PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 15 September 2015

(Extract from book 13)

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By authority of the Victorian Government Printer

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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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

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn [1]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent [2]	South-West Coast	LP
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Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
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Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David [3]	Gippsland South	Nats
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Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
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Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
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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			

[1] Resigned 3 September 2015
[2] Resigned 3 September 2015
[3] Elected 14 March 2015
[4] 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, 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 Elasmar and Mr Melhem.

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

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

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

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

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

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

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

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

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TUESDAY, 15 SEPTEMBER 2015

Tuesday, 15 September 2015

The SPEAKER (Hon. Telmo Languiller) took the chair at 12.04 p.m. and read the prayer.

ABORIGINAL FLAG

The SPEAKER — Order! I would like to acknowledge the land of the tribes and nations of the Aboriginal people of Victoria. We pay our respects to them, to their culture and to their elders past and present.

I am proud to advise the house that today the President of the Legislative Council and I presided over a ceremony at which the Australian Aboriginal flag was raised on top of Parliament House. From this day on the Aboriginal flag will fly permanently at our Parliament alongside the Victorian and Australian flags. This is a historic day for our Parliament and our state.

With this action we honour the Aboriginal people of Victoria and our nation, their elders past and present. We join with communities across Victoria and throughout the nation who are already flying the Aboriginal flag on their local buildings.

It is a decision that has broad cross-party support in our Parliament, recommended by the Minister for Aboriginal Affairs and endorsed by the Premier and the Leader of the Opposition. Members from all sides of politics have united in favour of this decision.

The Aboriginal flag is symbolic of the hopes and aspirations of the Aboriginal people. It represents the important connection Aboriginal people have with land and place. That is why our Parliament's decision will resonate with people across Victoria.

In my own electorate of Tarneit one of our areas is named after an Aboriginal Tasmanian, Truganini, who lived for some time in Victoria. Her struggle for rights and dignity reflects the stories of many Aboriginal people. With our action today we pay our respects to that history and we make a commitment to build a better future for Aboriginal people.

It is significant that this flag-raising ceremony was held on 15 September, as this day is the International Day of Democracy. This international day has been celebrated by parliaments and people around the globe since it was declared by the United Nations General Assembly in 2007. It recognises the strength of democracy: that the will of the people is paramount. This is an ideal worth celebrating. On the International Day of Democracy 2015, let us renew our commitment as a Parliament to inspire and involve our community in all of its diversity and in the spirit of reconciliation with our Aboriginal communities.

Mr ANDREWS (Premier) (*By leave*) — Many members of this place and the other place were on the steps of this building just a few moments ago to be a small part of a very significant occasion. It was an opportunity where we as a Parliament — all parties and people of many different viewpoints — were united in our hope for a future of reconciliation, a future of Aboriginal justice, a future of empowerment and a future of advancement of Victoria's Aboriginal peoples. We stood out the front of this building and saw the Aboriginal flag flown for the first time, knowing that it would be there forever, and that is something of great significance.

Those of us who were there were honoured to be part of a significant event in the history of our state and of this site — the centre of our parliamentary democracy. But the experience and its significance for Aboriginal people was perhaps best summed up by the many leaders in Victoria's Aboriginal community whom I spoke with after the ceremony. Their eyes were filled with tears of joy, their voices quavering, and their sense of emotion and of significance was very clear for all to see.

I congratulate and thank you, Speaker, and the President of the Legislative Council. I am sure all members of this house would want you to convey our thanks and appreciation to the President. I congratulate and thank the Minister for Aboriginal Affairs, who has led and dealt with this issue expertly, and all members of Parliament of all different political persuasions. This is a proud day for our Parliament and a proud day for our state.

It was acknowledged in that brief ceremony that perhaps this had taken far too long, and I think we can all agree that for it to get to 2015 before we made this decision was far too long. But it is never too late to do the right thing, and the permanent recognition of the oldest continuous culture known to human history is the right thing to do. It is a great and powerful symbol and gesture, as well as an enduring statement of our commitment as a Parliament and a state to the advancement and empowerment of our Aboriginal people — a statement of intent about the self-determination that must be a precondition of true reconciliation.

I for one, on behalf of the government — and I am sure all of us join in this — stand with a sense of pride. This was a very significant step towards a fairer and indeed a stronger Victoria.

Mr GUY (Leader of the Opposition) (*By leave*) — On this significant day I also rise to acknowledge the traditional owners of the land on which this Parliament is meeting today, and of course pay our respects to those elders past and present. Speaker, may I pay tribute to you and the President of the upper house, Bruce Atkinson, as well as the Minister for Aboriginal Affairs and all members of Parliament, for being there today and seeing the flying of the Indigenous flag atop this magnificent Parliament House.

This flag is now one of the most striking symbols in Australia. It was designed in the late 1960s and first used in the 1970s. While it is just a relatively recent moment in the time line of the some 50 000-year history of Australia's Indigenous peoples — the oldest continuous civilisation in the world — its meaning and its importance is as ancient as the people it was first designed to represent.

I think we all saw today those magnificent colours. When we look at the black, the red and the yellow, particularly that beautiful yellow disc of the life-giving sun that is in the middle of the Aboriginal flag flying atop our Parliament, I think we all feel a degree of pride and a degree of respect that it should, and deserves to, be flown.

I offer my respect and admiration for our Aboriginal peoples. I trust that the flying of this flag will again represent another small step on that long road to justice and reconciliation between modern Australia and those who came to this ancient continent some 50 000 years ago.

Ms HUTCHINS (Minister for Aboriginal Affairs) (*By leave*) — Firstly, I would like to acknowledge the traditional owners of the land on which we are gathered and to pay my respects to their culture, to their elders past and present.

I would like to thank Aunty Carolyn Briggs and her grandsons, Jaeden and Marbee, for the beautiful welcome to country and smoking ceremony this morning. It is a privilege to have been there and it has been a privilege to work alongside the Aboriginal community to achieve this great achievement today.

Almost 160 years after construction began on this place, at last we fly the flag in acknowledgement of those on whose land this Parliament was built. We acknowledge in this place of democracy that all too often Aboriginal voices are not heard, and we acknowledge the oldest living culture in the world and Aboriginal peoples' deep spiritual connection to their land and this country. It is a connection that is so perfectly embodied in the Aboriginal flag: black to represent the people and culture, yellow for the sun, and red for the earth and the ongoing spiritual relationship to land.

During my recent tour of Victoria with members of the Victorian Aboriginal community I heard and saw firsthand how much the flag means to Aboriginal Victorians. It is more than just symbolism. It is an expression of identity and strength for first nation people, and it is only fitting that it be flown here today.

I would like to thank the Speaker and the President of the Legislative Council for making this a reality and to thank both sides of Parliament for supporting it. I would particularly like to thank the traditional owners, the elders, the leaders and the community members who voice their strong support and continue to fight for reconciliation and recognition.

I would also like to acknowledge a conversation I had on the first day of this Parliament, when I sat alongside Alf Bamblett, who has since passed on. He pointed out to me that the flag did not fly above this place on a permanent basis, and he said that it was something that he would like to see. I would like to pay tribute to Alf.

Today is another great step forward in not just acknowledging but honouring the important connection between Aboriginal people, their land and this state.

Mr WALSH (Murray Plains) (*By leave*) — As the Leader of The Nationals, the party dedicated to representing the people of rural and regional Victoria, I am very pleased to rise today to speak on this historic occasion. I know today's events at Parliament House will be well received by our rural and regional communities, and I extend a warm welcome to the Aboriginal elders who have joined us.

I recognise that as we all meet here today at Parliament House we are in fact meeting on the traditional lands of the Wurundjeri people of the Kulin nation. This special place was a traditional Kulin meeting place for interclan gathering and ceremonial events, and today's ceremony at 11.00 a.m. to raise the Aboriginal flag to fly permanently on top of Parliament House is therefore special when we pause and reflect on the significance of the grounds on which we meet.

Together with the Victorian and Australian flags, from today Victoria's Parliament House will fly the Aboriginal flag, with its three distinct elements. The Aboriginal flag is deeply symbolic. In the words of the flag's designer, Aboriginal artist, Harold Thomas, black represents the Aboriginal people of Australia; the yellow circle represents the sun, the giver of life and

protector; red represents the red earth, the red ochre used in ceremonies and the Aboriginal people's spiritual relationship with the land.

I say again that this initiative today has the absolute support of The Nationals in Victoria, and as has been noted 15 September is also the International Day of Democracy. The question is: what is democracy? In its broadest definition, it is a system of government which involves all the people of the state contributing to the making of decisions about its affairs. I see today's event, the installation of the Aboriginal flag as a permanent fixture to fly above Parliament House, as a further step along the long road of reconciliation. It is incumbent on all of us in this place today, as leaders of our communities and our state, to continue honouring and recognising our Aboriginal people. Today we have taken a further step towards ensuring that all the people of our state are recognised by, welcomed by and involved in Victoria's Parliament.

Ms SANDELL (Melbourne) (*By leave*) — I am delighted to speak in Parliament today on behalf of the Greens to recognise that this building will finally and permanently fly the Aboriginal flag. Earlier this year I attended on the steps of this Parliament House a gathering of Victorians who were outraged at the forced closure of Aboriginal communities in Western Australia. One of the speakers at this rally lamented that the Aboriginal flag did not fly on Victoria's Parliament House, and as I was, to my knowledge, the only member of Parliament in attendance, I was asked to raise this issue, which I did after consulting with Aboriginal people and organisations.

As members know, many other public buildings, including the Melbourne town hall, fly the Aboriginal and Torres Strait Islander flags, and this Parliament House has particular significance in our history as it was the site of the federal Parliament from 1901 to 1927. It is totally appropriate to fly the Aboriginal flag on this building as a reminder that the decisions we make in here are made on what is, has always been and will always be Aboriginal land.

Many Victorian Aboriginal people I have spoken to have told me that it is a very welcome and long overdue gesture, and I commend and thank the minister and the Presiding Officers for making it happen. It is now incumbent on all of us in this place to make sure that this is not simply a token gesture. At the ceremony this morning a gentleman came up to me and said, 'It's up there, but what does this mean?'. I hope what it means is that every day as we walk into this place we will all be reminded that we still have a lot to do to correct the injustices done to Aboriginal people, many of which are still perpetrated today, and to work towards reconciliation.

We must also acknowledge the sad truth, which the minister also raised, that there has never been a person who identifies as Aboriginal or Torres Strait Islander elected to the Victorian Parliament. We should all feel real shame about that.

Honourable members interjecting.

Ms SANDELL — Some members of the opposition are saying that is a wrong statement, and if that is the case, I correct myself. I hope that statement is wrong, but I know that the minister has talked about this publicly. I am not aware that there has been a person who identifies as Aboriginal in Parliament, but if there has been, I am happy to be corrected. Currently to my knowledge there are no members of this Parliament who identify as Aboriginal. It is a shame on us all. We are supposed to be truly representative of the Victorian community, and if we do not have voices from the Aboriginal community in this place, we are not truly representative. There is much we can do to rectify this. I pledge to work hard over the next four years not only in my party but also in the broader community to encourage Aboriginal people to run for election to the Victorian Parliament. I hope all members, regardless of which party they represent, will do the same because it would benefit all Victorians.

It was an honour to be present at the flag-raising ceremony this morning. I am pleased that Parliament has taken this small step. and I again commend the minister and the Presiding Officers for making this decision to recognise and celebrate the first people of the land that we now call Victoria.

Mr Thompson — On a point of order, Speaker, for the purposes of the parliamentary record, Wayne Phillips, a former member for Eltham, is of Indigenous heritage and served the electorate of Eltham between 1992 and 2002.

The SPEAKER — Order! I thank the member for Sandringham for that contribution.

Ms SHEED (Shepparton) (*By leave*) — I rise to acknowledge the traditional custodians of the land on which we meet today and to pay my respects to their elders and the elders of all our Victorian Aboriginal communities.

The Aboriginal flag is well known to all of us, and I will not describe it again because it has been beautifully described today by many who have spoken before me. Many of our local government organisations

throughout the state have flown the Aboriginal flag for a number of years now. The City of Greater Shepparton raised the flag permanently in December 2006. The Shepparton district electorate sits in the region that has the highest Indigenous population outside Melbourne living in it.

While this is a very symbolic event, we should not lose sight of the fact that there is much yet to be done to ensure justice for and recognition of our first peoples. Symbolism is important, as it was in this ceremony today and in endeavours to achieve recognition of our first peoples in the Australian constitution. Aboriginal people in our own state are working hard to achieve better outcomes in their own communities. I see this in my electorate. Many policies of the past have not achieved their desired outcomes no matter how well-meaning they may have been. We are living in a time when new regional models are being devised from within our Aboriginal communities. These initiatives should be supported and the knowledge and contributions of the elders of these communities acknowledged.

As the flag rose today outside Parliament House, Paul Briggs, a senior Yorta Yorta man standing beside me said, 'Another step forward'.

CONDOLENCES

Jane Margaret Hill

The SPEAKER — Order! I advise the house of the death of Jane Margaret Hill, member of the Legislative Assembly for the electoral districts of Frankston from 1982 to 1985 and Frankston North from 1985 to 1992. I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I ask honourable members to take their seats. I shall convey the message of sympathy from the house to the relatives of the late Jane Margaret Hill.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I advise the house that the Minister for Ports and Minister for Roads and Road Safety will be absent from question time this week and that the Minister for Public Transport will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Public holidays

Ms RYALL (Ringwood) — My question is to the Minister for Health. According to the Victorian hospitals association, large metropolitan hospitals with approximately 700 beds will face additional daily operating costs of $600 000 as a result of Labor's new grand final parade public holiday. I ask the minister: what is the total cost to the public health system of this new public holiday?

Ms HENNESSY (Minister for Health) — I thank the member for her question. I am always delighted when Liberal Party members find their voice on health after four long years and $1 billion worth of cuts. To go to the substance of the member's question, all funding is uploaded in terms of activity. For labour activities in the last budget, this government made a record investment in health services. There will be more surgeries done, more patients seen in emergency departments — —

Ms Ryall — On a point of order on relevance, Speaker, this is very important to Victorians.

The SPEAKER — Order! The member will come to the point of order.

Ms Ryall — The question was very specific about the cost to public hospitals, and I would ask you to draw the minister — —

Honourable members interjecting.

Ms Ryall — If members would listen to the point of order they would actually know.

The SPEAKER — Order! Has the member concluded her point of order?

Ms Ryall — The question was very specific, and I ask you to bring the minister back to answering it.

The SPEAKER — Order! I do not uphold the point of order. The minister will continue and will respond to the question.

Ms HENNESSY — The member might remember that at the conclusion of the state budget an additional $2.1 billion was invested in our health services. All hospitals have been funded for their labour costs for additional activity — something that those on the other side never did.

Mr Clark — On a point of order, Speaker, the minister is still not being relevant to the very specific question about the cost of the new public holiday, and I ask you to bring her back to answering it.

The SPEAKER — Order! The minister has concluded her answer.

Supplementary question

Ms RYALL (Ringwood) — Due to the additional cost to hospitals to pay doctors and staff as a result of Labor's new grand final public holiday, can the minister guarantee no patient will have their elective surgery cancelled or delayed?

Ms HENNESSY (Minister for Health) — I say thank you very much to the member for Ringwood. The member does not seem to understand that the government funds activity. An additional $2.1 billion has been invested in the health system — —

Honourable members interjecting.

Ms Ryall — On a point of order, Speaker, it was a very specific question relating to delays and cancellation of surgery as a result of the grand final public holiday and whether the minister can guarantee that this will not happen. I ask you, Speaker, to request her to be specific and answer the question.

The SPEAKER — Order! Very few seconds have gone past since the minister begun answering.

Mr Hodgett interjected.

The SPEAKER — Order! I do not require the Deputy Leader of the Opposition to advise me on this issue. The minister will respond.

Ms HENNESSY — The member fails to understand that the state government funds health services for activity. We have put enormous amounts of money into the health system to ensure that patients are cared for after a billion dollars was cut out of the health system, and if — —

Ms Ryall — On a point of order, Speaker, once again on relevance, the question was very specific to elective surgery being cancelled or delayed as a result of the public holiday. Attacking the opposition is not an answer to the question.

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

Ms HENNESSY — I have every confidence that every health service across this state is going to treat more patients through their emergency departments and on their elective surgery waiting lists with the record amount of funding that this government delivered after those on the other side ripped a billion dollars from health services.

Mr Clark — On a point of order, Speaker, given that the minister has now concluded her answer to the supplementary question, I draw your attention to sessional order 11(2) in relation to answers not being responsive to questions. I submit to you that the minister's answers to both the substantive and the supplementary questions were not responsive. The first asked a specific question about the cost to the public health system of the new public holiday, and the second asked a specific question about the effect of that in the cancellation or delaying of operations. The minister did not respond to either of those questions. I ask you to direct her to give a written answer in accordance with the sessional order.

Ms Allan — On the point of order, Speaker, which I am urging you to reject, under sessional order 11(2) the minister was very clear in her answers, both to the substantive question and the supplementary, where she said all hospitals are funded for their labour costs, which goes to the issue raised in the first question. In response to the second question, she talked about government funding all the activity in the hospitals and indeed referenced the $2.1 billion in additional funding that is in the hospital budget thanks to the good work of this minister. I suggest that she has fully answered the question, and I ask you to rule the point of order out of order.

Ms Ryall — On the point of order, Speaker, I ask that the point of order be upheld, and the reason is that on not one occasion was any delay or cancellation of elective surgery and not even elective surgery mentioned in the response. Certainly delays and cancellations as a result of the public holiday are a big issue. There was no response, and I ask for the point of order to be upheld.

The SPEAKER — Order! I do not uphold the point of order. The minister was responsive. I remind members that the Chair cannot direct ministers to respond specifically. It is, however — —

Honourable members interjecting.

The SPEAKER — Order! The members for Warrandyte and Hawthorn are warned. I do not uphold the point of order.

Ministers statements: federal-state relations

Mr ANDREWS (Premier) — I rise to offer the government's congratulations to Malcolm Turnbull as the new Prime Minister of Australia and leader of the coalition — —

Honourable members interjecting.

Mr ANDREWS — Congratulations to the government and to Prime Minister designate, Malcolm Turnbull, if that is the problem those opposite have got. I am very pleased to be able to say that the Victorian government stands ready — —

Honourable members interjecting.

Mr ANDREWS — I would not be lecturing — —

The SPEAKER — Order! The Leader of the Opposition and opposition members!

Honourable members interjecting.

The SPEAKER — Order! The Premier is to be heard in silence. Before I call the Premier, I ask him to make a ministers statement.

Mr ANDREWS — Absolutely, Speaker. I was about to indicate that our government stands ready to partner with the commonwealth government on any number of important projects — projects the Victorian community voted for last year and projects that our city and our state need. At the top of that list, of course, is the Melbourne Metro rail project: 5 new stations, 9 kilometres of new track, 20 000 extra passengers in every hour of every peak — —

Honourable members interjecting.

Mr ANDREWS — Defending Tony Abbott to the last. That is what they are doing over there. They are scared — —

Honourable members interjecting.

Mr ANDREWS — to the new Prime Minister and his government is clear.

Mr Clark — On a point of order, Speaker, you have already cautioned the Premier that he needs to bring his remarks into conformity with sessional order 7. Sessional order 7 is about informing the house of new government initiatives, projects and achievements. So far the Premier has not come anywhere near that. I am sure Mr Turnbull appreciates his good wishes, but I do ask you, Speaker, to bring him back into conformity with the sessional order.

Mr ANDREWS — On the point of order, Speaker, I would have thought there were very few things that are newer than a new Prime Minister. It is absolutely this government's intention to work with the Turnbull government. Those opposite would perhaps prefer us not to, defending Mr Abbott to the death. This ministers statement is absolutely in accordance with not only the standing orders but the expectations of Victorians that we will work with Mr Turnbull to deliver on the things that are so important for jobs, growth and services right across our state.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern is entitled to make a point of order. That applies to the Premier as well. The member for Malvern is entitled to silence.

Mr M. O'Brien — On the point of order, Speaker, the sessional orders require that ministers statement relate to new government actions — that is, actions of this government. It is not new for this government to be begging for money for its own projects it has not funded properly. That is what it has done for the last nine months.

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

Mr ANDREWS — The Melbourne Metro rail project is critically important. The Victorian community voted for it last year. We have already allocated $4.5 billion to this project. Planning is underway, construction will be underway by the end of 2018 and we stand ready to partner with Malcolm Turnbull and his government to deliver this project. If Tokyo, London, Paris and New York can deliver better public transport, so can Melbourne — and all the better for a partnership with the commonwealth.

Public holidays

Mr R. SMITH (Warrandyte) — My question is to the Premier. Glenn Ward, who runs All Inclusive Nurseries in Wonga Park, has said that:

> … the unneeded new grand final parade public holiday couldn't come at a worse time for us; we'll be closing for the day and lose a day of production, still have to pay our staff for the holiday and will be twice as busy on Monday to catch up on lost delivery time.

Why is the Premier making it even harder for small businesses like All Inclusive Nurseries to create jobs and hire more staff?

Mr ANDREWS (Premier) — I thank the member for his question. It is always a great pleasure to be lectured on public holidays by those who were on one for four long years and saw unemployment go up, bankruptcies go up, small business and economic growth go down — —

Honourable members interjecting.

Mr Clark — On a point of order, Speaker, the Premier is debating the question, and I ask you to bring him back to answering it.

The SPEAKER — Order! The Premier will come back to answering the question. However, I do indicate that there are 2 minutes and 41 seconds left. The Premier is entitled to provide some background. I believe that that has been done, and I ask the Premier to come back to the question.

Mr ANDREWS — It is always great to be given an opportunity to reflect on the highest unemployment rate on the mainland, sluggish growth, a litany of broken promises that time prevents me from listing — —

Honourable members interjecting.

Mr R. Smith — On a point of order, Speaker, the Premier's proposition seems to be that the losses that Mr Ward is making are all the coalition's fault. Can you bring the Premier back to answering the question as it was asked, which is: why will Mr Ward's business be losing money as a result of this dud public holiday?

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr ANDREWS — Let me be very clear about this. We made a commitment to the people of Victoria, and we will honour it. And just as — —

Honourable members interjecting.

Mr ANDREWS — Again, this is a concept — —

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings will withdraw his remarks and apologise.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings will do it properly.

Mr Burgess — I withdraw those remarks.

The SPEAKER — Order! The Premier to continue and to be responsive.

Mr ANDREWS — Again, a commitment was made, and it will be delivered in full — a concept that some struggle with, a concept that some know nothing about, a concept that evaded some for four long years. Victorians are sick and tired of some who make promises and cannot keep them, and that is not the leadership that this government offers — not now and not ever.

The SPEAKER — Order! The Premier will resume his seat.

Mr R. Smith — On a point of order, Speaker, the Premier seems happy to break promises about compensation and raising taxes. Maybe he should have another look at this one and come back to answering the question.

The SPEAKER — Order! The Premier has concluded his answer.

Supplementary question

Mr R. SMITH (Warrandyte) — Just because the Premier spent money not to build a tunnel, why does he expect Victoria's thousands of small businesses to also pay to do nothing?

The SPEAKER — Order! The Leader of the House, on a point of order.

Ms Allan — On a point of order, Speaker, now that you have invited me to take a point of order I am pleased to do so because that question appears to have very little resemblance to the substantive question, which is a requirement of sessional orders.

Mr Clark — On the point of order, Speaker, the substantive question related to the costs and the effects of the grand final public holiday on small businesses. Given the Premier's response to the supplementary, which was to the effect that, 'We are doing it because it is the government's policy', the supplementary question is asking about why he is expecting small businesses to have to pay the cost. It is perfectly consequential to the Premier's answer and the substantive question.

The SPEAKER — Order! The Chair will extend to the member the courtesy of rephrasing his supplementary question in order to make that question relevant to the substantive question.

Mr R. SMITH — Glenn Ward, who runs All Inclusive Nurseries, is going to have to pay

substantially on the public holiday the Premier has put into place for his employees to do nothing. Why does the Premier expect that small businesses should have to do this?

Mr ANDREWS (Premier) — I am unaware why the member thinks that this government would on his urging, of all people, break its commitment to the people of this state. We will not be breaking our commitment. This will be a great day for families, a great day for footy and a great day for tourism. Whilst the member for Warrandyte might be clearly opposed to this holiday, the shadow minister in the other place was less clear. I think he was given a dozen opportunities at what could only be described as a train wreck press conference to say whether he would back it or get rid of it, and he would not do it. The opposition is all over the place and can be relied on for one thing, or perhaps two — that is, to break promises and be on a permanent public holiday. That is typical of those opposite.

Honourable members interjecting.

Ministers statements: federal-state relations

Mr PALLAS (Treasurer) — I rise to inform the house that I will shortly be writing to my federal counterpart, as soon as the federal ministry is resolved, to ensure that Victoria gets its fair share of federal infrastructure funding and also to assure the new Prime Minister and his cabinet that Victoria is prepared to work with them in both the state and the nation's interests. Despite Victoria having 25 per cent of the nation's population, it receives a measly 8.9 per cent of commonwealth infrastructure funding, and Victorians have suffered for it.

Victorians are sick of the games and the cheap politics of the federal government. The Prime Minister designate, Malcolm Turnbull, says he wants to change that. He wants a more modern and a more dynamic Australia. He wants an innovative Australia that has a strong economy and creates jobs for the future. That is exactly what this government is about doing — creating jobs, encouraging investment and building infrastructure that Victorians need, which is why Victoria is the economic engine room of the nation after four years of inaction.

Honourable members interjecting.

Mr PALLAS — Victoria is the best performing economy in the nation this year. In fact in 10 months we have created almost half the number of jobs compared to what those opposite did in four years. Business investment is up, consumer confidence is up, dwelling construction is up and retail trade is up. Essentially we are moving in the right direction. There is more to be done and much more we can do.

If Malcolm Turnbull wants economic leadership, and if he wants to create jobs, then we are committed to working with him. We have the infrastructure projects ready to go: Melbourne Metro, the level crossing rail program, the Murray Basin rail project and smart road investments. We are ready to act in the nation's interests.

Public holidays

Mr GUY (Leader of the Opposition) — My question is to the Premier. Given independent estimates have stated that well over 100 000 casual employees will lose their shifts as a result of Labor's grand final parade public holiday, I ask the Premier: at a time when jobs growth in this state is haemorrhaging and this state is falling way behind New South Wales in creating new full-time jobs, how can the Premier justify denying a day's pay to those workers?

Mr ANDREWS (Premier) — I thank the workers' friend, the Leader of the Opposition, for his question — Mr WorkChoices over there, the workers' friend. As if any casual employee in this state would believe for a moment that anyone over there cares a jot for them — —

Honourable members interjecting.

Mr Guy — On a point of order, Speaker, in relation to relevance, it was a very simple question about how the Premier can justify denying a day's pay for these workers. I ask you to bring him back to that important question.

Honourable members interjecting.

The SPEAKER — Order! The Premier and the Leader of the Opposition will desist. I ask the Premier to come back to answering the question. The Premier will be heard in silence.

Mr ANDREWS — I have had one question saying that this costs too much and in the next I am being told it does not cost anything at all because workers are missing out on wages. They are a bit confused over there — more than a bit confused. We made a commitment.

Honourable members interjecting.

The SPEAKER — Order! The opposition will allow the Premier to continue in silence.

Mr ANDREWS — They are more than a bit confused. I point out to the Leader of the Opposition that his claim about employment performance and jobs growth in our state is absolutely and fundamentally wrong. He can talk the state down all he likes, but that will not make his false accusations accurate. It will not make them true. We are in a stronger employment position today than we have been in for a very long time, and we all ought to be able to be proud of those policy settings, investment, increased confidence and a stronger job market today than there has been for a very long period of time. It is certainly a set of jobs numbers that eluded those opposite for four long years.

We made a commitment — —

Mr Watt — On a point of order, Speaker, the Premier is clearly debating the question. I would have thought that the Premier would have understood a little bit about casual staff, because they employed so many electorate officers during November.

The SPEAKER — Order! The member will come to the point of order.

Mr Watt — I ask you to bring him back to answering the question and to stop debating it.

The SPEAKER — Order! I think the Chair has extended a generous amount of time to the member. That is a very good tie, but I do not uphold the point of order.

Mr ANDREWS — That is 45 620 new jobs, extra jobs, created during our term in office, and we will continue to work hard to get Victoria back to work, despite the negativity of those opposite, their excitability — —

Mr Watt — On a point of order, Speaker, the question was very specifically about over 100 000 casual employees. The Premier is clearly debating the question, and he is not answering the question around casual employees. I know those opposite do not actually see any casual employees in their offices, but they should know a little bit about casual employees, as mentioned in the question.

The SPEAKER — Order! The member for Burwood understands that the Chair cannot direct the Premier to respond in a specific way. The Chair's job is to make a judgement as to whether the Premier was being responsive. The Premier was being responsive.

Mr ANDREWS — In essence, we made a commitment, and we will deliver it in full. That is something that is quite new in state politics — and quite new certainly for some in this chamber. It is going to be a great day for families, a great day for footy and a great day for our tourism industry, particularly in regional Victoria. Until those opposite make a commitment to repeal this public holiday, one senses this is all for show and nothing more.

Supplementary question

Mr GUY (Leader of the Opposition) — Between multiple strikes, continuing job losses and a public holiday that will cut the pay packets of thousands of casual workers, I ask: will this grand final parade public holiday last just one year or will Victorians be stuck with this madness for three more years beyond this one?

Mr ANDREWS (Premier) — I want to thank the workers' friend over there, the Leader of the Opposition, because he has just confirmed that the public holiday is off if those opposite ever get back onto this side of the house. They were content to spend four years on a taxpayer-funded holiday — that is what they did — and now they take away from workers and their families precious time with their kids, they take away from tourism operators — —

Mr Clark — On a point of order, Speaker, the Premier is debating the question. It was a very specific question about whether his intention is to continue with the public holiday. I ask you to bring him back to answering that question.

The SPEAKER — Order! I ask the Premier to come back to answering the question.

Mr ANDREWS — I would have thought those opposite would appreciate from the earlier answers I have given that we honour the commitments we make in full. That is the way we operate, and it should come as no surprise to those opposite. But perhaps it does, because they did so little of that type of governing in their four years in office, before they were rejected in historic terms and sent where they belong — that side of the house.

Ministers statements: federal-state relations

Ms D'AMBROSIO (Minister for Industry) — I rise to call on the federal government to use its new leader to change direction on our defence industry.

Honourable members interjecting.

Ms D'AMBROSIO — That is exactly what it is. I call on the incoming Prime Minister to understand that every day that goes by — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 7, which of course was introduced by the current government. It provides for ministers statements 'to advise the house of new government initiatives, projects and achievements'. It does not exist for the government to call on the federal government to do things. It exists for the minister to inform the house about what this government is doing. I ask you to draw her back to compliance.

The SPEAKER — Order! I uphold the point of order. The minister is to inform the house on new initiatives, projects and achievements.

Ms D'AMBROSIO — We now have a new opportunity to press the reset button on our defence industries. What I call on is the federal government and the new defence industry to meet with me — —

Mr Clark — On a point of order, Speaker, I ask you to bring the minister back to compliance with your ruling.

Mr Andrews — On the point of order, Speaker, can I respectfully point out to all members of the house that there are hundreds of shipbuilders jobs at risk at the Williamstown shipyard, and I think it would be appropriate if all of us gave the minister an opportunity to detail how our government is supporting the retention of those jobs and the growth of the defence technology industry — —

Honourable members interjecting.

Mr Andrews — Shouting won't fix it.

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. I remind members, and that includes the Premier, respectfully, and that also includes the Leader of the Opposition, respectfully, that when the Chair is on his feet, all members — standing orders apply to all members — will remain in silence.

Mr Andrews — Further on the point of order, Speaker, I would hope that you would allow the minister to continue to outline the many different initiatives that our government has put in place and how they would be enhanced to the benefit of hundreds, perhaps thousands, of defence technology workers, in a partnership with a new federal government. I would have thought that would be absolutely in accord with the standing and sessional orders.

Mr Guy — On the point of order, Speaker, the opposition is not going to give leave to the minister under the sessional orders because she is dealing with an adjournment matter in the time she is meant to be making a government business statement. If the minister does not know the sessional orders that her own side introduced, then she should simply be sat down because she does not know what she is doing.

The SPEAKER — Order! I uphold the point of order. I ask the minister, in making a ministers statement, to advise the house of new government initiatives, projects and achievements.

Ms D'AMBROSIO — If I had been given the opportunity, what would have been very clear to those opposite, if they had the interests of Victorian workers at heart and the businesses that we support, I would have made it very clear to them that our government — —

Mr R. Smith — On a point of order, Speaker, you have on two occasions specifically directed the minister to advise the house on new government initiatives, projects and achievements. After making that ruling for the second time, the minister rose and spoke for an additional 30 seconds and still has not mentioned one new government initiative, project or achievement. The minister is defying your ruling, and I ask that you bring her back and ensure that when she next gets to her feet she actually advises the house in relation to a new initiative.

Ms D'AMBROSIO — On the point of order, Speaker, I have been very clear in terms of the actions that this government is taking to protect the 125 jobs by calling on the government to meet with me yet again to save these defence industry jobs at the naval shipbuilding yard at Williamstown dockyard. If those opposite want to learn and take advantage of the new opportunity that we have got, they should sit and listen to the ministers statement.

The SPEAKER — Order! The minister will continue making the minister's statement.

Ms D'AMBROSIO — Now is a fantastic opportunity, and I have taken the opportunity this morning to make contact with the federal government to sit down and talk about the real future of our defence industries and the jobs that are at Williamstown naval shipbuilding yard. Our government is committed to growing the defence industries jobs, the 8000 jobs that

exist right across Victoria and rely on a pipeline of work by the federal government — —.

Mr Watt interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Burwood

The SPEAKER — Order! Under standing order 124 the member for Burwood will withdraw from the house for a period of 30 minutes.

Honourable member for Burwood withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: federal-state relations

Questions and statements resumed.

Ms D'AMBROSIO (Minister for Industry) — I welcome the comments of the leader of the federal government that talks about the need for innovation, that talks about disruptive industries, that talks about the new technologies which sit with our government — —

Mr Burgess — On a point of order, Speaker, the minister is taking great liberties with your ruling. Unless she is telling this house that making a phone call is a new initiative, and unless she is telling this house — —

Honourable members interjecting.

The SPEAKER — Order! The member will make his point of order and will sit down.

Mr Burgess — On the point of order, Speaker, unless the minister is telling this house that she has not called before, in which case, I am quite happy to hear that — —

An honourable member interjected.

Mr Burgess — Thank you for my permission. Unless the minister is telling this house that her new initiative is making a phone call to the federal government, we have not heard anything that would qualify under standing orders.

The SPEAKER — Order! I do not uphold the point of order.

Ms D'AMBROSIO — Now is the opportunity for the federal government to join with our government's agenda for future industries in this state. We are putting aside $200 million for a Future Industries Fund, and I welcome the opportunity to sit down with the federal government to get jobs back at Williamstown.

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

Mr Burgess — On a point of order, Speaker, we have reached an important point. You ruled — the first time you have done so under this particular sessional order — that the minister was outside the rules. The minister then came back and was inside those rules. I think this house needs a direction as to what the minister did that changed from being outside the rules to being inside the rules.

The SPEAKER — Order! I have ruled on the point of order.

LGBTI community

Mr HIBBINS (Prahran) — My question is to the Minister for Education. Research shows that lesbian, gay, bisexual, transgender and intersex young people have higher rates of mental health issues and suicide and that there is a clear link between discrimination and poor mental health. What will the minister do to ensure that all Victorian students, regardless of what type of school they attend, are protected by the law from discrimination?

Mr MERLINO (Minister for Education) — I thank the member for Prahran for his serious question. He is absolutely right that students from the LGBTI community and students who are questioning their sexuality are often the subject of bullying and are often the subject of bullying within the schoolyard, so he is absolutely correct in raising this issue. This is indeed an important issue, and one that the Andrews Labor government is very cognisant of.

We made an election commitment last year to roll out the Safe Schools Coalition, addressing the issue of bullying and discrimination within our schools. We made a commitment to extend it and to roll it out to every government secondary school in the state and, further to that, to encourage non-government schools, both Catholic schools and independent schools, to also take up the Safe Schools Coalition rollout.

I thank the member for his question. We have the first Minister for Equality in our government, which is the first time in Australia that there has been a minister with such a responsibility. I am working in partnership

with the Minister for Equality. We are rolling out this important program to every single government secondary school in the state. I am proud of that. I thank the member for his question, and I will certainly be continuing to ensure that we roll it out and see what more we can do in this space.

Supplementary question

Mr HIBBINS (Prahran) — I have a supplementary question for the Minister for Education. Currently the law allows for religious schools to discriminate against staff on the basis of sexual orientation and gender identity. What will the minister do to ensure that all staff at Victorian schools, regardless of the type of school they attend or the type of job they have, are protected by the law from discrimination?

Mr MERLINO (Minister for Education) — I thank the member for his supplementary question. This is a matter for the Attorney-General, and I will be happy to explore these issues with the Attorney-General and get back to the member for Prahran.

Ministers statements: federal-state relations

Ms ALLAN (Minister for Public Transport) — I am pleased to advise the house of new actions that the Labor government is taking to get Victoria's fair share — —

Honourable members interjecting.

The SPEAKER — Order! The minister will be heard in silence.

Ms ALLAN — Those opposite might want to make YouTube videos about themselves, but we are out there getting a fair share of federal infrastructure funding. We all know how Victoria was badly short-changed under former Prime Minister Tony Abbott's leadership, and what we want the Canberra Liberals to do, as they change their Liberal leader, is change their Liberal policies and overturn their ban on funding public transport.

Mr Pesutto — On a point of order, Speaker, under sessional order 7, ministers statements must relate to new initiatives, projects or achievements. The so-called minister is way into her statement now, and she has not addressed any new initiatives.

Ms ALLAN — On the point of order, Speaker, I said at the outset that I was advising the house of new actions that the government was taking, and indeed in my very next sentence, before the premature point of order from the member opposite, I was going to be advising the house of the action we were taking. I am more than happy to provide this information to the house, Speaker, if I am given the opportunity to do so.

The SPEAKER — Order! The minister will be heard in silence, and the Chair now extends the opportunity to the minister to make the ministers statement.

Ms ALLAN — I am pleased to advise the house that we will be formally writing to the new Liberal Prime Minister, asking him to overturn the Liberal Party's ban on funding infrastructure projects in Victoria. We have many great projects to fund, and indeed they do stack up. The Premier has talked about the Melbourne Metro rail project. We have many — —

Mr R. Smith — On a point of order, Speaker, just for clarification, is the minister telling us that the government's new initiative is that she is going to write a letter?

Ms ALLAN — On the point of order, Speaker, I am absolutely delighted to inform the house that we are writing to the federal government, we are picking up the phone to the federal government and we will do everything possible to get Victoria's fair share of infrastructure funding. This might be a foreign concept to those opposite, but we will fight every step of the way. I know investing in public transport is a foreign concept to those opposite, and we have many projects. There is the removal of the 50 level crossings. Indeed work is under way right now on some of these crossings, and if the commonwealth wants to give us some funding for these we can put it to use straight away.

There is also the Murray Basin freight rail project. I know some people opposite have been wanting to talk this project down, but it is a great project. Recently the new Liberal Prime Minister took to Twitter to promote and praise Melbourne's public transport system. He talked about riding on our public transport system. We hope in the interests of federal funding for Victorian public transport projects, good federal government starts today, and we see Victoria get its fair share of public transport funding.

Honourable members interjecting.

China-Australia free trade agreement

The SPEAKER — Order! It appears that the Deputy Leader of the Opposition and other members are intent on not allowing the Leader of The Nationals to ask a substantive question. I require that the

opposition and government members allow the member to ask a question.

Mr WALSH (Murray Plains) — My question is to the Premier. Last sitting week the Premier told the house that the China free trade agreement was 'one of those areas where we need not have any argument', so I ask: why in his letter to Trades Hall is he now walking away from his unequivocal support and backing elements of the union movement's xenophobic campaign against the China free trade agreement?

Mr ANDREWS (Premier) — As I said last sitting week, it is not something we should argue about, because I think we can get a good deal for Victorian jobs and have the safeguards necessary for resolution of conflict between businesses, proper labour market testing and to make sure that what is a strong deal and one that we support benefits Victorian workers and Australian workers. I think we need not argue about that. I think we can resolve those matters quite simply and quite easily. If the Leader of The Nationals is confused, he should have another look at the answer I gave last week or the one I have just given.

Supplementary question

Mr WALSH (Murray Plains) — Given the Premier is travelling to China next week, can he guarantee that what he says to Victorians about the Chinese free trade agreement is exactly what he will say to the faces of the Chinese officials he is about to meet over there?

Mr ANDREWS (Premier) — The answer is yes.

Ministers statements: education funding

Mr MERLINO (Minister for Education) — Yesterday the Premier and I announced significant education reform around the education state. This week — —

Honourable members interjecting.

Mr MERLINO — The former education minister has left the room. This week schools will receive their indicative budgets for the first time.

Mr Wakeling — On a point of order, Speaker, I know it has not been a great day for the government, but this clearly is not a new government initiative. This was actually announced in the May state budget.

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

Mr MERLINO — This week schools will receive their indicative budgets for the 2016 school year, and in there they will find a 70 per cent increase in needs-based funding. There goes — —

Honourable members interjecting.

Mr MERLINO — Members are leaving. They do not care about schools desperately in need of funding.

We announced a 70 per cent increase in needs-based funding, a new curriculum, 200 maths and science specialists, regional support improvements and 150 additional staff. Schools will no longer be abandoned as they were when those opposite were in government. We are going to set ambitious targets in maths, reading, science, critical and creative thinking, resilience in our students and physical activity, and we are going to have targets around community pride and confidence in our government schools — a $744 million package.

The new Prime Minister has a unique opportunity to join with Victoria on this path of reform, but for Victorian schools, TAFEs and universities it requires that the new Prime Minister reverses the cuts — $1 billion cut from Victorian schools. Mr Turnbull has an opportunity to join with the Andrews Labor government and reform education in Victoria.

CONSTITUENCY QUESTIONS

Eildon electorate

Ms McLEISH (Eildon) — (Question 766) My question is for the Minister for Consumer Affairs, Gaming and Liquor Regulation on behalf of the many people who have contacted me about raw milk. I refer the minister to the announcement by the New Zealand government on 18 June that it will remove many restrictions on the sale of raw drinking milk by dairy farmers in New Zealand, where raw drinking milk sales are already legal. I note that raw milk is available legally in a majority of American states where 10 million people drink it. I can also advise the minister that in England and Wales 200 dairy farms produce raw milk legally and that the British royal family has enjoyed raw milk for many hundreds of years.

Will the minister explain why it is that not a single Victorian dairy farmer is deemed capable of producing raw milk of the quality consumed safely in these and many other countries?

Bendigo West electorate

Ms EDWARDS (Bendigo West) — (Question 767) My constituency question is to the Minister for the Prevention of Family Violence. As the minister will be

attending Women's Health Loddon Mallee gender equality forum in Bendigo on 16 October, I ask if the minister could provide an update to the house and Bendigo residents on the work being done by Women's Health Loddon Mallee, particularly in regard to gender equality and family violence.

Women's Health Loddon Mallee is a small not-for-profit organisation working to improve women's health and wellbeing while promoting gender equality throughout the vast geographical Loddon Mallee region. With gender equality as its core business, it is an ideal time for the organisation to shine a spotlight on the link between gender equality and prevention of family violence, and the minister being at the table for this forum will be fantastic.

Ovens Valley electorate

Mr McCURDY (Ovens Valley) — (Question 768) My constituency question is to the Minister for Small Business, Innovation and Trade. Small business in the Ovens Valley is reeling from the Andrews Melbourne government's decision to hold a public holiday for the grand final parade.

Local engineering firms, supermarkets and retail outlets have raised their concerns about the extra cost to their business, whether they remain open with added costs or they close the doors. One regional bakery said that it will be one big family day for him because it will be the whole family who runs the shop for the day due to the penalty rates for staff. Some in the tourism and hospitality sector will benefit, but the large majority of businesses will suffer. Some of our local hospitals are too afraid to mention the extra cost to their budgets, as doctors now cancel appointments previously scheduled for this new public holiday.

The grand final parade is quickly turning into a circus for small business and the ringmaster is the Premier of Victoria. I ask: why do you not stand up for business and prevent this public holiday from becoming a handbrake on small business? You are silent on small business, undermining innovation and choking trade.

The DEPUTY SPEAKER — Order! The honourable member has been in the Parliament for quite a while now. He will direct his questions through the Chair. The use of 'you' is unparliamentary.

Wendouree electorate

Ms KNIGHT (Wendouree) — (Question 769) My constituency question is to the Minister for Industrial Relations. Family violence is a national emergency and it is also an emergency within our local communities. It is the leading preventable contributor to premature death and disability among Victorian women under the age of 45. In 2013–14 there were 1697 reports of family violence in my local government area of Ballarat. Can the minister provide an update on what the government's announcement on family violence leave will mean for victims of family violence, particularly in my electorate?

Brighton electorate

Ms ASHER (Brighton) — (Question 770) My constituency question is to the Premier, and I ask: would he explain why he expects businesses in Brighton and Elwood to pay for the grand final eve public holiday? There are many strip shopping centres in Brighton and Elwood. Indeed, strip shopping centres are the basis of economic activity in the electorate — restaurants, cafes, retail and the like. These businesses will have to make a choice about whether they close on that particular day or whether they will pay penalty rates to their employees. That is a significant impost either way for those businesses, and I ask the Premier to explain why he expects these businesses in Brighton and Elwood to pay for this particular public holiday.

Yuroke electorate

Ms SPENCE (Yuroke) — (Question 771) My constituency question is to the Minister for Roads and Road Safety. Hume City Council has recently released data that indicates a massive increase in vehicle movements on Mickleham, Craigieburn and Somerton roads in my electorate. This data affirms residents' perceptions of rapidly increasing congestion on these roads. Addressing these concerns is a priority for my community and important for both the alleviation of congestion and improving road safety. As such, I ask the minister to provide me with information as to what measures can be taken to address these concerns. I understand that a study is being undertaken by Hume City Council and VicRoads in regard to Craigieburn Road, and I would also appreciate an update as to what that review involves and how it is progressing.

Rowville electorate

Mr WELLS (Rowville) — (Question 772) The constituency question I raise is for the attention of the Minister for Industry and the Minister for Small Business, Innovation and Trade on behalf of concerned businesses in my electorate of Rowville. I have been contacted by a number of business owners who are angry and dismayed at the cost of this new public holiday. One manufacturer in Rowville said that the grand final holiday will mean shutting down the

production line for the entire day, while still paying staff wages. The business will then need to put workers on overtime to catch up the following week. The owner estimated it would take up to two weeks for production to be back on track. All this disruption is the last thing he needs while trying to compete with manufacturers interstate and overseas. Another transport business described the pressure of paying penalty rates for employees who must work that day delivering fresh food to the major supermarkets. With food to supply and contracts to fulfil, taking the day off is not an option. I ask the Minister for Industry and the Minister for Small Business, Innovation and Trade whether this government will force Victorian businesses to absorb the cost of a public holiday or make sense — —

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

Essendon electorate

Mr PEARSON (Essendon) — (Question 773) My constituency question is to the Minister for Education. Flemington is home to Debney Meadows Primary School as well as Mount Alexander Secondary College. Many members of these school communities comprise some of my electorate's poorest citizens. Yesterday's announcement for the education state indicated that targeted school funding would be provided to support schools with students who face more barriers to success than their peers. In the case of my electorate, Debney Meadows Primary School will receive an additional $48 194, while Mount Alexander Secondary College will receive an additional $163 439. Can the minister advise how this funding is to be allocated against the four statewide priorities of excellence in teaching and learning, professional leadership, positive climate for learning and community engagement in learning?

South Barwon electorate

Mr KATOS (South Barwon) — (Question 774) My constituency question is to the Minister for Education and is on behalf of Ceres Primary School. I ask that the minister intervene to resolve inadequate and dangerous car parking at the school. The school's public car parking is located adjacent to the school, next to the road reservation in Barrabool Road on VicRoads land and is not within the school grounds. There are presently 39 car parks which do not meet Australian standards. Given that the school's enrolment was 43 students five years ago and that enrolments are expected to grow to 187 in 2019, the present number of car parks is insufficient. It is my understanding that VicRoads is happy to give up the land to provide more parking but neither the Department of Education and Training, VicRoads nor the City of Greater Geelong is willing to provide funding. Barrabool Road is a major arterial road and the school community has genuine concerns about the safety of students, parents and visitors. I ask the minister to intervene to provide a common-sense solution to constructing the additional car parks rather than the buck-passing that we have at the moment.

Carrum electorate

Ms KILKENNY (Carrum) — (Question 775) My constituency question is for the Minister for Roads and Road Safety. Can the minister provide an update on the progress of works at the intersection of Wedge Road and Frankston-Dandenong Road in Carrum Downs and also advise how the government is communicating the scope and time frame of these much-needed upgrades to the local community? As the minister knows, this intersection has been at the centre of too many accidents. The upgrade is well overdue. It is wholly regrettable that years of inaction by the previous government left the local community feeling voiceless in their campaign for these important safety upgrades. I am proud that the Andrews Labor government is getting on with improving the safety of my local area. I know the local community is very keen to hear about the progress of works at this intersection, and I ask the minister to provide an update for them.

PUBLIC HEALTH AND WELLBEING AMENDMENT (NO JAB, NO PLAY) BILL 2015

Introduction and first reading

Ms HENNESSY (Minister for Health) — I move:

> That I have leave to bring in a bill for an act to amend the Public Health and Wellbeing Act 2008 to increase immunisation rates for young children in the community and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation in addition to the long title.

Ms HENNESSY (Minister for Health) — This is a bill that seeks to grow immunisation rates in both our kindergartens and early childhood services. The purpose is to set out a framework to require immunisation for the purposes of enrolment and the supports and exemptions that may apply.

Motion agreed to.

Read first time.

VICTIMS OF CRIME COMMISSIONER BILL 2015

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to establish the victims of crime commissioner and the Victims of Crime Consultative Committee and for other purposes.

Read first time.

WRONGS AMENDMENT BILL 2015

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to amend the Wrongs Act 1958 in relation to maximum amounts of damages for economic loss and non-economic loss, damages for loss of capacity to care for dependants in limited circumstances, threshold impairment levels for psychiatric and spinal injury, certain proceedings to which part VBA of that act applies and for other purposes.

Read first time.

NATIONAL PARKS AMENDMENT (NO 99 YEAR LEASES) BILL 2015

Introduction and first reading

Ms NEVILLE (Minister for Environment, Climate Change and Water) introduced a bill for an act to amend the National Parks Act 1975 to repeal section 19I of that act to remove the power to grant a lease of any land that may be leased under section 19G of that act for a term of more than 21 years and not exceeding 99 years and to reduce the maximum term of a lease that may be granted for specific areas of land in specified parks from 99 years to 50 years and for other purposes.

Read first time.

GAMBLING LEGISLATION AMENDMENT BILL 2015

Introduction and first reading

Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I move:

> That I have leave to bring in a bill for an act to amend the Casino Control Act 1991, the Gambling Regulation Act 2003 and the Victorian Responsible Gambling Foundation Act 2011 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — The bill covers a range of matters, including the responsible service of gaming, training of staff, the protection of confidential information in the precommitment scheme, and a policy and advocacy role regarding the foundation.

Motion agreed to.

Read first time.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (ABORIGINAL PRINCIPAL OFFICERS) BILL 2015

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Children, Youth and Families Act 2005 to make further provision in relation to the authorisation of the principal officers of Aboriginal agencies and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation in addition to the long title.

Ms HUTCHINS (Minister for Aboriginal Affairs) — The bill seeks to amend the Children, Youth and Families Act 2005 to address the limitations that impede implementation of section 18 authorisations by authorised officers, and that will empower Aboriginal agencies to have responsibility for the care and protection of Aboriginal children who are subject to the protection orders. In addition to this, the bill implements recommendations from the *Protecting Victoria's Vulnerable Children Inquiry* report.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 2 and 3 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petition presented to house:

Sunbury rail services

To the Legislative Assembly of Victoria:

The petition of Sunbury line commuters draws to the attention of the house the loss of 200 V/Line services on the Sunbury line with no replacement Metro services. The petitioners therefore request that the Legislative Assembly of Victoria reinstate access to V/Line services. To reinstate access to V/Line services at least until an adequate Metro service is instated with express services.

By Mr J. BULL (Sunbury) (1771 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr J. BULL (Sunbury).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest* No. 11 of 2015 on:

Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015
Energy Legislation Amendment (Consumer Protection) Bill 2015
Local Government Amendment (Improved Governance) Bill 2015
Prevention of Cruelty to Animals Amendment Bill 2015
Public Health and Wellbeing Amendment (Safe Access) Bill 2015
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015
Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Forensic Leave Panel — Report 2014

Independent Broad-based Anti-corruption Commission — Report 2014–15 — Ordered to be published

Liquor Control Reform Act 1998 — Report 2014–15 under s 148R

Parliamentary Salaries and Superannuation Act 1968 — Report 2014–15 under s 7C

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

Frankston — C104

Gannawarra — C39

Greater Shepparton — C175

Hume — C203

Macedon Ranges — C104

Melbourne — GC36

Moonee Valley — C150, GC36

Moreland — GC36

Whitehorse — C180

Yarra — GC36

Professional Standards Act 2003 — Instrument Amending the Institute of Chartered Accountants in Australia Professional Standards Scheme (Victoria) under s 14 *(Gazette S246, 28 August 2015)*

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 100

Victorian Civil and Administrative Tribunal Act 1998 — SRs 99, 101

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 94, 96, 97, 98, 99, 100

Documents under s 16B in relation to — *Racing Act 1958* — Harness Racing Victoria — Notice of amendments to Australian Rules of Harness Racing and Australian Trotting Stud Book Regulations

Victorian Institute of Teaching — Report 2014–15.

CORRECTIONS LEGISLATION AMENDMENT BILL 2015

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent on 8 September to:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2015
Education and Training Reform Amendment (Miscellaneous) Bill 2015
Infrastructure Victoria Bill 2015
Local Government Legislation Amendment (Environmental Upgrade Agreements) Bill 2015
Road Safety Amendment Bill 2015.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Energy Legislation Amendment (Consumer Protection) Bill 2015
Local Government Amendment (Improved Governance) Bill 2015
Prevention of Cruelty to Animals Amendment Bill 2015.

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 17 September 2015:
>
> Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015
>
> Energy Legislation Amendment (Consumer Protection) Bill 2015
>
> Local Government Amendment (Improved Governance) Bill 2015
>
> Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015
>
> Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015.

I will make a few brief comments on the program. Members will note that five bills on the program will be put to the guillotine at 5.00 p.m. on Thursday, plus we also have to acquit the Corrections Legislation Amendment Bill 2015, which, as the Deputy Speaker just read out, has returned from the upper house with amendments. We have a range of significant matters to cover this week, particularly when you consider the content of the bills. A number of the bills go to important election commitments. I know many members on this side of the house, and I dare say a few members on the other side of the house, will want to make some remarks on issues around increasing consumer protection in the energy policy area.

Nurse-to-patient and midwife-to-patient ratios were a significant commitment that we made some time before the election, and it is pleasing to see the bill come before the house. Also a matter that is close to many members of the house is improving governance in local government. I am sure these matters alone will generate significant debate and we will need to allow appropriate time for members to speak on these bills. Plus there are two matters that I know the manager of opposition business particularly is very familiar with — that is, the policy matters that sit behind the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015 and the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. These are ongoing, difficult and challenging policy matters that Parliament has to work through. Again I am sure they will attract interest from members who will want to address these issues.

I will make just one other observation. I note the opposition — and I appreciate the contact last week about this — has made a request for government to consider taking the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015 into consideration in detail, a committee stage. Agreement to that request depends on the availability of time over the course of this week. As I have said, we have a significant range of matters before us to deal with over the course of this week in the time that is available. We will consider that request depending on the time that is available later in the week. With those comments and observations, I commend the motion to the house.

Mr CLARK (Box Hill) — It is becoming increasingly clear that the government is struggling to organise its legislative program and to deliver on its election commitments in terms of how the house will operate. Last week we heard government members filibustering on their own legislation, with speaker after speaker recycling the preprepared speaking notes in order to fill up time instead of delivering on their election commitments to allow consideration in detail of legislation and instead of allowing the other business on the business program to be dealt with. The opposition was ready and willing to proceed to general business, but no, the government felt it just had to recycle speaker after speaker in order to filibuster and to prevent itself giving effect to its own election commitments.

I remind the house, and in particular I remind members opposite, of the commitment that the Labor Party gave prior to the last election on 27 November last year that:

> Scrutiny will be enhanced with consideration in detail made a standard feature for bills in the Assembly and budget hearings made more rigorous.

There was ample opportunity last week for the government to start delivering consistently on that election commitment, and the government comprehensively failed to do so. It ran a mile from it, as I said, putting up speaker after speaker on second-reading debates even though there was no opposition to these measures and even though the opposition parties had made their point of view perfectly clear. Nonetheless the government did everything it possibly could to avoid actually being exposed to scrutiny of the detail of its legislation. Time after time the government has changed position in relation to this. First of all it had a policy that indicated that it was going to become a standard feature. Then when we started in government business program debates indicating in particular bills that we expected to be considered in detail, that would be ignored. Then we had a request from the Leader of the House to alert the leader and for the shadow minister to alert the minister in advance of our requests. We did that in the last sitting week and that was comprehensively ignored. This week the shadow Minister for Health emailed the Minister for Health, and I forwarded a copy to the manager of government business. This time she replied. She simply acknowledged it and said she would get back to me. She has now indicated that, 'It's a very busy week, but I'll see what can be done on Thursday'. Frankly, that is not good enough.

Earlier in the day we had the Premier lecturing the house about how the government keeps all of its promises. This is one promise that has been comprehensively broken so far in the government's term and it looks very much like it is going to be broken again this week. The opposition believes that the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015 is an important bill that needs to be considered in detail. It is important to get that detail right to make sure the legislation does not have unintended consequences. Given that the Minister for Health is in this house, it would seem appropriate that the main consideration in detail occur in this house rather than in the other place. The opposition is certainly prepared to accommodate that, but we have still had no commitment from the government. It has said, 'We'll see; we'll do our best. We'll see what happens on Thursday'. Frankly, that is not good enough. It is clear that regardless of whatever efforts the opposition goes to to try to help the government give effect to its own election commitment, the government is doing everything within its power to avoid giving effect to its election commitment.

Last week we saw when the opposition gave the government absolutely ample opportunity to deliver on its commitment that it ran a mile from it and, as I said earlier, it filibustered on every bill before the house in order to avoid going into consideration in detail. So far as the opposition is concerned that is just not good enough. We expect the government to live up to its commitments. We expect the government to help ensure this house operates properly. Certainly the opposition is prepared to cooperate in that, but when the government refuses to deliver on its own election commitments, this side of the house opposes the government business program.

Mr PEARSON (Essendon) — I am delighted to join the debate on the government business program. It is galling to be a member on this side of the house and listen to the sanctimonious conduct of those opposite, trying to lecture us about the way in which this government is getting on with the job of governing for the state and delivering on our election commitments.

I was not a member of this house in the last term of government but I remember reading various excerpts in newspapers or seeing footage on the television at night of a government that could not manage its own agenda. What a pathetic rabble they were. They spent 11 long years in opposition, and when they finally managed to get onto the Treasury benches, they could not even organise their government business program on a weekly basis.

It was a circus, it was a joke and the Victorian people saw that night after night, week after week and year after year, and that is why those opposite were dispatched back into opposition after four years. It was the shortest term spent in government in the last 60 years of Victoria's history. It was an absolute shambles and an absolute disgrace, so for those opposite to lecture us about the way we run our government business program is galling and just pathetic.

The government is getting on with it. We are doing the things we told the electorate last year we were going to do. I commend the Leader of the House for her stewardship in the changing of the sessional orders. I remember being a staff member working here in the 1990s. I remember the class of '96 talked about the idea of trying to have family-friendly hours. That was the big call after the 1996 election: we were going to have

family-friendly hours. Do members know what? It never happened. I was reflecting on this, and it reminded me of a story from 24 May 1862, when the Army of the Potomac was trying to engage with the Confederate forces.

Mrs Fyffe — On a point of order, Deputy Speaker, this is a debate about the business program before the house. I ask you to draw the member back to the debate.

The DEPUTY SPEAKER — Order! I do not uphold the point of order at the moment because I am listening intently to the honourable member for Essendon, but he needs to make his comments relevant to the government business program before the house.

Mr PEARSON — My comments were in relation to the sessional orders and the fact that we have now had the sessional orders in place for many months and they are working well. They are working well because of the leadership shown by this government in getting on with it, which was what happened in that example of the American Civil War, when the Army of the Potomac caught up with trying to work out whether it should cross a river or not and George Custer rode his horse out into the river to say, 'That's how deep it is; you can cross over'. Sometimes you need to have strong leadership and strong stewardship in order to effect change. That is what this government did. That is why we have these sessional orders in place now. That is why we are managing to get on with it and are delivering on our election commitments and promises and governing well.

If we look at what is before us this week, we see that we have an extensive legislative program. Many members will want to make a contribution on the no-jab, no-play bill. We are getting the balance right between bringing forward those pieces of legislation which fulfil our election commitments and reflecting on and reacting to some of the issues before us in the contemporary setting. I note that I find it galling that those opposite seek to lecture us. They were an absolute rabble. Day after day it was proven that they were not up to the task of governing this state, and that is why they lost. That is why the people of Victoria were dissatisfied with their performance over their four years in government and that is why they were defeated at the election last year.

We are getting on with it. We are doing the things we said we would do. We have a clear, coherent agenda for this state. We have a very strong leadership team that is guiding us through this journey. We have been able to change the sessional orders of this place to make sure of and reflect that. Maybe to some extent that is what you have to do sometimes: you have to turn around and take a leadership position and get on with it. You can get caught up and lost in consultation and discussion and negotiation otherwise and nothing ever happens. The government is to be congratulated. The Leader of the House is to be congratulated for affording us these sessional orders to make this place operate better and more effectively. I am delighted to be a member of a government which is getting on with it.

Mr HIBBINS (Prahran) — I will rise to speak briefly on the government business program. The Greens will not be opposing the program in this instance, but I am glad the issue of the consideration-in-detail stage has been brought up because it was an election commitment to make the consideration-in-detail stage a standard feature of debate on bills. I accept that if that promise cannot be kept because of time considerations, that is fair enough, but rather than attempting to keep the promise — rather than embracing consideration in detail — the government seems to be running in the other direction and deliberately preventing bills from going into a consideration-in-detail stage.

We have what I could call a very strange situation where the other place does not have the business program and does not have the restraints we do on bills going into a consideration-in-detail stage — or into the committee of the whole stage of debate, as it is called there — and where just a handful of ministers are in charge of answering what I am sure are some very detailed and tough questions on bills.

An honourable member interjected.

Mr HIBBINS — I am sure my upper house colleagues are very diligent in prosecuting the case on those bills and asking questions. There is a very strange circumstance where the majority of ministers are in this house and there are only a handful of ministers answering questions in the other place.

I was looking through the standing orders the other day — as I am sure all good members do in their spare time! — and I note that joint standing order 14 headed 'Minister sitting in other house' says:

> A minister sitting in the house of which he or she is not a member under Constitution Act 1975 s 52, will be subject to the standing orders and practices of that house.

Going into a bit of detail and reading the constitution — as again I am sure we all do in our spare time — I noted that section 52 headed 'Powers of ministers to speak in either house', says:

> Notwithstanding anything contained in any act any responsible minister of the Crown who is a member of the Council or of the Assembly may at any time with the consent of the house of the Parliament of which he is not a member sit in such house for the purpose only of explaining the provisions of any bill relating to or connected with any department administered by him, and may take part in any debate or discussion therein on such ill, but he shall not vote except in the house of which he is an elected member.

To summarise, it would appear that ministers of this house are more than welcome to enter the upper house and explain their bills. I would therefore think that if there is going to be this refusal to go into a consideration-in-detail stage in the lower house, ministers should make the time, make themselves available and head up to the upper house to explain the bills they have carriage of.

Having said that, the Greens will not be opposing the government business program in this instance. On the issue of consideration in detail, if the government is not prepared to meet this election commitment, if it is running in the other direction of going into consideration in detail, I suggest it strongly consider using the powers in section 52 of the Constitution Act 1975 and have ministers speak to their bills in the other place.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak in a debate on the government's business program for the first time. The bills on the program, as the manager of government business outlined, are very important bills which address difficult and complex issues often related to election commitments. The first bill is the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. We also have the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. I do not think anyone needs reminding about how serious and important that bill is, given the events of the recent past. Then there is the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015. Again I am proud, as the member for Essendon said he is, to be part of a government that delivers on its commitments. This bill reflects a commitment we made during the election campaign and that came out of genuine consultation and listening to the community. It is a commitment that respects not only the workforce in hospitals but also the patients.

The fourth bill is the Energy Legislation Amendment (Consumer Protection) Bill 2015 which enhances the powers of the Essential Services Commission to provide a better consumer protection network. Again, this is a Labor government protecting consumers. The final bill is the Local Government Amendment (Improved Governance) Bill 2015. Again this is a bill that was part of our election commitments and it has been well informed by the sector.

I also want to pick up on some of the things the manager of opposition business said. I along with the member for Essendon find it quite galling that the opposition considers the debate in the last sitting week as filibustering. There are 88 members in this place and the least we can expect from a democracy is that people like us will get up and speak on behalf of our communities. Some people have direct lines to powerful people on Collins Street or living in Toorak but for most Victorians this is where it happens. This is the chamber where those conversations happen and where communities are supported by their members of Parliament.

I will quote specifically the manager of opposition business, who said 'They were putting up speaker after speaker' — as if that were a sin. I would have thought you would have pride in putting up speakers. This goes hand in glove with multiple comments by those on the other side but particularly the member for Caulfield who had a go at the member for Bentleigh for consulting too much on level crossings. Already in a few weeks we have seen this opposition having a go at us for consulting too much, for speaking too much and listening too much. God forbid that that is not what politicians are meant to do. I am absolutely stunned by that commentary.

In the end, I am not surprised. The opposition has a very low benchmark, as the member for Essendon said, in terms of what it delivered in government. Although, having said that, I have to make a bit of an exception when it comes to the member for Box Hill. I did not agree with many of the things he did while in government but he was one of the hardest workers. I know that because I worked with at Department of Justice and there was a constant stream of legislation coming from the then Attorney-General — I am not saying it was effective, and I much prefer this Attorney-General, as he well knows — but there was a monumental lack in the amount of business the previous government got through, so much so that every time I get up and speak on a bill I hear that it is a bill it was intending to deal with but it lapsed. This is akin to the Abbott government — sorry, the former Abbott government.

The previous state government had a very low benchmark when it came to doing the things it promised the electorate it would do, which was to get this place working hard for the Victorian community. That is what we are doing with five bills this week.

There is a constant stream of bills. We have been in government for only nine months but the amount of work we have got through is enormous. It is not easy work — it is very difficult work — and the criticism from the other side is, 'You are doing too much. Slow down because you are making us look bad'. If we are making those opposite look bad, that is okay from our perspective. I am also proud to be part of a government that gets on with the job and I am pleased to be speaking on not only the government business program but on some of the bills this week. I look forward to them successfully passing through this house.

Mr CRISP (Mildura) — I rise on behalf of The Nationals to speak on the government business program, a program that we will not be supporting this week in line with the comments made by the manager of opposition business. The bills on the list include the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015, the debate on which will be a chance for us to speak on our good friends, the bikies and others; and the Energy Legislation Amendment (Consumer Protection) Bill 2015, which is an interesting bill. I am sure there will be some conversations on that legislation around the recent decision to lower the solar feed-in tariff rate. There is also the Local Government Amendment (Improved Governance) Bill 2015, which again reflects something I have seen before. There is a bit of deja vu in that bill and I am sure we will hear about that.

Another bill under consideration this week is the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. It is one that I know a large number of members want to speak on. Also on the list is the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015, which is the bill we want to have considered in detail because it is important. It is a bill of significance, particularly for country hospitals. Staff are not easy to find at short notice in the country, and I am sure that when our representative speaks on this bill she will elaborate on some of the risks for country areas associated with this bill. The Corrections Legislation Amendment Bill 2015 is, of course, back from the Council.

I cannot let this opportunity go by without talking a little more about the government and the consideration-in-detail stage of bills. We did make time in the last sitting of Parliament to consider bills in detail, but that opportunity was not taken up. Instead the government chose to cycle through speaker after speaker.

Then we heard the member for Essendon's marvellous contribution about history. There was a little bit of historical revisionism going on here today, particularly in the member's comments about sessional orders. Have I been someplace else or have the sessional orders just been amended? The member claimed they were working well but the government has had to amend them. That has got me a little bit confused. That is no better than the member's reference to Custer. That was a very brave analogy for the member to draw because we all know that it did not end well for Custer. I will remember that analogy as one of the more notable contributions from the member for Essendon.

The assertion of the manager of government business that the inclusion of the consideration-in-detail stage on the program depends on the amount of time available is not something that we can support, and therefore we will not be supporting the government business program.

House divided on motion:

Ayes, 46

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McGuire, Mr
Brooks, Mr	Merlino, Mr
Bull, Mr J.	Nardella, Mr
Carbines, Mr	Neville, Ms
Carroll, Mr	Noonan, Mr
Couzens, Ms	Pakula, Mr
D'Ambrosio, Ms	Pallas, Mr
Dimopoulos, Mr	Pearson, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Richardson, Ms
Foley, Mr	Sandell, Ms
Garrett, Ms	Scott, Mr
Graley, Ms	Sheed, Ms
Green, Ms	Spence, Ms
Halfpenny, Ms	Staikos, Mr
Hennessy, Ms	Suleyman, Ms
Hibbins, Mr	Thomas, Ms
Howard, Mr	Thomson, Ms
Hutchins, Ms	Ward, Ms
Kairouz, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Noes, 36

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Bull, Mr T.	Pesutto, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Gidley, Mr	Staley, Ms
Guy, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Katos, Mr	Victoria, Ms
Kealy, Ms	Wakeling, Mr
McCurdy, Mr	Walsh, Mr

McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Refugees and asylum seekers

Mr McGUIRE (Broadmeadows) — The image of a boy's body washed ashore on the other side of the world revived compassion for refugees in Australia's political consciousness. The Australian government deserves plaudits for its commitment to resettle 12 000 refugees from the carnage in Syria, as does the Premier's generosity on behalf of Victoria to settle 4000 to 5000 people.

Families escaping war-torn Syria and Iraq have already been resettled in Broadmeadows, which is home to a refugee centre. More shell-shocked families from the Middle East are likely to ultimately settle in this proud community, where unfortunately unemployment rose to equal the rate of Greece and where youth unemployment is perilously high. Postcodes of disadvantage have become increasingly complex. Jesuit Social Services has defined how a small number of communities, including Broadmeadows, are shouldering most of the burden of disadvantage, a pattern repeated in other states and territories.

My plea is that we create opportunity from adversity by aggregating assets. As a nation, as a state and as communities, we have the opportunity to define how resettlement means more than a safe haven. Security is the vital first priority, and providing the chance for a job in a welcoming community is the next. My call is that the bipartisan support to resettle Syrian refugees be extended to the postcodes of disadvantage, where they are likely to settle. Now is the time for the Council of Australian Governments to make a long-term, bipartisan commitment to build smarter, healthier and better connected communities by coordinating the three tiers of government, business and civil society, as Broadmeadows has long pursued. Systemic change is demanded because the price of inequality is too high.

Public holidays

Mr MORRIS (Mornington) — Before the 2014 election the Premier promised 100 000 full-time jobs within two years. With nine months gone, that target translates to 37 000-plus new jobs to date. How is it going? Not too well. Full-time jobs have gone backwards, with 7800 lost on the Premier's watch. That is not a surprising result when you consider the agenda of economic vandalism being pursued by this government.

On Friday week we will have a new public holiday, at huge cost. It will be a $1 billion-plus kick in the guts to the state economy which our out of touch Premier continues to defend. He claims tourism will receive a boost from this day off, but I can assure the house that his views are not shared by businesses in my electorate. In case he has missed it, Mornington is a tourist area, but only 6 per cent of businesses think the extra holiday is a good idea. That is 94 per cent opposition in a tourist area.

The people who the Premier needs to deliver his 100 000 jobs promise, Victoria's small business owners and employees, overwhelmingly think this is a screwy idea. From the hospitality industry:

> We are considering not opening. We have kitchen, bar, security staff and live music … isn't worth it.

From a pharmacy:

> Day before grand final day is usually a big trading day as grand final day is quieter.
>
> Now we lose both days!

From the construction industry:

> … lose a day of trade, or pay wage rates that negate a day's work.

From a local accountant:

> The proposal is typical of people who have never had to make a commercial decision, have never put their assets at risk in business and have generally relied on the public purse to fund their lifestyle.

I ask the Premier to abandon this harebrained, job-killing joke before it does serious economic damage and costs us more jobs.

Sunbury Lions Women's Football Club

Mr J. BULL (Sunbury) — I rise today to speak about the sporting success of two of Sunbury's football teams. Sunday, 30 August, saw the Sunbury Lions Women's Football Club victorious in the 2015 grand final against the Melton Central Football Netball Club. The Lions won in a low-scoring affair, 3.9 (27) to 1.2 (8), at City Oval. Simone Craige was named best on ground, while captain Natasha Hardy was influential in her return from a broken wrist and kicked two of the side's three goals. The Lions were the best team in the competition all year. They went through the home-and-away season unbeaten from 15 matches and finished with a massive 1230.1 percentage points. I

congratulate Lions coach Kerry Saunders, team captain Natasha Hardy and all the players and supporters.

Sunbury Phoenix

Mr J. BULL — I would also like to recognise the Wednesday, 2 September, Reclink Football League Rosenthal cup grand final between Sunbury Phoenix and the Southern Peninsula Swans. The grand final was held at the ground where the Reclink program was founded — Peanut Farm Reserve oval. Even more special is the fact that Sunbury Phoenix made it to the grand final in its first season as part of the competition. The game saw fierce competition between the two teams, with Sunbury Phoenix coming out victorious. Sunbury Phoenix has played sides across Melbourne during this season and has been wonderful week in, week out, putting up the best in the competition. Congratulations to all involved on their efforts.

Public holidays

Mr NORTHE (Morwell) — I wish to raise the significant concerns expressed by many businesses and organisations across the Morwell electorate in relation to the Andrews government's grand final parade public holiday. Local businesses have made it very clear that they are vehemently opposed to another public holiday, and this is indicated in comments and feedback I have received.

From a health provider, 'Loss of income, loss of services to patients'. From an eye care business, 'Five per cent loss of monthly turnover and still having to pay employees for a footy game. I'm disgusted!'. From a car yard operator, 'A huge cost to us, with no return'. From a tyre business, 'I am disgusted! We will close for the day so that we don't have to pay staff higher rates. We are also on call for our customers and this will increase costs due to penalty rates'. From a fruiterer, 'Cannot afford to open. Will have to close for the day'. From an employment agency, 'Direct wages expense of approximately $10 000 for 28 staff — no productivity gain'. From a builder, 'It will cost me $1800 in wages for no work return. Basically an $1800 loss'. From a travel agent, 'Forces me to close on the busiest day of our week — a Friday. I am a small business owner with five staff and I am forced to pay them to have an unnecessary day off'.

As is clear from the tone of the responses, local businesses are extremely angry that the Premier's declaration of two new public holidays for Victoria completely ignores the impact on local business. This is despite the fact that his government's independent analysis says that it will cost the Victorian economy close to $1 billion.

Eltham Wildcats Basketball Club

Ms WARD (Eltham) — I rise today to congratulate the Eltham Wildcats Basketball Club, the largest junior basketball club in Australia, on its Young Ambassadors mental health program. The program was created following the experience of two young coaches who were confronted with the challenge of advising on mental health concerns brought to their attention by a few teens on their teams. These great kids wanted to help, but they knew that they did not have the skills or experience.

The Eltham Wildcats did not wring their hands in response to this issue. They rose to the challenge and put in place a program to train 20 young Wildcats in mental health first aid. These great kids will be called Young Ambassadors and will be promoted within the Wildcats as young players to talk to, people who can offer advice and support. Their presence will help to promote mental health awareness within the club, and there will be links with beyondblue to provide ongoing support for the Young Ambassadors.

Sport and Recreation Victoria (SRV) has told the Wildcats that the club is breaking new ground in running this kind of program and that SRV will be very interested to track its success. I am sure the program will be very successful. I thank the Minister for Health for meeting recently with the Wildcats CEO, Greg Jeffers, at Espresso 3094 cafe in Montmorency, which offers delicious food. Like me, the minister was very impressed with the outline of the program and the vision shown by the club. I congratulate Greg Jeffers and all involved in the Wildcats for their vision in marrying the benefits of physical health and team sport with the promotion of a positive response to mental health concerns within the club and our community.

Public holidays

Mr WELLS (Rowville) — I condemn the Andrews Labor government for its betrayal of the Victorian business community and thousands of Victorian employees and call on the government to reverse its decision to introduce a new public holiday for the AFL Grand Final parade. The government has dismissed the advice of its own regulatory impact statement from PricewaterhouseCoopers, which found that:

> Overall, the estimated costs of the new public holidays outweigh the quantified benefits …

That is to say that any benefit from tourism or people having extra leisure time is far outweighed by the $852 million in lost production on that day. The government has dismissed the findings of its own public consultation process, with 100 out of the 109 public submissions being from people not wanting the public holiday. The Minister for Small Business, Innovation and Trade showed complete contempt for the public by saying, 'Nothing within the submissions made us want to reconsider our election commitments'.

The government is simply refusing to see reason. Instead of fixing Victoria's above-average unemployment rate — Victoria has an unemployment rate of 6.4 per cent whereas the national average is 6.1 per cent — it is insisting that we all take a holiday. Victoria has lost 7800 jobs since this government came to office, but it wants a holiday. Instead of promoting job creation, boosting economic confidence and investing in the state's future, this government is on holiday.

Country Fire Authority Edithvale brigade

Mr RICHARDSON (Mordialloc) — It was an honour to visit the Edithvale Country Fire Authority (CFA) brigade recently for its 90th anniversary and reunion of past members. I begin by paying tribute to those wonderful past members who have served at the brigade over a number of years and given their time in the service of and dedication to the community. There is no doubting the place the Edithvale fire brigade has in the local area. The brigade emerged at a time when the suburb of Edithvale was developing, after breaking away from Aspendale. It was a transformational time when there were probably more racecourses in Melbourne than there were fire stations.

The Edithvale fire brigade joined the Chelsea, Aspendale and Carrum brigades and moved to its current site at Station Street in 1972, with volunteer members having built the station brick by brick. It was a wonderful effort by the community, whose members came together for that purpose. In 1964 they had to fight a community campaign in order for the brigade to continue. Now, sometime down the track, it was an absolute honour and a privilege to welcome the Minister for Emergency Services over the weekend to unveil plans for the new $2.5 million CFA station.

I make special mention of and thank Captain Graham Fountain for having us. I make special mention of a good neighbour and good friend of the brigade, John Hennessey, who has generously offered his land for the redevelopment. Instead of selling his land to developers, he has thought about his community. He has put his community first, he has put others first and he has put first this wonderful volunteer brigade of over 100 members. It is a credit to John and his family, and we thank him.

Queen Elizabeth II

Mrs FYFFE (Evelyn) — On 9 September 2015 at 4.18 p.m., Her Majesty Queen Elizabeth II became the longest reigning monarch of England and Great Britain, surpassing the reign of her great-great-grandmother, Queen Victoria. Born in 1926, Her Majesty's future changed when her uncle, Edward VIII, abdicated and her father became King George VI. Her destiny was then set. It was a destiny she accepted without question. She has carried herself with dignity and grace, showing wisdom in the face of adversity and always demonstrating a strong sense of duty. In Australia we are fortunate to have her as our head of state. I recognise that there is a movement for a republic, but even the most ardent republican must acknowledge Her Majesty's exemplary service. Long may she reign!

Public holidays

Mrs FYFFE — Victorians are proud, we are competitive, we like to be first and we want to be no. 1. However, to be no. 1 in having the highest number of public holidays in this country is not a position I want to hold. The Northern Territory, Tasmania and Queensland have 11 public holidays. Western Australia and New South Wales have 12 public holidays. Victoria will now top the list with 14 public holidays. The government's forelock tugging to the Shop, Distributive and Allied Employees Association will result in 300 000 casual workers losing a day's pay, businesses losing a day's trading and tumbleweeds blowing down Swanston Street on the Friday before the grand final.

Greensborough Hockey Club

Ms GREEN (Yan Yean) — Greensborough Hockey Club showed again what a great club it is by winning the men's premier league grand final on Sunday, defeating Camberwell 3-2 in an exciting, fast-paced match. Sadly, the women were not as lucky, losing to Doncaster. However, it was a great effort, coming from fourth to face the Donnie girls, who were undefeated all year. Congratulations go to the players, coaches and committee, especially the captain, Robert Zull, the coach, Marty de Man, and club president, Bob Crowley, for sharing the day with me.

Whittlesea Football and Netball Club

Ms GREEN — Whittlesea is the little town that roared with pride as its football and netball club took home five premierships to the Eagles Nest, with seniors, under-19s, under-17s and under-12s winning Northern Football League football finals and also taking out the cup in netball. Well done to all the players, coaches and committee volunteers, and especially the Thursday night kitchen crew, who are the club's secret weapon. I look forward to collecting my bet from Lalor follower, Cr Darryl Sinclair.

Laurimar Power Football Club

Ms GREEN — Doreen delight sums up the last 48 hours following the Laurimar Power Football Club's super rules emphatic grand final win and a valiant loss by the seconds. This new team was formed in a new suburb only four years ago. The players benefitted from the guidance of not only coaches Matt Collins and Darren Fox, trainers, committee members and volunteers but also from hundreds of teal and black clad supporters who made the 160-kilometre round trip to Casey Fields to urge the supers on. I say, 'Well done!'. It shows what a great unifier sport can be in our new suburbs. I could not be prouder of Laurimar Power, its team and its supporters.

Prahran electorate secondary school

Mr HIBBINS (Prahran) — I recently organised a round table of local school principals, teachers, school council members and parents to discuss the new Prahran state secondary school. We were joined by the CEO of Melbourne Polytechnic, Rob Wood, who shared his vision for the Prahran campus and the potential of having the secondary school on the site as part of a creative educational hub. Local parents are passionate about having a high-quality state secondary school in the Prahran community and welcome the government's commitment to build the new school.

However, parents have voiced their concerns about the lack of communication from the government, particularly around the construction, opening date and intake of the school. Members of the community want to be involved in setting up the new school to make sure it meets the needs of the local students and families. They want to know when it is going to open so they can plan for the future. Local families are moving out of the area because of the lack of a public high school and uncertainty about the new school. Prahran should be a place where all types of families can live. I urge the education minister to meet with local parents to discuss the new school and give certainty to the Prahran community.

LGBTI community

Mr HIBBINS — I attended the Jewish Community Council of Victoria LGBTI community engagement symposium at the Beth Weizmann Community Centre. The symposium focused on understanding the human cost of homophobia, biphobia, transphobia and intersex exclusion in the Jewish community. Presenters spoke on the benefits inclusion and diversity could have in the Jewish community, and the negative impact of exclusion and discrimination. I applaud the Jewish Community Council of Victoria for hosting this event and wish it well in its ongoing efforts to improve LGBTI inclusion in the Jewish and wider communities.

Invermay TOPIC Biggest Morning Tea

Ms KNIGHT (Wendouree) — One great big bake-up marks the end of 12 years of fundraising by the Invermay TOPIC club. On 19 May this year, the small but dynamic group of fabulous women raised over $5000 for cancer research. The Invermay TOPIC Biggest Morning Tea was well attended, with 195 people packed into the Invermay hall. I have it on very good authority that the Invermay TOPIC club excelled, once again, with great sandwiches, delicious cakes, slices and biscuits. It certainly reflected the great turnout of the year I attended.

But the food is not the main reason that people attend the biggest morning tea. It is about supporting the Invermay TOPIC club to raise money for people who are doing it tough in their local community. This year $813 was donated to Cancer Council Victoria and $5000 to Ballarat Health Services for the day oncology unit at the Ballarat Regional Integrated Cancer Centre. Over the years the Invermay TOPIC club has donated $19 500 to the day oncology unit.

Since 2008 this small but impressive group of women has raised a staggering $35 000 for cancer research by organising annual Australia's Biggest Morning Tea events. It is an amazing effort by these local women, who want to make a real difference in their local community to the lives of people and their families who are living with cancer. Congratulations to the Invermay TOPIC club. Your fundraising efforts are truly an inspiration.

Gippsland East electorate sporting clubs

Mr T. BULL (Gippsland East) — Congratulations to the football and netball premiership teams in my

electorate. In the Omeo District Football League, Lindenow South won the seniors and Bruthen the juniors premierships. In the netball Swan Reach girls won both premierships. In the East Gippsland Football League, Wy Yung seniors won over Lindenow, Stratford won in the reserves, Lucknow won in the under-18s and Paynesville won in the under-16s. In the A-grade netball it was Stratford over Wy Yung, and Stratford also won in the B grade. Lakes Entrance won in the C and D grades and the under-15s, and Wy Yung won in the 17-and-under competition. It was fantastic to see so many teams from across the electorate represented in the finals series this year.

Public holidays

Mr T. BULL — While these grand finals were very well supported — and I am a strong supporter of football — the upcoming Grand Final Friday public holiday is not, with many businesses being forced to close. I recently commenced surveying businesses in my electorate, and although the survey is in its early stages, the responses coming in are unanimously opposed to a public holiday for a parade being held over 3 hours travel away. So far I have received 40 responses, and 100 per cent of those are opposed. These have come from coffee shops, pharmacies, nurseries and retail outlets.

Many businesses are citing that they are being forced into a loss. If they open, they will lose money due to staff wages, and if they close, they lose a trading day. So they are having to make a decision about what is the lesser loss for them — that is, to open and lose money or to close and lose a trading day. Small businesses in my electorate and across the state are facing their own challenges, without having this additional impost forced upon them.

Baltara School

Ms HALFPENNY (Thomastown) — On Tuesday, 8 September, I was honoured to be promoted to principal for a day at Baltara School in Waratah Street, Thomastown. Baltara School is small but has people full of energy and drive. I was taken by how closely the teachers, staff and principal work together and the dedication and care they have for the students. I was also taken by how engaged the students are in educational activities and how warmly they welcomed me to their classes.

Whilst I thoroughly enjoyed all my time at Baltara, there were some highlights. For example, one student insisted that I wore the principal's very heavy bunch of keys around my neck to ensure that I was authentic. Another student volunteered to do the hard work of chopping onions during the cooking class while I made the guacamole sauce for nachos. I enjoyed playing air hockey during recess with yet another student, even though he wiped me out every game. There was another good student I lost to each time, but she was even better at making Spanish churros.

Full-time principal Nancy Sidoti showed me all around the school and explained the extraordinary difficulties the teachers and students face, which are often exacerbated by the physical constraints of the building. I have undertaken to support the school in this regard. I am confident that Baltara students will get more support from the Andrews Labor government. To start, the school just received an additional $5000 to resource and support the nine student places that make up the school. We are looking forward to the Minister for Education, who may well be the only Minister for Education to visit Baltara School, visiting on 12 October. I know he will get the same warm welcome that I received.

Public holidays

Ms McLEISH (Eildon) — The declaration of a public holiday on grand final eve delivers yet another blow to economic confidence in Victoria. With the loss of production to the Victorian economy estimated at around $850 000 with in excess of 350 000 employees either losing a shift or having a reduction in hours, the state will take a hard hit. This is felt at the local level within my electorate, as businesses reliant on the tourism trade are expected to open but have to cope with increased costs they can ill afford.

The Great Tarmac Rally on the grand final weekend has just been postponed. The late gazettal of the public holiday, only six weeks before it is scheduled, and the subsequent late decision that roads in and around the mountains and hills of Marysville, Cambarville and Reefton are unable to be closed for the new long weekend make it impossible for the rally to proceed. The enormous impact on local businesses, particularly those in food and accommodation, were felt immediately. Black Spur Inn at Narbethong, Dalrymples B & B and Marysville Caravan and Holiday Park, which were fully booked and had knocked back bookings, are now being hit by cancellations that cannot be recovered. While it is expected that there will be a drop of 33 per cent in entrant numbers, the rally has been rescheduled to a time when food and accommodation providers are already close to capacity and unable to assist. This is a concern for Marysville Triangle Business and Tourism.

Healesville High School

Ms McLEISH — I thoroughly enjoyed Healesville High School's production of *Alice in Wonderland Jr*. With a cast much younger than in productions in previous years, they did not let inexperience stand in their way as they put on five fine performances. With many students involved it allowed flexibility so that each student did not have to perform in all sessions. Bright, colourful and with young performers obviously having great fun — —

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

Huntingdale railway station

Mr DIMOPOULOS (Oakleigh) — I rise to commend this government, and in particular the Minister for Public Transport, for its commitment to proceed with a major redevelopment of the precinct around Huntingdale train station, which is one of the busiest transport hubs in Melbourne. A few weeks ago in this place I raised for the attention of the minister the issue of the bus interchange development and associated car park works at Huntingdale. I specifically requested that options be considered for the paving and re-marking of the large gravel car park — a project that, like others in Huntingdale, was ignored by the previous government. I was therefore incredibly pleased last week to join the minister at Huntingdale station to announce that the Andrews government will fix the car parks surrounding the station as part of the plan to build the much-needed bus interchange. The large gravel car park has been a nightmare for too many years. There are potholes, there is parking mayhem and it is a site of illegal rubbish dumping.

The bus interchange and car park commitments will provide a significant boost to the Huntingdale area. This area will now be safer and cleaner, which is good for commuters and also for the local community. I thank the minister for responding so quickly and for her attention to detail on this issue. I also thank the member for Clarinda, whose electorate the car park is in. The station is in my electorate, and the car park is in his. I look forward to seeing the works commence next year.

Public holidays

Mr ANGUS (Forest Hill) — The state government's thought bubble Grand Final Friday public holiday, together with the Easter Sunday public holiday, announced last year and gazetted in August this year, will cost the Victorian economy up to $900 million in lost production annually, according to the PricewaterhouseCoopers (PwC) regulatory impact statement dated July 2015. The PwC report also states that the cost to businesses in increased wages will be between $252 million and $286 million annually. The executive summary of the report states that 'the estimated costs of the new public holidays outweigh the quantified benefits'. Despite the overall negative impact on Victorian businesses, the government has pushed on regardless.

I recently met with the president of one of my local traders associations. As a small business owner, he also lamented the negative impact the government's additional public holidays would have on his and his fellow traders' businesses. In responding to a survey I sent out asking what impact the new public holidays would have on his business, one of my local small business owners wrote back to me and simply said 'Lose more business'. This response sums up many of the responses I have had as I have discussed this issue with business operators in my electorate of Forest Hill.

Labor's public holiday policy clearly demonstrates that it has no idea about small business. Rather, following their campaigning for Labor at last year's election, Labor is interested in paying back its union mates with extra public holidays. Having never run a small business, the Premier — and, for that matter, most of his ministers — simply has no idea of the negative impacts an additional public holiday will have on small businesses.

The difficult choice business owners must make as to whether to close and forgo a day's sales or production or open and pay penalty wages is one Labor has no idea about. In my former accounting practice, as a small business the loss of productivity and chargeable hours in having all the staff away for a day was very costly. Another of my local small business owners said that, rather than employing any staff on grand final eve, he and his wife would both have to work themselves with no assistance, as they could not afford to pay penalty rates to staff. Consequently their casual staff will also lose a day's pay.

The ACTING SPEAKER (**Mr Carbines**) — Order! The member's time has expired.

Geelong education forum

Ms COUZENS (Geelong) — Last Thursday evening I held an education state forum in Geelong to seek the views of parents, teachers and services that have an interest in the education of children with disabilities, in particular autism and dyslexia. The forum was supported by Gateways Support Services,

and I thank Rosemary Malone and her team for that. At the forum we heard from parents and teachers about the issues affecting children with disabilities. There was a diverse range of ideas and comments ranging from the need for more teacher training through to greater resources in the classrooms. On behalf of my electorate I will be putting together these comments to submit to the review on education.

I thank those who attended for their contribution, particularly the parents who attended and shared the struggles they and their families have experienced. I congratulate the Minister for Education. I am proud to be part of a government that cares about education for all. I have already held education state forums with secondary students, parents and teachers, and also on early learning last week. I found the education state forum on disability very valuable, and I look forward to continuing to work towards the best education outcomes in my electorate of Geelong.

Public holidays

Mr CRISP (Mildura) — Spring has sprung in Mildura, but there is no spring in the step of local businesses with the introduction of the new grand final eve public holiday. Many businesses in Mildura and surrounds will be forced to close and lose income whilst having to pay full-time staff, and casual staff are likely to lose valuable shifts, all due to penalty rates that working on a public holiday attracts. I have had many businesses approach me with their frustration. They are very, very angry. First it was Easter Sunday, and now this.

As one proprietor commented, for Mildura:

> … this is nothing more than a holiday for public servants and bank workers. Comrade Andrews has decreed that all of Victoria should have a public holiday … for a 1-hour parade … in Melbourne's CBD. That is 6 hours from here.

The grand final public holiday falls at the same time as the Mildura Country Music Festival, when 1000 people are likely to arrive in our city. Small businesses will try to make an educated guess as to whether to open and hope their takings offset the holiday rates or to close and let the visitors enter a town on Friday, 2 October, where they will be welcomed by the sign, 'Sorry, Victoria closed'. The grand final public holiday will bring nothing for my electorate. There is no parade to attend, no football to watch — only pain for business.

Carry On Mildura dinner

Mr CRISP — Just quickly, the Carry On (Victoria) Mildura branch had its annual dinner the other day. It provides a great service to my community in building a strong community, and I commend it for its work with our servicemen, ex-servicemen and their families.

Bentleigh electorate education funding

Mr STAIKOS (Bentleigh) — The Andrews government is making Victoria the education state. In May we delivered the biggest education budget in Victoria's history. Yesterday I had pleasure in informing local principals of increases to their school budgets — collectively more than $320 000 across my electorate — in addition to funding for enrolment growth and indexation. This is part of the Minister for Education's announcement of $747 million in extra funds to ensure that schools have the resources they need to give every child in Victoria, regardless of postcode, the best possible start in life.

There is a lot happening at schools in our local area. McKinnon Secondary College has recently appointed an architect to design the $9 million next stage of its redevelopment, which is much needed to accommodate the growing student population. At Bentleigh Secondary College planning is underway for a $9.6 million rebuild, which includes new classrooms and basketball courts.

Level crossings

Mr STAIKOS — Work is well underway on the Andrews government's level crossings removal project in my electorate. While opposition members are desperately running around trying to poke holes through this project, we are getting on with it. We promised the people of Bentleigh that we would remove the level crossings at Centre Road in Bentleigh, McKinnon Road in McKinnon and North Road in Ormond, and we are not wasting a single day, with construction works about to begin. There will be disruption during the construction period; I have been up-front about that with my community. However, we will keep consulting, and we will keep delivering.

Public holidays

Mr PAYNTER (Bass) — The state of Victoria will grind to a halt on grand final eve in celebration of our great tradition, the grand final parade. Of course millions of Australians will crowd around television screens across the nation to watch the players of West Coast and Fremantle ride in convertibles through the deserted streets of Melbourne's CBD en route to the MCG. Thankfully these CBD streets and the areas surrounding the MCG are full of quality statues that can receive the enthusiastic waves of Matthew Pavlich,

Aaron Sandilands, Matthew Priddis and company as they roll past in the beautiful Melbourne sunshine. Meanwhile, 540 000 business owners and 353 000 casual workers in Victoria will remain at home lamenting this reckless, outrageous and irresponsible decision.

During a time when small businesses need the support of government most they have been deserted by this Andrews government. The Premier should apologise to Gathercole's abattoirs, which has been forced to close the door on grand final eve. Business needs government support, not a government making stupid decisions. The 80 casual workers who work at the abattoirs will be without a day's pay in their weekly pay packets. I challenge the Minister for Small Business, Innovation and Trade to visit the meatworks and explain to these people how they might enjoy quality time with their families in a week when they might struggle to put food on the table.

The Premier needs to apologise to a small business in Pakenham called Sewing Connection, which will not open its doors. The owners are so disgusted that they have placed a sign on their front window stating that they will be closed for business.

Public holidays

Mr PEARSON (Essendon) — Hashtag love Grand Final Friday!

CRIMINAL ORGANISATIONS CONTROL AMENDMENT (UNLAWFUL ASSOCIATIONS) BILL 2015

Second reading

Debate resumed from 2 September; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I am pleased to be able to stand up today and address the house on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. The coalition will not oppose this bill, but in saying that we do believe that the bill is a missed opportunity. We are dealing with criminal networks that are violent, rapacious and do not scruple at removing anyone or anything standing in the way of their achieving the fulfilment of their greed and power, and we believe that consorting legislation must be the strongest possible set of laws to address what is a very sophisticated culture, assisted by no shortage of money, no shortage of weapons and no shortage of people to help them effect their aims. This bill is far weaker, as I will point out, than legislation in other jurisdictions, which have exhausted the capacity to introduce laws that give law enforcement agencies in those jurisdictions the best possible chance of tackling these criminal networks and drug syndicates.

The coalition has a proud record in this area. In the four years we were in office we introduced a number of reforms to tackle the challenge of bikie gangs and criminal networks. We brought in legislation that was the first of its sort in this state's history to attack criminal bikie gangs. We allowed for banning and control orders, anti-association orders between gang members, antifortification laws, unexplained wealth laws, automatic forfeiture laws and automatic restrictions on gang members holding firearms, and we made changes to ensure that members of gangs could not escape the consequences of our laws by patching from one organisation that has been banned to another that may not yet have been banned.

These laws took us very far down the pathway of implementing a set of laws, a regime, that will enable Victoria Police in particular to attack these growing networks. By the time we approached the last election we were looking to implement solutions to a number of challenges. If re-elected to office, we would have pursued those. As we announced at the time, we would have introduced changes to reverse what we thought were counterproductive deregulatory measures relating to the debt collection industry. We wanted to reinstate the registration of debt collectors and the fit and proper person test. We gave a reference to the Victorian Law Reform Commission to look at the influences of organised crime on legitimate industries like debt collection and heavy haulage. We would have addressed this tranche of reforms which are dealt with in the bill, but, as we said at the time, we were holding off until the finalisation of the High Court decisions in relation to the Queensland laws dealing with bikie gangs and, more relevantly, the New South Wales provisions amending sections 93W to 93Y of the Crimes Act 1900.

In October 2014 the High Court, by majority, upheld the provisions of the New South Wales act. The New South Wales model represents a tougher law, which is likely to be more effective than the one we are dealing with in the house today. Not only are they simpler but they are also free of many of the proposed restrictions that are before us today.

However, that is history. The election has come and gone, and now the government has brought in the bill before us. I have to concede we were expecting more. The government talked a big game. It is taking the credit but not the responsibility for the tough measures

that are needed. We worry that the law may not work. Although we hope it does, there are so many qualifications, defences and exemptions that it is hard to see how anybody but the most foolish participant in organised crime could fall foul of these laws. To some extent one could say it is a good thing if people are not consorting and it may well be a desirable aim of the legislation. However, my point is that people will too easily be able to circumvent these provisions, and I will explain why.

When making its announcement the government said a few things that I will highlight before I talk about the bill proper. The minister in his second-reading speech said that the bill is modelled on the New South Wales laws. In principle it may be modelled on the New South Wales regime, but, as I will explain, they are very different. The minister also said that the amendments in the bill are best suited to target the sophisticated forms of organised crime facing us in 2015. Again, for reasons I will explain, I do not think that will come to pass.

The government also said in its media release dated 31 August:

> These laws will help to ensure that Victoria does not become an attractive target for members of outlaw motorcycle gangs seeking to avoid new laws introduced interstate.

I believe this will not only perpetuate the distinctions and disparities between jurisdictions but, if passed in its present form, will mean that Victoria, as was quoted in the media, will remain a 'Switzerland' for many bikie gangs. The differences are quite stark. It is far easier to circumvent the regime proposed in this bill compared to regimes elsewhere. The media release goes on to state:

> These anticonsorting reforms give police the powers they need to disrupt and dismantle criminal gangs.

Sadly I doubt that will come to pass. What is given to police is largely, for practical purposes, taken away by the same bill. The media release also states:

> Crime gangs are becoming more sophisticated, they're recruiting new members online and on social media. They are a risk to public safety and cogs in the network of misery that puts ice and other drugs on our streets.

That is all true. We agree with it, but we do not think the bill will help us achieve the measures needed to overcome that very challenge. The government also said:

> These new laws will ensure our state is well prepared to deal with the forms of organised crime facing us in 2015. We will find them out, stop them in their tracks and keep Victorians safe.

I do not think that is going to happen either for the reasons I will explain.

We all recognise that Victoria needs tougher laws. The current secretary of Police Association Victoria, Ron Iddles, made statements to that effect in November last year. He was quoted as saying that bikie groups now saw Victoria as a safe haven. Mr Iddles told the 774 ABC radio program:

> I think what we saw on the weekend with the Mongols coming to Victoria was around that fact …
>
> They were a Queensland-based group and now they want to base themselves here in Victoria.

An article in the *Age* in March referred to a high-level crime conference where delegates were told that interstate bikie gangs want to come to Victoria because they think it is easier to survive here. The article says:

> Speakers at the conference included senior Victorian gang detectives, the head of the National Anti-Gang Taskforce and investigators from Canada, Las Vegas and US federal … agencies.
>
> The conference was told bikie gang bosses were moving to Victoria from interstate to avoid antigang laws because Melbourne was seen as 'Switzerland' — neutral and safe.

That vindicates the concerns of the previous government and the present government that Victoria needs a regime. We all agree on that, but the articles I referred to make the case for why we need the strongest possible set of laws.

I turn now to some of the key provisions in the bill which bear out what I said before — namely, that the regime is not nearly as tough as it needs to be and that it can be far too easily circumvented. A key provision is new section 124A(1), headed 'Association with individuals convicted of serious criminal offences prohibited', which provides that:

> An individual who has been served an unlawful association notice must not associate with an individual specified in that notice (the specified individual) —
>
> (a) on 3 or more occasions in a 3 month period; or
>
> (b) on 6 or more occasions in a 12 month period.

The penalty is imprisonment for three years or 360 penalty units, or both, with a penalty unit being around $151 at the moment.

As we read that provision, that effectively means that a person may have associated with an individual whom they are not supposed to associate with four times in three months. You have the initial contact between the individual and the convicted offender in the notice, but

they are not allowed to meet three more times. It means they can meet up to two times in that three-month period or five times in that six-month period before they are committing an offence. That is excluding the original contact. We wonder why such latitude is provided in that regard.

When you compare this provision with the New South Wales legislation, it does not require that. Section 93X of that state's Crimes Act 1900 defines habitual consorting as meaning a person consorting with at least two convicted offenders, whether on the same or on separate occasions, and that person consorting with each convicted offender on at least two occasions. The opposition wonders why the provision in this bill is so generous.

Importantly, proposed section 124A(4) contains a very wide range of exceptions, and I will spend a couple of moments on them. The exceptions include 'in the course of lawful employment or the lawful operation of a business' — we have no problem with that; 'in the course of participating in education or vocational training' — again, we do not have too much of an issue with that; and:

> … while either or both of them —

that is, the person who has been given the notice and the convicted offender —

> are being provided a health service —

or getting legal advice or in custody or in the course of complying with a court order or an adult parole board order.

Interestingly the bill contains an exception 'for genuine political purposes, or in lawful protest or industrial action'. I should point out that section 11 of the principal act, the Criminal Organisations Control Act 2012, as it now stands, indicates that the act is intended to apply in a way which respects political protest, lawful industrial action or lawful protest. That much is not disputed. But in terms of law enforcement and police giving unlawful association notices to individuals, we should all recognise that there are certain parts of the economy, such as the construction industry, where there is a wealth of information pointing to the influences of criminal networks. We think that that exception needs to be refined, particularly in our view in relation to the Construction, Forestry, Mining and Energy Union and like organisations, which have attracted great notoriety for their culture of unlawful behaviour, which has been documented and established numerous times elsewhere. We believe that defence is far too wide.

Also, the nature of this provision is such that the notice cannot be served on an individual if one of those exceptions applies. For practical purposes, that places an onus on law enforcement authorities to demonstrate or to be satisfied that those defences do not apply. It is interesting to note that the New South Wales counterpart provision, section 93Y of its Crimes Act 1900, contains a range of defences or exemptions which are far more limited than the ones in section 124 as proposed in this bill. The New South Wales provision, however, places an onus on the defendant satisfying a court that the defence applies. In our view that is fair enough: a defendant should be able to satisfy a court. But importantly, and we think desirably, the onus is on the defendant to do that.

In this bill the practical onus — I will leave for a moment the question of whether it is a legal onus — is on law enforcement agents. In an area where you are trying to deal with sophisticated criminal networks it would be very easy for people to assert that their associations incorporate one or more of those defences and that there is not an ulterior purpose. There may well be, but it would be very easy, particularly because they do not bear any onus to demonstrate that and deter the service of those notices. We think those defences are very wide and that the placement of an effective onus on law enforcement agencies is completely undesirable and contrary to the objectives that we need to achieve.

I also note that in proposed section 124B an individual who has been served with an unlawful association notice may apply to the chief commissioner for authority to associate with an individual specified in that notice at an event or gathering. I can understand in the gangland community, where there are lots of funerals to attend, why it would be important for, say, Juan Carlos Fabrizzi — no association with any real person — to seek authority to go to a funeral; it is the social event of the year. For many of these people it is celebrity.

But the important point here is that this is not present in the other legislation or regimes. We are not dealing with teenage pranksters or undergraduate rogues; we are dealing with a violent criminal network. The fact that they are able to apply for permission strikes us as being contrary to the intention of these reforms. New South Wales does not have these exemptions, and on my reading nor does South Australia, which has a relatively comparable regime. We believe it is unnecessary and it is unfortunate that it has been included in this bill.

Another point worth mentioning is proposed section 124D, which relates to the actual decision to serve a notice. It provides:

> (1) A senior police officer may issue a notice in respect of an individual who is 18 years old or older if the senior police officer reasonably believes that —
>
> (a) the individual has, on at least one occasion, associated with an individual convicted of an applicable offence tried on indictment … and
>
> (b) the commission of an offence is likely to be prevented if those individuals are prevented from associating with each other.

There are just two points I want to make here. The first is the use of the words 'tried on indictment'. We believe that is unfortunate because if you are a defendant and you are an active and longstanding participant in organised criminal networks, you will be advised by your lawyer that for those offences which can be tried summarily you will not be subject to this regime if you agree to have them tried summarily. This provision will not be applicable, so a senior police officer will not be able to use this scheme where somebody is smart enough to know that if they are going to be caught up in this regime, they can choose to have an offence tried summarily rather than on indictment. It would be helpful if the government was of a mind to reconsider that. I do not know why the words 'tried on indictment' are in there, but it is worth reconsidering their inclusion.

The second point relates to the added component of 'the commission of an offence is likely to be prevented if those individuals are prevented from associating with each other'. I can see why the government wants to do that, but it places an additional administrative burden on senior police officers who will be considering these matters. It is worth having another look at it.

I just want to point out one thing very quickly in relation to proposed section 124E. We have to understand that criminal networks as sophisticated as the ones we are dealing with will benefit from any bit of information that law enforcement agencies are required to give them. If you serve an unlawful association notice on an individual and you are also required to serve a counterpart notice on a convicted offender, you are telling that convicted offender that they are the subject of surveillance in this respect — it will just warn them about those networks and it may compromise the conduct of investigations. I would suggest in regard to proposed subsection (3) that it might be worthwhile the government having a look at whether those exceptional circumstances are broad enough to give investigators the flexibility that they need, particularly if being required to notify a convicted offender of the service of a notice would compromise investigations.

The opposition is very concerned about the internal review provision in the bill, detailed in sections 124L and 124M of division 3 of new part 5A. This provision is particularly noteworthy because again we are dealing with criminal networks that are violent, deadly and unscrupulous, and yet we are giving people the ability to apply to the Chief Commissioner of Police for a review of decisions to issue these notices. That means the chief commissioner has to appoint somebody to conduct a 28-day review, and that reviewer has to have before herself or himself all of the material that was before the senior police officer who made the original decision.

We should think about how this would work in practice. Joe Bloggs gets a notice. He does not like it and by instinct applies to the chief commissioner for a review of the notice. This original unlawful association notice may be the product of months of covert surveillance and other investigatory work. The chief commissioner has to appoint a reviewer, and they potentially have to go through volumes of files and material to arrive at a decision on whether to affirm, set aside or vary the original decision to issue the notice. That will tie up police resources, and it is not a requirement that is present in other jurisdictions. The opposition thinks this provision is not only unhelpful but also counterproductive to that process.

Finally, I want to talk about the current provisions in the Summary Offences Act 1966, which will be repealed by the bill. The summary offences provision contained in section 49F provides:

> (1) A person must not, without reasonable excuse, habitually consort with a person who has been found guilty of, or who is reasonably suspected of having committed an organised crime offence.

The section further states:

> (2) The accused bears the burden of proving reasonable excuse for habitual consorting to which a charge of an offence against subsection (1) relates.

The section goes on to define an 'organised crime offence'.

It is clear that the summary offences provision detailed in section 49F has not been used. We understand that and do not dispute it, but the amending bill could be improved. Whilst I doubt the government would do this, one of the best things it could do would be to look more closely at legislation with such provisions in New

South Wales. It should also look at the current provisions in section 49F of the Summary Offences Act and reconsider whether this legislation will work.

When you weigh up the balance all of the things I have mentioned — the practical difficulties, the things that senior police officers must be satisfied about before they issue a notice, the fact that there are an increased number of grounds which must be satisfied before they can issue the notice compared with other jurisdictions and the fact that there can be internal review of the decision, which is a particularly undesirable part of this scheme — it is hard to see how anybody involved in organised crime could not circumvent these provisions; it is too easy.

Imagine a situation where a person gets a notice and they know about their options. First they can go back to that senior officer, advising that they are going to make application for internal review to maybe conjure up a watering down of the original notice. Assuming that does not work, they can query the grounds for the issuing of the notice and go for internal review. What happens if the internal review is challenged? Does that mean they go to the Supreme Court seeking judicial review of that review decision? It means that anyone who has the money to engage the lawyers to do the work will be able to completely thwart this provision. The idea that we will then have an anticonsorting regime that actually works is very much to be doubted.

Whilst I do not agree with the internal review provision, I can understand why the government has done this. On the one hand it wants to introduce what it says are tough provisions to tackle organised crime and sophisticated criminal networks but on the other hand it is clipping the wings of law enforcement authorities to do the work they need to, and their work is hard enough in pursuing these organised crime networks.

If you look at the relevant legislation in other jurisdictions, you see that the laws are very simple. As I said, the New South Wales provisions are fairly straightforward, with a much more limited range of exceptions. Where those exceptions apply, the onus is on the defendant — not the prosecutor, not the senior police officer — and the defendant is not easily able, and with no cost consequences, to access internal review. In New South Wales if you are serious about contesting the issue, you have to go to court, and a court will decide that. In our case, it is not that way. You can tie up police resources simply by querying the notice.

Members should understand that each unlawful association notice could have two 28-day reviews on the same or different grounds. Because two notices must be served, the individual who is given the notice can seek an internal review. The convicted offender, who is also to be given a notice, can seek internal review. If they do — because there is nothing in the bill which says otherwise — presumably the Chief Commissioner of Police would have to appoint person A to review the individual's application for internal review, but then the chief commissioner would have to appoint person B to undertake the internal review of the convicted offender's grounds. If you can imagine a wily lawyer acting for a convicted offender or an individual who wants to divert, thwart, obfuscate or temporise police resources — whatever you like — it is not hard to see how they could do that.

The opposition does not want to stand in the way of these laws. We accept at face value what the government has told us: that Victoria Police wants these laws. We are not going to second-guess that explanation, but as a lawyer I look at these provisions and not only do I have serious doubts about the effectiveness of this regime but I also have deep misgivings about it. We know that the threat, particularly to Victoria Police but to Victorians generally, from organised crime is growing, not receding. We need strong laws. Certainly we need more police officers, and the opposition has repeatedly made its position on police numbers very clear in here and elsewhere. Organised crime networks are benefiting from the resources they have. Advances in technology are making it harder to track the activities of organised criminal networks, so we fully support any stronger measure.

We are not going to stand in the way of a bill which the government tells us Victoria Police wants, but I have pointed out my deep misgivings about it. Not only will it not achieve what the government says it will achieve and what we agree it needs to achieve, but also it runs the risk that in many respects it may set us back not forward. Opposition members have shown a spirit of bipartisanship in a lot of these things — not all of them; we do disagree on some things vehemently — and we agree that we want strong measures here. In that spirit of bipartisanship, I ask the government to think seriously about whether the bill will achieve what it needs it to achieve.

Mr CARROLL (Niddrie) — It is my pleasure to rise to speak on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. I welcome the contribution from the member for Hawthorn and the points he raised in a spirit of bipartisanship. He is correct when he says that in this area we have had a long history of bipartisanship — that is, on organised control crime orders,

antifortification laws, the proceeds of crime, asset confiscation and anti-money-laundering legislation. At its heart this legislation is dealing with two matters currently at the forefront of the criminal justice system — outlaw motorcycle gangs (OMCG) and the lucrative distribution of crystal methamphetamine, otherwise known as ice.

Before I get to the substantive components of the bill I want to quote from the Attorney-General's second-reading speech on the bill. It states:

> The purpose of consorting offences is to prevent crime by preventing the formation, maintenance and expansion of criminal networks. Laws that prohibit consorting, in one form or another, have existed in Victoria since 1931. The introduction of these offences in Victoria and elsewhere in Australia was in response to the growing threat then posed by criminal gangs — known as 'razor gangs'.

I have not heard the term 'razor gangs' for some time; often now we hear the acronym OMCGs. When I was first elected to this place I had the honour and privilege of serving on the Law Reform, Drugs and Crime Prevention Committee, which undertook an inquiry into the supply and use of crystal methamphetamine, otherwise known as ice. It was a groundbreaking piece of work which produced a two-volume report comprising 32 chapters and 900 pages with some 54 recommendations. It is a report that Ken Lay, who heads up the federal government's task force, has described as probably the best report on ice to date. In preparing for my contribution I had another read through the report. It goes to the heart of the Attorney-General's second-reading speech — that is, the role of OMCGs in the distribution of ice.

It will not surprise anyone to know that committee members did not hear a lot of evidence from OMCGs. However, we did not need to in order to know what a lucrative business model we have in Australia at the moment. Crystal methamphetamine has a different drug model in many respects. It is quite cheap, easy to distribute and easily accessible. This is an issue that the Premier takes very seriously. The Minister for Mental Health, who is at the table, sits on the Premier's ice action task force, which is putting a lot of effort into combatting this serious issue.

In 2004 the United Nations also talked about the role of organised crime. The committee states in its report:

> Although many people think of organised crime groups as large-scale criminal organisations such as the Mafia or Yakuza, the United Nations has a more specific definition of 'a structured group of three or more persons, existing for a period of time, acting in concert with the aim of committing serious criminal offences in order to obtain, directly or indirectly, a financial or material benefit'.

According to this definition an organised criminal activity requires three or more persons to come together for the execution of a common purpose. That is why this legislation is being introduced. It will deal with people coming together for a wrongful purpose. I acknowledge that the previous government did a fair bit of work in this area. In 2012 it introduced legislation targeted at controlling of criminal organisations. However, Victoria Police never applied for a control order under those laws. In 2014 the previous government amended the law, but Victoria Police still did not bring an application under the scheme.

That brings us to the bill before us. The Andrews Labor government has worked with Victoria Police. I had the pleasure of attending with the Premier and the Minister for Police — and the Leader of the Opposition and the shadow minister were also in attendance — the police association delegates conference last Thursday when the drug ice, its impact and the laws that Victoria Police need to combat its use were part of the discussion. We are very committed to supporting Victoria Police in any way we can. We know the stress the police are under in dealing with a whole range of matters, which is why the Premier got a good reception with the introduction of a new app in partnership with the police association and Victoria Police to assist them in coping with stress.

The proposed law allows Victoria Police to warn a person not to associate with another person who has been previously convicted of a serious offence if a police officer believes that the issuing of a notice will prevent further offending. If a person continues to associate in breach of the warning, they may commit an offence punishable by three years imprisonment and/or a fine of $54 600. Giving police powers to disrupt criminal gangs is key to disrupting the supply of ice, with evidence from the Australian Crime Commission showing outlaw motorcycle gangs are playing a more prominent role in Australia's methamphetamine market.

This law is similar to anticonsorting laws recently introduced in New South Wales and South Australia. I heard what the member for Hawthorn said in terms of having a national approach with our anticonsorting laws. The Andrews Labor government is engaging in discussions with the commonwealth and other states and territories on a national approach to unexplained wealth laws, which is another issue that came up through the parliamentary committee inquiry. We need to look at different ways to assist our law enforcement agencies to target and disrupt organised crime. At a federal level as well as at the state level we have seen a series of task forces, including Taskforce Echo, which

was established to give police the power and resources they need.

The legislation is not about targeting lawful weekend motorbike riders or Vietnam veterans who are Harley-Davidson Sunday riders, with whom I have met a few times. This legislation will not capture them. It is about targeting organised crime and criminals coming together to deal in the lucrative market of crystal methamphetamine. The business model is incredibly lucrative.

In our 2014 inquiry members of the Law Reform, Drugs and Crime Prevention Committee also looked at the current legislative regime. The previous government sought to boost the state's legislative regime. The former Attorney-General, the member for Box Hill, is in the chamber. In 2012 and 2014 he worked to take on this issue. Back then the Andrews opposition was very supportive, because we saw it as being required in the 21st century. We live in a shrinking world where the internet dominates, and the internet is very much part of organised crime through drug networks and drug distribution laboratories.

Specific legislative measures in Victoria, such as the organised crime control orders, antifortification laws, proceeds of crime and asset-confiscation legislation, and anti-money-laundering provisions, have been implemented by successive governments, and those measures have also had bipartisan support. In our report the Australian Crime Commission, which we met with, had this to say about criminal syndicates:

> No one criminal syndicate, type of crime group, or ethnicity-based group are dominant in the methylamphetamine market in Victoria. Members of outlaw motorcycle gangs (OMCGs), family groups, ethnic groups and entrepreneurial individuals working alone or in partnership are represented. The methylamphetamine market is sufficiently diverse and profitable to support a large number of competing and sometimes collaborating suppliers, at different levels of sophistication.

The lucrativeness of the market right across Victoria and even more so across Australia is cause for concern. Statistics show us that once upon a time the crystal methamphetamine market was around 4 per cent and that it has shrunk by some 2 per cent. We are seeing more seizures, but we are also seeing higher levels of purity, which is having an enormous effect on our frontline forces, whether they be the ambulance services and paramedics or Victoria Police. With the support of the opposition, I am pleased to say, the government is doing everything it can to assist the Victorian community to ensure that the harmful effects of the drug ice, whether they be perpetrated by your next-door neighbour or outlaw motorcycle gangs, are stopped.

Mr D. O'BRIEN (Gippsland South) — I too am pleased to rise to speak on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. As previous speakers have said, it is important that the Parliament and the government crack down on organised crime and in particular on outlaw motorcycle gangs — OMCGs is the terminology. As a consequence it is important that the coalition is not opposing this legislation. As the member for Hawthorn very eloquently pointed out, we do have some concerns about the effectiveness of the legislation. There are a number of reasons for that, which I will go into shortly.

It is important that we crack down on organised crime and in particular on bikie gangs, as I said. The member for Niddrie referred to the scourge of ice. I too had a quick look at the Law Reform, Drugs and Crime Prevention Committee report of last year entitled *Inquiry into the Supply and Use of Methamphetamines, Particularly Ice, in Victoria*, which highlights the elements of organised crime who are involved in the production of ice. I know it is certainly a scourge right throughout the state and the country, but it has been highlighted frequently that this is a particular issue in many rural communities. Indeed just last week in a story on the front page of my local paper, the *Gippsland Times & Maffra Spectator*, the Police Association Victoria was reported as highlighting the concerns of its officers in Sale about the pervasiveness of ice in the community and particularly its involvement in a high number of crimes. Members should not quote me, but I think the figure is something like 80 per cent of the crimes police are dealing with or the call-outs police are getting may well be related to ice. In any event, it is certainly an issue of great concern and one we need to tackle.

During its inquiry last year, which I mentioned, the Law Reform, Drugs and Crime Prevention Committee took evidence from the police, and the report noted some of the police comments, including that organised crime is an untaxed $5 billion per annum enterprise. That highlights just how significant this is for our state. The police went on to say:

> We have also worked to create a hostile environment for outlaw motorcycle gangs with a key feature being the disruption of their activities, including advocating significant anticriminal association legislation, the cancellation of firearm licenses and the examination of outlaw motorcycle gang involvement in a range of Victorian industries …

I particularly note there the reference to advocating significant anticriminal association legislation; that

ultimately has led to the legislation we are debating today. It is important that we do whatever is in our power and whatever is reasonable in a free and open society to ensure that these bikie gangs are disrupted and indeed that the police have all the powers they need to reduce the impact of these gangs, particularly in relation to drugs.

The member for Hawthorn has outlined our concerns with the bill, as I noted. I also note comments made at page 10 of a *Herald Sun* article by Anthony Dowsley published on 23 June. The article again involves police highlighting the need for these types of bills. It says:

> … serious and organised crime figures consort regularly in Victoria, even posting pictures on social media without fear they will be charged.

The article goes on to say:

> It has led to criticism that the nation's bikies view Victoria as 'Switzerland', leading to an influx of gang members.
>
> Police sources say Victoria's consorting laws remain too difficult to enforce and have not been used in a decade.

Hence we have this legislation before us today. The criticism that Victoria could come to be viewed as a Switzerland is what concerns us, and I think the member for Hawthorn has outlined that concern quite well. What we need in our different jurisdictions is a consistent message across the country.

The member for Niddrie talked about the government working with other jurisdictions to ensure that we have model laws and other legislation to deal with unexplained wealth. Our concern is that this bill does not match the New South Wales legislation, as the member for Hawthorn very eloquently pointed out. It is a concern in a number of ways.

New section 124A, which is inserted by clause 5, and which prohibits association of certain individuals with individuals convicted of serious criminal offences and provides for a related offence, refers to associating on three or more occasions in a 3-month period or on six or more occasions in a 12-month period. I understand that is at odds with the New South Wales legislation, and it certainly provides a fair bit of leeway for criminal gang members to consort.

Three occasions in a 3-month period means they can meet once a month. There are probably cabinets in the world that meet less than that. Criminal gang members can still meet once a month, organise their criminal activities and proceed as planned without being caught up in this legislation. We are concerned that this element of the bill does not reflect the practical reality of how these organisations will get around this law. I know the police have been calling for it, and I would be interested to know whether the police believe that this bill will help those in the front line who are tackling outlaw bikie gangs.

There was some controversy over the equivalent law in New South Wales, and more particularly in Queensland, where it was a serious concern for a number of civil libertarians. The New South Wales law was upheld by the High Court in a 6 to 1 decision, so I think there is no concern from Victoria's perspective as to why we would not more closely mirror the New South Wales law. If there is a sniff of the law here being softer on organised crime and bikie gangs, they will simply migrate. They will come here and take advantage of what I referred to earlier as the Switzerland effect. That is certainly a concern.

The member for Hawthorn has also mentioned the exemptions for industrial action. Whilst in principle that is understandable, we have seen very clear evidence in recent months and years of the links of some unions, particularly the Construction, Forestry, Mining and Energy Union, to outlaw motorcycle gangs, and if I am not mistaken that came to light considerably on the desalinatiion plant. That is a concern, and I hope it would also be a concern for members opposite that there are criminal links to some of the unions they are affiliated with. It is important that police have the powers to deal with those issues as well.

It is important to note, as did the member for Niddrie, that this bill will not affect law-abiding citizens. New section 124D of the act, which is inserted by clause 5 of the bill, is entitled 'Issue of unlawful association notice'. Section 124D(1) makes it clear that this provision only applies where a senior police officer reasonably believes that:

> (b) the commission of an offence is likely to be prevented if those individuals are prevented from associating with each other.

In other words, a simple conviction for a criminal offence will not stop you from consorting with your friends. That is important to know and some constituents in my electorate have raised that concern with me.

This bill in principle has merit, and I note that the member for Niddrie welcomed the bipartisan spirit in which the Parliament is approaching these activities. However, we have a concern that this legislation may not be as successful in disrupting criminal gangs and outlawing bikie gangs as it could be. It would have been much better had the bill brought forward by the

government more closely mirrored that produced by the New South Wales government. We must work to continue to disrupt these bikie gangs. I am not convinced that this legislation is tough enough, but it is important that we make a genuine attempt to ensure that we crack down on bikie gangs.

Ms THOMAS (Macedon) — It is my pleasure to speak on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015, a very important bill which inserts the new offence of unlawful association into the Criminal Organisations Control Act 2012. In doing so I acknowledge the contributions that have been made to date and I will address some of the issues raised by both the member for Hawthorn and the member for Gippsland South.

This new offence will limit the ability of members of organised criminal groups, including outlaw motorcycle gangs (OMCG), to associate or consort with each other. The bill aligns very closely with New South Wales consorting laws. However, there are some differences; and I will come to those a little later.

This bill has been introduced because it is something that members of the Victoria Police have been asking for. They are looking to government to provide increased powers to address a gap in Victorian law that has left Victoria exposed and, as we have heard from previous speakers, this has meant that we have seen an increase in outlaw motorcycle gang activities in Victoria. Victoria Police has provided the government with information that suggests that OMCG membership has grown by 25 per cent in Victoria since August 2014.

This is an issue that all of us wants to see addressed. We do not want Victoria in any way, shape or form to be seen as a safe haven for outlaw motorcycle gangs. I am pleased that this bill will contribute to addressing the issue that has been raised with us. Police officers were telling us that the absence of effective unlawful association laws was, as I said, leaving Victoria vulnerable and we were seeing those OMCGs coming to Victoria from other states and using our state as a base.

The existing consorting offence and the Criminal Organisations Control Act 2012 have not been as effective as we wanted them to be in dealing with outlaw motorcycle and criminal gangs. The current offence of consorting in section 49F of the Summary Offences Act 1966 was not able to deliver the powers that Victoria Police were looking for. The main problem is the very narrow definition of the organised crime offence. This requires police to be satisfied that the offence involved, among other things, two or more offenders and substantial planning and organisation. This requires police to undertake a detailed analysis of case files which are not always available to police officers; they are definitely not available to police officers when they are out on patrol.

The Criminal Organisations Control Act has been ineffective to date in dealing with OMCGs because of the threshold police must overcome to successfully obtain a declaration under the act about a criminal organisation. Police must demonstrate to the Supreme Court that the OMCG engaged in, organised, facilitated or supported serious criminal activity or that two or more of its members are using the organisation for a criminal purpose. Obtaining an order requires significant use of police resources. The new unlawful association offence is much simpler to pursue. It requires only that the individual specified in an unlawful association notice has been convicted of an applicable offence tried on indictment. The notice can be issued by police to prevent further association, and this will deter recruitment by and criminal organisation activity of OMCGs.

I will stop there and note, as the member for Niddrie did, that the government has taken a whole-of-government, multifaceted and multidisciplinary approach to tackling ice in our community. While our focus is very much on supporting and treating people who are using ice and their families, we also must ensure that we have the right legal frameworks in place to ensure that those people who manufacture and trade in ice on our streets are brought to account in the criminal courts, and this is what this legislation seeks to enable. This bill is a very important part of the suite of initiatives the Andrews Labor government is introducing to tackle ice in our community. We know that giving police the power to disrupt criminal gangs is absolutely key to disrupting the supply of ice. Indeed evidence from the Australian Crime Commission shows that outlaw motorcycle gangs play a prominent role in Australia's methamphetamine market.

Contributions to date have discussed how this bill aligns with laws in both New South Wales and Queensland. I make the point that the bill aligns very closely with the New South Wales consorting laws, but it actually advances those laws by ensuring that there is greater clarity about the way they are applied. The Victorian law requires a notice to be given, whereas in New South Wales the law requires a warning. The New South Wales warnings have no expiration date, while in Victoria a notice will apply for a period of three years from the date of the notice. This is consistent with the

duration of Victorian control orders made under the Criminal Organisations Control Act by the Supreme Court.

The Victorian laws will not enable the issuing of a notice to someone under the age of 18, while in New South Wales a warning can be given to a child who is over the age of criminal responsibility. In both states such warnings and notices can be given to anyone who associates with a person convicted of an indictable offence. In Victoria the notice applies to all persons named, not just the person associating with the convicted person. In New South Wales there is no precondition for giving a warning, whereas in Victoria the laws require police to believe that issuing a notice will prevent further offending.

There are no review provisions in New South Wales, whereas the Victorian bill enables review of a notice by a senior officer of Victoria Police. In New South Wales a person who habitually consorts with convicted offenders and consorts with those convicted offenders after having been given an official warning is guilty of an offence. The New South Wales law states that a person does not habitually consort with convicted offenders unless he or she consorts with at least two convicted offenders, whether on the same or separate occasions, and consorts with each convicted offender on at least two occasions.

Under the new Victorian offence a person may be charged with a new offence if they associate with a named person or persons three times in a 3-month period or six times in a 12-month period. I could make a couple of other points about the ways this bill differs from the New South Wales law, but it is about strengthening the law and making sure that we have something that can be readily applied and clearly understood in our community.

This bill and our proposed laws are quite different to those in Queensland, and that is a very good thing. What we have seen in Queensland is a rather draconian application that has paid insufficient regard to civil liberties and indeed has impacted law-abiding citizens, and that is certainly something we are all agreed we do not want to do here in Victoria.

Finally, I want to note that in 2013 the New South Wales Ombudsman raised concerns about the operation of the New South Wales laws insofar as they impacted on Aboriginal and Torres Strait Islander people. On the day we have unfurled the Aboriginal flag, which will fly above our Parliament in perpetuity, it is important to note that this bill has safeguards against capturing a disproportionate number of Aboriginal and Torres Strait Islander people. On that note, I commend the bill to the house.

Mr HIBBINS (Prahran) — I rise to speak on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. There have been so-called antibikie laws introduced in states across Australia, including Queensland, New South Wales, South Australia and now in Victoria, and the Greens have been the voice of reason in those debates and the voice questioning these laws, as we will be with this law. We will be opposing this bill.

Of course we are concerned with organised crime and drug trafficking, which the government says this bill is aimed at disrupting, but we have laws to deal with organised crime. We have introduced laws in the past few years to deal with such crime. Now we are being told that those laws are not good enough and that this law, this introduction of an unlawful association notice, will be enough, and that with this bill the government wants to shift the burden or the emphasis from what a person has done to who they know.

I will go into the powers police currently have — the current consorting laws and laws related to conspiracy to commit an offence or an attempt to commit an indictable offence under the Crimes Act 1958. Section 49F of the Summary Offences Act 1966 defines the current consorting offence under Victorian law. It states:

> (1) A person must not, without reasonable excuse, habitually consort with a person who has been found guilty of, or who is reasonably suspected of having committed, an organised crime offence.
>
> …
>
> (2) The accused bears the burden of proving reasonable excuse for habitual consorting to which a charge of an offence against subsection (1) relates.

The act goes on to discuss what an organised crime offence means — that is, it involves two or more offenders; it involves substantial planning and organisation; it forms part of a systemic and continuing criminal activity; and it has a purpose of obtaining profit, gain, power or influence.

We are being told that these laws are no good and that they have not been used. Why is that? The previous contributor elucidated, I think for the first time, why that may be the case. It appears to be because the police cannot access the case files whilst they are out on patrol. That goes to the heart of the argument I am putting forward. Is this a question of police resources? Is this a question of police acting within the current

laws better and prosecuting them better rather than simply introducing new laws?

I will go to some of the other existing powers police have under the Crimes Act 1958, including those relating to conspiracy and attempt. We have got section 321M:

> A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.

As section 321(1) states:

> … if a person agrees with any other person or persons that a course of conduct shall be pursued which will involve the commission of an offence by one or more of the parties to the agreement, he is guilty of the indictable offence of conspiracy to commit that offence.

We also have bail and parole laws. Courts can impose conditions such as curfews, restrictions on where a person can go or prohibitions on contact with certain persons, as can the Adult Parole Board of Victoria.

A few years ago the Criminal Organisations Control Bill 2012 was introduced specifically to target organised crime gangs. The Criminal Organisations Control Act 2012 enables the Supreme Court to declare organisations to be criminal organisations so that their members can then be subject to control orders. Control orders can, for example, prohibit people from meeting with each other or prohibit members of organised crime gangs, including former members, and even associates, from undertaking the activities of a club.

Control orders on an organisation can include prohibiting the organisation from carrying on business. That act was amended two years later by the Criminal Organisations Control and Other Acts Amendment Bill 2014, which put more restrictions on members of organisations moving to other organisations, changed the standard of proof and introduced restrictive declarations, yet now we are told that no application for a declaration has ever been made. We have to ask why. The previous speaker gave the reason that it would require significant police resources. In that case, is the best way to address organised crime to create new laws or is it to resource the police to enable them to implement the current laws?

We also had the Fortification Removal Bill 2013, which the Greens supported. Amendments made by that bill provided the Magistrates Court with the power to make an order to require the removal of fortifications on premises connected to certain criminal offences on application by the Chief Commissioner of Police. We have all these laws introduced and amended recently. To date, we have not had a gang or an outlaw bikie gang declared an organised crime group. If a group were declared an organised crime group, they would be disbanded. The question remains: why have these laws not actually been implemented? Should we be resourcing the police to implement the current laws, rather than introducing new ones?

Going into a bit more detail about this bill, its provisions would amend the Summary Offences Act to repeal the existing offence of consorting and the Criminal Organisations Control Act to insert a new offence of unlawful association. It would prohibit individuals from consorting with individuals convicted of serious criminal offences for the purpose of preventing the commission of offences. Under the new offence of unlawful association, introduced by new section 124A:

> An individual who has been served an unlawful association notice must not associate with an individual specified in that notice …
>
> (a) on 3 or more occasions in a 3-month period; or
>
> (b) on 6 or more occasions in a 12-month period.

There are a number of exceptions under which that association is deemed legitimate. It is not an offence if the individuals involved are family members or where the association is related to employment, education, the provision of health services and the like.

These unlawful association provisions are based on the New South Wales model, which was found to have problems. I will say that these provisions are an improvement on the New South Wales model, but it is not clear how these reforms can assist in combating crime when laws already exist to do so. Previous bills have significantly increased the powers of police to deal with organised crime. We are being told that the pre-existing laws are not enough. It appears Victoria Police is of the view that the current laws are difficult to prosecute under, but I would again ask why that is the case. Is this a question of resourcing rather than introducing new laws?

I understand that there was no mention of the consorting laws being a problem when previous amendments were made. It seems to me that we are going through a process of trial and error when it comes to bringing in laws to tackle organised crime. I would suggest that if there were a reasonable suspicion of an offence being planned, police would be better off using their extensive powers to investigate crimes based on past conduct, planning, conspiracy or intent to commit crimes. If the police believe contact between two people will result in the commission of an offence, then

they have conspiracy or attempt laws to deal with such contact.

We already have laws to prevent individuals from consorting without reasonable cause with people involved in organised crime. We have laws enabling an organisation to be made a declared organisation. We are being told that these laws are not good enough, and that the solution is to hand out these unlawful association notices. We are being told that handing someone who is involved in serious organised crime, with no apparent regard for the law, a piece of paper — essentially the organised crime version of an antisocial behaviour order — is going to make the difference and achieve what the existing law could not. One would think that if police suspect a crime is going to be committed or is being planned or conspired about, they could gather the evidence and use the current laws to prevent it.

I will note a couple of concerns regarding the effect of these laws on the Indigenous population in New South Wales. We welcome the clause proposing an annual reporting requirement, where Victoria Police must report annually on the number of notices issued, including the number issued to Aboriginal and Torres Strait Islander people. In New South Wales Indigenous people have been disproportionately more likely to receive these notices. Were those people involved in organised crime or bikie gangs? Are the unlawful association notices going to be used in a targeted way on organised crime or are they going to be used in more of a scattergun approach?

We are also concerned with the internal review process. We know that the individual receiving the notice can seek an internal review of the decision. However, this is not an independent review and it does not have judicial oversight. It was always the preference of the Greens to have judicial oversight in these matters. A court process is involved, but that only happens at a later stage, after a person has been charged with unlawful association after ignoring the notice. The decision to issue a notice telling the person they cannot associate with another person is entirely at the discretion of police.

We are told that because laws have been introduced in Queensland, New South Wales and South Australia, Victoria is becoming some sort of safe haven for organised crime. We have seen these wide-reaching and over-the-top laws in South Australia and Queensland. We have seen laws in Queensland that have targeted innocent people. We are being told by Police Association Victoria that we are going to have every major bikie gang operating out of Melbourne, but we know — —

Mr Pearson — We need laws like Queensland.

Mr HIBBINS — The member says we need laws like Queensland. We do not need laws like Queensland or South Australia or New South Wales. This bill is yet another in a long line of laws that supposedly target organised crime and bikies, but without any real justification as to why existing laws cannot be used.

We were told that the last round of laws were going to do the job, but now we are told that they are not enough. It is not a question of more laws and greater police powers; it is a matter of resourcing police so that they can use existing laws more effectively. We cannot have this 'keep up with the Joneses' approach to law and order. We have seen the problem with that approach being taken in Queensland, South Australia and New South Wales. We should be directing police resources and powers towards criminal activity and not making new laws when we have existing laws that can already be used. The Greens will be opposing the bill.

Mr McGUIRE (Broadmeadows) — What we are trying to do in the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015 is to give police the powers to disrupt criminal gangs, and that is aimed at disrupting the supply of ice. The evidence from the Australian Crime Commission shows that outlaw motorcycle gangs play a prominent role in the methamphetamine market in Australia. The proposition is that, as a nation or as various states and jurisdictions, we look at what would be the best way to respond to this problem and work out what would be the best way to disrupt the supply, which is corrosive. As we have seen through parliamentary committee reports undertaken by the Victorian Parliament and other reports around the nation, ice is such an addictive drug, and the way it is being peddled in smaller towns and communities has resulted in its becoming a scourge. Provisions in the bill are similar to anticonsorting laws recently introduced in New South Wales and South Australia. They represent another step towards a nationally consistent response to outlaw motorcycle gangs, which I think is really the approach we will ultimately need in order to resolve this issue and have a better mechanism to take care of it in the best way that we can.

The Andrews Labor government is engaging in further discussions with the commonwealth and other state and territory governments on this national approach. The key to that is to examine unexplained wealth laws. That will provide another way for law enforcement to target and disrupt organised crime. I have seen that approach firsthand during my days as a journalist, when quite often just following the money trail to see how the

unexplained wealth was achieved could lead to different investigations and different inquiries that could actually help to break up organised crime.

The new offence will limit the ability of members of organised criminal groups, including outlaw motorcycle gangs, to associate or consort with each other. The legislation aligns closely with the New South Wales consorting laws. Victoria Police has asked the government to provide increased powers to address what police believed to be a gap in our laws. Police have argued that the absence of effective unlawful association laws was causing displacement of outlaw motorcycle gangs and other criminal groups into Victoria from other states. That was the issue about border crossings and gangs moving from one jurisdiction to another, and this bill addresses those critical issues.

The current offence of consorting in section 49F of the Summary Offences Act 1966 has proven ineffective in reality. Section 49F(1) states:

> A person must not, without reasonable excuse, habitually consort with a person who has been found guilty of, or who is reasonably suspected of having committed, an organised crime offence.

The main problem with the provision is the narrow definition of 'organised crime offence', which requires police to be satisfied that the offence, among other things, involved two or more offenders and involved substantial planning and organisation. It requires a detailed analysis of case files, which are not available to police officers on patrol. This bill is an attempt to establish a more realistic and practical response to address that gap in the law.

The new unlawful association offence is simpler to pursue. It requires only that an individual specified in an unlawful association notice has been convicted of an applicable offence and tried on indictment. The notice can be issued by police to prevent further association. This acts to deter the recruitment and criminal organisation activity of outlaw motorcycle gangs.

Victoria Police has provided the government with information that suggests that membership of outlaw motorcycle gangs in Victoria has grown by 25 per cent since August 2014. The police have shown the government figures that suggest outlaw motorcycle gangs have grown by 280 members in that time, to a total of over 960 members of more than 80 chapters in Victoria.

The new laws allow a senior police officer at the rank of senior sergeant or above to issue a notice to people warning them not to associate with each other if one of the people has previously been convicted of an applicable offence and tried on indictment. The term 'applicable offence' is defined in the Criminal Organisations Control Act 2012 to include any offence punishable by at least five years imprisonment and certain other organised crime offences, such as firearms offences, which may be linked to organised crime. This is a disruptive strategy aimed at breaking connections and making it more difficult at each point for organised bikie gangs to commit crimes and, particularly, to peddle ice.

Once a notice has been issued, the recipient of a notice will commit an offence if he or she associates with a person named in the notice three times in a 3-month period or six times in a 12-month period. Both the recipient of the notice and the person named in the notice will be subject to the same obligation not to associate. This will assist police in ensuring that innocent people and known criminals, or members of organised criminal groups, do not associate. This will assist in controlling the growth of outlaw motorcycle gangs here as it has in other jurisdictions. That is the rationale behind the legislation.

The term 'associate with' used in the Criminal Organisations Control Act, which will be used in the new unlawful association provisions, includes meetings in person as well as any form of communication, including electronic communication, which takes into account the rapid development of technology. It will be for police, initially, to determine whether a person has associated with another person. It will also be for police, initially, to determine the number of times those people have associated. Ultimately, however, if a charge is brought, it will be for the court to be satisfied that the people have associated with each other, and if so, how often. It will go before the court, and that is the right jurisdiction for decisions to be made and for the implications to be weighed and measured. The legislation requires officers to believe that issuing a notice is likely to prevent the commission of an offence. That is the onus they have when involved at street level in addressing these issues.

On a charge of consorting, the prosecution must prove that the accused has been served an unlawful association notice and has associated with an individual specified in that notice on three or more occasions in a 3-month period other than in an exempted context, or on six or more occasions in a 12-month period other than in an exempted context. The bill includes exemptions so that some types of associations are allowed, including associations with family members, associating that occurs in the course of employment and

associating that occurs in the provision of legal advice. It also includes provisions to ensure that these provisions are not abused to avoid the operation of the offence provision. This is a way of getting balance in how the law applies. The bill provides that the exemptions do not apply where there is an ulterior purpose in associating. For example, if a person subject to a notice associates with a family member in order to plan an offence or expand a criminal network, they will still be caught by the offence.

An issue we try to weigh and balance in all these things, as former Chief Commissioner of Police Ken Lay put it, is that we cannot arrest our way out of our problems, which goes to the ice action task force — the Minister for Mental Health, who is at the table, is a key part of that task force — and the government's broader strategy to address ice use. We must have a tough approach to breaking up the networks to prevent distribution as best we can, and then we must, as another part of our armoury, deal with social policy by looking at the causes of ice use. I commend the bill to the house and applaud the government for having such a broad and nuanced strategy.

Mr CLARK (Box Hill) — The problem with the provisions in the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015 is that they are extraordinarily bureaucratic, and the question you have to ask is: why are they in that form? I would have thought that the government, having seen the outcome of the High Court challenge of the New South Wales legislation, where the validity of the legislation was upheld, would have taken that legislation as its starting point and only made changes as and when they were demonstrated to be needed. The New South Wales consorting provisions cover barely half a page of the statute book. There are three sections of clear and straightforward provisions, with specified defences, and they seem to provide a pretty good basis for adopting similar laws in Victoria. Yet in contrast to the New South Wales model, we have a bill that goes on for page after page with incredibly torturous and bureaucratic requirements — and you have to ask why.

Acting Speaker, you as the member for Macedon attempted to give to the house a list of some of the reasons for departures from the New South Wales legislation, and good on you for doing that, because at least you provided some context and explanation for the debate. However, I struggle to see even with those explanations why there has been such a wide departure from the New South Wales model. That is not to say that everything in the bill is an unjustified departure, but the starting point ought to be that the New South Wales provisions are in place, are operational and have been upheld in the High Court, so if we are going to depart from them, we need a good reason to do so. With any such departure we need to make sure the provisions we put in place will be effective, able to be implemented and something the police can work with. In all of these things the starting point has to be the maxim 'keep it simple'. We have a simple model in New South Wales, and we should only be departing from it when there is good cause to do so.

Let us look at what we have ended up with. Proposed section 124A, to be inserted by clause 5 of the bill, is about what an individual is prohibited from doing if they have been served with an unlawful association notice. They are prevented from associating with a person specified in the notice on three or more occasions in a 3-month period or on six or more occasions in a 12-month period. It seems to me that will allow the local chapter of the mafia or the relevant bikie gang to have just about bi-monthly board meetings without infringing the provision and to do so indefinitely. What is the rationale for allowing this sort of wide open gap in the legislation?

We next come to the various exceptions, some of which are reasonable, but the structure of the equivalent New South Wales provision — section 93Y of the Crimes Act 1900 — is much clearer and more effective. It says that the specified forms of consorting are to be disregarded 'if the defendant satisfies the court that the consorting was reasonable in the circumstances', and then it goes through a list. A number of those items are replicated in the Victorian bill, but in a sense the obligation is flipped around and there is a need for the prosecuting authorities to prove that an association is not for an ulterior purpose, where an ulterior purpose is described in the legislation.

Of course a number of other exemptions were added to the list from New South Wales, such as for genuine political purposes or in lawful protest or industrial action, so you do have to wonder if the comrades in the Construction, Forestry, Mining and Energy Union (CFMEU) who also have serious convictions want to avoid the operation of these provisions. Assuming they are served with a notice in the first place, they simply need to make sure they get together down at the picket line to make it almost impossible for the police to establish it is not for a genuine political purpose or in lawful protest or industrial action.

You then have provisions about applying to the Chief Commissioner of Police for authority to associate, which again is fairly bureaucratic but may or may not be reasonable.

Proposed section 124C is about gazetted events or gatherings. I do not think we have been given any examples of what sort of events or gatherings might be gazetted, whether it be the CFMEU picnic or a particular motorcycle gang toy ride for Christmas, or whatever it might be, but it would be interesting to know what the answer to that issue is. We then have some complicated provisions about the issue of unlawful association notices, including proposed section 124E, which I must say is a very difficult proposed section to get one's head around — exactly who, to whom and by whom the notices have to be given and upon whom they have to be served before the provisions can take effect. We just have to live in hope that those provisions are going to be workable.

There are also very complicated provisions in proposed section 124F for the content of unlawful association notices — followed by provisions as to when they take effect, for how long they last, how they are to be served, how they can be amended and how they can be revoked. Then, as the member for Hawthorn, the shadow Attorney-General, outlined to the house, there are some very tortuous and convoluted provisions for internal review and some reporting requirements, although it is certainly reasonable in principle to have reporting and accountability for the operation of these provisions.

The proposed legislation stands in pretty stark contrast with what is in force in New South Wales. That is not to say we should blindly follow what operates in New South Wales or any other state, but when it has provisions which, as I said, take up less than half a page in the statute book and which are very straightforward and non-bureaucratic, you have to be able to justify why we have departed from that model. I am struggling to see the sorts of justifications that would support the way that this bill has been put together in such a tortuous manner. You do have to ask yourself what has happened on the way through.

I welcome the Attorney-General joining the debate in the chamber. I would love to have still been in his office and to have seen exactly what happened when the proposal for this bill came up to him. I would love to see what was in the original submission, what he asked his officers, what changes were made as a result, what happened to it when it went to the caucus committee and what was the input of lobbying from various interest groups — whether some of the usual advocates for a soft on crime approach — —

Mr Nardella interjected.

Mr CLARK — The member for Melton wants to know about input from the CFMEU. That is an interesting question. I am sure he will contribute and can answer his own question.

Was there input from other parts of the bureaucracy? Some of the officers in the Department of Premier and Cabinet might have had their two bobs worth on it. Whatever the internal processes, you really do have to ask how we have come up with — —

Mr Pakula — You have a very active imagination.

Mr CLARK — I am sure the Attorney-General in closing the debate will tell us it is all his responsibility and that he has personally ensured all of these provisions that have been put in the bill.

As the member for Hawthorn said, the parties in the coalition do not oppose the bill. We are told Victoria Police has sought legislation like this. Exactly to what extent it has signed off on the particular bill before the house is something that subsequent government speakers might like to comment on. Certainly given Victoria Police has sought legislation along these lines, we are not going to stand in the way of it, but these are extraordinarily convoluted provisions. I think they are going to be very difficult for Victoria Police to apply in practice, and they therefore are going to undermine the effectiveness of what we all are hopefully seeking to achieve in tackling organised crime. I very much fear that the measures in this bill are not going to achieve the worthy objectives that they set out to achieve.

Mr PEARSON (Essendon) — I am delighted to join this debate on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. As has been outlined by previous speakers, this bill will look at modernising the offence of consorting so that our legislation is better suited to preventing serious and organised crime.

It is interesting to note that the offence of consorting has actually existed in Victoria since 1931. It was devised, or developed, in response to the growing threat of the then criminal gangs known as 'razor gangs'. It is interesting that the development of the razor gangs was more of a New South Wales phenomenon and that it in part related to a series of legislative initiatives by the New South Wales government to look at prohibiting the sale of cocaine, the provision of street prostitution, the criminalisation of offcourse racetrack betting and the Pistol License Act 1927. That led to people looking to use razors as a way of engaging in their illegal activities. In turn, that led to the criminal consorting

clauses being inserted into various pieces of legislation, here and in other jurisdictions.

The reality is that in 2015 criminal gangs do continue to pose a serious threat to public safety, and much conversation has been engaged in across this chamber in relation to bikie gangs and what we are seeing before us now. With this serious piece of legislation before the house, the government is taking serious action to tackle criminal syndicates.

Those of us who have spent time talking with people who are affected by ice or who work in the communities where the use of ice is a problem would acknowledge that it is a terrible drug. I spend a fair bit of time on the Flemington and Ascot Vale public housing estates and I see people trying to procure their drugs. I look at the way they present themselves and their haggard faces. The fact is they look awful. Theirs are the faces of addiction. Over the past couple of hundred years addiction has changed from alcohol to various other drugs, and it is a terrible thing to see. When I look at those addicts, I think about their families and how they must feel. You always hope that those near and dear to you never experience that level of addiction and never have to go through a time when they are confronted with such an appalling condition.

The bill is important because it is about trying to tackle the criminal syndicates that increasingly are operating more like companies or sophisticated organisations. The consorting provisions are about taking a more sophisticated approach to these issues. It is also important to make sure our legislative framework is consistent with those of other jurisdictions, because if we do not, we run the risk of Victoria being seen as a safe haven for these sorts of activities. I note the contribution made earlier by the member for Box Hill, who talked about the convoluted nature of this legislation. When you are trying to balance the rights and freedoms of individuals — and freedom of association is a vitally important concept in a western liberal democracy — with clamping down on illegal activity and trying to prevent people being affected by or being a victim of crime, it is going to be a complex balancing act. We have to get the right balance between making sure people can continue to have freedom of association and making sure that Victoria Police have the necessary regulatory tools and the legislative empowerment to get on and do their job.

One challenging aspect of the current act is that there is no guidance as to how many meetings are required to constitute habitual consorting. The current act defines an organised crime offence but provides no clarity to the police or the community about whether a particular offence is an organised crime offence or not. The proposed amendments before the house will enable Victoria Police to issue a notice to persons warning them not to associate with each other. Again the bill is trying to clarify the weaknesses in the existing legislation to address those issues more effectively.

As the member for Niddrie indicated, the bill provides for a process of escalation, in that only associations involving one or more persons who have been convicted of one of a number of serious offences can be subject to a warning notice. There are also checks and balances in relation to allowing people to seek an appeal. Again this is important, because while we need to make sure that Victoria Police have available to them all the tools necessary to get on and do the policing work in our community that they do so well, we have to always have in the back of our minds the importance of protecting our civil liberties and ensuring that they are not compromised by pieces of legislation that chip away at those fundamental rights. If we look at overseas and other jurisdictions, we see that the reality is that once those rights and freedoms that people in societies like ours enjoy are surrendered, it is very difficult to get them back.

As I said, the member for Box Hill talked about this being a convoluted bill. Those of us on this side say that we are trying to strike the right balance between empowering Victoria Police to get on with the job of addressing the real dangers posed by organised criminal syndicates and preserving the freedoms and the rights of individuals.

It is interesting to note that the bill addresses the issue of family members and how people associate together. The bill seeks to ensure that family members are permitted to associate as long as it is not for ulterior purposes. Family members can be prohibited from associating for the purposes of planning an offence or for the purposes of expanding their criminal networks. That is an important balance as well. Some of us may have members of our family who have been in trouble with the law. For instance, I had an uncle, who has passed on, who was convicted of dealing in stolen goods and was briefly incarcerated in Pentridge prison. He appealed that conviction. My grandmother took out a very significant loan and got Frank Galbally to act for him and my uncle got off. He got an apprenticeship, got his life together and became a fervent, lifelong supporter of the Liberal Party. He was a great citizen and a great contributor to our community. He grew up poor, and he did something wrong. These things happen. My uncle was a good, decent and hardworking man. We never agreed much on politics. He made a

mistake and he paid for it. He got his life together and had a wonderful life, albeit all too short.

Bills like this are important because we need to codify those definitions in legislation to ensure that there is an understanding and appreciation of the fact that people can continue to socialise with their families and that just because they have committed a criminal offence does not necessarily mean they will engage in further criminal activity.

Again, the member for Box Hill talked about this being a convoluted piece of legislation. Bills like this have to try to strike a balance in making sure that we live in a civilised and safe society without compromising our fundamental civil rights. It is a sensible bill. It will ensure that Victoria will not be an attractive target for members of outlaw bikie gangs. I commend the bill to the house.

Mr ANGUS (Forest Hill) — I am pleased to make a contribution to the debate on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. As other members of the coalition have already mentioned, the coalition will not be opposing the bill. The lead speaker for the coalition, the member for Hawthorn, comprehensively covered the background issues, including some of the legislation in other jurisdictions, particularly New South Wales. He cited a number of initiatives that have been taken in that state. Indeed the Victorian government refers to that work in some of its material as well.

However, the bill seems to be missing some pieces. It was disappointing to note when the legislation was introduced that, despite what the government had said here previously, it has not gone the full distance on some of those matters. The coalition believes there are so many qualifications, exemptions and defences in this bill that there is potential for it to be circumvented quite easily.

The purposes of the bill are to amend the Criminal Organisations Control Act 2012 to prohibit individuals associating with individuals convicted of serious criminal offences for the purpose of preventing the commission of offences, and to repeal the offence of consorting from the Summary Offences Act 1966. It is interesting to note that the existing provisions have not been used. It is a pity that the opportunity was not taken to improve the provisions that are already in the legislation rather than bringing in this whole new regime. Anyway, that is the way it is.

Some of the key provisions include clause 5, which inserts new part 5A into the principal act. In that part, proposed section 124A creates the offence of unlawful association, whereby an individual who has been served an unlawful association notice associates with someone named in that notice on three or more occasions in 3 months, or on six or more occasions in 12 months. That outlines what is required. I will come back later to some of the exemptions.

Proposed section 124A(4) provides numerous exemptions, including 'for the purpose of industrial action', rendering it potentially very difficult to enforce. That provision lists a whole range of items from paragraphs (a) to (h) as potential exemptions. That will make it very problematic to determine whether a particular event should be included under these exemptions. There is a fair bit of a grey area that will have to be worked through over time.

Proposed section 124D allows a senior police officer to issue an unlawful association notice when he or she reasonably believes an individual has associated with a convicted offender and that an offence is likely to be prevented by those individuals not associating. That is another interesting aspect.

Proposed section 124E provides for the issuing of an unlawful association notice on each convicted offender so that there is a reciprocal obligation not to associate. As other members on the coalition side have said, this will essentially act as a warning to a particular offender that they are being watched and that work is going on surrounding their activities — it will give them a heads-up in relation to some of the unlawful activities that they are undertaking. Clause 9 of the bill repeals the current consorting provisions in the Summary Offences Act 1966.

I think it is also worth noting the record of the coalition government in relation to law and order matters. When we came to power in 2010 there were a range of legislative deficiencies in a number of areas, particularly law and order. The coalition had a very clear and well-thought-out plan to address those deficiencies over its period of government, and that is exactly what it did. It addressed a number of significant areas. For example, it gave Victoria Police a wide range of new laws and powers to tackle organised crime gangs which were not available previously, including banning and control orders, antifortification laws, unexplained wealth laws, automatic forfeiture laws and longer sentences for drug traffickers.

The coalition came into government with a very clear law and order agenda, and as a result it was able to bring in the legislation necessary to address a whole range of those issues. It is a matter of taking a holistic

approach to trying to regulate and crack down on the lawlessness in particular areas, such as drug trafficking, money laundering, bikie gangs and all the unlawful activity that historically has gone hand in hand with that sort of association.

When the coalition came into government it caught up on a number of years' work, during which those matters were not addressed at all, and it dealt with them head on. In addition, a great achievement of the coalition was the appointment of over 1900 additional police officers during its four-year term of government, and of course 950 new protective services officers (PSOs). As I have said many times in this place, to me the PSO initiative is one of the most well-received and best policy decisions that the coalition government made. That is continuing to be of significant benefit to many members of the community, particularly those who are travelling on public transport, especially late at night. That has been a marvellous initiative that has helped enhance law and order in our community. Together with all the other matters I have just mentioned, it has gone a long way to addressing some of the deficiencies we found when we came to office.

As I said, the coalition government gave Victoria Police strong new powers to have bikie gangs outlawed and anti-association orders placed on gang members. Again, the Labor government that was in office prior to the coalition government had decided not to address that issue. It believed the bikie issue was not an issue. Obviously that was proven over time to have been an incorrect assessment of the situation and the situation certainly became worse. The resultant drug trafficking has fuelled the situation because of all the money that goes along with it. It is appropriate that these areas are addressed at this stage.

As I said, upon seeing a particular deficiency or problem the coalition government did not hesitate to deal with it. So there were various changes in legislation, including making it easier for police to obtain court orders to ban or restrict criminal bikie gangs based on a broad range of offences, automatic restrictions on gang members holding firearms and various other matters. As history has shown, that sort of gang mentality and gang association goes hand in hand with some of the horrendously violent crimes that have occurred, the drug manufacturing and distribution networks in the community and the consequent money laundering and proceeds-of-crime issues as well.

In conclusion, a number of matters have been raised by our lead speaker, the member for Hawthorn, in relation to significant deficiencies in the bill. The opposition is concerned about those deficiencies and other aspects of the bill. However, the opposition will not be opposing the bill.

The SPEAKER — Order! I call the member for Melton.

Mr NARDELLA (Melton) — Thank you, Speaker.

Mr Clark — Here we go.

Mr NARDELLA — I will be dealing with the member for Box Hill in a moment. I want to just answer some of the points that members have made on this bill. I do not necessarily want to go through the bill clause by clause as others have done because I do not think that will help the debate at all, but I certainly will address a number of matters raised by other members, particularly those raised by the Greens political party representative, the member for Prahran, who I believe takes the view that it is okay to allow outlaw criminal gangs to continue to operate within Victoria.

By opposing this bill, that is the message he is giving to those organisations — that it is okay to organise, to consort with each other and to plan criminal activities and then carry them out. The member for Prahran talked about provisions in legislation that would deal with these matters, but in fact if you take advice from people who know what they are talking about — in this instance that is Victoria Police — you come up with the bill we have here today. The Greens political party is saying it wants people to keep associating together to commission offences; it wants criminals to organise crimes and be with their friends whilst they are doing it. It is not good enough to have a representative of what the Greens claim is a serious political party coming in here and debating these matters without exercising any responsibility whatsoever.

Members of Victoria Police have a very difficult job when dealing with these circumstances. They are the professionals in the field; they are on the front line. They are dealing with these criminal gangs on a day-to-day basis. They are making sure that they are gathering intelligence and, once the criminals are caught, they are taking them to court. It is not the Prahran branch of the Greens political party that has all knowledge and wisdom on this matter, and it certainly does not on this bill.

Ms Knight — Or any matter.

Mr NARDELLA — Or on any matter, as my friend from Wendouree says. The bill deals with very serious issues. The people affected by this legislation are absolutely defiant, so the processes within this legislation for them to be served again need to be

absolutely defined. Just imagine the member for Prahran sitting around in Prahran at a Greens political party branch meeting strumming away on a guitar and singing *Kumbaya*, and then saying, 'I've got this bill coming up, and how do you reckon, Kumbaya, we should be voting on it, Kumbaya?'. It is an appalling situation that when briefings are given to the member for Prahran, or any other Greens member, they do not take those briefings seriously. When they do not understand something or where there are issues that are beyond them, they should ask questions so that they do not come in here and oppose legislation put together by the government and very serious players within the criminal justice system — that is, Victoria Police.

The bill is about the government making hard decisions. We are not spectators, and let me say neither are opposition members. The Nationals and Liberal Party members are not spectators with regard to these serious issues. We may have some disagreements, but at least when decisions are made, we all go through a well-thought-out process to work out where we land on these matters. I heard the contribution from the Greens member for Prahran. Unfortunately he is just a spectator on the sidelines. He thinks he is at the local Prahran branch meeting of the Chisholm Institute alumni, the old boys debating club. He comes in here with those views instead of taking these matters seriously. The bill was considered by the Scrutiny of Acts and Regulations Committee, came under the auspices of Victoria's Charter of Human Rights and Responsibilities and underwent a rigorous process not only through the government but through parliamentary counsel and other processes.

I contrast the member for Prahran's views with that of the government. It has a serious responsibility to try to deal with the scourge of drugs and criminal activity in Victoria. Consorting laws are difficult — nobody is saying they are not difficult — because there are restrictions on people's rights and freedoms. They have to be balanced with what we are trying to achieve here, which is to make it much more difficult for criminals to talk together, operate together and organise together to bring drugs in, to organise as a collective to ruin and destroy people's lives and destroy families and, in some instances, cause the deaths of people in our society and community. It is imperative that we take this legislation extremely seriously.

The legislation provides — and this is where I take the member for Box Hill to account — that if you are in an organisation where you are undertaking legitimate activities, these laws should not apply. There is no argument about this. The thing I found disappointing in the contribution from the member for Box Hill was that he was trying to score political points on the basis of the Labor Party's association with the Construction, Forestry, Mining and Energy Union and the right of association and freedoms encompassed in Victorian legislation. That should be part of our democratic process.

That is the disappointing part, because instead of just making the point that there are legitimate organisations that should not be affected by this legislation — and individuals of those organisations and political organisations are in the same category — unfortunately the honourable member for Box Hill spent about 3 minutes of his 10-minute contribution having a go at us and at the Construction, Forestry, Mining and Energy Union and other registered and legitimate organisations representing working people in Victoria on the basis of this legislation, and I think that is just appalling.

It is appalling that the member for Box Hill, having been the Attorney-General in the previous government, did not put in place this type of legislation. He did not put in place these consorting laws that are effective against the criminal elements in our society. It is incumbent on all members of this house to take these matters seriously and to take a considered position to the house, and on that basis I support the legislation before the Parliament.

Mr McCURDY (Ovens Valley) — I am delighted to rise to make a contribution to debate on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015 and to follow the member for Melton. I have done that on numerous occasions, and I am very pleased to have my eardrums still intact today; maybe he is mellowing in his old age. I am very pleased that he can still be passionate but hopefully not as loud.

I also follow the members for Box Hill and Hawthorn, who made significant contributions. As they mentioned, we are not opposing the bill, but as the member for Hawthorn said, we believe the government has missed an opportunity. Although it is moving forward in little steps there have still been some opportunities lost. Victorians rely on government to protect them and to legislate and care for them. Criminal organisations in this country for far too long have been thumbing their noses at the law. In government the coalition took significant steps by giving more powers to police to combat outlaw motorcycle clubs. Enough is enough, and I encourage and implore the government to continue to legislate to support safety for all Victorians. Where the opportunity is the flip of a coin as to how hard you go in this legislation, I encourage the

government to make the tough calls because these outlaw motorcycle clubs peddle misery to our communities.

The legislation creates the offence of unlawful association when an individual served with a notice associates with someone named in that notice on three or more locations in a 3-month period or on six or more occasions in a 12-month period. It also contains exemptions that allow some Victorian criminals to slip through the net, and that is a major concern to us. The bill allows a senior police officer to issue an unlawful association notice when they reasonably believe that an individual has associated with a convicted offender and that an offence is likely to be prevented by those individuals not associating. This is not earth shattering, but it is helpful. It takes small steps in the right direction.

Clause 5 inserts new part 5A. New section 124E provides for the issue of an unlawful association notice on a convicted offender so that there is a reciprocal obligation not to associate. The bill repeals the current consorting provisions in the Summary Offences Act 1966. The bill misses the opportunity to mirror the tough approach taken in New South Wales. The government has inserted so many exemptions and defences that it could be easy to avoid. Some will argue that the bill is even weaker than the current provisions in the Summary Offences Act, which are simpler and subject to far more restrictions but which are unused. I am disappointed that the government is not prepared to make the tough decisions when it comes down to the flip of a coin. We have talked about the public holiday fiasco today, which will hurt businesses and put pressure on families. At the same time with the flip of a coin we have to be able to support families and businesses when it comes to their safety. The bill could have gone a bit further, and I encourage the government not to shy away from the tough decisions.

Outlaw motorcycle gangs continue to deal in misery in our communities. The issue of the drug ice in regional Victoria is a classic example that has been well documented. Outlaw motorcycle gangs have a large part to play in dealing in ice not just in metropolitan areas but significantly in regional Victoria as well. We need to introduce laws that continue to crack down. We do not want a weaker regime compared to other jurisdictions, and we want to stem the inflow of criminal influences in Victoria. Other states like Queensland have put in some significant laws, and we do not want to find criminals heading south to our jurisdiction.

As I said, these are small steps. Communities in the Ovens Valley, like Wangaratta, Yarrawonga and Myrtleford, expect more when we are legislating to make sure we deliver tough laws to deal with the cowards who are in our communities and who are peddling misery to our children and grandchildren. The coalition gave significant powers to the police, and I am pleased to see we are continuing on in a fashion to support that. We do not want to be a safe haven. I urge the government not to go weak on laws relating to outlaw motorcycle clubs. As I mentioned earlier, we will not be opposing the bill. With that I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Criminal Organisations Control Amendment (Unlawful Associations) Bill 2015. I listened intently to the contribution of the member for Hawthorn, and for all the reasons he raised I have reservations about the bill. Understanding that the bill is probably better than nothing in some regards, which is why we will not oppose it, I would like to spend the brief time I have explaining why I find this bill abhorrent — —

An honourable member — Abhorrent?

Mr WATT — I find it abhorrent. I find clause 6 abhorrent.

It is interesting that on a day when the Premier and the Minister for Aboriginal Affairs told us about symbolism and about how great it is that we are able to fly the Aboriginal flag on Parliament House we are debating a bill which I and members of my family consider to be racist. The Greens member for Melbourne spoke about the raising of the flag and mentioned that no Aboriginals have ever sat in this Parliament. I have done a bit of research, and I can identify at least three former members; one in the other place, Cyril Kennedy; Andrew Kennedy, who was a member of this chamber; and Wayne Phillips, who was the member for Eltham from 1992 to 2002 — and the member for Sandringham talked about him earlier today.

Clause 6 is the clause I have particular concerns about. It states:

> (1) After section 133(1)(k) of the Criminal Organisations Control Act 2012 insert —
>
> "(ka)the number of unlawful association notices issued during that financial year, including the number of notices issued in respect of Aboriginals …

New section 133(1)(kc), which is inserted by clause 6(1), refers to:

> the number of Aboriginals charged with an offence against section 124A(1) during that financial year …

Clause 6(2) says:

> After section 133(3) of the **Criminal Organisations Control Act 2012 insert** —
>
> "(4) In this section —
>
> ***Aboriginal*** has the same meaning as in the **Charter of Human Rights and Responsibilities Act 2006**.".

I find it interesting that we actually put bills through this house which separate out Aboriginal people for any particular purpose. I do not know how many people on the other side have any family members who refused to identify as being Aboriginal because of this type of law we pass in this place. It is a disgrace that we introduce laws in this place that separate Aboriginal people out from people who are not Aboriginal. I find it absolutely abhorrent.

In the Charter of Human Rights and Responsibilities Act the definition of Aboriginal is:

> ***Aboriginal*** means a person belonging to the indigenous peoples of Australia, including the indigenous inhabitants of the Torres Strait Islands, and any descendants of those peoples …

I found another definition of Aboriginal people in the Children, Youth and Families Act 2005:

> ***Aboriginal person*** means a person who —
>
> (a) is descended from an Aborigine or Torres Strait Islander; and
>
> (b) identifies as an Aborigine or Torres Strait Islander; and
>
> (c) is accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Island community …

I have family members who refused to so identify and therefore under the Children, Youth and Families Act would not be classified as Aboriginal but may be classified as Aboriginal under the Charter of Human Rights and Responsibilities Act, depending upon the meaning of 'belonging'. It is a disgrace that we have bills in this place that separate out Aboriginal people. Why do we need to separate out Aboriginal people? Why do we need to say, 'If you're an Aboriginal you should be treated differently'? Aboriginal people should not be treated differently; they should be treated the same as any other person in Victoria. It is a disgrace.

Imagine if we had a bill that required reporting on the number of unlawful association notices issued during a financial year in respect of, why not say, Vietnamese people. If we had a bill that provided for separating out and identifying people racially — as Vietnamese, Italians or Chinese — would the communities concerned be happy to be separated out by us? Would members of the lesbian, gay, bisexual, transgender and intersex community be happy if we were separating them out in this bill? I do not appreciate the fact that Aboriginal people are separated in this bill or in any bill in this place. We should not be treating Aboriginal people differently from any other people in the community, and I find it a disgrace that we have a bill here that says we have to have a report on how many — —

Ms Green — Have a shower mate! Have a cold shower!

Mr WATT — If you had any family members who were Aboriginal, you might take a different view. Sit back and relax!

It is a disgrace that I have family members who, because of laws we introduce in this place, have told me to go and shove my blank bill up my blank rear. That is a disgrace, and those opposite do not seem to have grasped this. The member for Prahran does not seem to grasp it. He stood here, talking about this bill and said how great it was that we were introducing a reporting mechanism that separates out one class of people based on their race.

Mr Pakula — Have a look at what happened in New South Wales, you drongo.

Mr WATT — You're a drongo! You're an absolute drongo. You have no idea how these bills and how this — —

The ACTING SPEAKER (**Ms Thomas**) — Order! The member for Burwood will direct his comments through the Chair and stay on the bill.

Mr WATT — I am sure the Chair supports the bill, so she might be a drongo too. I tell you: it is a disgrace — —

The ACTING SPEAKER (**Ms Thomas**) — Order!

Mr WATT — I withdraw.

The ACTING SPEAKER (**Ms Thomas**) — Order! The member for Burwood will take the time that is available to him to direct his comments through the Chair and speak on the bill.

Mr WATT — I am happy to speak on the bill, particularly clause 6, which I find disgraceful and which has Aboriginal people not wanting to identify as being Aboriginal people. We should not introduce bills in this place that do this.

Debate adjourned on motion of Ms SPENCE (Yuroke).

Debate adjourned until later this day.

CORRECTIONS LEGISLATION AMENDMENT BILL 2015

Council's amendments

Message from Council relating to following amendments considered:

1. Page 28, after line 31 insert the following heading —

"Division 13 — Annual reporting of offenders subject to community correction order".

NEW CLAUSE

2. Insert the following New Clause to follow clause 42 and the heading proposed by amendment number 1 —

'A New Division 7 of Part 9 inserted

After section 104 of the **Corrections Act 1986 insert —**

"Division 7 — Sentencing Advisory Council to report on offenders subject to community correction orders

104AA

Annual report

(1) This section applies to the Sentencing Advisory Council in addition to the functions conferred on it by the **Sentencing Act 1991**.

(2) For each financial year commencing on or after 1 July 2016, the Sentencing Advisory Council must report for that year the number of persons convicted during that year of a serious offence committed while subject to a community correction order.

(3) In this section —

community correction order has the same meaning as in section 3(1) of the **Sentencing Act 1991**;

Sentencing Advisory Council means the Sentencing Advisory Council established under Part 9A of the **Sentencing Act 1991**;

serious offence means a sexual offence or a serious violent offence, both within the meaning of section 77(9).".'.

Mr NOONAN (Minister for Corrections) — I move:

That the amendments be agreed to.

In doing so, I just want to make a couple of brief comments that go to the amendments and also in part the substance of the bill. On behalf of the government I am very pleased to agree to the amendments as incorporated and agreed to in the Legislative Council. As members will know, this bill provides for improvements to the corrections system, including the administration of Victoria's prisons and parole system. I think it is worth putting that on the record because the issue of parole is never too far from the headlines. In terms of where the government finds itself, reforms that were introduced by the previous government were introduced with bipartisan support, and this bill provides a further step in the spirit of those reforms. It is also important to make it clear that parole is a privilege and not a right, and the bill reflects that.

The opposition's amendment relates to community correction orders and goes specifically to the issue of a new requirement for the Sentencing Advisory Council to report annually on any convictions for serious offences by offenders while on those orders. The government is prepared to support this amendment. However, I want to take the opportunity to make a couple of comments on both the orders and the issue of transparency because I think the opposition is arriving at this position a little late.

The previous government pulled the prison statistics package that had been in place for over a decade. I cannot help but draw parallels between what the government is agreeing to here, which is about allowing evidence to be available publicly, and the fact that when those who are now in opposition were in government they took the statistics package away. That really prevented stakeholders in particular and the community generally from seeing the significant growth, in particular in recidivism levels, and also went to the mismanagement of our prison system by those opposite when they were in government.

In our first year of government we have very quickly brought that public reporting back. That has clearly been welcomed by stakeholders because it provides

them with critical information to assist them in partnering with us in facing the challenges in our corrections system that have been left to us and working to stabilise and strengthen our prison system and also our community corrections system. The government is willing to accept this amendment because it supports in every way an evidence-based policy and practice approach to our corrections system. Of course one could be a little sceptical about the opposition's motivation on this question. Since the change of government it has been attacking the issue of community correction orders — their own orders — both in the media and in the Parliament.

We know that whilst in government those opposite introduced and strengthened the orders regime, providing legislation to make it clear that a community correction order can be used for serious offences and can, for example, now be an appropriate sentence for a matter where previously a suspended sentence may have applied. That is why the government is now curious as to why they are attacking the very regime they put in place. I am sure that opposition members will speak to that.

Let me be very clear that this government supports transparency, as it supports functional planning. Through its first budget the government has provided additional funding in the area of community corrections. If we set aside the chest beating and the sloganeering that those opposite often indulge in, what we are doing is putting in place both the legislation — as I said we are prepared to accept this amendment — and funding. The impact of some of their sentencing reforms in terms of what they would actually mean to our prison and community corrections system must have been very clear to those opposite when they were in government, but they failed to plan for that growth. That has left the Andrews Labor government with a mess to clean up.

In the 2015–16 state budget the Labor government invested more than $330 million in the corrections system, of which $89 million was allocated for the expansion of Community Correctional Services. This was basically to put more people and more programs for community corrections into the field. Through that budget allocation we will end up with about 140 extra corrections staff, including field officers for community work, 6 new community corrections officers and significant upgrades, if you like, to facilities.

There is also $10 million for programs and services. I was very pleased yesterday to make some announcements in relation to what that will mean for areas such as men's behavioural change programs and for those on community correction orders, where there is clearly a backlog which was created by the previous government's lack of planning and funding in this area. We have been able to address this through our first budget, which is targeting people with a history of family violence.

There is also $4.7 million being provided to the Department of Health and Human Services for assessment and treatment services for offenders with alcohol and drug conditions. Again, I provide an example in that for the first time we are piloting ice-specific treatment programs for prisoners.

An honourable member interjected.

Mr NOONAN — I welcome the opposition's interest in this issue. We have provided straightforward, fundamental funding, which was not provided by the previous government, in order to start targeting offending behaviours, more specifically of people who have been incarcerated or placed on community correction orders. We have also provided funding for a pilot program to locate mental health clinicians at the Melbourne and Sunshine magistrates courts on the basis that many people who receive community correction orders are being assessed as requiring treatment for mental health conditions. I think the figure is hovering around and above 60 per cent at this point. Again, this is about providing assistance to the courts for appropriate assessments.

That is our track record already in relation to tackling the very big problem that has been left to us in the area of corrections, whether that be community corrections or our prison system. Unlike those opposite, we are not afraid of transparency, because that provides the evidence base — —

Honourable members interjecting.

Mr NOONAN — That has drawn a bit of laughter from those opposite. I ask: why on earth would you take away the prison statistics package, which provided a very clear and transparent set of numbers for stakeholders who were working with some of the most difficult people in our community — those who are incarcerated? It was all about hiding the real extent of the problem, which we have clearly been left with by those opposite. We will be taking a different approach in government, and I think our willingness to agree to this amendment is an example of that.

Mr CLARK (Box Hill) — The opposition welcomes the government's acceptance of the amendments made to the Corrections Legislation Amendment Bill 2015 by the Legislative Council at the

instigation of my colleague Edward O'Donohue, the shadow Minister for Corrections and a member for Eastern Victoria Region in that house. However, in his remarks the Minister for Corrections raised a number of points that need and deserve a response.

The minister started off by having a crack at the coalition over its reforms to community correction orders and its attitude to fixing them. Our view about any legislation or any regime is that you need to be prepared to act to fix problems whenever they emerge. That was certainly the policy of the coalition whilst in government, and it should be the policy of this government. We acted to fix the parole mess we inherited from the previous Labor government. We acted to fix the mess at Ararat prison that we inherited from the previous Labor government. We committed to one of the largest prison investments in this state's history, at Ravenhall, to provide additional places.

The minister is stretching it to say that the coalition government was not prepared to act to ensure adequate prison places. We did that even when we were under attack by Labor members and some of their community allies about overcrowding in prisons after we made sure that offenders were behind bars rather than out on the streets killing innocent people who were walking home at night. We made the point then that we would rather have dangerous offenders on mattresses in gymnasiums or double-bunked in prison cells than having them out on the streets killing innocent Victorians.

The minister had a crack at the coalition about transparency, which is a bit rich given the work that the former government did to fix up the criminal statistics system and the work it did to establish the Crime Statistics Agency Victoria. I recall by way of another example as Attorney-General giving specific approval for the replication in Victoria of the jury directions trial that was carried out in Tasmania to assess community and jury approaches to sentencing.

Mr Noonan interjected.

Mr CLARK — I will be looking forward to the result of that. The minister, who continues to interject across the table, has nothing to say about where his ice legislation is. The Premier made a huge play prior to the election about this legislation. It has gone missing in action, and I understand that the Minister for Corrections has responsibility for it. I look forward to his explanation of that.

In terms of these amendments, the reason we were keen to see these amendments before the house is that, as I said earlier, our view is that whenever issues emerge you need to be prepared to act to fix them to ensure that the community is properly protected and that offending is adequately deterred. The recent decision of the Court of Appeal in the Boulton case has caused considerable concern to us. It has caused concern to the shadow Minister for Corrections and it has caused concern to the member for Hawthorn, the shadow Attorney-General, because while in many respects the Boulton decision in the Court of Appeal gave a good framework and a good outline of the operation of community correction orders, one paragraph in it in particular was extraordinarily open-ended in its wording, which gave rise to the suggestion that it may well be appropriate in many cases to give a community correction order for quite serious offending, including homicide, child sexual abuse and other sexual offences.

The wording was ambiguous. The court could have had a wide range of intentions as to what it meant when it put that paragraph into its judgement, but it certainly sent reverberations throughout the legal profession and throughout the justice system more generally. Practitioners are reporting that lawyers are routinely applying for bail for their clients on the basis that a client, albeit charged with a very serious offence, might end up getting a community correction order in the end and therefore should be granted bail. The Boulton case is also often being cited in urging the bench in the lower courts to impose community correction orders rather than custodial sentences.

That is way outside what was intended — certainly by those on this side of politics, and I believe by the whole house — for community correction orders, which, as we said at the time, were intended to put teeth back into community-based sentences rather than to see a wholesale shift away from custodial sentences to community-based orders. Subsequently we legislated to make it clear that in appropriate cases a community correction order may be imposed where a suspended sentence might previously have been imposed. So there are real issues with the Boulton case and with how community correction orders have been operating subsequent to that decision. That is primarily a matter for the Attorney-General; it is unfortunate that he left the house following the debate on the previous bill.

That is also why it is important for the community to be informed about the operation of community correction orders. In particular we need to ensure that there is a report to the community of the number of persons convicted during the year of serious offences committed whilst those persons were subject to community correction orders. That is the purpose of the second amendment my colleague Edward O'Donohue

moved in the Legislative Council; it will mean there will be at least some basic information on the record.

The drafting of this amendment was subject to some to and fro between the government and the opposition, and there may have been potential to draft it a bit wider than it has been if agreement could have been secured. Certainly what we have come up with is something that has been agreed to between the parties. We welcome the fact that that has been agreed to, and we hope that this will make a significant difference in ensuring that the community is better informed about how this regime is operating.

The minister in his remarks referred to evidence-based decision-making. We certainly believe that appropriate evidence can inform better decision-making, which is something we ensured, as I mentioned earlier, in relation to the Criminal Statistics Agency. We certainly hope that it will continue to develop over time to provide better information to the community. As I indicated earlier, we are also looking forward to the results of the jury directions trial.

We welcome the fact that the government has agreed to these amendments. We look forward to the minister finally getting his new ice offence legislation to the Parliament, which his Premier promised with such fanfare prior to the election. The opposition will continue to hold the government to account for its actions and inactions in relation to strengthening the legal system, whether it continues to support the direction of the reforms the coalition government introduced to strengthen sentencing and ensure that the community is better protected or whether it reverts to the unfortunate approach that was adopted by the previous Labor government.

Motion agreed to.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AND OTHER ACTS AMENDMENT BILL 2015

Second reading

Debate resumed from 2 September; motion of Mr NOONAN (Minister for Corrections).

Mr CLARK (Box Hill) — The Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015 makes a range of amendments, including in particular to the Serious Sex Offenders (Detention and Supervision) Act 2009. It is a bill that has been introduced following the tragic murder of Masa Vukotic. When a terrible crime such as that occurs, we must always ask ourselves: can the justice system be improved to better prevent such crimes in the future? This was something that the previous government did when it was in office, as with its parole reforms. It is something that any good government must do.

This bill makes some immediate changes to the Serious Sex Offenders (Detention and Supervision) Act (SSODSA) regime. Although the changes are limited, they are worthwhile, and the coalition supports them. The SSODSA regime is a regime to deal with sex offenders who have served their full sentence but are still considered to be a danger to the community. Although SSODSA offenders are supervised by the Adult Parole Board of Victoria, SSODSA is different to parole. Parole applies to offenders who have not yet served their full sentence and who are allowed out of jail under supervision after serving at least their minimum sentence and are liable to be sent back to jail if they breach their parole. A parolee is therefore still serving a criminal sentence for their past offending. In contrast, SSODSA offenders have served their sentence, but they are subject to a supervision or detention order to protect the community against the risk of future offending.

Offenders who are placed on supervision orders under the act can be required to live at Corella Place, which is the dedicated accommodation for SSODSA offenders, next to the Hopkins Correctional Centre in Ararat, or they can be allowed to live in the community. In either case they are subject to conditions imposed by the court or by the adult parole board in accordance with authorisations given by the court or by the legislation. SSODSA is different to the sex offenders register. SSODSA currently applies to around 110 offenders who a court has made subject to a supervision or detention order on account of the unacceptable ongoing risk to the community they pose. The sex offenders register applies to around 4500 offenders who have been convicted of specified sex offences and who must have their details kept for a specified time on a register maintained by the police.

The main changes in the bill aim to give police greater powers to monitor SSODSA offenders living in the community and to establish a new category of specialist corrections officers who are given both the same powers as existing officers but also additional powers — powers that can be exercised in relation both to offenders living at Corella Place and to offenders living in the community. These parts of the bill will support the work of a new operational unit in the sex offender management branch of Corrections Victoria that has recently been established, which combines

corrections officers and police officers to oversee SSODSA offenders. The bill will also require a SSODSA offender who is charged with a subsequent indictable offence to show cause why bail should be granted, if they apply for bail, and that reverses the usual presumption in favour of bail.

Other changes in the bill include amending the powers for authorities to share information with each other about SSODSA offenders, adding additional crimes to the list of crimes for which a court can make an offender subject to a supervision or detention order under SSODSA, introducing more explicit requirements for how electronic monitoring is implemented in those cases where courts authorise electronic monitoring and making a range of lesser procedural improvements and technical amendments.

Turning to these provisions in more detail, the powers given to police under the bill include requiring a SSODSA offender to submit to drug and alcohol testing where a police officer has reasonable grounds to suspect the offender has breached a supervision order condition by consuming alcohol or drugs. This testing can be breath testing, urine analysis or other test procedures approved by the Chief Commissioner of Police. The opposition understands that this is intended to include oral swab testing. Blood testing is also open to be approved under the bill, but we understand that is not currently intended. Police are also given the power to enter premises where an offender is residing if reasonably necessary to monitor compliance with a supervision order.

The new category of specialist corrections officers created by this bill is defined as 'specialist officers'. As well as being given similar powers to supervision officers in relation to SSODSA offenders, they are also given a general power under proposed new section 158F to direct an offender to do or not to do anything a specified officer believes on reasonable grounds is necessary for the safety of any person, and to use reasonable force to compel the offender to obey those instructions in order to prevent a person being killed or seriously injured.

As to who these new specified officers are, they are defined to be prison officers who are also community corrections officers and who are directed by the Secretary of the Department of Justice and Regulation to act as specified officers. The minister has indicated in his second-reading speech that it is intended that these specified officers will be prison officers in the security and emergency services group who are also community corrections officers. There are further provisions of the bill that explicitly authorise the use of what are referred to as authorised instruments of restraint, which are instruments approved under the Corrections Act, such as handcuffs, leg restraints or body belts. They can be used where the legislation allows reasonable force to be used.

The information-sharing powers in the bill in some places redraft and in some places extend the information-sharing powers currently in the legislation. In some aspects these changes are sweeping and in other aspects they are quite narrow. The amendments will allow anyone working in or for the Department of Justice and Regulation, the Department of Health and Human Services, the commonwealth immigration department, the adult parole board, police or commonwealth or state prosecutions authorities to share information with any other such person, being any information that they have obtained in performing their functions under any state legislation whatsoever.

However, they can only share that information for specified purposes. There are two main specified purposes: firstly, if it is reasonably necessary to enable either the giver or the recipient of the information to carry out a function under the SSODSA act or under specified law enforcement or other legislation; secondly, the information can be shared if it is reasonably necessary to prevent or lessen a serious and imminent threat to a person's life, health, safety or welfare. Sensibly the bill also adds the Family Violence Protection Act 2008 and the Personal Safety Intervention Orders Act 2010 to the list of legislation specified for the purposes of this information sharing.

Those various provisions of the bill are generally fine as far as they go, but the main problem with the bill is that it falls short of what is needed in at least four main areas in terms of preventing sexual offences. The first area relates to tightening of bail conditions, the second to electronic monitoring, the third to information sharing and the fourth is in regard to sentencing. The government commissioned the Harper review in May this year, and the report is due by the end of October, when the government has foreshadowed possible further changes arising as a result of that review. How the government responds to the report will therefore be critical. Will the government continue to do what the coalition government did and take effective action to strengthen the justice system whenever problems are identified or will it revert to the soft-on-crime policies of the previous Labor government and allow violent crime to soar? Unfortunately to date the community has been getting very mixed messages about that.

The bill takes limited but welcome steps. However, as we debated earlier in relation to criminal organisations

control amendments, those provisions show every sign of having been nobbled on the way through, and so we end up with a bill that is going to be very difficult to implement in practice. We have also, as I referred to just a few minutes ago in discussing the Legislative Council's changes to corrections legislation, heard the government talking very tough before the election about new ice offences, yet we have heard nothing about those new offences since the government came to office. We also heard the government talk prior to the election about greater powers for juries over sentencing, and again, that legislation has still not appeared.

Ms Ward — On a point of order, Acting Speaker, I fail to see how this is relevant to serious sexual assault, and I ask that the member go back to discussing the bill.

Mr CLARK — On the point of order, Acting Speaker, it has been longstanding practice to allow lead speakers on any bill latitude to canvas a range of issues. I am canvassing the context of this bill in terms of the current government's approach to law and order and how that has led to and allows assessment of the various provisions in the legislation. In that context, I submit that my remarks are fully in order.

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

Mr CLARK — Let us have a look at how the bill stacks up in relation to each of the four areas I referred to earlier. If we take, first of all, the amendments to bail provisions, we see that those amendments relate only to SSODSA offenders, and that is reasonable in relation to a bill to amend that legislation. The Attorney-General announced a broader review of the Bail Act 1977 in January this year, but we have heard nothing further about it since. The coalition government undertook one round of amendments to the Bail Act, but a further round of amendments was also intended, and that further round needs to be completed and implemented.

It would seem highly desirable as part of that to rethink from first principles how the criteria to identify unacceptable risk are specified and potentially to completely rewrite how the presumption of bail and its exceptions are specified. For example, should it be made much harder for those with a list of past convictions to be granted bail when they are charged with a further serious offence? While the provisions in the bill in relation to bail are a step forward, there is a lot more work that needs to be done.

In relation to electronic monitoring, the bill does not authorise a single additional offender to be subject to monitoring. It certainly tightens the rules on how monitoring is to be carried out when it is authorised by the court, but the grounds or the criteria for a court to authorise electronic monitoring have not changed. There would seem to be a strong case for making electronic monitoring a standard requirement for sex offenders under SSODSA, with the absence of monitoring being only in exceptional cases. The fact that 24/7 electronic monitoring of all SSODSA offenders is possible is only because of the introduction of GPS monitoring by the coalition government. Prior to that, the only monitoring possible was whether or not the offender was at their specified place of residence, and when they were not there, there was no way of tracking their whereabouts.

The coalition government pioneered the introduction of GPS monitoring and got it operational, and it has proved to be successful. We welcome the fact that the use of GPS monitoring is being continued under the present government, and we should continue as a community to look to further opportunities to make use of GPS monitoring and other technology in order to prevent crime and better protect the community.

It is also worth making the point that the bill does not require a single offender to be taken out of the community and transferred to Corella Place, and that is despite what the Premier had to say recently in his public remarks about too many SSODSA offenders living in the community and more needing to be at Corella Place. The bill does not change the criteria the court has to apply and it does not change the criteria the adult parole board has to apply. It may be that this is part of what will come out of the Harper review, and that reinforces what I said earlier about the importance of what the government does when it receives the report of the Harper review in order to ensure that the criminal justice system continues to be improved and strengthened, and problems continue to be tackled whenever they emerge under the current government, as they were tackled whenever they emerged previously under the coalition government.

It is also worth making the point that the only reason it is possible in the first place for there to be the current number of offenders at Corella Place is that the coalition government expanded Corella Place from 40 places to 55 places. The Premier in his remarks on 1 September foreshadowed likely further expansion, and the government needs to get on with that in order to make sure that places are available at Corella Place whenever an offender needs to be housed there. We cannot afford to have SSODSA offenders out in the community simply because there are not enough places for them at Corella Place, when the court or the adult parole board believes that that is where they should be.

I touched earlier on the expansion of information-sharing powers. As I said, in some respects the expansion is significant, but there are also potential opportunities for further use of information sharing between agencies. For example, while there can be an exchange of information between officers in the Department of Justice and Regulation and those in the Department of Health and Human Services, unless one of the other specific criteria is met, under proposed section 189(1)(d) it will be available only if there is a serious and imminent threat to life or safety. A question arises as to whether there should be broader powers to share information.

The previous government made a commitment to undertake, if re-elected, an extensive pilot of data sharing between a wide range of agencies in the context of family violence. We committed to pilot data sharing between police, corrections and the courts, using advanced software technology to allow the identification of high-risk family violence perpetrators. Not only did we announce it, but while we were in government we committed funding to it. As far as I am aware, there has been no public word from the new government as to whether it intends to continue with that pilot.

I urge the government to continue with the pilot because there is continually growing potential to effectively use technology to better protect the community by making use of smart software that can detect emerging trends out of large databases to identify risk factors and alert authorities and, therefore, allow pre-emptive actions and speedy responses that can prevent crime and better protect the community. As I said, the previous government was geared up to do this in relation to the identification of high-risk family violence perpetrators and protecting potential victims, and I hope it is the current government's intention to continue with the pilot the previous government committed to and provided funding for.

The final area I will mention is sentencing. Part of the justice system response is to ensure that community safety is paramount when offenders are granted parole, as was put in place under reforms introduced by the previous government and to which the current minister has committed. Similarly, community safety should be paramount in the SSODSA regime in relation to detention and supervision orders for those judged to pose a risk to the community. However, another key element of the justice system response is the sentences imposed by the courts in the first place when offending, including serious sexual offending, occurs.

During consideration of the Legislative Council's amendments to the Corrections Legislation Amendment Bill 2015 I touched on the issues that have arisen from the Boulton case, including in relation to sexual offences, and the suggestion that some offenders might be placed on community correction orders when perhaps the Parliament, on behalf of the community, would judge that the sort of offending involved should incur a custodial sentence.

Another area where the current government needs to consider action is the baseline sentencing regime. My colleague the member for Hawthorn set out the coalition's concerns about a recent decision by Justice Lasry that seems to be well out of line with what this side of the Parliament intended, and what I believe the whole of the Parliament intended, when we put in place the baseline sentencing regime. As always, if the courts get it wrong in their interpretation of the Parliament's intention, the Parliament needs to amend legislation to reinforce and make clear to the courts what the Parliament's intention was.

In relation to sexual offending, as in relation to all offending, the key issue is considering the actual level of sentence being imposed, not simply the maximum sentence available for a particular offence. The baseline sentencing reforms sought to shift the sentencing spectrum and change sentencing practice so that it is at a level that is more in line with what is necessary to properly protect the community, including through deterring offending, while retaining the capacity of the courts to determine the sentence to be applied in a particular case.

Part of what the government will hopefully consider arising from the Harper review — and the Premier alluded to this in his press conference that was reported on 1 September — is the potential for increased sentences. If the government moves in that direction, it will be important to ensure that any changes to the sentencing regime result in changes to the sentences that are actually imposed and bring them into line with what the Parliament, on behalf of the community, believes to be the appropriate sentencing range to protect the community and deter offending. It may well not be adequate to simply make changes to maximum sentences if those changes do not flow through to the sentences that are actually applied and bring those sentences into line with what the Parliament, on behalf of the community, believes should be imposed.

With those remarks, I will conclude. The coalition believes that the amendments made by this bill, although limited, are worthwhile. We support them, but I reiterate that a lot more work needs to be done to

continue to strengthen the justice system wherever problems emerge. The opposition looks forward to the report of the Harper review and looks forward even more to the government's response to that report. We will continue to scrutinise what the government brings forward to this house to ensure that it acts appropriately in the community's interest.

Mr CARROLL (Niddrie) — It is my pleasure to speak on the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015, an area of public policy that the Andrews Labor government takes very seriously.

Just before I begin my remarks, I wish to reflect on the Victorian Law Reform Commission's (VLRC) sex offenders registration review. The former Attorney-General, the member for Box Hill, has just made a contribution to this debate, and he commissioned the VLRC to look at sex offenders and the registration system. I want to highlight the concluding remarks in its report, because I think it makes a salient point in relation to this legislation and the dynamics of the public policy that we are confronted with today. It says:

> The management of sex offenders is a complex and dynamic field of public policy. It is difficult to determine the impact of registration on offender behaviour, as distinct from the effect of other factors such as treatment and rehabilitation programs, sentencing practices and demographic change.

This is an area in which, when we came to government, we inherited incredible demands on our justice system. As a member of the Law Institute of Victoria (LIV) — and I am sure the member for Box Hill still get journals from the LIV in the mail — I read a recent interview with the Attorney-General in which he highlighted some of the challenges we are facing today. His point was that, in moving forward and dealing with the criminal justice system, it is incredibly important that we have an evidence-based approach. Locking people up and throwing away the key is not the answer; we cannot arrest our way out of the predicament. Every prisoner costs the taxpayer some $130 000 a year. We do need to invest in programs, we do need to invest in rehabilitation.

I also welcome the previous government's reforms, particularly to the Adult Parole Board of Victoria. The reforms the previous government made were incredibly strident and, a bit like the legislation before us today, came out of tragic circumstances. If you have a look at the Ian Callinan review, which I will touch on in a moment — we consider this very important, and we are focusing on it — you will see that parole is not something that is a right. It is something that needs to be earnt. The legislation we have here today will ensure that offenders complete the full sentence handed down by the court and a civil supervision or detention order will then come into place.

The opposition has supported this legislation. When in government in the previous term of office it made a lot of reforms in this area as well. The Andrews opposition supported it every step of the way. The member for Box Hill touched on the drug ice, and I sat on the parliamentary Law Reform, Drugs and Crime Prevention Committee inquiry into that. The now Premier, as opposition leader, lead debate on the drug ice. He set up the ice action task force. He is making important reforms and has put money on the table.

If you want to hear a quick history of what the previous government's response to the drug ice was, I will never forget when Premier Napthine had a Dorothy Dixer on it — he announced 11 new sniffer dogs. That was the previous government's response! Even Tony Abbott, the short-lived Prime Minister, set up a national task force and hand-picked Ken Lay to lead it. He did a lot more in two years than Denis Napthine — I do not want to go through who held their office longer, the former PM or the former Premier — but at least Tony Abbott grabbed the bull by the horns and did something with it right there and then.

I can reassure the member for Box Hill that we have introduced a tranche of reforms, and there are more to come. The ice action task force met only recently.

Honourable members interjecting.

Mr CARROLL — I want to talk a little bit about the management of serious sex offenders. As was highlighted in the Victorian Law Reform Commission report, it is an incredibly important area of public policy. The purpose of the Serious Sex Offenders (Detention and Supervision) Act 2009 is to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who present an unacceptable risk of committing further serious sexual offences to be subject to ongoing supervision. Without this scheme, eligible offenders would be released upon completion of their sentences without any supervision, reporting or treatment. Supervision orders can be imposed for up to 15 years, while detention orders can be imposed for up to 3 years. The court can impose onerous conditions on offenders who are subject to supervision orders, such as curfews and electronic monitoring.

I also want to correct the record in relation to some of the statistics the member for Box Hill ran off. As many

members would be aware, Corella Place, a residential facility adjacent to the Hopkins Correctional Centre at Ararat, provides supported accommodation for serious offenders on post-sentence orders when suitable accommodation cannot be found elsewhere in the community. For the benefit of the member for Box Hill, I will provide the latest information: as of 7 September 2015, 117 offenders were subject to supervision orders. There were 36 at Corella Place under the previous government. As of 15 September there are 57 at Corella Place; 44 reside in the community subject to a range of court-imposed conditions; and 17 are in prison for breaches of their orders or for further offending. A further two offenders are on detention orders and are in jail. They are the statistics.

Some important reforms the previous government did make were in the area of parole. Ian Callinan, AC, produced his report in July 2013, and I think it is important that his report and the work he did are noted. He says on page 11:

> I do say that, relatively early in my work, I formed an impression that the balance in relation to the grant of parole, its cancellation and the revocation of cancellations may have been tilted too far in favour of offenders, and sometimes, even very serious offenders … the parole board should be, if safety to the public is truly to be the paramount consideration, more risk averse than it has become.

Mr Callinan did a lot of work, and the government, with the opposition's support, passed important reforms. I recently had the pleasure of representing the Minister for Corrections at a corrections ministers conference in Darwin. Attendees were very keen to hear about some of our reforms in the area of parole. The Callinan review made some 23 recommendations, and both sides of the aisle have been committed to ensuring that all of those recommendations are implemented in full.

It was important that a two-tiered decision-making process was introduced for violent and sexual offenders as well as the requirement for two panel hearings before parole is granted. Importantly all prisoners must now apply for parole. The previous government, with the then opposition's support, injected a lot of financial resources into ensuring that the staff of the Adult Parole Board of Victoria was given a boost, particularly for case management and corrections. There are now 150 staff working in the parole system, which ensures that we have a systematic, streamlined and vigilant approach to parole.

In relation to the legislation before us today, the minister in his second-reading speech hit the nail on the head when he spoke about the Harper review. He said:

> … the governing principle demonstrated by this bill is that the paramount consideration is for the safety and protection of the community from risks posed by serious sexual offenders.
>
> … The main purpose of the bill is to strengthen and improve the supervision and management of serious sex offenders for the safety and protection of the community from sexual offending, including through new police powers and a new presumption against bail.

We are going to see a whole series of reforms, including stronger parole powers for Victoria Police. That will lead to greater safety for and protection of the community.

Victoria Police may now test serious sex offenders for alcohol and/or drug use. Specific corrections officers may use certain powers when supervising serious offenders. I am fully aware that there has been a lot of commentary on this legislation but essentially we are making these reforms to the current bail laws because they were inadequate in relation to serious sex offenders. There were no provisions in the Bail Act 1977.

Today we are dealing specifically with serious sex offenders subject to a supervision order. Under this legislation a serious sex offender who is alleged to have committed an indictable offence while subject to a supervision order or charged with an indictable offence while on a supervision order must show cause as to why they should be released from custody on bail. This bill amends section 4(4) of the Bail Act so that serious sex offenders must show cause as to why they should not be detained.

I conclude my remarks by welcoming the opposition's support of this legislation. It is important to put on the record the Attorney-General's remarks from the June 2015 edition of *LIJ*, the *Law Institute Journal*. He said:

> Rather than being driven by what will generate headlines, we will watch what happens with statistics, consult with the profession, have a dialogue with the courts, speak to victims and their representatives and make decisions about changes that actually work, that actually enhance community safety rather than simply what might make the best headline.
>
> I do not see anything tough about seeing the crime rate explode, the family violence scourge effectively ignored …

I welcome this legislation.

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to support the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. As I am sure is the case for all members of the house, it is not something that we wish to be doing, given the circumstances surrounding the bill, but it is certainly a bill that the coalition supports.

Hopefully we will see it move swiftly through the Parliament and see the relevant changes made as quickly as possible.

With this bill we are talking about some of the worst offenders in our state, but it is a limited cohort and it is important to recognise that. The member for Niddrie has outlined some of the statistics, and I think I am right in saying that there are currently 44 serious sex offenders living in the community on special supervision orders, of which 19 are subject to electronic monitoring and a further 57 offenders are living at Corella Place in Ararat, all of whom are electronically monitored. It is important to note that during the coalition government the previous Minister for Corrections provided $3 million for the expansion of the Corella Place facility, which in the context of this bill is quite important because, as we understand it, that facility is now full and is in fact overflowing. As I said, we are talking about some of the worst offenders in the state, and we need to ensure that we protect the community from those people as best as we possibly can.

The bill contains a number of provisions. It firstly establishes a new presumption against bail provision under the Bail Act 1977 for a serious sex offender on a supervision order who is charged with any indictable offence, including a non-sexual one. Members of the house are aware that this is largely in response to the brutal and horrible murder of Masa Vukotic by Sean Price, who was on bail at the time of the murder and who, as events have subsequently outlined, was a serious threat to the community with a long history of heinous crimes, particularly against women, but who unfortunately was free in the community at the time.

The bill provides greater powers for the police in their monitoring of serious sex offenders, including the power to enter the home of serious sex offenders to check that they are complying with their orders, to arrest them if they are in breach and to direct them to take a drug and alcohol test or to enter the residence of a sex offender if there is a reasonable suspicion that the offender is not complying with their bail conditions. It also provides a greater role for the police in monitoring serious sex offenders through the creation of a new operational unit in the sex offenders management branch of Corrections Victoria, where police officers can be embedded in order to monitor, supervise, case manage and identify risks. These are important powers that will enable the police to better manage these serious sex offenders and as a result to protect the wider community.

The issue of bail in particular is a great cause for concern to many in our community, but often it is not well understood. The legal system is a complex beast for those who are not part of it or those who are not actively subject to it, including me. I have to say that it is an area where, unless you have been a victim, been charged with an offence or are a lawyer or other participant in the legal system, it is somewhat complex and difficult to understand.

I know in the last year or two there has been significant community concern about the granting of bail. It is unfortunate that on occasion the community can jump to conclusions about bail being granted to a certain offender who has subsequently offended — and I am thinking particularly of the case of Man Haron Monis in the Lindt Chocolate Cafe siege in Sydney — and where the community can come to a conclusion about a certain person being on bail without actually having had any of the facts of the case that was considered previously.

It is a difficult one, but it is an area where perhaps better education would help. I am not sure that generic campaigns would be of much use, but certainly there could be better education, perhaps at secondary school level, so that people coming through our school system would have a better understanding of the principles and practices of our legal system. As I said, bail in particular is a concept that is not well understood by the general community and it can lead to confusion about the principles of our legal system.

However, there is no doubt that, particularly in a number of high-profile cases, in recent years the issue of people who are free on bail or indeed on parole has caused great concern in the community. I mentioned Sean Price, who has pleaded guilty to the murder of Masa Vukotic; Man Haron Monis, the other one I mentioned, who was in a different jurisdiction but who was also on bail at the time of the siege in Sydney; and of course the most famous one in recent years. Adrian Bayley, who was convicted of the murder of Jill Meagher while on parole, also had a long history of terrible crimes of violence, particularly violence and sexual violence against women.

I am sure there will be some in the community who have concerns about what are effectively special laws for a small portion of the community, and I understand that. It is very important that we maintain our legal principles, but equally this bill is being brought forward today because of some heinous crimes that have been committed against completely innocent victims — indeed, young women whose lives have been taken too early. Frankly, at the end of the day the community

demands the sort of reaction we are now seeing from government. The Premier made it clear that the system was broken and indeed it needs to be fixed.

I note there will be some who have concerns on legal principles, but it is important that the community has confidence that it is protected from these serious sex offenders in particular, but also from offenders more generally, and the law needs to adapt and change to reflect those community expectations.

People have come to me in my own electorate with concerns about a particular sex offender who is about to come out of prison. I will not go into the details, but again it highlights to me the lack of understanding in the general community about the provisions of bail and parole. It has also highlighted to me, particularly given the publicity around some of these high-profile cases, that people are concerned for themselves, their children, their wives, their daughters, their granddaughters and their sisters. It is incumbent upon us as legislators to ensure that not only the police have the necessary tools at hand to deal with these people who are a threat to our community but also the courts, and that the courts are given the appropriate direction when it comes to issues such as bail.

This certainly is a bill that the coalition supports. It is a continuation, I guess, of many of the legislative changes that were brought about following the Callinan review of parole. I fully expect there will be further amendments in relation to bail and for serious sex offenders in particular. I think we should have no trouble supporting this bill. I certainly support it. I am pleased the coalition is strongly supporting the bill. I look forward to its speedy passage, and I commend it to the house.

Ms THOMAS (Macedon) — I rise to make a contribution in support of the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. As those of us who were newly elected to this place in November 2014 have had occasion to reflect, our role here as legislators forces us to think deeply about issues that perhaps we have tried sometimes to turn an eye away from because of their horrific nature. Indeed we in this place are forced to consider the behaviours of people in our community who commit crimes that are certainly beyond my comprehension. But it is exceedingly important that we as members of this house, and indeed I as a member of the governing party, take speedy action when necessary and do all we can to protect the Victorian community against people who, as I said, for incomprehensible reasons commit appalling, horrific and degrading crimes.

The Andrews Labor government is absolutely committed to protecting our citizens and ensuring that people can go about their lives feeling safe and confident that we as legislators are doing all we can in order to keep them safe. Indeed, this bill does just that.

I will provide just a bit of background to the bill. The Serious Sex Offenders (Detention and Supervision) Act has been in place since 2009. It provides for offenders who have completed the full sentence of the court to be placed on a civil order — a supervision or a detention order. There are currently 117 offenders in this scheme: 44 in the community, 56 in Corella Place and 17 in prison. Two are on detention orders. The act has been supported and administered under governments of both sides. While there have been some technical amendments to improve and clarify matters over the years that the scheme has been operating, this bill contains the first suite of substantial changes to the act.

As other members have already reflected, the murder of Masa Vukotic by Sean Price has galvanised us all into action. I also note this is a very recent crime, and I wish to extend my condolences to Masa's family. As the mother of a young, bright, vivacious daughter who is 21 and on the cusp of a long and happy life, I can only imagine the unbearable grief that Masa's family feel, the ripple effect of her tragic death and the way it will be felt by her friends who, as a result of what happened to their friend, will never, ever again be able to feel as safe in our community as they should be able to feel. The impacts of this dreadful murder will be felt very deeply. We need to always remember those impacts. As I said, I want to extend my condolences to the family.

Having said that, I commend the Minister for Corrections and the government on moving so quickly to review every single offender on the scheme and to strengthen oversight of the scheme. Several offenders were taken out of the community and placed in Corella Place. However, what was learnt at this time was that police in corrections did not have the breadth and specificity of powers necessary to respond to the risks that those offenders posed.

This amending bill significantly strengthens the current scheme right now to reduce the risk to our community of our worst sex offenders. It provides a presumption against bail, significant powers for police and corrections staff, and a strengthening of the conditions of supervision orders. The bill will be backed up by a joint corrections and police specialist response unit embedded in the sex offenders management branch of Corrections Victoria, which will be operating before the end of the year. The bill will ensure that from the time of the bill's commencement by proclamation there is a

presumption against bail for the very worst sex offender.

Serious sex offenders require a serious response, and the increasing involvement of police clearly shows that we as a government are serious about getting this right. The bill will ensure that police members and corrections staff can rapidly integrate and utilise their new powers on the ground this year with enhanced information sharing. These changes are but one step to strengthen the system now. The scheme depends for its justice on the possibility of rehabilitation and the opportunity for change, but that must not outweigh the requirement for community safety. We owe that to Masa Vukotic's family, we owe that to Jill Meagher's family and we owe that to those who have been assaulted or who have tragically lost their lives at the hands of these serious sex offenders.

I want to talk a little bit about how serious sex offenders are managed. As I said before, there are 117 offenders currently subject to a supervision order, and in Victoria serious sex offenders are managed under the Serious Sex Offenders (Detention and Supervision) Act 2009. Supervision orders can be imposed for up to 15 years, while detention orders can be imposed for up to 3 years. The court can impose onerous conditions on offenders who are subject to supervision orders, such as curfews and electronic monitoring; movement restrictions, such as being prohibited to be near schools and other areas frequented by children; and strict treatment and rehabilitative regimes. Corella Place, a residential facility in Ararat, provides supported accommodation for serious sex offenders on post-sentence orders when suitable accommodation cannot be found elsewhere in the community.

It is important that we take account of the particular challenges these offenders present to our justice system. The minister, on behalf of the government, has moved very quickly to respond to what can only be described as some failures in our system. I am not surprised that the opposition is 100 per cent behind this bill. It is important that we as members of Parliament do everything in our power to ensure that we protect the community. It has to be noted that a disproportionate number of women are killed at the hands not just of serious sex offenders but of their intimate partners.

It is important that as a Parliament we respond to tragic circumstances here in Victoria and that we make sure we amend legislation to deliver the best possible protections to people in our community. As I said, as a member of this place I reflect on some of the worst aspects of humanity. While that gives me no pleasure, I am pleased to be able to stand here today and speak on a bill that will go some way towards providing the protection that people in our community, particularly women, deserve. I commend the bill to the house.

Ms SANDELL (Melbourne) — I rise to affirm that the Greens will also be supporting the bill. I have only a few short remarks to make. As has been mentioned, the bill tightens the net on serious sex offenders. It aims to close immediate gaps in the justice and corrections system and give Victoria Police and Corrections Victoria the extra powers they need to manage serious sex offenders on supervision orders.

The Greens support the measures in the bill, just as we supported the majority of the recommendations in the Callinan review to reform the parole system. Recently there have been a number of significant failures by the justice and corrections systems in managing serious sex offenders. As we have heard throughout the debate, many of these failures resulted in high-profile cases which had devastating effects on the victims, their families and their friends. They are things we hoped we would never see in this state, but unfortunately they happened.

Due to these failures, reforms in this area are still needed in order to protect community safety, particularly women's safety, and I am pleased to see that this bill will go some way towards addressing these concerns. For these reasons the Greens support the bill, and we will make further detailed comments when it is introduced in the upper house.

Mr McGUIRE (Broadmeadows) — Any policy in relation to crime must recognise the seriousness of the conduct from the point of view of the community, then the individual. Crime damages individuals and society. The particular behaviour has to be addressed. This bill establishes a presumption against bail for any serious sex offender on a supervision offender who is charged with an indictable offence. Police will get new powers to test offenders for drugs and alcohol, and Corrections Victoria staff will have additional powers when supervising serious sex offenders in the community.

The public wants lawmakers to be tough on hard crime and its causes, and this important bill addresses these issues. It is part of a progression of bills brought to the house by both sides of politics to try to deal with these issues, particularly after some horrific incidents that the public has had to face. We have all been shocked by the systemic failures that occurred in dealing with some of these issues, particularly with the murders of Jill Meagher and Melbourne teenager Masa Vukotic, and what we discovered through investigation of what had been going on and the records of the offenders. That is

the hierarchy of priorities of how I think the general public wants to see us dealing as lawmakers with these significant issues and their consequences for the community.

The Serious Sex Offenders (Detention and Supervision) Act 2009 has been in operation since 2010. It provides for an offender who has completed the full sentence of the court to be placed on a supervision or detention order. Currently there are 117 offenders on the scheme, 44 in the community, 56 in Corella Place and 17 in prison. There are two on detention orders. The act has been supported and administered by governments from both sides of the house, and that is an important point because the public, particularly women, need reassurance that lawmakers will act in a bipartisan way for public safety and security. It is an incredibly corrosive proposition that you cannot go about your life and you cannot have the freedom that we all enjoy when you find out about these shocking offences and the ripple effect they have on the entire community, in particular on women. They should not have to live in fear.

While there have been some technical amendments to improve and clarify the act across the six years of the scheme, this is the first suite of substantial changes, and I commend the Premier, the Minister for Corrections and the government for bringing these amendments forward. The murder of Masa Vukotic by Sean Price, who was on a supervision order, demonstrates that there were critical weaknesses within the scheme and they had dire consequences. The government acted quickly to review every offender on the scheme and to strengthen oversight. Several offenders were taken out of the community and placed at Corella Place. In fact news reports said that happened within hours of this horrendous crime.

The amendment bill provides for a significant strengthening of the current scheme to reduce the risks to the community posed by our worst sex offenders. It also provides a presumption against bail, significant powers for police and corrections authorities, and a strengthening of the conditions of supervision orders. The bill will be backed up by a joint corrections and police specialist response unit embedded in the sex offender management branch of Corrections Victoria, which will be operating before the end of this year. This is a matter of urgency, and I am glad the government is implementing these measures as soon as possible. The bill ensures that from the time of its proclamation there is a presumption against bail. That is a critical issue to weigh in balance, but on the evidence we have seen I think is irrefutable that the measure has to be implemented now.

Serious sex offenders require a serious response. An increasing involvement of police clearly shows the government is serious about trying to get this right and to get the nuanced approach by making sure that bail is not just an automatic right but that there is greater scrutiny, particularly at this level of crime. These changes are one initiative in strengthening the system, and there are more to come. The scheme depends for its justice on the possibility of rehabilitation and the opportunity for change, but that must not outweigh the requirement for community safety. That is the paramount proposition.

The Harper review will advise the government on the means to correct the balance. The review is being headed by former Supreme Court judge David Harper and includes forensic psychiatrist Professor Paul Mullen and criminal law expert Professor Bernadette McSherry. The review will look at the act and at other schemes across the world, so this is an attempt to look not only at jurisdictions across Australia but also at what is international best practice in community safety. The government will be acting on the advice of the Harper review, and there will be more initiatives in the near future. The government has taken the perspective that it needed to act as a matter of urgency. These improvements are being put to the house, and I am pleased to see they have the support of the opposition parties, including the Greens political party.

The issues about how Sean Price murdered Masa Vukotic go to where there can be gaps in the system and what needs to be done to fix those gaps to stop a recurrence. He committed a number of offences on 17 March, some that are alleged to have occurred in the hours before his arrest. He surrendered himself at Sunshine police station on 19 March. Price attended court on 28 August and pleaded guilty to murder, rape, robbery and attempted theft.

Sean Price was convicted in October 2004 of two counts of rape and three counts of indecent assault, along with various counts of aggravated burglary, common-law assault and threat to kill. These offences were committed over an 18-month period when he was an 18 to 19-year-old. He was sentenced to just over eight years imprisonment, to be served by way of a hospital order because of his psychiatric illness. Sean Price was released on parole in 2010 and attacked a female treating psychologist in 2011. His parole was cancelled and he was convicted and sentenced for that attack. By the end of his sentence a post-sentence supervision order had been applied for in the County Court and it was granted in May 2012. This order has been released to the media. It includes details of his supervision conditions, including the requirement that

he reside at Corella Place or at other places as directed by the Adult Parole Board of Victoria.

In summing up, this is an important piece of legislation. It should give women and the community greater confidence that any systemic issues will be addressed with the utmost urgency and with absolute seriousness. The bipartisanship, or tripartisanship in this case, is important as well because it sends the message that we live in what has been hailed for five years in a row as the world's most livable city and we want people to have the confidence that they can lead their lives with the freedom they are entitled to. With those comments, I commend the bill to the house.

Ms KEALY (Lowan) — It is an honour to stand in this place to speak on the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. As members of this place we have a number of responsibilities and obligations, and one of the key ones is an obligation to protect people in our community. It is the right of all Victorians to feel safe in our community, so when we hear of violent crimes such as those referred to by other speakers earlier today but particularly violent crimes against women there is rightly community outrage.

I was shocked, as were many people in the community, to hear the story of Masa Vukotic, a 17-year-old schoolgirl who was walking home through a Doncaster park one afternoon enjoying herself and doing what we all like to do on a nice day. Unfortunately she suffered a brutal, horrific and ultimately fatal attack. She was stabbed 49 times. She had her whole future ahead of her and yet this horrific crime happened in broad daylight. It is horrific to think that that could happen.

Of course we can be horrified when we hear of these violent crimes, but then horror turns to outrage when we hear that this offender was known to the community as a serious sex offender and was in the community because a decision had been made that it would be safe for him to be out in the community. In hindsight I think obviously we can make better decisions, but it is certainly concerning when you hear of these stories, and it is pleasing to hear that steps are being taken to strengthen the legislation around serious sex offenders to ensure that young women like Masa are protected in the community. I would like to say from the outset that in no way can this compensate for the loss of Masa's life, and I would like to extend my sincere condolences to Masa's friends and family, because this should not be happening in our country. It should not be happening at all.

I would like to think that if we take steps to strengthen the laws we can use, our system for monitoring sex offenders and ensure that police have appropriate powers, we can make sure that this is less likely to occur in the future. It is really devastating when you read through some of the history of the perpetrator of the crime against Masa. The court papers released from the Victorian County Court show a series of psychiatrists and psychologists had agreed that the offender struggled to cope in the community, did not like taking medication and needed to be kept in a structured, custodial setting where he could be treated effectively. Documents have shown that at least one County Court judge believed Price should remain in a custodial setting on a strict supervision order. The documents related to a hearing in the County Court in 2012, just two weeks before Price was due to be released from prison for sex-related crimes, including the rape of a 13-year-old girl. This is a man who had a long history of abuse; he had been abusive towards many, many women, yet he was released out into the community. We need to have a system that better looks after people like Masa. We also need to make sure that we have a system that can manage perpetrators of these types of crimes.

The other high-profile case we know about is that of Jill Meagher. We can all remember seeing the CCTV vision of her walking along the shopfront and somebody walking up behind her. We should be able to walk safely on our streets. I am somebody who walks around the streets of Melbourne when Parliament is sitting. I do not want to be thinking that there is somebody who is going to be walking up and asking me for something, apparently innocently, only for there to be a threat. I think we need to put these sorts of laws in place to make sure that serious sex offenders are managed appropriately and taken out of the community in a proper, structured way, and that if they have finished serving a custodial sentence we recognise there may be an ongoing threat to the community and manage them appropriately. I do not think that is unreasonable. I am quite passionate about this, and I am very supportive of this bill. As I said, The Nationals will certainly be supporting this bill today, because we do not want to hear about these crimes against women in the future.

I want to talk about the definition of serious sex offenders, because it is quite specific. I refer to the second-reading speech that the then Minister for Corrections, Mr McIntosh, made for the Serious Sex Offenders (Detention and Supervision) Amendment Bill 2012. He said:

> The Serious Sex Offenders (Detention and Supervision) Act 2009 operates to protect the community in respect of a specific and narrow type of offender in Victoria; that is, the critical few high-risk sex offenders who, at the completion of their sentences, are deemed by the County or Supreme court to be an unacceptable risk to the community.

There are about 120 of these offenders in the community. To be very clear, these are sex offenders who pose an unacceptable risk to the community in terms of reoffending. They have finished their sentences, but they are then assessed and a decision is made that they will be entered into a supervision scheme. It is important to be clear around that. These are not people who have been convicted of other crimes or of one rape; these are serial offenders where there is seen to have been no rehabilitation, and they need to enter into a supervision scheme where they can undergo ongoing supervision and rehabilitation treatment.

I would like to note that Corella Place has been referred to by earlier speakers. Corella is a facility in Ararat in western Victoria, in my part of the world, which has been developed as a place to hold offenders in respect of whom it is deemed to be not safe for the community for them to be living in it. They live and work at Corella. In my previous role as CEO of Edenhope hospital, I ordered a number of planter boxes for a vegetable patch which was to be built by the offenders in that facility. These offenders are provided with appropriate therapy and rehabilitation. They are supported by the community, and I absolutely commend the Ararat community for supporting these people, which in turn provides fantastic job opportunities and supports the local economy. There are currently 57 people at Corella Place. The reason there are a few more in there now is that the coalition made a commitment to increase housing at Corella Place. It seems that this government might extend the facility again. Obviously if there is demand for that, we need to make sure we can provide safe housing to ensure that these offenders are maintained in a safe place and that we can maintain the safety of the community as our first and foremost priority.

The purpose of the main provisions in this bill is to increase police powers. Those provisions are about giving police additional powers to enter the home of a serious sex offender to check if they are complying with their order and to arrest them if they are in breach. Police will also be able to direct offenders to take a drug and alcohol test, which is highly appropriate. Police will be able to enter a premise where an offender is residing when there is a reasonable suspicion that an offender is not complying. That, of course, helps with monitoring and management and helps to ensure that supervision orders are being complied with. The bill also provides greater role for Victoria Police in the monitoring of serious sex offenders, including the creation of a new operational unit in the sex offenders management branch of Corrections Victoria. Victoria Police members will be embedded to monitor, supervise, case manage and identify risk. Again this is an additional level of supervision to ensure that any scheme that is in place is appropriately maintained and that it will be unlikely for there to be any breaches of those orders.

The bill gives additional powers to Corrections Victoria staff to direct serious sex offenders in the community to obey instructions, whether those be to do something or not to do something. It provides special powers to the special emergency services group, which usually operates inside the prisons, to respond to safety concerns until police are required. They are not allowed to use firearms but they are able to use reasonable force, which may include batons, capsicum spray and the like. There is also a provision which establishes a new presumption against bail, which I think is a very positive move. There is a provision which makes overseas child sex offences and the distribution of intimate body images a breach of an order. The bill provides for quicker charges to be brought for the breach of supervision orders and makes explicit the conditions regarding the electronic monitoring of offenders, which of course needed additional clarity so that these offenders could be properly managed and monitored in the community.

I strongly support the amendments in this bill. We must take a strong stand against violence, particularly violence against women. We do not want to have these cases come up again. With the greatest respect to the memory of Masa and Jill, I again offer my condolences to their families. I hope this bill will strengthen our laws around the management of serious sex offenders, and I commend it to the house.

Ms RICHARDSON (Minister for Women) — It is a pleasure to rise and speak in the house in support of the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. This is another significant and very important bill that has been brought before the house by the Minister for Police, who is also the Minister for Corrections. He has wasted no time bringing this bill before us.

Even within the context of the Harper review, which was announced earlier in the year, the minister and the government have determined that we cannot afford to wait and we need to introduce some significant measures immediately, while the Harper review is underway. The Harper review will no doubt bring about

some other significant reforms because it is also considering the Serious Sex Offenders (Detention and Supervision) Act 2009. It is looking at how that act can be improved, how the post-sentencing legislative framework can be strengthened to better protect the community from adult sex offenders and how the way in which sex offenders are managed within the system can be improved.

It became very clear to the minister and to the government that something had to be done, given the clear and horrendous gaps in our corrections system. Some tragic and high-profile cases brought home just how seriously our justice system was failing victims, and it runs the risk of failing future victims time and again unless we address those failings. The details of those cases are quite sickening and have really impacted on the community at large. They have obviously been very disturbing more broadly and, significantly, have led to a broad public debate about the need to bring about reform.

As with family violence, it is women who pay the highest price for the failings within our justice system. Women have for too long been the silent victims of a system that was almost designed to fail. Clearly the public has had a gutful of this; it has had enough. Common sense should have long ago driven an alternative set of outcomes, but instead women, including Jill Meagher and Masa Vukotic, have paid a terrible price for our failings. To their families I extend, as other members of the house have done, my deepest sympathy. We clearly owe it to them to put these measures in place at the very least.

As the Minister for Women I would like to take this opportunity to highlight the burden that women bear when we turn a blind eye to sex offences and sex offenders in particular and the harm they cause. Women are disproportionately represented in crime statistics relating to sexual offences, with one in five women having experienced sexual violence since the age of 15. We also know that 93 per cent of perpetrators — sexual assault offenders — are male. One in six reports to police of rape results in prosecution, and less than one in seven reports of incest or sexual penetration of a child results in prosecution. Just like family violence, there is significant under-reporting of crimes involving a sexual offence.

Quite disturbingly and shamefully for us all, many victims report that they are sorry that they even brought their horrendous experience to the attention of the justice system. So traumatised are they by the experience that they often report they wish they had perhaps not brought the matter to the attention of the justice system.

In the area of serious sex offenders, the failings have had some terrible consequences indeed. The justice system by its nature is a very conservative system, and even when it comes to sex offenders whom the system has deemed to be still dangerous to the community it can be slow to respond to the concerns the public have. This bill will provide the justice system with some of the tools it needs to better protect the public. It will have the power to hopefully once again instil confidence in the minds of members of the public about the way in which serious sex offenders are treated in this state.

The bill will introduce the new provision of a presumption against bail for any serious sex offender on a supervision order who is charged with any indictable offence. This is a significant shift of onus with respect to bail. The bill will also be supported by a new joint corrections and police specialist response unit which will exist within the sex offenders management branch of Corrections Victoria. This will include embedding Victoria Police members to monitor, supervise, case manage and respond to identified risks from serious sex offenders subject to the serious sex offender scheme. This is a very important step, because clearly more intelligence is what is required in these cases.

This bill also enables a police officer to enter any premises where an offender is residing if the police officer reasonably suspects that the offender is present and if it is necessary for the police officer to monitor the offender's compliance with a supervision order. The police officer may also search any premises, including any vehicle belonging to the offender, again where they reasonably suspect that the offender is present. The police officer can also use reasonable force to enter such premises.

There are a range of other measures that the bill introduces, as I have said, again to strengthen our justice system. For example, the bill clarifies the conditions for electronic monitoring of offenders. As an example, in the case of an offender who is subject to a 24-hour monitoring order and who must wear a device and not remove or tamper with that device, the conditions by which that particular order is in place are clarified in the act by the amendments made by this bill.

There are a range of important measures but, as I say, within the context of the Harper review, the report on which will be brought down later in the year, this is an important and significant first step. There are other

amendments that I look forward to being brought before the house in order to ensure that our justice system better manages, and protects the community at large from, serious sex offenders.

I am pleased that the bill is receiving cross-party support. This is very significant and good news for the community at large, and it demonstrates once again that when the Parliament gives them serious and studious consideration to these sorts of matters, we inevitably all arrive at the same place, which is that it is our role and responsibility to do all we can to keep the community at large safe.

It is clear to me that our community deserves better when it comes to the management of serious sex offenders. It is clear to me, and I know it is clear to every single member in this house, that women in particular deserve better from our justice system. I want to take this opportunity to commend the Minister for Police, who is also the Minister for Corrections, for bringing this work before the house in a very timely fashion. I look forward to the work he will do following on from the Harper review. With those few words, I commend the bill to the house and wish it a speedy passage.

Mr PESUTTO (Hawthorn) — It is a pleasure to be able to stand up today to contribute to the debate on the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. The coalition has repeatedly stated that it is willing to offer bipartisan support to the government for stronger measures right across the justice realm. We did a lot, as much as we could, in four years, and certainly a lot more needs to be done. I am happy to say we will support this bill, which is part of a necessary suite of measures. I think the more substantial measures will follow from the Harper review, and we will be keen to see what approach the government proposes to take as a result of that review.

The measures in this bill, which we welcome and support, deal with the monitoring, surveillance and case management of people who have served their time and are under supervision and detention orders. As I said, that is to be welcomed, but one of the more difficult and challenging areas for the government will be around what it does about the sentences given to those who commit offences that will lead to the imposition of supervision and detention orders. We did a lot in our time in office to introduce legislation that informs the courts of what community expectations are in the area of sentencing, bail and parole.

Something I would like to mention generally, which I think will have an impact on this area in the future, is what the government needs to do in relation to the Boulton decision, the Court of Appeal's guideline decision of December last year, which talked about the use of community correction orders (CCOs). It is really important that the government looks at the risks involved in relation to the sorts of people who will be able to get community correction orders as a result of that decision. We know that the decision of the Court of Appeal, which I fully respect but do not agree with in this instance, means that community correction orders can extend to some forms of homicide, some forms of rape and some categories of child sexual abuse. I cannot accept that that was the intention of community correction orders when we brought them in.

We brought in community correction orders because we believed that there was an urgent need to toughen up community sentencing and home-based detention. In 2010 and in the period leading up to 2010 it was clear to us that the community had lost faith and confidence in the community-based sentencing framework. We came in and said that community-based sentencing needs to be toughened up and that community correction orders, which entail a whole host of onerous conditions while allowing people to remain in the community, was an appropriate way to proceed. The Court of Appeal, respectfully, decided that CCOs could be used for a whole new range of relatively serious offences, which, with all due respect, was not the intention of the government at the time.

We have been calling on the government to look at clarifying legislation to make it clear that CCOs are not to be used in those kinds of cases. We do not want people who were previously serving time by way of custodial sentences because of the nature of their offending, the factors of which were taken into account and which historically would have placed them in a custodial sentence setting, being released into the public arena on CCOs. That was not our intention, and we think something needs to be done about it.

In the area of baseline sentencing, which we introduced as a reaction to what we saw as the inadequacy of judicial responses to community expectations, there is a clear desire to see stronger sentencing for certain serious offences — not all offences, but serious offences. For a long time parliaments, not just in Victoria but also in other jurisdictions, have tried, through increases to maximum sentences, to indicate to the courts that in general sentences for certain offences should be longer. We saw that that was not happening. For instance, for the despicable offence of sexual penetration of a child under 12, which carries a maximum sentence of 25 years, the median sentence was three years. Someone applying a common-sense

approach would say that if Parliament has said that the maximum sentence is 25 years and the median is 3 years, that tells you that the judicial response to what Parliament intended is probably, certainly arguably, not adequate. So we introduced baseline sentencing to say to the courts that the community wants, in a general sense, sentences for those serious types of offences to increase, subject to the court retaining its judicial discretion in a particular case to impose a sentence that is greater or lesser than the median as the court sees fit.

The Supreme Court recently handed down its first decision in the baseline sentencing context. We think that that decision represents a challenge to what was clearly Parliament's intention at the time, which was to see the range of offences, those that are more serious than the median and those that are less serious than the median, all increase in a general sense subject to that judicial discretion. The court did not find that. Whilst again I respect the court's decision, I do not believe, if I can be completely candid, that it is consistent with Parliament's intention that sentencing across the range of seriousness of offending for those offences was to increase. It is important that the government respond to that because it supported the baseline reforms, just as it supported our community correction orders. There was, for all intents and purposes, bipartisanship on these two critical aspects of sentencing. That has to be an important part of the suite of measures the government introduces in relation to justice reform.

It is clear that more needs to be done. The Vukotic tragedy was avoidable. It represented a breakdown of the justice system, and it is good that all of us in this place have been candid about that. We owe it to the Victorian people. The tragedy of Jill Meagher's death was also the result of a breakdown of the justice system. We need to do everything we can to better manage risk, and that does mean, in part, strong sentencing and strong parole and bail laws.

That does not mean that we should not concentrate on the other, equally important challenges of justice reform. We have to invest in rehabilitation and education and change male attitudes in particular. We need to work on early intervention, awareness and giving people the best prospects of rehabilitation and redemption to allow them to live fulfilling lives. We need understanding, particularly for those who have grown up in households that are drug-addled and full of violence and alcohol abuse. We need to be better at teaching people the great dignity that comes from living a fulfilling life of achievement and accomplishment. If we can get that message through, that will be as important to justice reform as anything else we do.

We support the stronger measures in this bill, particularly in terms of monitoring and compliance. They are vital. Reversing the onus so that it is incumbent upon an accused to show cause why he or she should be released on bail is completely appropriate. It is important to extend that show-cause reversal to bail for all violent offences. Currently the Bail Act 1977 reverses the presumption of bail for certain categories of offence, and that is appropriate. However, in light of recent tragedies it is really important that part of bail reform involves reversing that presumption and imposing on an accused the obligation to show cause why he or she should be released back into the community. That will enable us as a community to better manage risk.

One thing we saw in the two tragedies I have mentioned was a rapid and dramatic escalation in the nature of the violence in the final acts that led to the apprehension of these monsters. We need to get better as a community at managing those risks. We can do that through stronger bail laws, stronger sentencing laws and stronger parole, while at the same time investing in the awareness I have talked about.

Ms KAIROUZ (Kororoit) — I rise to make a contribution to the debate on the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. I make the observation that this issue is one many members from across the political spectrum have spoken on, and have spoken on so eloquently. I am very pleased that a bipartisan approach has been taken to this bill. It deals with very serious issues, They are so serious in fact that mishandling them can cost lives, as we have seen in the recent past. Members in this chamber have spoken about some high-profile cases where women have lost their lives to serious sex offenders.

The bill proposes a presumption against bail under the Bail Act 1977 for any serious sex offender on a supervision order who is charged with an indictable offence, including a non-sexual one. In simple terms this means that the default position will be for bail not to be granted in those circumstances. The presumption against bail already exists for a number of offences, including murder, drug trafficking and treason, although the only cases of note of the latter in Victoria occurred in 1855, when 13 survivors of the Eureka Stockade rebellion were charged with treason for their participation in the uprising.

Offenders will have to make a strong case for bail under these changes rather than the state having to make the case for the alternative. Offenders will now have to show cause as to why they should be released

back into the community. It is a sensible step to move to include any indictable offence in this way, and it is an important reform to our justice system. This bill recognises the danger that serious sex offenders pose to the community. Implementing these changes to the act will make Victorians safer and Victoria a safer place.

The bill provides police with greater powers to enter the home of a serious sex offender to ensure that they are complying with the conditions of their supervision order. Entry is permitted where there are reasonable grounds to suspect that the offender is not complying with the order. Further, should police discover that the offender is non-compliant, they may arrest the offender. This will ensure that the conditions of orders are adhered to, which will go some way to rebuilding community confidence in the corrections system.

Police will also be given powers to enter any premises or vehicle in which they reasonably suspect an offender is present and the entry is reasonably necessary to monitor the offender's compliance with a supervision order. Reasonable force may be used in effecting such an entry. A police officer will be required to announce before entry that police are authorised by law to enter the premises, which will give any person at the premises an opportunity to allow police entry. An exception to this requirement applies if immediate entry is required to ensure the safety of any person, to ensure the effective monitoring of the offender's compliance with the supervision order is not frustrated or to ensure that an arrest in relation to the supervision order or interim supervision order is not frustrated.

This too is important because the community has every right to the expectation that should an offender breach the conditions of an order, police will have the legislative tools to effect an arrest and bring that person back before the courts. Police can also direct the offender to take a drug and alcohol test if the supervision order includes an abstinence from drug or alcohol condition, and if police suspect on reasonable grounds that the offender has breached that condition, then they can conduct the test right away. This is sound logic, and if the police suspect a breach, the only way they can confirm that breach is by conducting the relevant test.

In short, the changes I have outlined so far about the way offenders who are on supervision orders are policed will result in improved safety for all Victorians. Sex offenders are on notice that if they breach the conditions of their orders, that will cost them their liberty. The community expects to be protected from dangerous criminals, and this bill is consistent with that expectation.

Other reforms in the bill will include giving Corrections Victoria staff more power to direct serious sex offenders in the community to obey instructions, as well as empowering the security and emergency services groups that usually operate inside prisons with the capacity to respond to safety concerns until police are required. Under the reforms contained in the bill, offenders who commit child sex offences overseas or who distribute intimate body images will also be considered to have breached an order. Those changes are an entirely appropriate response. Engaging in child sex offences and the distribution of such images anywhere in the world is repugnant, vile and intolerable by any standards. No perpetrator, whether they be on a corrections order or not, should expect that commission of such offences in other jurisdictions provides sanctuary.

This bill also makes it clear that the failure of an offender to obey instructions of a supervision order in or outside a residential facility constitutes part of the offence of a breach of a supervision order. The instruction will need to be reasonable and necessary to ensure the good order of a residential facility; the safety and welfare of facility visitors, offenders and staff; or compliance with the conditions of a supervision order or the direction of the Adult Parole Board of Victoria.

The bill provides statute law revisions and a number of other minor and technical amendments as well. The package of reforms comes ahead of the tabling of a comprehensive review headed by former Court of Appeal Judge David Harper into the management of Sean Price and the operation of the Serious Sex Offenders (Supervision and Detention) Act 2009. The report of the Harper review will be released later this year.

While these changes are just the beginning, we have heard that improvements are continually required in this area of law, and I commend the Minister for Police, who is also the Minister for Corrections, for taking the necessary steps to make Victoria a safer place and for improving our justice system. I am very pleased to hear that the opposition and the crossbenches are supporting this very important piece of legislation. I wish the bill a speedy passage.

Ms WARD (Eltham) — I rise in support of the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. First I quote Ban Ki-moon, who was United Nations Secretary-General in 2008. He said:

> … violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll

on women's lives, on their families, and on society as a whole.

The DEPUTY SPEAKER — Order! The time has come for me to interrupt the proceedings of the house. The honourable member for Eltham will have the call when this matter is next before the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Public holidays

Ms ASHER (Brighton) — The issue I raise is for the attention of the Premier, and the action I seek is for him to reverse his ill-considered decision to declare the AFL Grand Final eve a public holiday. I am asking him to do this not only because of the overall cost to Victoria, but also the overall cost to my electorate. There are many strip shopping centres in the Brighton electorate, such as Church Street, Brighton, which is well known; Bay Street, Brighton; Hampton Street, Brighton; Hampton Street, Hampton; and Martin Street. There are strip shops in Brighton East and Elwood; Ormond Road and Brighton Road also have some key areas with strip shopping centres. All those businesses will have to make a decision on the grand final eve public holiday. The first decision is whether they will open at all, and obviously if they close, they will miss out on business opportunities. The second decision for them to make if they wish to open is that they will have to pay the required penalty rates, which will reduce their profitability for the day, and that will impact on those businesses.

I am of the view — and I understand why people like public holidays — that Victoria's position in the table of the number of public holidays is now very high, depending on whether you take into account various substitutes and alternative days. This will have a very significant impact on businesses in my electorate. As I said, it is a significant impost either way, whether these businesses close or whether they pay penalty rates. There are many businesses in these shopping strips that are restaurant based or cafe based, and there are retail businesses. It will be a very difficult decision for those businesses. I am calling on the Premier to reverse his ill-considered decision to declare a public holiday on grand final eve, with a view to assisting the businesses in the Brighton electorate.

Bendigo and District Aboriginal Co-operative

Ms EDWARDS (Bendigo West) — My adjournment matter is for the attention of the Minister for Aboriginal Affairs, and the action I seek is that the minister visit the Bendigo West electorate to meet with the Bendigo and District Aboriginal Co-operative. Earlier this year the minister visited the registered Aboriginal party in my electorate, the Dja Dja Wurrung, to hear about the fantastic work it is doing across Bendigo and the region. I am fortunate to have a number of Aboriginal groups and organisations in my electorate that are a proud and active part of the community.

The Bendigo and District Aboriginal Cooperative carries out a vital role in delivering key Aboriginal-specific services to the Aboriginal community in Bendigo West and across the region. The cooperative provides a range of health and social welfare services to the community of the Dja Dja Wurrung. The area it covers includes around five local government areas in the Loddon Campaspe region. Some of the programs it provides include Aboriginal family decision-making and Aboriginal women's and children's case management.

The Andrews Labor government has demonstrated its commitment to Victoria's Aboriginal people with greater financial support for registered Aboriginal parties, by prioritising Budj Bim for world heritage listing and by initiating the Premier's gathering of Aboriginal community leaders across Victoria to discuss self-determination. This morning I was proud to stand alongside my parliamentary colleagues to see the Aboriginal flag flying proudly for the first time, and now permanently, at this Parliament House alongside the Victorian and Australian flags. This is not just symbolic; it is a true reflection of Aboriginal people being part of our great democracy, of respecting their culture and of ensuring that they are always included. It is a great recognition of the world's oldest culture and the contribution made to our land.

On Sunday I was pleased to be part of an Indigenous garden opening at Golden Square Preschool, a kindergarten in my electorate where the Aboriginal and Torres Strait Islander flags now fly alongside the Australian flag. Thirty-seven preschools across the Loddon Mallee region are now running Indigenous engagement programs and celebrating the Aboriginal culture through learning, play and engagement with the Dja Dja Wurrung. I look forward to the minister visiting Bendigo again.

Gippsland East electorate boating facilities

Mr T. BULL (Gippsland East) — I raise a matter for the attention of the Minister for Ports, and the action I seek is that the minister give strong consideration to funding some important infrastructure projects in my electorate. I have no doubt that some of these projects will be the subject of applications under the boating safety and facilities program, which is currently open for applications. My region had a number of projects funded under the coalition government, many of which are currently under construction or have recently been finished, and I know from that period in government that there remain many projects that require support.

I am sure funding for these projects will have been applied for this year and that they will not have dropped off the list. They include such works as a new jetty at the main wharf in Mallacoota and a new boat ramp and jetty at Bemm River, which is an important project. There is also the Lake King jetty redevelopment at Metung, the Johnsonville jetty and boat ramp redevelopment, the Nyerimilang Heritage Park jetty project and the need for additional transient berths in McMillan Strait at Paynesville. We promote Paynesville as the boating capital of the Gippsland Lakes, and we need appropriate berthing. There is also the Nicholson River boat ramp and jetty upgrade.

The minister recognised the importance of the Gippsland Lakes recently when he announced funding for a new dredge to maintain ocean access at Lakes Entrance. It was a good day when that was announced, and I thank him for that. At the announcement the minister said the Gippsland Lakes generate 'over $900 million per year to the local and Victorian economies' and that the lakes are integral to the tourism and fishing industries and will be 'for decades to come'. It was a very accurate description by the minister.

The works that were funded by the coalition and undertaken recently were greatly needed, and we need to make sure further works take place. These include refuelling facilities at Lakes Entrance and Paynesville, a new jetty at Cunninghame Arm in Lakes Entrance, the doubling in size of the main wharf at Metung and a brand-spanking-new boat ramp at Lake Tyers, which has been well received. I am particularly keen to see the projects at Bemm River, Mallacoota, Paynesville and the Nyerimilang Heritage Park provided for as they are very important to our tourism and boating industries. I ask the minister to ensure that he gives these projects strong consideration and that they are funded by the government.

Education funding

Ms KILKENNY (Carrum) — My adjournment matter is for the attention of the Minister for Education, and the action I seek is that the minister update schools and parents in my electorate on the amount of money these schools will receive under the education state funding and how this money can be spent to improve student outcomes. As the minister knows, the Liberal government signed up to the Gonski national schools partnership agreement but failed to fund any of it. Under the previous government schools in Carrum received not one dollar of extra funding.

During the election campaign I made a commitment to the parents and teachers of Carrum that an Andrews Labor government would make education an absolute priority and that an Andrews Labor government would be transparent with the additional money that Carrum schools would receive under the agreement. I know that parents and schools in my electorate of Carrum will very much welcome the minister's update.

Truemans–Point Nepean roads, Tootgarook

Mr DIXON (Nepean) — I raise a matter for the attention of the Minister for Roads and Road Safety regarding the upgrade of the Truemans–Point Nepean road intersection in Tootgarook, and the action I seek is that the minister confirm the time line for the upgrade of the intersection. On the Mornington Peninsula we have a real issue with congestion, especially at busy times. These days the busy times are not only during the summer season, as any long weekend brings extra people to the Mornington Peninsula, especially with the opening of Peninsula Link.

The Grand Final Friday public holiday on 2 October will bring increased traffic because businesses will be closed and people will be looking for something to do. Incidentally, local retail and tourism businesses in my electorate have said to me that they welcome the crowds but they just cannot pay the penalty rates — they will have to pay penalty rates again on the Sunday of that long weekend — so they will be closing because it is hardly worth it for them, which is very disappointing.

The intersection was identified by a VicRoads study of road congestion on the Mornington Peninsula as the no. 1 priority. There were three options, and the short-term priority is to upgrade that intersection, which is a massive congestion point for traffic going both ways on Point Nepean Road, especially heading down the peninsula. Further options, including an upgrade, were identified by the study. One option is to put a

flyover at Jetty Road where the Mornington Peninsula Freeway terminates, and the third and final option is to eventually extend the road as an arterial road using the existing freeway reserve.

We need a commitment, and it has been identified as a need. I understand there is money available for the upgrade, and it is important that we get an idea of when it will be delivered and what the time line is. As I said, a perfect example of the increased road use will be the long weekend when people are not able to go to work because businesses have to close and they take the opportunity to go somewhere close by, and the Mornington Peninsula is an obvious choice. I look forward to that update on the time line from the minister.

Youth suicide

Ms GRALEY (Narre Warren South) — My adjournment matter is for the attention of the Minister for Mental Health and concerns youth suicide within my electorate. The action I seek is that the minister meet with the City of Casey Youth Suicide Steering Committee to discuss what we can do to identify and care for young people at risk within our community.

Sadly, between 2011 and 2012, 12 young people from the City of Casey and Cardinia Shire committed suicide. This was a truly devastating time for our local community, especially our local schools and their students. Just last month the Coroners Court of Victoria released its report into these tragic deaths. The report found that during this period there was a higher rate of suspected suicides within our community, which the coroner defined as a suicide cluster — a term that no-one should ever have to speak of or even consider. The report also found that the frequency of self-harm incidents more than doubled between 2009 and 2010.

In response to community concern about these deaths the City of Casey formed the Youth Suicide Steering Committee and an advisory committee. The committee comprises Monash Health, Victoria Police, government departments, Independent Schools Victoria and Catholic Education Melbourne. Together they provided much-needed leadership and support to the community during a particularly difficult time. In fact the coroner recommended:

> … that the Municipal Association of Victoria in consultation with the City of Casey develop a suicide prevention and post-vention response framework for local government …

It is vital that we continue to work together to ensure that we can provide the support and care our young people need. We must also ensure that our young people feel comfortable in speaking up and asking for our help. Too many men and women, especially young men and women, who are suffering with mental health issues do not seek treatment.

Recently an editorial in the *Age* reported on the findings of the biggest ever study on mental health among Australian children and teenagers. The research estimated that as many as 560 000 young people experienced mental health issues in the past year, primarily anxiety disorders and/or depression, with 1 in 13 children aged between 12 and 17 having seriously considered suicide. The editorial also highlighted a study undertaken by the Young and Well Cooperative Research Centre in 2013 which found that in the preceding 12 months as many as 1 in 5 males aged between 16 and 25 felt that life was not worth living and nearly 1 in 10 had actually contemplated suicide.

Reports have also highlighted that many parents do not understand that their children may be in this state of mind. These struggling young people remain silent, too afraid to reach out and ask for help. A family, a school, a specialist and a community must be there for them when they need it most. I ask the minister to join with me and the City of Casey's Youth Suicide Steering Committee to ensure that we can provide just that.

Bunyip North quarry

Mr BLACKWOOD (Narracan) — I raise a matter for the Minister for Planning, and the action I seek is that the minister request an environment effects statement (EES) for the proposed Bunyip North quarry.

The quarry being proposed by Hanson at Bunyip North has been on the drawing board since 2007, but it has now reached a critical stage in the application process. Hanson and Futureye conducted a survey of residents in the area in 2008 to gauge the views of locals in relation to the quarry proposal. Two hundred responses to the survey unanimously opposed the quarry development. Apparently Hanson commissioned reports from consultants on flora, fauna, traffic, water and heritage and promised to provide a copy of these reports to local residents, but to date none of this information has been made available.

At a meeting of residents and Hanson on 31 July this year it was made very clear that Hanson would prefer not to have to undertake an EES. There are approximately 70 homes within a 1.5-kilometre radius of the proposed quarry. The sensitive areas of Mount Cannibal and Cannibal Creek may well be impacted by the activity proposed during the extraction of material from the site. All the local environment

groups — Landcare, the Cardinia Environment Coalition and the Friends of Mt Cannibal — the Cardinia Shire Council and community groups such as Rotary have called for an EES to be undertaken.

The sensible way to assess the potential impact on the amenity of residents, local areas of significance, including important areas of Aboriginal heritage, flora, fauna and water is to undertake an EES. I understand the importance to the state of significant deposits of blue metal, which is in high demand. However, the responsible approach to this application, given its potential impact on so many important values and the amenity of a significant number of residents, is to ensure that an EES is called for by the Minister for Planning.

Albion East rail line noise

Mr CARROLL (Niddrie) — I raise my adjournment matter with the Minister for Public Transport, and the action I seek is that the minister meet with residents in Airport West and Keilor East who are affected by the excessive noise on the Albion East rail line, which is the interstate railway line between Albion and Jacana.

Since my election in 2012 I have had many Airport West and Keilor East residents contact me regarding noise from this railway line. The wooden red gum sleepers have been progressively replaced with concrete sleepers since 2009, dramatically increasing noise vibrations and reverberation, particularly for those living in Parer Road, Airport West, and Moyangul Drive, Keilor East.

I raised this with the former Minister for Public Transport under the previous government, who wrote to me and said:

> If your constituents would like to discuss this matter further, I recommend they contact the manager of the Albion East rail line, the Australian Rail Track Corporation, on —

a South Australian phone number.

This is a matter on which there has been a lot of buck-passing. I also wrote to the federal Minister for Infrastructure and Regional Development, Warren Truss, on this matter. He wrote back to me on 17 June 2015, saying:

> While the ARTC has an independent board and operates commercially, the Australian government expects it to comply with all relevant legislation related to the rail networks that it operates, including the environmental legislation administered by the Victorian government. If you believe the ARTC is not complying with legislation, I suggest you raise your concerns directly with the Victorian government.

Following the advice of Mr Truss, I also wrote to the Victorian Minister for Public Transport. I must say that I appreciate the Victorian minister's efforts, compared to those of the previous minister, because she wrote to me saying she has also written to the Australian Rail Track Corporation (ARTC), the manager of this section of railway line, supporting my constituents' concerns regarding the maintenance and appropriateness of the existing cyclone fencing along the railway line. She agreed that this fencing should be properly maintained for safety reasons, and she has informed the ARTC that she also expects an appropriate response.

On behalf of local residents Nina Browne, Margaret Marshall, Jeremy Dazkiw, Philip Brown and many others in and around Moyangul Drive, as well at Mathew Vernen in Airport West at Parer Road, I request that the minister investigate possibilities to alleviate the excessive noise and vibration along the Albion East rail line.

Public holidays

Mr WATT (Burwood) — My adjournment matter is for the Premier and relates to the issue of the grand final parade public holiday. The Australian Industry Group says that the productivity loss will be about $1 billion and there will be $500 million in increased wages costs. The government's own regulatory impact statement hazarded about $852 million in lost productivity just for the grand final parade public holiday, along with about $286 million in increased costs.

I note, having doorknocked quite a few of the businesses in my electorate — and I particularly mention D'Alton Hairdressing — —

Mr Richardson — They don't like hawkers!

Mr WATT — I take up the interjection of the member for Mordialloc: one of the businesses I walked into had a sign saying, 'No hawkers, Bombers only'. I went up to the top floor and said, 'Yes, that is because the Bombers are at the bottom and the Hawks go all the way to the top!'.

The adjournment matter I raise is in relation to the public holiday. I ask the Premier to withdraw his support for this silly public holiday. I know it is probably a bit too late for this year, but I ask the Premier to reconsider his decision to introduce a new public holiday perpetually or even for the next three years. According to the *Herald Sun* website, 74 per cent

of people think it is a bad idea. I have been doorknocking and have found that about 98 per cent of people in my electorate think it is a stupid idea.

I was talking to the manager of Pedders the other day. He said it was silly because he gets to have a day off on the day before the grand final but has to come in at 9 o'clock on the day of the grand final to work. How silly is it that we have a public holiday for the grand final parade yet people have to come into work the next morning on the day of the grand final! As I said, the owner of D'Alton Hairdressing told me how silly it is and how much it is going to cost him. The owner of Zimt Cafe said exactly the same thing to me.

Today I heard the Premier talking about keeping promises. There are a couple of things I have to say to members on the other side. 'Not one dollar!' was Labor's comment on the east–west link. That was a promise, and you broke that one. You said you would not get rid of special religious instruction, but you broke that one. You cannot tell me you did not break your promise on special religious instruction. You say you will not break your promises, but I know you will. Do the right thing!

I am asking the Premier to do the right thing and get rid of this stupid public holiday. Most people in my electorate, including 98 per cent of my businesses, and 74 per cent of Victorians believe that businesses cannot afford it. If you look at the Monash City Council — and the Labor Party dominated Monash council — you will see it is increasing rates on businesses this year by 11 per cent. That is another broken promise by this government when it said it would cap rates to the CPI — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired. Before I call on the honourable member for Pascoe Vale — —

Ms Asher — Use the third person!

The DEPUTY SPEAKER — I thank the honourable member for Brighton. She anticipated my suggestion to the member for Burwood. I did not interrupt the member for Burwood because he was in full flight and I understand when one is in full flight how one operates. I suggest that the member for Burwood does not say, 'You', because that refers to the person in the chair or the Speaker, and that he refer to other honourable members by their seat or by saying, 'The government'.

Coburg Special Developmental School

Ms BLANDTHORN (Pascoe Vale) — I raise a matter for the attention of the Minister for Education. The action I seek is that the Minister for Education visit the Coburg Special Developmental School. This is a privilege I had last week when I met with acting principal Justin Esler. Justin was generous with his time and gave me a comprehensive tour of the school's facilities and grounds. It was evident that the Coburg Special Developmental School is indeed a special place. It is a place where the dignity of every child is respected and where every child is given every opportunity to achieve their full potential. It is a place where the right of every child to a quality education is upheld and where dedicated staff are making the most of the resources and facilities at their disposal. However, the Coburg Special Developmental School needs our help. I look forward to taking the minister to visit there sometime soon.

Responses

Ms NEVILLE (Minister for Environment, Climate Change and Water) — A number of members have raised a range of issues with a number of ministers, and I will refer all those matters on to the relevant minister.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.23 p.m.