budget back in 2010, leaving people on the scrap heap.

In the short time I have left I want to say that those opposite wasted four years in government. They know that they had poor jobs growth, they know that they had higher unemployment — the figures do not lie — and they know that they did not have a significant infrastructure program. But under Labor 150 000 new jobs have been created. We have made an important investment in a strong pipeline of infrastructure projects which will create 15 000 jobs. Importantly, in those major projects 10 per cent of the working hours will be set aside for apprentices, trainees and cadets so that young people can benefit from Labor's policy. We have ensured that our government purchasing creates even more opportunities for local businesses and jobs. We will continue to work hard to maintain the important momentum that we have already built.

**Mr M. O'BRIEN** (Malvern) — The member for Williamstown, who is the Minister for Industry and Employment, should be reminded of the old adage that self-praise is no recommendation, because what we heard was 15 minutes of puffery and 15 minutes of rubbish. The minister said, 'Figures do not lie'. Well, I am sorry, Labor MPs do. When you look at this matter of public importance (MPI) that was submitted by the member for Williamstown you see it says:

That this house:

- (1) notes that the Andrews Labor government has:
  - (a) created over 150 000 jobs since being elected in November 2014 ...

Let me just put the facts on the table in words that even the member for Melton would understand: that is wrong, Don. It is not the case because this government was not sworn in until December 2014, so unless members opposite think they can magically take credit for jobs created before they were even sworn into office, they have got no right to claim any of those jobs. So the figures are wrong. The figures are incorrect. The figures are absolutely incorrect. This just shows that this is a government that cannot add up, that cannot manage money, that cannot handle the economy and that cannot keep Victorians safe.

We heard a lot from the member for Williamstown about the former coalition government. Let me just make this point: according to the Australian Bureau of Statistics (ABS), between December 2010, when we were sworn into office, and December 2014, when we left office, the Victorian economy created more jobs than any state in the nation. If you do not want to believe me, then ask the ABS. We created more jobs than any state in the nation, and that includes the state of Queensland and the state of Western Australia, which was going through the mining boom at the time.

With all the puffery we have been hearing from the member for Williamstown you would think he would be a bit embarrassed to recognise where Australia's national unemployment average sits and where Victoria's sits, because the Australian national average unemployment rate as at July 2016 was 5.7 per cent. From all of the carry-on by the member for Williamstown you would assume that we were doing much better than that, would you not? You would assume we were way below the national average from the way he was carrying on. But, no, Victoria is not under the national average of 5.7 per cent. It is actually above the national average, at 5.9 per cent. You have got a member coming in here talking about the government's record on jobs creation when unemployment in Victoria is above the national average. What an absolute disgrace!

How about comparing us with New South Wales? When we left office it is true that New South Wales were marginally ahead of us. They had an unemployment rate that was 0.4 per cent lower than Victoria. What is the gap now? No, it is not 0.4 per cent. It is not lower than 0.4 per cent. It is 0.7 per cent! New South Wales is streaking ahead of Victoria when it comes to jobs, streaking ahead when it comes to the unemployment rate, but you would not know that from the matter of public importance that has been submitted. It is almost as though members opposite do not want to talk about the dysfunction in their own government. It is almost as though they have got

nothing else to talk about. They cannot talk about the member for Brunswick.

While we are talking about jobs, how about the member for Brunswick? We have a Treasurer who should be focused on creating jobs but who instead just wants to create a job vacancy in the seat of Brunswick. He is trying to push the member for Brunswick under a bus. He wants her to leave Parliament. He wants to put her on the unemployment scrapheap. What about justice for the member for Brunswick? How about 'Justice for Jane' or 'A job for Jane'?

The member for Brunswick has got a job. She was elected by the people of Brunswick, and she deserves to stay there, despite the Treasurer wanting to throw her under a bus and force her out of Parliament and get her to leave. We think that all members who are elected should be able to keep their positions and that the bullying by the Treasurer should not add another statistic to the unemployment scrapheap.

We can also talk about the County Fire Authority (CFA) board — they were people who were in gainful employment. They got sacked by this government. Seriously, this MPI criticises the former coalition government for 'sacking thousands of workers across the public service'. Let us have a look at how many public sector workers this government has sacked. We know the former Minister for Small Business, Innovation and Trade got sacked. We know Mr Somyurek in the other place got sacked. He got sacked because the Premier said he would not stand for bullying. Apparently the Premier would not stand for bullying when the alleged perpetrator was the small business minister, but when the alleged perpetrator is the head of the United Firefighters Union then bullying is A-OK. No-one loses their job except the complainant.

We know what this government's attitude is to bullies: if you are the whistleblower, they want to sack you, but if you are Dimity Reed, then that is okay. That is the way it goes. That is the hypocrisy of members opposite. You are prepared to back the bullies when it suits your political purpose. We know you!

*Honourable members interjecting.*

**Mr M. O'BRIEN** — What about the CFA CEO, Lucinda Nolan? Did she not deserve to get a fair go? Did she not deserve to get the chance to discharge her duties, to fulfil her job obligations? No. She was forced out of her job by the Premier and the Deputy Premier. What about the chief fire officer, Joe Buffone? He was an eminently qualified person — —

*Honourable members interjecting.*

**Mr M. O'BRIEN** — Acting Speaker, could I have a bit of protection here, or am I just to be shouted down?

**The ACTING SPEAKER (Ms Thomson)** — Order! I think it has been a very robust debate, and the minister got the same treatment.

**Mr M. O'BRIEN** — I can barely hear myself think here.

**The ACTING SPEAKER (Ms Thomson)** — I ask all members to keep it down across the chamber. For those members who are not in their place who want to interject and participate in this debate, I suggest they do it from their place, not from the places where they are currently sitting.

**Mr M. O'BRIEN** — Thank you, Acting Speaker. I am very happy to talk about individual people who have lost their jobs under this government. We could talk about the 19 water corporation board members who were all summarily sacked, so that board could be stacked by Labor mates. We could talk about the board of Ambulance Victoria, sacked by Labor. We have got a bill in the Parliament at the moment with which the government is trying to sack the commissioner for privacy and data protection — another independent office-holder who they are trying to sack.

Let us not have any hypocrisy or cant from the absolute hypocrites opposite. If you want to talk about jobs, let us talk about the Latrobe-Gippsland region where, since this government has come to office, December 2014, the unemployment rate has risen from 6.1 per cent to 8.5 per cent; 9546 full-time jobs have been lost in the Latrobe-Gippsland region on the watch of this government. Since December 2014 in the north-west region 8909 jobs have been lost under this government. Since December 2014 in the Warrnambool and south-west region 1666 full-time jobs have been lost and the unemployment rate has increased by 0.7 per cent. So this is a government that has nothing to be proud of when it comes to jobs.

What else has this government done to try to promote business and investment in Victoria? We know they wasted \$1.1 billion to rip up the east-west link contract. We know they trashed Victoria's reputation as a safe place to do business by tearing up the contract. We know they introduced a grand final parade public holiday that nobody asked for, which their own figures show is costing the economy \$1 billion a year. Their own figures show it is costing the economy \$1 billion a year!



**Mr Brooks** interjected.

**The ACTING SPEAKER (Ms Thomson)** — The member for Bundoora is not in his place.

**Mr M. O'BRIEN** — They delivered Victoria's first budget deficit in 20 years. The Auditor-General called them out. It was the first budget deficit in 20 years. The Treasurer tried to use dodgy financial tricks. The Auditor-General said, 'No way', and the Treasurer delivered a budget deficit. That is what the Auditor-General found, and that will be in the record books forever — that this Treasurer delivered the first budget deficit of the state in 20 years.

They scrapped the airport rail link. Everyone who is stuck in traffic and cannot get to their flights will recall that we were building an airport rail link and they scrapped it. They delayed the Murray Basin rail project.

*Honourable members interjecting.*

**Mr M. O'BRIEN** — Seriously, Acting Speaker?

**The ACTING SPEAKER (Ms Thomson)** — Order! It is getting too noisy in the chamber. Members should keep it down, please.

**Mr M. O'BRIEN** — The Murray Basin rail project was funded to the tune of \$220 million in the 2014–15 coalition budget. What did you do? You sat on your hands. You have done nothing for 18 months on it — absolutely nothing! You scrapped 42 beds at Peter Mac Private because you hate the private sector and you hate private health. You pushed up the cost of water by \$27 million because you are so desperate to use your white elephant desalination plant that you do not care if Melbourne families have to pay higher water bills.

*Honourable members interjecting.*

**Mr M. O'BRIEN** — Why didn't we hear from the minister about Target — 900 jobs lost? What have you done about that? Nothing. There are 2000 jobs at risk at Alcoa in Portland, and there are 10 000 people in Portland.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Thomson)** — Order! I ask the member for Niddrie to quieten down, and I remind the member to speak through the Chair.

**Mr M. O'BRIEN** — Yes. There are 10 000 people in Portland and 2000 jobs at Alcoa, Portland. What has this government done about it? Absolutely nothing.

This government came to office promising the people of Geelong it was going to get to work — that it would not waste a day — to build that second container port at Bay West. What happened? They scrapped that promise, they broke it. They lied to the people of Geelong, absolutely lied to them, and tried to lock up the port of Melbourne in a 99-year monopoly, which we prevented from happening.

This government scrapped the Victorian building and construction code to let their mates in the Construction, Forestry, Mining and Energy Union run rampant over building sites to make sure Victorians get ripped off when it comes to funding public infrastructure. In just two years they have increased taxes by 20.7 per cent — a 20.7 per cent tax increase in just two years. They have broken the promise by introducing new taxes. They have introduced the new land tax surcharge and the stamp duty surcharge. They have tripled the tax on brown coal, which will flow straight through to electricity prices. Thanks to this spendthrift Treasurer that we have now, tax as a percentage of gross state product (GSP) is higher in Victoria than in New South Wales — 5.41 compared to 5.31. Spending as a percentage of GSP is higher in Victoria, at 14.4 per cent, than in New South Wales, at 13.1 per cent.

Public sector wages have blown out by over 15 per cent. Why? Not because we are getting more value for money and not because we are getting more frontline people; we are just paying people more money for worse work. If we are getting more public servants, where are the police? Why are they closing police stations if there are more police? Why are they closing police stations? That is what they have done right across the state. This is a matter of public importance (MPI) built on a lie, built on fiction and built on an absolute rort.

In the last minute I will refer to this new campaign Victoria: A State of Momentum, which is a glossy press release and a \$2.5 million ad campaign. Who do the government spruik? They spruik Uniqlo, which was brought to Victoria by the coalition government. They spruik Swisse, which was supported by the coalition government. It is bad enough that the government have got no positive news of their own, but they are so desperate to cover up their own incompetence, so desperate to cover up their own lack of action and so desperate to cover up the fact they govern for the unions and not for Victorians that they are prepared to lie and make things up about the coalition's record. This is an MPI from a government that are embarrassed about their record and embarrassed about the fact that they are chaotic, they are dysfunctional and they are disunified, and that is why they should go.

**Mr EREN** (Minister for Tourism and Major Events) — Unfortunately the opposition is still in denial. They do not accept the fact that they were kicked out of government after one term, and the biggest reason for that was the lack of job opportunities for Victorians. They are still in denial after all these years. We know in Geelong, as the Minister for Industry and Employment has outlined, how tough we had it under those miserable, dark four years of the Baillieu and Napthine governments. We know that youth unemployment rose to over 20 per cent in Geelong. We know that at a rate of knots companies were moving out of this state. We know this was not a good business environment in the state because of the lack of direction by the previous Liberal-Nationals government. Today they have got the cheek to get up and still deny the fact that they were bad at governing, particularly when it came to jobs.

We on this side of the house are very proud of our record in the short time that we have been in government. I know the new Minister for Industry and Employment would be very happy — —

**Mrs Fyffe** — Acting Speaker, I draw your attention to the state of the house.

#### **Quorum formed.**

**Mr EREN** — They can try and gag me through procedural means if they like, but the fact still remains that the previous government were lying idle, resting on their laurels, and did not care about jobs in this state.

We on this side of the house have a plan. We have certainly proven in the short time that we have been in government that we are a government of action — a state of momentum, if I can call it that. That is why when you think about the 150 000 jobs, of which 133 000 are full time and 33 000 are in regional Victoria, it is so important to make sure that you have governments that have an action plan to increase job opportunities going forward.

So I can certainly say that through my portfolio of tourism and major events we are certainly doing our part to increase the job opportunities for Victorians. The industry is worth about \$22 billion, for the record, with about 220 000 jobs associated with that. We have an ambitious plan to grow that very important visitor economy to over \$36.5 billion and to 320 000 jobs associated with that by 2025. We are on track. The recent numbers that have come through in terms of international visitations show expenditure has increased in the last financial year by a whopping 19 per cent in

international tourism, to \$6.7 billion. That is fantastic. That is creating so many jobs for Victorians.

We are not lying idle, like the previous government did. We are proactive in every aspect of government. One thing particularly comes to mind. We know the heart and soul of our economy is our regional areas. We know we are the fastest growing population anywhere in the nation. There is a reason for that: Victoria is a great place to live, work, raise your family and live a tremendous life. We know Melbourne is the most livable city in the world six times over. We are the sporting capital. We are the sporting capital of the last decade. We have all of these titles because we have a great government currently that actually cares for our state. When you think about those titles that we hold, you see they are opportunities for us and we have to take them where we can. That is exactly what we are doing through the tourism and major events portfolio.

We want to follow our strategy, and we have an action plan. Just recently, as you may know, Acting Speaker, we formed the new entity which is Visit Victoria, which will see this sector grow to 320 000 jobs in the next nine years, and it will do it in a strategic way. I recently announced in Bendigo the strategy for how we will achieve that. I also am pleased to announce that I have a ministerial advisory committee, led by a former Minister for Tourism, John Pandazopoulos, who will implement the strategy that we have announced just recently.

I am so proud of all of the work that is going on through the Minister for Industry and Employment's office to ensure that he has a handle on all of the activity that is going on in growing our jobs sector. We have a dedicated department, the Department of Economic Development, Jobs, Transport and Resources, that has key ministers in it to grow the state's economy. The economic portfolios are all in the one room, and we are regularly talking about how we can improve our economy and how the departments can work together to ensure there is seamless cooperation between departments, unlike previously where they were in silos and pulling in different directions.

We do have a plan, and it is not just words. It is because of the actions that we have in place that we are seeing results. Those results are particularly obvious in Geelong where there is much excitement going on. In the last four years of the previous government there was a lot of doom and gloom. The unemployment rate was the highest it has ever been. The youth unemployment was over 20 per cent, and we were losing our youth unfortunately to other parts of the state because the jobs they were seeking existed in other areas. But we have

reversed that trend. Our population is growing. Our infrastructure spend is at its highest. We have invested massive amounts of money into Simonds Stadium. Those opposite did not lift a finger for Simonds Stadium. They did not do — —

**Ms Kealy** interjected.

**The ACTING SPEAKER (Ms Thomson)** — Order! The member for Lowan is not in her place.

**Mr EREN** — They did not commit any money to Simonds Stadium, and they know that every time we have an event at Simonds Stadium it is worth about \$3 million to \$4 million to the Geelong economy. That is why we have recently had Atlético Madrid down there — one of the European giants of football. For the first time ever we had the European giants of football in Geelong. The Geelong people deserve those sorts of events. They have never received that before, and 17 000 people thoroughly enjoyed the event. There is also the Cadel Evans Great Ocean Road Race, the Avalon air show — —

**Mr Katos** interjected.

**Mr EREN** — Yes, and we have improved it every single year. In relation to all of the other events across the state and the offerings that we have to improve the visitations one of the good results from today's numbers that have come through regarding international tourism is the fact that 21 per cent of that growth of international visitation is going to regional Victoria. That is exactly what we wanted to do.

We know that people love coming to Melbourne. We know that is because it is such a great city and we have lots of events; our calendar of events is the best in the world. We know that, but how do we disperse those events throughout regional Victoria? That was the challenge for us, and that is what we are concentrating on. These numbers prove the Wander Victoria campaign that the opposition had a go at is getting Melburnians to visit regional Victoria. Getting Melburnians to not jump on a plane and go interstate or overseas but to go to areas in regional Victoria that they never knew existed and discover their own backyard before they actually venture out somewhere else is worth \$6 billion to our regional economies. We are committing \$3.5 billion towards that campaign to get Melburnians to go to regional Victoria so that they can spend their money in their own state.

We have got a raft of plans and strategies in place to make sure that we grow our economy. Every single minister that is part of the economic development portfolio is doing their best to improve the jobs

prospects in this state. Can I just say one of the biggest pressures on us in relation to having events in Melbourne was the lack of hotel rooms, and I commend the Minister for Planning, who is in the chamber. In the short time that we have been in government we have ticked off on 1789 hotel rooms. That is more than in the four years of the previous government. That means that we can get more of these wonderful events that bring so much to our economies so that our hotels are full, our clubs are full and our restaurants are full. We are not a mining state; we want to be a dining and wining state. And do you know what? This economy will boom under an Andrews Labor government.

**Mr NORTHE (Morwell)** — The cat is out of the bag. I am pleased to rise today to speak on the matter of public importance, a matter of public importance that is deficient and self-adulating. But the Minister for Tourism and Major Events has just let the cat out of the bag: we are not a state of mining. I will refer to some of those comments in my contribution.

The matter of public importance also refers to Victoria being the state of momentum, but I can certainly say that within the Morwell electorate the only momentum in terms of employment is backwards momentum. You have only got to look at the job statistics that have come out over recent months to verify that. The facts are that in December 2014 the unemployment rate for the Latrobe region was 7.3 per cent; it is now 9.3 per cent. We have had unemployment rise by about 2 per cent in the short space of 18 months. That is a fact; they are statistics from the Australian Bureau of Statistics.

In that time across the whole Latrobe-Gippsland region we have had a staggering loss of nearly 12 000 full-time jobs, so if the state government and the ministers want to come out and espouse the virtues of what they are doing with employment or unemployment, I encourage them to make mention of the Latrobe-Gippsland region, because our region has been neglected and the statistics on unemployment absolutely verify that. Youth unemployment is around 12.8 per cent for the Gippsland region, and there have been many local articles referring to the concerns of the local community with respect to unemployment. Indeed in the *Latrobe Valley Express* of 2 June under the heading 'Where are the jobs?', an article made reference to some comments that were made by the Treasurer, and what it states is:

In a release the state government sent to media outlets last week, Treasurer Tim Pallas described the unemployment rates as 'great news for regional Victoria'.

The release highlighted Bendigo, Ballarat and Shepparton's falling unemployment rates, but did not mention Latrobe.

That is what I have raised in Parliament on many occasions. It is all good and well for the Treasurer to get up and talk about unemployment figures, but he should do it in a manner that talks about what the government is going to do to address unemployment rates in the Latrobe-Gippsland region. The fact is there is absolutely nothing there.

My belief and the belief of many local people within our community is that we have seen the abolishment or discontinuation of a number of specific local economic development programs. The coalition had in place the Latrobe Valley Industry and Infrastructure Fund, a \$15 million program to help businesses grow and expand and create employment. That fund supported more than 40 businesses, providing employment for approximately 1100 people, and was able to elicit around \$93 million of investment — so, private investment on top of state government support. It was a very successful program. Since that has been discontinued there has simply been a vacuum of economic development programs for our region. Further to that, the Putting Locals First Fund, a very important fund in helping develop community projects in consort with council in many cases, also provided employment as well. As well as enhancing community development, it provided local employment. We have seen that particular program abolished as well.

The Minister for Industry and Employment, in his opening remarks, talked about how the coalition could not put their hat on any particular project or projects, assuming we did nothing. I would need an extension of time to go through all of the projects and businesses the coalition supported in government and through our Latrobe Valley Industry and Infrastructure Fund. We provided funding to the Latrobe Regional Airport; Hydro Australia; Lion Dairy & Drinks; Fisher's pallet manufacturers in Morwell; Sage Technology in Morwell, which, by the way, was entered into the hall of fame in the Gippsland business awards on Friday evening, so well done Sage Technology; Victorian American Imports; the Narkoojee Winery in Glengarry; Morwell Shopfitters; STR Inspection Services in Traralgon; Pinegro Products in Morwell; and Steeline in Gippsland — a \$4.4 million project. They are all prime examples of businesses we supported when we were in government and which put in their own hard-earned money not only to grow and expand their businesses but to create jobs in our local economy. And there were more and more. I cannot point to any one business in the Latrobe region since that time — since the change of government in 2014 — that has been financially supported by this government. Not one.

As I mentioned before, through that particular program there were in excess of 40 businesses that were supported across a whole range of different sectors and industries to help diversify our economy. If you look at the Putting Locals First Fund, you get a sense of some of the community projects we supported that not only enhanced community development but provided employment opportunities for local people. We had funding for upgrades of Victory Park in Traralgon; for the Gippsland Heritage Walk in Morwell; for the Morwell skate park; for the Tyers Hall upgrade; for the Maryvale Reserve plan; for Re-Activate: Latrobe Valley; for the Yinnar Fiddlehead Music Festival and Country Fair — and the member for Bundoora over there would like this one as he could have been there with Garth Brooks; the Yallourn North town hall upgrade of \$340 000; and the Churchill Art and Culture Pathway. These were all projects supported through the Putting Locals First Fund, which as I say provided local employment.

One of the other important things too is that the coalition had a program in place that really provided a pathway for local students to enter into some of the unique vocations we have in the Latrobe Valley. Through our Regional Partnerships Facilitation Fund there were a number of projects that were supported to help people find that pathway for local jobs. Some of those related to unique vocations, such as these relating to Lion Dairy & Drinks in the food manufacturing sector. Safetech in Moe were partners in that as well. There were also allied health services — so in community welfare, nursing and allied health we had a partnership with Monash University, now Federation University, where students could go through a pathway and find local employment. That is now gone. We had the Advanced Lignite Demonstration Program. It was supported by the previous federal Labor government and the former coalition state government; funding was provided for coal-related projects to find new ways to use the resource. What has the current government done with that particular program? It is on the backburner. We do not know what the hell is happening with it at the moment. Again that is not helping business development within our community.

As the shadow Treasurer mentioned in his contribution, despite the abolition of all these local specific programs, which not only created but were able to retain jobs, what we have seen is the current government impose enormous taxes — breaking a promise — on some of our larger employers. It has imposed a \$252 million electricity tax on generators within the Latrobe Valley. In the *Latrobe Valley Express* of 28 April under the heading 'Government's royal rumble' is an article replete with comments from

industry figures who are very critical of the government in relation to what it has done with respect to that. There was a lack of consultation. The comments coming back from the generators talk about the prospect of additional prices for consumers and about the impact on local jobs. It does not instil business confidence when a government breaks its promise, imposes a tax of that particular magnitude and does nothing about it.

You have the renewable energy target. Again, if the government wants to put a target in place, that is fine, but there is no detail about what the impact will be upon the Latrobe Valley community — the business community — directly or indirectly. There is absolutely nothing. Business confidence has taken a battering as a result of those particular decisions made by the government. There is no detail on what might happen. Look at the situations that have occurred in South Australia and Tasmania, for heaven's sake, over the course of the summer period. It is of great concern, but we have no detail from the government about what the impact will be upon jobs, the cost to consumers or indeed security of supply. Even in relation to our other major industries, such as the timber industry, there is a great threat and concern at the moment in our community about what this government might do with respect to the Great Forest National Park. It would probably be the death knell for Australian Paper, one of our largest employers within the region, and there is this air of uncertainty about what might happen with that. In addition there is the decision the government made yesterday about onshore gas. Australian Paper is Victoria's largest user of gas. Is there support for Australian Paper to get through the next period of time? I doubt it.

This matter of public importance certainly does not do anything to increase any confidence in the Gippsland and Latrobe community.

**Ms GREEN (Yan Yean)** — I take great pleasure in joining the debate on this matter of public importance advanced by the Minister for Industry and Employment, which puts front and centre that jobs are front and centre of this government's agenda. We have a jobs plan that we are enacting, and we have a jobs plan that was actually devised two years before we came to government. We succeeded a government that had no jobs plan whatsoever. Despite pleading from numerous industry sectors and despite pleading from captains of industry and educational leaders for them to have a jobs plan, they did not. We are restoring that balance. We absolutely believe in the dignity of work, and we believe in the dignity of young people being

able to be well trained so that they can get into a job of the 21st century.

The member for Malvern is sitting at the table, and we heard his tirade in which he tried to defend his 21 months of indolence as the Treasurer of this great state when young people's opportunities were absolutely gutted and when our economy was going backwards. The member for Morwell had the temerity to get up in this place and talk about what has happened to jobs in the Latrobe Valley and Gippsland. I have always been concerned about the young people in regional Victoria, particularly in places like the Latrobe Valley. So what did Gippsland do to deserve a representative in the upper house, from the same party as the member for Morwell, a member of The Nationals, Peter Hall, who put his own job before the jobs and the job prospects of young people through the gutting of TAFE? He did not have the courage to stand up for TAFE. We saw a mealy-mouthed leaking of some cabinet minutes that said he might resign, but he did not. He oversaw the gutting of TAFE. He oversaw the cutting of the local learning and employment networks (LLENs). He oversaw the cutting of Victorian certificate of applied learning (VCAL) programs.

If we have deficiencies in regional Victoria in jobs and pathways for our young people, you can put the blame squarely on the indolence of those opposite in the four years they were in government. We are taking steps to address that indolence. The member for Malvern cried crocodile tears all the while talking about the job risk for workers at Alcoa in Portland. Where was he when Premier Ted Baillieu gutted the wind industry and killed existing jobs and any prospect of jobs at Keppel Prince in Portland? They were the job wreckers. As usual we see every one of those on the other side whenever they are on their feet take any opportunity they can to bag working people and to particularly bag public sector workers. 'Oh, it's terrible', the member for Malvern says, 'that we've a growing public sector wage bill'. Do you know what those public sector workers do? They are nurses, who we are treating with respect with enshrined nurse-to-patient ratios and with funding and support for them that means we have the lowest waiting lists for elective surgery in this state for years and years. This is across the state. We will continue doing more. We have supported them with greater medical equipment. We have supported them by investing in and building hospitals that also deliver construction jobs, and we know how those on the other side love to demonise construction workers.

We have got record population growth in this state and record numbers of young people. What did those opposite do? They gutted the capital budget of the

Department of Education and Training so we found that, because of the pipeline of needing to build schools, this year, despite record population growth in areas like mine, there was not one new school opened in Victoria. Nothing was done about asbestos in classrooms. We have got more teachers teaching more kids in more classrooms, and fortunately next year we will have many new schools opening across this great state, including Mernda Central P-12 and including Mernda South Primary School. We will see the completion of Hazel Glen College in Doreen. We will have an additional wing at Wallan Secondary College. We invest in education; we believe in it. The Minister for Planning, who is at the table, is pointing out Richmond High School and numerous other schools across the state.

The other public sector workers that we care about are paramedics, and we know that those opposite staged a war against paramedics. We saw appalling ambulance response times under their watch. We have fixed that mess, we have fixed that dispute and that is what I call a growth in public sector wages. It is delivering outcomes for the community, which is what we need.

Those opposite would say that we do not have a good relationship with the private sector and we are not stimulating growth in the private sector. Well, we are. We have restored the community's faith in our bureaucrats in Regional Development Victoria. That had been completely gutted and we did not have projects that were connected to job outcomes in our great regions. We are addressing that. As the Minister for Tourism and Major Events mentioned earlier, we are investing in tourism and regional tourism. Melbourne is now the fastest growing destination for tourism, despite being ignored by Canberra, which still sends more funds to New South Wales and to other states. We are punching above our weight in that area, and we want to make sure that visitors to Melbourne also get out into our regions and spend money and create good-quality hospitality jobs in that industry as well.

In terms of capital works, we are having an enormous impact on jobs. We have not stood still. As the Premier of this great state says, you must work every day. You should not waste any day in government, unlike those on the other side. We are getting on with it and we are not wasting any time in delivering jobs and job opportunities for Victorians.

The Mernda rail extension project will create 3039 jobs during construction and 72 in an ongoing way when the rail line is up and running. Our level crossing reduction project, the sites for which are becoming a tourism

attraction in themselves because they are being so rapidly built, has created 4500 jobs. I have met people from as far away as Ararat and Stawell who have got jobs working on those level crossing removal projects. The Melbourne Metro project will create 3900 jobs; the Tullamarine Freeway widening project, 1400 direct and indirect jobs; Melbourne Park, 1300 jobs; the Murray Basin rail project, 270 jobs; and Flinders Street station, 240 jobs. Our trains and trams support up to 10 000 jobs. Because we are committed to an industry participation program and we are committed to local jobs, our trains, trams and buses are being built here in Victoria — in regional Victoria in Ballarat and in Dandenong — and we are proud of that.

In terms of private sector investment, at Hickory Building Systems 100 jobs have been created; at SCT Logistics, 210 jobs; at Dulux, 64 jobs; at Rinnai, 160 jobs; at Renault, 26 jobs; at Zendesk, 175 jobs; at GoPro, up to 50 jobs; and at NBN, for the establishment of a cybersecurity operations centre, 700 jobs. We are not wasting any time, and I think it will be a long time before Victorians, and in particular regional Victorians, will want a return of those opposite.

I read, while researching my contribution today, that the west of the state in particular and regional shires were very vocal about the cuts to the local learning and employment networks, because they know the important connection that they have for getting our young people into work. I commend the Central Ranges Local Learning and Employment Network on the launch of their project '100 Ways in 100 Days'. They are trying to connect our young people in 100 days in 100 ways into jobs and into employment and training. It is the same with the Hume-Whittlesea LLEN and the Banyule-Nillumbik LLEN. We are preparing them and getting them ready for the sad reduction in jobs that is going to occur due to the indolence of conservative governments, particularly in Canberra under then Prime Minister Tony Abbott, with the vehicle industry being chased out of this country. But we are about supporting jobs. I support this matter of public importance.

**Mr SOUTHWICK (Caulfield)** — What an absolute joke for members of this government to stand up here and to lecture us about all of the fantastic jobs that they have created. The last speaker got on her feet and talked about jobs at Dulux, at GoPro, in tourism and at Rinnai, all of them private companies, where the government has created these jobs. I would love to hear from all these CEOs and shareholders just what this government has done to create one of these jobs. The answer is absolutely nothing, because this government has absolutely failed when it comes to understanding what

job creation is all about. It is not government that creates jobs, it is industry that creates jobs. The government's job is meant to be to restore confidence in the marketplace so the private sector can employ people.

The Minister for Industry and Employment is sitting here today and brought this matter of public importance before the house. He said that the government has created confidence. Well, the government has created no confidence, especially in your portfolio, Minister for Industry and Employment. If you look at the member for Williamstown's portfolios, particularly around energy and resources, his actions include things like tripling the mining tax. We heard the member for Morwell speak about what this government is doing about the Latrobe Valley. There is uncertainty about thousands of jobs in the Latrobe Valley. Has the minister visited the Latrobe Valley? Has he spoken to them? Has he given them any security about their jobs? I am sure he has given them no security about their jobs — absolutely no security about their jobs. We have seen absolute failure from the Minister for Industry and Employment when it comes to business confidence, and he has the absolute audacity to bring this matter before the house.

Yesterday the minister released his policy on gas. It is another example of the guarantees the government is giving when it comes to the future of that industry, if any. We have heard from the Australian Workers Union (AWU). The AWU has said it is worried about jobs and job creation because of this particular policy. The AWU is concerned. Shell said that because of a lack of any industry in terms of guaranteeing any mining in an energy future it will have no interest in Victoria's gas industry and will continue to invest billions of dollars in gas businesses in Queensland and Western Australia, creating thousands of well-paid jobs in regional areas — not in Victoria, but in other states. This government has done nothing when it comes to guaranteeing energy supply. Renewables are very important. We know that. Wind farms and solar are both very important, but what are we going to do about baseline power? What is this minister going to do about baseline power? What are we going to do about the Latrobe Valley? Are we going to shut it down? What are we going to do to ensure that we get gas here in Victoria? What is the policy that we see from this government? Nothing. Absolutely nothing.

When it comes to some of the jobs that this government has the potential of creating, we have seen in a couple of areas, particularly in infrastructure in terms of level crossings —

**Mr Noonan** — Fifty of them!

**Mr SOUTHWICK** — The minister talks about 50 of them. But as part of any of this job creation we have a deception by this government — absolute deception — when it comes to sky rail, sky fail and sky towers. These are two policies of this government where they went to the election and said they were going to do one thing and then after the election, instead of doing the level crossings properly, they are building sky rail in people's backyards. If that is not enough, in my electorate there is the North Road, Ormond, level crossing, and in the seat of Bentleigh, one of the most marginal seats the government has to look after, they have stitched up the member for Bentleigh. Why have they done that? Because as part of the Bentleigh and McKinnon level crossing removals they have secretly put in place a value capture on the land which they have told no residents about — not one resident. In North Road, Ormond, there is a value capture of 13 storeys without telling anyone.

They talk about secrecy; let me give you an example of that. They went about removing the level crossing, which removal was funded by the coalition, and then as part of removing it, this current government decide they are going to put a landing pad across the top to build a 13-storey tower. Did they go to the public and say, 'We're going to tell everybody about this landing pad'? No. There was not a word. Do you know how it was discovered? One of the local residents went to the builders and asked, 'What are you doing there? What's this all about? Why is all this concrete being poured?'. They answered, 'Oh, don't you know? That's for a 13-storey tower that the government are building'. This is the secrecy that we have got from this government. They are not looking out for the public at all. They are not worried about any jobs.

In fact if you have a look at what they have done with Adem Somyurek in the other place, and if you have a look at what they have done to the member for Brunswick here as well, it is one after another — sackings after sackings of their own. They not looking after the member for Brunswick's job, as we heard earlier — they are absolutely not looking after her job. We have seen at the Country Fire Authority (CFA) one person after another being taken out of the picture. Lucinda Nolan, the CEO — gone! Joe Buffone, chief fire officer — gone! The CFA board — gone! Why are they doing that? Because again they are looking after their union mates. That is what they are doing — looking after their union mates.

This government says they look after workers. This government talks and says, 'We look after workers.'

We've got workers' interest in the absolute forefront of any policy we create'. Well, do they? What we have seen in today's *Sydney Morning Herald* is the fact that a quarter of a million workers have been underpaid in union deals by none other than the Australian Workers Union, which has done a deal with fast-food outlets including Woolworths, Hungry Jack's and KFC. Workers have been underpaid more than \$300 million a year — \$300 million a year. The article points to underpayment of more than 250 000 workers. That is 250 000 workers that this government has stitched up. If we look at the analysis in the article of rosters of one of Melbourne's inner-city Woolworths stores, it shows that 63 per cent of workers were paid less than the award — about \$1070 for each affected worker. The shortfall is largely a result of low or non-existent night and weekend penalty rates. Many in the store have been earning a lot less than has been claimed.

What is this government doing to stand up for workers? Nothing. The only thing they are worried about is looking after their own jobs. That is what they are doing — looking after their own jobs.

We have seen failure after failure by this disgraceful government. We have seen the very starting point of the east-west link, \$1.1 billion, trashed — out the window, gone. They talk about business confidence; there is no business confidence when it comes to this government. How is it going to restore any confidence in overseas investors coming here when they see that sort of thing? It is absolutely gone.

We have seen a doubling of taxation on foreign investment in Victoria, which will ensure that foreign investors do not come and invest here. What does that do? We have seen already many projects stalled in terms of the construction industry, a large part of the job-creation area, all because of the uncertainty in terms of the future here. This government does not care about jobs. This government does not care about Victorians. This government is busy playing absolute games of secrecy and lack of disclosure. They came here promising one thing, and they have delivered another. The minister at the table, the Minister for Industry and Employment, has the audacity to come into this place and bring before the Parliament a matter of public importance that says how good he is at delivering jobs, when he has not delivered one. He has done nothing when it comes to his portfolios. All he has done is go out and cut the ribbons of private enterprise projects. Private enterprise is what delivers the jobs, not those monkeys over there.

**Mr PEARSON** (Essendon) — It is always a pleasure to follow the member for Caulfield because it is really such a great act to follow!

The wonderful thing about politics, public policy, governing and policy development is that you can tell a lot about the way in which a political party thinks, operates and works, not so much from what it does when it is in opposition but from what it does when it is entrusted with government by the people of this state. When you look back at what this government has achieved in such a short period of time, you see it stands in stark contrast to what was achieved by those who had previously occupied the Treasury bench for four years.

It is interesting that the opposition had 11 years, from 1999 to 2010, to contemplate and give some thought to the sorts of opportunities that they would like to seize when they were afforded the opportunity of governing the state, and when that opportunity arrived in 2010 they were hopelessly unprepared. What became clear and apparent was that there was a combination of inexperience, incompetence and blind adherence to ideology.

When those opposite came to office they recognised that the best form of government is the smallest form of government. So at a time when there was a degree of uncertainty in the economy and in the marketplace, they withdrew — they stopped spending money on capital works in a meaningful sense. They had the euphemistically called sustainable government initiative (SGI) — I think that is what it was called. No-one had ever heard of the SGI before November 2010. No-one had contemplated it or thought about it. They did not take it to the election; they did not say that they had a mandate to institute this policy. Instead in the dead of night after they achieved office they started to ruthlessly purge, cut and slash the public sector, and they seriously weakened the economy as a result.

I am all in favour of the public sector being judicious and responsible in the way in which it goes about procuring goods and services. The reality is the public sector has far deeper pockets than the private sector, so if the economy is going white hot, you do not want the public sector going in there, bidding up prices and gouging the private sector. It is a waste of public resources, it damages the private sector, and frankly you should avoid it at all costs. This was not the set of circumstances that confronted the state economy in 2010–11. There was a weakened and anaemic economy. The private sector was just sort of sitting there, unsure whether the next global financial crisis was going to hit, unsure whether there was going to be



sufficient growth to make the commitment to invest. They sat on their hands. They did not want to take a risk. Their fear and anxiety was heightened and compounded by the deliberate actions of the Baillieu and Napthine governments in those years.

As a consequence, you had a set of circumstances where the economy flatlined and there were no opportunities. If you were an engineering firm, a construction firm or an architectural firm, there was no prospect of getting any government contracts or any government work at all. The private sector was not investing because it too was fearful. It went into this downward spiral that led to a significant reduction in the growth of the global economy. A case in point was the fact that the former government itself started to miss its targets. I think the government indicated that they expected 2 per cent growth in gross state product in 2012–13; they got 1 per cent. You saw a weakening of the economy.

Since we were elected we have provided the private sector with the confidence to invest. We were able to turn around and say, 'We are selling the port of Melbourne. We're freeing up \$6 billion worth of capital that has been sitting there lazily, doing nothing for the balance sheet, not addressing the infrastructure requirements of the state, not expanding and growing the local economy. We are going to utilise that \$6 billion worth of capital to grow and expand the economy'.

That means that if you are John Holland or Thiess or one of the many subcontractors that are operating, you can see 10 years of work in front of you, you can plan, you can turn around and basically say, 'I know 50 level crossings are going to be removed. I'm going to be working on these three here, and there'll be a flow of work. I am not going to win every level crossing removal that comes up, but there's a reasonable chance that I'm going to be in there, investing, making money and employing people'. That is why the economy is growing. That is why we are seeing the unemployment rate in Victoria, on a trend basis overall since we have been elected, outperforming the other states and being at or below the national average apart from the odd month here and there.

The reality with statistics when they are seasonally adjusted is that they will sometimes bounce around a bit. There will be rogue sample results that will come in. Effectively the way in which the Australian Bureau of Statistics (ABS) measure unemployment is that they will periodically remove a cohort and put a cohort in, and from that they get an average. So occasionally you will see rogue results in statistics where you see those

variabilities and see that they change. But look at the way in which this economy is going at the moment. We have got population growth at 1.8 per cent per annum and we have got major increases in state final demand — I think it is about 4.2 per cent. We are spreading that growth not just in metro Melbourne but across the regions.

The regions are important. You do not want to have a set of circumstances where only people who live within 5 kilometres or 10 kilometres of the Hoddle Street grid can access these jobs. Steve Bracks was asked what his proudest achievement was when he retired in 2007, and he said clearly and emphatically it was regional rail. It was regional rail because it led to a significant level of growth in those areas and it made sure that people who were living out in those regional and provincial communities had the opportunity to have an affordable, clean, reliable, fast and efficient service to come to Melbourne to work. As a consequence of that there has been significant uplift in those property values, which has created real liquid wealth in those communities which enables people to prosper as a result. That is just the reality.

But you can only do this if you have got a government that takes this seriously. You can only do this if you have got a government that actually believes in the public sector and the value of the public sector, respects the public sector and recognises that the public sector has got a role to play in supporting and augmenting the private sector. These things just do not happen through sheer happenstance or coincidence or as a consequence of indolence, and the last four years under the previous government is a textbook case in point.

I note too that the member for Malvern made a comment I think in relation to a budget deficit allegedly happening under this government as a consequence of the east–west link moneys. What is interesting is that in 2012–13 the annual financial report (AFR) reported a surplus of \$316.4 million; however, in the year after that, this was revised to a deficit of \$316.6 million, due to a change in accounting standard AASB 119, which related to the way in which defined superannuation benefit expenses were presented. You could say it was a change in the accounting standard and that it was not really fair on the member for Malvern that he happened to be the Treasurer at the time when those change standards occurred. But the reality is that the first budget surplus that was recorded since the 1990s happened when the member for Malvern was the Treasurer. It was him. He did it. It happened on his watch.

Yes, I will give him the benefit that there was a change in an accounting standard, and I accept that it was in the same way that it was an accounting standard that the Victorian Auditor-General's Office found in its AFR in relation to the treatment of the east-west moneys. I get it. But the reality is that you cannot have it both ways. You cannot on the one hand seize on the AFR from last year and condemn this government, but turn a blind eye to your own deeds when you were the Treasurer of this state, when there was a change in accounting standard AASB 119 that led to a deficit. That is the reality.

We are diligently applying ourselves by being focused and by understanding that we have got a role to play to take the economy seriously, to work with the private sector, to identify opportunities, to recycle redundant or lazy assets on our balance sheet and to address the growing infrastructure challenges that confront us as a state and as a city. It requires diligence, it requires patience and it requires hard work, and that is why we are starting to reap the benefits of that — because we are taking this seriously. We actually care about economic growth, on this side of the house, and we care about working with the private sector and delivering for our constituencies. I commend the matter of public importance from the member for Williamstown.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to participate in this matter of public importance (MPI). Clearly for those opposite it has been a bad week and probably a bad month. I would have thought that with everything going on with this government we would be here talking about issues that Victorians want answers to: issues regarding the Country Fire Authority (CFA), issues in relation to bullying. These are the things that Victorians are wanting this government to provide answers to.

We are not hearing answers from those opposite. Here we are with the MPI, the opportunity for the government to deal with the issues of the day and to ensure that they are debating issues that are front of mind for Victorians, but we get this insipid argument from those opposite about employment. Can I just say that you judge a government by its actions, and this is a government that said in regard to employment it was going to create 100 000 full-time jobs. What has the response been from the Treasurer of this state? What did he say? He said it has been a 'stretch target' — a stretch target!

We all know that this government had no intention of delivering on its own election commitment. You only need to look at the Back to Work program. This was a program that was going to make 50 000 payments to promote employment in this state. Well, what has the

success been of that program? We know the program has been shut down — and we know the program has been a failure, like so many things that this government has put its hand to. When it comes to the area of employment, we know that employment growth is not in the government's DNA. We know that looking after their mates is what is important to this government. We know that what is not at the heart of this government is providing an economy and an environment in which people can invest, businesses want to expand and people are prepared to put their hands in their own pockets to create their own businesses.

This government is not interested in doing that. This is a government that is more interested in wasting over a billion taxpayers dollars to pay out for a contract to do nothing. I mean, it is the most expensive road project in the world that was never built. This is the only government in history, across the world, to spend over a billion taxpayers dollars, to pay money, to do nothing. That is the way this government deals with the issue of employment in this state.

You only need to look at the ideological approach this government adopted with the Peter MacCallum hospital. They were willing to scrap a floor that was already being funded for private beds, on an ideological bent to attack Victorian cancer patients. I think that is just an appalling approach by those opposite.

I was interested to read today the front page of the *Age*. We are talking about employment. There is an article headed 'Workers underpaid \$300 million'.

**Ms Thomas** interjected.

**Mr WAKELING** — I am really interested to take up the interjection, because it is a campaign that was led by Josh Cullinan. I know Josh very well. Josh was the former Labor candidate for the seat of Ferntree Gully in the 2010 election. I will not comment on the election results, but I know Josh very well. It was interesting today to hear Josh on the radio in his discussion on this. In fact it was not an attack on business; it was an attack on the Shop, Distributive and Allied Employees Association (SDA). I am interested to hear from the members of the SDA in this house. We know that it is a very prominent union within the Labor Party. We know that there are lots of members of the SDA in the Labor Party. I think when the member for Pascoe Vale and the Deputy Premier, meet with their leader, Mr Donovan, the three of them sit around a table with Mr Mulino from the other place, and that is the entirety of their faction within this state.

Putting that issue to one side, what Victorians want to know is: what is the view of the government about the actions of the SDA? Do they support the actions of the SDA? Did they support the actions of the SDA when they negotiated those enterprise agreements and had them certified in the Fair Work Commission? I would be interested to hear from the member for Pascoe Vale and the Deputy Premier their view, and I am interested to see — —

**The DEPUTY SPEAKER** — Order! I have got some real problems in understanding how this relates to the matter of public importance before the house.

**Mr WAKELING** — Deputy Speaker, if I may, the matter of public importance before the house is talking about employment within the state of Victoria, and I would have thought that the employment of hundreds, if not thousands, of Victorians who work in organisations such as Woolworths, Hungry Jack's and KFC is directly related to employment. I will be guided by you, Deputy Speaker, but this article strikes at the heart of employment within the state of Victoria. I would have thought that a discussion about employment is in fact directly related to a discussion about the wages and conditions of employees within the state of Victoria.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order!

**Mr WAKELING** — Thank you very much, Deputy Speaker. Let us just look at the growth figures of this state. Under the period of the former coalition government, Victoria generated 132 935 jobs, which accounted for 30 per cent of the nation's job growth — 30 per cent of the nation's jobs were generated within this state. We know that between December 2013 and December 2014 the growth in the state of Victoria was 78 588 jobs, which accounted for 45 per cent of the nation's jobs growth.

But how did we go during the first year of this government? Well, in the state of Victoria they created 37 000 jobs, which accounted for 12 per cent of the nation's figures. How did that compare with the state of New South Wales? New South Wales created 151 000 jobs. Nearly 120 000 more jobs were created in New South Wales than in Victoria in the first year of this government. Let us go back to what happened under the former government in its last year. The previous government saw 78 000 jobs created in the state of Victoria compared to 57 000 in the state of New South Wales. Under the last year of the former coalition government over 20 000 more jobs were created here in

Victoria, and under this government there are 120 000 less jobs being created by this government when compared to New South Wales.

Those opposite can stand in this place and talk about jobs growth, but let us just look at the areas of unemployment. For people in Gippsland the unemployment rate has seen 2763 more people unemployed under this government, and we have seen in north-west Victoria the employment rate for full-time workers drop by 4500 workers — there are 4500 less full-time workers in the north-west of this state under this government. Again, in Warrnambool we see a full-time drop of nearly 2000 workers.

Those opposite can lecture us as much as they like about what they are doing, but the stats speak for themselves. Victorians know in their heart of hearts that this is a government that is not interested in Victorians and that is not interested in protecting Victorians, because this is a government that is more interested in putting the interests of Peter Marshall ahead of the interests of Victorians. They are not just putting Peter Marshall's interests ahead of those of volunteers, but they are willing to do it at the expense of the CFA board and they are willing to do it at the expense of the former minister. Those opposite — —

**Mr Howard** — On a point of order, Deputy Speaker, the member for Ferntree Gully clearly is getting right away from the MPI's issue of employment. Talking about the CFA is not relevant in the context, in particular in which he was presenting, so I ask you to bring him back to the issue that is before the house: a matter of public importance on employment.

**The DEPUTY SPEAKER** — Order! I do not uphold the point of order. The honourable member was just saying those things in passing.

**Mr WAKELING** — I understand that the member for Buninyong is very tetchy on the issue of the CFA. Victorians know. Victorians can see through this government, and employment is not at its heart.

**Ms THOMAS** (Macedon) — It is a real pleasure to rise to speak on this matter of public importance today. I note that the Minister for Industry and Employment is at the table, and I commend him on the magnificent job that he has done in the time that he has been the responsible minister in this state. It is fantastic to have someone of his calibre leading our government's commitment to employment growth. Also, I might note, as I rise to speak immediately following the member for Ferntree Gully, that we should not forget

that this is the man who oversaw the destruction of the TAFE sector in this state. This week in the other house our Minister for Training and Skills has announced some far-reaching reforms that will ensure that our public TAFE sector is well funded and well placed to continue to provide the skills training that working people need for the jobs that we have now and for jobs well into the future. I note that the member for Ferntree Gully failed to make any mention of his appalling record in the time that he was the minister.

Now, on this side of the house we understand the absolute importance of secure jobs as the foundation of a fair society. We know that secure employment underpins the capacity of Victorians to make really big decisions like moving out of home, buying a home or indeed starting a family. We also know that a lack of secure employment has a detrimental impact on health and wellbeing outcomes. Indeed Victoria's second public health and wellbeing plan notes, and I quote:

Changing work patterns such as shifts from permanent to casual employment and increased job insecurity over the past few decades have also impacted on the lives of an increasing number of casual employees. Those who have insecure employment have lower incomes, fewer rights and entitlements and face high risks of injury and illness. Insecure employment can also affect the living standards and financial independence of employees and their families, and can increase the likelihood of developing mental health issues ...

I rise to speak about this matter of public importance as the Parliamentary Secretary for Health and note the very important linkages between insecure employment and poor health outcomes. It is with that in mind that I am so proud of this government and our achievements. Under this government we have created 150 400 jobs, including 111 900 jobs that are full time. We have exceeded our target of 100 000 jobs created in two years. That is a target, I might say, that those on the other side of the house have at every opportunity derided and ridiculed, because we know that they have no interest in job creation in this state. If we want to see evidence of that, we only need to look at their term in office and we will see that they were a government that stood by while unemployment continued to rise — they had no plan, no infrastructure projects and no way out. They had no vision for this state, and that is why the people of this state, back in November 2014, made the very smart decision to kick that mob out and put in power this fantastic Andrews Labor government, a government that is getting on with it.

As I have said, for the reasons that I have outlined, the social, economic and environmental reasons are there to underpin this government's commitment to job creation. I might note an earlier contribution by the Minister for Planning, who spoke about all that he has

done in his portfolio to resurrect Victoria's wind industry. This is an industry that is vital to the achievement of our target of deriving 40 per cent of our energy from renewables by 2025. This is an industry that was absolutely decimated under the previous government. The previous government, and indeed those in the opposition who sit on the benches there today — are they for fracking? They will not commit. Are they going to support the wind industry? They will not commit. They will not draw a line in the sand and they will not be honest with the Victorian people about where they stand on these exceedingly important environmental issues.

We of course have made enormous commitments to massive infrastructure projects in this state, and this is very important for a number of reasons. Infrastructure creates good jobs and it creates training opportunities, ensuring that young people have the opportunity to develop skills, including in the trades, that will ensure that they have jobs now and into the future. I am very proud of the commitment that this government has made to ensuring that apprentices are at the centre of so much of our infrastructure investment. We want to ensure that young people are getting those vital opportunities to develop trade skills. Of course we know the big-ticket items, like our magnificent program to remove 50 of Victoria's most dangerous level crossings. Melbourne Metro is an amazing project that is going to, for the first time, enable constituents in my electorate of Macedon to access by train the university and hospital precincts. It is going to be fantastic, and I note the Minister for Public Transport, the member for Bendigo East, walked into the chamber as I was singing the praises of Melbourne Metro. The minister knows how much I love that project.

I have talked about the infrastructure projects. I also want to take some time to speak to the importance of our social policy commitments and the jobs that we have created particularly in the health sector. What we have heard from those on the other side is that at every opportunity they will stand up in this place and they will attack public sector workers. We have heard it from the member for Malvern, who I must say must feel that his own job is perhaps under threat at the moment so many times this week has he felt the urge to rise to his feet and take cheap shots at public sector workers in this place. I am very proud of the commitments that we have made under this government, including to nurse-to-patient ratios that mean that we are seeing more nurses being employed in this state. The record investment we are making in the education state means that more teachers are being employed. We have made commitments to employ more police and, importantly, we have a commitment

to employ more career firefighters. This is a really important commitment that we made. It is about jobs and it is about opportunities for young people across Victoria, particularly in regions such as mine.

With the short time I have left I did want to touch on the work that we are doing to ensure that as we grow job opportunities in this state we are making sure that women are not left behind. When I spoke earlier about the significance of a job in making major life decisions I did want to point out also that we know that if women do not have financial independence, it can mean that they remain trapped in abusive relationships. We know this to be a fact, and it is very important that we do all that we can to ensure that women across our state have access to employment opportunities. There are a couple of things that are happening in this state that I think will go some of the way to addressing that, and one of those is this government's commitment to federal Labor's signature social policy initiative, the national disability insurance scheme (NDIS). The NDIS will lead to a doubling of the disability workforce across the state. This is fantastic news for those who work in the care sector. I know that this will mean that there are jobs being created that women in my community will be able to step up to and step into. That is a fantastic initiative.

I once again take the opportunity to commend the minister, and I do note that those on the other side have taken the opportunity in their contributions to attack unions. I would like to say in response to that that I stand here very proudly as a person with a diverse work history. I have spent many years working to organise workers in the hospitality, education and finance sectors. If those on the other side want to characterise me as a union thug, then I stand here very proudly with the member for Broadmeadows; the minister at the table — the Minister for Industry and Employment — the member for Yan Yean, and all of those in this chamber who have worked very hard to serve and continue to work to address the needs of working people in this state.

**Ms BRITNELL** (South-West Coast) — I am amused by what I am hearing from those opposite this afternoon, because it is clear that they have no idea what is happening on the other side of the West Gate Bridge. Despite the claims this afternoon that the government has created thousands of jobs since coming into office, in my electorate of South-West Coast unemployment remains high. Between December 2014, the first month of the Andrews government, and May this year, Warrnambool and the south-west lost 1666 full-time jobs and the unemployment rate increased by 0.7 percentage points. The government's

jobs program has failed in my region, and the figures show it. The irony is that we have enormous opportunities in South-West Coast and this government cannot see them.

Right now my community is in fear that jobs will disappear because of inaction by this government. The main hospital in my region, the Warrnambool Base Hospital, needs its two epicentres — accident and emergency and the theatres — expanded to cope with the population increase. If we want people to move to the regions and work, we need good, functioning hospitals that can meet demand. The Minister for Health will not even come to visit. I have asked for some planning money at the very least to get the preliminary work done so that we can get on with the job, and I ask here again.

Now let us get onto the other major issue in our region which is impacting on jobs — the roads. I have spoken about this issue many times in this house. The Glenelg Shire Council has put together a document called the *Green Triangle Region Freight Action Plan*. It is a fantastic, comprehensive plan which calls for around \$180 million in road funding to ensure that key freight networks can be built and repaired to improve efficiency and support industry. That means jobs. The Minister for Roads and Road Safety has seen this document — in fact he launched it last week — so he should understand now that he has read the document how important funding roads properly is to local jobs.

The document highlights the timber and forest industry, which supports 18 000 full-time jobs, and estimates suggest that it will have an additional requirement of 550 jobs by the end of this year — but not without good roads. They are the foundation of successful industries and, therefore, jobs. Both agriculture and timber are high-volume industries, but profit margins are thin. Any timber production within 100 kilometres of the port of Portland is considered viable as long as the transport routes are efficient. At the moment that freight network is not efficient, and so far the government has done little to rectify this issue.

Last week the Minister for Roads and Road Safety attempted to hoodwink the good people of my electorate by making it look like he was announcing \$44 million worth of new funding for road maintenance and repair. I have continuously called for this city-centric government to give country people the respect of safe roads to travel on. Twelve years of poor Labor government before 2010 has left roads crumbling. Now we have the insult of a road funding announcement which has been revealed as spin. It is mostly old money packaged up to trick the good people

of South-West Coast into believing that something is being done.

Too arrogant is this government to take up the offer to match the federal government dollars on the table to really add some substance and address the problem. Road projects started by the Liberal government have been stopped in my electorate, like the country roads and bridges program, and claims that we did nothing are being used to cover up Labor's total disregard for our roads. Do not play with us, Minister. You have a job to do: fix the roads and keep our communities safe and productive.

At the moment many of our freight roads, like the road leading to the port of Portland, are crumbling. They are costing transport companies thousands of dollars in repairs each week. These added costs further strip the thin profit margins. If things get any worse — and they will with the wet spring predicted — those costs to transport companies carting timber from plantation to port will continue to increase. As costs increase, profit margins fall and those 18 000 full-time jobs this industry supports are put at risk. Yet the government is here trumpeting how wonderful its jobs program is. Clearly it is only concerned about what is happening in the city, and regional areas can be just left to languish.

While in opposition the Minister for Roads and Road Safety announced a \$1 billion road infrastructure fund that would support jobs. In a letter to the editor written in 2014 he said:

Regional highways and arterial and local roads are falling apart and are riddled with dangerous cracks and potholes. As part of Project 10 000, Labor will introduce a \$1 billion fund for regional roads projects, which is exclusive of, and in addition to, current funding through the TAC and the current roads budget.

That letter was written in 2014, and nothing has changed since; the roads are still cracked and dangerous. We are almost halfway through this government's term, and we are yet to see any evidence of this \$1 billion fund, except for a glossy brochure which promoted lowering speed limits on country roads. This will destroy efficiencies for transport companies, which will in turn destroy jobs.

Poor road conditions are also posing a safety risk for people in my region, people who are just trying to go about their daily lives. Just last night, tragically, a young woman was killed in a collision with a truck on the Portland-Nelson Road, one of the roads which has been identified in the freight action plan as being in severe disrepair. I extend my thoughts and sympathies to the young woman's family, and my thoughts are with the truck driver.

The safety of people is of utmost importance. This government is talking about jobs, but it continues to disregard its responsibility to people and misses opportunities in regional areas. South-West Coast is set to produce a wealth of agricultural products for international markets desperate for protein, and it needs to support and make this production more efficient. Farmers need cattle underpasses so that stock can safely cross busy roads; the Liberal government money that has funded many cattle underpasses has run out. Labor has promised to put money into this too, from the proceeds of the lease of the port of Melbourne, but we have not heard any more about that. Please get on with this, Minister.

Aside from roads and the impacts they will have on local jobs, there is a genuine fear that a key part of my region's manufacturing industry is on the brink of closure. The Portland aluminium smelter recently shed another 20 jobs, and its employees have agreed to a wage freeze in an effort to secure their jobs. The smelter employs around 500 people directly, but across the region it supports around 2000 people in full-time positions out of Portland's population of 10 000. At the moment management is in the middle of negotiating a new energy supply contract, yet the government seems to be offering very little assistance. If every job matters, as the Premier so often states, why are those opposite doing nothing to support Portland Aluminium? Why are the jobs in regional areas less important than those in the city?

Another large employer in the Portland area has also flagged its intention to move to South Australia because this government is reluctant to assist it to train and attract new employees. This employer employs over 100 people directly and needs to employ an additional 50 employees today. This company has a brilliant in-house training program aimed at giving new staff a comprehensive view of every aspect of the business. Yet when it asked the government to help it to attract some new employees and support these employees through training, nothing was forthcoming. It is disgraceful that this government has ignored this business.

There are jobs about to be lost from this state, but once again, because the business is not based in the city, the government does not care. A fantastic — you can hear my sarcasm I hope — new trade and investment campaign, 'a state of momentum', is another example of how little regard this government has for country Victoria. The campaign material focuses on Melbourne and why it is a good idea to invest there. Well, just in case those opposite have forgotten, there is much more to this wonderful state than just Melbourne. The

campaign completely ignores the investment opportunities in regional Victoria.

In South-West Coast we have direct access to international export markets through the port of Portland, a brilliant incentive for businesses looking to the global markets, but the new campaign makes absolutely no mention of it and the other opportunities in South-West Coast — once again because it is on the wrong side of the West Gate Bridge. A mayor from my region who was at the campaign launch said he could not believe just how focused on the city the campaign was. He said it completely missed the mark and failed to promote the vast opportunities for growth in regional Victoria. Those opposite are saying how wonderful this job program is, but in reality the government has failed, continues to fail and is failing every day to hit the mark in South-West Coast.

**Mr HOWARD** (Buninyong) — I am certainly pleased to speak and follow on from the member for South-West Coast, who sadly wanted to talk down her electorate and what is happening in regional Victoria. When I heard her talking about the roads I thought, 'It is hard to believe how roads can deteriorate in just 18 months since this government came to office'. I suspect that the former member for South-West Coast — the former Premier — is very much responsible for clearly not addressing the roads in his own electorate during the four sad years of the former coalition government.

I am proud to speak up as a member for a regional Victoria electorate, the electorate of Buninyong, and to say I am so pleased to be on this side of the house as a member of the Andrews Labor government, where jobs are clearly important and where we have made so much difference to regional Victoria as well as the whole state in terms of increasing employment opportunities.

Just to go back, the member for Macedon clearly talked about the importance of jobs, and I remember in my days of studying at university that I learnt about Maslow's hierarchy of human needs. Maslow identified that to live a healthy, fulfilling life, at the bottom of the pyramid you need to have your physiological needs met — the needs for food and housing. Then above that people need a sense of security, and that is not just physical security but financial security. Above that again, there is a need for love and belonging — belonging to your community. And then the need above that is for self-esteem. Clearly employment is so important in so many of those areas to allow the people in our community to live healthy, fulfilling lives, so it is such an important thing for any government to work to

address employment, to ensure that everybody in our community has a chance of getting a job.

I will look at the figures. When we came to government the unemployment rate in Ballarat was at 6.8 per cent; now it is at 4.6 per cent, so that is a pretty amazing figure. In just 18 months we have seen unemployment levels drop from 6.8 per cent to 4.6 per cent, which is a great figure. As the matter of public importance (MPI) points out, across the state this Andrews Labor government came in with a plan, which was quite contrary to the agenda of the former coalition government. I remember through those four sad years of the disappointing Liberal-Nationals coalition government when we kept saying, 'Unemployment is growing, you as a government need to have a plan'. That government did not have a plan, but Labor developed a plan. As part of that plan, which is a plan that addresses job opportunities in a range of ways across the board, we set a target of 100 000 new full-time jobs in two years. As we have heard, and as we see in the MPI, we have already more than done that in just 18 months. In fact we have created 150 000 jobs across the state.

Importantly for me, as someone representing a regional Victorian electorate, 33 000 of those new jobs have been in regional Victoria. Figures are important to be able to measure these things, but we know behind unemployment figures, behind employment figures, there are people. There are young people looking for jobs — their first jobs after they leave school. They want to have those opportunities to contribute to their communities and they want to have those opportunities to belong and to deliver their skills. We also know that there are other, older people who may for no reason or for nothing that they have had control over found themselves unemployed later in life, and they also need to have the opportunity to get back into employment. Jobs are so important.

Let us look at what the Andrews government has done in my region and my electorate to turn things around. Well, they have recognised that infrastructure projects are important and among those building opportunities for public transport. Associated with that we know that the Andrews government in its first budget announced an order of five new X'trapolis trains, which meant 30 carriages of X'trapolis trains to be built. Fifty per cent had to be Victorian work and within that 10 per cent had to be opportunities for apprentices and trainees. Alstom Ballarat was able to get the contract to build those X'trapolis carriages, and we know in the latest budget we have announced an additional five trains. This has been great for our public transport

system, but it is great for jobs in Ballarat and for the people at Alstom too. There is one enormous benefit.

This government recognises that when you are working with companies that are building infrastructure like rail carriages you need to keep a pipeline going, and that is what this government has intended to do, so that those companies can have the opportunity to have ongoing work for their employees. That is a fantastic start.

We also know that in Ballarat we have committed to and started to invest \$31.5 million in the Eureka precinct redevelopment. I was pleased to join the Minister for Regional Development, Jaala Pulford, just a little over a month ago to announce that local construction firm Nicholson has won the contract to build this much-anticipated new Eureka Stadium, which will see AFL football taking place in Ballarat there. It is great to have not just a new facility in Ballarat but also Nicholson, a Ballarat company, employing more people to do this great infrastructure job. So we are working to build infrastructure that, again, provides great facilities and great opportunities for people in Ballarat and also underpins more work opportunities.

We also know it is important to support the private sector, so I have been pleased to join with the Minister for Industry and Employment to announce an \$80 000 grant to a local business, CE Bartlett. The minister came to see Bartlett, where we saw the great work that they are doing to develop their business and to promote their exports. So the \$80 000 that this government provided to support Bartlett should see \$1.5 million invested, which is seeing more jobs and more exports to build our economy — so great wins. I also joined the Minister for Regional Development, Jaala Pulford, in touring Pinegro products out in the Mount Wallace area recently where she was able to announce government support for a \$4 million development to secure 10 new jobs in this important area of waste recycling.

We know, although these are just some things that we were already doing, that we also have got a major station redevelopment that we have announced \$25 million of funding for, and again I will be pleased when the Minister for Regional Development is able to announce the successful tenderer for that work later this year to see more things happening. We know more still has to be done, and that is why I am really delighted with this government's last budget, where we announced \$518 million to upgrade the Ballarat rail line, again improving our public transport but at the same time seeing so many more jobs created in our area.

There is so much more to be achieved on schools. Sadly I do not have time to talk about so many things that are happening, but in terms of schools, we have funded Phoenix P-12 Community College, we have funded Ballarat Secondary College and we have funded Mount Clear College in my electorate to the tune of over \$20 million in total to see upgrades in those schools, which will bring about construction and will benefit the schools but will also provide jobs in construction.

I have talked about Alstom and I have talked about Bartlett, but I have also been with the minister to Gekko recently where they are selling mining equipment into the Arctic Circle regions of Canada. The government has been able to support that. I have been so pleased to see other companies in Ballarat, like MaxiTRANS Manufacturing, expanding. Not so long ago they were taking on Chinese workers to do their boilermaking, but they have been more determined than ever to see that we do training of locals to take on those jobs now, and so local young people are getting the opportunity to do boilermaking there.

Then of course I move on to TAFE. We know that, as well as supporting infrastructure and supporting our private industries, TAFE is so important in providing those training opportunities. We know what the other side did to TAFE. They decimated TAFE. And yet I have been so pleased this week to be able to announce growth in our TAFE sector in Ballarat with the new announcement by the Minister for Training and Skills to say we are growing TAFE back again. We are working with industry to make sure that training is relevant and that it gives people opportunities. We are doing so much in this area. I am so pleased that this government recognises the value of employment and is building employment opportunities.

## PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016

*Second reading*

### Debate resumed.

**Mr EDBROOKE** (Frankston) — It is good to see everyone back for chapter 2 of my contribution. We have heard quite a bit about the coalition's Moving Victoria campaign designed to demonstrate the former government's infrastructure, or lack thereof, agenda extended beyond the east-west link toward various public transport initiatives at a cost of almost \$5.4 million between July and October 2014. A consultant's report noted that the Moving Victoria



campaign largely failed to sink in and was quickly forgotten, despite the massive cost.

There were two stand-outs of this campaign. The first was the government's jobs campaign designed to inform Victorians of government job creation policies and initiatives. It cost just under \$1 million between October and November 2014, and there was no jobs plan. The much-derided campaign directed Victorians to a website containing six job statements, but no jobs plan. The second one that I would like to point out was the former government's Building a Healthier Victoria campaign, which was also amongst the most expensive, costing about \$2 million between September and November 2014. The report said the purpose of the campaign was to inform Victorians of the government's investment in health services. Where are the 800 beds? Why are we in a war with paramedics? There would have been better questions to answer, I would have thought. I digress.

I note the member for Lowan said this legislation duplicates existing legislation. That is not actually correct. This has never been in legislation before. This is the first time there has been this framework in law. This gives appropriate weight and a clear framework for the Auditor-General to assess compliance. It is similar to current guidelines, but the new elements never done before are the limitations on television advertising. Alas, they were too late to stop Moving Victoria going ahead. Members opposite also keep citing the Brumby government's expenditure. I would say the biggest difference between promoting an unfunded plan that may never happen months before an election versus providing information on issues that were in a delivery phase, like what the Brumby government was promoting, is a massive gulf.

That brings us to the pinnacle of scams. Regarding the scams that I am about to talk about, their only competition that I can think of is a Nigerian bank scam. We have heard about the infamous Moving Victoria campaign for the east-west link — that absolute dog of a project with 45 cents in the dollar. You would think that would take top prize, but it does not, because there is something more appalling — something more disgraceful. The waste of taxpayers dollars that went into an imaginary airport rail link project, where unicorns would drive the trains and there would be a pot of gold at every station, was unbelievable. They took the book on this one, and they must have been smoking it when they came up with it. Did they have an intellectual interlude, or after the east-west link debacle, did their brains just give them the silent treatment in protest? We may never know, but there were lots of ads at Southern Cross station.

One sign said 'From plane to train in 25 minutes'. There was another one that said 'Connecting Southern Cross to Melbourne Airport', and there were also the massive signs on the steps in Bourke Street. There was another sign that said 'Melbourne Airport rail link begins here'. Yes, it begins here in 2026, a dozen years away. Nothing says 'We mean business' like promising the public something a dozen years away, does it?

Can you imagine the conversation that gave birth to this one? 'Oh, bugger, we've wasted the last four years and it's catching up with us. How do we get back in and do bugger-all for another four years? How can we get voted in again? We need something better. Let's build a machine to transport people to the airport instantly like on *Star Trek*. The public just will not buy that. Let's settle on just telling the public that they can get an imaginary train, over a decade from now, to the airport, and we'll see if it sticks'. You can see the tourists at Spencer Street, reading the signs, waiting for the train to come every 10 minutes and see their disappointment. It was a pipedream, without any budget, without any plan. In fact the former Liberal government —

**Mr Nardella** — Was it platform 9½ or 9¼?

**Mr EDBROOKE** — It might have been platform 9¼. The former Liberal government are definite proof that you are never too old to have imaginary friends, imaginary plans and imaginary projects and just get nothing done. How do we know this? Because they can sit there, they can stand there, they can talk and they can shout, but not one inch of rail was built under their watch in four years. That particular former government campaign for the imaginary train was a laughing-stock. The Liberal government certainly showed it did not have the skills to pay the bills. I think this bill tells the state that unlike the former Liberal government we will not be using public money for imaginary scam-sham projects.

We are creating a brighter future for Victoria than we have ever had, and we are seeing a state of momentum. Things are changing at a very rapid rate. The difference between a Liberal government and a Labor government is massive, and I think the people of Victoria can see that. Nothing could better say to the people of Victoria that we have a good government than one that is actually getting on with it, having a full pipeline of projects, actually employing people and sticking to promises — a government that is getting on with it and getting it done. I am very, very proud to be part of that government and very, very proud to leave the last four years of a very bad Liberal government behind. I commend this bill to the house.

**Mr CRISP (Mildura)** — I rise to speak on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. The purpose of the bill is to amend the Public Administration Act 2004 to provide for a legislative framework for the governance of communication and advertising by public sector bodies. The principal purposes within this bill are really in clauses 5 and 6.

Clause 5 of the bill inserts a new part 5A, 'Communication and advertising by public sector bodies', into the Public Administration Act 2004. This is intended to establish standards to ensure that public sector communication is in the public interest, provide that public sector communication is not party political and provide for specific standards for public sector communication advertised on television.

Clause 6 of the bill provides that regulations with respect to public sector communication standards referred to in part 5A may be made by the Governor in Council and disallowed by the Parliament. The government has advised that regulations will be based on the Victorian Government Communication Guidelines 2013.

There are a number of concerns with this legislation. First — and this is my concern around the role of the Auditor-General in this process — the second-reading speech says:

... we are providing the Auditor-General with a clear, transparent set of standards by which to judge any public sector communication activity now and into the future.

This is an admirable sentiment, but I worry about how clear those guidelines are. Also in relation to these guidelines, particularly when we look at television, which is a very powerful medium, it is my belief and the coalition's belief that the bill fails to define 'television' as to whether it includes internet television or only broadcast television. Also it will need to be clear on some of those new mediums, like Facebook, Instagram and other social communication areas as well, as to how governments operate in that space.

I also have a concern with these guidelines and the power of the Auditor-General to act quickly in these matters. That comes from thoughts that the climate of political opinion is often very, very hot but very, very short, even though it is very powerful, and in many cases in the heat of the moment there could well be a case in which it is better to cope with the wrath of the Auditor-General later than with political wrath now. That too will need to be tested in these guidelines, in particular by the Auditor-General. Certainly what the

Auditor-General is being asked to do is to demonstrate that clear public benefit.

Also in the second-reading speech there is a section where it states that:

This measure ensures that public funds will be directed to communication and advertising that deliver outcomes that have a clear public benefit or that are essential to the operation of the public sector.

Again, this is where we will have to build up some guidelines, or the guidelines will be tested as legislation will be tested, because it will be again a case of interpretation. In the second-reading speech the Minister for Public Transport comments:

Because advertising involves significant expenditure, it requires additional controls to make sure such expenditure is appropriate and that the purchasing of advertising is undertaken in a manner that means that the best value is achieved.

And this opens up a whole new area to discuss because I think this government has struggled with the concept of best value. Over time Labor has very much struggled in delivering best value. The \$1.1 billion east-west link matter lingers in people's minds as to whether it was wise to pay out that money and have nothing to show for it. The desalination plant has been very, very controversial, and we will be paying for that for many years to come. Then you go back to other decisions like myki and the north-south pipeline, and all this brings into doubt the interpretation and the intention as to how these projects are carried out.

When you come down to it, perhaps there may well be some savings in public advertising, and there are so many places we could spend those savings. I can think of quite a number in my electorate, and I will begin with one, which is in health. The Mildura Base Hospital is struggling for beds at the moment and will struggle into the future, and that is certainly one area where, if there are advertising savings, my electorate would certainly benefit from them.

Alternatively, will those savings be just transferred from that mass public medium into increasing the number of spin doctors? Certainly I recall what the member for Malvern pointed out in his contribution when he led this debate and read from an article out of the *Herald Sun*, which was reported by Peter Mickelburgh back on 10 January. The *Herald Sun* reported that there were 1100 spin doctors controlling the state government's message to voters. So, again, if there are any savings out of the advertising, it should not be transferred across to more spin doctors to deliver the messages in a different way, because that would not

be a true saving in the sense of the saving that was mentioned in the minister's second-reading speech.

The article goes on to say that, with a wage bill estimated at \$110 million, there are twice as many spin doctors in Victoria as there are mobile intensive care ambulance paramedics or three policy spruikers for every highway patrol officer. These are sobering thoughts for the people of Victoria. To have some of those figures washed away by the member for Essendon, who said they merely represent a small percentage of the budget, does not cut the mustard when it comes to what that means in real terms. Ten per cent of that would solve the Mildura Base Hospital's problems with beds. So we have the two issues of the likely hiring of more spin doctors, or with the savings — if we could trim the spin doctors — the ability to undertake more of those essential works.

I think people are sceptical of governments and will have issues with trusting this government over what this bill is really about. This bill itself may actually be spin if it is not backed up with some real strength from the Auditor-General and that really, as some members have said, it may even be a stunt, short on substance but high on initial spin, for the public in order to hide away what is a huge machine that is working for this government. With those comments, I note that I think the proof will be in the pudding in terms of this legislation, to see if it delivers the value to the public.

**The ACTING SPEAKER (Mr Carbines)** — Order! I call the honourable member for Melton.

**Mr Nardella** — I cannot speak until the Speaker is in the house.

**The ACTING SPEAKER (Mr Carbines)** — Order! This is true, and I appreciate the Deputy Speaker drawing my attention to that fact. I ask the house to pause while we locate the Speaker.

**The SPEAKER** — Order! The Chair extends apologies to the member for Melton. I call the member for Melton.

**Mr NARDELLA (Melton)** — I was about to break out in song — into the *Internationale* — but thought I had better not.

I am going to be speaking on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016 that is before the house at the moment. It is really interesting listening to the opposition members on this bill. For example, the honourable member for Mildura just talked about how this bill is weak, how it needs to have Auditor-General supervision and how we

are not fair dinkum. This is legislation we are passing through the house. This is legislation that will be reviewed and will be upheld by this government and governments in the future for generations to come. For honourable members who have been in this place for quite a while to say, 'Oh, we're not sure what's going to happen with this; we don't trust the government', then — —

**Mr Katos** — We don't.

**Mr NARDELLA** — The honourable member for South Barwon says, 'We don't'. Well, let me say: that is why we are putting this legislation into the house and implementing it.

We had a number of discussions in terms of the *Victorian Transport Plan* and the — what was it? — \$140 million odd that the Brumby Labor government spent in its last year on advertising. Let me say this: we had real projects that we were advertising and letting people know about in terms of what was happening. Out of the \$38 billion *Victorian Transport Plan*, which was implemented in 2008, \$10 billion was spent — was in the budget. The only thing that stopped the *Victorian Transport Plan* was that in 2010 the Baillieu government — before it became the Geoff Shaw government — stopped it in its tracks. It stopped the other money flowing into projects that had been independently put in place by Eddington and through the consultative process.

We had real projects and real money going into infrastructure that the government that followed our government could only dream about. I mean, they went to bed each night dreaming these plans and these things they were going to do, but it took them two and a half years before they got rid of Mr Baillieu — two and a half years of dreaming — and what did they come up with? They came up with the brilliant plan, the east-west link, the dud tunnel. Like the dud government they were at the time, they came up with a plan that was to deliver 45 cents in the dollar, whereas you have a number of other projects — Melbourne Metro, the western distributor and others — that were funded under the *Victorian Transport Plan* and where the cost-benefit ratio was way above 45 cents in the dollar. What a pathetic amount!

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

**Mr NARDELLA** — And we have the Treasurer of the time — the man who signed the side letter, the man who gave away \$1.1 billion of our money, of Victorians' money, of money that Victorian taxpayers

had paid; the member for Malvern gave it away. This man, this puny little Treasurer — —

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

**The SPEAKER** — Order! The member for Malvern will come to order.

**Mr NARDELLA** — This man, who could not understand the responsibility of his position in that government, could not understand that when you are putting in place infrastructure projects within the state of Victoria you have to be fair dinkum. You do not put together a plan to get re-elected, a plan to try to get yourselves over the line as a pathetic minority government, a government of shambles under Geoff Shaw, as those opposite were part of. They could not even get a government business program through this house. Yet they come in here and criticise us for spending \$145 million in our last term, in 2010, publicising the great things we had put in place along with the partnerships we had with the Gillard and Rudd governments.

The regional rail link between Geelong all the way through Werribee into Deer Park and then into Southern Cross station was a real project. The people needed to be told what we were doing. Yet we have this puny man in this house, this man who was a failed Treasurer of Victoria, criticise us for publicising real infrastructure. What this bill will do is allow governments in the future to publicise the things they are doing and do it in such a way that it takes the politics out of it. We have a lot to publicise. We have 50 dangerous rail crossings we are getting rid of, we have road projects and we have rail projects — \$518 million just on the Ballarat line.

These are real projects that honourable members on the other side of this chamber could only dream of in opposition, and despite the dreaming that occurred they did not do anything in their four years in government. Do not just take my word on it; have a look at the *Moving Victoria Campaign Evaluation*. I have read this particular document; it is a travesty. This document says they threw away \$13 million just on this one program. That was the evaluation of the Moving Victoria campaign. The honourable member for Malvern, Mr Gunna — ‘We were gunna do the Victorian rail link, we were gunna do the Victorian airport link, we were gunna do the Rowville rail line, we were gunna do the Doncaster rail line, gunna, gunna, gunna — gunnaed himself into opposition with all his mates, because they did not do a thing, other than waste \$13 million on a failed campaign called Moving Victoria.

The campaign was so pathetic that they put big banners up at Spencer Street railway station — I am old; I call it Spencer Street; I understand that — at Southern Cross saying, ‘The rail link is coming’. Just like the second coming of Jesus Christ in 2026, it was going to come. Yet the pathetic government that was in power at the time, the Liberal-National party coalition, which could not put together one single project for the benefit of the people of Victoria, put up banners — \$13 million worth of banners. If you were waiting for that train, you would have had more luck if you had caught the train on platform 9¾ with Harry Potter, because that train would have come before the government’s train would have come on any day.

What else did this \$13 million go into? It is sort of like mini-me from *Austin Powers*. Thirteen million dollars does not sound much but it was real money that they squandered. The coalition went through this evaluation after they spent this money. There was a lack of understanding, a sense of cynicism. They spent \$13 million to create cynicism about what they were doing in the widespread belief that there was little being done. Was that not the case? They spent \$13 million and it just demonstrated to the people of Victoria that nothing was being done.

This is very good legislation. It means that governments into the future will be accountable.

**Mr DIMOPOULOS** (Oakleigh) — It gives me great pleasure to speak on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. Again it is a Labor government that walks the talk. I think it was the member for Lowan that said this already exists. I do not know in what dimension she thinks it does, but it does not. We will be the first government to put this into legislation. I think only New South Wales and one other jurisdiction have this codified in law, and we are committed to it, and it is appropriate.

As we have heard, the bill inserts a new part in the Public Administration Act 2004 that sets out provisions requiring public sector bodies to comply with standards and requirements for publishing public sector communication. We committed to a number of things in the lead-up to the election, but we have gone further in the bill because, on further reflection, it was clear that was the appropriate thing to do. What this bill seeks to do is define what is allowable in terms of television advertising, and that is one area. Just to expand on that, the bill talks about promoting public safety, personal security or behavioural change; promoting social cohesion, civic pride or community spirit within the general public; promoting commercial

or economic development within the state; generating revenue for public sector bodies or for the state through consumption of products or services delivered by or in partnership with public sector bodies; or promoting compliance with legislative requirements — all very sensible activities to be included in this very important bill.

Some examples of promoting public safety or personal security would be advertising in relation to safety issues such as bushfires and bushfire preparedness. This also reminds me of *Dumb Ways To Die*, a campaign devised in the last few years to promote safety around trains and trams. Examples of social cohesion, civic pride or community spirit would be advertising activities for Australian Day or Remembrance Day, things that bind a collective consciousness, a collective psyche, which I think is important in any nation but particularly a nation that is built on immigration and cultural diversity. Examples of commercial or economic development within this state, as previous speakers have said, would be the promotion of tourism to attract tourists. The other areas are as I outlined earlier.

I just want to focus on a couple of comments that the member for Malvern made. It is funny how the member for Essendon described him, but he seems to generate targets for us to comment on with the way he contributes to these bills. He made a comment which compared expenditure in the last year of the Brumby government, which was at an all-time high of \$130 million. Looking at just one side of the equation is really distorting. It is also cheeky and unfair. It is almost like me looking at just the cost of goods when I ran a cafe but not looking at the sales revenue. You need to look at both sides of the equation in order to make an informed judgement about whether that expenditure is high or low. You cannot just compare it with the previous year.

I am reminded of one area of public policy in Victoria, one area of service delivery, and that is education. In the last year of the Brumby government, that very good government, somewhere in the order of \$460 million to \$470 million a year in capital expenditure was being spent on Victorian schools. Of course the Andrews Labor government has exceeded that. But in the subsequent couple of years, the Baillieu and Napthine governments were spending about half of that in the same line item in capital expenditure on schools. And that applies to a whole range of other areas. It was a government that effectively for four years, without putting a finer point on it, did very little. So of course if you do very little, you can probably justify consequently spending very little on government advertising.

The other thing that concerned me significantly about the member for Malvern's contribution — and perhaps it was his tone of voice, which does not come across in *Hansard* — was the almost McCarthyist line about going after any public servant or department that does the wrong thing, because we are here to hold them to account. No, you are not. The government runs the public service. Yes, the Parliament has oversight through its instruments including its independent agencies, such as the Auditor-General, but it was probably a step too far in my view. It is not the public servants that make these decisions; they make these decisions within a framework of delegation provided by the Parliament through the government.

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

**Mr DIMOPOULOS** — I am not sure if the member for Malvern has paid any attention to the local level crossing in his electorate that we completed. Yes, fair enough, the planning probably started under a previous government, but that is about the only one. He talked about all those fluoro orange vests; yes, of course that is because we are doing stuff. The Liberal Party has lost this one. If there is one thing everybody in Victoria associates with the Andrews Labor government, it is level crossing removals. Soon it will also be the Royal Commission into Family Violence and a whole range of other things. They are things the opposition will not take away from us.

When you start looking at government advertising in relation to level crossing removals, it is absolutely relevant and commensurate to the amount of work we are doing in that area. It is extraordinary. I say this not because I am on the same side of politics, but I absolutely commend the Minister for Public Transport, the Premier, the Treasurer and others involved for their enormous appetite to remove those level crossings. We promised 20 in four years, but we are going to be way ahead of that.

I can contrast that — and this has got to be one of my favourite pieces of fiction — with the then Liberal candidate for the seat of Oakleigh, who said in a public communication, 'I am proud to have delivered and advocated for the following local projects', and one of the projects was a local record funding allocation of over \$300 million on public transport. I thought, 'Gee, that's impressive. How am I going to compete with that as a candidate?'. He went on to say, 'Including the removal of two level crossings in the Oakleigh electorate'. I have said this before. I then drove past Murrumbeena and Carnegie stations, because they were the two level crossings he was referring to. I thought, 'Gee, maybe they worked really fast. It has probably

been three days since I last visited. Maybe they have been removed and I've just missed it'. No, they had not. It did not stop him advertising it. Like the member for Melton said in relation to the airport rail or the Rowville rail, the opposition's version of sky rail was 6 kilometres of elevated track 17 metres in the sky. I think the Premier referred to it as 'space rail'. Even that project was advertised like it was completed.

So I think that when you look at this debate about government expenditure on information or advertising, you have to look at the other side of the equation. Where is the delivery? It is only in that analysis that you find a sense of legitimacy about the figures you are quoting. The previous government has a really unfortunate record, as others have reflected on, and probably the most emblematic aspects of that record is the Moving Victoria campaign and its evaluation report that others, I think, have reflected on, which indicates that \$15 million was spent in a barrage of politically motivated advertisements because of the widespread belief that little was being done, so there was a need to hasten the perception of a government doing something. There were a whole range of really embarrassing, to be honest, revelations that came out of that particular evaluation report.

This is a government that is delivering on an election commitment. It is delivering it in a way that has not been seen by any government in Victoria before, which is enshrining and codifying in law what a government should be held to account for in the future and to give a framework to judge and make assessments on. I think it is incumbent on us to do this. We promised to do this, and I commend the bill to the house.

**Mr LIM (Clarinda)** — I am very, very pleased to be taking part in this debate on the Public Administration Amendment (Public Sector Communication Standards) Bill 2016. The objective of this bill is of course to amend the Public Administration Act 2004 to provide for a legislative framework for the governance of communication and advertising by public sector bodies. This bill delivers on the Andrews Labor government's election commitment to tighten rules around government advertising and reduce the cost to taxpayers.

Many other contributors before me have alluded to the fact that in the previous administration the government spent money on misleading political advertising. I can give you a lot of examples. I have been here long enough to have seen it, going back to the so-called Kennett years when Mr Can Do could do whatever he wanted with advertising money. It was just about the biggest political advertising I have seen in my life, but

we do not want to go back that far. The latest one I saw in my local area was a big advertising board right at a railway crossing promising the removal of the railway crossing with unfortunate and misleading facts. When it was challenged, the government had to succumb to the pressure of having to remove that billboard in a very humiliating way. I could go on with a long list.

Advertising and communication are important tools for government to support the delivery of policy, to encourage responsible and safe behaviours, to make sure all Victorians are aware of their rights and responsibilities, and to promote our state as a world-class destination for economic and commercial investment. However, it is critical that, when public funds are spent on advertising and communication, this activity is undertaken for a purpose that serves the public interest. This expenditure must be effective, efficient and accountable and should never seek to provide political advantage to the government of the day.

The bill will be supported by new regulations which set out allowable uses of taxpayer-funded advertising, including a requirement that unfunded projects not be promoted in paid advertising. Critically, the Auditor-General will also have clearer standards for assessing lawful expenditure on advertising. Additionally, this Labor government is working to reduce expenditure on advertising and to ensure that all advertising is effective and good value for money. This includes a greater focus on modern, digital communications channels.

The most recent 2014–15 government advertising report highlights a reduction in advertising expenditure to \$94.9 million from a previous average of more than \$100 million, and that is a significant reduction. The cumulative saving from the start of our term of office to the end of the last financial year was approximately \$15 million, an amount that is pretty significant.

The bill sets out high-level requirements for all public sector communication that communication can only be for purposes that are in the public interest and that public sector communication cannot be party political. This Parliament and the Victorian community have a right to expect that there are clear and rigorous standards in place for publicly funded advertising to provide assurance that it will occur for the benefit of the public and deliver value for money. That is what the government is delivering with this bill, no doubt.

It would be remiss of me not to, in a way, probably stray from the main debate by raising the consistent concern in the culturally and linguistically diverse

(CALD) community about the fact that this seems to affect what the government in power does — that is, funding for advertising in the ethnic media seems to be disproportionately allocated. There is a sense that this is almost like taking the CALD community for granted. They are not very much on the horizon as far as the government's advertising is concerned. The allocation seems to be still very, very low.

I have been here long enough — I have been communicating, dialoguing and engaging with the CALD community for many years — to realise that they are very apprehensive, because if we make too small an allocation of funds to reach out to the CALD community on a whole range of policies, measures and new initiatives of the government, if we allow that gap, somebody else will try to fill that gap. We have seen recently a foreign power try to fill that gap, to the extent that I have been approached by representatives of the foreign affairs department expressing concern because a foreign power has paid for a large insert in our major daily newspapers — the *Age*, the *Australian*, the *Australian Financial Review*, you name it. It speaks volumes about the fact that governments on both sides of politics are probably not taking the concerns of the CALD community seriously.

If I were a Chinese migrant or a business migrant who had newly arrived here and I could not communicate effectively in the English language, I could not read the *Australian* and I would not be tuned into ABC channels 24 or 21, after a day's work I would go back home and tune into CCTV from Beijing, and somewhere along the line people would start questioning my loyalty. That is what is happening now, because we seem to be pushing a large chunk of our community into a corner where they have no choice other than to link up to the old country, creating this unreasonable questioning of their loyalty.

We need to engage them more in a whole range of activities, and this is one of them. This is very, very important. We need to look seriously at how we should address this question, because I do not think we have done enough. There are a whole range of measures, a whole range of activities, that we should be looking at seriously, especially now with the latest technology and WeChat. In the so-called Western world we do not seem to be appreciating how powerful WeChat is. The Chinese community is engaging fully and completely in WeChat; their lives are 24/7 WeChat.

I think as an elected government we have a responsibility to look into that and communicate effectively. The allocation of funding expenditure has to accordingly respond to this challenging demand from

the new community. I suppose not many people will take this very seriously, but it has been a very real concern of those of us who are in the know, who are looking at our common destination as a community, as Australians, as Victorians. We cannot take it for granted. I think with the ongoing concern regarding the South China Sea, the trouble there, we as Australians do not want to be divided. We do not want our loyalty to be questioned.

**Debate adjourned on motion of Ms HALFPENNY (Thomastown).**

**Debate adjourned until later this day.**

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I have received a message from the Legislative Council. The message is as follows:

The Legislative Council acquaint the Legislative Assembly that they have agreed to the following resolution:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly chamber on Wednesday, 31 August 2016, at 6.45 p.m. or, at the latest, on Thursday, 1 September 2016, at 4.45 p.m.

with which they request the agreement of the Legislative Assembly.

**Ms HENNESSY (Minister for Health)** — I move:

That the message be taken into consideration later this day.

**Mr CLARK (Box Hill)** — The opposition opposes this motion. In our view the message should be taken into account immediately, and I expect that I or one of my colleagues will so move. It is clearly disgraceful that the government continues to refuse to agree to this joint sitting for the purpose of filling the casual vacancy that exists in the Legislative Council.

We have obviously canvassed a lot of the matters relating to this issue previously, but the short and simple fact of the situation is that the constitution of this state requires that a joint sitting be held to fill a casual vacancy when the preconditions for that have been fulfilled, as they have here. So the government is now acting in open defiance of the constitution of this state by refusing to agree to hold this joint sitting. It is a travesty of democracy, and is a travesty of respect for the rule of law that this joint sitting is not proceeding at

the earliest possible opportunity. The government has no basis for saying it is not in a position to deal with this message forthwith. It is a very clear and simple question: will the government comply with the constitution?

This is a government that has a Premier who from time to time goes out and talks about holding people to account and facing the full force of the law and respecting the law, and yet when it comes to him and his government obeying the law, he is quite willing to openly defy the clear constitutional requirement that a joint sitting be held.

As I have said previously, how would the government feel if this were an issue of filling a casual vacancy in the Senate with an ALP senator and the Liberal and National parties in this Parliament said, 'No, we don't agree with holding a joint sitting for some reason that we might advance'. The Labor Party would naturally denounce such conduct. They would be full of outrage over such conduct, and of course they would be correct in doing so, because when there is a vacancy, the democratic requirement should be complied with and that vacancy should be filled.

In exactly the same situation here, the casual vacancy should be filled. Yet this government, true to form, is behaving more like a bunch of union thugs than an elected government of this state. They may have had the practice in their union days of thinking that if they are held to account for defying the law, the way to deal with that is not to obey the law but to infringe the law in some other respect and try to blackmail whoever is holding them to account, try to blackmail them to back off on what they had first done and let them get away with it. Well, that is not the way they should behave. That is not the way things should happen in an elected Parliament. People should obey the law. Elected governments should obey the law. Elected governments should be setting an example to the community of respect for the law.

As the then Leader of the Government in the Legislative Council, Mr Lenders, made clear at the time, a government ought to be held in contempt if they refuse to obey that requirement of the law. Indeed Mr Lenders, on numerous occasions when he was asked about it and he was questioned and assurances were sought that the provision the then Labor government was introducing would be watertight, said in effect that it was unthinkable that any government would not honour those provisions. But this government has thought the unthinkable. This government has been prepared to go to any lengths to defy the law, to exercise the thuggery, the bullying, the

intimidation tactics, the view that they can compound their first wrongdoing by a second wrongdoing and intimidate people into letting them get away with what they should not have been allowed to get away with in the first place.

This might be something that they condone in the union movement. It might be something they legislate to allow their union mates to get away with, but it should not be happening in this Parliament. We should be dealing with this message forthwith, and we should be agreeing to hold this joint sitting as soon as possible.

**Ms ALLAN** (Minister for Public Transport) — Let us be very clear about what we are debating right now. We are debating, in many respects, the question of time: when this message will come back before the house for consideration. Let us consider that and consider this a tight procedural debate. I resisted the temptation to stand up and call a point of order on the manager of opposition business for straying far and wide from the subject matter. He was clearly energised and had a speech prepared so I thought I would be generous and let him finish that speech. But let us be clear: we are being asked, the house is being asked to consider, when this message from the upper house is to be considered in this chamber.

In determining how to handle this I took the advice that I am often given by the manager of government business. Often when we have messages that come down from the Legislative Council I go to the manager of government business and say, 'When would you like to consider to this motion?'.

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

**Ms ALLAN** — Manager of opposition business — thank you. I keep wanting to promote him. It has been a problem today; I keep wanting to promote the member for Box Hill to manager of government business. I often go to the manager of opposition business and seek his advice. I say to the member for Box Hill, 'When would you like to do this particular message that has come down from the upper house?', and do you know the response I get probably 9.5 times out of 10 from the member for Box Hill? — 'Let's do it later this day. Let's not do it immediately'; 'No, no, we couldn't possibly rush into this'; 'No, no, we need time to consider it'. So based on that, based on that advice that I am often given by the manager of opposition business, I am taking his advice in this instance.

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

**Ms ALLAN** — I anticipated I might know his response, but I took his advice, and that is exactly what



we are doing. All we are doing is taking the opportunity to consider the message from the Legislative Council. We want to examine — we have only just received — the message from the Legislative Council. I have only just had the opportunity to read the message that has come down from the Legislative Council. So I think it is appropriate and prudent that we take the time on this side of the house to consider what the Legislative Council has asked of us, because I understand that for a motion to be passed there has to be a change from the request that came through last sitting week. So I think it is appropriate and prudent that we take the time to consider what is being asked of us by the upper house and examine it thoroughly, which is precisely what the manager of opposition business often asks of us when we have messages come back from the upper house.

It is quite interesting to note — I will make this passing comment — that we saw great passion and emotion from those opposite on this question and the broader question when it was debated in the last sitting week. It is just a great shame that that same passion and energy was not brought to bear on how to resolve the impasse. It seems they apply a different rule: what is good for the goose over there is clearly not good for the gander over there. Clearly they are wanting us to be held to a separate level of standards that they are not prepared to hold themselves to.

We are very keen to progress this issue in the context of a whole other set of issues around how the people of South Eastern Metropolitan Region in Melbourne are being denied their representation. This was well canvassed during the last debate on this issue in this chamber, which is why I think it is entirely appropriate that we just need to pause for a minute and consider this. We are not removing it from the notice paper. Obviously if this motion is passed, this motion will go and sit on the notice paper for it to come into consideration later this day. We are just wanting some more time to thoroughly examine the motion and the consequences: what it might mean, what it might not mean and what it might mean for the people of Northern Victoria Region.

I live in northern Victoria. It did not seem to bother the National Party that they abandoned that seat in May and that they held over their preselection process until after the federal election so they could keep the safety net there for a failed former member for Northern Victoria Region, Damian Drum. If he had lost his tilt at the federal seat of Murray, they were happy to keep the safety net here. If they were fair dinkum about the representation in Northern Victoria Region, they would have moved straightaway, back in June, to ensure that he was replaced. But they wanted to keep the safety net

there. I am more than happy to consider this motion later this day.

**Mr WALSH** (Murray Plains) — I move:

That the words 'later this day' be omitted with the view of inserting in their place the word 'immediately'.

The amendment is quite self-explanatory. It is almost Groundhog Day today: we had this debate two weeks ago almost to the minute. The fact that the Leader of the House believes that she needs more time to view the message from the upper house is, I think, just a stalling tactic. We clearly know what the message is about. We had a very lengthy debate about it; actually it was not that lengthy because the government cut the debate short two weeks ago when we talked about these particular issues.

What I hear constantly from the other side of the house is: 'Let Gavin Jennings back in and we'll deal with this'. The two issues are not related at all. I think the members on the other side, particularly some of the rabble on the backbench who want to interject about these things, do themselves a significant disservice by showing their ignorance of the parliamentary process and the just and right process in dealing with these particular issues. The two issues are not linked at all, and while the government tries to link them it is going to get nowhere in this particular debate.

Can I remind the Leader of the House that the people of South Eastern Metropolitan Region still have a member of Parliament. They still have a member of Parliament's office within that particular electorate. They still have a member of Parliament who has staff there to service the constituent issues of that particular electorate. There is an office and there are staff. The office is actually open, so those people do have parliamentary representation from a constituent service point of view.

The Leader of the Government in the upper house has a very clear choice: if he wants to fully represent the people of South Eastern Metropolitan Region, all he has to do is present the documents to the Council that he has been asked to. It is a very simple solution for the leader in the upper house that he actually complies with the order of the upper house. We actually have standing orders, we have debates, we have votes for motions to be passed that should be adhered to. The upper house went through that particular process: they had the debate, they had the motion, and the Leader of the Government in the upper house was suspended for not complying with an order of the upper house.

**Mr Pearson** interjected.

**Mr WALSH** — For the member for Essendon's benefit, the length of penalty is irrelevant. It is an issue for the upper house. What we are dealing with in the motion before the house now is to have a joint sitting so that the new member for Northern Victoria Region can actually take his place in the upper house. For the people of Northern Victoria Region to have that representation they need the member to be sworn in, to have his office, to have his staff, to have an email address and to have a telephone number so he can actually service the people of Northern Victoria Region. The Leader of the Government in the upper house as a member for South Eastern Metropolitan Region can still do all those things. That is a very significant difference.

As I said, the rebels on the backbench who want to tie these two issues together do not understand that we are actually not comparing apples with apples. I would urge those on the other side to reconsider their position that they took in the last sitting week in opposing the joint sitting and actually support my amendment that this motion is dealt with immediately. We can actually have a joint sitting, either this evening or tomorrow evening, so Luke O'Sullivan can take up his justifiable place in the upper house. The proper process has been followed up to this point. There are those now that want to use political blackmail for a totally separate issue around this issue. I condemn them if they do not support my motion, because they are just showing how ignorant they are of the processes of this house and how disrespectful they are to the people of Northern Victoria Region.

**Mr DIMOPOULOS** (Oakleigh) — I struggle to understand, as the Leader of the House said, why there is a hurry now. Where was the coalition's hurry when they left the people of Mr Drum's region without a representative for those months? Mr Drum gave advance warning. They could have held the preselection and they could have asked the Parliament to hold a joint sitting before the federal election. So it is quite convenient now for the opposition to argue representation and a fair go for the people in the north of the state. Where were that fair go and that zeal for representation in those months that the seat was left vacant because of them? They wanted a safety net for Mr Drum. They wanted a bet each way. They were not even convinced they were going to win the federal seat of Murray — they were not convinced at all — and they wanted a bet each way. Now, because they have sealed the deal, they have come back here and said, 'Hurry, hurry! Put everything else aside' — all this important government business.

This government has been running from day one and has not stopped and will not stop, but they are saying, 'No, forget about all that, because now we're ready. We were not ready before, but now we're ready'. The reality is that now we are not ready, because we have other things to do for the people of Victoria. That is a reality.

My question is: why the hurry? It is very, very disingenuous to leave it vacant when it suits you and now ask us to fill it when it suits you. I think I heard the Leader of the National Party say that you do not have to sit in Parliament to be a member of Parliament. My God, I have to go back to Dr Nick Economou at Monash University and ask for a refund, because I understood that if you strive to be an MP, you have to sit in Parliament, otherwise I could have a rich benefactor that sets up an office with a couple of staff and an email address. Really all it takes is an email address and two staff, and then I can help anybody! No, I cannot. Some of the problems we have require legislative change. Some of the constituent issues we have require legislative change. If you cannot sit in Parliament, you cannot initiate that change.

It is completely disingenuous on two fronts: disingenuous that they left it vacant when it suited them and now want it filled on their own itinerary, at their own request and with their own priorities; and disingenuous because of the fact that you can apparently be an effective member of Parliament for the people of South Eastern Metropolitan Region when you do not sit in Parliament. I do not accept either of those claims, and I think on that basis alone the opposition needs to, as the manager of government business says, wait until later this day.

**Ms KEALY** (Lowan) — I do hope that some of the misinformation that has been churning through this house, whether it be this sitting week or the previous sitting week when a similar motion was put to the vote in this chamber, will be clarified today. I want to focus on some of the comments that have been made by members of the government and particularly some of the interjections that have come across the chamber. There is no doubt that this is not about trying to rush through or make a quick decision about Mr O'Sullivan being able to be sworn in by a joint sitting; this is about the Premier denying the people of Northern Victoria Region their voice in Parliament. That is really what it comes down to.

There has been an enormous amount of confusion around this issue and a bit of deception, I think, in trying to somehow link a joint sitting to swear in Mr O'Sullivan with the situation presented by the

Leader of the Government in the other place, Mr Jennings. Mr Jennings was suspended from the upper house for failing to produce documents. He has got an opportunity to come back into the upper house; there is a process involved in that. One of the things that has been raised through interjection today, and it was put on the record last sitting week, is that it is very important that we do not allow Mr O'Sullivan to be sworn in until the Leader of the Government in the other place is let back in, because he is automatically the pair. Unfortunately that is some of the misinformation the government have been putting out, because one of the conditions of Mr Jennings's suspension is that there must be a pair provided. This is absolute nonsense that is being put forward saying that Mr O'Sullivan is an automatic pair and that that is the way you are getting through it. It is just not true, and it is just another Labor lie that is misleading the public and also misleading the Parliament.

The second point I wanted to make is in reference to Ms Wooldridge's contribution yesterday in the other place in regard to how this matter can be solved if Mr Jennings wishes to re-enter the other house. If the government wants to withhold documents by claiming executive privilege, the standing orders of the other place require withheld documents be sent to an independent arbiter for assessment. The independent arbiter process has been available to the Andrews government to adopt, but they have refused to use it. The Leader of the Government in the upper house has hit a roadblock within his own party. There is no support within the Labor Party to release the documents, to submit them to the process outlined in the standing orders or to refine the process.

Ms Wooldridge closed by encouraging Labor to engage in negotiations to resolve the new arbiter process that they broke off three weeks ago. I note that it is the Labor government that has refused to continue negotiations around this arbiter process. They do not want to be engaged with it. They do not want Mr Jennings to re-enter the upper house. For some reason they think that perhaps it would be more difficult to have him there in the house and that perhaps he would be a disadvantage to the Labor government. I think this is an option that is available to Labor. If they want desperately for Mr Jennings to get back in, there are avenues available to them. There is not an avenue available to Mr O'Sullivan to enter Parliament, aside from having a joint sitting. Everybody in this place has the opportunity to vote on this motion today, and I do hope that they vote in support.

The third part that I did want to mention was around the absolute contradiction in having this comparison

between Mr Jennings not being able to service the people of his electorate versus Mr O'Sullivan. Let us look at what Mr Jennings has. He has access to his ministerial office, he has access to his electoral office, he has a chauffeured ministerial vehicle, he has his salary — —

**Ms Allan** — On a point of order, Acting Speaker, this is a narrow procedural debate, which is I think how I commenced my contribution.

*Honourable members interjecting.*

**Ms Allan** — My goodness me, it is the cattle chorus over there. It is a very narrow procedural debate.

**Ms Kealy** — Point of order.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I cannot take a point of order while a point of order is being made.

**Ms Allan** — I am in the middle of the point of order. It is a very narrow procedural debate that is confined to the question of time.

*Honourable members interjecting.*

**Ms Allan** — I am making a point of order. Excuse me, I — —

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I am hearing a point of order from the Leader of the House. Not until the Leader of the House has finished her point of order can the member for Lowan make her point of order.

**Ms Allan** — As I said, this is a very narrow procedural debate, the confines of which the member for Lowan is straying from. In anticipation of the forthcoming point of order, if the member for Lowan and others were offended at me referring to members of the National Party as the 'cattle chorus', I withdraw.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I thank the member. I uphold that point of order.

The Minister for Health has moved that the message from the Council be taken into consideration later this day. The Leader of The Nationals has moved an amendment to omit the words 'later this day' and insert 'immediately'. The question is that the words proposed to be omitted stand part of the question. Members supporting the Leader of The Nationals' amendment should vote no.

**House divided on omission (members in favour vote no):***Ayes, 43*

Allan, Ms	Kilkenny, Ms
Andrews, Mr	Knight, Ms
Blandthorn, Ms	Lim, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Carbines, Mr	Nardella, Mr
Carroll, Mr	Neville, Ms
Couzens, Ms	Noonan, Mr
D'Ambrosio, Ms	Pakula, Mr
Dimopoulos, Mr	Pallas, Mr
Donnellan, Mr	Pearson, Mr
Edbrooke, Mr	Richardson, Ms
Edwards, Ms	Scott, Mr
Eren, Mr	Spence, Ms
Foley, Mr	Staikos, Mr
Garrett, Ms	Suleyman, Ms
Graley, Ms	Thomas, Ms
Green, Ms	Thomson, Ms
Halfpenny, Ms	Ward, Ms
Hennessy, Ms	Williams, Ms
Howard, Mr	Wynne, Mr
Kairouz, Ms	

*Noes, 38*

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryan, Ms
Clark, Mr	Sandell, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr

**Amendment defeated.****Motion agreed to.**

**POLICE AND JUSTICE LEGISLATION  
AMENDMENT (MISCELLANEOUS) BILL  
2016**

*Second reading***Debate resumed from 17 August; motion of Ms NEVILLE (Minister for Police).**

**Mr CLARK** (Box Hill) — It is clear that Victoria is facing a law and order crisis — carjackings, home invasions, riots, bashings, slashings and weapons

offences. The overall crime rate in this state is up by 12.4 per cent, and unfortunately particularly crimes of violence have increased. We have had the government admit just this morning around 170 carjackings have occurred in the past year, and they have estimated 380 home invasions have occurred in the past year. In short, people these days are afraid in their own homes at night of being burst in upon violently by gangs, often by youth gangs, to be attacked, to be threatened, to be bashed or to be robbed. People are afraid to drive their car down the street of a suburb or town across Victoria lest some gang deliberately bump into the back of them and when they get out to find out what has happened they may be threatened, robbed and have their car stolen.

We are facing a crisis in law and order, and it is a crisis that is made even worse by the actions and inactions of the government. We have had a government by those actions and inaction creating an atmosphere where offenders think that the law is weak and that they can get away with it. Unfortunately they have often been proved right in that thinking. We have had the neglect and weakening of the justice system by the government through measures such as cutting frontline police numbers, allowing juveniles in state care to run amok, weakening bail laws and failing to increase police numbers in line with rising crime levels and population growth. We have had police stations closed or their hours shortened across the state, and of course we have had gangs such as the Apex gang thinking they can do whatever they like.

We had the Premier say, following the Moomba riot, that members of the gang would feel the full force of the law. Then what have we seen subsequently? We have seen how ineffectual the justice system, presided over by this government, has been allowed to become. The 'full force of the law' has seen many of these gang members being released on bail. The government has trumpeted about the numbers of arrests. It has not trumpeted so much about how many people have been released on bail. Just recently we have found that out of the small handful who have in fact been given custodial sentences, many of them are due for release soon and are likely to be going straight back to the same offending, or worse, that they were perpetrating previously.

We have seen any penalty for juvenile offenders who breach their bail conditions removed. We have seen move-on laws repealed, so that rioters know that the police are powerless to act against them to head off riots before they actually occur. We have seen changes made to the law relating to fines so that prisoners will be able to continue to wipe out previously incurred

finest just by sitting in their jail cells, if they are sentenced to jail for an offence. And of course we have seen massive bungling and incompetence in the corrections system, first of all in the failure to head off the so-called smoking bans prison riot and then, to compound it, the mishandling of the response to that riot — the delays, the escalating cost and the mismanagement of the process of getting the remand centre repaired. The consequence of that has been that police cells across the state have been bulging, as there have been insufficient prison places available, and as my colleague Edward O'Donohue has pointed out, police have been babysitting crooks rather than out there catching crooks.

What compounds the government's failure in this regard is that this is not a short-term issue that has arisen as a result of responding to an externally developed need — responding to a tragedy such as the Jill Meagher murder, which exposed the failures of the corrections system; the failures of the parole system. In order to keep the community safe, radical changes needed to be made urgently to the parole rules, and as a result prisoner numbers increased suddenly. That is what the previous government faced, and the previous government responded to that by rolling out additional prison cells across the state as rapidly as possible, including making use of converted shipping containers — a very effective and successful innovation. As we said at the time, we would rather have dangerous offenders on mattresses in a prison gymnasium than out on the street causing danger to the community.

What we are now facing with the surge in prisoner numbers in police cells is entirely a result of the mishandling by the government of the aftermath of the prison riot, on top of allowing that riot to occur in the first place. So in fact we are in a situation where about the only innovative measures in better protecting the community that we are seeing from the government are in areas where the coalition has been setting the agenda — for example, in relation to tougher penalties for carjacking. Regrettably the government has not even picked up on all of the initiatives that have been put forward by the opposition — for example, in the no body, no parole reforms.

But across the board we have seen the measures that have been taken by the government compounding and indeed opening the floodgates to the surging levels of crime that we have been experiencing in this state. The problems have come not only from the actions of the government — both the policy actions and the bungling of the government — but also from the failure of the

government to act in areas where proactive measures were very much needed.

In large measure the government has been undermining the legal system, undermining the rule of law, in this state by its neglect as well as by its actions. In a sense the framework of stronger and more effective laws and a stronger and more effective justice system that had been built up under the previous government is being demolished by neglect under the current government. They have not had the guts to come out and say they actually want to implement a range of soft-on-crime measures, but they have allowed that to occur by not setting the Court of Appeal on the right track when it has gone off that track and not ensuring that the law gives effect to what this Parliament intended in order to ensure that the sentences that are delivered in the court are strong and effective and operate to protect the community and to deter offending.

Way back in December 2014 we had a paragraph in a judgement by the Court of Appeal that I have to say was extraordinarily poorly worded, and indeed you would have to think that some of the judges who put their names to that decision may well, on proper reflection, have realised that that paragraph in a guideline judgement was appallingly badly worded. But to have a court deliver such a loosely worded paragraph, in what was in many other respects a well-reasoned judgement about the benefits of community correction orders (CCOs), giving an open-ended ruling in a guideline judgement that in future a community correction order could be suitable for relatively serious offences such as aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide without saying anything further — without putting any scope around that statement — has caused chaos in large parts of the justice system and has caused great difficulties for magistrates and judges in understanding exactly what the Court of Appeal has intended. Indeed it has led to the Court of Appeal itself attempting to in some parts try to correct that judgement in later decisions.

But the essence of it was that, instead of applying community correction orders to those cases where an offender was on the margin between going to jail or not going to jail, that paragraph in the judgement left open the interpretation that offenders who had committed crimes where otherwise they should definitely go to jail could be given a community correction order. That was certainly contrary to the intention of the Parliament. It was certainly contrary to what I said in my speech when I moved the second-reading motion. It was also contrary to the submissions that were made by the

government to the court in relation to that matter. It was a decision that should have been remedied by any government of the day intent on ensuring that the community was properly protected and that community correction orders were applied to put tougher and more effective conditions on those who would not be jailed rather than to allow to escape from custody those who had committed serious crimes where they definitely should have gone to jail.

And of course the government's neglect in that regard was compounded by their handling of the court's baseline sentencing judgement in November last year, when again the Court of Appeal completely misunderstood and misinterpreted the intentions of this Parliament. Again any government of the day should have acted quickly to remedy that and make clear to the Court of Appeal by amending legislation exactly what the intention of the Parliament was. But instead of course what we have seen is the government refer the issue off to the Sentencing Advisory Council, which has now come back with a recommendation very similar to the model that was rejected by the previous government because it would not work, and yet we have not even had that model come to the Parliament.

So unfortunately right across the board we have a government that is, were it prepared to do anything, becoming a government of gunnas — 'We're gunna do something about it' — who do not quite get around to actually doing it. Regrettably we are even starting to see that in relation to family violence, where first of all a lot of measures were put on hold while the royal commission was undertaken. We then had the report of the royal commission, and there were a lot of commitments made to do things arising out of that. Now time is passing, and I think the community is increasingly looking to say, 'Where exactly are those measures that were going to be taken, as committed to in the aftermath of the royal commission report?'

So for all of those reasons, through both the policy-driven actions of the government, the ideologically driven actions of the government, to weaken the laws of this state to make it easier for serious offenders to escape the consequences to which they should be held, and through the neglect of the government in failing to ensure laws that they supported when they went through this Parliament were actually given effect as this Parliament intended — through both of those failures of this government — we are facing a very serious law and order crisis in this state where ordinary Victorians unfortunately cannot feel safe in their own homes and cannot feel safe when they are driving on the streets or walking the streets.

So in the middle of this crisis, where you would expect the government week after week to be coming to the house with measures to better protect the community and to reinforce to would-be offenders the fact that they need to respect other people in the community and they need to respect the law of this state, instead of the government bringing that sort of legislation to the house, we have the bill that is currently here before us.

In the midst of this law and order crisis, what does this bill give us? Does it make clear that murderers who will not reveal what they know about the whereabouts of the victim's body will not get parole? Does it tell the Court of Appeal to stop allowing CCOs to let dangerous offenders go free who clearly should be behind bars? Does it tell the Court of Appeal that the community and the Parliament want much longer sentences for serious crimes such as child sexual abuse, large-scale commercial drug trafficking and dangerous driving causing death? Does it make clear that murderers will get longer sentences than previously applied? Does it strengthen protections for family violence victims or make it less traumatic for them to get intervention orders? Does it bring back move-on laws and make it easier for police to protect the community from lawless rioters? Unfortunately the answer is that it does none of those things.

This is basically a tidying up bill. It is a bill that makes limited changes in areas that are important to those involved and makes changes that if they work well, if they work as intended, will make some modest improvements to the operation of Victoria Police, but they are measures that are a mile away from the stronger and more effective laws that we need to tackle the crime wave that is engulfing this state.

Let us have a look at the specific measures in the bill. The first of them is to give effect to a commitment that was made to the police association by both sides of politics before the last state election to clarify the state's liability for tortious conduct of police. On my understanding and reading of the bill and from the very comprehensive and helpful briefing that was provided to the opposition by officers of the Department of Justice and Regulation, it is simply making clear what the existing law is and making clear what the two different paths are by which proceedings can be brought: on the one hand, where there is an allegation about sworn police officers; and on the other hand, where there are allegations about unsworn police personnel. Of course it is worthwhile to make that clarification in circumstances where we understand there has been some confusion and misunderstanding, but it is not going anywhere near the heart of tackling the law and order crisis that this state is suffering.

There are also a range of amendments made to the operation of the Police Registration and Services Board, including requiring that they not publish in their decisions information that could allow informants or those making a complaint or raising concerns or those who have been adversely affected by an applicant's conduct to be identified unless it is in the public interest to do so, prohibiting reporting or other publication or disclosure of that information.

The bill provides for audio link or audiovisual link participation in hearings. It provides for an annual report. It provides the president with the power to make practice directions and statements and provide for notes and forms. It provides that a former existing professional staff member of a tertiary institution or academic staff member can qualify as a member of the professional standards division or registration division. It requires the board to consider capabilities instead of aptitude or efficiency for the purpose of registration of former police officers or those on secondment or leave without pay, and I understand there are good technical reasons why it is believed that the change of reference to capabilities instead of aptitude and efficiency will more effectively and accurately give effect to what the board does.

There are also some provisions for other minor technical amendments to the Victoria Police Act 2013, including a provision for the reappointment on a one-off basis of an acting commissioner and some technical changes to fix drafting irregularities. There is also a change consequently to commonwealth legislation, changing references from CrimTrac to the Australian Crime Commission in a number of Victorian acts.

So as I say, all of these provisions are very worthy provisions if they operate as they are intended to operate, and the opposition does not take issue with any of them. Our concern is more about what is not said in the bill than what is said. One aspect of the Victoria Police Act that is not dealt with in the bill is section 10. That is a section of the act that has received some scrutiny and reference in this house in recent times because it is a provision that relates to the giving of directions to the Victorian Chief Commissioner of Police about various aspects of the operations of Victoria Police. It provides that there are certain matters on which directions cannot be given. Police ministers and, in particular, the acting police minister at the time — the member for Preston, the Minister for Finance — often cited this provision in the house as a reason why he could not act in relation to police closures or changes to police hours, because he said, 'Section 10 does not allow me to do that'.

Of course we have had contradictions in the government's position in that regard, because on 15 April 2015 the then Minister for Police, now the Minister for Industry and Employment, issued a statement headed 'Statement on one-man police stations', saying:

... they are an important fabric of many small towns in this state.

I quote that verbatim. And then again, I continue to quote:

As Minister for Police, I made a commitment in Parliament in February that this would keep all existing police stations open.

Yet when the government was called to account about police station closures and shortened hours across the state, the government's response, and in particular that of the Acting Minister for Police, was there was nothing he could do about it because section 10 said that he could not. Well, we have of course seen police stations across the state closed or had their hours shortened. We have had stations at Whitfield, Somerville, Nunawading, Burwood and others closed, and Waurn Ponds, Endeavour Hills and others have had their opening hours cut, despite the government's promise, and the government has invoked section 10.

Just recently we had the now Minister for Police, the member for Bellarine, issue a statement in relation to changes to the Waurn Ponds counter hours on 24 August this year, in which she said:

... I have urgently raised concerns with the chief commissioner about a recent decision to change counter hours at the Waurn Ponds police station.

Myself and senior members of Victoria Police were unaware these changes had been made until yesterday.

She then went on to talk about a clear process within Victoria Police about how changes to operations are authorised and about the requirement of police to consult with the community and show evidence that policing will be improved. She said that this process was not followed and the police were convening a community forum to address these issues. The minister went on to say:

My expectation, however, is that any changes to counter hours be made in consultation with local residents — with police explaining how local police operations best serve the community.

I now expect Victoria Police to work closely with the Waurn Ponds community to ensure they are meeting community expectations.

So the question of course is: where does all this stand in relation to section 10? I expect the minister would reply and say, 'Well, I haven't directed Victoria Police to do anything in particular. I have simply raised concerns with the chief commissioner and drawn to his attention the importance of having counter hours maintained at Waurin Ponds or not changed unless there's been proper community consultation in advance. I am completely in compliance with section 10'. To be fair, the minister may well be right in so replying, but of course if the minister is right in so replying, the question is: if the minister can act as she has in relation to Waurin Ponds, where she has a close electoral interest in the matter, why is the minister not acting and why have previous ministers not acted in relation to changes to opening hours or closures of police stations in other parts of the state?

Time and time again those of us on this side of the house have got up and addressed the concerns of members' constituencies and communities to the minister of the time and said, 'Minister, why won't you act on this? Will you take this up with the chief commissioner and ask him to reconsider or ask him to look at it further?'. And the retort, time and time again, was, 'No, no, we can't do anything about it because of section 10'. Well, now of course that pretence, that facade, that shield has been demolished, and the minister is no longer in a position to hide behind section 10 and say that she cannot do something to stand up for other local communities across the state the way she got involved in relation to Waurin Ponds.

So I will be looking to the Parliamentary Secretary for Justice, the member for Niddrie, who I assume will speak next in this debate, and other government spokespersons to explain where the government now stands. Are they happy to leave section 10 as it is so that it is quite clear that the Minister for Police can raise community concerns with the chief commissioner, as the minister has in relation to Waurin Ponds? Are they going to leave section 10 as it is, or are they going to amend section 10 to further constrain what they can do so they can continue to hide behind section 10 rather than take action to protect the local community?

While the honourable member is addressing that issue he might also address the concomitant issue of whether the government continues to stand behind the statement of the member for Williamstown, made when he was Minister for Police — the commitment given in Parliament that the government would keep all existing police stations open. That is certainly something that has not been honoured to date. Can the government confirm on the record whether this commitment no longer stands, that there is no longer a commitment

from the government to keep all existing police stations open, or do they continue to stand by that commitment, and will they now, using the newly discovered capacity of the Minister for Police to pick up the telephone or send off an email to the Chief Commissioner of Police, exercise that newly discovered and newly exercised power to ask the chief commissioner to perhaps reconsider those decisions, to consult further with local communities about these closures and shortening of hours of police stations and consult further with local communities about what is needed to ensure that they are properly protected?

Then, perhaps, the honourable member could further indicate whether the government's position remains that they will give the chief commissioner the resources he needs to properly safeguard the community, which is another commitment that has been made in the past, so that if, as a result of the exercise of this newfound capacity to make contact with the chief commissioner and ask him to consider these issues and proceed in relation to other police stations as he has been asked to proceed in relation to Waurin Ponds, they stand up on behalf of local communities across the state and the chief commissioner comes back and says, 'Yes, of course I'd be more than happy to do that, but I will need more police to do so', the government will honour the pledge that has been made, I think including by the Premier, to give the chief commissioner whatever resources he might ask for so that Victoria Police can do their job of protecting the community effectively. I will very much look forward to the parliamentary secretary's responses on those issues.

To conclude, as I have indicated this is largely a tidying-up bill, and in so far as it goes the opposition does not oppose it. We certainly hope it works effectively to achieve the objectives the government is seeking to achieve. But it falls very far short of what this community is entitled to expect from this government — that the government is committed to keeping the community safe and to fulfilling one of the fundamental duties of any government: to ensure law and order and that the rule of law prevails in its jurisdiction. The government falls far short of the obligations that are on it to do so, and the community is paying a very heavy price for the ideological commitment of many of those in and associated with this government to a soft-on-crime approach. The community is also suffering very badly from the bungling and neglect that has compounded the problems the community is facing, thus seeing the community suffering the surge in crime and the diminution of community safety that unfortunately we have experienced in recent years.



**Mr CARROLL** (Niddrie) — It is my pleasure to rise to speak on the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016 — —

**An honourable member** — On the bill, please.

**Mr CARROLL** — I will speak on the bill, but after hearing the member for Box Hill, I now know what James Campbell was getting at when he said the Leader of the Opposition's attack dogs are more like lapdogs. In an article of 25 May 2016 James Campbell wrote:

Honestly, with this lot where do you start? I've been following state politics for 12 years, first as an opposition staffer and now as a journalist, the past 3½ years as state politics editor. I can say that when it comes to public performance, this is the weakest shadow cabinet I have seen. They might be the greatest stakeholder managers ever to draw breath, but when it comes to prosecuting their case in public, too many make no impact at all.

I have to say — —

**Mr D. O'Brien** — On a point of order, Acting Speaker, we were looking forward to the member speaking on the bill, as promised, but he certainly has not done that at the start of his contribution. I ask you to bring him back to the bill.

**The ACTING SPEAKER (Ms Kilkenny)** — Order! The member has started his speech, and I ask the member to continue.

**Mr CARROLL** — I say to the member for Gippsland South that if he would let me finish I was actually going to give the Nats a bit of praise. The member for Lowan is on the frontbench. James Campbell had been talking about cattle and said:

... Emma Kealy but to promote her the Nats would have to shoot one of their own — —

**Mr Watt** — On a point of order, Acting Speaker, the member is clearly not speaking on the bill, and I would ask you to bring him back to the bill.

**An honourable member** interjected.

**Mr Watt** — No. He has been speaking for a minute and a half, and not once did he mention anything about the bill. He is mentioning an article which has nothing to do with — —

**The ACTING SPEAKER (Ms Kilkenny)** — Order! I do not uphold the point of order.

**Mr CARROLL** — It is my pleasure, though, to speak on this legislation. The member for Box Hill made a very broad-ranging address, and he did get around to highlighting that this is legislation that the

opposition committed to before the last election. It is important legislation that is going to deal with tortious acts of police and public servants. I want to put on the record that the member for Box Hill strayed quite regularly throughout his contribution.

Under the Andrews Labor government we are making record investments in police and resources of \$3 billion over two budgets. Unlike those opposite, who do not care about police, did not listen to them and meddled in their affairs, we are getting on with doing what needs to be done. This legislation is another step in that direction.

We have made a record investment in police. The member for Box Hill talked about our prison cells and things like that. Only Labor is rolling out 400 police custody officers. I have had the honour of going out to the electorate of the member for Dandenong to see their work on the ground and the contribution they are making. You have got custody officers, you have got counter-terrorism funding, you have got the Night Network, you have got family violence — —

**Mr Watt** interjected.

**Mr CARROLL** — Member for Burwood, you do not want to do any more interjections. We have got the *Ice Action Plan*, to which your response was just more sniffer dogs, whereas at least we have got money on the table led by the Premier and we are making sure we make the investments that are needed. The member for Burwood should concentrate on his preselection. He is behaving himself in question time, and that is a good start. We are getting on with it and making sure that this — —

**Mr Watt** interjected.

**Mr CARROLL** — Geez, he is a bit touchy, isn't he? Crikey! We are making sure that we improve the overall governance of police and accountability of the Police Registration and Services Board (PRSB). It is very important, and I want to thank the parliamentary library for their work in this area and the research work that they did. There was one article I noticed when I was preparing for this contribution that I thought I would like. It was written by Andrew Rule and John Silvester, two formidable journalists in this area of public debate. The headline was 'He fought the law, and the law won'. Many members will be very incensed at and will recall what happened more than five years ago to a Jewish man, Mr Vorchheimer. He was with his children, and then a bus approached and he had abuse yelled at him. He sat in front of the bus,

and the driver of that bus happened to be an off-duty police officer.

To cut a long story short, Mr Vorchheimer went through the applicable processes and, at the end of the day, not a lot happened. This gets to the nub of why this legislation is important. Mr Vorchheimer did everything he could to see that justice would be done. He had his hat snatched off him, and he got a black eye; a whole lot of things happened to him when his children were present which should not have happened to anyone, let alone when an off-duty police officer was in attendance. This legislation is important to ensure that, whether it is police, police custody officers or protective services officers, their areas and their tribunal mechanisms are up to date.

That is very important, and I think the minister summed it up well in her second-reading speech when she said:

... in relation to the PRSB, the bill will prohibit the publication in PRSB decisions of identifying information about informants, complainants, those who have raised a concern about, or those adversely affected by the actions of the applicant in a hearing, unless it is in the public interest to do so. These identifying details will also not be permitted to be reported, otherwise published or disclosed, unless it is in the public interest to do so. This change supports the Victorian Equal Opportunity and Human Rights Commission's report ...

Many members will be aware of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) groundbreaking report that saw the need for 20 recommendations to be made which the Chief Commissioner of Police, Graham Ashton, has accepted. They will be implemented in Victoria Police to ensure that procedures are in place for women in the police force who have gone through any type of sexual harassment to feel safe. I met with the chief commissioner at the time. The chief commissioner and the then Victorian equal opportunity and human rights commissioner are to be commended for the way they basically grabbed that groundbreaking report and said, 'This is a wake-up call to us. We need to do everything we can to ensure this never happens again to anyone'.

The police and justice legislation amendment bill we are debating today implements the commitments made to the Police Association Victoria before the last election to clarify state liability for tortious conduct of police and to make a range of changes to improve the operation, governance, equity and accountability of the PRSB. The bill also changes references to CrimTrac in five Victorian acts to references to the Australian Crime Commission, now that CrimTrac is defunct. This is just about tightening up the legislation to ensure it is updated and correct.

I think it is essential, though, to highlight in my remaining couple of minutes that this legislation, supported by both sides of the Parliament, is important. If I go back to the VEOHRC report, the commission surveyed more than 5000 officers and staff and found 40 per cent of women said they had been sexually harassed, resulting in significant harm to the mental and physical health of many officers. The commission found there was a chronic under-reporting of incidents, with staff too scared to talk about the personal and professional repercussions of making a complaint. Mr Ashton said there was a need for broad cultural change, and I quote:

There were some ugly stories in those reports. Some of our people told us some terrible experiences ...

They had undergone discrimination. They'd undergone harassment, they'd undergone predatory behaviour and this includes general exclusionary behaviour, right through to criminal offending.

This is our people telling us things aren't right.

The article concludes with:

Mr Ashton said all 20 recommendations would be implemented.

I should just acknowledge the work of Kate Jenkins, the then Victorian equal opportunity and human rights commissioner, who did an outstanding job with her team to shine a light on some elements of the force where a light needed to be shone to ensure that cultural change does occur.

I thank the member for Box Hill for his contribution, acknowledging that opposition members themselves were very much committed to this piece of legislation. I acknowledge it is a small piece of legislation in the sense that it is very much an administrative change to various acts of Parliament, but it is important that we do get it right. It is very important that the PRSB operates coherently. I had a good look at their website before I got up to speak today. They do have a strategic plan in place. They have their annual report. Andrea Lester, in leading the board, is going to make some changes. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I am pleased to rise to speak on the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016, and it is always a pleasure to follow the member for Niddrie. While I do not always agree with him, he did make a couple of very valid points, one of which is what an outstanding member the member for Lowan is. She is a member with a very bright future. I am sure the member for Lowan welcomes the endorsement of her skills and her future by the member for Niddrie.

This legislation is important legislation in that it highlights issues that have become increasingly important to the Victorian community — that is, the matters of police and justice, but most particularly community safety. The bill itself has a number of purposes and to some degree is an omnibus bill. It makes a number of changes to the Victoria Police Act 2013. The main purposes are to implement the commitment made, as the member for Niddrie and the member for Box Hill outlined, to the Police Association Victoria by both sides of Parliament before the last election to clarify state liability for tortious conduct of police.

The bill makes a range of other amendments to improve the operation, governance, equity and accountability of the Police Registration and Services Board (PRSB); it amends references to CrimTrac in five different Victorian acts to references to the Australian Crime Commission, which is simply a change of name arrangement; and makes a number of other minor and technical amendments to the Victoria Police Act, including provision for the reappointment on a one-off basis of an acting assistant commissioner for a period of six months. I understand this is at the request of the Chief Commissioner of Police. So the bill certainly has some important elements to it, and there will be improvements to the operation of the PRSB as a result of this legislation. I believe the Police Association Victoria will welcome this.

We have had some discussion in this chamber and indeed in the Parliament today on important law and order issues. We have seen today the passage in the other place of legislation introduced by Ed O'Donohue, a member for Eastern Victoria Region in the other place, as the shadow Minister for Police, with respect to carjackings. That bill, now passed by the upper house, shows who is actually leading on law and order in this state. It is the coalition — the Liberal Party and The Nationals — that is responding to the surge in crime we have seen over the past 18 months to two years under this government. We are the ones leading the way. Unfortunately the Andrews Labor government is following a long, long way behind, such that the day the carjacking legislation was actually passed by the upper house we have had the Attorney-General introducing similar legislation here in this chamber. We had the unedifying spectacle this morning of his trying to justify the differences and why the government was introducing its own legislation. He did indeed struggle to do that.

It is a concern for the wider community, because we have seen in the past year, up to the last figures available, a 12.4 per cent increase in crime in this state.

This is a significant concern. We have seen weapons and explosive offences up 18.5 per cent. We have seen theft offences up 16.1 per cent. We have seen transport regulation offences up 13.9 per cent. Burglary and break-and-enter offences are up 13.7 per cent. Breaches of orders are up 13.4 per cent. Drug use and possession offences are up 13.4 per cent. And we have also seen an increase in gang-related crime, which led to the introduction of the carjacking legislation and its passage today through the upper house. The Moomba riots, home invasions — a series of absolutely terrifying home invasions — and likewise carjackings have really shocked the Victorian community. These are things that we used to not have here, that we only saw in news reports from countries on the other side of the globe. It has become a genuine concern for Victorians right throughout the state, but particularly in and around Melbourne, who have seen this.

Those statistics that I just reported are not 2 per cent, 3 per cent, 4 per cent and 5 per cent increases in crime, as you may expect from time to time, but are all in double figures. It is a real concern that we have seen such significant increases in crime. I know in my own electorate of Gippsland South in the Wellington shire I think the figure, again for the last 12 months, was also 12 per cent. It is a significant concern in our areas. I know that has been coupled with concerns from police about the numbers and the resources they have. I will come to the coalition's record in a moment, but if we look at the numbers of police as they stand, there are currently 13 311 full-time equivalent sworn police officers. And that is an increase since the Andrews government came to power, but compared to the increase in the state's population of 1.7 per cent over that time, the total sworn police numbers should have increased by about 354, and we have seen in fact only an increase of about 160. That is less than half of what is actually required just to keep pace with population growth. In real terms we have seen a decrease in actual police numbers.

In that time we have had the Royal Commission into Family Violence, and quite rightly so. The commission has come up with a suite of recommendations — 227 recommendations — many of which will involve additional police resources. We have seen the instigation of the two-up operational safety policy. That has dramatically impacted on police resources, particularly in country areas, and yet we have a police population that is not keeping pace with the wider Victorian population. In fact it is lagging dramatically behind. In real terms we have a decrease in the number of police officers, and that is one of the reasons fuelling this increase in crime.

I mentioned the two-up policy, and no-one is criticising the police for implementing that. If there are concerns about the safety of individual police officers, they should be addressed, but anecdotally I have spoken to police in my own electorate and I have one of them estimating — it is just an estimate — that 30 per cent of shifts in his local area command have been lost due to the two-up policy. Has this been compensated for by additional police numbers? No, it has not. So we have seen a reduction in the amount of police either in stations or on the road or in cars or walking around our communities providing the sort of service that people expect. And yet the commitment of 406 new police officers is a complete drop in the ocean of what is actually needed to address the issues I have outlined.

I find the comments those opposite make absolutely flabbergasting. The member for Niddrie said that the opposition did not care about police numbers. The previous coalition government delivered and actually over delivered on its commitment. We made a 2010 election commitment of 1700 extra police and 940 protective services officers (PSO) — and the PSOs were ridiculed by those opposite — but indeed not only did we deliver on our election commitment but we exceeded it. There were 1900 extra sworn frontline police by the time of the 2014 election and 950 PSOs recruited and deployed in that time. We also had committed to an extra 96 PSOs who were funded and had commenced training by the time of the 2014 election. So the notion that Labor likes to put up that we somehow did not care about police or community safety is just absurd. We actually overdelivered on our promise. We made sure that police had the resources and had the numbers to make sure that the community was protected, and we have seen this government fail on that score by failing to keep police numbers even consistent with the growth in the population, let alone with the increase in crime and the other issues that have come to bear, including the Royal Commission into Family Violence and the two-up policy.

The government is certainly failing on this. We have seen the government try to walk two sides of the street. They say that police numbers and deployment of police, the closure and the operating hours of various police stations are matters for the Chief Commissioner of Police, but at the same time this is the same government that committed specific numbers to the Bellarine area in the election period. We have seen the Minister for Police in this chamber say constantly that police numbers are matters for the chief commissioner, and yet the moment the Waurn Ponds situation appears on the front page of the *Geelong Advertiser* it is an issue for the minister and she makes a desperate phone call. We do not oppose this bill. This bill will hopefully

make some important changes that will assist our police, but we would like to see the government actually do something substantive to make our communities feel safer.

**The ACTING SPEAKER (Ms Ward)** — Order!  
The member for Dandenong.

**Mr Pearson** — Hear, hear!

**Ms WILLIAMS (Dandenong)** — Thank you to the member for Essendon for such a lively show of support. It is my pleasure to rise in support of the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016. As we have heard, this bill will clarify the operation of the police and public servant liability schemes for tortious acts, making it clearer as to what legislation claims for tortious acts of police and public servants should be brought. The hope is that this will reduce the risk of incorrectly brought claims. The bill will also make a range of changes to the Victoria Police Act 2013 to improve the operation of the Police Registration and Services Board. It will support the Chief Commissioner of Police in deciding acting leadership roles in Victoria Police as well as ensuring that criminal intelligence continues to be lawfully shared between Victoria Police and law enforcement agencies of other jurisdictions.

I will talk to a few of these changes; I probably will not get to them all, but I will try and cover off what I think are some of the more substantial ones. In relation to the amendments relating to the insertion of notes on liability for tortious acts, these notes will be inserted into the Crown Proceedings Act 1958 and the Victoria Police Act, providing guidance about which scheme is the correct one to use depending on whether the claim is in relation to a police officer, protective services officer (PSO) or public servant. In general terms the Victoria Police Act contains provisions for claims against the state for tortious acts of police officers and PSOs, while the Crown Proceedings Act contains similar provisions for public servants.

By way of background — and I admit to learning a little bit about this area in my research on this bill — the state is liable for the tortious actions of police and PSOs where those actions are in the course of their duties. However, the state can deny liability where the conduct is serious and wilful misconduct and therefore beyond the scope of an officer's duties. In that case a police officer or PSO would be personally liable. The reason for this is common sense — that is, the liability scheme seeks to support police who do the right thing, essentially. It does not and should not condone rogue or

unlawful behaviour, so personal liability is maintained to discourage that bad behaviour.

The statutory liability scheme is extremely important because without it police and PSOs would be personally liable for all torts that involve the exercise of their powers. I think we can clearly see that that is not a sustainable position. The scheme is also important because it protects plaintiffs by ensuring that they can recover compensation where, if it were simply a matter of personal liability, individuals might not be able to pay. So essentially the scheme protects plaintiffs by requiring the state of Victoria to make that payment where necessary.

In researching this bill I came across something else I was not actually aware of but perhaps should have been — that is, the oath that police take to protect and serve the Victorian people effectively means that the duties attached to this oath and the relevant police powers continue even when a police officer is not rostered on, so when they are off duty. This means that an off-duty officer might arrest an offender, and their actions — for the purpose of this tort scheme anyway — may be considered to be within the course of their duties, irrespective of the fact that they were not rostered on at the time.

Getting back to why these notes of clarification are required, there have been several incidents where individuals have incorrectly brought a matter under the wrong act. In a recent WorkCover case an applicant incorrectly brought a claim about a police tort under the Crown Proceedings Act rather than the Victoria Police Act. As such, lawyers for the insurer succeeded in having liability denied on the basis that the police are not employed by the state but are independent officers, which was consistent with the common-law position being advanced by the insurers. The guidance notes proposed through this bill will go some way to correcting this confusion and in doing so will implement a commitment made to Police Association Victoria. It is important to note that the amendments in this bill do not actually change the law; they simply insert the clarifying notes.

Moving on to the amendments that relate to the Police Registration and Services Board (PRSB) — and I probably will not manage to cover all of the changes under this section, but I will try and speak to a few — this bill will better protect the privacy of some individuals involved in PRSB matters and also improve the operations and governance of the PRSB in a number of ways. Firstly, it will require that the board not publish its decisions identifying information about informants or those making complaints about an

applicant's conduct unless it is in the public interest to do so. For appeals and reviews it prohibits reporting, publication or disclosure of such information. The bill also ensures that participation in PRSB hearings can be by non-physical means, which obviously means by audio or video link.

The bill requires the PRSB to prepare an annual report to be tabled in Parliament. I believe it is already required to draft an annual report, but this just adds some extra clarity about how that needs to take place and how it needs to be tabled. The bill also provides the president of the PRSB with the power to make directions, statements, notes and forms in relation to appeals and reviews, and it also makes a number of other changes.

In terms of the changes regarding the publication of information, I think it is quite clear that this is for good reason. It is essentially to prevent the identification of informants and complainants. We are doing this because we do not want to prevent vulnerable people from reporting or providing information about inappropriate behaviour, in this case within Victoria Police. The hope is that this will go some way to protecting the workplace culture within Victoria Police and encouraging the necessary actions to take place when perhaps behaviour is not what it should be.

We know that the issue of cultural change within Victoria Police is an important one. I think a light was shone on what is perhaps a fairly concerning and disappointing culture through the Victorian Equal Opportunity and Human Rights Commission report into sex discrimination and sexual harassment in Victoria Police, which highlighted some concerning behaviour. I am pleased to say that substantial efforts have been made to improve the culture in light of these revelations. I think that was a welcome development for all in our community who would hope that the people who protect us would also maintain a little bit of respect for each other in their own working environment. I think that is the least we should all expect.

The efforts that have been undertaken by Victoria Police following the publication of that report include things like providing support to police personnel through the Safe Space service launched in late 2015, working with the Department of Justice and Regulation to develop a redress and restorative engagement proposal, progressive work on Victoria Police's gender and diversity strategy and ongoing work to enhance Victoria Police's leadership capabilities to support the cultural change effort.

Some of those shifts will not happen overnight, but I think we will see over time a transformation of the culture in the police force. Hopefully we will be able to look back on some of those incidents that were reported upon in the Victorian Equal Opportunity and Human Rights Commission's report as being from an extremely unfortunate but historical period, one that we do not want to see a return to.

I would also like to touch on, more broadly speaking, this government's record on policing. I am always somewhat amused whenever anything comes before this house that is in some way related to policing or justice or law and order issues, because those opposite beat a pretty impressive drum of fear. They seem to revel in making the community as uncomfortable and as scared as it could possibly be, and they feel good about that. I find that really disturbing, because they do not actually realise the impact they are having on individual lives just by electioneering unnecessarily and exaggerating issues in the community, which actually causes great distress for a lot of people.

**An honourable member** interjected.

**Ms WILLIAMS** — The politics of fear it is indeed. What is the truth? I think is something that we need to address more in this place and more out in the public. The previous government failed to fund a single additional police officer in their last term. They do not talk about that, but it is fact; it is true.

**An honourable member** interjected.

**Ms WILLIAMS** — That is right. In fact they have not funded a single new sworn police officer in 16 years. It is quite amazing. I find that quite incredible. We have all heard their claims about 'an extra 1700' or '1966 police officers in the years up to 2014' but what they fail to admit and what they do not tell you is that those officers were actually first funded in the 2010–11 Labor state budget. That was a Brumby state budget. Those are Brumby's police officers, not theirs opposite. All they did was meekly continue what we had said we were doing. You just continued our efforts, and then tried to take credit for a good story that was effectively Labor's and had nothing at all to do with the Liberal-National coalition.

So we have a very good story to tell in this state. This Labor government has a great story to tell in policing. In the last state budget 406 police officers and 52 support personnel were added to our ranks. And the work continues to make sure our community is safe into the future, and I know our police minister is dedicated to that job.

**Mr HIBBINS** (Pahran) — I rise to speak on the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016. This bill makes a number of technical amendments, but its primary purpose, its main purpose, is to make changes to the Police Registration and Services Board by implementing the recommendations within the Victorian Equal Opportunity and Human Rights Commission report, which addressed the very high prevalence of sexual harassment in Victoria Police as well as sexual discrimination and gender inequality. We are very pleased to see reforms to the Police Registration and Services Board in this bill that aim to protect complainants and informants.

I will read from that report just to illustrate why these changes are important. Some of the findings of that report are:

Homophobia and sexuality-based hostility is widespread.

There was a double standard for women employees. They were regarded as less competent, felt the need to 'prove themselves' ...

...

Victim-blaming attitudes were widely held about women who experienced or reported sexual harassment.

There was 'substantial evidence of a sexist organisational climate' and the review found that there were a number of:

... impacts of sex discrimination and sexual harassment on individuals and workplaces. Targets and witnesses experienced significant detriments and harm, including psychological harm, social isolation, exclusion and withdrawal, economic loss, health-related issues and extreme physical harm, miscarriage and thoughts of suicide.

That is just a sample of some of the findings in this report. They relate to the importance of this legislation. The other reforms we find under the other parts of this bill are sensible and practical reforms which will enhance the operation of the board.

I do want to raise a number of other matters regarding Victoria Police and other areas of reform. We want to recognise the benefits of the *Equality is Not the Same* action plan that is in its final year. It has been responsible for new anti-racial profiling policies, training for recruits regarding bias and the stop-and-search receipting trials. The consequence of this plan has been a greater trust between the police and local communities.

But there is further change that needs to occur. We need a further cultural change within Victoria Police to finally stamp out bias and racial profiling. To do this

we need a well-developed law enforcement assistance program data monitoring system to collect data about the ethnicity of those stopped by the police. We need to roll out this stop-and-search receipting trial statewide so we can increase the transparency of policing, which will essentially ensure that people who are stopped or searched by the police are given a receipt setting out the legal reasons they were stopped or searched.

We note that as part of the StopWatchVic monitoring project that ran through to 2015 it was viewed that receipting was received very favourably by young people in those areas where it was trialled in Moonee Valley and Dandenong. It made them feel safer and they knew that they had somewhere to go if they did have a problem with a police encounter. In addition to this we should also be looking at anti-bias trialling to be rolled out to all currently serving members, including senior members.

We do believe that there are a number of further legislative changes that are required to be made. These include inserting racial profiling as a breach of discipline into section 125 of the Victoria Police Act 2013, with a reverse onus of proof; requiring reasonable suspicion of an offence before authorising police to conduct all street and vehicle stops other than preliminary breath-testing station stops; and introducing into legislation the practice of receipting and statewide data collection when people are stopped on the street or in their cars.

We would also like to see, as suggested by the Flemington and Kensington Community Legal Centre, the government fund an advertising campaign to inform the public about the new stop-and-search data collection and receipting requirements and also support the Victorian Equal Opportunity and Human Rights Commission to assist in the independent monitoring of racial stop data that is collected by Victoria Police and make recommendations to the Victorian government, Victoria Police and IBAC.

I also want to address some of the issues that have been raised by the opposition members in their contributions regarding law and order in this state. We note that they put up a couple of bills in relation to this, and we are suggesting that they were leading the way. This bill and their statements really are a continuation of these failed so-called tough-on-crime policies that they implemented in their last term in office and were a proven failure. Crime rates went up, recidivism went up, prison rates went up and we were not any safer.

There is a well-canvassed alternative approach that looks at preventing crime, investing in programs, and

making sure you have got the sentencing, the bail and the parole settings right to ensure that you are redirecting, you are preventing crime and you are rehabilitating criminals. That makes our society all that much safer. This government has a choice about whether to continue on those failed policies of the previous government or to take that alternative approach.

I was just reading, and of course we have seen, the Victorian Ombudsman report into the prison system last year, and she has made some statements recently. I just refer to some of her statements in regard to her report into the prison population. Ms Glass said:

What we're seeing here is a spiral of rising crime rates, increasing prison numbers, we're seeing more reoffending, more victims and rising costs simply to hold the line —

and that really sums it up. These policies that have been put forward by the opposition in some ways have been continued on by this government, and I think they need to make a clear decision about which approach they take on making our community less safe.

If the opposition want to make law and order the big issue in this term of Parliament, I welcome that, because their policies are a proven failure. The policies that we put forward have been proven in other jurisdictions to be a success, and I think the Victorian population are a lot smarter than the headline-grabbing pitch that members opposite put forward. I am more than happy to prosecute the case for law reform within the justice area because Victorians know that that will make Victorians a lot safer.

The Greens will be supporting this bill. We are particularly very supportive of the implementation of the recommendations from the report by the Victorian Equal Opportunity and Human Rights Commission and addressing those recommendations.

**Mr PEARSON** (Essendon) — It is great to be here to make a contribution on the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016. As previous speakers have said, it is a fairly technical piece of legislation before the house. I do want to place on the record my great respect and admiration for the work that Victoria Police does in our community. Certainly my electorate of Essendon is a very multicultural community. There are pockets of dire poverty and pockets of great affluence. What I have learnt in the brief time that I have been here is that if you go to a meeting with community leaders, council, government in its broader sense and Victoria Police, Victoria Police are just so engaged, so in touch and progressive in so many ways about finding opportunities to really

participate in community engagement and community building.

The City of Moonee Valley is well served by Inspector Charmaine Hosking. Senior Sergeant Ian Jones runs the Moonee Ponds police station and Senior Sergeant Steve Kehagias runs Flemington police station. I think if you look back, say, nearly 10 years ago, there was a lot of conflict down on the Flemington public housing estate between officers from the Flemington police station and some of the residents, particularly youth from the Horn of Africa. What started out was a very simple proposition whereby Victoria Police encouraged local community leaders to go off and cook a meal and then have a meal in the police station, in the shared common area, with the officers. It led to such a great understanding between community leaders and Victoria Police.

A few months ago the Flemington police station had its open day. It was fantastic. The Horn of Africa community were there out in force. The police had opened up the back area. Kids could jump on a motorbike or jump in a divvy van. The Somali community put on all the food and all the catering and it was this great community event. If you want to look at racial harmony, if you want to look at tolerance and respect and unity in diversity, then go to a place like Flemington and look at the work done by Victoria Police officers at the Flemington police station. It gives you great confidence and hope. They do a magnificent job.

As I indicated, the bill before the house is fairly technical. One aspect of the bill will ensure that the Police Registration and Services Board (PRSB) cannot publish identifying information about informants and complainants unless it is in the public interest to do so. This is an important initiative because it is trying to get the balance right between informing the public as to what is happening in this area of operation where you have got taxpayers money being expended and where you have got a statutory function being discharged by a body like the PRSB while also ensuring that the way in which that information is communicated means that informants and complainants have got some protection. I think that is an important aspect.

As the member for Niddrie said in his contribution, which as usual was fulsome, eloquent, expansive and responsive to the issues before the house, the bill gives effect to recommendations outlined in the Victorian Equal Opportunity and Human Rights Commission report into sexual discrimination and sexual harassment, which was published in December 2015. The bill looks at trying to provide more support for

victims and encourages victims who have experienced bad behaviour or inappropriate behaviour to come forward. This is a really important step. You do want to see legislative instruments being responsive to the work of other bodies. You want to make sure that as legislators we are in tune, in check and in step with community expectations and that we are in a position where we have got this level of dialogue and engagement.

I was particularly interested in one aspect of the bill which relates to looking at allowing hearings from the PRSB to be conducted via audio link or audiovisual link to increase efficiency. This is, I think, a really important step because it ensures that people who live in regional or remote areas and people who might, for example, work part time have got the capacity to be able to more efficiently engage with the PRSB rather than having to look at driving for a number of hours to come to a hearing.

We know that at times you can get caught in traffic, hearings can run late or they can potentially start early. At the end of the day if an officer has to present themselves for examination or to provide testimony, give evidence or participate in the deliberations of the PRSB, that might only be for a few minutes. It might be half an hour; it might be an hour. If you are living, say, in Horsham or at Bairnsdale or up on the Murray River at Mildura, it is not a good use of taxpayer funds. It is not efficient. Of course technology has moved on and we have caught up as a community, and it is important that as a community we are responsive to those changes and make sure that the legislative instruments which we draft, devise and develop reflect those changes.

The bill also looks at introducing a statutory requirement around the publication of the annual report of the PRSB. The PRSB does produce annual reports on a regular basis, but this is the first time that you will have a statutory requirement around the publication of an annual report. I think that is a sensible requirement. It is just making sure that there is that regular provision of information to the Parliament, to the people and to relevant stakeholders in relation to the operation of the Police Registration and Services Board.

The bill also looks at allowing a broader mix of people for membership of the professional standards division and the registration division. I reckon this is a really important initiative because, if I relate it to my own experience when I have served on a not-for-profit board as chair, you want to make sure that you have got the capacity and the ability to draw from as wide a pool as possible and that you have got the capacity to identify gaps in the organisation and the skills that you require



to fill those gaps. You do want to have some flexibility, and it might be that, for example, people come and go, they take on new roles and responsibilities and they leave an organisation. It might be that you have got a certain competency already fulfilled in a particular area in relation to professional standards or registration. It might be that you are trying to augment what is already there, supplement what is there and broaden out what is available to you. Empowering the PRSB to be able to give due consideration to what their gaps are, what their skills analysis is and what positions they need to fill is important as well.

There is a technical change too in relation to the bill that relates to changing the wording to ‘capabilities’ of a person rather than an aptitude and efficiency. I think aptitude and efficiency sounds very sort of Myers Briggs, 1980s — ‘Let’s just try and work out who is a square peg and who is a round hole’; it sounds very artificial. I think capabilities are what you want to look at. You want to look at a person’s skill set, their capabilities and their competencies in the broadest possible way to try to develop a clear understanding. When the Chief Commissioner of Police requests advice in relation to a particular person who is not registered with the PRSB, capabilities give that real, raw brushstroke sense of what a person’s abilities are.

It is a fairly technical bill, and I know a number of members have had a wideranging debate. I think those of us on this side of the house are well served by members such as the member for Niddrie and the member for Dandenong, who have got a very strong legal background and training. They certainly broaden out the debate and inform all of us about important pieces of legislation like this. It is a good bill, and I commend it to the house.

**Ms VICTORIA** (Bayswater) — I too rise to speak on the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016. It is a technical bill, to say the least, but it does open a can of worms as far as what we have spoken about on both sides of the house and what is going on in law and order here in this state. I know that the government seems very happy to take action on technical amendments that are of benefit, supposedly, to the justice system and to the Police Registration and Services Board, but they have not been particularly forthcoming when it comes to crime in Victoria, and I make note especially of what has happened in another place this week. Edward O’Donohue in the Council introduced a private members bill, going back a couple of weeks, and it was knocked out. There was no support from the Greens or the Labor Party in the upper house for the private members bill that he introduced, which was to do with

carjacking. The reason why he introduced that private members bill was the lack of action by the current government.

Certainly you do not have to be a great follower of the news to hear that there are carjackings going on, but if one is a follower of what is going on here in Melbourne and looks at what was happening here even, say, two years ago, carjackings were things that we saw in Hollywood movies or on the news from overseas — American news. They were not things that we saw in suburban Melbourne. The sorts of figures that are coming out at the moment about some of these particularly horrendous and life-changing crimes are really horrible. On carjackings, I know in the last 12 months there have been nearly 200 of them, and violent home invasions total nearly 400. As I said, even a year ago there would not have been those figures, and certainly two years ago we would not have seen anything like them. As an opposition we felt as though we absolutely needed to take a stand and say enough is enough. Our people are hurting, our people are scared and we should not have to live like that.

This is a city that has earned for the sixth time in a row the title of most livable city in the world. How long do you think we can sustain that? If the crime figures keep going up at the rate they are at the moment, at some stage Vienna is going to overtake us, and it is going to be in the very near future, because one of the things they take into account when looking at the status of world’s most livable city is how safe people feel living there and how safe people feel when they are visiting. Certainly if I were to go to a city where I was told that violent home invasions were the norm or carjackings were really prevalent, I would be worried.

There are such cities. You only have to look at what has happened in Rio. It is not a place that I am going to visit anytime soon; I can tell you that. New York back in the 1970s and 1980s before Giuliani came in was not a place you wanted to go unless you were travelling in a big group or walking around during daylight hours because of the reputation that city had for being dangerous. Certainly that is something that you cannot keep off the world stage now. Social media ensures that these types of events are heard about by people right around the world; they are not something that can be swept under the carpet.

Our side of politics decided that it was time to take a stand. I am sorry that the other sides — the other colours, if you like — in the upper house did not see fit to support our bill. I am glad that the government has introduced a bill now which deals with violent home invasions and carjackings, but it is late. It could have

already been in place. It was sort of almost this idea of, 'We don't want you to do this unless it's our idea. Unless it's our idea, it's not a good idea'.

It reminds me of when former member Damian Drum in another place introduced a private members bill to do with smoking around children in cars, and again it was knocked out. It was reintroduced not long after, and it was kind of like, 'Well, if it's not our idea, it's not a good idea'. Sometimes we need to be above politics and just say, 'It's a great idea. Let's just push forward to it. I'm sorry we didn't think of it first, but let's go with it anyway'. The idea of introducing a private members bill was certainly a good one, and I commend the shadow Minister for Police in another place for taking a stand on that.

Victorians expect their government to keep them safe. They expect to have enough police on the front line. Looking at what is happening in my local area, I have four police stations that service the Bayswater district, and they are between 20 per cent and 30 per cent down on frontline police numbers. It is simply not good enough. We know that a very physical presence — having police out and about — makes a good difference. It is a deterrent. When the visibility is there, the crime rate drops. When you are 20 to 30 per cent down on the number of police on the beat in suburbia, things are going to happen.

Then there is the message that is being sent with things like the non-pursuit policy that came in for a while. We are not quite sure what the policy is at the moment, but it left the young offenders laughing at our police, saying, 'Ha, ha, you can't catch us'. Then there is the weakening of the juvenile bail laws and failing to get tougher under the justice system. It just seems to be snowballing. Then we see the sorts of figures that I am talking about in relation to violent home invasions and carjackings, and no wonder things are out of control in this state as far as law and order goes when you look at the limited resources that the police are working with and the fact that the police are not being backed up by this government and having extra powers given to them. In fact they are having a lot of their powers taken away. It just does not work. You cannot equate this increase with anything other than the attitude of this government towards law and order.

The bill itself, as I said, is highly technical in nature. It does a couple of things, including making some changes to the Victoria Police Act 2013 (VPA), especially in relation to the Police Registration and Services Board. It inserts a note of clarity in relation to the state's liability for wrongful acts by police officers and protective services officers under the VPA. Of

course the board itself acts as an independent statutory body and hears appeals where officers are not agreeing with a decision made around a promotion or a transfer. It hears reviews of disciplinary decisions, and it helps in the registering of former police officers who might want to reregister or those wanting to be reappointed if they have been on leave without pay or they have been on secondment elsewhere — technical things along those lines.

The clauses in this bill are fine — they work — but I do not know that this is the best use of Parliament's time when we could be discussing bills that make genuine differences to the way we as Victorians live and work and that promote safety around how we do that. As I said, the Johnny-come-lately approach that the government is taking by introducing legislation this week, although welcome, is exactly that — it is a little bit too late.

I do not have a problem with the bill before the house, but it is not what we should be talking about in here. We should be discussing how it is that this government can help people to feel safe in their homes, to feel safe in their cars and to feel safe going about their business in Victoria, whether they are residents or whether they are visitors from overseas. These are the important topics that people want to discuss, not registrations, not appeals and that sort of thing. Although those are necessary, they are not the most pressing things on people's minds. I do wish that the government would have a good look at its justice bills and have a look at the way it has treated offenders, young offenders especially, and the fact that it is sending the wrong message to them. I look forward to the day when those sorts of pieces of proposed legislation come before the house and we can get into a good meaty debate about how we as lawmakers can actually be helping our community.

**Mr STAIKOS (Bentleigh)** — It is a pleasure to speak on the Police and Justice Legislation Amendment (Miscellaneous) Bill 2016. I thought the contribution of the member for Bayswater was a reasonable one, and I found myself agreeing with much of what she said, particularly when she said that this issue does need to be above politics. It is an issue that is too important to the people of Victoria. When they see on their nightly news reports of carjackings and home invasions, they want their government and all of their politicians to put in place the police powers and the police resources to keep the Victorian community safe.

But sadly this issue has not been above politics. It has been used in a completely dishonest way by the opposition. Just earlier today the member for Box Hill

in his lengthy contribution on this bill sought to perpetuate the myth that this government has cut police numbers. Nothing could be further from the truth, and if the member for Box Hill is sitting in his office listening to this contribution right now, I would like him to get out a pen and paper and note these figures down. In November 2013 there were 13 145.68 total sworn police. In June 2016 there were 13 311.47 total sworn police. That is not a cut in police numbers. Simple arithmetic would tell you that is an increase in police numbers.

In my neck of the woods in southern metro region, in November 2014 there were 1966 police. In June 2016 there were 2049, an increase of 83 police. If we truly want this issue to be above politics, let us stop playing politics with it. It is far too important. What the people of Victoria expect of their government and of all their politicians is that they take this issue seriously and that they support Victoria Police with the resources they need and with the laws they need. That is exactly what this government is doing.

We saw those terrible Moomba riots earlier in the year — they were deplorable. We must have zero tolerance for that sort of behaviour, and the Premier of course came out very, very strongly following those riots and in the months that have passed. He said:

Aggravated burglary, carjacking, home invasions, these sorts of crimes are completely unacceptable and no Victorian is prepared to excuse this sort of behaviour because you've had a hard deal in life or because your circumstances aren't how you'd like them to be.

...

This is unacceptable in a modern Victoria, we will not make excuses for it, we will not seek to explain it away, we will instead make sure Victoria Police has the powers and resources they need.

They were not just words from the Premier; action followed those words. In this year's budget we had the public safety package — the better part of \$600 million — that has delivered more police, delivered 406 police personnel, and provided the resources that Victoria Police needs to fight crime to keep Victorians safe. Three hundred of those police will be general duties, frontline police, deployed across Victoria. The remaining 106 are specialists and 52 support officers, which include 30 new officers and 2 support personnel for the anti-gang and illicit trafficking teams; 40 new public order response team officers and 4 support personnel to increase capacity to rapidly respond to incidents involving hostile crowds; 20 new special operations group officers, increasing the capacity of Victoria Police to respond to high-risk

incidents, including terrorist incidents; and 26 specialist police and support personnel to operate a new 24/7 Victoria Police monitoring and assessment centre. This real-time control centre will mean police can monitor and assess information immediately and quickly respond to major incidents. There will be 24 additional forensic officers and staff for two new forensic hubs that will be set up in regional Victoria to enable police to fast-track investigations into ice and other drug trafficking, and 10 new fingerprint experts.

This of course is on top of the 400 police custody officers that were in the budget last year. As at 1 August this year, 213 of those officers had already been deployed to 22 police stations, and one of those police stations was Moorabbin station in my electorate. Ten police custody officers are at Moorabbin station. When I had the pleasure of visiting the police custody officers a few months ago, it was fantastic to see people who have had other careers, have had different life experiences, now embark on an exciting new career that is going to make a difference, because it will mean that police will spend less time babysitting prisoners in the overnight lock-up at Moorabbin police station and will be out on the streets protecting the Victorian community.

It is about using police time more efficiently, and this bill seeks to do just that. The bill makes changes to the Police Registration and Services Board (PRSB), and one of those changes is to improve efficiency and access to the PRSB hearings by allowing police members and participants to appear by way of audio link or audiovisual link. In 2015–16 the PRSB heard 169 appeals and finalised 20 reviews. Being able to appear by audio or audiovisual link will of course mean that police time can be used more efficiently and that those officers can be out on the street protecting the community and keeping the community safe. That is absolutely important.

We have a very, very strong record when it comes to police. We have heard about the rising crime rate, and that is true. Nobody is denying it; there is a problem. But the problem did not start under this government. If you look at my electorate, you see that crime under the former government increased year on year. This has been trending for a while. It certainly precedes this government. But one thing that the opposition does not want to admit to is that in the past 16 years every new police officer above attrition has been funded by a Labor government. That is the truth of the matter. If you look at the Brumby government's final budget in 2010, you see that the additional police the last government was taking credit for were actually funded by the Brumby government. There were no additional

police funded by the former government. The better part of 1200 police personnel were funded in the less than two years that this government has been in power.

As I said, the community expects — indeed the community demands — some bipartisanship on this issue. It is an important issue. There are not many things more important than community safety. Today the Premier, the Attorney-General and the Minister for Police came good on their promise to provide Victoria Police with the powers that they need to keep the community safe by introducing new laws around carjackings and home invasions. That is what the community wants, and I do hope that the opposition can see sense in supporting that.

The bill makes a number of other changes and prohibits the PRSB from publishing identifying information on informants or those making complaints unless it is in the public interest to do so. This reform protects victims and complainants of police misconduct and is simply common sense. It is a technical bill, it makes a number of other changes and I commend it to the house.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

### **Kilmore and District Hospital**

**Ms RYAN** (Euroa) — (9986) My adjournment matter this evening is for the Minister for Health. The action I seek is for the minister to provide sufficient funding to enable the Kilmore and District Hospital to become a level 3 maternity service. This is not so that the hospital can take on higher risk cases but so that it can deal with the normal risk pregnancies from within its own catchment and build on the current referral pathways that it has.

The northern growth corridor, which includes Broadmeadows, Craigieburn, Mitchell shire, Murrindindi west and Whittlesea, is growing rapidly. The population of Mitchell shire is expected to grow at an annual rate of 6.8 per cent over the next 15 years, compared to a 1.3 per cent growth rate for the rest of the state. According to a 2013–14 review of the provision of maternity services in the northern growth corridor, the number of women of birthing age is expected to almost double. This is largely driven by the growth in Mitchell shire. The monthly average number of births at Kilmore hospital has increased from 16 in

2012–13 to 25 last financial year. Last financial year there were 292 births at Kilmore hospital, which was an increase of 47 per cent on the previous year.

I think this increase should be a red flag for the government and that it must ensure that the hospital has the capacity to provide the services that it needs in order to deal with such rapid growth. An assessment carried out by the hospital in December last year against the state capability framework identified that while Kilmore is currently funded as a level 2 service, it is actually providing a level of care that is closer to level 3.

That assessment identified a number of gaps which the hospital needs to bridge in order to demonstrate the full capability of a level 3 maternity service. These gaps primarily relate to diagnostic imaging, the paediatric workforce and theatre capability. More than 80 per cent of women who have their babies at Kilmore hospital reside in Mitchell shire. Since the closure of Seymour's maternity ward in March 2014, most women from Seymour are also accessing that maternity ward. Providing the funding to enable Kilmore to become a level 3 maternity service would help reduce pressure on secondary and tertiary maternity service providers, including the Northern Hospital. It is important. It will improve the sustainability of the services that the hospital provides, but more critically it will reduce clinical risk.

The quality of care that is being delivered by the staff at Kilmore is excellent, and I really want to stress that, but the hospital is facing rapid growth. It is not hard to see how without adequate resourcing the tragedies which occurred at the Bacchus Marsh hospital could be repeated. I urge the minister to review the funding currently provided to Kilmore hospital to ensure that it is funded as a level 3 service and it can meet the needs of its local community.

### **Bolton Street, Eltham**

**Ms WARD** (Eltham) — (9987) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to direct VicRoads to acquire Bolton Street from the Nillumbik and Banyule councils. The upgrading of Bolton Street is an important election commitment that the now Premier and I made in 2014. The Andrews Labor government honoured this commitment with \$300 000 for planning in the first budget of this government and an additional \$10.2 million this year to complete the works, which will deliver on this election promise.

In order to facilitate the upgrade of the road I ask the minister to direct VicRoads to acquire and manage the road into the future. This will not only make the upgrading of the road easier to manage but also ensure the ongoing upkeep of the road. For decades this road has been a political football between the Nillumbik and Banyule councils, which currently share responsibility for Bolton Street. For too long residents have wanted this road to be improved and made safer.

The Premier and the roads minister have seen this road personally, and they well understand the problems up to 19 000 motorists face each and every day. However, the difficulty is that having two councils and two sets of planning and two sets of bureaucracy can hold up the delivery of this very important project for my community. I call on the Minister for Roads and Road Safety to procure this road and ensure it is under VicRoads management now and into the future, thus ensuring that the upgrade to Bolton Street can occur as quickly as possible.

### **Caulfield Racecourse Reserve**

**Mr SOUTHWICK** (Caulfield) — (9988) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action that I seek is for the minister to give a time line as to when she will act on the report on the future management of the Caulfield Racecourse Reserve and the recommendations contained in that report, which include ensuring that the current trust members resign and that a new structure is put in place.

Firstly, I thank the member for Oakleigh and Ken Ryan, the chair of this committee. Together we worked on putting forward a very comprehensive report which is about better management of the Caulfield Racecourse Reserve. Already there has been a very positive reaction to that report, including from the Glen Eira council and a number of Caulfield residents, including the Glen Eira Residents Association. Even the Melbourne Racing Club has come out endorsing the report.

One of the key recommendations of that report is to ask all of the current trust members to resign, following the recommendations of a Victorian Auditor-General's Office report which was instigated in 2014, in which there are a number of recommendations, in fact nine, of which only four have been acted upon, leaving five recommendations which the trust has not acted upon. This and a whole range of other things need to occur to ensure transparency and independent management of the Caulfield Racecourse Reserve to be able to provide certainty for racing and also the opportunity to provide

some good open space that is much needed by many of the residents in Caulfield, including for sporting facilities and the passive and active use of the reserve proper.

The action I seek is particularly to get the time line in place. The time line includes a date for all the trustees to resign. I have it in writing that the Glen Eira council representatives on the trust will resign, which is three members. Also the Melbourne Racing Club representatives, of which there are six, have all agreed to resign. We now need the government appointees, of which I believe there are five at the moment, to resign, and that would then force a trigger to get this happening. We are almost there in terms of the resignation process. A part of the recommendations of this report is to look at the department moving in to start to get some certainty around things and also ultimately some legislation being brought before the house to create a Caulfield Racecourse Reserve act to give full transparency in the future management and processes of the racecourse reserve.

### **Dandenong electorate police resources**

**Ms WILLIAMS** (Dandenong) — (9989) My adjournment matter is for the attention of the Minister for Police, and the action I seek is that the minister join me in a visit to the Dandenong police station to meet with local police personnel, to see the great work being done on the ground to make Dandenong a safer place to live and work and to listen to the challenges our community faces.

Dandenong is the most multicultural area in Victoria. It is a place of opportunity for many migrant and refugee families who have often made long and stressful journeys in search of a safe place. Dandenong is a place where the majority of the community — about 60 per cent — have come to make a better life for themselves and embrace new opportunities. It is a destination of choice for many — great restaurants, dozens of festivals each year and a huge employment zone. This government and the previous Labor government have worked hard and invested heavily in making Dandenong an attractive and welcoming place for the people who live there and for the people who do not live there but who work there or go there to enjoy a living, breathing multicultural success story.

As with all large cities, maintaining a vibrant, safe and secure public space is vital to Dandenong's livability and attractiveness as a place to both live and visit. Every resident who calls Dandenong home and every visitor has a right to feel safe in their home and on the streets. Crucial to this is ensuring that our local police

service has the right resources and support to do their job and keep our community safe.

The Andrews Labor government's 400 new custody officers being trained and deployed across the state have been of great benefit to my local community, and there are now about 20 custody officers deployed at Dandenong. These custody officers manage prisoners in police cells, supervise offenders at the station, transport people between court and police stations, and perform administrative duties to support police. By delivering on this promise we have freed up frontline police officers. We have moved them out from behind desks and put them on the street. This means that they can now more effectively respond to incidents as they occur. That is in contrast to those opposite, who would rather confine our police resources to the desk, taking them off the beat.

In addition to this, the 2016–17 Victorian budget includes funding for another 300 frontline police as well as training for a further 106 specialist police officers and 52 support personnel. Maintaining community safety and confidence is vital to a prospering state, and the people of Dandenong are pleased to see action being taken to respond to public concerns. I know the minister is dedicated to this task. On that note, I ask the minister to join me on a visit to the Dandenong police station to see the great impact being made by our investment in improvements at our local police station.

### **Warramate Hills Nature Conservation Reserve**

**Mrs FYFFE** (Evelyn) — (9990) My adjournment matter is directed to the Minister for Energy, Environment and Climate Change, and it is regarding the Warramate Hills Nature Conservation Reserve in the Evelyn district. My request for action is that the minister clarify its classification. My community is confused about the types of activities the reserve can be used for, and it is causing division between local residents and the mountain bike clubs that use the reserve. The mountain bike clubs apparently have informal permission from the local ranger to ride and build their own trails, but the current classification says that bikes are only permitted on the existing tracks. The local residents are concerned about what these trails are doing to the reserve.

Warramate Hills Nature Conservation Reserve allotment 131A has been deemed to be temporarily reserved for the conservation of an area of natural and ecological significance under section 5(7) of the Crown Land (Reserves) Act 1978 since 24 June 1992. The recreational activities allowed on such land are passive

recreation such as picnicking and nature study. Other uses such as horseriding and walking dogs are excluded by the nature conservation reserve (NCR) regulations. Four-wheel drives and trail bikes have been specifically excluded from this reserve because these activities are not consistent with the objectives of the NCR regulations. Bicycles are conditionally allowed: a person who takes a bicycle into a nature reserve must remain on roads or tracks. Mountain bikes are not specified in the regulations.

The local residents are frustrated that they have not been consulted on the use of the land by Parks Victoria regarding mountain bike riders making trails and building bridges that damage the reserve. I ask the minister to investigate this issue in my district and to give clarity to the local residents, Parks Victoria and the local mountain bike clubs.

### **Country Fire Authority Greenvale brigade**

**Ms SPENCE** (Yuroke) — (9991) My adjournment matter is for the Minister for Emergency Services, and the action that I seek is for the minister to visit the Greenvale Country Fire Authority (CFA) station in my electorate — a terrific station that has served my community for many years. I am also pleased to know that the member for Frankston spent some of his time as a firefighter at the Greenvale CFA. This year the Greenvale CFA is celebrating its 75th year of proudly serving our community, and on behalf of our community I thank it for that service.

Greenvale CFA not only serves the Hume community but has been called into action right across Victoria and Australia to help in times of need. This includes the Ash Wednesday and Black Saturday tragedies, where CFA members responded with bravery and courage, as well as the many local incidents that they attend, from fires to the tragedies on our roads. I know the minister has previously visited the station, and I know that he will be very warmly welcomed again.

### **Shepparton bypass**

**Ms SHEED** (Shepparton) — (9992) My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is that the minister visit my electorate on the earliest possible occasion to be briefed on the Shepparton bypass proposal and to view the proposed route for stages 1A and 1B of the Goulburn Valley Highway bypass. Earlier this year the Greater Shepparton City Council called for the two stages to be merged in order to progress the project.

This is a priority project for my electorate. It is listed as a priority by the Greater Shepparton City Council, by lobby groups and by the Committee for Greater Shepparton. It is listed as a priority by the RACV, which has consistently put up the project to both state and federal governments as one of its election wishes. An assessment of the economic benefits of the bypass has recently been completed by Essential Economics. It shows that stage 1 alone would increase the regional economic output by \$465 million and create more than 2500 jobs.

The Goulburn Valley Highway is a national corridor serving major freight links to the port of Melbourne. Around 25 per cent of all the trucks registered in Victoria are from the Goulburn Valley, and a quarter of the value of the state's agricultural produce comes from the region. Dairy is a key industry in the area. Crops grown include apples, pears, peaches and tomatoes. Victoria is Australia's largest pear producer, accounting for about 84 per cent of the total production, and almost all of Victoria's pears, both fresh and processed, are grown in the Goulburn Valley, according to Apple and Pear Australia. So you can imagine how much heavy traffic flows up and down the highway daily — not just the current highway but also through the middle of the CBD in Shepparton. The heavy traffic bypass around the city is a single-lane rural road. The Australian Road Assessment Program rated most of the current Goulburn Valley Highway at three stars and sections of it as low as two, putting it among the worst roads in the state.

I also raise the road safety aspect and note that the road toll in the Greater Shepparton region is high. A dozen people lost their lives in 2015, six times the number who were killed on the Goulburn Valley roads the previous year. Victoria's road toll is again climbing. We need safer roads. We need better infrastructure. Shepparton has done everything asked of it to get the funding for the bypass. We have been told the entire project is too big, so the community went back to the drawing board and broke it down into more manageable chunks. Still we wait. My electorate needs the government to support the first stage of the bypass, for which it has been lobbying for more than 20 years.

### **Sunbury Road duplication**

**Mr J. BULL** (Sunbury) — (9993) Like the good member for Shepparton, my adjournment matter is for the Minister for Roads and Road Safety. The action I seek is for the minister to visit my electorate and discuss the future of Sunbury Road. I have discussed this matter in the house before, and I know the Sunbury and broader Macedon Ranges community is very keen

to see this road improved. Sunbury Road is becoming increasingly busy, carrying 25 000 vehicles per day, with certainly more growth expected due to considerable development in the area. There have been 60 crashes over the last five-year recorded period. Two of these, sadly, resulted in fatalities and 27 in serious injury.

We know Victoria is experiencing significant population growth with over 100 000 new people calling Victoria home each year. With this growth comes new exciting opportunities, new jobs, new investment and new ideas. The Andrews government is getting on with delivering the most important projects that cater for this growth. Ensuring that such growth is managed is an important function of government and an important role of ours as advocates for our respective communities. That is why earlier this year I was so thrilled to join with the Minister for Roads and Road Safety to announce \$6.4 million in vital funding for the Gap Road–Horn Street roundabout, a pressure point of local congestion, and also \$3.1 million for the Mickleham Road–Melrose Drive roundabout, another project certainly important for the residents of Gladstone Park and Tullamarine, the member for Yuroke and her community and also places like Craigieburn, Roxburgh Park and Greenvale. Tonight I ask the minister to visit my electorate to see Sunbury Road and discuss the future duplication of this very important linkage.

### **PenBus service**

**Mr DIXON** (Nepean) — (9994) My issue on the adjournment is for the Minister for Public Transport. The action I seek is for her to fund PenBus on an ongoing basis at the level of its original service hours and routes. PenBus, as it is known, is a service that took mainly young people from the southern peninsula up the line of the peninsula to Monash University at Frankston and on to Monash University at Clayton. It dropped these young people off at training and further education services and job opportunities. About 1000 students — young people mainly — a week use the service.

The reason the service was introduced was a distinct lack of transport options on the Mornington Peninsula and that obviously the cost of travel is quite high. Also there is the geography of the Mornington Peninsula; there is only one way you can go to access services — in this case education and training services. It is also because the area constitutes about, I think, the fifth poorest of the 88 state electorates, and the cost of travel is an important issue. We have very low take-up of further education and training amongst the young

people, and also we have very high youth unemployment.

An FOI document I obtained has shown that the original PenBus was actually funded as a pilot. It is a pilot; there was never going to be ongoing funding from the federal government. The pilot has proven to be very, very successful. The brief the FOI request revealed indicated the minister was advised that PenBus could be funded through the government's \$100 million bus plan and through the contingency funding, so there is an option there for the state government to fully fund PenBus and return it to its full services.

I recognise that the local Mornington Peninsula shire has contributed to the ongoing maintenance of that bus route, and I recognise that the state government has returned the service in a limited capacity this year. The money from the federal government actually purchased the two buses, so the two buses are there, available for use, which I think certainly reduces cost. What we need now is certainty for students in 2017 and onwards — certainty that these students have that opportunity to travel to further education and training and job opportunities the way they did last year. I would ask the minister to consider that funding, and I am more than happy to work with the member for Frankston on this to reinstate the funding and that original bus route.

### Essendon Fields employment

**Mr PEARSON** (Essendon) — (9995) It is a conspicuous honour to be afforded the opportunity to provide the last adjournment debate item on the last day of winter. In *Game of Thrones* they talk about how winter is coming. Well, Deputy Speaker, winter is nearly over.

I direct my adjournment debate to the Premier. The action I seek is for the Premier to visit Essendon Fields and see the new jobs being created in my electorate. Just 16 years ago Essendon Fields — Essendon Airport as it was then known — employed around 500 people. Today it employs 5000 people. There will be a significant number of jobs being created in the near future, with the new office being built at 6 English Street. There is the Hyatt Place hotel that is currently under construction. There will be a permit for a private hospital. Look, it is a fantastic jobs magnet, and there are wonderful opportunities for this great employment precinct to start employing people off the public housing estates in my electorate to get people off welfare and into work. So it is a wonderful precinct, and Chris Cowan, who is the general manager of Essendon Fields, does a terrific job. Both he and I

would be delighted for the Premier to come and visit Essendon Fields at a time of his choosing in due course.

### Responses

**Mr PAKULA** (Attorney-General) — There were 10 matters raised on the adjournment: by the member for Euroa, who is not in the chamber, for the Minister for Health seeking extra funding for Kilmore and District Hospital; by the member for Eltham for the Minister for Roads and Road Safety regarding the Bolton Street upgrade; by the member for Caulfield, who is not in the chamber, for the Minister for Energy, Environment and Climate Change seeking a time line for the response from the government on the Caulfield Racecourse Reserve; by the member for Dandenong for the Minister for Police seeking that the minister visit the Dandenong police station; and by the member for Evelyn, who is not in the chamber, for the Minister for Energy, Environment and Climate Change seeking that the minister provide some clarification regarding the Warramate Hills Nature Conservation Reserve.

Matters were raised by the member for Yuroke for the Minister for Emergency Services seeking that the minister visit the Greenvale Country Fire Authority station; by the member for Shepparton for the Minister for Roads and Road Safety seeking that the minister visit Shepparton to be briefed on the Shepparton bypass proposal; by the member for Sunbury for the Minister for Roads and Road Safety seeking that the minister visit Sunbury to talk about the future of Sunbury Road; by the member for Nepean, who has just left the chamber, for the Minister for Public Transport regarding funding for PenBus; and by the member for Essendon for the Premier seeking that he visit Essendon Fields and see the amazing jobs growth there. I will pass all of them on.

**The DEPUTY SPEAKER** — Order! Happy last day of winter! The house is adjourned.

**House adjourned 7.23 p.m.**