

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 11 February 2016**

**(Extract from book 1)**

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# HANSARD<sup>150</sup>



1866–2016

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

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

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

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

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

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

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



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## **The Lieutenant-Governor**

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Minister for Small Business, Innovation and Trade . . . . .	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources . . . . .	The Hon. L. D'Ambrosio, MP
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Cabinet Secretary . . . . .	Ms M. Kairouz, MP



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

**Speaker:**

The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

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Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,  
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

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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**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
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Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>5</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>6</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
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Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
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Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
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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

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

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

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

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

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

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

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

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

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

## Joint committees

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

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

**Economic, Education, Jobs and Skills Committee** — (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.  
(*Council*): Mr Bourman, Mr Elasmr 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 Kilkenny and Mr Pesutto. (*Council*): Ms Bath and Mr Dalla-Riva.



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## Thursday, 11 February 2016

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

**Mr Clark** — I wish to raise a point of order regarding the handling of the closure motion that was moved by the Minister for Roads and Road Safety in relation to the message from the Legislative Council requesting the attendance of the Minister for Public Transport.

Speaker, you will recall that the last item of business yesterday was the consideration of the message from the Legislative Council. Shortly before 7 o'clock the Minister for Roads and Road Safety moved that the question be put and you put that question forthwith. This relates to standing order 155. As you will be aware, it does require that the question be put without debate. However, my understanding is that it is customary prior to the Speaker putting such a question to close a debate that the Speaker declares his or her reasons for accepting it.

I draw your attention to standing order 155(2), which is that:

The Chair is to put the question immediately without amendment or debate unless he or she believes that:

- (a) it is an abuse of the rules of the house; or
- (b) it is a denial of the rights of the minority; or
- (c) it has been moved to obstruct business.

As you will be aware, Speaker, this is a very powerful motion which can open up wide potential for abuse of the procedures of the house and suppression of the rights of the minority, and it is therefore of course important for the Speaker to carefully consider whether or not it should be accepted.

This motion came up late in the debate. It in fact came up in circumstances where we on this side of the house wanted the question put because we wanted to see the government on the record covering up and protecting its minister from going to the other place. If the motion had not been accepted by the Chair and had the motion not been put — as there were no further speakers from the opposition — you would have put the substantive question in any event.

I submit, Speaker, that you should confirm that it is your responsibility to form a judgement as to whether or not such a question to close the debate should be accepted. I would submit that had there been time for reflection, you would not have accepted that question

because there had not been an exhaustion of the time that it would have been reasonable for a minority to put positions to the house.

Accordingly, Speaker, I think it would be very unfortunate if the handling of the motion yesterday were to form a precedent, and I ask you to confirm that standard practice is that the Chair would consider this issue and make a declaration of his or her reasons for accepting such a closure motion in those circumstances.

**Mr Pakula** — On the point of order, Speaker, the member for Box Hill belled the cat in his contribution in which he conceded that the opposition in fact was supportive of the motion. There had been extensive debate from the opposition side and the Greens party, about half a dozen speakers, all of whom were making identical points. There was nothing new being added, and I would suggest that as a matter of common sense when the Chair receives a motion such as that moved by the Minister for Roads and Road Safety, one of the things the Chair is entitled to take into account is the attitude of the house. It was quite clear upon the moving of the motion by the Minister for Roads and Road Safety that there was absolutely no objection to it. If the member — —

*Honourable members interjecting.*

**Mr Pakula** — The opposition wanted it put. They did not object at the time. The member for Box Hill had it open to him, given that he was in the chamber at the time, to have indicated to the Chair that it would not be appropriate for the Chair to consider that motion, and he said nothing. In fact the opposition indicated that it was quite happy with the motion that was put by the Minister for Roads and Road Safety. On this side of the house all we would say is: what are you on about?

**Mrs Fyffe** — On the point of order, Speaker, I support the manager of opposition business's point of order, but I would like to alert the house to the difficulties that you, Speaker, were facing last night at the close of that debate. We had lovely young children quite excited in the gallery, and you had members — —

*Honourable members interjecting.*

**Mrs Fyffe** — Stop it — please let me speak. You had members on the other side communicating with the gallery. You had the member for Essendon — not Essendon, Broadmeadows — a couple of times waving his hands in the air. Speaker, it was a very distracting time, and I quite sympathise with you at that time having to carry on with the procedures of the house, at a

time when it was not a normal motion coming up to an adjournment debate.

While I support the manager of opposition business, I do understand the position you were in and I think it is time that members realise that we actually have rules in this house. They are not there just because somebody invented them. They are actually there for a reason, and that is so that what we do in this house is a legal matter. It is legal what we do. We are installing laws; we are making decisions that affect people. For these matters to be treated in such a frivolous manner and for the rules of this house, the standing orders, to be so disregarded makes it very difficult for you as Speaker to carry on with your job.

**Mr Donnellan** — On the point of order, Speaker, I was actually here from the start to the end of the debate, obviously, and the debate was very much exhausted by the time the motion was actually — —

**Mr Howard** interjected.

**Mrs Fyffe** — On a point of order, Speaker, the member for Buninyong made a comment I find offensive, and I ask him to withdraw.

**Mr Howard** — I apologise for whatever I said.

*Honourable members interjecting.*

**Business interrupted.**

## SUSPENSION OF MEMBERS

### Minister for Roads and Road Safety, and member for Hastings

**The SPEAKER** — Order! The Minister for Roads and Road Safety and the member for Hastings will withdraw from the house for a period of 1 hour respectively.

**Minister for Roads and Road Safety, and member for Hastings withdrew from chamber.**

**Business resumed.**

**The SPEAKER** — Order! I take into consideration the submission made by the manager of opposition business, and I welcome his contribution and accept that there was a level of confusion and in fact that to some extent the Chair was not clearly able to take this matter through as one would have wished. However, I put to members page 67 of the standing orders, standing order 155:

- (1) A member may move a closure motion 'That the question be now put' without notice:
  - (a) at any time during debate on a question in the house; and
  - (b) whether or not a member is addressing the Chair.
- (2) The Chair must put the question immediately without amendment or debate unless he or she believes that:
  - (a) it is an abuse of the rules of the house; or
  - (b) it is a denial of the rights of the minority —

which the manager of opposition business referred to, or —

- (c) it has been moved to obstruct business.

I put to the manager of opposition business — and I am quite happy to request that a number of members of the opposition discuss the matter with me privately — that I was absolutely of the view that I had been consulted by both the government and the opposition, with a number of members indicating in fact that not only did I want to hear as Chair from the government and the opposition but that I also wanted to hear from the Greens, as I indicated. My recollection was that informally — not through formal submission to the house — the list of speakers on the subject had been exhausted and that was the only reason the Chair determined to indicate that the question could be put.

To the credit, if I may say, of the government, the government had consulted with the Chair also and requested to know if I was aware of additional speakers. To my knowledge there were no additional speakers on the subject; therefore the Chair formed the view that the question had to be put. If required, I welcome a discussion privately with a number of members. I will call them and indicate that I would be very happy to have a conversation with them in my office should there be any doubts in relation to my ruling now.

**Mr Watt** — On a point of order, Speaker, I know you have made a ruling previously about members walking around the chamber while you are on your feet, and I just noticed then the member for Thomastown walking around the chamber while you were on your feet. I would ask that you remind members that they should not be walking around the chamber while you are on your feet.

**The SPEAKER** — Order! Standing order 116 reads:

When the Speaker stands members must sit down and be silent.

I require all members to do so. The Chair had not sighted the member for Thomastown on her feet. I have had different reports. I request that all members comply with that ruling.

## BUSINESS OF THE HOUSE

### Notices of motion

**The SPEAKER** — Order! Notice of motion 2 will be removed from the notice paper unless the member wishing their notice to remain advises the Clerk in writing before 2.00 p.m. today.

## PETITIONS

### Following petitions presented to house:

#### Leongatha South landfill site

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house:

The proposed development of a quarry in Leongatha South as a landfill for waste from south-east Melbourne, which could irreversibly contaminate the water catchment, compromise agricultural production and cause an unjust impact on the people of South Gippsland.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to protect South Gippsland from becoming a landfill for south-east Melbourne: dump the dump!

**By Mr D. O'BRIEN (Gippsland South)**  
(1457 signatures).

#### Keysborough and Dandenong South bus services

To the Legislative Assembly of Victoria:

The petition of residents, workers and businesspeople of south-east Melbourne draws to the attention of the house the urgent need for improved public transport servicing Keysborough and Dandenong South.

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to introduce additional bus routes and increase the frequency of existing bus services in the Keysborough and Dandenong South areas.

**By Mr PAKULA (Keysborough) (465 signatures).**

#### Christmas carols in schools

To the Legislative Assembly of Victoria:

The petition of residents in the Ovens Valley electorate draws to the attention of the house that the government has imposed

the ban on singing traditional Christmas carols in Victorian government schools.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses this decision and allow students attending government schools to sing traditional Christmas carols.

**By Mr McCURDY (Ovens Valley) (561 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr D. O'BRIEN (Gippsland South).**

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

## DOCUMENTS

### Tabled by Clerk:

*Climate Change Act 2010* — Independent Review of the Climate Change Act 2010

Legal Services Council — Report 2014–15

*Parliamentary Committees Act 2003* — Government response to the Economic Development, Infrastructure, Outer Suburban/Interface Services Committee's report on the Inquiry into Marine Rescue Services in Victoria.

## MEMBERS STATEMENTS

### Paul Curran

**Ms VICTORIA (Bayswater)** — Today I rise to pay tribute to a truly amazing man and friend, Mr Paul James Curran, who sadly left us on 5 December 2015. Paul was a Vietnam veteran who served in 1968 and 1969, but it was his service and hard work upon returning home to Bayswater which will remain his biggest legacy.

Paul was one of the prime movers in setting up the RAASC Vietnam Veterans Association and was its secretary for 27 years. The association's membership now extends across the whole country and is highly regarded throughout the veteran community. Paul was a leader in the important area of welfare for vets, undertaking the study to become a pensions officer and then training others to assist veterans obtain their service pension. A great many returned servicemen owe their lives to Paul and the work he did for them. Paul was also a prominent member of the RSL in Ringwood and was much appreciated by neighbouring sub-branches such as Bayswater and Boronia.

Aside from all that, Paul was a genuinely darn good bloke — something confirmed by those who spoke at his standing-room-only service. He looked after his mates and his family and gave freely of his time to anyone who asked. Paul is survived by his dedicated and beautiful wife, Nancy, their daughters and their grandchildren. Paul will be sadly missed by the Vietnam Veterans, the RSL and the local community — a true local hero whose legacy will live on in the hearts of all he touched, including mine.

### **Chandler Highway bridge**

**Ms RICHARDSON** (Minister for Women) — My community has been waiting a long time for the bottleneck that is the Chandler Highway bridge to be fixed, and of course it is Labor that is getting on with it. Last month VicRoads' plans for the upgrade were endorsed and released by the Minister for Roads and Road Safety following community consultation last year. I do acknowledge that the choice of the western alignment is not supported by all residents; however, no homes will need to be acquired and the western alignment has also guaranteed the home for our much-loved residents, Guide Dogs Victoria.

I will continue to ensure that the project addresses noise impacts on what is already a very busy and noisy road, but the opportunity to actually improve outcomes here should not be missed. I am particularly proud that the safety of cyclists and pedestrians has also been prioritised — with a continuous bike path from Heidelberg Road over the Yarra River — and that there will be minimal environmental impacts.

### **St Georges Road, Northcote**

**Ms RICHARDSON** — The second cause for celebration was the confirmation by the great minister for water of the revegetation plan for the St Georges Road median strip following works by Melbourne Water. This is a win for Northcote, as our much-beloved tree-lined strip will continue to provide much-needed natural shade and vegetation to our inner-city community.

**Ms Neville** interjected.

**Ms RICHARDSON** — Yes, indeed, our best minister for water. A big shout out to Louise Tinney, Jane Miller and the Protect St Georges Rd Landscape Group. It has been a pleasure advocating on your behalf.

### **International Day of Women and Girls in Science**

**Ms RICHARDSON** — Today is also the first International Day of Women and Girls in Science, drawing all our attention to the need to improve outcomes in this area. It is certainly something our gender equality strategy will seek to address, not just because it is good for women and girls but because it will be a key win for our economy — in fact a win-win for all.

### **Australia Day**

**Mr McCURDY** (Ovens Valley) — I was honoured to attend Australia Day ceremonies across the Ovens Valley electorate last month, where I spoke about the spirit of Australia Day as well as what it means to be Australian. Our way of life, freedom and values continue to be the envy of countries throughout the world.

I would like to pay particular tribute to the following Ovens Valley residents who were recipients of Australia Day 2016 honours: George McPherson, OAM, for service to disabled winter sports and to the community of Myrtleford; Valerie McPherson, OAM, his wife, for service to the community of Myrtleford — and I enjoyed a lovely chat with Valerie at Whorouly recently; Malcolm Milne, OAM, of Myrtleford, for service to snow skiing; Marg Pullen, OAM, for service to the community of Wangaratta; Des O'Meara, ESM, for service to veterans and their families and to the community of Yarrawonga-Mulwala; Judy Brewer, AO, of Mudgegonga, for distinguished service to people with a disability, particularly those with autism spectrum disorders, to refugees living in rural areas, to women and to education; of course David Evans, AM, of Moyhu, for significant service to the Victorian Parliament and the community of Victoria, to local government and to aged care, education and land conservation groups; and also the late Mrs Helen Curtis of Wangaratta, AM, for service to wetland conservation and urban landcare.

The combined Greta committee received the Rural City of Wangaratta Community Event of the Year award, which was a great accolade for them. I was at the official opening of the World War I Centenary of ANZAC Memorial Wall at Greta-Hansonville Hall last year. It was a terrific day.

### **Stella Dunne**

**Mr McCURDY** — It was an absolute pleasure to be at Stella Dunne's 100th birthday recently. She is a

resident of St Catherine's in Wangaratta, after growing up at Norong, near Rutherglen.

### Dick Gray

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I take this opportunity to pay my respects to the late Dick Gray, who recently passed away at the age of 62. Dick was a true champion of the labour movement, committing much of his life to the trade union movement and the Australian Labor Party.

Dick was born in Reservoir, but tragically his mother died when he was only young. His father from that time on became a great influential force in his life. On leaving school, Dick took up an electrical apprenticeship, a step that saw him join the Electrical Trades Union (ETU) and eventually become an official of the union. Having built a reputation as an effective organiser for the ETU, Dick was recruited to the Australian Workers Union (AWU) by the then secretary, Bill Shorten. Dick was soon elected president of the AWU, a reflection of the respect held for him by the rank and file membership.

On his retirement three years ago Dick, together with his much-loved wife, Kaylene, moved to the Bellarine. Dick quickly gained the respect of those involved in the labour movement in Geelong, including of course the Labor Party. He was a much-respected member of the Portarlington branch, where he earned a reputation for respectfully, but assertively, speaking his mind, with others left in no doubt what Dick's views were on the issues of the day. Even through serious illness Dick provided the party and myself with strong and stoic support through the 2014 state election.

Dick Gray was a fine man who had three loves in life. First and foremost, Dick loved his family — Kaylene, their two daughters and their grandchildren — followed by the Geelong Cats and then the labour movement. I pass on my sincere condolences to Kaylene and family. Vale, Dick Gray.

### Gippsland rail services

**Mr BLACKWOOD** (Narracan) — Gippsland commuters have faced confusion and delay now for weeks, with months more to come, and are rightly fed up with the inaccurate and misleading information they are receiving from the Andrews government and the Minister for Public Transport. The Brumby government's failure to include the Gippsland line in the regional rail link program, signed off in 2010 by then Minister for Public Transport, Martin Pakula, has now come back to hurt Gippsland commuters who face

cancelled rail services and slow buses day in, day out until midyear because of mismanagement and underinvestment by Labor.

To compound local commuters' frustrations the minister stated on 4 February that regional services were stable, with 80 per cent of trains running in regional areas. That number was based on an average across all regional lines deliberately hiding the extent of cancellations on the Gippsland line. Only 27 per cent of weekday rail services are running as trains, with the remaining 73 per cent running as buses. The minister has buried the real extent of rail disruption from local commuters who have been left to fend for themselves under this Andrews government and its inaction.

As well as working parents not getting to see their children before bedtime and students being late for classes or missing lectures, businesses are also suffering — for example, Choochoo's coffee shop on the Warragul station platform is suffering an 80 per cent drop in turnover.

The Andrews government is all talk and no action on the Gippsland line, with no real plan or direction to improve services in the future. The minister should apologise to Gippsland commuters for the contempt she has shown them, and she should provide accurate information going forward to assist them.

### Australia Day

**Mr CARBINES** (Ivanhoe) — I would like to acknowledge several local residents for their work and awards they received in the General Division of the Order of Australia citations at this year's Australia Day awards, in particular Alan and Barbara Brook of Ivanhoe East for their many decades of work for the scouting community. They are very well known right across the Ivanhoe electorate and across the north-eastern suburbs for their long-term commitment to scouting in Victoria.

Associate Professor Michael Woodward was recognised for his work and significant research in the fields of aged care, geriatric research and Alzheimer's disease, particularly in that research work with Austin Health at the Austin Hospital. I would like to acknowledge his work and his being awarded an AM in the General Division of the Order of Australia. I congratulate Professor Ego Seeman for his being awarded an AM in the General Division of the Order of Australia in the citations on Australia Day for his wonderful work in research and medical progress in the field of osteoporosis, again also doing a lot of work at Austin Health.

Sister Jane Gorey and Sister Kathleen Tierney both received Order of Australia recognition for their work principally with Mercy Health and more generally in the community around education and health care. And a good friend, a member of the Bundoora electorate, Ellen Smiddy, received a Medal of the Order of Australia for her tireless decades of work for the Watsonia community.

### **Graeme McEwin**

**Mr WAKELING** (Ferntree Gully) — I firstly wish to recognise and congratulate Graeme McEwin, who was recently recognised in the Australia Day honours with an Order of Australia medal. Graeme has been a longstanding member of the Rowville community and a longstanding member of the Rowville Uniting Church and the Rowville-Lysterfield Community News, amongst other organisations. I congratulate him, and it is certainly a great recognition.

### **Dr Graeme Emonson**

**Mr WAKELING** — I would like to place on the record on behalf of the Knox community my congratulations to Dr Graeme Emonson, who recently stood down as the chief executive officer of Knox City Council, a position he held for 14 years. He has ably served the Knox community well, and I congratulate him for everything that he has done. I had the honour of serving with him when I was a councillor at the City of Knox, and certainly he is duly recognised by his new role as the head of Local Government Victoria. I wish him all the best in his future career.

### **Australia Day**

**Mr WAKELING** — Congratulations to those recognised at the recent Knox Australia Day honours, which I, together with the member for Rowville and the federal member for Aston, had the honour of attending. Congratulations to Helen and Daniel Sefton, who were recognised as citizens of the year; to Isabella Fias, the Young Citizen of the Year; to Anne Boyd, a longstanding member of the Ferntree Gully community, as Volunteer of the Year; to John McLeod, who is a longstanding member of the Country Fire Authority, as a Local Hero; and to Beryl Owers, the Elder Citizen of the Year, who at 90 acknowledged she was not an Australian citizen.

### **Maldon**

**Ms EDWARDS** (Bendigo West) — I want to congratulate all involved in the very successful 10th anniversary Maldon Twilight Dinner on Saturday,

16 January. I want to especially acknowledge the enormous contribution made by the local volunteers who put in the hard yards to make the event possible and thank them for making the event run so smoothly. With over 1500 people there on the night it was a mammoth effort. It was a fun-filled summer evening with a very festive and happy atmosphere. It was so wonderful to be part of it and to have the event honoured with the Governor of Victoria, Linda Dessau, and the Minister for Regional Development and Minister for Agriculture, Jaala Pulford, attending.

This year marks 50 years since Maldon was declared Australia's first notable town by the National Trust of Australia (Victoria), and the community is preparing for many celebrations over the year. At that time the Victorian government was encouraging this type of venture as a way to boost tourism to small country towns, and it has been hugely successful for Maldon. The Victorian Goldfields Railway will be a significant part of those celebrations, as it has become an icon for the Maldon township. Easter 2016 will mark the 50th anniversary of the opening of what is now Maldon District Museum.

It is just as important now as it was 50 years ago to preserve the heritage that Maldon celebrates and that efforts are made to ensure the encroachment of development does not in any way alter the historical landscape nor the historical buildings not just in Main Street but across the whole town. This would be an absolute travesty, and it is for this very reason, the protection of Maldon's heritage, that the town was honoured 50 years ago.

### **Gippsland cheese producers**

**Mr D. O'BRIEN** (Gippsland South) — I rise to congratulate some exceptional local cheese producers in South Gippsland who brought home a swag of awards from this week's prestigious Sydney Royal Cheese and Dairy Awards. After late last year winning a super gold at the World Cheese Awards in the UK for its Tarwin Blue, Berrys Creek Gourmet Cheese was crowned champion for its Riverine Blue cheese in the sheep, goat and buffalo section. It also brought home another gold, two silvers and a bronze. Well done to Barry Charlton and Cheryl Hulls. Pangrazzi Cheese, run by Paul and Carolyn Pangrazzi, which shares facilities with Berrys Creek and which only started producing last year, won a silver, while Prom Country Cheese, a sheep dairy at Moyarra, won two golds. Well done to Burke and Bronwyn Brandon.

### Max Jelbart

**Mr D. O'BRIEN** — Still on dairy, the lifelong dairy and community work of Max Jelbart from Pound Creek was recognised with an OAM in the Australia Day awards. Max has been a tower of strength in the dairy industry and a great contributor to Gippsland. Well done to Max on his award, and good luck to him as he continues to face significant health struggles.

### Seaspray Surf Life Saving Club

**Mr D. O'BRIEN** — With much anticipation the rebuilt Seaspray Surf Life Saving Club building opened on Boxing Day, and it has already proven to be a resounding success. The club raised over \$500 000 from the local community, and with state and local government grants the \$2.5 million new clubrooms are a sight to behold. They have also become a great success already, with up to 300 meals a day being served, bringing in great income for the club and creating a focal point for the town.

### Port Welshpool jetty

**Mr D. O'BRIEN** — Still on the coast, around 100 people attended a public meeting in support of the restoration of Long Jetty at Port Welshpool last month. We have a commitment of \$1 million from South Gippsland Shire Council and \$5 million from the state government, which we hope will remain on the table until we can confirm a contribution from the commonwealth.

### Hume Junior Chess Tournament

**Ms SPENCE** (Yuroke) — Good luck to all participants in Hume's third junior chess tournament, which will take place at Craigieburn Library on 20 February. Trophies and medals will be awarded not only to the overall winner and runner-up but also in categories based on school year level, from prep right through to year 6 — and there is a special award to encourage the participation of more girls in the tournament.

The tournament is an initiative of the local Bandicoot Chess Club, which passionate community members and chess players have led with huge success in the short time since the club started up. Club president Danny Basobas has been the driving force behind the club, which he established in August 2015, and the club has since grown rapidly to a membership of over 40 members. Danny's passion for chess extends beyond the game itself — he has a keen awareness of the

benefits for local kids of developing logical thinking, problem solving and creativity skills.

The Bandicoot Chess Club has also donated several chess sets to local schools to help to promote interest in this great game beyond the club's members. Those schools include Mount Ridley College, Willmott Park Primary School and Mother Teresa Catholic Primary School. Congratulations to Danny and the club's executive for their fantastic work and their successes to date, and all the best to the eager young chess players participating in this month's tournament. I look forward to hearing about all of the winners.

### Privatisation

**Ms SANDELL** (Melbourne) — I rise today to voice my deep concerns about the ongoing privatisation of assets and services here in Victoria. The very reason we have government is so that people can work together to share resources for the common good. No one person can build a hospital, a port, an education system or a road, but together we can. The question is: who should then own these services and assets? A private company who charges to use them, or the public?

The primary objective of a private company is by law to make money. Even if companies are run by good people, the end result is that the public good will always be put second to profits; that is just the way the incentives work. Look at the electricity sector: privatisation wreaked havoc on the Latrobe Valley, and because of privatisation we have now created a powerful lobby group fighting against the necessary move away from coal and towards clean energy.

The privatisation of TAFE led to roting and poor educational outcomes that we now have to spend millions of dollars fixing. Yet despite these failures, I am disappointed that Labor is pressing ahead with the privatisation of the port of Melbourne and continues to believe the fallacy that the private sector delivers services better, whether they be roads, public housing or aged care. History shows us this is simply not the case, especially when it comes to a natural monopoly.

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

### Police custody officers

**Mr CARROLL** (Niddrie) — On 8 January this year I had the pleasure to represent the police minister on behalf of the Andrews government to welcome and congratulate Victoria's first police custody officers who graduated from the Victoria Police Academy. It was an honour, on behalf of the Andrews Labor government,

to join the Chief Commissioner of Police as well as friends and families of the graduates for this significant milestone, the commencement of the rollout of our first custody officers.

The Andrews Labor government delivered a record \$2.5 billion to Victoria Police in its first budget.

**Mr Pearson** — How much?

**Mr CARROLL** — It was \$2.5 billion. This is more than the opposition ever did when in government. We have significantly increased police resources, funding almost 700 additional police personnel in our first term of government. The government is delivering on this important election commitment, and we look forward to more police returning to the front line as the custody officers are progressively rolled out. With funding of \$148 million, the Andrews Labor government is redeploying 400 extra police back on the beat by introducing custody officers into police stations from January this year.

The first squad to graduate — thanks to the Daniel Andrews Labor government's \$148 million strategy to recruit, train and deploy 400 police custody officers in police stations, many in regional Victoria — is a significant milestone and an important event, particularly for regional Victoria. It will put more police officers back on the beat.

I finish with a quote from the police minister which appeared in the *Age* on 5 October 2015:

Custody officers will play a critical role in community safety by allowing more police to do what they do best — fight and prevent crime.

### **Narre Warren ambulance services**

**Mr BATTIN** (Gembrook) — My first contribution is in relation to the ambulance station at Narre Warren. The issue is on the front page of our local newspaper this week. It looks as if the staff there have been speaking to the media about their concerns regarding the relocation of the ambulance station from Narre Warren to Hampton Park, therefore putting at risk about 10 to 15 minutes extra time due to non-access to the highways and freeways in our area. I think the issue of ensuring that we keep the ambulance station in Narre Warren so that it can service not just our area but areas through to the gateway of Gippsland will continue to be a topic.

### **Beaconsfield football match**

**Mr BATTIN** — On another very important topic, I know that you, Acting Speaker Carbines, and I agree on

one thing. We both share a dear love of the Geelong Football Club. We have been very involved with the Geelong Football Club over a long time. But I am going to change my allegiance. I am putting it on the record that I am going to change my allegiance for a day. On 27 February we are proud to welcome the Richmond Football Club to Beaconsfield to take on the Hawthorn Hawks at Holm Park Recreation Reserve. This is something we have been so keen on —

**Mr Katos** interjected.

**Mr BATTIN** — Do not worry about it, member for South Barwon; I will be going for the Tigers. The Tigers will be coming to show their wares and show what they can do.

It is so important to our community to host these two football clubs — clubs that have done a lot to promote issues around mental health, and we have had a lot of mental health concerns in our area. The two clubs are very keen to get involved in our community. I congratulate both of the football clubs and the AFL on taking the initiative to come down to Beaconsfield on 27 February. Anyone who has got a free day should come along. I will have my Tigers top on.

### **Level crossings**

**Mr DIMOPOULOS** (Oakleigh) — I would like to speak about the Andrews government's commitment to remove nine level crossings between Caulfield and Dandenong. This has been an amazing effort to propose, in just one year, one of the most significant pieces of infrastructure investment in Victoria's history. This is taking the world's best and making it even better. That is exactly what we expect in the world's most liveable city: nine level crossing removals, five station rebuilds, upgraded signalling, 225 000 square metres of new community parkland, more car parking, 37 new trains, increased passenger capacity and, most importantly, relief for tens of thousands of locals like me who have been long frustrated by the congestion and the lack of effort by governments to fix the problem. That changes now.

Many of us remember, while those opposite forget, the hollow commitments made by the Liberal Party about removing level crossings in my area. In 2010 they promised to remove just one level crossing in Murrumbeena. It never happened. In 2014 they then promised to remove only four level crossings on the Dandenong line. After lots of bluster we learned it was all bluff. They did not sign a contract, and there was certainly no money to complete it.

Last year over 50 meetings, events and information consultations were held. We had thousands of individual conversations and received over 1500 pieces of community feedback. There will always be varying views in the community on major infrastructure, and I have heard many different views — from those who would prefer the trenching method to those who are thrilled with the prospect of new parkland created from a dirty no-go zone. As always I will work with the whole community during the ongoing consultation process to get the absolute best final outcome for our community. They deserve nothing less.

I thank in particular the Premier, the Treasurer and the Minister for Public Transport. The time they have afforded me —

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

### Government performance

**Mr DIXON (Nepean)** — Happy New Year to all the members. It is good to make my first contribution.

It was the first day of the new school year and the teacher asked the class what they did for Christmas and what they did over the holidays. It went like this:

'James, how was your Christmas?'

'Well, it was pretty miserable, Teacher, especially because I had to ban Christmas carols.'

'Oh, dear. Cesar, did you have a good holiday?'

'No. Everybody was picking on me, but I think I'll soon be going on a long holiday.'

'You will, Cesar. What did you get for Christmas, Luke?'

'I got a new bike because I wore out my old one on my \$12 000 cycling trip to Amsterdam.'

'And John Eren, what did you do?'

'I got tickets to the Taylor Swift concert but I gave them away to my good friend Richard.'

'Good boy! Dan, what about you?'

'I went to the tennis and I got to sit in the front row.'

'Did you get a good view of the tennis?'

'Yes, but I could not see my new \$20 million logo.'

'Jacinta, what did you get for Christmas?'

'I got a train set, but the wheels fell off.'

'Well, that's all we've got time for, students. It's now time to do our numbers.'

### The Stella Prize

**Ms THOMAS (Macedon)** — One of the great pleasures of summer is the opportunity for some uninterrupted reading time and to catch up on some of Australia's finest writers. I was able to enjoy new books by Joan London, Charlotte Wood, Sofie Laguna and Evie Wyld amongst others. I know so many of my colleagues love political bios and the like, but for me literary fiction keeps me alive to the complexity of humanity, to beauty and to cruelty, to hardship and triumph and to the rawness, depth and power of human emotion.

Australia's Stella Prize was born of a panel discussion held in Melbourne on International Women's Day 2011 concerning women's under-representation as literary prize winners. Particularly galling was the fact that of the 54 winners of the Miles Franklin prize at that time only 10 were women. How fitting then that the Stella Prize has reclaimed Stella Maria Sarah Miles Franklin's unmistakably female first name. With support from Victorian philanthropist Ellen Koshland, the Stella Prize seeks to recognise and celebrate Australian women writers' contribution to literature, bring more readers to books by women and thus increase their sales, provide role models for schoolgirls and emerging female writers, and reward one writer with a \$50 000 prize, money that buys a writer some measure of financial independence and time.

The inaugural prize was awarded in 2013 to Carrie Tiffany for *Mateship with Birds*, in 2014 the prize was awarded to Clare Wright with *The Forgotten Rebels of Eureka* and in 2015 it went to Emily Bitto for *The Strays*. On Tuesday of this week the Stella longlist for 2016 was announced. From 170 entries, 12 books have been chosen. I encourage all members to check out the Stella Prize website.

### Blackburn level crossing

**Mr CLARK (Box Hill)** — The Andrews government is short-changing the community over the Blackburn level crossing removal project. This project was fully funded under the Napthine government in 2014, and the Andrews government needs to implement it properly instead of cutting corners. The government is refusing to enlarge the current narrow pedestrian underpass at Blackburn station or to make other station upgrades. It is planning to run a bike path right across

the busy South Parade underpass entrance, risking danger to pedestrians and cyclists alike. It is rushing ahead with a bike path route along the southern side of the railway line without properly determining whether a north-side route would be better for cyclists and avoid impacts on trees, parklands and local streets. The government's current plans will leave the community with a dark narrow pedestrian underpass that will become increasingly inadequate with the growing number of apartments being built on the north side of the railway line.

Local residents have been scathing in their comments. Comments that I have received include:

For an elderly person it is too steep, the walkway, very slippery and dangerous in the wet. It is also very dirty and smelly. We use the station at night when visiting family and there is an uncomfortable feeling in the subway. Our grandchildren also have this feeling.

And:

The underpass has many problems. Colliding with people as one turns the corner, narrow, steepness which makes it difficult if you are pushing a pram, or in a wheelchair or just elderly or have difficulty with walking ...

Indeed there are questions as to whether or not what the government is doing is compliant with disability requirements. The underpass needs to be widened, with entrances opened up in a way that gives better visibility and 'see-through', provides a welcoming link between north and south of the line and helps integrate the Blackburn Station Village.

### **Lorraine Francis Community Award**

**Mr STAIKOS** (Bentleigh) — Over October, November and December last year I had the pleasure of visiting schools in my electorate to present the inaugural Lorraine Francis Community Award, which is named after my former principal at St Peter's Primary School. Lorraine was a dedicated educator who was committed to instilling in her students a sense of social justice. She believed that in order to be a great leader, one must empower others.

Congratulations to the following worthy recipients: Drajlyn Hurunui from Bayside Special Developmental School; Fotinie Zacharis from Bentleigh Secondary College; Chiara Bertolini from Southmoor Primary School; Liam Head from McKinnon Secondary College; Natasha Sly-Clavisi from Brighton Secondary College; Oliver Kipnis from East Bentleigh Primary School; Ben Killian from Coatesville Primary School; Olivia May from Bentleigh West Primary School; Harrison Crisp, Simon Yanni and William Spark from

St James College; Sarah Daniel from St Peter's Primary School; Lily Davidson from Moorabbin Primary School; Kaelem Campbell from Tucker Road Bentleigh Primary School; Kiana Lynch from St Catherine's Primary School; Alice Pfeiffer from McKinnon Primary School; Alishia Francis from Our Lady of the Sacred Heart College; Peta Woodburn and Elleni Macris from Ormond Primary School; and Jarrod Newell from Valkstone Primary School.

Each student was chosen by their teachers for their good work in making a difference in the local and broader community, as well as their ability to encourage others to do the same. From raising awareness of human rights violations around the world to selling lip balms as a fundraiser for people with multiple sclerosis, these young people have set an impressive example for others to follow. Well done!

### **Joe Sweeney**

**Mr KATOS** (South Barwon) — On 18 January it was a sad day for the Torquay community as it saw the passing of surfing legend Joe Sweeney just short of his 83rd birthday. I was one of the over 1000 people who farewelled Joe at a service at the Torquay Surf Lifesaving Club. Joe had a passion for surfing along with many other sports and represented Australia in Greco-Roman wrestling at the 1956 Melbourne Olympic Games. His love of the waves was such that in the early 1960s he bulldozed the original track through the scrub to Bells Beach, something that I do not think the environment minister would look on too kindly today, but those times were certainly different.

Joe had a passion for his community, being a member of the Torquay Surf Lifesaving Club, a founding member of the Jan Juc Surf Life Saving Club and a member and captain of the Torquay Country Fire Authority. I wish to express my sympathies to his sister Mary, son Jeff, daughter Kim and his extended family. Vale Joe Sweeney, a true legend of the Torquay community.

### **Beach Road–Surf Coast Highway, Torquay**

**Mr KATOS** — The Andrews Labor government continues to ignore the signalisation of the intersection of Beach Road and Surf Coast Highway, Torquay. The Minister for Roads and Road Safety has stated that 'it does not rank highly on a statewide basis'. Well, I can tell the minister that this intersection is loathed by Torquay residents and many accidents occur there. It may not be his priority, but it is a major priority of the Torquay community.

I know the minister was in Torquay last week at The Sands, but he obviously was too busy dealing with Labor factional infighting to bother going and having a look at the intersection. The coalition is committed to fix this intersection, while Labor continues to ignore the needs of the Torquay community.

### **Bushfires**

**Mr HOWARD** (Buninyong) — The families of the Scotsburn area faced a devastating bushfire on Saturday, 19 December, that destroyed many homes, farm property and livestock. I would like to thank our Country Fire Authority and Department of Environment, Land, Water and Planning firefighters who were at the fire front saving people and property on a very difficult day. In the days and weeks that have followed it has been impressive to see that, once again, this adversity has brought out the very best of human nature in supporting those in need. In addition to the staff from Moorabool council and state government agencies being on hand to offer well-coordinated support, volunteers from the local community and further afield have rallied together to offer support.

It is impossible to thank everyone that has lent a hand, but it includes individuals and businesses that have provided generous donations of food and clothing. Thanks to those that have come from far and wide to lend a hand, including the BlazeAid crews that have worked to rebuild kilometres of fences, and the impressive convoy of 47 vehicles as part of the Need for Feed initiative that delivered over 1000 bales of hay to the local farmers.

I, along with several of our ministers, have talked with many of the people who have lost their homes and learnt of their personal experiences and have discussed the support that they have received and further support that they may require. Clearly there is much follow-up support needed over the coming weeks and months. Not only does this include the provision of funds to support the rebuilding of homes and lost property, but it will include emotional support. I am confident —

**The ACTING SPEAKER (Mr Carbines)** — Time!

### **Burke Road level crossing**

**Mr M. O'BRIEN** (Malvern) — I was very pleased to see the Burke Road level crossing, a project entirely funded by the former coalition government, removed. I was pleased to welcome the Premier and the Minister for Public Transport down to my electorate — I do not think they were expecting me to be there to welcome

them — as they sought to claim credit for a project entirely funded by the Liberal Party.

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

## **CRIMES LEGISLATION AMENDMENT BILL 2016**

### *Statement of compatibility*

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

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

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

#### **Overview**

The purposes of the Crimes Legislation Amendment Bill 2016 (the bill) are:

to extend offences and penalties that currently apply to emergency workers who are victims of violent offences whilst on duty, to the new category of custodial officers; and

to provide for the use of recorded evidence in appeals against conviction for serious sex offences heard in the Children's Court, and for a general regulation-making power with respect to the Crimes Act 1958.

Charter rights are relevant to the extension of statutory minimum sentences to offenders who commit violent offences against custodial officers. The bill creates the category of custodial officers which will include prison governors, prison officers, escort officers and police custody officers. The bill also amends the Crimes Act 1958 and the Summary Offences Act 1966 to provide that custodial officers be included in emergency worker specific provisions, including the following statutory minimum sentence provisions for certain violent offences:

a minimum 5-year non-parole period for causing serious injury intentionally or recklessly, in circumstances of gross violence;

a minimum 3-year non-parole period for intentionally causing serious injury;

a minimum 2-year non-parole period for recklessly causing serious injury; and

a minimum six-month term of imprisonment for intentionally or recklessly causing injury.

Charter rights in criminal proceedings are also relevant to the extension of protections that prevent vulnerable witnesses

repeating difficult evidence. The bill will enable the recorded evidence of complainants in serious sexual offence matters heard in the Children's Court to be admitted in certain other proceedings.

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

***Right to protection from cruel, inhuman or degrading treatment (section 10), and right to liberty (section 21)***

Section 10 of the charter provides that a person must not be subjected to torture or treated in a cruel, inhuman or degrading way. International courts have adopted a low threshold for this test and statutory minimum sentences in some circumstances have been viewed as arbitrary or excessive when a court has been compelled to impose a grossly disproportionate sentence. Section 21 of the charter sets out the right to liberty and security of person, including the right not to be automatically arrested or detained and not to be deprived of liberty except as provided by law. Where a law is vague or unjust, an arrest or detention may be arbitrary even if it is lawful.

These rights need to be balanced against the rights of custodial officers not to be subjected to occupational violence, which is a risk and feature of all correctional jurisdictions. The significant expansion of the Victorian prison system in recent years has led to a concomitant increase in violent incidents.

Statutory minimum sentences are part of a holistic strategy to ensure that offenders are deterred from employing violence with correctional staff, to denounce occupational violence within the correctional system and to signal to custodial officers that occupational violence is not acceptable and not simply part of their job. In addition, Corrections Victoria is implementing a range of systemic and local strategies to reduce the seriousness and frequency of violent incidents in custodial settings.

Under these provisions, custodial officers will not encompass everyone who works at a prison or in police cells; only those workers with duties that involve regular and routine close contact with prisoners in closed environments and potentially high-risk or volatile situations. The statutory minimum sentences will only apply to offenders who intentionally or recklessly cause injury, or serious injury, to custodial officers while they are on duty.

The statutory minimum sentences do not apply to juvenile offenders (those under 18 years of age). The statutory minimum provisions also include safeguards which maintain judicial discretion and protect against the imposition of sentences which are arbitrary or unwarranted. In my opinion the extension of statutory minimum sentences does not compel a court to impose an arbitrary sentence, or a sentence that is disproportionate to the violent acts relevant to that sentence.

Furthermore, safeguards, in the form of special reasons, will be extended from emergency worker provisions, to apply to offences against custodial officers on duty. A court is not compelled to impose the relevant statutory minimum sentence if it is satisfied that one of the following special reasons is present:

the offender assisted or has undertaken to assist in the investigation or prosecution of an offence;

the offender was aged over 18 but under 21 years of age at the time of the commission of the offence and can prove that due to psychosocial immaturity was unable to regulate his or her behaviour;

the offender can prove he or she has impaired mental functioning;

the court makes a hospital security or residential treatment order; or

there are substantial and compelling reasons that justify a departure from the statutory minimum sentence, having regard to Parliament's intention that the relevant minimum sentence should apply and whether the cumulative impact of the circumstances justify a lesser sentence.

The following additional safeguards exist for offenders who were aged over 18 but under 21 years of age at the time of the offending to take into account the particular vulnerability of young people:

if found guilty of causing injury, a court may find that a special reason exists if it believes that there are reasonable prospects for the rehabilitation of the young offender, or it believes that the young offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

if found guilty of causing serious injury, a court may impose a youth justice centre order rather than a sentence of imprisonment if it receives a pre-sentence report from the secretary of the Department of Human Services and believes that there are prospects of rehabilitation or that the offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison. In these circumstances a court may impose a youth justice centre order for a specified length.

These special reasons provide sentencing courts with limited but appropriate and sufficient exceptions to impose sentences that are suitable to individual offenders. In this regard, the bill safeguards against the imposition of a disproportionate sentence by allowing a court to depart from the statutory minimum if it finds the personal characteristics of the offender and/or the circumstances of the case justify doing so. Once a court finds a special reason exists, it has full sentencing discretion to impose any sentence it considers appropriate.

Further, in Victoria there are strong and fundamental procedural and legal safeguards that — in addition to the above special reasons — protect against people being detained arbitrarily, and that protect against the imposition of grossly disproportionate and unjust sentences.

These provisions can be distinguished from the recent Canadian case of *R v Nur* [2013] ONCA 677; *R v Charles* [2013] ONCA 681, where the Ontario Court of Appeal held that a mandatory minimum sentence scheme for firearm offences was a violation of the right to protection against cruel and unusual punishment. The court stated that the test for assessing the proportionality of a mandatory minimum sentence scheme required consideration of the nature of the offence and the circumstances of the offender. These statutory minimum sentence provisions only apply to violent offences, the relevant sentences are within the normal range for such

offences, and are also subject to special reason exceptions. For these reasons, the statutory minimum sentences for violent offences against custodial officers on duty can be distinguished from Nur.

In my opinion, the extension of statutory minimum sentences to custodial officers does not limit the rights to protection from cruel, inhuman or degrading punishment or the right to liberty and security.

***Right to fair hearing (section 24) and rights in criminal proceedings (section 25)***

Section 24 of the charter provides that an individual charged with a criminal offence has the right to have the charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing. Although this section is relevant because the bill affects a court's sentencing discretion, as outlined above, the special reasons protect against the risk of a disproportionate sentence being imposed and ensure that any special individual circumstances of the offender are considered by the sentencing court.

It is also worth noting that the High Court has consistently held that provisions imposing mandatory minimum sentences — which this bill does not do given the special reason provisions — do not constitute a usurpation of judicial power.

Section 24 is also relevant to the amendments in part 4 regarding the use of recorded evidence, as is section 25 of the charter. Section 25 sets out specific minimum rights in criminal proceedings. Section 25(2)(g) effectively creates a right of cross-examination, to ensure that the accused has an adequate opportunity to challenge and question a witness who will give or has given evidence against him or her. The right to cross-examine prosecution witnesses is qualified by the words 'unless otherwise provided by law'.

Clause 387B allows the court to admit a recording of the evidence of a complainant in the Children's Court if it is in the interests of justice to do so. This enables recorded evidence of complainants in serious sexual offence cases to be admitted on appeal instead of a complainant repeating their evidence.

Replaying recorded evidence on appeal will minimise trauma to a vulnerable class of witness and help reduce the likelihood of serious allegations being discontinued if complainants are not willing or able to give evidence for a second time.

Clause 387B applies existing safeguards contained in division 7 of the Criminal Procedure Act 2009, for example:

that the court must have regard to whether the evidence is complete or whether the accused would be unfairly disadvantaged (section 381);

an accused person will be permitted to examine, or have examined, complainants when they give evidence at first instance in the Children's Court;

the court may also direct a complainant to give direct testimony additional to a recording admitted into evidence (section 384);

an accused person will be able to cross-examine a complainant on appeal if leave is granted by the court (section 385); and

leave for further cross-examination may be granted in instances such as the accused becoming aware of a matter of which the accused could not reasonably have been aware at the time of the recording, or if further cross-examination is in the interests of justice (section 385).

The changes are consistent with existing provisions for the evidence of complainants in serious sexual offence cases heard in the adult jurisdiction. The changes balance protection for vulnerable witnesses against accused's rights in criminal proceedings and recognise the importance of all relevant evidence being available to the court on appeal.

The impact of the changes are relatively minor in that they provide extra protections for a particularly vulnerable category of witness without unduly restricting the procedural rights of an accused person. The changes appropriately maintain a minimum guarantee for an accused to examine, or have examined, witnesses against him or her as required under section 25(2)(g) of the charter.

In my opinion, this bill does not limit the right to a fair hearing or the right in criminal proceedings to question and cross-examine witnesses.

For the reasons above, I consider that the bill is compatible with the rights protected by the Charter of Human Rights and Responsibilities Act 2006.

The Hon, Martin Pakula, MP  
Attorney-General

*Second reading*

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

That this bill be now read a second time.

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

The Crimes Legislation Amendment Bill 2016 introduces statutory minimum sentences for those who attack custodial officers, and makes it easier for victims of sexual assaults to give their evidence on appeal.

The reforms in this bill will deter those in custody from assaulting and injuring a custodial officer on duty, by boosting protections for those people who look after prisoners and people in police cells on behalf of the Victorian community.

*Custodial officers*

Recent incidents at prisons, including the Metropolitan Remand Centre and Barwon Prison, have demonstrated the difficult and unique challenges faced by custodial officers. Intrinsic in their role is the supervision, monitoring and direction of offenders who pose a degree of risk to the community. Incidents involving occupational violence to prison officers are an increasing concern. Occupational violence usually occurs as either a result of a staff member intervening in assaults between prisoners or detainees, or because a staff member is attempting to manage a non-compliant person.

Like police officers and protective services officers, custodial officers are employed in a public-safety role and are entitled to a safe working environment. They are also entitled to be protected as far as is possible from violence in the conduct of their duties.

The Sentencing Amendment (Emergency Workers) Act 2014 inserted statutory minimum terms of imprisonment for certain violent offences committed against emergency workers on duty, and expanded existing assault offences to specifically include emergency workers. Police officers and protective services officers are considered to be emergency workers. This bill extends these provisions to custodial officers to recognise the special role they perform in managing people who pose a degree of risk to the community. This will see people who commit certain violent offences against custodial officers on duty receive higher penalties in accordance with the statutory minimum sentences.

As custody and prison officers do not strictly perform emergency work, this bill creates the category of 'custodial officer' to recognise those staff whose safety is at risk due to the role they perform. A custodial officer is anyone who works as a police custody officer, prison officer, prison governor or escort officer, and private contractors performing roles of that nature in private prisons. This category will not include everyone who works in police cells or prisons — such as cleaning or culinary staff — only those workers with duties that involve close contact with prisoners in closed environments.

These changes are also necessary to respond to changes in the management of people in police custody and in prisons. Until recently, members of Victoria Police managed people in police custody. To free up police to focus on frontline duties, police custody officers were created by the Justice Legislation Amendment (Police Custody Officers) Act 2015. In the 2014 amendments police officers were included as emergency workers, but prison and custodial staff were not. As police custody officers have taken on this aspect of police work, it is necessary to extend the extra protection given to police to these new officers by enacting similar sentencing provisions for offences committed against them. This will recognise the special role that police custody officers play in managing the custody of detainees and prisoners in high-risk environments.

Sentencing provisions relevant to custodial officers will only apply when that custodial officer is on duty. This is consistent with the emergency worker provisions which only apply when the emergency worker is 'on duty'. This bill specifies that a custodial officer is on duty when performing any relevant function or exercising any relevant power.

This bill imposes statutory minimum sentences to violent offences committed against custodial officers when they are on duty. For example, if an offender is found guilty of intentionally causing serious injury to a custodial officer on duty, a court will have to impose a three-year non-parole period, unless special reasons exist. For the offence of causing serious injury in circumstances of gross violence there is a statutory minimum five-year non-parole period, for recklessly causing serious injury there is a two-year minimum non-parole period, and for causing injury either recklessly or intentionally a six-month minimum term of imprisonment.

If a court considers that special reasons exist, the relevant statutory minimum sentence does not have to be imposed. The special reasons are limited and specific. Special reasons

include an offender who has impaired mental functioning at the time of the offence or who has provided assistance to authorities. A court can also find that there are substantial and compelling circumstances which justify a departure from the statutory minimum. This special reason requires courts to consider a number of factors, including the clear intention of Parliament that a certain sentence of imprisonment be imposed. For young offenders, special reasons also include the presence of a particular psychosocial immaturity that has substantially diminished the ability to regulate behaviour, and in certain circumstances a court can impose a youth justice centre order instead of a term of imprisonment. The statutory minimum sentences do not apply to offenders who are under 18 at the time of the offence.

This bill will also amend the Crimes Act 1958 and the Summary Offences Act 1966 so that custodial officers will be explicitly included in assault provisions which apply to emergency workers on duty.

These changes will promote the safety of police custody officers and other custodial officers, and recognise the key role that they play in managing people who pose a degree of risk to the community.

#### *Use of recorded evidence*

Complainants in sexual offences cases in the Children's Court are currently required to repeat their evidence in the County Court if an accused person appeals their conviction. Repeating difficult evidence causes additional delay and unnecessary trauma for complainants. Sometimes the prosecution will discontinue serious charges because a complainant is unable, or does not wish, to repeat their evidence at the appeal. This bill also allows the use, in certain circumstances, of the recorded evidence of sexual offence complainants.

This bill amends the Criminal Procedure Act 2009 to allow the complainant's recorded evidence to be used on appeal from the Children's Court and in other related criminal or civil proceedings. These amendments will avoid the repetition of evidence by complainants in serious sexual offence cases that are heard in the Children's Court, if the accused appeals their conviction to the County Court.

These amendments will protect complainants in serious sexual offence matters heard by the Children's Court. Serious sexual offences include offences such as rape, sexual penetration, incest and persistent sexual abuse of a child.

#### *Regulation-making power*

This bill will also insert a general power into the Crimes Act 1958 to allow the Governor in Council to make regulations with respect to that act.

This technical amendment is required to ensure that any necessary regulations can be made in relation to the Crimes Act and are consistent with general regulation-making powers in other acts.

This bill will ensure that greater protections are provided by our criminal justice system to those in particularly vulnerable or high-risk situations.

I commend the bill to the house.

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

**Debate adjourned until Thursday, 25 February.**

**DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2015**

*Council's amendments*

**Message from Council relating to following amendments considered:**

1. Clause 5, line 22, omit "300" and insert "500".
2. Clause 6, page 4, line 7, omit "300" and insert "500".
3. Clause 9, line 18, omit "300" and insert "500".
4. Clause 9, line 24, omit "300" and insert "500".
5. Clause 17, line 12, omit "300" and insert "500".
6. Clause 17, line 29, omit "300" and insert "500".

**Mr SCOTT (Minister for Finance)** — I move:

That the amendments be agreed to.

I rise to confirm that the government will support the technical amendments proposed by the opposition. I understand the member for Box Hill will speak to the nature of the amendments, which essentially relate to a 300-metre versus 500-metre area. I also indicate that the previous speaker for the government in this house, the member for Niddrie, confirmed our support for the amendments to clauses 5, 6, 9 and 17.

This is a bill to implement the commitment the government made in the lead-up to the November 2014 election to introduce new laws to crack down on the production and sale of ice. These laws form part of the government's response to the challenge that ice presents, and I would hope that all members, with goodwill, will support legislation in this house to prevent the scourge of ice damaging more Victorians.

The government has taken a number of actions to deal with the issue of ice, including establishing an ice action task force. Members will recall that last March the Premier committed \$45.5 million to support efforts to reduce supply and demand and the harm that ice causes. The bulk of this funding was for treatment, rehabilitation and support for families and friends of those impacted. The new laws form part of a government response to the challenge of ice. These laws keep the promise that was made to protect our community from the damage caused by ice. I will not speak at length on these matters, but I will say that the

government is pleased to support these new laws. I commend the amendments to the house.

**Mr CLARK (Box Hill)** — The opposition welcomes the government's support for these amendments, which were initiated by the shadow Minister for Police, Mr O'Donohue, in the other place. As the Minister for Finance and Acting Minister for Police indicates, they deal with the proximity to a school where various of the new offences being created by this bill will apply, such as trafficking or attempting to traffic a drug of dependence to a child. The amendments initiated by Mr O'Donohue and now before this house bring Victoria into conformity with South Australia and specify that the offence with the higher penalty will apply if it occurs within 500 metres rather than 300 metres of a school.

I do not want to redebate the substantive matters to which this bill relates. The opposition supported the amendments made by the bill, but a lot of them are in fact simply providing increased maximum penalties for conduct which is already an offence. In our view they do not go anywhere near far enough to tackling problems of ice, and they do not reflect a lot of what the Premier said prior to the election. But nonetheless the bill does make some small change towards increasing penalties for ice-related offences, and the bill will be strengthened by the amendments put forward by the Legislative Council at the initiative of the opposition and Mr O'Donohue. They are supported by the government and, as I said at the outset, the opposition welcomes the government support for the amendments.

**Mr HIBBINS (Pahran)** — The Greens will be opposing these amendments, just as we opposed this bill when it came before the house last year, because it represents a failed approach in tackling drug issues and drug addiction. If you think that simply lifting a maximum sentence from 20 to 25 years or creating these exclusion zones is going to have any impact, I think you are absolutely kidding yourself. The minister says, 'Well, this is all part of ice. It is all part of targeting ice'. From my understanding, the bill does not specify which particular drugs are actually going to be covered under this legislation, and in fact what we are going to see are unintended consequences of young people actually being affected by these laws themselves, because it is young people at risk. If they happen to be involved with marijuana or other substances, they are the ones who are going to be at risk for prosecution as a result of this bill. We will be opposing these amendments, just as we opposed this bill.

**Mr CRISP** (Mildura) — I rise on behalf of The Nationals to support these amendments. We know that these principally deal with distances or proximity of areas around schools to which a penalty is applied. We know that ice is a challenge in our communities. We know that control is a bigger challenge in our communities and that schools are a target. I think that these measures just further reinforce a whole suite of measures that are necessary and are being undertaken against ice. Briefly, in my community we have a Project Ice approach for educating the community and preventing the scourge of ice.

We also have treatment programs in place. This is just another vital piece of a jigsaw that is extremely important in sending a message that we are serious about these drug issues, that we will take action on these drug issues, and that schools are targeted and we will not tolerate that. I support the amendments.

**The ACTING SPEAKER (Mr Carbines)** — Order! There being no other contributions, the question is:

That the motion be agreed to.

All of that opinion say aye, to the contrary no.

**Honourable members** — Aye.

**Mr Hibbins** — No.

**The ACTING SPEAKER (Mr Carbines)** — Is a division required?

**Mr Hibbins** — Yes, I call for a division.

**The ACTING SPEAKER (Mr Carbines)** — Order! A division is required. I ask the Clerk to ring the bells.

**Bells rung.**

**House proceeded to divide on motion:**

**The SPEAKER** — Order! As there is only one vote for the noes, I am informed that we cannot proceed with the division. I therefore declare the question agreed to. Does the member for Prahran wish to register his dissent?

**Mr HIBBINS** (Prahran) — Yes.

**Motion agreed to.**

## ACCESS TO MEDICINAL CANNABIS BILL 2015

*Second reading*

**Debate resumed from 10 December 2015; motion of Ms HENNESSY (Minister for Health).**

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to contribute to this important debate on the Access to Medicinal Cannabis Bill 2015. The significance of this bill is that it will implement the recommendations of the Victorian Law Reform Commission's report on medicinal cannabis and will establish a legal framework for its cultivation, manufacture and supply to eligible patients and support ongoing research in this important field. I wish to place on the record from the outset that the coalition will not be opposing the bill before the house.

The purpose of this bill is to provide for medicinal use of the products derived from cannabis by establishing a scheme for the supply and treatment of Victorians with specified conditions using approved medicinal cannabis products of a reliable quality and known composition. The bill preserves the prohibition of unlawful cultivation, trafficking, supply and use of the drug of dependence known as cannabis, obviously, and also provides for the lawful cultivation and manufacture of cannabis for medicinal cannabis products.

Many in this house would understand the long history associated with this issue, and back in 2014 the previous coalition government passed legislation in the other house regarding this issue, but this did not get debated in the lower house, given the election. The bill that was then debated in the upper house, which was to amend the Drugs, Poisons and Controlled Substances Act 1981, was going to make it easier for clinicians and researchers to conduct clinical trials of cannabis.

Upon the election of the current government this matter was referred to the Victorian Law Reform Commission, and in October 2015 that body presented its report, which was tabled in the Parliament. The government, in dealing with the recommendations of the report, accepted 40 recommendations in full and 2 recommendations in principle. Chief among the recommendations of the report are that medicinal cannabis be provided compassionately to eligible patients, that the product be of a known composition and safe, regulated quality, and that the use of cannabis outside of this scheme should remain prohibited.

In effect the bill seeks to put in place a regime under which people who are identified as requiring the

assistance of the substance in order to assist them to deal with a range of health issues will be able to access this in a prescribed manner. It will obviously involve the issue of cultivation, it will specify the eligibility of specific patients, it will identify the role of physicians and it will also identify the role of hospitals and hospital pharmacies in this process. In a practical sense, the way in which the bill will operate is that cultivators will be enabled to import cannabis seeds from countries where this process is currently well established, including countries such as the Netherlands and Israel. The cultivator will then be able to cultivate legal cannabis for a horticultural trial, and they will be able to provide this cannabis extract to a licensed hospital for its manufacture. This will be overseen by the Department of Economic Development, Jobs, Transport and Resources.

Eligible patients who will be able to access this new product, in the first instance, will be juveniles who are suffering from epilepsy. This will ensure that the actions of parents who are known to already be treating their epileptic children with cannabis are decriminalised. It has been estimated, using Australian Institute of Health and Welfare data, that there are expected to be about 430 eligible and willing patients who will participate in the use of this new product across the state of Victoria. The definition of an eligible patient allows for further categories of eligible patients to be prescribed in the regulations, and this will be on the advice of an expert committee.

With respect to physicians, they will be able to apply to the newly established Office of Medicinal Cannabis for a licence to participate in the trial. They will be able to prescribe the new product to eligible patients, and they will also be in a position to monitor the results of the new trial. With respect to hospitals and hospital pharmacies, with applications to the new office one hospital will be licensed to conduct the new trial. It will receive cannabis extract from a cultivator. It will be able to manufacture it in a form — that being oil — to be consumed by patients. It will be able to select eligible patients. It will then be able to conduct open-label trials, monitor the results and report these results back to the new Office of Medicinal Cannabis.

As I said from the outset, the history of this issue is well known in the Victorian community, and the coalition has indicated that it will not be opposing the bill. However, it is important to place on the record that the passage of this bill will in fact potentially place the state of Victoria in a situation where our laws will be inconsistent with our existing international treaties on narcotics. The commonwealth believes that states that cultivate cannabis for this purpose will be in breach of

the UN Single Convention on Narcotic Drugs 1961, which provides that the federal government must control all aspects of cultivation. The federal government is expected, as we know, to introduce a bill on this issue, and I will deal with that in a second.

The Victorian government has indicated, obviously, that it wants to proceed with this bill, and that was made clear last year. However, the federal government has been in dialogue with the states regarding the development of federal legislation on this important issue. Just yesterday the federal Minister for Health, the Honourable Sussan Ley, announced that the federal government is in fact introducing legislation on this important issue, so the dialogue that occurred between respective state and federal departments and state and federal ministers has certainly been occurring prior to the decision by this government to introduce legislation.

Yet despite the fact that the state government and the state minister were aware that the federal government was going to be introducing legislation, the state government decided to proceed with this legislation. That is a decision for the government, as to whether it wishes to proceed with the legislation at this point in time. But the net effect of that may be that when the federal government legislation is passed — and it is anticipated that it will be in place by 17 March federally — this bill, if enacted as legislation with respect to issues affecting cultivation, will in fact be in conflict with the legislation enacted by the federal government.

Given the fact that, as we know, under the constitution federal legislation overrides state legislation, the Victorian government will in fact have to revisit this bill in this house this year to deal with the net effect of the legislation that is being introduced by the federal government. Again I say that it is a decision for the Minister for Health. It is a decision for this government to determine whether or not it wishes to proceed on the basis of this bill being enacted and then having to be revisited in this house in a short period of time to deal with that issue. It is important that that issue is placed on the record. The simple fact is that this government is clearly aware that the federal government was seeking to enact legislation in a short period and that there in fact is going to potentially be an unnecessary conflict. But we are dealing with the legislation that is before the house today, and again I say that is an issue which the current government here in Victoria is going to have to deal with and explain to Victorians why that will be the case.

The other issue I wish to address is regarding the cost associated with purchasing the product. An *Age* article

of 11 October, written by Farrah Tomazin, says that with regard to the new product it is anticipated that it will cost about '\$50 to \$58 a month at selected pharmacists, for children whose epilepsy is so profound it can be life threatening'. Whilst the issue of access is important for those families who have children who are affected by this, there is a clear request to provide some clarity on this — and we would be interested to have this from the minister or, if not, a representative from the government — as to what the anticipated cost will be. Is the cost of \$50 to \$58, as quoted here in the *Age*, correct? If not, what is the anticipated cost going to be to Victorian consumers?

Clearly we understand that this is a new product. Clearly we understand that there will be a cost that will be associated with that and that it will be determined at a market rate on the basis of the production and access capacity of this new product. But the government needs to clarify whether in fact the new product is going to cost Victorians within the realm of \$50 to \$58 and whether in fact there will be a sliding scale depending on people's capacity to pay, whether or not they are in receipt of a healthcare card, whether or not there is a sliding scale for children versus adults et cetera. I think it is imperative that the government provide an explanation of this issue, because families who are affected — adults who are affected — who believe they will be accessing this new product want to actually know what the ultimate cost will be to them. As we know, many of these sufferers, particularly adults, are themselves on healthcare cards, and they would want to know the potential costs they will be facing.

The third area I wish to raise is eligibility. It has certainly been identified that the access for this new product will be initially limited to patients under the age of 18 years who are experiencing severe seizures resulting from epilepsy and where other treatment options have not proved effective. In fact this was identified in a press release from the Premier in which he says:

Victoria will take part in a groundbreaking international clinical trial of a new medicine to treat paediatric patients with refractory epilepsy.

Whilst it is important that this product is made available to those children — and I can only think of the pain and suffering of not just the child but the families involved, because this is something that is certainly a heartbreaking situation — questions have been asked more broadly about whether or not access will be expanded on an initial basis to include adults or people suffering from other ailments.

This issue has been raised by both organisations and individuals. An individual providing correspondence to my colleague Ms Wooldridge, the shadow minister and a member in the other place, said that with regard to it being accessed for children with epilepsy — this person is a sufferer — there are people who will not be around in 2017 who would benefit from this treatment now. Whilst that is emotive and whilst this person is a sufferer, it still raises the obvious question that there are people who are sufferers who want to know when they will have access.

Without naming anyone, I know one woman in my electorate for whom this is a major issue. She has been a sufferer for many years of a condition for which she is seeking other forms of treatment, and the passage of this legislation has been important to her. Again, it is imperative that this woman and other adult sufferers like her in our community are provided with clarity and with an explanation as to when this product will be available. It is certainly my understanding that once this product is being provided on a commercial basis, that is when other sufferers in our community will be able to access it.

I understand that a process has to be put in place with respect to the cultivation and delivery of this new product, but again I say that it is imperative that the government provides an explanation to Victorians because, as emotive and as important as this issue is for sufferers, there is now an expectation by some that once the legislation passes they will be able to access this product very swiftly, and we know for a whole range of reasons that that will not be the case.

**Ms Thomas** interjected.

**Mr WAKELING** — I understand that it is going to take a process; all I am saying is that the government will need to explain to Victorians what the process will be, because there will be adult sufferers who, once the legislation has passed, will believe they can access this product straightaway. It is clear that that will not be the case, and all I am saying is that it is imperative that this government provides an understanding and an explanation to Victorians as to what the anticipated rollout will be and how adults who are sufferers themselves will access the product, and it needs to ensure that this is provided in a timely manner.

The government has indicated previously that it will seek to continue a ban on the legalisation of the smoking of cannabis. The second-reading speech states:

It is intended that medicinal cannabis products will not be available in a form that can be smoked.

Whilst that in itself makes reference to the capacity for Victorians to smoke cannabis in a legal form, there are many in the community who believe that statement is not explicit. I would then call upon the government in dealing with this issue to ensure that it is explicit and that this is not going to be seen, as some believe, as the thin edge of the wedge for the introduction and legalisation of cannabis. I am not proposing that that is the government's intention, but I am saying that this is an emotive issue. Clearly the issue of cannabis oil being used for the purposes of the treatment of illness is different to people accessing cannabis for the purpose of smoking it, but I think it is incumbent on the government to be more explicit in its language on this issue so as to provide clarity for people in the health sector who are raising these concerns. This is a concern that has been raised by people within the health sector and people involved in the public policy debate who have a strong view on this important issue.

I would also like to refer to some of the concerns that have been raised by the Australian Medical Association (AMA). The AMA indicated in a statement that was put out on 6 October 2015 by the AMA Victorian president, Dr Tony Bartone, in response to the Victorian Law Reform Commission's recommendations that were tabled in the Parliament, that:

This is an exciting development for a specific group of patients with specific conditions.

But he went on to say:

However, AMA Victoria holds reservations as there is a lack of significant evidence and information on its side effects, potential harms, and implications of long-term use or use at a young age.

He went on to say, and I quote:

The Victorian government, on the recommendation of the VLRC, is not waiting for the results of further clinical trials, such as the NSW/Vic/Qld trials which are currently underway. This deviates from the usual process of how medications are approved for use in Australia, where there is either thorough international evidence and/or Australian evidence. Given this gap, we hope that the patients who are authorised to use medicinal cannabis under this new scheme are closely monitored on a comprehensive patient register.

He went on further:

We stated in our submission to the VLRC that more evidence is needed before there is a full rollout. This has not happened yet. We understand the distress and pain that some patients, and their families, with serious conditions like MS, cancer, epilepsy and seizures, HIV and those with chronic pain suffer. However, checks and balances, evidence, data, proof, risk analysis, warnings and quality control are always needed for medications and medical procedures. This step has been

skipped here, and is an important part of good medical care ...

I place that on the record for no other reason than to say that, whilst we all understand and appreciate the importance of this issue and the concerns of families and other Victorians for sufferers and the fact that Victorians with a caring heart want children — sufferers, both young and old — to be able to access a range of medical products to assist them in the treatment of their illnesses, we must remember that we are in fact talking about a medical condition. We are talking about a product that is going to be legalised by the Victorian Parliament.

The AMA has ensured that it places on record its view that we all must be mindful of the consequences of this new approach. Again, it is not going to stop this process from continuing, but it certainly ensures that the views of the AMA, the views of the medical profession, are on the record and there is a very clear view that there are potential medical consequences if this is not managed properly. Again I say to the government that it will be imperative for the government to ensure that this process is closely monitored.

I would also like to visit the views of the Cancer Council Victoria, which have been provided. These are comments by Todd Harper in his capacity as CEO at the cancer council. He, similar to the AMA, has raised some areas of concern. The first area that I wish to address regarding the council is in regard to the Independent Medical Advisory Committee. He stated:

Cancer Council commends the inclusion of clause 12, which authorises the minister to establish an Independent Medical Advisory Committee to advise the health secretary and minister on which ... products should be approved ...

However, he went on to say that:

We query whether the legislation should specify that regulations prescribing new categories of 'eligible patients' be made only on the advice of the Independent Medical Advisory Committee. This requirement appears to be contemplated by the bill but is not made explicit.

Another issue which the cancer council has raised concerns about is regarding practitioner medicinal cannabis authorisation involving the issue of the power to suspend or to cancel, and I quote:

We note that clause 85 permits the health secretary to suspend or cancel a practitioner ... authorisation at any time 'if satisfied that this is appropriate to do so in all the circumstances'.

**Business interrupted under sessional orders.**

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Level crossings**

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Can the Premier confirm that the decision not to pursue the undergrounding of level crossings on the Dandenong line, or Dandenong rail corridor, in favour of entirely elevated sky rail was never one approved by his full cabinet?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question, and, no, I cannot confirm that. What I can say to the Leader of the Opposition, who yet again has proven to us in a question littered with errors that he is opposed to everything, is this: not happy enough that he spent four years building nothing, he now opposes this government delivering on its commitment to remove nine deathtraps on the Dandenong line. The Leader of the Opposition is opposed to the removal of those nine deathtraps, and for that he stands condemned.

**Mr Guy** — On a point of order, Speaker, as you can imagine I am raising a point relating to relevance. It was a simple question about whether sky rail went to cabinet, and I am asking the Premier to give a yes or no answer to the Parliament. Did it go to cabinet or not?

**The SPEAKER** — Order! As the Leader of the Opposition understands well, the Chair is unable to direct the Premier to respond in any particular way; however, the Premier was being responsive to the question asked.

**Mr ANDREWS** — The Leader of the Opposition seems to be unaware of the actual question he just asked. He asked me to confirm a matter, and I have answered the question fully. What I will also put on the record is this: those opposite are opposed to the removal of these level crossings, and for that every one of them stands condemned.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — How can a community expect to be properly consulted on decisions of this magnitude if the Premier does not even consult his own cabinet?

**Mr ANDREWS** (Premier) — Again I reject the question put forward by the Leader of the Opposition, which was full of errors and inaccuracies. The Leader of the Opposition is known by many different tags; Captain Consultation is not one of them. He has never seen a project he could not approve quickly enough

without any due process at all: ‘If you would like to build a high-rise, go higher. If you would like to have your land rezoned? Well, you buy it, and I will rezone it’.

**Mr Guy** — On a point of order, Speaker, on relevance, I know it is hard for the Premier to look his backbench in the face. I know it is hard for him to look them in the face.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition is to be heard in silence.

**Mr Guy** — The Premier was asked a simple question around community consultation, and I know he does not want to look his backbench in the face, but maybe he should give us an answer as to whether it went to cabinet or not.

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

**Mr ANDREWS** — The Leader of the Opposition would know more about kitchen cabinet than cabinet. Sitting around a table, ‘You buy the land, and I will rezone it; whatever you like’. Old Mr Ventnor over there will not be lectured on process from this one over here.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair understood that discussions were being had with both the Premier and the Leader of the Opposition in relation to their interjections on the Chair whilst the Chair is on his feet.

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

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

**Ministers statements: group training  
organisations**

**Mr ANDREWS** (Premier) — I am very pleased to be able to rise to announce to the house that the government has in further support of jobs and skills announced its commitment to group training organisations across Victoria. To Minister Herbert I extend the government’s congratulations and thanks. This is a great decision from a minister with passion to support TAFE, to support apprentices, and to support jobs and skills.

I was very pleased to be with the Minister for Sport and the member for Geelong — again two further proud advocates of those working families who need a start, who need the skills, the ticket, so that they can get the life opportunities they are entitled to — when we were down in Geelong at Breakwater Kitchens last week to announce \$9.3 million, not just funding on behalf of our government but funding to replace savage cutbacks made by the Turnbull federal government to this valuable program.

Breakwater Kitchens is a family business built from nothing that is now so successful that we met five of the apprentices that are working there. This partnership with group training organisations will support additional young apprentices — some 17 000 apprentices — to get the skills they need for the jobs they want, for them to have the life opportunities they are entitled to and for all of us as an economy and a community to benefit from their productive contribution.

There are some who would cut TAFE, there are some who would walk away from young people and then there is the verdict of the Victorian people. Those who would do those things have been judged appropriately, and they sit on that side of the house because of it.

### Level crossings

**Mr HODGETT** (Croydon) — My question is to the Premier. Why did the government reject the bid by the John Holland consortium for the Dandenong rail section that featured six rail-over-road and three underground level crossings, far fewer elevated track sections and was estimated at \$200 million less than the ultimately successful Lendlease bid?

**Mr ANDREWS** (Premier) — I thank the Deputy Leader of the Liberal Party for his question. Nine deadly level crossings will all be history under this government's hard work and this government's commitment. It is hard to know: are those opposite advocating on behalf of the community or on behalf of an under-bidder, on behalf of an unsuccessful tenderer? That is the question, Speaker. Are they advocating on behalf of the community, themselves or an unsuccessful bidder in a tender process run against the highest standards of probity? That is the question for the deputy leader to answer.

A proper process was run. Nine level crossings will go. Those opposite are almost infuriated that we are going to do what they only ever talked about.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. The Attorney-General!

**Mr R. Smith** — On a point of order, Speaker, the Premier should answer the question that was asked. The question was about why the John Holland consortium bid was rejected in favour of the Lendlease project that the government has committed to. I ask you to bring him back to the question that was asked.

**The SPEAKER** — Order! The Premier, to continue. There is no point of order.

**Mr ANDREWS** — I am indebted to the oracle from Warrandyte for his point of order.

**The SPEAKER** — Order! The Premier, to continue his answer to the question.

**Mr ANDREWS** — This is about a contract to remove nine deadly level crossings, and that is what this government will do in full, because that is what it committed to do. If those opposite had ever built anything, if those opposite had ever actually done anything, they would know — —

*Honourable members interjecting.*

**Mr Clark** — On a point of order, Speaker, the Premier is debating the issue. This is a very serious question about why the government rejected a cheaper proposal that was on the table and that also appears to be a better proposal. The community is entitled to an answer to that question. The Premier should not be debating it; he should be answering it.

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

**Mr ANDREWS** — As the member for Box Hill made clear, it is what he says things appear to be. His assertion is wrong, as is that of the Deputy Leader of the Opposition, as is that of the member for Warrandyte. This is an outstanding project. It has been determined against the highest standards, and it will be delivered in full by a Labor government against the highest standards.

*Supplementary question*

**Mr HODGETT** (Croydon) — I ask the Premier: is it not a fact that the only reason the government has chosen the substandard, entirely elevated rail bid is to pay off Lendlease for the cancellation of the east-west link contract?

**Mr ANDREWS** (Premier) — I thank the deputy leader for his question. The answer is no. If you want to

talk about pay-offs and payouts, who backed up the truck and paid the east-west consortium everything it wanted and more?

*Honourable members interjecting.*

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Kew**

**The SPEAKER** — Order! The member for Kew will withdraw from the house for the period of 1 hour.

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Level crossings**

*Supplementary question*

**Questions and statements resumed.**

**Mr ANDREWS** (Premier) — They could not pay out the east-west consortium fast enough. It was a government that did nothing, but it could find reverse, back the truck up and pay out as much as that consortium wanted. That is what those opposite did, and that is what the history of this state will forever record. They were cowards to the end. They signed the contracts, backed up the truck and paid out the money. Those opposite were afraid of the Victorian community.

*Honourable members interjecting.*

**Questions and statements interrupted.**

**SUSPENSION OF MEMBER**

**Member for Clarinda**

**The SPEAKER** — Order! The member for Clarinda will withdraw from the house for the period of 1 hour. The Chair is not to be interrupted and there are to be no interjections while the Chair is on his feet, according to standing orders adopted by this house.

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

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Questions and statements resumed.**

**Ministers statements: rural and regional schools**

**Mr MERLINO** (Minister for Education) — It is my pleasure to inform the house of a key achievement on the rollout of the education state across regional Victoria. The government has now employed more than 40 new staff across our regional offices as part of our \$82 million regional package. The recruitment process is well underway, and in total the package will create 150 new jobs across regional offices.

We have listened to our principals and our schools in regional Victoria. They told us of the devastating impact of those opposite when they completely gutted our regional offices and left our schools abandoned. We are correcting this. We are focused on supporting our educators so they can get back to guiding our kids.

There is a similar story when it comes to regional school infrastructure. School infrastructure funding fell under the former government to a mere \$200 million per year. Across regional Victoria it was a pitiful \$40 million, leaving regional schools neglected and falling apart. Where were The Nationals? Where was The Nationals' voice when they were in government?

In contrast, Labor is delivering the biggest school infrastructure program in Victoria's history, with more than \$160 million allocated to regional Victoria, creating 520 jobs. Labor is investing almost as much in regional Victoria as those opposite invested for the whole of the state of Victoria — the new Bannockburn P-12, the new Sale Specialist School, Daylesford Secondary College, Delacombe Primary School and Beaufort Secondary College, just to name a few. Only Labor supports our regional schools.

**Level crossings**

**Mr CLARK** (Box Hill) — My question is to the Minister for Planning. Given the large-scale vibration, noise, overshadowing and visual amenity issues that will impact local residents along the sky rail route, will the minister require a full environment effects statement to be completed before construction commences?

**Mr WYNNE** (Minister for Planning) — I thank the member for his question. Can I say by way of my opening comments that I note the pathetic attempt on Tuesday, the first day of the parliamentary year, when the opposition sought to verbal me, claiming my

criticism of flyovers for the east–west road, which would have ripped the guts out of Royal Park and the wetlands of west Parkville, was in some way analogous — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will resume his seat. The minister is to be heard in silence. The minister, to continue.

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition will allow the manager of opposition business to make a point of order. The manager of opposition business will be heard in silence.

**Mr Clark** — On a point of order, Speaker, the minister is not being relevant to the question. If he wishes to respond to a question that was asked on Tuesday, he has other opportunities to do so. I ask you to bring him back to answering the question that I have just asked him.

**The SPEAKER** — Order! It is now almost a minute into the minister’s providing a response. I ask the minister to now respond to the question. I uphold the point of order by the manager of opposition business.

**Mr WYNNE** — Labor’s project is to remove nine level crossings and rebuild five stations within an existing rail corridor — not through parkland, not through wetlands but through an existing rail corridor that has been there for more than a century. My obligation is to deal with this project once a proposal is brought before me. This project is subject, as the minister has already indicated, to extensive consultation over the next six weeks, and when that proposal comes before me, I will deal with it according to my obligations under the Planning and Environment Act 1987.

*Supplementary question*

**Mr CLARK** (Box Hill) — Will the minister rule out using a power of ministerial intervention to bypass normal procedures and approve the sky rail project, given that, as he has said before, that power, and I quote, ‘prevents the community from having a say’ and ‘excludes the community’?

**Mr WYNNE** (Minister for Planning) — I thank the member for his question because it goes to the use of a very important power that resides with the Minister for Planning, and that is using section 20(4) of the Planning and Environment Act to exempt himself from normal

processes. That is at the heart of this question. I will never be lectured by that side of the Parliament on the use of this ministerial power. On 858 times this minister — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will resume his seat. The Leader of the Opposition will resume his seat. The minister is to respond succinctly to the question as put by the manager of opposition business. There are 11 seconds. The minister will continue.

**Mr Guy** interjected.

**Mr WYNNE** — Raining down like confetti at a wedding! Use your power inappropriately; I will use the power as it is required, appropriately, not like you.

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 11(2) relating to answers not being responsive to questions and your power to require an answer. You directed the minister to return to answering the question. He failed to do so. I ask you to instruct him to provide a written answer.

**Ms Allan** — On the point of order, Speaker, in encouraging you to rule out the point of order, I do not think the planning minister could have been more fulsome or more clear about how he will acquit his responsibilities under the required legislation. I would ask you to rule that point of order out of order.

**The SPEAKER** — Order! The Chair found the responses advanced by the Minister for Planning responsive. Therefore there is no point of order.

### **Ministers statements: health funding**

**Ms HENNESSY** (Minister for Health) — I rise today to inform the house about the actions taken by our government to defend Victorian hospitals against the Turnbull government’s most recent \$73 million funding cut.

Despite previously agreeing to fund Victorian hospitals under a method supported even by the previous Liberal government, and having paid for surgeries and activities over the past two financial years, the federal government via its administrator has recently backflipped on this arrangement and is coming after Victorian patients. This will see \$73 million clawed back from our hospitals from March and \$36.6 million clawed back every year thereafter. This funding could have provided up to 12 000 elective surgeries. These are cuts that not even Tony Abbott would approve, and they are cuts that will really impact upon our rural and

regional health services — for example, this will mean a \$1.85 million cut from Ballarat health service.

**Mr Clark** — On a point of order, Speaker, I draw your attention to sessional order 7, which provides that ministers statements are ‘to advise the house of new government initiatives, projects and achievements’. While the minister said at the outset that she was going to talk about what the Victorian government was doing, she has been speaking for well over half the time allotted and she has not even begun to address what the Victorian government is doing. I ask you to bring her back to compliance with sessional order 7.

**Ms HENNESSY** — On the point of order, Speaker, I will indeed be addressing the action that the Victorian government will be taking, and it is absolutely imperative to understand the scale of these cuts and the impact of those cuts, because they go to our response.

**The SPEAKER** — Order! I do uphold the point of order. The minister, to come back to providing a statement.

**Ms HENNESSY** — Thank you very much, Speaker. Given the scale of these cuts, given what they will impact upon in terms of elective surgeries and rural and regional health services, we have indeed raised this matter with the federal health minister to ask her to reverse these cuts and to reconsider. The administrator was directed by the federal Treasurer to claw back this important amount of money.

Given that it was in fact an agreement that the previous much-maligned health minister of this state signed up to when those opposite were in power, we are also calling upon those opposite to stand up to their Liberal mates who keep attacking our health system and stand up for Victorian patients. That is exactly what our government is doing with more funding, and it is time that those opposite joined us.

### Ombudsman jurisdiction

**Mr PESUTTO** (Hawthorn) — My question is to the Premier. Given that the Ombudsman has been directed by the Parliament to investigate allegations of roting by the Labor Party and Labor MPs, is not the involvement of the Premier’s ministers and staff, as well as the use of internal government legal advice, all to obstruct the Ombudsman, a blatant conflict of interest and an improper use of public resources?

**Mr ANDREWS** (Premier) — I thank the member for Hawthorn for his question, and I can indicate to him that the answer is no. The matter is before the courts, and it is appropriate that that matter be allowed to run

its course. That is the approach the government takes, and it is certainly the approach that I take as the leader of the government.

But while I am on my feet, having fully answered the question, I might just say that the member for Hawthorn, former chief counsel to the former failed government — you know, the bloke who held Don Coulson’s hand through all of that sordid affair — —

**Mr R. Smith** interjected.

**The SPEAKER** — Order! The member for Warrandyte is warned.

**Mr Clark** — On a point of order, Speaker, the Premier is now debating the question. If he has concluded his answer, he should simply sit down. This is not an opportunity for him to grandstand on whatever he feels like talking about.

**The SPEAKER** — Order! Has the Premier concluded his answer? The Premier to continue, in silence.

**Mr ANDREWS** — On the point of order, Speaker, I am simply outlining to the member for Hawthorn, who seems to have questioned the integrity of many people in the government in his question, the integrity of the questioner is relevant as well. That is the point I am going to, in full accordance with the standing orders.

**The SPEAKER** — Order! Has the Premier concluded? The Premier has not concluded his answer. The Premier to continue answering the question.

**Mr ANDREWS** — The member for Hawthorn can be assured that this matter will be allowed to run its course, as it should. The Ombudsman, as an officer of this Parliament, is perfectly entitled, having received an instruction from one chamber of this Parliament — not the Parliament, but a chamber of it — to seek clarification. That is what she is doing, and that is a perfectly appropriate thing to do. Each and every member of the government and its agencies will, very much unlike those opposite, act appropriately.

**Mr Clark** — On a point of order, Speaker, I draw your attention to the substance of the question, which related to the use of government resources in connection with this matter. The house does not need an explanation as to what the role of the Ombudsman is or what the proceedings before the court are. That is not what the question related to. I ask you to bring the Premier back to answering the question about the appropriateness of the usage of government resources.

**The SPEAKER** — Order! Has the Premier concluded his answer?

**Mr ANDREWS** — Yes.

**The SPEAKER** — Order! The Premier has concluded his answer. The Premier was responsive. The member for Hawthorn, to be heard in silence on a supplementary question to the Premier.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier and the Leader of the Opposition will stop interjecting and allow the member for Hawthorn to put a supplementary question.

*Supplementary question*

**Mr PESUTTO** (Hawthorn) — Given the Premier's answer, in which he said that he is going to allow the matter to take its course, my question is: if the Premier is not trying to scuttle the Ombudsman's investigation, why did his minister, with the endorsement of the Premier and his office, write to the Ombudsman seeking to shut down her inquiry?

**Mr ANDREWS** (Premier) — Again I thank the member for Hawthorn for his question. There are different views on the statute, the act of this Parliament, on what its intention is and what the spirit of it is. In perfectly appropriate circumstances, I would have thought, the Ombudsman, seeking clarification and clarity, goes to the court and seeks just that — clarity as to her powers. That is appropriate, and we will all wait to see what the determination of the — —

*Honourable members interjecting.*

**Mr ANDREWS** — That is why the Ombudsman is, of course, advancing both arguments. She herself says it is a test case. She is advancing both arguments. The member for Hawthorn, as with most things, is wrong, wrong, and wrong again.

**Mr Clark** — On a point of order, Speaker, again on the question of relevance, the question did not relate to why the Ombudsman was going to the court; it related to why the minister wrote to the Ombudsman seeking to shut down her inquiry. I ask you to ask the Premier to come back to answering that question.

**The SPEAKER** — Order! The Chair does not uphold the point of order. The Premier has concluded his answer.

## Ministers statements: Murray Basin rail project

**Ms ALLAN** (Minister for Public Transport) — I am very pleased to provide new information to the house about how the Andrews Labor government is moving on with the Murray Basin rail upgrade. This is an important project for regional Victoria. Already, because of the actions we have taken where we have fast-tracked funding, we have seen 28 000 sleepers already installed on the Mildura line and a further 98 000 sleepers are planned to be installed by the end of the year.

Not only is this a great construction project but it is a project that is creating jobs. It is creating 270 jobs during construction, 270 jobs for people in regional Victoria that unfortunately — and it is with regret that I have to say it to the house — clearly those opposite are not supporting and particularly their friends in Canberra are sadly yet to support as well. Through the actions of the Andrews Labor government, six months ago we sent the full business case for this project to the commonwealth infrastructure minister and Deputy Prime Minister, Warren Truss, seeking their support for this project. Why did we do this? Because actually a large part of this project runs on the national land transport network, a commonwealth piece of infrastructure that is within their responsibility.

So we are asking the now clearly departing Deputy Prime Minister to hand a final gift over to regional Victorians. We are pleading with him in his final days to do what we know he knows in his heart of hearts is the right thing, to support this project — because it creates jobs, it invests in our regions, it supports industry and it backs in our farmers and primary producers, and those in the mining and horticulture industries. It ticks all the boxes.

When you consider that Victoria only receives a very small 8 per cent of the commonwealth infrastructure budget, the least the federal government could do would be to support this project, because, as I said, it is a project that stacks up.

## Ministerial office capability review

**Mr GUY** (Leader of the Opposition) — My question is to the Premier. Noting the Peter Allen governance review recommended capability reviews for ministerial offices be applied over time to all ministerial offices, I ask: have these capability reviews been done and will they be made public like Adem Somjurek's?

**The SPEAKER** — Order! The Premier, to answer.

**Mr ANDREWS** (Premier) — Thank you so very much, Speaker — and to the Leader of the Opposition. So we had the last words from the Minister for Public Transport on a project that stacks up, and then that pathetic question from the Leader of the Opposition, someone who does not stack up, someone who thinks they should be in government. We had one really big capability review on 29 November 2014 — and you know what the result of that was.? The result of that was that those who sit opposite were put over there where they belong, because for four years they wasted the precious gift the community had given them and did nothing, nothing, nothing at all.

*Honourable members interjecting.*

**Mr Guy** — On a point of order, Speaker, on relevance, this has nothing to do with the capability reviews the Premier was recommended and he came to this chamber and said he would adopt. His answer has nothing to do with that. I ask you to bring him back to the question: will those capability reviews be made public, yes or no?

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

**Mr ANDREWS** — The Leader of the Opposition asked me about capability reviews and that is exactly what I am talking about — a really big capability review that saw him and his party rejected by the great people of this great state. Every member of this government, every member of the cabinet, every member of the Labor caucus works hard every day to deliver on our commitments to do better, to do more, to repay the gift, to deliver on the trust that has been placed in us by the people of Victoria. That is what we have been doing, and it is what we will continue to do. Whilst those opposite are very angry with the Victorian people, whilst they think the Victorian people got it wrong — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier to continue in silence.

**Mr ANDREWS** — The Victorian community never get it wrong, and those opposite would do well to learn that lesson. Rather than being angry because they were rejected, rather than disputing the biggest capability review we run every four years, they should accept that result and accept it really fast — —

*Honourable members interjecting.*

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

**Mr Clark** — On a point of order, Speaker, on the question of relevance, the Premier so far has been speaking about anything but the substance of the question asked by the Leader of the Opposition, which related to the Allen report's capability review recommendations. I ask you to bring him back to answering that question.

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

**Mr ANDREWS** — I have been very clear. Every member of this government, whether it be ministers, parliamentary secretaries, local members — each and every one of us strives every day to deliver on our promises and to improve and be better for the great people of this state. If that is not delivering, I do not what is. For those opposite to be on about capability, in the first instance they have not got any, and in terms of being reviewed they were reviewed into opposition where they belong.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — Given the Premier was so quick to launch a capability review into Adem Somyurek's office, can he advise the house given the V/Line, Metro, Uber, sky rail, train and tram strike fiascos, why not one has commenced into the Minister for Public Transport's office?

**Mr ANDREWS** (Premier) — I do very much thank the Leader of the Opposition for his question. I would just say to the Leader of the Opposition that when I wished him a good holiday and a happy Christmas at the end of the year, I could only have dreamt that he would have literally have spent the last eight weeks doing nothing except for drafting pathetic questions like that. If that is the best he can do, he should keep them coming.

**Mr Guy** — On a point of order, Speaker, it was a very simple question about why is there no capability review into the failed current transport minister?

*Honourable members interjecting.*

**The SPEAKER** — Order! Government members and opposition members! The Premier will come back to answering the question.

**Mr ANDREWS** — Speaker, nor will getting angry advance their argument or make it any more worthwhile or give it any greater credence. Those

opposite have spent the summer on banana lounges drafting questions like this.

**Mr R. Smith** — On a point of order, Speaker, you directed the Premier to come back to answering the question. He has defied your ruling, and he needs in the last 18 seconds to be brought back to the substance of the question, as you have already told him to do.

**The SPEAKER** — Order! The Premier to return to answering the question.

**Mr ANDREWS** — As I said, every member of the government regardless of position is committed to delivering on all of our commitments and improving and getting better every day in the service of the great people of this great state and not sitting on a banana lounge with a drink with a little umbrella in it drafting this sort of dross questioning.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. The Premier has concluded his answer.

**Mr R. Smith** — On a point of order, Speaker, on two occasions during the Premier's answer you directed him to come back to answering the question as it was asked. In the last 18 seconds that the Premier had he only repeated what he had already said. So I put it to you, Speaker, that that is good grounds for you to ask the Premier to provide the house with a written response to the supplementary question.

**Mr Andrews** — On the point of order, Speaker, I was asked about capability, and I have answered about continuous improvement and capability. I have answered the question in full accordance with the standing orders. The fact that the opposition leader does not like the answer is more a reflection on him than on the quality of the answer.

**Mr Pesutto** — On a point of order, Speaker, the Leader of the Opposition's question went to the capability review which the Premier himself commissioned and which Chris Eccles returned with specific recommendations that the Premier said he would adopt, including a recommendation that all ministers and parliamentary secretaries over time would be subject to capability reviews. It is a simple yes or no answer. Have the disgraceful failures and incompetence of the transport minister been subject to a capability review? It is disgraceful. Sky rail, V/Line, train strikes, tram strikes, the list goes on. There are — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I remind the member for Hawthorn that interjections in other languages, as he just did in Italian, are welcome in our multicultural Parliament; however, they are disorderly. The member for Hawthorn has concluded. If there no additional points of order, the Chair will give himself the benefit of the doubt, review the response and come back to the house.

### Ministers statements: employment

**Mr PALLAS** (Treasurer) — I rise to update the house about the Andrews Labor government's achievements in creating jobs for Victorians. This is great news story for Victoria. This is a government that works hard for all Victorians.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer will be heard in silence.

**Mr PALLAS** — I am sure I have the undivided attention of the National Party, because for regional Victoria the story is outstanding. And on the Back to Work program, there is great news on that too — an exponential update. In December 2015 regional Victoria saw 13 000 additional full-time jobs created. Let us compare that to the four years in government of the previous hopeless mob. They managed to get 5500 full-time jobs in four years. In one quarter we created 13 000 full-time jobs. That is what action looks like.

Look at this in the context of regional unemployment, which is now at 5.4 per cent, the lowest in the country, and down from 6.6 per cent when we came to government. Places like Geelong have gone from 8.2 per cent down to 3.6 per cent. Shepparton has gone from 7.8 per cent down to 6 per cent. Hume has gone from 5.8 per cent down to 4.1 per cent. Lowan has gone from 5.6 per cent down to 4.4 per cent. South West Coast has gone from 6.7 per cent down to 3.2 per cent.

These are more than just numbers; these are regional cities being given a new energy. They are essentially developing and continuing the commitment that this government has made with regard to our \$200 million Regional Jobs and Infrastructure Fund and our Back to Work program. This is this government backing up actions with concrete initiatives that are working for Victorians.

**RULINGS BY THE CHAIR**

**Constituency questions**

**The SPEAKER** — Order! I have reviewed yesterday’s constituency questions as requested by the member for Burwood. As a consequence of that review, I rule the questions raised by the members for Ivanhoe and Oakleigh out of order as they were not framed in the correct manner.

**Ms McLeish** — On a point of order, Speaker, 11 weeks ago on 25 November 2015 I directed a constituency question to the Minister for Energy and Resources. To date she has failed to respond. I would appreciate it if you would follow that up.

**The SPEAKER** — Order! The Chair will follow up that matter for the member for Eildon.

**Mr R. Smith** — On a point of order, Speaker, I draw your attention to sessional order 12, which requires ministers to respond to questions on notice within 30 days. I have an outstanding question to the Minister for Industry. The question is now 84 days overdue. For the minister’s reference, it is question 3639. This particular question goes to the government’s much-hyped Future Industries Fund.

The question asks the minister how parts of this fund have been allocated to the various industries the government has identified as being growth industries. The government talked a lot about it up to a year ago, but certainly has not said much about in the last six months. My constituents, and indeed, more broadly, Victorians and stakeholders, would like to know the answer to this question. In accordance with the sessional order, I do ask you to follow this up, with this question now being 84 days overdue.

I am not sure that the minister has done a whole lot, frankly, over that last 84 days, but she has certainly not responded to this question. As I say, the Future Industries Fund is a major part of her portfolio. Her reluctance to provide answers around it is certainly an indictment of the minister and the government more broadly, one that came to government on the basis of being more transparent.

**The SPEAKER** — Order! The member for Warrandyte has explained his point of order at length — sufficiently at length — and I have every confidence that the member for Warrandyte is capable of making his point of order a lot more succinctly. The Chair will follow this matter through for the member for Warrandyte.

**CONSTITUENCY QUESTIONS**

**Warrandyte electorate**

**Mr R. SMITH** (Warrandyte) — (Question 6752) My constituency question is directed to the Minister for Families and Children. A constituent of mine, Mr Corstorphan, has recently experienced a significant house fire, which has left him, as you can imagine, in some difficult circumstances. On coming to me for help I referred Mr Corstorphan to the personal hardship assistance program, which, and I quote, ‘is available to assist households after house fires’. Since Mr Corstorphan subsequently had great difficulty in finding anyone from the Department of Health and Human Services (DHHS) who could help, I offered my assistance. After being given three different phone numbers by DHHS staff over the last 24 hours, and leaving messages that have never been returned, I understand Mr Corstorphan’s growing frustration.

My request for information from the minister is as follows: what is the process that Mr Corstorphan has to go through, and has to follow, in order to be assessed for eligibility for this program?

**Sunbury electorate**

**Mr J. BULL** (Sunbury) — (Question 6753) My question is for the Minister for Sport. Members will be aware that the Premier’s Active April program is fast approaching. I talk at many school assemblies about Active April, and I participate in it myself. I ask the minister: how many people across the state participated in Active April last year, and what are the benefits of such participation?

**Murray Plains electorate**

**Mr WALSH** (Murray Plains) — (Question 6754) My constituency question is to the Minister for Education on behalf of the school communities of Echuca South, Echuca West and the Echuca Specialist School. These three schools are going to be co-located on a new greenfield site and previously met with the minister to brief him when their masterplan was finalised. Following positive feedback from the minister, the schools have been working on the next step with the architects, which is the schematic design. This has now been signed off by the department and the schools. There is a desperate need for this new school, particularly by the Echuca Specialist School, and on behalf of these three schools I seek feedback from the minister as to opportunities for this to be funded in the May budget.

**Eltham electorate**

**Ms WARD** (Eltham) — (Question 6755) My constituency question is to the Minister for Health. What is the latest on the time line for the redevelopment of the Eltham ambulance station in my electorate? I ask this following a very strong community campaign led by me in my electorate last year. The government committed to an upgrade of the Eltham ambulance station on Main Road, Montmorency. This is an old station which no longer meets the needs of the paramedics who care for my constituents or those of my community and those across the northern suburbs.

**Nepean electorate**

**Mr DIXON** (Nepean) — (Question 6756) My question is to the Minister for Environment, Climate Change and Water. I refer to the recent investigation that was undertaken by Advisian on the wave modelling and monitoring at Portsea front beach. Following the now completed investigation, a series of treatment options will be put out to tender. Can the minister advise what the time line is for those options to be considered?

**Frankston electorate**

**Mr EDBROOKE** (Frankston) — (Question 6757) My question is to the Minister for Mental Health. Many constituents within my electorate of Frankston have highlighted to me the ever-growing need for services for mental health patients. Last year the minister visited my electorate and we attended headspace, which is a youth service providing early intervention mental health services for 12 to 25-year-olds. Having the minister visit was great so that he could see the purpose-built and designed spaces with input from young people, making a more comfortable and relaxed environment for the people they service. Recently I went on a tour of 2 West, the mental health ward at Peninsula Health. I heard firsthand from the hospital workers about the need for services at all stages of intervention, and I am eager for the minister to visit my electorate again. I ask: when will the Minister for Mental Health visit my electorate to discuss mental health services?

**Prahran electorate**

**Mr HIBBINS** (Prahran) — (Question 6758) My constituency question is to the Minister for Public Transport, and I ask: what investment options have been considered by Public Transport Victoria to improve South Yarra station? South Yarra station is struggling to serve over 13 000 commuters each day.

Inaction by successive governments has resulted in a congested single entrance, overcrowded trains and unsafe pedestrian crossings. An interchange with Melbourne Metro rail project has been left out, despite the overwhelming support of residents for its inclusion. Leaving South Yarra out of Melbourne Metro first occurred under the previous Liberal government in 2011 before it scrapped the whole project and announced its flawed Melbourne rail link idea.

It is disappointing that the Labor government has continued the previous government's decision to exclude South Yarra from Melbourne Metro, which will result in longer journey times for commuters who use South Yarra and a loss of connectivity. Each day thousands of pedestrians have to cross Yarra Street at an uncontrolled crossing; commuters pour off and on the Toorak Road tram; bikes bank up on the station railing; there is a crush at the station entry and exit point; and the overcrowding data obtained by the Greens show trains running on the Sandringham, Frankston and Pakenham lines are chronically overcrowded.

**Niddrie electorate**

**Mr CARROLL** (Niddrie) — (Question 6759) My constituency question is to the Minister for the Prevention of Family Violence, and I note the minister is at the table. I also note that I am asking this question on the first United Nations International Day of Women and Girls in Science. I ask: how can my constituents have input into the Victorian government's development of a gender equality strategy for Victoria, which was recently announced by the minister? I understand the strategy will guide actions and priorities for the government to work alongside the community towards a common goal of equal social, civic and economic participation for women in society. I look forward to seeing the minister's answer so I can pass it on to my constituents advising how they can have an important role in the development of this very important gender equality strategy for Victoria.

**Bass electorate**

**Mr PAYNTER** (Bass) — (Question 6760) My constituency question is to the Minister for Police. The residents in Pakenham and the users of the Pakenham railway station are asking when the minister will fund CCTV surveillance cameras in Bourke Park, Pakenham, as a matter of urgency. Despite the coalition's previous funding of \$250 000 to beautify the park in 2013, there have been a number of violent incidents in broad daylight. The coalition's revitalisation of the park included extra lighting and

shade et cetera. Bourke Park is located directly across the road from the Pakenham train station and has become a meeting place for people taking part in antisocial behaviour, vandalism, illicit drug use and assaults. There has been ongoing concern from the community after a number of thefts and assaults. The community just want to be safe and know that if there is an incident, there will be evidence on CCTV footage.

Will the minister work in partnership with the Cardinia Shire Council and fast track the installation of CCTV cameras in and around Bourke Park, Pakenham?

### Narre Warren South electorate

**Ms GRALEY** (Narre Warren South) — (Question 6761) My question is to the Minister for Roads and Road Safety and concerns vehicle registration, and I ask: what information regarding an option to pay for their vehicle registration in instalments can the minister provide to motorists in my electorate? I am constantly contacted by local residents who are finding it increasingly difficult to pay their vehicle registration in one lump sum. I have been on this case with numerous ministers over a few years. It can be especially difficult for local families who own multiple vehicles and face paying over \$1500 in registration fees each year. Many highlight that they are able to pay for a range of bills, including their utilities bills, in monthly or quarterly instalments. All agree that being able to pay by instalment for their vehicle registration would be a huge help. So many within my electorate drive to work each and every day, and they rely on their cars and payment plan. They are asking if they can pay for their registration by instalment because this would make a significant difference in their lives.

## ACCESS TO MEDICINAL CANNABIS BILL 2015

### *Second reading*

#### **Debate resumed.**

**Mr WAKELING** (Ferntree Gully) — Prior to question time I was addressing some of the concerns raised by the Cancer Council Victoria with regard to practitioner medicinal cannabis authorisation and the power to suspend or cancel, where it identified that:

We note that clause 85 permits the health secretary to suspend or cancel a practitioner medicinal cannabis authorisation at any time 'if satisfied that it is appropriate to do so in all the circumstances'.

It goes on to say:

Cancer Council questions whether more detail might be required to clarify the purpose, scope and processes attached to this power, including in relation to the grounds on which such a decision might be made, the maximum length of time of any suspension and the possibility for review of a decision made pursuant to this clause.

The bill does not appear to provide for the possibility of a review of a decision made under clause 85 (beyond existing judicial review avenues), in contrast to the review options regarding decisions made about licenses (part 11) Further, clause 85 does not require that notice of suspension or cancellation of a practitioner medicinal cannabis authorisation be provided in writing ...

In closing my comments, I do note that the coalition has indicated that it will not be opposing the bill before the house. However, there have been a series of questions raised by various bodies within the community. These are important questions. This is a new area of legislation. I appreciate and understand the manner in which this government has sought to bring this legislation in, on the back of the Victorian Law Reform Commission, but I do note that given that there are still concerns, I believe it is incumbent upon the next speaker or in fact the minister — if the minister has the opportunity to go into consideration-in-detail on this important bill — to provide an overview and, more importantly, an explanation in relation to the concerns that I have raised in regard to the bill before the house.

**Ms THOMAS** (Macedon) — It is indeed my great pleasure today to rise to speak on the Access to Medicinal Cannabis Bill 2015. In doing so I expect to address a number of the issues that have been raised by the member for Ferntree Gully.

Before I start, Acting Speaker McCurdy, I want to tell you about a little girl whom I have had the pleasure to meet on a number of occasions. Her name is Tara O'Connell, and she lives in Mia Mia, just outside my electorate. Her parents, Cheri and David, are people I know as they are a driving force behind the Kyneton Caring Community, a community organisation that delivers emergency relief and a food bank in my community. I first met Tara's mum, Cheri, at the front of Woolies, when I was campaigning and Cheri was selling sausages, as she often is on a Saturday morning, raising the money to support the Kyneton Caring Community. Cheri told me about the difference that cannabis oil was making for her little girl, Tara.

Tara has Dravet syndrome, and for those of you who are not aware Dravet syndrome is also known as severe myoclonic epilepsy of infancy. It is a rare and catastrophic form of intractable epilepsy that begins in infancy. It is a debilitating, lifelong condition that can severely impede the quality of life of the patient. Patients experience frequent seizures, poor seizure

control and developmental delays. Initial seizures are most often prolonged events, and in the second year of life other seizure types begin to emerge. What Cheri told me is that Tara was having more than 100 seizures a day and required resuscitation many times by her parents, but since accessing cannabis oil Tara had been seizure free.

I know that the Premier and the Minister for Health have been deeply moved by the suffering of children like Tara and also Cooper Wallace. I would like now to acknowledge Cooper's parents, who are in the gallery today. Cassie Batten and Rhett Wallace have been on an incredible journey not only with their little boy, Cooper, but also with the government, working with us on the development of this very important piece of legislation. It is for children like Cooper and children like Tara that this government has taken decisive action to enable access to medicinal cannabis, in the first instance for children suffering severe epilepsy, from early 2017. I put on the record that for Cheri this feels like a very long time away for her daughter, Tara, but this government is taking those first important steps. We have to get this legislation right, and we will continue.

It is at this point that I want to address a few of the issues that were raised by the member for Ferntree Gully, and I might note that if opposition members had looked a little more closely at this important, life-changing legislation, they would have seen that a number of concerns they had raised will be addressed. What we are putting before the Parliament with this bill is a comprehensive framework that will ensure patient access to a safe and legal product.

There is no getting away from the fact that this is a complex task, and it has required the Minister for Health, the Minister for Agriculture and indeed the cabinet to work assiduously to bring this piece of legislation to the house today. It is for these reasons that it will be some time — indeed the beginning of 2017 — before a safe, legal product is able to be administered to children like Cooper and Tara. What we are proposing here is much more than just cultivation; we are proposing is a brand-new system aimed at giving people a chance at accessing a medicine that will make them better.

We have welcomed the legislation that was introduced this week by the commonwealth insofar as it supports our legislation and will allow us to cultivate and import seeds with a greater level of ease. However, we need to be clear: there are a number of things the commonwealth legislation will not do. The commonwealth legislation does not put product into

patient's hands. It does not allow the administering of medicinal cannabis by family members or carers. It does not provide the person writing the prescription or dispensing the medicine with legal certainty and protection, and it does not provide a framework for who is eligible to access medicines and how that eligibility will be determined.

Our bill does all of these things, and that is the reason it is so important that we progress it through this house and through the other chamber. We will amend our legislation when and if the commonwealth legislation passes, but we will not wait for that to happen. This legislation is part of a pre-election commitment that we made to the people of Victoria, and we will not be hamstrung by the commonwealth when it comes to delivering on this very important election commitment — one that means so much to so many in our community, including the Wallace family. There are a number of processes in the federal government that must be cleared before its bill will become law, and it still has quite a long way to go.

As I said, the bill implements our election commitment by legalising access to locally manufactured medicinal cannabis products for use in exceptional circumstances. Our commitment is built on the strong view that no family should have to choose between breaking the law or watching their loved ones suffer.

We are a government that is committed to keeping its promises. The Access to Medicinal Cannabis Bill 2015 is an enabling bill which will be further supported through regulation. The bill will enable the manufacture of quality-controlled medicinal cannabis products. It will license cultivators and manufacturers of medicinal cannabis products, authorise medical practitioners to treat patients as part of the medicinal cannabis scheme and authorise medical practitioners to treat patients on a case-by-case basis when those patients have exceptional circumstances which are outside of specified conditions and symptoms.

The bill before the Parliament is the realisation of the scheme recommended by the Victorian Law Reform Commission (VLRC). We have been very diligent and comprehensive in the way in which we have approached the development of this legislation. We are now presenting a comprehensive scheme to provide eligible patients access to a product that is safe, legal and reliable.

We are committed to implementing this scheme through a phased approach, and I note that those on the other side of the house have struggled with what implementation in a phased way might mean. Our

phased approach is essential to ensure patient access to quality and efficacious medication, the key tenet of this legislation and our policy. And as those opposite would be well aware — because the former government did not support this policy in office, limiting itself to consider trials only, which it did not pursue — there is not currently a framework to cultivate cannabis for a medicinal purpose. There is also currently not the expertise necessary for manufacture and extraction for medicinal cannabis at scale in the forms identified in the VLRC report. As such, the first phase of our scheme is the implementation of a cultivation and extraction trial which is to take place at a facility owned by the Department of Economic Development, Jobs, Transport and Resources. This is an important step to ensure a range of quality, bespoke products fit for different patient cohorts.

From 2017, during phase 2, the first patient group will be able to access medicinal cannabis oil. This will be, as I have previously pointed out, children with severe epilepsy. We will be doing all that we can to ensure that these children gain access to a safe product. During this period, we will also be issuing research licences for cultivation and manufacture to allow industry to gain the expertise necessary to produce medicinal cannabis in a regulated market.

It is important to understand the purpose of the phased approach when it comes to patient eligibility. It simply will not be possible for all patients identified as potentially benefiting from the use of medicinal cannabis to access it on day 1. I make the point in conclusion that if those on the other side of the house had not squandered their four years in government and actually taken some action to address this issue, we would be further advanced today. This is a really important bill, one that I wish a speedy passage through this and the other house. I commend it to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution on the Access to Medical Cannabis Bill 2015. The Nationals in coalition are not opposing this bill. The purpose of the bill is to provide for the medicinal use of products derived from cannabis by establishing a scheme for the supply to and treatment of Victorians with specified conditions with approved medicinal cannabis products of reliable quality and known composition where that scheme preserves the prohibition of unlawful trafficking, cultivation, supply and use of a drug of dependence. The bill also provides for the lawful cultivation and manufacture of cannabis for medicinal cannabis products.

I note that the previous speaker wisely counselled that this will not be immediately available. It is going to

take until 2017, which gives some time for some additional issues to be considered. I also note that in 2014 the coalition introduced legislation on this issue. It passed in the upper house but did not get debated in the lower house due to the election.

We now have the legislation before the house, and it is a complex process because we are going outside the normal stream of things that are to be done. It is probably worth briefly spending some time on the practicalities of this bill because it involves a number of secretaries and departments providing authorisation. It needs to have protections in it to make sure that people are getting a quality product, which is the efficacy issue — efficacy issues are raised as well — and there will be a need for a licence for people to grow, to manufacture and to distribute it.

Cultivation will require the importation of cannabis seeds from an established source, and I note that commonwealth legislation has been introduced and will be debated in 2017. At this time we also need to be aware that this bill will no doubt need to be amended at some time in the future when the commonwealth has completed its processes. In the cultivation stage you have to have the legal trial of the horticulture, then the cannabis needs to be extracted and processed. It then needs to be put into a form that can be used as medication, and that includes distribution. Eligible patients then have to be assessed before being prescribed with the drug. The medical profession will be involved through physicians, and then there will be, as I said, the final stage when the drug will be available through a hospital or a pharmacy.

I will talk a little about the role of the medical fraternity, which is guided by the principle of ‘Do no harm’. That is an area that needs some reflection, because what we have decided to go through here is a political process ahead of a clinical process. That does bear some discussion and falls very much under the heading of efficacy of medical cannabis. I am going to refer to a briefing note put together by the parliamentary library. I thank the library for that briefing; it is a very thorough piece of information and well worth a read.

We need to go into this with everybody involved in this step having their eyes wide open and realising that since this is a political process, not a clinical process, the trial is an open-label trial. So we need to understand the difference between a clinical trial and an open trial — that is, that there is no placebo in an open trial so that everybody is involved, and this makes some of the evaluation more difficult.

On the efficacy of medical cannabis, there is an expanding body of evidence on the efficacy of cannabis for certain medical conditions. However, some commentators have questioned the quality of the research currently available. Evidence for the potential of cannabis in the treatment of various conditions does bear some discussion. On the area of what research was available and the efficacy, I did ask a question of the Victorian Law Reform Commission over the legal liability issue. Because under that principle of 'do no harm' and without the long-established clinical trials to provide some indemnity, and not going through the normal process with the Therapeutic Goods Administration and so on, there is an issue of liability because if there is a side effect, then who is going to bear that liability? That question was answered in the briefing — that it will be borne by the physician or the doctor was its consideration. However, I do note that those comments were made some months ago, and the medical profession has been publicly silent about this risk. Perhaps there is something I have not seen or understood about this issue.

There are many uses for the cannabinoids that come out of cannabis, and the one that we are focussing on with this legislation is of course epilepsy. However there are others, such as multiple sclerosis, chronic pain and for treatment of cancer and HIV/AIDS. I refer to the fact that a Cochrane review in 2014 found that 'no reliable conclusions' could be drawn regarding the efficacy of cannabinoids as a treatment for epilepsy. That does not mean it does not work; it means the reliability of the conclusions is something that has been flagged. Also, a systematic review of the efficacy and safety of medicinal cannabis on neurological disorders, including epilepsy, was published by the American Academy of Neurology in 2014. It found that the efficacy of oral cannabinoids in epilepsy is unknown.

Further, Epilepsy Australia takes a very cautious approach by saying that some of the evidence is anecdotal. New South Wales, Victoria and Queensland are participating in trials of various standards, whether they are open trials or clinical trials, and they are getting underway this year. To be fair, the Victorian Law Reform Commission concludes that there is emerging research to support the effectiveness of cannabis in relieving the symptoms of epilepsy, particularly juvenile epilepsy.

There are, again, some concerns, and we must always remember that in the medical profession there is an approach of 'do no harm'. We do need to be compassionate about what we are doing here, and we do understand the needs. However, we also need to understand that there can be some risks. There are

always side effects, and we have got to manage those side effects of medicinal cannabis. Certainly, to be fair, there was in 2008 a review of medicinal cannabis conducted, which showed that short-term cannabis use did not increase the risk of serious side effects. But it was about short-term use, and what we are looking at now are going to be lifetime uses. So it is going to be very important how we structure that long-term trial, since it is an open trial, not a clinical trial, to make sure that we are doing no harm.

It has been a long and difficult process for many with this legislation, and I think it is only the first step in what is going to be a long path in dealing with this. We need to be cautious, we need to be careful, because it is young people's lives that are at risk here, particularly with juvenile administration. With that, I think we will be back working on this in the future. It is very important, and we are going to have to monitor this very carefully. I think we will probably have to rely on things that we are taking a leap of faith in — a political process — as to where this might end, with some long-term liability concerns.

**Mr McGuire** (Broadmeadows) — Victoria has a proud reputation of leading the nation and being internationally recognised for its research in medicine and on all of these developments. I mean, we do not wait for the federal government, we lead. This is the point. This is the proud tradition of Victoria. If you look at where are the leading medical research centres, you see there are three key cities. You look at Boston, with the prestige of Harvard and Massachusetts Institute of Technology; you look at London, with the Imperial College London and Cambridge nearby; and then you look at what we have here in Melbourne, with the Parkville precinct, centred around the University of Melbourne, and all the other medical research institutes in that cluster, two of them based on Nobel Prize winners and their work. Then we have the Monash centre in the south, based on Monash University and CSIRO, connected by Innovation Walk.

These are some of the leading centres in the world, and medical research is one of the key reasons why Melbourne matters. And why the Labor Party matters is that it backs this and it leads in this. The Premier has a long and distinguished career and history in this, going back to when he was the health minister; and the current health minister, the member for Altona, likewise. What we are trying to do from the government perspective is look at where are our assets and our opportunities and how we create them. We are doing this for the reasons that are defined. It is about people's health: what do we do to actually relieve pain and give them a better quality of life? This is a critical

breakthrough that Victoria has made. It is the Australian government that is following us.

Let us put it in context. It was in December last year that the Andrews government introduced the Access to Medicinal Cannabis Bill 2015 in this house. In doing so, the Victorian government became the first Australian government to introduce a bill to legalise medicinal cannabis through a state-based scheme. The bill establishes a medicinal cannabis scheme in Victoria, including the cultivation, manufacture and distribution of medicinal cannabis products. The Andrews government intends that children with severe epilepsy would be the first patients to access the medicinal cannabis scheme from 2017.

I refer to the Minister for Health's second-reading speech. She highlighted the conflict faced by families who seek to treat their epileptic children with medicinal cannabis, despite it being illegal. I quote the minister. She said:

Too many parents are turning to the black market out of desperation to obtain medicinal cannabis to alleviate their pain and suffering.

The law needs to change, because families should not have to make the choice between obeying the law and treating their children.

That is the critical issue that Victorian Labor has addressed and is acting on. The research note provided by the parliamentary library states:

The bill enables the Victorian government to prescribe other eligible patient groups to access medicinal cannabis products on a date to be proclaimed.

The expectation is that that will be in 2018. It continues:

In line with an election commitment and recommendations of the Victorian Law Reform Commission ... it is intended that medicinal cannabis products would not be made available in a form that could be smoked. The bill also does not remove the prohibition on cannabis used for non-medicinal purposes. The health minister stated that 'the access to medicinal cannabis bill will relieve people's suffering and change lives across this state'.

That is a direct quote. I make that reference from the research note provided by the parliamentary library as an independent source as well.

This is the proposition that we have. To go to what the member for Ferntree Gully said, some of the issues he raised, the point is: we are not waiting; we are getting on with it. We are taking the lead. That is the first proposition. There will be other issues raised by the Australian government, which has stated that it now

wants to come in behind Victoria. Okay, that is fine. Let us look at how this can be addressed.

But what this bill is is a comprehensive framework that will ensure that patients have access to a safe, legal product. This new system is all about giving people access to a medicine that will make them better. We welcome the introduction of the legislation introduced by the commonwealth government, because it supports our legislation and will assist us to operate in a clear way; but let us actually look at the hurdles that they face, because there are a number of issues with the commonwealth's legislation.

The commonwealth's legislation does not put product into the patient's hands. It does not allow the administering of medicinal cannabis by family members or carers and does not provide the person writing the prescription or dispensing the medicine with legal certainty and protection, which of course they want to have. It also does not provide a framework for who is eligible to access medicines and how that eligibility will be determined. Our bill does all of these things, and this is why we must proceed with it. So, forget that issue of why we should not; that is being addressed, and there are the facts of the matter. This is the argument on why we need to go ahead with this right now.

We will amend our legislation when and if the commonwealth legislation passes the federal Parliament, but we cannot wait for that to happen. There are a number of processes in the federal Parliament that must be cleared before the bill will become law, and they still have a long way to go; that is the political reality. We made a clear commitment to the families of children with epilepsy that we would be providing them with safe legal product by early 2017, and that is why we are forging ahead. We cannot do that if we do not have this legislation in place, so that is the fundamental proposition.

Our scheme is about much more than just changing laws to grow and manufacture medicinal cannabis. The scheme is about creating a comprehensive framework that facilitates access for the people who need it. We will amend our legislation if and when it is required, but we must move forward in order to ensure that we are acting in the best interests of Victorians. I want to add to this the proposition about what is happening with the bigger picture in Victoria and about groundbreaking international clinical trials for new medicine to treat paediatric patients with epilepsy.

I had the pleasure as Parliamentary Secretary for Medical Research to join the Premier and the Minister

for Health recently at the Austin Hospital to announce international clinical trials investigating whether the medicine would be effective in treating certain types of childhood epilepsy. The medicine is made from a synthetic version of a therapeutic compound usually found in the cannabis plant. Then, with trials to investigate appropriate dosage for a small group of patients, it really brought home the significance on a personal level of what happens.

One of the families there was the Johnson family, and young Nicholas is 14. He has so many seizures daily that when the media asked him how this would change his life and what was the first impact it would have, he said, 'I hope I am able to sleep'. That is all he wanted, to get a good night's sleep. He cannot get a good night's sleep because he has so many seizures, far less being able to get a better education, play sport, have a greater opportunity in life — and that is what we are addressing. As fate would have it, his father turned out to be someone that I coached in football when he was about the same age. We have not seen each other in that time since. Young Johnno, as he was known then, was a great footballer; so we hope that his son will be able, through these trials, to get some sleep, get a better education and have a sporting chance in life.

That is why we are not waiting; we are going to get on with it. Victoria will drive and be the leader. We will make sure that this is done in the right way and, to add to the member for Macedon's explanations as well and just to answer the questions raised by the opposition, we want to make sure that in the scheme's third phase regulation will enable industry to develop products that will support an expanded patient cohort. Just to go to this proposition, the bill allows for the development of regulations to define other eligible patient groups. Patient eligibility will be considered by the Independent Medical Advisory Committee, and future changes to regulations are to be made based on best available medical research and the following consideration of the committee's advice.

As a starting point, the Independent Medical Advisory Committee may consider the other patient groups that were recommended in the Victorian Law Reform Commission's medicinal cannabis report. These include patients with severe symptoms associated with epilepsy, including adults, multiple sclerosis, cancer, HIV/AIDS and chronic pain. The Access to Medicinal Cannabis Bill 2015 also allows medical practitioners to apply for a patient medicinal cannabis authorisation for patients who do not otherwise meet the eligibility criteria. These applications will be considered on a case-by-case basis.

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

**Mr HIBBINS (Pahran)** — I rise to speak on the Access to Medicinal Cannabis Bill 2015, and the Greens will be supporting this bill because we strongly support this reform to make medicinal cannabis legal and safe, in much the same way other medications are. The Greens, like many people across this Parliament here in Victoria, federally and across other states, understand the benefits that medicinal cannabis can provide. For too long the legal constraints and stigma associated with medicinal cannabis and the stigma with cannabis in general as an illegal drug has meant that children with epilepsy and people suffering the effects of cancer and the treatment that comes with cancer have had to go on suffering unnecessarily. Alternatively they have had to purchase medicinal cannabis products through the black market, and they are unregulated and unprescribed, meaning the quality of the product cannot be assured or the dose levels that are required are unknown. In some places you have sick people and their families facing the prospect of prosecution or questioning by the police or departmental authorities.

The Greens have always supported a compassionate and evidence-based approach to medicinal cannabis, and we are very pleased that this legislation has come before this Parliament. This bill permits the government to take carriage and oversight of the rollout of access to medicinal cannabis over the years as the industry establishes itself. This, we hope, will provide relief to people suffering from a range of conditions, and appropriately the bill prioritises those children suffering from severe epilepsy for whom there are no alternative treatments and who are in significant need.

We look forward to the government expanding access to medicinal cannabis for other conditions as production comes online and the evidence base grows. We are also pleased to note that there are exceptions or an allowance for exceptional circumstances that would enable someone with a specific condition to access medicinal cannabis where there is no reliable scientific research but for which it is likely to help, which is a sensible approach.

In terms of the product, we welcome the government's approach to medicinal cannabis products, which we believe will consolidate medicinal cannabis as a legitimate, reliable and appropriate medication for all Victorians. It will be processed to ensure its quality and consistency, to ensure the reliability of the effective agents in the medication and to minimise the psychotropic agents that are otherwise available in raw cannabis. This product will be prescribed by specialist

doctors in appropriate doses for particular conditions, after which people will be able to purchase it through pharmacies, with this being overseen by GPs. This is essential to ensure that it is treated like any other medication that has been prescribed and that has been scientifically proven to treat a particular condition.

In terms of the Independent Medical Advisory Committee, we welcome the establishment of this committee to guide the rollout of the drug to treat various conditions. It is important that the use of medicinal cannabis is backed up by science as it becomes available so that we have the confidence of the community, as we do in relation to other products such as those derived from medicinal poppies.

We welcome the price cap on the sale of medicinal cannabis and the government's control of sales within the supply chain. As pharmaceutical benefits scheme subsidies are not available for medicinal cannabis, this price control is essential to ensure that the product is affordable and that consumers are not driven back to the black market due to cost issues.

In terms of the Victorian Law Reform Commission's recommendations in relation to eligibility for the use of medicinal cannabis, eligibility was recommended for people with severe muscle spasms or severe pain resulting from multiple sclerosis; severe pain, nausea and vomiting; wasting resulting from cancer, HIV or AIDS, or the treatment thereof; severe seizures resulting from epileptic conditions where other treatment options have not proven effective or have generated side effects that are intolerable for the patient; and severe chronic pain for which, in the view of two medical practitioners, medicinal cannabis may in all circumstances provide pain management that is superior to what can be provided by other options. We are a bit concerned that the government has not fully made clear its intentions in relation to this recommendation and the time frames for access. We understand that eligibility in respect of these and other conditions will be defined by the minister at a later stage, perhaps in 2018. Certainly we will be seeking further clarity in relation to this.

I will make a point also about the regulations. This legislation allows the minister to set a very wide range of regulations in relation to medicinal cannabis, and at this stage we have limited information regarding the government's intentions in relation to the product range, the labelling, the packaging, the advertising and a range of other aspects over which the minister would have regulatory powers. We would certainly like some more detail from the government in regard to its intentions in these particular areas of regulatory control.

As has been detailed by previous speakers, there are federal actions in this area, and this legislation finds a way through the federal and international legal restrictions to create a new Victorian industry. The legislation does this together with some federal reforms that I understand will allow this industry to move ahead unimpeded in Victoria. The federal Greens, including Victorian senator Richard Di Natale, have been leading the way. They introduced a private members bill to create a national regulatory body for the governance, manufacture and sale of medicinal cannabis. However, the federal government is pursuing its own legislation, which is a national licensing scheme for the cultivation and manufacture of medicinal cannabis. That is only the first step, with much more to be done to ensure medicinal cannabis products can reach the hands of those who need them.

To conclude, the Greens are very pleased to see this legislation in Parliament. It will help so many who are suffering from health issues, and we look forward to a sensible, evidence-based approach to the area of medicinal cannabis and to wider drug law reform in the future.

**Mr EDBROOKE** (Frankston) — It is a great day indeed to find myself rising to speak on this historic bill, the Access to Medicinal Cannabis Bill 2015. I note what the member for Prahran has said, and the Greens obviously think they are leading the way on this. I will quote from a Greens policy document:

While the other parties have neglected the issue, the Greens have long supported legalising medicinal cannabis. Now, finally, the old parties are catching up.

I could barely wait for the Greens to take credit for this one as well and stick their triangle on it. It is just a disgrace. We will put that policy document where it is meant to go, over there.

This bill is an Australian first, and it shows some very, very clear thinking. Today we will hear from many, many people about the many and varied facets of this bill. I would like to focus on the reason why this legislation is providing fair access and how it will change many lives. The Access to Medicinal Cannabis Bill allows for the lawful cultivation and manufacture of safe and reliable medicinal cannabis products to help Victorians in exceptional circumstances. Many Victorians with terminal illnesses or life-threatening conditions want to use medicinal cannabis to relieve their pain and treat their conditions, but at the moment they cannot do so legally. This is not fair, and it is not right.

I must first confess my personal interest in this subject. In 2001 I was posted to Frankston fire station, where I became best friends with one of the paramedics there, Tanie Stickland. As it worked out, we had kids at around the same time, and we often caught up after night shifts at local play centres. As it turned out, Tanie's son Jonty was diagnosed with severe epilepsy, and this has really challenged her family in some very, very severe ways. It is no good me just describing their pain, so I asked Tanie to describe to me some of the issues in being a caring mother but also a law-abiding citizen at the same time. Here is what she said:

As a newborn and infant Jonty had several episodes of unresponsiveness, which now we know was undiagnosed seizure activity. He was first diagnosed with epilepsy after having a prolonged seizure as a 14-month-old ... a day that changed our lives forever. A day which thrust us and our beautiful baby boy into the world of hospitals, appointments, tests and medications, and that was just the beginning!

Despite ongoing care from his paediatrician and neurologist, Jonty's epilepsy was not under control, and by the time he was four his seizure frequency and pattern changed for the worst and he was on three anticonvulsant medications. Our happy, bright, active little boy now walked around like a zombie most of the time. Almost all of the anticonvulsants that Jonty has been on have given him awful side effects, the worst being fatigue, agitation, rashes, abdominal pain, weight loss and the one that scared us the most — suicidal thoughts. He is a little boy.

I ask members if they can imagine their child coming up to them and expressing suicidal thoughts.

Tanie continued by saying:

Jonty is 8 now, and his seizures have never been under control. He is now up to his ninth anticonvulsant medication in seven years. His neurologist is one of the most incredible doctors we have ever met. She is knowledgeable and treats only children with severe epilepsy. Jonty has her baffled. When she prescribed his last anticonvulsant medication she shook her head and said, 'If this doesn't work, I'm not sure what else we can do'. This was heartbreaking for us — despite all the knowledge, the most advanced and invasive testing, all the hospital stays, watching our boy go through so much at such a young age and we are already running out of options.

Tanie finished by saying:

He is not a candidate for surgery or a vagal nerve stimulator, anticonvulsant medication has never worked and he continues to have daily seizures. They are impacting his learning and development, and he is at risk of SUDEP (sudden unexplained death epileptic person). He is asking us, his parents, 'Am I going to die before you because I have epilepsy?'. We try and do our best day to day, week to week, year to year, but we live in constant fear of when the next big seizure is coming. At this stage the only hope for our darling boy to have a seizure-free or seizure-reduced future is with medical cannabis.

Tanie's son Jonty has severe epilepsy, and I have seen the pressure that this has put on Tanie and her family. I note that they have risen to the challenge in quite remarkable circumstances, especially given that specialists perform some of the most invasive testing I have ever seen performed on children.

This is only one story, but it is very common. In fact I work with two firefighters who have a young daughter called Harper who has Dravet syndrome. It has become a massive issue for them too, and I know they are nervously awaiting the outcome of this legislation. I believe this is a matter of walking in someone else's shoes and having some clarity around a very complex issue. Medicinal cannabis often is not based on the levels of tetrahydrocannabinol (THC), the psychoactive component that causes a high, and often is grown without THC. Medicinal cannabis is instead made with high quantities of a chemical called cannabinoid (CBD), a substance which has very different medical effects and with no recreational use qualities.

It is unfortunate in many ways — even a cruel joke — that CBD, which is the effective medical component of cannabis, is contained in the illegal marijuana plant. If it were contained in something more mundane, like aloe vera or chamomile, things would be very different, and we are addressing that problem here today.

Too many parents are turning in desperation to black market options to obtain medicinal cannabis. I think everyone in this room today, regardless of what they think about these parents, has seen suffering kids on the news, and if you are a parent, you know that their parents are making some very hard decisions. They are trying to relieve their children's pain and suffering. As I see it, parents rarely have the choice to make a decision; it is either right or wrong, and in this case both choices are wrong. The law needs to change because families should not have to make the choice between giving their kids medicinal cannabis — whatever gets them through — or breaking the law.

This is not new; it is only new for Australia. Medicinal cannabis has been available in many countries for many years, including Austria, Canada, Czech Republic, Finland and Germany. In Israel I believe they use medicinal cannabis in emergency departments. The current law is confusing and complex, and it has not kept up with the views of the community. I think this legislation redresses that.

The scheme we have settled on means the Victorian government is implementing a comprehensive scheme to provide eligible patients access to a safe, legal and reliable supply of medicinal cannabis. We are

regulating the cultivation, manufacture and supply of quality medicinal cannabis products within Victoria and ensuring that appropriate clinical oversight practices are in place, which involve medical specialists, general practitioners, nurses and pharmacists.

Can I just at this stage congratulate the federal health minister, Sussan Ley, for following Victoria's lead on medicinal cannabis, but we, especially those of us from Frankston, do not appreciate being kicked like a dog and then thrown a Schmacko. If you do not understand the irony of legislating for the provision of medicinal cannabis at a federal level while selling off Medicare and cutting frontline medical services, which are desperately needed by some of these families with very complex and expensive medical issues, I have not got the time or the crayons to help you work it out. It just proves that the federal government's bloody ears are painted on. It is incredible.

I would like to finish by saying that this is, as I said, a first for Australia, but it also shows that again a Victorian Labor government is actually at the forefront of policy, and that is something I am very proud of. We have done it before, and we are up there again.

I pay my respects to the people who have fought passionately and have been through incredible pain, and hopefully this brings them to a good end. Once you have witnessed the despair of people who are experiencing pain and chronic fitting and parents of sick children who have no choice, you know that they will do anything at all to care for their relatives, as long as the risks are mitigated, which our government is taking every measure to do with the safe, measured trial of medicinal cannabis program. I commend the bill to the house.

**Mr SOUTHWICK** (Caulfield) — It is a pleasure to rise to make some comments on the Access to Medicinal Cannabis Bill 2015. Can I say at the outset that at times as legislators in this Parliament we rise to have conflict. But there are times when we need to work together, and I think this is one of them. We have heard the contributions from the member for Prahran and from the member for Frankston, who gave a really important account of some personal stories from his electorate where people have been affected, have needed support and have needed to look at alternative medicines, such as in cannabis, to alleviate some of the pain.

I would like to say at the outset that I am somebody who has a real problem with legalising drugs. I sat on the parliamentary inquiry into ice and methamphetamines and was absolutely horrified by

some of the examples we heard about in that inquiry. I think it is important to make a point of difference as to what we are talking about here and the legalisation of drugs and the implications of that. That is why when we are talking about this we should never refer to it as medical marijuana but rather as medicinal cannabis. The cannabinoids and the cannabinoid oils, the properties of which have been used in many other places around the world, are demonstrating that there are real benefits in being able to help particularly young people. That is why it is important that we all work together and we all ensure that we are calling it what it is.

I commend the government and the federal Parliament for the work they are doing on this, as well as the previous government for starting some of that work. We need to have an approach in which we all work together in this particular area. I refer to a long history around this because it is not something that is new and there are other jurisdictions that have been involved in this. As many in this Parliament will know, I co-chair the Parliamentary Friends of Israel with the member for Footscray. Israel has been a world leader when it comes to medicinal cannabis, and the member for Frankston also alluded to that. In fact medicinal cannabis was approved in Israel by the Ministry of Health in 1992, and since 2007 there have been further programs developed and more than 20 000 patients have been serviced through these programs. It is a huge industry in Israel worth \$40 million per year, and certainly Israel has become an innovator in its field. Tikun Olam is an example of one of the largest suppliers of medicinal cannabis in Israel, and it has been doing a lot of work there.

One of the reasons I mentioned Israel and what it has been doing is that in the previous Parliament I was involved in building our relationship between Victoria and Israel through the Victoria-Israel Science Innovation and Technology Scheme (VISITS), and that looked particularly around how we could collaborate in a whole range of innovative areas, particularly the areas of health and research and development to grow industries in both areas. Now, the VISITS program is something which I believe has an opportunity to help develop this industry further here in Victoria. Victoria and Israel have a great relationship built upon the mutual understanding which has allowed us to collaborate with one another through various programs like the VISITS program, which I mentioned today.

With the right framework Victoria should determine that medicinal cannabis is safe — and who better to learn from than Israel and what it has done in the past and in some of the medical trials, some of the work and

the research that it has done in this area? It has done a lot of work on this. It is treated very much at the highest level in its clinical trials and work and is well respected throughout the world in terms of the trialling and the work that it has done there. That is one example.

I cite also the fact that an Australian cannabis tech firm has teamed up with the Hebrew University, which has happened in the last 12 months. I certainly do not want to be promoting one group over another, and I will leave it to the open market to do that — obviously we need to make sure that we have got the proper regulations in place — but there is another example where we have a company called PhytoTech, which is Australia's first cannabis tech company. It is teaming up with Yissum Research Development Company, the technology transfer company of Hebrew University, to develop breeds of cannabis with varying ratios of tetrahydrocannabinol and cannabidiol.

This is a really important area. The company has been floated now on the stock market, I believe, and is an example again of collaboration between an Australian company and a company in Israel. Why I mention that is that I had a constituent write to me only a few months back — I will not give you his last name, but Joshua wrote to me — who suffers from Crohn's disease. I will read some parts of his letter just to provide an example. He said that after many years of increasing medications such as steroids, which are really quite harmful medications, that he was trying to look at alternative ways to treat his problems, his disease and particularly the pain suffered from it. His letter states:

Since consuming in late 2012 I have successfully improved my quality of life dramatically, no longer having to inject myself fortnightly with HUMIRA (adalimumab) which I was part of the clinical trial —

trying to fix his stomach. He goes on to a whole range of quite confronting treatments that he was having before he came up with looking at medicinal cannabis. The letter states:

I would never smoke and thankfully with technology now available it is possible to consume medical cannabis in a variety of ways such as infused coconut oil, vaporisation ... et cetera.

One of the points that Joshua makes is:

... it is important that growers and suppliers are able to produce hundreds of different strains ... having educated organisations and scientists delivering to patients the correct information of effects in order to manage their symptoms ...

He talks about things like a cold and flu tablet, where you have one for night and one for day. You need to look at the different strains, and you need to look at the

different diseases and problems to try to work on this area. It is obviously quite a complex area as part of his treatment.

That is even more reason we need to have a sophisticated look at this. I suppose the most important thing here is that we make things safe. We are finding desperate families, particularly parents — and you can absolutely understand that they are looking to minimise pain and harm for their kids, as any parent would do — and unfortunately they have been restricted in terms of where they can go. The last thing that we want to see is backyard operators that absolutely have no idea what they are doing, that there is no standardisation and that there is in many ways improper treatment in the way this is produced. We need to ensure that this is safe. Most importantly we need to ensure that families and children are protected, and that is why it is absolutely important to go further in exploring this.

I will just mention that six months ago I hosted a forum in my electorate with Magen David Adom and Helen Kapalos, who is now the head of the Victorian Multicultural Commission. She produced a film entitled *A Life of Its Own*, a documentary on exploring medicinal cannabis that included a whole lot of stories which talked about the particular issues there. I look forward to seeing Helen Kapalos's documentary when it comes out — and we certainly got a great glimpse of it. The forum run by Magen David Adom really opened my eyes to the importance of legislation in this particular area.

**Sitting suspended 12.59 p.m. until 2.03 p.m.**

**Mr LIM (Clarinda)** — I rise today to speak on the Access to Medicinal Cannabis Bill 2015. Before I go to the script I have prepared, it is appropriate for me to mention — and in fact it would be remiss of me not to do so — that I come from a land where if you come from a decent family, you do not drink and you do not smoke. If a young man wants the hand of a girl in a decent family, the first question that is asked is, 'Do you drink or smoke?'. If you do those two things, you are out. So if you come from a respectable family, you do not drink or smoke.

Yet drinking grass or cannabis is very, very common. Everybody knows that and everybody does it, to the extent that it is talked about now that in cooking our people use grass in their soup. Many of you are probably not aware that people have been pointing their fingers at some of the famous soups such as pho because they use grass in them. That is why they are so good and people enjoy them. In many of our soups back home we use grass, and that is why they are so

very good and we really enjoy them. Therefore it is part of daily life and it has never been an issue.

When I came to this country some 46 years ago, I was growing up with the Beatles. In those times you heard songs about people indulging themselves by smoking. It was not really the main swinging culture; it was the fringe. People believed that it was not very good and that it was affecting people's thinking, their mental state and all that, but it had the very commonly accepted result of sedating people. People put it down to being very gentle and not very hostile, unlike what we see these days with the effects of ice and what it is doing to young people. They are becoming very violent and there are lot of deaths. We are talking about completely different effects of cannabis on people. I just want to mention that it is part of the culture of South-East Asia and people accept it as part of their lives. It grows wild, so you can just go beyond the garden and pick a few leaves and put them in soup. It is just part of cooking in fact.

We make such a big deal about this in the culture here in this country, to the extent that it has taken something like 46 years of my life to see that now we are looking at its benefits and that now we are accepting that it is good. My concern is that this should have been done 46 years ago. We should have accepted it. We should have really looked into it seriously, rather than trying to push it into the corner and trying to alienate people using it and condemning them. I am just flabbergasted in a way, but I have also come to the realisation that we have come of age and we accept that there is some good in it and that cannabis can help many, many people.

The purpose of this bill is to legalise access to medicinal cannabis for people in Victoria in exceptional circumstances, and to enable necessary entities to implement access to this scheme in Victoria. The bill will implement our election commitment to enable people in extreme circumstances to use cannabis for medical purposes. The bill also arises out of recommendations from the Victorian Law Reform Commission's *Medicinal Cannabis* report of August 2015.

Many people will be aware of some stories that have arisen over the past few years regarding some families and the dilemma they face when seeking treatment for their loved ones. In one case a child that had contracted bacterial meningitis at only four weeks old was suffering seizures that would last over an hour. The complications included brain damage and epilepsy. Imagine the trauma that a parent must go through to watch their child suffer like that. Imagine also that these

parents have been told that medicinal cannabis can ease the pain and suffering but that it is illegal in Victoria due to the current state of the law. The feelings of helplessness and frustration would also extend to the doctors and nurses that are required to communicate this information.

Nobody can fault any parent that seeks to ease their child's suffering. Nobody would blame them if they were to put themselves in their shoes and watch what their child had to go through. It is understandable that, when all other avenues have been exhausted, a parent would consider obtaining cannabis illegally in order to care for their child. It is not fair that a parent should be placed in this position where they must choose between watching their child suffer or entering the black market in order to find some relief for their child. Families go through enough stress and pressure dealing with such extreme medical circumstances, and it is not fair that they may have to deal with the added stress and strain of breaking the law and with the ramifications of doing so.

The current law compels our police and child protection officers to investigate parents accessing illegal cannabis. We can all understand that some officers would be reluctant and saddened that they are required to knock on the door of a family member who is only trying to do the right thing by their child. You can also understand some feelings of frustration that some family members are convicted of dealing in cannabis for the purpose of caring for their family members that are suffering from medical complications.

In many of the bills we have dealt with in the past year we have made amendments to legislation to reflect community values and expectations. We have also made amendments that prioritise the best interests of the child. This bill will similarly make amendments to ensure that we do the right thing by families and the right thing by Victoria's children. It would be remiss of me not to mention the ongoing courage of the opposition in supporting this bill. I wish the bill a speedy passage through the Parliament.

**Ms BRITNELL** (South-West Coast) — I am pleased to speak on the Access to Medicinal Cannabis Bill 2015. I want to place on the record that I will not be opposing the bill. This bill is being introduced to legalise medicinal cannabis through establishing a state-based medicinal cannabis scheme. It covers the issues surrounding the supply, manufacturing and distribution of cannabis.

Children with severe epilepsy will be the first to access Victorian-grown medicinal cannabis from 2017. As a

nurse I have seen the impacts of epilepsy firsthand, and I can sympathise with the individuals, families and carers of patients with severe epilepsy. These sufferers often have complex needs. The challenge of severe epilepsy adds to the difficulties they face and the capacity of individuals, families and carers to manage. The knowledge for some that current available therapeutic treatments cannot assist their condition means they cannot have confidence to face the day without fear of being subjected to an unsightly, uncomfortable and debilitating seizure. Their self-esteem I imagine would be undermined by the concern that at any time they could have a seizure, which is often a confronting sight for those around them. It is extremely difficult for young sufferers when their friends at school witness them having an epileptic seizure. The individuals would be aware that their friends would see them in a compromised position.

I have nursed clients with epilepsy, and it is extremely debilitating when therapeutic levels are unable to be achieved. On one occasion I specialised a patient in the back of an ambulance for 2 hours travelling from a smaller hospital to a larger hospital that had the capacity to stabilise the patient. The patient was experiencing status epilepticus. This is when a seizure is continuous. This patient had grand mal seizure after grand mal seizure while I was with him. All I could do was administer diazepam continuously, but to no real effect. So I know firsthand the feeling of hopelessness that a carer experiences when a person in their care is unable to be assisted.

As a mother I can also sympathise with the families. It is no doubt frustrating to feel that there might be an opportunity to assist knowing that that opportunity is not available to them, that it cannot be accessed legally. I can understand the desire and longing to do whatever it takes when faced with the desperate situation that these families find themselves in. To have a child compromised and not able to thrive or achieve their potential at school due to the impacts of epilepsy would be a critically challenging situation faced by any parent.

We do not, however, want families resorting to desperate acts to help their children. We do not want to see families accessing cannabis illegally, such as buying the products on the street in an unsavoury environment where they cannot be guaranteed the quality of what they are purchasing. The drug produced for sale on the street illegally is extremely variable. I have worked with clients who have been on the journey of drug addiction rehabilitation. They have shared with me that the cannabis they have purchased is often cut with other addictive substances such as Rohypnol to ensure the purchaser returns and the supplier has his

market secured by ensuring his customer is properly hooked.

I have experienced clients who have smoked marijuana for many years and who have had no other drug use having frightening psychotic episodes. Colleagues who have worked in drug rehabilitation for many years have told me that they have noticed an increase in the effects of the products produced from the cannabis plant, particularly since the start of hydroponic growing of marijuana. The theory behind this observation is that the tetrahydrocannabinol levels are enhanced through improved selective breeding and management techniques such as the use of fertilisers; techniques that all farmers use to increase production and productivity. Tetrahydrocannabinol, or THC, which is found in the cannabis plant, is the chemical responsible for the psychological effects from cannabis. Cannabinoid receptors are concentrated in the brain and are associated with thinking, memory, pleasure and coordination. It is thought to be this chemical that may be what is producing the benefit reported by severe epilepsy sufferers. However, that is the point of the current research and trials — to investigate the plant properties and extract the oils and be confident of the properties and efficacy and what dosages would be of most benefit to different individuals.

The point I am making is that cannabis purchased illegally on the street is highly variable. But the families of epilepsy sufferers, who are desperate and feel cannabis is worth a try, should not buy cannabis illegally on the street as it is currently not regulated or medically supervised. Medicinal cannabis supplied through a regulated scheme would not have the variability I referred to earlier. It would reduce the risk to the children receiving the therapy.

As proposed in the bill, cultivating the plant in a controlled situation is critical. In my electorate, in the town of Port Fairy, the company Sun Pharma, previously GlaxoSmithKline, would be able to offer expertise in areas such as quality control, which is critical to ensure these products are well produced. Sun Pharma has been the largest manufacturer in Australia of morphine produced from poppies grown until recent years in Tasmania and now in Victoria as well. We can thank the Napthine and Baillieu governments, which opened up this opportunity for Victorian farmers to grow poppies, which was previously unavailable to them. The role that Sun Pharma has played in the production of morphine will be of assistance in ensuring processes are in place for a smooth and robust transition into providing safe medicinal cannabis to epilepsy sufferers.

It is worth mentioning the important role the Victorian government has in supporting Victorian farmers through research and development funding so these opportunities can be optimised by the important custodians of the landscape — our farmers. It is our farmers who not only produce quality products but who also care for the environment on everyone's behalf for the benefit of future generations of Victorians. So we must continue to invest in researching best management practices to ensure that farmers continue to balance production and sustainability, remain profitable and competitive and have opportunities like this to supply new markets. Government investment must continue, not just for growing marijuana for medicinal purposes but also for all agricultural pursuits such as crops and animal management.

Clearly as I have outlined we do not want families only having access to illegally obtained cannabis — that is, cannabis that is variable. This is particularly so if they are going to administer it to children. However, I do suggest we tread with caution. We have in this country established systems we can be very proud of and that do a good job of regulation of drug administration. I would not like to see these systems being affected detrimentally or circumvented by the passing of this bill.

As it is children who will be the first individuals to have access to medicinal cannabis, a high degree of certainty needs to be obtained before we administer any drugs to anyone, particularly children. The frameworks that I would normally expect to see for any drug research and clinical trial should be in place. This would involve studies that have scientific rigour, are robust and are peer reviewed before we proceed. As a society we have been beneficiaries of remarkable steps forward in science, which have resulted in the development of pharmacological substances that have brought significant advances in saving lives and improving the quality of life for many people. Antibiotics are an example of this. Many people are alive today because of antibiotics.

However, I ask that we remember the drug Thalidomide that was revolutionary in managing severe nausea in pregnant women in the first trimester of their pregnancy. As we know, it left significant long-term effects, with babies being born without limbs. So while I understand the driver behind the bill, I do hope the government will proceed with caution. Our children deserve a high degree of certainty that they cannot get if their parents access the drug on the street. But we also need to ensure that we are not compromising our children's futures by circumventing the frameworks

that are already established that protect the users of therapies for disease management.

**Ms WILLIAMS** (Dandenong) — It is with great pride that I rise to speak on this bill. It is with pride because once again the government is making a difference. We are showing courage and compassion and changing people's lives for the better, and that is exactly why we are here. It is easy for governments to be risk averse. It is easy for governments to choose inaction when they fear controversy. It is easy for governments to choose the easy path, but this government knows that to simply do nothing is at its core regressive. We know that the gift of government bestowed upon us by the Victorian people also comes with great responsibility — responsibility to take action where it is needed and to show leadership. We are not here just to keep ourselves safe, because in doing so we would be offering Victorians nothing. We would be failing them. We are here to lead and to leave the place better than we found it.

There are few more powerful reminders of why we sit in this place than the stories of those who will be impacted by this legislation. I know that over the past couple of years, in particular, most of us here, hopefully all of us, will have heard the heartbreaking stories of incredibly sick children whose parents are forced to break the law in order to alleviate their suffering. They are children like Cooper Wallace. I notice that his parents Cassie and Rhett are in the gallery today. I think we need to admire their passion for this issue and also acknowledge the struggle that they have undergone in order to get to this point and also in order to raise their son. That struggle is as parents, as people who love their child dearly, and also as carers. We sometimes forget that families are carers too, and it is a really tough job when you have a child with special needs.

The result of this legislation will not only make a child feel better — and all parents want to see their children healthy — but also, from a caring point of view, make their role as a carer perhaps that little bit easier and perhaps give them that little bit more comfort as well. We have heard about situations where no other medical treatments have had any impact. There have been many stories of children who had experienced hundreds of seizures a day and this was reduced to only a couple a week with the use of cannabis products.

I think all of us have thought to ourselves at some point — I know I have — when reading these stories, 'If it were my child in that situation and nothing legal and prescribed was working, what would I do?'. I think that many people in this place would properly come to the same conclusion that I have, which is I would do

whatever I could and I would probably take risks. There would be very few people in this place or out there in the broader community who would not do that very same thing. No family should have to choose between breaking the law and watching a loved one suffer. Families should not be forced to take the risk of purchasing products of unknown quality and content on the black market. We can fix this.

I am also the Parliamentary Secretary for Carers and Volunteers, which is why I made a point earlier to address the role of carers out there in the Victorian community in order to highlight that many families and many parents are also carers and to highlight that this legislation will have a profound impact on our community of carers. This is the reason, as well as the impact it will have on patients, that we made a commitment before the last election to enable access to medicinal cannabis in exceptional circumstances. Quite frankly it is the right thing to do.

We have heard from previous speakers that in December 2014 the Andrews government asked the Victorian Law Reform Commission to review and report on options for changes to the law to allow for the use of medicinal cannabis by patients in exceptional circumstances. We know that ultimately the commission recommended a standalone Victorian scheme to ensure safe, secure and reliable access.

Just to go through a few of the key points of this scheme, the one recommended essentially involves giving power to the Secretary of the Department of Health and Human Services (DHHS) to manufacture quality-controlled medicinal cannabis products, license manufacturers of these products, authorise medical practitioners to treat patients as part of the medicinal cannabis scheme and authorise them to treat patients on a case-by-case basis when those patients have exceptional circumstances which are outside specified conditions and symptoms. It will also enable the Secretary of the Department of Economic Development, Jobs, Transport and Resources to cultivate and extract quality-controlled cannabis for medicinal purposes and to license commercial private entities to cultivate cannabis.

The scheme will be implemented in a phased approach. There is a very sensible reason for this. It starts with a cultivation and extraction trial to be undertaken at a research facility overseen by the Department of Economic Development, Jobs, Transport and Resources. From 2017 medicinal cannabis products will be made available to children with severe epilepsy. This is because children with severe epilepsy may not live into adulthood and may have no other medical

options available to them. I think, in light of that, it makes sense to prioritise them. During this time we will also be issuing research licences for cultivation and manufacturing, and in the future medicinal cannabis will be made available to other patient groups.

The bill before us today also creates the Office of Medicinal Cannabis to sit within DHHS, which will regulate the manufacture of medicinal cannabis and provide oversight to clinical aspects of the scheme. The bill allows for a comprehensive quality assurance regime involving positions like cultivation inspectors and manufacturing inspectors. The bill will also be supported by regulation. Despite claims by some non-government parties that the Victorian scheme does not really go beyond a clinical trial to provide medicinal cannabis, I just want to point out that this is actually very different to a trial. Clinical trials usually take a significant period of time to establish and they restrict access to medication to only those participating in the trial. What we are talking about is not that. It is about being considered and taking a staged approach to how we roll this out, a sensible approach to ensure that we are delivering a scheme of quality.

We are keen to ensure that a strong and quality-focused system is established, and widening the eligibility criteria from the outset would potentially put that at risk, which is precisely why a phased approach enables us to build a strong system that can meet growth and demand over time. As I have explained, the first-instance access to medicinal cannabis will be given to children with severe forms of epilepsy.

In terms of community support I think it is really compelling to note just how supportive the broader Victorian community is of this measure. There have been quite a number of polls done testing public support for it, the most overwhelming being a Roy Morgan Research poll of 644 people which showed 91 per cent of respondents believed the use of medicinal cannabis should be legalised. That is pretty powerful. I know there was also a survey conducted by Palliative Care Australia, which also showed overwhelming support. A further survey was done by ReachTEL, which showed about 66 per cent in support.

I note that the federal government in Canberra is introducing an amendment to the commonwealth Narcotic Drugs Act 1967 to enable cultivation of medicinal cannabis, and I understand that this was supposed to be introduced late last year but there was a delay. The commonwealth legislation relates to cultivation, which can be contrasted with the Victorian legislation, which takes a comprehensive seed-to-sale approach regulating not only the availability of

cannabis but also patient access. I understand that if amendments are required to the Victorian legislation in light of the commonwealth legislation, that will take place in due course. However, given the importance of the matter and the commitments we made prior to the election, we did not think it was appropriate to wait for the commonwealth government, preferring instead to continue progressing the scheme here in Victoria. We are impacting on people's lives, and just to hang around and wait until the feds get their act together just does not cut it for the Victorian public, and it would not be acceptable. We would not be a decent government if we were prepared to do that.

This bill is common sense to me. You do not deny people medical options that ultimately alleviate their suffering. We should not choose to deny help to families. We have the power at our disposal to make life better for a lot of Victorians, and this is an issue that is only going to gather momentum. As Parliamentary Secretary for Carers and Volunteers, I meet families on a regular basis that undergo these sorts of challenges and just cannot make sense of why politicians do not act and do not make their lives simpler. So I am very proud to be standing here as part of a government that is acting to make life better for these patients and the families who care for them. I commend the bill to the house.

**Ms KEALY (Lowan)** — It is a privilege to stand today to speak on the Access to Medicinal Cannabis Bill 2015. From the outset I would like to state that the Liberal-Nationals coalition will not be opposing this bill. We certainly support the crux of this bill and its major content, but we do have some areas of concern that I will highlight through the remainder of my contribution. As a brief overview of the purpose of the bill, it is to provide medicinal use of products derived from cannabis by establishing a scheme for the supply and treatment of Victorians with specified conditions with approved medicinal cannabis products of reliable quantity and known composition and which preserves the prohibition of unlawful trafficking, cultivation, supply and use of the drug of dependence, cannabis, and to provide for the lawful cultivation and manufacture of cannabis for medicinal cannabis products.

As a bit of background to this bill, in the last year of the last Parliament the coalition actually passed legislation in the upper house. Unfortunately it did not get to the lower house, but it was a good first step that really opened up debate and discussion and was aimed towards creating some legislation where we could have a framework so that families could legally access medicinal cannabis for treatment for a variety of

conditions which benefit from this drug. When we look at what it does, we see it is mostly for pain relief and for the relief of pain in spasticity, so it is used in respect of certain conditions like multiple sclerosis, epilepsy, chronic pain and those sorts of elements.

I note today that we have the parents of Cooper Wallace in the gallery, and I thank them for coming in to listen to the contributions today; it is appreciated. I would like to commend them for the work they have done in highlighting the need to have access to medical cannabis for the treatment of key medical conditions. I think it would be an absolutely heartbreaking process to go down that decision-making path. Firstly, having exhausted all other avenues that you can see through the legal system of trying to give some relief to your child who is suffering from extreme epilepsy, to make the leap of taking a product — and I do not know how the family sourced that as an option for them — is something that personally you just have to take the risk and try because maybe it will make your son better. Then to actually go through the emotion of seeing your own child get some immediate relief from it, knowing on the other hand that you are breaking the law, puts the parents in an extremely difficult position.

I support that we do have access to this drug if it does show that it will make a difference, but I want to also ensure that parents do not have to question whether there is a risk. We definitely need to extend the number of clinical trials and the amount of research undertaken into medicinal cannabis. If we do not do that, there may be unknown side effects, and I am sure that parents would be able to make their own decision about whether it was worth taking the risk or not — whether, given the side effects that were known for that drug, it would be of greater benefit to take it than not take it. But unless we have that information for the parents, then they will not be able to make an informed decision. That is something I think is very important.

If this legislation passes, and I believe it will, we must take particular care in how we develop the system to ensure that we have a pure product, that it is not contaminated, that it is a set dose, and that there is not a variation of doses which may mean that sometimes the medicine works and sometimes it does not work. We also need to know what are the long-term effects of this — what might be the side effects for people who choose to go down this path of seeking treatment through medicinal marijuana.

I know there has been some discussion today about the federal bill going into the commonwealth Parliament, and I believe it was tabled yesterday. It is important that that go through, and I think that has been downplayed

by the government. It is disappointing that has been the case. As many would know, I am a biomedical scientist, and I went through training with a number of scientists who went on to work in the field of research.

I will go back a step. My love in pathology — I worked in pathology — was in transfusion medicine. It is one of those areas of pathology where you are actually putting a product into a person. Obviously it is a human product, a blood product, so there is additional care around that, but I have firsthand experience of the stringent controls you must have and the standards you must meet in terms of delivering a safe product to an individual.

We are looking at the government setting up an entirely new department that will be used to produce a medicine for public use. I am concerned that there is not the expertise available in the public sector to be able to develop a pharmacological product. We need to make sure that we get it right. I want to make sure that proper investment is made and that we attract the experts who are in the field to make sure that we are not just doing it for the sake of getting a headline or trying to get a spin because we own all of it. This is not a political issue. We need to make sure that we do it right and do it right the first time.

There is a particular reason that I want to make sure that we get this right, and that is that this will initially be rolled out for juveniles who are suffering from epilepsy. I believe that there are around 20 individuals who will have access to this drug when the bill is passed. We do not want these children to be part of a surreptitious clinical trial. I do call on the government to make sure the investment is there for the long term for these families who are going to be involved. Inevitably it will be seen as a trial at some stage, but there are elements you can control. It is not worth an additional risk for our families who are going to go down this path by accessing medicinal cannabis to have that risk of novices manufacturing drugs and dispensing them to the public.

I would like to briefly just mention, given that I am a very strong supporter of country Victoria, the opportunities that may present through this legislation. One is around the cultivation of cannabis. We have seen very successful cropping of opium poppies in the west Wimmera. We do it very well, and it is an opportunity to diversify the crop availability in our regions. When there is consideration of where the cannabis may be produced, I would like to put my hand up for the Lowan electorate. I think that we should be looking at these types of things being set up out of the city. I do not want to see it grown in greenhouses here

in Melbourne; I would love to see this as an opportunity to support the agricultural sector.

I also raise a concern from the country perspective around the elements related to licensing of physicians. Physicians are in very short supply in country areas; there are not that many around. They are usually linked to hospitals. I do want to make sure that there is appropriate access to medicinal marijuana and that physicians can access licensing for those children who are in rural and regional Victoria. I do not want to see this as something where families have to make the decision and say, 'We have to move to Melbourne in order to access this drug'. I think that would be unfair, and I do not think we should discriminate against families who live in country Victoria and who want to access medicinal marijuana.

In summing up, I just want to go over my points again. We do broadly support the bill. It is obviously making a real difference to a number of children out there. The parents have to go through that decision and weigh up the risk of the product not working or any side effects that are unknown versus the benefit to the child. I think that is something that obviously, if we have compassion, we must support, but there are risks in going through it. We need to manage it well. We need to make sure that we are not letting families into a false sense of security that because the government is supplying this product it is safe. We need to make sure that this government invests properly in developing a medicinal cannabis product and that we do make sure that the product is not contaminated and that it is of a reliable dosage. We need to make sure that we undertake long-term trials to fully understand the side effects for anyone, particularly a child, who is going to participate in not just trials going forward but also accessing medicinal marijuana.

**Ms WARD** (Eltham) — Deputy Speaker, it is lovely to see you there this afternoon.

**The DEPUTY SPEAKER** — Order! Not because I was late?

**Ms WARD** — It is lovely to see you. You are my favourite Deputy Speaker!

I rise to talk about this bill and echo the comments of my colleagues about the importance of this bill. It never ceases to amaze me how we can do something that would appear to be so simple as producing a bill but that can have such far-reaching and lasting effects on someone's life. What we can do with this legislation is dramatically improve the quality of life of many people. It is a wonderful responsibility to have in this place to

be able to create legislation that can have such an effect on someone's life.

This is a complicated bill and a complicated procedure we are engaging in. We can have a very simple outcome, which is improving the quality of life, but there are a number of steps that we have to go through and that the Minister for Health has to go through. I know that our health minister is absolutely capable of doing that. I would like to assure my colleagues opposite that our health minister knows exactly what she is doing. She understands exactly how serious this legislation is. She understands the benefits of this legislation, and she will indeed make sure that this legislation and how it is implemented is in the best interests of those in our community and those who will benefit from it.

I have a pretty good understanding of exactly how this legislation can benefit someone, how it can benefit a family and how it can actually change someone's quality of life. It is not just Cooper whose life will be enhanced by this legislation — and I have no doubt that it will be — I also know how much it will benefit the lives of his parents. My own nephew Cooper has his own disabilities, and I know how difficult it can be for my brother and my sister-in-law to get through some days — how tired they can be, how exhausted they can be. No matter how much they love my nephew — and I know they love him dearly — there are days when they are just really tired. Anything we can provide as a government to help people get through those days, to help lift the quality of life of children or other people with illnesses that can be alleviated through using medicinal cannabis, should be provided. I am very glad that we are actually here today, able to do so.

I know that Cooper is attending this year for the first time the Diamond Valley Special Developmental School in my electorate, which is a great school with fantastic staff and a very passionate and devoted principal who always puts the needs of his kids first. You will never find a stronger advocate for kids with disabilities than that principal. He is a very good man. There are really good, kind people in that school and there are exceptional volunteers. There is no question about that. It is a great school to choose and I congratulate Cooper's parents on that choice.

We need to be open-minded about our health care and we need to search far and wide to see where we can find solutions to health challenges that our community faces. We cannot be boxed in; we cannot be closed-minded. We need to be open and we cannot be stuck down or bogged down with moral prejudice; we must do what is right for our community. We do need

to have safeguards in place and we have a minister who is absolutely qualified to do that. We have a minister who completely understands what needs to be done and why it needs to be done, and she is absolutely systematically and methodically going about it. I applaud and congratulate her and the Andrews government for being so open-minded and for taking such decisive action in this policy area.

The opportunities that this policy raises, the opportunities that are out there, are not just about quality of life, as the member for Lowan has suggested. As she said, it also has economic benefits, and it does. I am really interested to see how this can pan out. I am excited about the benefits that this policy can actually bring to our whole community — the economic benefits, the jobs that can be created — and not just through the harvesting or the growing of medicinal cannabis but also through people's lives being improved and them being able to be productive. The benefits include the quality of life they are going to lead, the freedom of movement — the whole variety of things that are open to them through being able to take this drug that will be able to give them so many opportunities. That is exactly what this government is about — creating opportunities — and there are so many places to find opportunities, including in health care, for individuals, for the economy and for the government.

I really would like to assure my colleagues opposite who have expressed some concern about this legislation and how we will go about implementing it that this is a responsible government. This is a government that takes its role very seriously. We are not flippant. We do not just do things with the stroke of a pen. We do the work, we do the research and we do the consultation. We do take our role in this place and as a government very seriously, and to suggest otherwise does everybody a disservice; it really does.

This is something that together we can work towards and we can create as a government, as a city, as a state, as a whole community — something that can be of real benefit to people. I really do hope that politics stays out of this conversation because it needs to be above politics. It really needs to be about what is in the best interests of people who have a variety of illnesses that are not allowing them to go about their day-to-day lives as they ordinarily would, that is not allowing them to live a pain-free life and that is not enabling them to be the people they can be. In creating and enacting this legislation and bringing it about by going through our trial and systematically going through how we can best deliver this, we will indeed be able to give people a better quality of life and a better outcome in their life.

They will be able to be more productive; they will be better people. It is an amazing thing that we can do that in this place — that we can create legislation that does actually enhance people's lives and that we can do something that is so positive.

I join my colleagues in congratulating Cooper's parents, Cassie and Rhett, on the amazing strength they have shown in continuing to stand by not only their son but also by something that they know is inherently right — something that they know can inherently change not only their son's life but the lives of many other people. While I spoke about the privilege we have in being a part of this kind of legislation that can be life changing, it is a great privilege to see people in our community who are brave enough to stand up and show their faces and stand by what they know is true and what they know can create change, and really good change. I really applaud them for having that strength because it is not easy to have your face in the paper; it is not easy to be on the telly; it is not easy to be out there and for people to know you, to see you in the supermarket and go, 'Hang on, aren't you the ...'. It is not easy. It is pretty confronting and challenging, and I applaud them for having the strength and being able to do that. I really do because we need people like them.

We need people who can stand up and say, 'Hang on, this can be done better. This is why and this is my lived experience', because it is the lived experience that really adds weight to an argument. It is the lived experience that really shows a community as well as lawmakers what can be done. It is not theoretical. It is not something out in the air. It is something that is real and that is lived. It is incredibly important when you are trying to bring about change for people to understand the real effects and what it can really mean to people. I congratulate Cassie and Rhett for being so incredibly strong. Well done! I commend this bill to the house.

**Mrs FYFFE** (Evelyn) — I am pleased to be given the opportunity to speak on the Access to Medicinal Cannabis Bill 2015. Until we walk a mile in a sick person's shoes or the parents of a sick child, we do not know how we would feel if we knew that there was relief from symptoms and sickness — that it was possible but not available. So I approach this bill with sympathy and understanding but also with a measure of caution. Rapid advances in scientific research means our healthcare system and treatments are rapidly and forever changing, and this bill is one of those such changes.

In December 2014 the then Attorney-General asked the Victorian Law Reform Commission to report on options for changes to the law to allow people to be

treated with medicinal cannabis in exceptional circumstances. Two subsequent issue papers were released focusing on defining exceptional circumstances in which a person could be allowed to use medicinal cannabis and how the law could permit authorised access to the substance without preventing unauthorised access. Nine consultations were held and 99 submissions received. The report came out with 42 recommendations for changes to the law, 40 of which the government has accepted.

The bill gives rise to powers for the Secretary of the Department of Health and Human Services to license manufacturers of medicinal cannabis. It enables the Secretary of the Department of Economic Development, Jobs, Transport and Resources to authorise the cultivation and extraction of medical-grade cannabis by government and licensed commercial private entities. The bill prioritises children with severe epilepsy so that they will be able to access government-produced medicinal cannabis from around this time next year. The government has the flexibility to expand access to commercially produced cannabis at a later date — most likely in 2018. Importantly, medicinal cannabis will not be produced in a form that enables smoking. The prohibition on recreational use remains in place.

The bill allows medical practitioners to make individual assessments of cases that may fall outside the specified conditions and symptoms. It establishes an Independent Medical Advisory Committee. The role of that committee will be to monitor access to medicinal cannabis and advise on eligibility and new products that may benefit patients. Ongoing input from the medical profession will be sought to make sure that access is as safe as possible and the medical profession is well equipped to participate in the scheme.

My understanding of how this will work is that patients will be given a prescription by a medical specialist, a pharmacy will dispense and a GP will oversee the treatment plan. It will not be available as an over-the-counter medication. I do not have the knowledge and the expertise of the members for Lowan and South-West Coast, but it is important that this must be well regulated, and I would have preferred to have had more information on the details of how the management of the cultivation and processing of cannabis is going to be carried out.

For a long time the illegal status of marijuana prevented rigorous study into the medical application of the plant. This has made it difficult for people to argue in favour of the medicinal use of cannabis. Yet this may also

have had something to do with observed risks from, in particular, people who have been using it long term.

Like many Victorians, I was highly cautious about the legitimised use of cannabis as a treatment option, given what I had read about the impacts that marijuana smoking has on body and brain functions in certain individuals. I also have concerns regarding its long-term use as a medicinal drug. To get a better idea of the applications of cannabis I did a desktop analysis, looking at the benefit of cannabis for severe diseases and disorders where treatments may be limited in their effectiveness.

I found that with cancer, cannabis is not a cure for cancer. However, chemotherapy is a toxin which kills not only cancer cells but healthy cells. The toxic cocktail reduces the appetite in individuals. Unfortunately this also further weakens the natural immune response in cancer patients. Cannabis trials have indicated that it can increase the patient's appetite and reduce nausea and maintain the body's natural energy reserves to assist in fighting the disease. However, there are other drugs now on the market that achieve those results more effectively than cannabis.

With epilepsy it is thought that one of the psychoactive components of cannabis can reduce seizures by blocking certain other brain processes. I note the government has given priority to children with epilepsy as part of the initial rollout. However, it is my understanding that studies into the use of cannabis for epilepsy have been limited to animals and so far not replicated in humans. I wish that we had a higher degree of certainty before exposing our children to this when their brains are still developing and any long-term risks are not totally clear.

I now restate my sympathy for and understanding of the desperation the parents of these children must be feeling. But like the member for South-West Coast said, the use of thalidomide — in Germany alone over 10 000 babies were affected — makes one feel cautious when something has not gone through the trials that Australia is very well known and well recognised for.

With glaucoma it is believed by some that smoking cannabis can lower pressure inside the eye, relieving glaucoma-related discomfort for 3 to 4 hours. Other studies have disputed this finding. Regardless, a number of new pain relief drugs have been found to be more effective than cannabis. Cannabis has also been used in the treatment of multiple sclerosis (MS), and a lot of people believe that it does settle the symptoms.

So there is still a lot of not knowing for sure what things are being helped. The one thing we do know for sure is that cannabis does not cure the condition; it just helps the management of the pain and the symptoms. The number of new drugs on the scene that can treat the same symptoms that cannabis is alleviating should be researched and have more time spent on them.

With this bill coming in — which I have no problems with; I think the demand has been shown and I believe the government will be cautious in its trial — I just have some personal concerns about the message we are sending out to the broader community. There are people out there who believe that because they can buy illegal cannabis at places such as the sex shop in Lilydale and because they are buying it over a counter that actually that is legal, when it is not. I just worry that we are sending a message that it being made okay to have cannabis in medicinal ways makes it okay in the broader community. It is the same, with the synthetic cannabis that is being used in the Austin trial — and it is terrific that that is being trialled, and being trialled correctly. But because we use the words 'synthetic cannabis' — and people are going into these shops and buying what is called 'synthetic cannabis', and heaven knows what it actually is as it is a composition of any chemicals and any vegetative material that they are using — it might be seen as though we are actually saying that those things are legal. So I think we have got to manage the message extremely well out there in the community.

People have died from the use of the synthetic marijuana that has been out in the community. We had a factory raided in Lilydale where the police found a large amount of what is termed 'synthetic marijuana'. But I do restate: heaven knows what it actually is, because it is a combination of illegal drugs. The *Leader* newspaper put the police onto that after they had purchased and then handed over some synthetic marijuana that they had bought at the stores.

While I anticipate there will be careful monitoring of the levels of the tetrahydrocannabinol (THC) present in treatments, I think we have to question the risk: is it going to be completely removed? Is it going to be left as part of medicinal cannabis? And it is easy to find lots of information on the dangers of smoking high-potency cannabis in relation to brain function and health, but not on the lower dosages.

So I do not oppose the bill. I feel for the parents. I think anyone who has an understanding of what it is like to care for someone who is sick knows that anything that you can do to help is a step that probably all of us in here would take. I just want to make sure that it is so

well regulated, so well managed, that we manage the message out to the broader community that we are not in any way implying that cannabis is good for you. We must manage that message. It is something I am seriously worried about. Finally, it is important to note that cannabis is not a cure for anything; it just alleviates the terrible pain and discomfort.

**Ms SULEYMAN** (St Albans) — It gives me great pleasure to rise and speak in support of the Access to Medicinal Cannabis Bill 2015. We have heard some excellent contributions today from various members of this side of the house, in particular the member for Eltham in her contribution to this bill.

Today is an important day for the health of Victorians, in particular to ease the pain and suffering of many Victorians for whom access to medical cannabis will be a great benefit. We know that the health of Victorians is paramount, and I am very proud of the commitment that we have made in relation to health, and in particular, in my electorate of St Albans, the commitment to construct the new women's and children's hospital in Sunshine.

Coming back to this bill, this delivers the Andrews government election promise to introduce access to medicinal cannabis through a regulatory regime for the drug. This legislation is extremely important in the introduction of Australia's first legal supply of medicinal cannabis through a safe and secure and comprehensive integrated scheme for cultivation, manufacture and dispensation of registered pharmaceutical products.

The bill will give effect to many of the recommendations that came out of the Victorian Law Reform Commission's *Medicinal Cannabis* report published in August last year. It came complete with 42 recommendations from the VLRC, and 40 of these recommendations were accepted in full and 2 in principle. I would also like to, from the outset, commend the Victorian Law Reform Commission for their work and investigation into this extremely important issue.

We know that the scheme, as said by many speakers today, will benefit many Victorians who are suffering. In particular I also would like to mention Cooper Wallace, and I understand his parents are here in the chamber today. I make a special welcome to Cooper's parents. As we have heard today and as many of us know, Cooper suffers from cerebral palsy and severe epilepsy. His parents were faced with the terrible situation of breaking the law by going to the black

market just to provide that relief for Cooper and not see him suffer without this type of medicine.

With the known benefits of medicinal cannabis, Cooper has had a very different experience of life, with the seizures significantly reduced and in particular a reduction in hospital visits, as his family had endured in the past. It is extremely important to allow access to medicinal cannabis to families of children who are suffering from severe and distressing medical conditions.

As I said earlier, no parent should be faced with the choice that Cooper's parents had to face: to either abide by the law or break the law. When you see your child in pain you want to do everything in your power to relieve or eliminate that pain. It is an extremely tough situation to be in, and of course no parent should have to face this or be put in this position. This is why the inability of families to access medicinal cannabis has caused considerable distress for many, and, as I have previously said, no-one wants to see their loved ones suffer, in particular children, who are the innocent ones in our community.

We have heard many stories, real stories, throughout the last two years both in the media and in this place. Some real stories have come to light from members. By decriminalising the use of cannabis for medical use, I believe that this bill will ensure that people who need this treatment will have access to it. Most importantly, this is going to be practised in a responsible manner, prescribed by a doctor to a patient under medical supervision.

This bill will ensure that children such as Cooper will have access to medicinal cannabis that is safe, legal and, most importantly, reliable. This bill will amend the Drugs, Poisons and Controlled Substances Act 1981 to allow the legal possession, use and supply of medicinal cannabis within a regulated supply chain. Clearly the review by the committee last year gave careful consideration to a three-phase staging process to implement the development of the product, the infrastructure and the supply chain.

The first phase will be the trial to allow the cultivation, extraction and manufacture of quality-controlled medicinal cannabis products, and this will all be in a secure facility. This trial will plant seeds, grow plants and extract agents to develop pharmaceutical-grade medicinal cannabis, with crucial regulatory oversight and security to ensure medically fit-for-purpose cannabis oil production.

As we have heard today, for those on this side of the house delivering this legislation in a responsible way is critical. Most importantly, there will be authorised specialist medical practitioners who will be able to prescribe the medicinal cannabis and registered pharmacies that will be able to dispense the medicine. We will also establish the Office of Medicinal Cannabis within the Department of Health and Human Services to provide oversight. Further, an Independent Medical Advisory Committee will be established to provide expert advice and opinion and, most importantly, oversee the operation of the scheme.

As we have heard today, it is absolutely crucial that this bill be supported. This will be a first for families in Victoria, I must say. We have heard some speakers today in relation to the federal government introducing commonwealth legislation that supports our legislation, and that will assist it to operate in a clear way. But there are a number of things the commonwealth legislation does not do, which means that clearly the Victorian bill is leading in this area.

I want to congratulate Cooper's parents on their strength. I think that they are the true heroes behind this bill. With the way that they were able to tell their story to all Victorians, I think they have really made a change for everybody. I hope to see Cooper getting the appropriate medical treatment. This will be a real relief for him and many other children who are suffering. I want to commend our Minister for Health for bringing this bill before the house. This was a commitment by the Andrews Labor government. We promised we would deliver this in government, and that is exactly what we have done, making sure that we deliver on our commitments. I commend the bill to the house.

**Mr THOMPSON** (Sandringham) — During my time in this place one of the most powerful orations I have ever heard came from then National Party member for Warrnambool, John McGrath. His seat was just below the Speaker's. He spoke of the impact of the ingestion of marijuana on the health and wellbeing of his family members. He quoted Dr Arieti from New York, a medical specialist, who said that no war, no famine, no disease had exacted so great a toll and had caused so much suffering as that caused by schizophrenia.

The Penington inquiry took place in Victoria in the mid-1990s, and there was a recommendation by Professor Penington that the cultivation of marijuana for private use be permitted or allowed. That particular recommendation was not taken up by this Parliament. Questions were raised by some keen members of Parliament, some of whom had travelled overseas,

including Dr John Ross, a former member for Higinbotham, who had a clear view on the matter.

I am grateful for the supply of some information by Mr Tim Oates. He has provided me with access to some medical research. There was recently a controlled family study of cannabis users with and without psychosis. A number of the academics and researchers who produced the resulting paper have an association with Harvard Medical School. The paper concludes that:

The results of the current study suggest that having an increased familial morbid risk for schizophrenia may be the underlying basis for schizophrenia in cannabis users and not cannabis use by itself.

In academic terms there need to be a range of studies and a range of trials, but in its background summary, the paper notes:

Many studies have shown an association between cannabis use and schizophrenia (Compton et al. 2009; Galvez-Buccollini et al. 2012; Zammit et al. 2002). Compton's 2009 study and Galvez-Buccollini's 2012 study both found that cannabis use during adolescence may cause an earlier age of onset of psychosis than would have occurred in the absence of cannabis use. Galvez-Buccollini found a direct association between age of onset of cannabis use and age of onset of psychosis ... While neither study's findings could definitively point to cannabis as a causative factor in developing psychosis, both clearly identified it as a catalyst.

I will leave it for other members to further examine the research record and background, noting at the same time the conclusion of this particular study.

I might add that over the years I have met many people with schizophrenia and their family members in my office. A level of concern has been raised with me. It might be noted that the role of drugs and antibiotics has had a profound impact upon the wellbeing of the Australian community and the world community. Morphine as a measure for providing pain relief has alleviated pain and suffering for countless millions throughout the world, and the greatest medical advance in the 20th century, the one that has saved the most lives, was the discovery and then commercial production of penicillin for its ability to control infection and bacteria. We need to continue to pay tribute to the scientists who are responsible for its later manufacture and development following its discovery.

In terms of a number of the points I wish to place on the record — other speakers have made some wider points — I would like to focus on the potential for there to be a supply industry that does not necessarily just involve the major pharmaceutical companies. Australia has sometimes been called one of the biotech capitals of

the world. There is the ability for Australian expertise to be marshalled and developed to engage in the medical cultivation of the plant and the production of the various ingredients that have the ability to treat people with various conditions.

I note also for the record that there are inherent dangers. I mentioned in this place yesterday the angst and concern of the George and Wilson families following the tragic death of Daniel George. His sister wrote to me earlier this month, and she said:

My name is Jenny Wilson, and I am contacting you because my family has been devastated by a tragic loss of my 34-year-old brother after he had two puffs of a synthetic cannabis drug called Kronic.

The story was on Channel 7 news in December. Jenny is organising an event in her brother's honour to raise funds and raise awareness of this tragic and ongoing issue around the use of synthetic drugs.

Anecdotally, some drugs of this nature are manufactured overseas in very poor conditions. Jenny noted that her 34-year-old brother had two puffs of the synthetic cannabis drug Kronic. The family is determined to mark the tragic loss of Daniel in a way that will ensure that other people do not suffer in the same way that they had to suffer, so that the death of Jenny's elite athlete brother will not have been in vain. An event is being held in the southern region of Melbourne on 27 February, which is the date of Jenny Wilson's late brother's birthday.

In terms of other aspects of the bill, I think it is important to draw the attention of the house to the objects of it. The intent is outlined in the purposes of the act, and I would like to place it on the record. Clause 1 states that one of the purposes of the Access to Medicinal Cannabis Bill 2015 is to provide for the lawful cultivation of cannabis for medicinal cannabis products and to provide for the lawful manufacture of medicinal cannabis products.

In representations that have been made to me by people with an awareness of Australian skill sets, three key points have been made to my office recently by a keen-minded constituent, Tim Oates. He has commented that the synthesis of cannabinoids is not a good thing. He has made the comment that allowing Australian companies to build upon Australia's biotech expertise and skill set will be of great value rather than research and development in this field being surrendered to a monopoly of global pharmaceutical manufacturers. He has also drawn attention to the importance of there being sensibly regulated markets,

which will decrease the likelihood of young people accessing the drug, with consequent harms resulting.

In summarising my remarks, I will just go back to the experience of the former member of Parliament who lost a son to suicide. This occurred following the ingestion of marijuana, in the view of his father, which led to the onset of psychosis. I return to the remarks of Dr Arieti from New York. I draw attention to the value of there being good use of drugs to alleviate pain. I would perhaps add a caveat that there ought to be good longitudinal studies to ensure that in the use of drugs in the early stages the side effects are carefully evaluated. I also make the comment that we need to ensure that the risks associated with drug use do not cause wider harm to users in the community, whether that be with synthetic drugs, whether it be with medically prescribed drugs or whether it be with the illicit use of drugs.

**Ms SPENCE (Yuroke)** — I am very pleased to speak on the Access to Medicinal Cannabis Bill 2015. As we have heard from many speakers today, the bill implements our election commitment to legalise access to locally manufactured medicinal cannabis products for use in exceptional circumstances.

We have heard that from 2017 the first patient group, children with severe epilepsy, will gain access to this product, and it is important to understand that there will be a phased approach to patient eligibility. It simply will not be possible for all patients identified as potentially benefiting from the use of medicinal cannabis to access it on day one. But what these patients, for which other treatments have been ineffective, will have is hope, and that is something that many patients have given up. The bill reinstates some hope that this treatment may be available to potentially alleviate the often debilitating symptoms of their condition where other treatments have been ineffective.

The bill will enable the manufacture of quality-controlled medicinal cannabis products, license cultivators and manufacturers of medicinal cannabis products, authorise medical practitioners to treat patients as part of the medicinal cannabis scheme and authorise medical practitioners to treat patients on a case-by-case basis when those patients have exceptional circumstances that are outside of specified conditions and symptoms.

It is this last point that I want to focus on today, and in doing so I want to share with this place the story of my constituent, Caitlin Caruso. Caitlin has a very rare disease. It is Ataxia-telangiectasia, or A-T, which is estimated to occur in less than 1 in 40 000 births. A-T is an incurable, degenerative disease that affects a variety

of body systems, including the immune system and the nervous system. Degeneration of muscle control begins in early childhood, usually before the age of five years, and children typically develop difficulty with walking, balancing, and coordination. As a result, movement problems typically mean that wheelchair assistance is needed by adolescence. The symptoms of A-T are quite varied and not consistent between individual cases. Further research is required to gain a better understanding of this disease.

Caitlin displayed symptoms of A-T from a very early age. However, she was initially misdiagnosed at 18 months with cerebral palsy. Later when Caitlin was in grade 1 at the age of seven years and her symptoms had widened and worsened over time, the correct diagnosis was made. Caitlin is now 18 and requires a wheelchair for mobility. She started her education in a mainstream school but then went to specialist schools and she graduated with the Victorian certificate of applied learning.

From a very early age Caitlin was unsteady and found it difficult to balance, but she loved to dance. She is no longer able to do that. She cannot walk or dance now because the symptoms are too far progressed to allow that to happen and the treatment available today provides her with no relief. It is the lack of mobility that is the most debilitating aspect of this disease for Caitlin. Caitlin simply wants to do the things that the rest of us take for granted, like getting a drink from the kitchen, but she is not able to do that without her wheelchair.

On 6 October last year this government announced that it would legalise access to locally manufactured medicinal cannabis products for use in exceptional circumstances from 2017. This announcement was widely reported in the media, and before that day's end Caitlin's mum, Pam, had contacted me to get further information and to find out how this treatment could possibly benefit Caitlin. As with many rare diseases, those affected and their families tend to form networks where experiences and support are shared. Pam had seen videos of children with A-T in the United States who had benefited greatly from medicinal cannabis treatment, particularly in regard to improved independent mobility. Pam had hoped that this treatment could also benefit Caitlin, and I too hope that this treatment will one day benefit Caitlin.

Pam understands that access to medicinal cannabis will not be immediate, and there is still a way to go as patient eligibility is determined. However, this brings me to the very important provision in the bill which provides hope for Caitlin and her family as well as the many others who may benefit from this treatment. The

bill provides that patients will be able to access medicinal cannabis if they meet the eligibility criteria and are authorised by their medical practitioner. Initially, as we know, this will be children with severe epilepsy. However, the bill allows for the development of regulations to define other eligible patient groups.

Patient eligibility will be considered by the Independent Medical Advisory Committee and future changes to regulations are to be made based on best available medical research and following consideration of the committee's advice. As a starting point, the Independent Medical Advisory Committee may consider the other patient groups that were recommended in the Victorian Law Reform Commission's *Medicinal Cannabis* report. These include patients with severe symptoms associated with epilepsy, including adults; multiple sclerosis; cancer; HIV/AIDS; and chronic pain.

The bill also allows medical practitioners to apply for a patient medicinal cannabis authorisation for patients whose circumstances are outside of specified conditions and symptoms and who do not otherwise meet the eligibility criteria. These applications will be considered on a case-by-case basis. It is through this process that it may be possible for Caitlin and patients in circumstances such as hers, which are outside the specified conditions and symptoms but where current treatments are ineffective, to have access to this treatment.

This is an important bill. It provides a comprehensive scheme to provide eligible patients access to a product that is safe, that is legal and that is reliable. It will have a profound impact on patients, on carers and on families. Its reach will continue to grow as trials are undertaken and eligible patients are identified. I am very proud that this government has taken such a strong lead to legalise medicinal cannabis, and I am sure that the other states will follow. I am glad that Cooper Wallace's parents are in the gallery today. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I am also pleased to rise to speak on the Access to Medicinal Cannabis Bill 2015. As previous speakers on this side of the house have pointed out, we are not opposing this legislation. The principles that are being espoused by those on both sides of the house are very sound. However, I did put my name on the list to speak to place on the record, I guess, some concerns that I have with respect to the legislation. That is with respect to not the efficacy, which is the question — and I will go to that in a moment — but the safety, because we do have a very strict and robust process through the

Therapeutic Goods Administration (TGA) in Australia, and I am a little surprised that the government is proceeding without pursuing that process.

There is no doubt that the use of cannabis in its various forms has been effective for many, but I did pay a bit of attention to the report of the Victorian Law Reform Commission when it was released last year. Going back to that, looking at the section headed 'Issues for policy-makers', which is of course what we are, page 45 has quite an extensive section on the efficacy of medicinal cannabis. A quote from that that did catch my eye:

The orthodox research-derived position is that medicinal cannabis shows promise but it is too soon to state definitively that it is therapeutically efficacious for any medical condition.

So that concerns me, but as I said certainly there is no question that there are people in the community that will swear by its efficacy, and that I have no issue with.

The law reform commission did go on to present some of the evidence of side effects. Again, that is fairly well known. The Australian Medical Association Victoria contended that the 'potency and safety of crude cannabis is unknown, variable and unregulated', but even the submission made on behalf of the cannabis community in Victoria acknowledged that cannabis is 'not "harmless"'. I appreciate that nothing, or very little, is harmless. We have legal alcohol, but in the wrong quantities and with prolonged use of course it also does cause harm. But the efficacy, as I said, is not particularly my concern but the issue of safety is.

If I go again to the law reform commission's report, there is a section there that explains the therapeutic goods administration process which was introduced by the commonwealth. There is a commonwealth act, the Therapeutic Goods Act 1989, but also complementary legislation in Victoria and in other states. That is a process that is robust. It is probably quite frustrating to many over time because it can be lengthy for companies to go through a process of approval for any therapeutic product. But the TGA as part of its main role:

... evaluates the safety, quality and efficacy of therapeutic goods and approves them for sale in Australia; licenses the manufacturers of therapeutic goods; ensures that therapeutic goods are properly labelled and advertised if they are to be sold on the Australian market.

Now, I understand that aspects of this bill mirror that process of that legislation whereby the government is setting up a government-endorsed and overseen process that will ensure the safe production of medicinal cannabis, but it is a concern to me that the government

is getting ahead of the game in respect of this particular product rather than allowing it to go through the process as previous members, I am sure, have outlined on this side. The coalition, whilst very sympathetic to the issue of allowing medicinal cannabis to be available, did prefer to go down a route where further trials could be undertaken so that we could be more satisfied regarding those concerns.

I note too that the commonwealth has introduced a bill into the federal Parliament just this week to ensure that this bill can in fact be put into place because as it currently stands we will be breaching, as I understand it, our international treaty obligations without some change from the commonwealth end. And of course the commonwealth will need to approve the import of seeds for use in the cultivation of the cannabis. I know that this government, the state Labor government, had made an election commitment to introduce the legislation in 2015. I think it has been a little overanxious. I would never want to criticise a government for meeting its election commitments, but I do not think anyone would be too upset if we waited a few more months and allowed the commonwealth process to take place, and therefore we would not need to go through this again. So this bill will no doubt need to be redrafted when that legislation happens.

**Mr McGuire** interjected.

**Mr D. O'BRIEN** — Well, what is the point then of bringing the bill in right now?

**Mr McGuire** — We lead. We lead, we get on with it — that's why.

**Mr D. O'BRIEN** — There is obviously a political bent to this, as the member for Broadmeadows is pointing out as we speak.

**Mr McGuire** — Can't wait for the Barnabies!

**Mr D. O'BRIEN** — But the government cannot get it done without commonwealth approval, and I know the commonwealth had asked the state to hold off on this legislation until it was ready.

**Mr McGuire** — They're following us!

**Mr D. O'BRIEN** — Very clearly the member for Broadmeadows does not get it himself. What I am saying with this is that I have no issue with medicinal cannabis. There is no problem with that. If it works, then that is great.

I myself have had experience with a child having seizures, and it was not pleasant. In fact it was a baby.

My own little boy had seizures that were truly horrible, so I certainly understand any parent would want to do whatever they could to stop them. It is particularly difficult when you have a baby that is going through seizures. I know I would do whatever I could to ensure that any pain or discomfort that my child was going through could be stopped.

There are of course other upsides to the introduction of this legislation. With the state government leading the way, as the member for Broadmeadows is keen to point out, certainly with the commercial opportunities and the agricultural opportunities that there will be, I think there are good opportunities for some of these trials and some of this cultivation to occur in regional Victoria. I would expect and hope that that will happen — although I think we need to appreciate too that this is not going to be broadacre farming. We are not likely to see great open paddocks of cannabis being grown. It is more likely, as I understand it from the law reform commission, that this will be quite controlled at enforced secure locations in hothouses or other facilities around the state. But certainly there will be opportunities, and I hope they are extended to regional Victoria.

As I said, I certainly support ending people's suffering. The bill starts with children under the age of 18 with epilepsy. It will be interesting to see what other groups this may be extended to. I know of cancer sufferers in my community who have come to me in the past seeking access to this sort of medicine for pain relief in particular. I hope that there will be consideration of those groups in the community as well.

Just to reiterate what I said earlier, I do not want to see parents being criminalised for trying to do the right thing by their children. That cannot be a blanket statement, clearly, but the current status has certainly put police in a very invidious position. It is one of those areas where at the very least on the face of it this bill will remove the absurdity of police potentially charging someone for doing nothing more than trying to look after their own children, so that is a good thing.

I reiterate my concerns that we are not following a well-crafted process through the TGA to ensure the safety and protection of the public, but I certainly hope that my concerns turn out to be completely unfounded.

**Mr J. BULL** (Sunbury) — It gives me great pleasure to rise today to contribute to debate on the Access to Medicinal Cannabis Bill 2015. I have listened intently to a number of very good contributions this afternoon. The member for Broadmeadows, who is the Parliamentary Secretary for Medical Research, spoke

about the very important need to stay at the very forefront of medical research and design. I think it is vision that is required in this space. It is vision and leadership that this government — and our state, for that matter — must show in this area to ensure that each and every day we are constantly investing in this area, in the latest technologies and the greatest research, to ensure that we do as much as we possibly can to assist those that suffer on a day-to-day basis.

Like many bills debated last year, this is a bill that I am certainly very proud of, and I know that it will make a difference to those people who desperately need it. Just a few weeks ago, I listened quite intently to US President Barack Obama's State of the Union address — and I know that the Parliamentary Secretary for Medical Research listened to this address as well. In the President's address he spoke of his will and desire for the US to push harder on finding a cure for cancer. It was a very bold and very ambitious statement, but something that I believe is that a state, federal or any government around the world should never shy away from the biggest challenges that it faces.

In the President's address he spoke about the space race. He reflected on when the Russians beat the Americans into space, and he said:

We built a space program ... overnight. And 12 years later, we were walking on the moon.

I think that if you break it down, most members in this house and the other house certainly come into this place with the greatest hopes and ambitions to make their local area, their state and their nation the best place that it can possibly be. I looked at that speech and I was certainly very inspired, and I think that a number of other members were as well.

When we had the no jab, no play legislation come through the house last year, we looked at vaccines. I know that my generation in many ways does not quite understand the importance of vaccination and making sure that our children are protected against some of the most deadly diseases. The reason that we do not hear as much about them is that we are protected, and that is a very good thing. As a government we should never stop striving for, investing in and advancing towards the very best techniques to cure these conditions.

Today's bill is not about the Parliament, it is not about us — it is about the thousands of lives that will be made better through medicinal cannabis. I note that a number of members have mentioned the federal government, which is now introducing legislation in this space. I wish that the safest passage.

**Mr McGuire** interjected.

**Mr J. BULL** — Following Victoria's lead, absolutely. If we look at the current opposition and its lack of action in this place last year, we note that it announced an advisory committee for a trial. It was not for a scheme but for a trial — and there was no trial.

Our approach from day one basically has been to get this done. Prior to the election we made a commitment that we would seek advice from the Victorian Law Reform Commission about the best way to implement this legislation. Our commitment was built on a strong view that no family should have to choose between breaking the law and watching their loved ones suffer.

The Victorian Law Reform Commission's report into medicinal cannabis was provided to the government and subsequently tabled in the Parliament in October last year. In that report are 42 recommendations relating to the cultivation, manufacture and supply of medicinal cannabis products, patient eligibility and clinical oversight. The commission also made recommendations regarding the need for ongoing research and clinical trials. The government accepted 40 of the commission's recommendations in full and 2 in principle.

The Victorian Law Reform Commission found that in determining the eligibility criteria:

... the conditions and symptoms selected should only be those for which there is a reasonable measure of research support in respect of efficacy or for which the research is weaker but the circumstances of the patient are particularly compelling.

Obviously that is a neatly drafted set of words. What we are really looking at here is: what is the best possible way that this medicine can be rolled out and given to those who desperately need it in a safe, effective and clear way? I know that the Minister for Health and the Premier, of course, have done a power of work in this space. I think that the approach is the right approach, rather than just walking away from it or announcing some sort of committee or review. That is not the approach that is going to ensure that young children receive the care that they deserve — and it is the care that they deserve.

I should have mentioned earlier on that the member for Frankston also spoke about an individual that was suffering and the difference that this medicine would make to their life. I think that the phased approach that this government has adopted is certainly a wise way forward. Importantly, the law reform commission recommends that patients only be able to access medicinal cannabis products on the direction of a

specialist medical practitioner who should apply to the Secretary of the Department of Health and Human Services for a permit to issue an authority to dispense medicinal cannabis.

We know that this is a sensible approach. From 2017, during phase 2, the first patient group, children with severe epilepsy, will gain access to the product. During this period we will also be issuing research licences for cultivation and manufacture to allow industry to gain the expertise necessary to produce medicinal cannabis in a regulated market.

This is a very exciting and groundbreaking piece of legislation. It is something that the government is very keen to see delivered and will deliver. During this period we will continue to review and monitor how the rollout is travelling. From phase 2 to phase 3, regulation will enable the industry to develop a product that will support an expanded patient cohort. The expanded patient cohort is the ultimate goal. It is about making sure, as I have mentioned before, that it is safe, it is effective, it is reliable and it is looked at on a case-by-case basis. We want to ensure that right throughout the state, and let us hope right throughout the nation, people are being treated with this essentially new form of medicine that is legal, that is safe and that assists them in their day-to-day lives. We know that under our scheme approved medicinal cannabis products are products that are refined, standardised and meet strict conditions.

We are committed to doing this right, and it will be done right. Children with severe epilepsy and other patients who are desperately seeking access cannot wait, and they should not have to wait any longer. I want to once again congratulate the Premier, the Minister for Health, the Minister for Agriculture and the Parliamentary Secretary for Medical Research on their outstanding commitment to delivering on this, and with great pride I commend the bill to the house.

**Ms SHEED** (Shepparton) — I rise to speak in support of the Access to Medicinal Cannabis Bill 2015. In doing so, I do have concerns about the bill, but I have been able to put most of them to rest because of the nature of the bill and the fact that it has been formatted in a way that provides for staged clinical trials and for staged production and cultivation. It was looked at very closely over a period of time before its introduction.

The legislation follows on from the Victorian Law Reform Commission's (VLRC) report on medicinal cannabis that was tabled in this Parliament on 6 October 2015. The Victorian government asked the

law reform commission to review options to enable medicinal cannabis to become available to patients in exceptional circumstances. The VLRC made some 42 recommendations and many of those have been adopted in the legislation. It is important to remember that the reference to the law reform commission from the government was that the commission was to look at how to implement the framework to enable this legislation to be put in place. It was not asked whether it should occur.

The legislation before the house is very detailed and provides for a highly regulated and careful scheme for implementation. Part 4 of the bill contains provisions detailing how cannabis will be cultivated and manufactured. The bill does not sanction any form of unregulated home-grown scheme — that does exist in some other jurisdictions — but instead it provides for a high level of control. It provides for the Department of Economic Development Jobs, Transport and Resources to oversee the cultivation trials and to license growers to cultivate the cannabis.

Parts 5 and 6 of the bill set out the scheme for the cultivation and manufacture of cannabis, and there are detailed licensing and contractual provisions relating to how that is to occur. Parts 7 and 8 of the bill detail contractual issues between cultivators and manufacturers and contain provisions regarding the health secretary's functions in relation to obtaining, purchasing, registering, selling and otherwise supplying medicinal cannabis. Parts 9 and 10 of the bill set out the circumstances for authorising practitioners to issue a patient with medicinal cannabis authorisations. The scheme is a detailed one, and the bill provides for a careful procedure for it to be implemented.

The government has decided that it will start the release of medicinal cannabis to young people who are suffering from epilepsy, and that will occur in 2017. And while there is provision for further eligibility as time goes on, it is quite clear that there is very general community support for this legislation. The Victorian Law Reform Commission refers to the fact that just generally among the community there is a high level of support.

For many years the release of medicines into the community has been based on evidence-based practice, and that has really been a cornerstone of modern medical practice. I note that the Australian Medical Association (AMA) in its submission to the VLRC expressed concern about departing from the principles of evidence-based medicine even in exceptional circumstances. The AMA advocated further clinical

trials be undertaken before medicinal cannabis is made available for use.

The government has determined to legalise the medicinal use of cannabis contemporaneously with the conduct of these trials, so it is a departure from the norm in this sense. I guess one of the risks is that this could be used as a precedent in the future. We need to be concerned about influential and powerful international drug companies that are working on drugs that they would like to see go to market very quickly, without having to go through the normal trials and requirements that exist. That is a challenge for the future. But again the fact that we have a fairly slow phasing-in process and that we have clinical trials operating at the same time does give me some comfort in this case.

It is clear that many of the submissions made to the VLRC were from people like the Australian Nursing and Midwifery Federation. These are people at the coalface. These are people who nurse people who are dying in palliative care institutions, in hospitals and in homes. There is a lot of anecdotal evidence to suggest that the use of medicinal cannabis in situations such as that has great benefit.

We have heard many accounts from parents who truly believe that their children have had relief from epilepsy and fitting by using it. We know of families whose children suffer hundreds of fits in a day, and life is simply unbearable in those circumstances. Many parents have had to access medicinal cannabis over time from an illegal market, and when they do this they cannot be in any way confident that the composition of the substance they are using is fit for their children. This must create enormous stress for parents who are trying to find effective solutions for their children's condition.

In an article in the *Age* of 3 February this year we learnt the Austin Hospital in Melbourne is recruiting 60 children with intractable epilepsy to participate in a trial of a cannabidiol, known as CBD, which is a product of an American company. Professor Ingrid Scheffer, who is the hospital's director of paediatrics and an internationally renowned paediatrician and specialist in epilepsy, will be conducting the clinical trial. It is regarded as a very high standard form of clinical trial in that it is going to be the first double-blind randomised controlled trial. It is the most reliable design that there can possibly be to establish whether the drug works. It means that neither the patients nor the researchers will know who received the real drug versus the placebo.

Professor Scheffer confirmed what many members of this house will have heard from desperate parents of children with severe epilepsy — that is, that sourcing cannabis from the black market can be unknown, it can be dangerous and it is a cause of great stress and anxiety. She welcomes the opportunity to conduct this trial. She is concerned that there are no checks and balances in the black market and that this will provide that opportunity.

This research is very encouraging. The high-quality research methods being used in this process I think will give all of us here comfort. It is the current poor state of research that was referred to in the Victorian Law Reform Commission's report that I think raises many concerns for many of us here. In speaking to a range of illnesses and conditions that the report referred to, the general view was that the use of medicinal marijuana was regarded as of moderate quality. Despite the anecdotal evidence out there that suggests that medicinal cannabis is effective in a range of conditions, we are now moving into a stage where we all have the trials and where there will be evidence-based assessments done to determine whether it will be useful and whether it will be safe.

I have been contacted by a number of constituents in my electorate who have expressed their very strong desire for medicinal cannabis to be made available to them for the treatment of chronic pain. I do not doubt that many members of the house have also been contacted over the years too. Many of the people who have spoken to me have been watching this process very closely. They have accessed the Victorian Law Reform Commission's report. They have seen the legislation, and they are very keen for this drug to be made available to them as soon as possible. Naturally, coming from Shepparton, a number of my constituents in more remote parts of Victoria are very concerned about whether they will be able to get access to this drug when it is finally in a process of being released to them and they have become authorised patients to use it. Just the fact that two medical specialists may be required may create issues in some areas where there are very few medical specialists available. I ask the government to give consideration to some of those issues in the future when this medication is becoming more widely available.

I take heart from the fact that the bill before the house provides for that detailed and highly regulated scheme, unlike what has emerged in a number of other jurisdictions. For instance, in some cases in America, the use and access to cannabis generally is regarded as an offence, but if you can show that — —

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

**Ms COUZENS (Geelong)** — I rise to speak on the Access to Medicinal Cannabis Bill 2015. This was a commitment the Andrews government made to the people of Victoria. Many families desperately want to see this bill passed. I have no doubt that the people of Geelong support access to medicinal cannabis. I have spoken to many people in my electorate about this issue, and their feelings are very clear. They may not know someone who needs to use that medication, but they support the concept. The bill implements Labor's election commitment and will legalise access to locally manufactured medicinal cannabis products for use in exceptional circumstances. Our commitment was built on a strong view that no family should have to choose between breaking the law and watching their loved ones suffer. We are a government that keeps our promises, but we are also a progressive government. If we wait until the federal government decides to do something about this, then it is not going to happen. So I am very proud to be part of a government that is taking care of Victorians who need access to medicinal cannabis.

Talking to families who are forced to use the black market to treat their children is really heartbreaking. These are good, honest people; they are not criminals. They are in a position the forces them to go outside the law. We need to put ourselves in their shoes and think about what we would do in the same circumstances. I know exactly what I would do. I would do exactly what they are doing. As parents we want to protect our children. Of course we do. I know it is a difficult decision for a lot of those families to do that. I support their decision, and I would do exactly the same thing if I was in that position myself. They are brave people who come out publicly to tell their stories. They tell their stories to the rest of Victoria and to the rest of the country to try to get their message across about how important it is for this bill to go through this house. When there is serious illness in the family it is difficult enough, but to then have to go outside the law to help that person only adds to the stress within the home.

Of course there are those who oppose access to medicinal marijuana, and I have found that much of their opposition is due to not understanding what is contained in the bill and why people are requesting access to medical marijuana. There is a great deal of support out there for the bill. I want to clarify a few things that have been said in the house today. There are provisions in the bill to assist in facilitating access for those in rural and regional communities, including that ongoing management could be done by a local GP,

although the initial prescriptions must be done by a specialist. So there are provisions in the bill to protect those in rural and country areas who feel they are being disadvantaged in some way.

What we have heard some members speak about in the debate today is the use of marijuana. This is not about the use of marijuana. It is the use of a drug that is going to help people who need it. I think we need to remember that all drugs are dangerous, not just the drug we are talking about today. All drugs are dangerous, and it depends on how they are used. We are not talking about condoning illicit drugs. That is not what this debate should be about. The debate is about introducing a drug that will help the people that need it.

The Australian Nursing & Midwifery Federation (ANMF) supports best practice in patient care. The ANMF surveyed its members, asking them if they supported the legislation for the treatment of terminal and life-threatening illnesses and for palliative care. Ninety-five per cent of its members said yes. The Australian Drug Foundation has praised the Victorian government for leading the way with the introduction of this bill. The bill will enable the manufacture of quality-controlled medicinal cannabis products, license cultivators and manufacturers of medicinal cannabis products, authorise medical practitioners to treat patients as part of the medicinal cannabis scheme and authorise medical practitioners to treat patients on a case-by-case basis when those patients have exceptional circumstances which are outside of specified conditions and symptoms.

The Victorian Law Reform Commission's report into medicinal cannabis was provided to the government and subsequently tabled in the Parliament in October last year. It included 42 recommendations relating to the cultivation, manufacture and supply of medicinal cannabis products, patient eligibility and clinical oversight, and it made recommendations regarding the need for ongoing research and clinical trials. The government accepted 40 of the commission's recommendations in full and 2 in principle.

The bill before the Parliament is a realisation of the scheme recommended by the Victorian Law Reform Commission — a comprehensive scheme to provide eligible patients access to a product that is safe, legal and reliable.

This bill will legislate for a range of activities, including regulating the cultivation, manufacture and supply of medicinal cannabis products within Victoria; ensuring appropriate clinical oversight practices are in place which involve medical specialists, general practitioners,

nurses and pharmacists; allowing new regulations to be made to define patient eligibility based on best available evidence and clinical decision-making; and establishing the Independent Medical Advisory Committee, the mechanism through which the medical profession will give its expert opinion on the scheme.

We will implement the scheme through a phased approach. This is an issue those opposite have struggled to understand. Our phased approach is essential to ensure patient access to quality and efficient medication, the key tenet of this legislation and our policy. As those opposite would be well aware, because the former government did not support this policy in office, limiting itself to consider trials only, which it did not pursue, there is not currently a framework available for the cultivation of cannabis for medical purposes. There is also currently not the expertise necessary for the manufacture and extraction for medicinal cannabis at scale in the forms identified in the VLRC report.

As such the first phase of our scheme is the implementation of a cultivation and extraction trial, which is to take place at a facility owned by the Department of Economic Development, Jobs, Transport and Resources. This is an important step to ensure there are a range of quality bespoke products fit for different patient cohorts able to be developed ahead of the scheme's rollout. Seeds will be planted, plants grown and agents extracted to develop pharmaceutical grade medication for non-therapeutic purposes. It is about developing the expertise in extraction and measurement, in security and with regular oversight to ensure that the medicinal cannabis oil is fit for purpose and that its safety and security are guaranteed and, once the scheme moves into its next phase, that the scheme supports patient use.

From 2017, during phase 2, the first patient group, children with severe epilepsy, will gain access to the product. During this period research licences will be issued for cultivation and manufacture to allow industry to gain the expertise necessary to produce medicinal cannabis in a regulated market. It is important to understand the purpose of the phased approach when it comes to patient eligibility. It simply will not be possible for all patients identified as potentially benefiting from the use of medicinal cannabis to access it on day one. Again, because no action was taken on this issue until our government came to office, the work has not been done to develop the product, infrastructure and industry to support access to medical cannabis on the scale required for each patient cohort.

That is why we must start somewhere, and we have decided to start with a patient cohort that nobody can

deny is deserving of our foremost action — children with severe epilepsy. In the scheme's third phase regulation will enable industry to develop products that will support an expanded patient cohort. The Access to Medicinal Cannabis Bill 2015 allows for the development of regulations to define other eligible patient groups. Patient eligibility will be considered by the Independent Medical Advisory Committee, and future changes to regulations are to be made based on best available medical research and following consideration of the committee's advice. As a starting point the Independent Medical Advisory Committee may consider the other patient groups that were recommended in the Victorian Law Reform Commission's medicinal cannabis report. These include patients with severe symptoms associated with epilepsy, including in adults, multiple sclerosis, cancer, HIV/AIDS and chronic pain. Like many members in this house today I have had constituents contact me about getting access to medicinal cannabis.

**Mr PERERA** (Cranbourne) — I wish to make a contribution to the debate on the Access to Medicinal Cannabis Bill 2015. I am sure so many of us from all sides of politics have been moved by the stories of families struggling with chronically ill children who have resorted to medicinal cannabis and found it provides significant symptomatic relief and health benefits. It is a pity that these families have to live under the threat of criminalisation for treating their sick children — I must add, very sick children. Medicinal cannabis, also known as medical marijuana, has been shown to be effective in treating pain, nausea, loss of appetite and other symptoms associated with terminal and very serious and debilitating diseases, such as cancer, AIDS/HIV, multiple sclerosis, spinal cord injury and epilepsy.

A number of major international reviews have found medicinal cannabis is effective and safe and that side effects are few and acceptable. People turning to medicinal cannabis for relief from pain and suffering should not be criminalised; they should be given proper access to this clinically proven treatment, as they are with medical poppy-based opiates such as codeine and morphine. Recreational use of cannabis is illegal in most parts of the world, but the medical use of cannabis is legal in certain countries, including Austria, Croatia, Czech Republic, Finland, Germany, Israel, Italy, the Netherlands, Portugal and Spain. The cannabis plant has a history of medicinal use dating back thousands of years, across many cultures. I know Sri Lankans add it to their meat curries to enhance the flavour if they can access this illegal substance over there.

Labor's commitment was built on a strong view that no family should have to choose between breaking the law and watching their loved ones suffer. The Access to Medicinal Cannabis Bill 2015 is an enabling bill which will be further supported through regulations. This is only the very beginning. This is landmark legislation, and we are getting on with delivering it. This is of course in stark contrast to those on the other side of the chamber who dragged their feet on this one while they were in government, when they had the power and the ability to do something about it.

Unlike some social issues, legalising medical marijuana is widely favoured by electors of different political persuasions and age groups, which really tells us its time has come. Unsurprisingly Australians aged 50-plus are the strongest supporters, as this group is most susceptible to several of the conditions for which medical marijuana can provide relief. In May 2015 Palliative Care Australia published a survey of 1000 people across Australia which found 67 per cent of respondents supported the use of medicinal cannabis.

The Andrews Labor government has been encouraged by the cooperative engagement it has had with the commonwealth government on this issue. The commonwealth has announced plans to introduce legislation into the federal Parliament to support access to medicinal cannabis. The Andrews Labor government wants to work with the federal government on that, but it cannot wait. So we are getting on with it, as we promised to and as recommended by the Victorian Law Reform Commission, because children with severe epilepsy and other patients who are desperately seeking access cannot wait. Sadly, some children with this type of epilepsy may not live into their adulthood, and they face a poor quality of life throughout their childhood. Medicinal cannabis will provide another treatment option where others have failed and may help manage a child's seizures and improve their quality of life. That is why children with epilepsy are being given access as a priority in the scheme of things.

The Access to Medicinal Cannabis Bill 2015 will allow educators and teachers, as well as other primary carers, to possess and administer medicinal cannabis products to children as directed by the authorising medical practitioner. The detail of how the administration of medicinal cannabis to children by caregivers will be managed will be set out in the regulations.

Victoria does not have the power to allow cannabis to be imported. Although the secretary of the federal Department of Health can make exceptions, the approval process for imports is seen as so strict that the government cannot guarantee supply or quality on a

long-term basis. This means Victoria would be forced to grow its own cannabis through a strictly controlled licensing scheme. The Victorian government decided to produce medicinal cannabis, enabling it to rapidly supply medicinal cannabis products to the first group of patients from 2017. This is an interim measure while the regulatory regime is established to underpin a commercial medicinal cannabis industry in Victoria.

Victoria's approach goes beyond clinical trials to provide access to medicinal cannabis to a broader range of patients under specialist medical practitioner care as quickly as possible. By comparison, clinical trials can take a significant period of time to establish. They also restrict access to a new medicine to the people in the clinical trial, which means that not all individuals who might benefit from the treatment can get it. In the first instance, access to medicinal cannabis will be given to children with severe forms of epilepsy in early 2017. As the scheme matures and cultivation and manufacturing industries are established, access to other patient groups will be considered by the Independent Medical Advisory Committee.

Victoria is continuing to explore options to support research to build the evidence base. The new Office of Medicinal Cannabis will encourage further research into medicinal cannabis. The first commercial cultivation and manufacturing licences will be issued in the second half of 2017. In the lead-up to this, licences may be issued for research purposes.

Eligibility for this scheme will be restricted to ordinary residents of Victoria. This means that only patients who live in Victoria will be able to access medicinal cannabis. Patient who live in another state or territory or who are visiting Victoria on holiday will be ineligible for the scheme. This initiative will also address the issue of illegally sourced medical cannabis oil, which may not be of the best quality. The forensic testing of medical marijuana revealed dramatic variations in the contents of product which is often spruiked over the internet by unregulated producers. This is an initiative to provide, before long, top-quality medicinal cannabis in an appropriate form at an affordable price. I commend the bill to the house.

**Mr PEARSON** (Essendon) — Acting Speaker Kilkenny, as always, it is a great pleasure to see you in the chair. Days like today are special because this is the house working at its very best. I have sat in the chamber for most of this afternoon, and I have heard many fantastic contributions from members on both sides. The member for Dandenong spoke about her experiences as the Parliamentary Secretary for Carers and Volunteers and what she has seen in her day-to-day

work, discharging her duties, looking at the difficult choices parents have had to make.

The member for Frankston spoke incredibly eloquently and passionately about what he has seen in terms of speaking with people he has known who have been placed in these difficult positions. The member for Caulfield earlier in the debate talked about his contact with a constituent who had raised similar problems and concerns. The member for South-West Coast, who is a new member to this place, spoke with a degree of sincerity and honesty about her experiences as a nurse, having to try to work on a patient who had suffered from a severe epileptic fit because the medication that that patient had been prescribed was not particularly effective.

The member for Lowan made a thoughtful contribution in relation to her experience from the point of view of pathology and having spent part of her working life in the healthcare system, and I think the member for Shepparton a short time ago made a contribution from her perspective as a lawyer, trying to weigh up very carefully — and being quite measured and considered about it — what she thought about the merits of the bill but also understanding some of the risks associated with it.

Finally, I think the member for Eltham talked about recognising the contributions made by the Minister for Health, the Minister for Agriculture and also the Parliamentary Secretary for Medical Research and the importance of the fact that when we have great minds working honestly, collaboratively and together, we can achieve great things.

Many members have also spoken about being a parent and the things you would do as a parent in order to protect your children. I think every parent would say that; every parent really would say, 'I would do anything for my children'. But the great thing about this law, the really important thing I want to focus on and which I think the member for Geelong touched upon, was the courage that Rhett Wallace and Cassie Batten had in coming forward. They did not have to come forward. They could have just continued along procuring the drugs they needed for their son in order to try to ease Cooper's suffering. But they did not. They had the courage to come out and say, 'We recognise that there are deficiencies in the law that need to be changed, and we are outing ourselves publicly. We are breaking the law deliberately and in a very conscious way because we want to improve the quality of life of our son'.

After the event we all could say, ‘Well, of course, I would do that. Of course, I would be a leader, I would out myself. I would strive to do that’. And I think many of us would hope that we would. I think I would. I would like to think that I would if I were in the position of Rhett and Cassie, but I cannot be sure, and I know for a fact that many others would not. They would not have had the courage. They would not have dared. They would have just tried to fly below the radar and just deal with it quietly, saying, ‘nothing to see here’.

But Rhett and Cassie had the courage, and they are the reason we are here. What should be, I think, really emphasised today is their great courage, their passion and their commitment, not just for their son but for many other sufferers. They are the innovators; they are the ones who are out there and they are the ones who are making a real difference. It is a privileged position, because it could have gone any way. The times might have been different. If you had tried it in the 1970s or the 1980s, it could have been a very different result. The times favoured them, but that does not lessen the courage that they showed — and they should be incredibly proud of what they have done.

I think it is also important to recognise the fact that we are incredibly lucky in this country with the health system we have. We have got a world-class health system, and it is one of our key economic differentiators. We do health well in this country, we do education well and we do food and fibre well, so we are a high-value proposition as an economy. The interesting thing is that in preparing for this debate I asked myself, where else in the Asia-Pacific region is medical cannabis legalised? There are only two jurisdictions in the Asia-Pacific region where it is legalised — Bangladesh, and probably the most striking one is in North Korea.

**Mr Nardella** interjected.

**Mr PEARSON** — North Korea has legalised medicinal cannabis — yes. I found that quite amazing. So we are joining Bangladesh and North Korea.

But leaving that to one side, the reality is that we will gain a first-mover advantage from this legislation. We will basically create a new crop, a new product that will be available — so there will be jobs in regional Victoria. We will have a clear point of difference in relation to medicinal cannabis. Think about this. What if my son has got epilepsy, and I live in Singapore? If I try to get cannabis in Singapore, I will be killed. That is what happens in Singapore. If we try to buy any illegal drugs, we know what happens. So what do I do? Well, I could see myself in 5 years or 10 years getting on a

plane, coming to Melbourne and seeking treatment for my son in order to deal with that. That will be an important economic driver for this state.

The reality is that in the Asian century there will be 1 billion more people in Asia who will join the middle class, and I would hazard a guess that people in China, people in Korea, people in Thailand, people in Indonesia, once they become part of the middle class, they will all want the same things. We all want the same things. We want to have a healthy life, we want to have a happy life and we want to have a fulfilled life, and we want to make sure our children experience that as well. So you can see logically that if you were confronted with a terrible illness, or your child was confronted with a terrible illness, you would seek medical treatment in order to address that.

The fact is that Victoria has shown the courage and the leadership, and we will be playing a key role in terms of developing a new industry, a new product and a new form of treatment, and we will lead South-East Asia as a result. There will be export dollars in this. There will be a new industry created, and there will be a huge economic impact. But again I come back to my earlier comments that none of this would have happened if it were not for Rhett and Cassie and the courage they have shown. They did not have to do this; they could have stayed quiet; they could have just gone silent. They could have flown under the radar, but they had the courage to speak out.

And yes, of course their son will benefit from this and of course many other children and sufferers will benefit from this, but we will all benefit because of their courage and the leadership they have shown. We will all be beneficiaries. The reality is that as a society and as a community we will be in a much better place. I think it is important that we try to encourage the innovators, that we support the innovators out there who are prepared to turn around and recognise where there is a problem. Where there is an issue, they are prepared to step forward and indicate their concerns and anxieties, and they are prepared to show the courage, the leadership, the dedication and the commitment that Cassie and Rhett have shown.

I thank both of them for what they have done. They have made this state a much better place, which is something all of us as legislators hope we can achieve in our time here. Thank you. I commend the bill to the house.

**Mr NARDELLA** (Melton) — I wish to say a few words in regard to the bill before the house, and I think it is a very important bill. One of the things that I think

people in Victoria are seeing with this Labor government, as they did with previous Labor governments, is that it takes leadership positions in a number of matters within this state and even Australia-wide. In terms of health and the things that people need for themselves, for their children, for young people or for elderly people — as is evident by this bill — they know that this Labor government will make the hard decisions.

One of the interesting things, I think, is to have a look at leadership. Leadership is something that is not innate. It is something that you develop as you grow, as you go through life's experiences and as you learn. Leadership is about learning and it is about understanding the things that you need to do and how to bring people with you to make sure that you have a real impact in life and leave a real legacy in your life as an individual but also, in terms of our society, that you leave a legacy that remains forevermore. One of the really interesting things is that if you have a look at the leadership of Premier Andrews, you see that is what he has in actual fact done.

Leadership is also about risk. It is about risk because you have to do the right thing. When a problem or an issue confronts one or if one sees that there is a problem that needs to be fixed, sometimes — and I have talked about this in the house in the past — the easiest thing that anybody can do is to do nothing. That is not leadership; that is cowardice. In fact it is cowardice to the highest degree. Ultimately we are judged not only on that cowardice but also on the fact that we do not leave the legacy. We do not leave the reforms and the changes we need for our society and our community.

So I want to absolutely commend the now Premier of Victoria and his former shadow ministers who adopted this policy and were ultimately responsible for the legislation we have before the house today. As I said, leadership is about risk, and I think the greatest risk is to do nothing. The risk at the time involved a whole range of negative, right-wing, law-and-order matters that could have been played on and were played on by others. So this legislation is about leaving that legacy. It is about seeing what those problems are and now putting the solutions in place, working with others and sometimes dragging others with you. The innovators are not only the Premier but also the Labor Party in Victoria.

I want to commend everybody who has been involved in this process to make sure that we make a difference in people's lives, particularly in kids' lives, and make a difference in our society and our community, and that, if there is a health problem and there is a health solution

to that problem, however hard it may be, that we work diligently and we change the law and we put in place the evidence-based research and the evidence-based legislation to make people's lives better.

Some people find that really, really hard. Some people want to delay that process. I was really disappointed when I heard just a couple of days ago — it was reported on AAP — that the Leader of the Opposition went outside and said, 'We should delay this bill and wait on the commonwealth government to put in place its legislative changes'. We had the honourable member for South Gippsland say, 'Oh, it's only going to take another couple of months. What's another couple of months? Nobody will really care. Nobody will really know the difference'. Well, they will. People are relying and trusting us to do the right thing to make either their lives or those of the people that they have most precious in their lives, better. We cannot delay this while waiting for the federal government. It might not even pass its bill or it might take it months to pass its bill.

The government is putting in place this bill to make sure that whatever the federal Parliament does, we have legislation in place, and if we need to amend it, we can do that pretty quickly. We do not have to wait another couple of months for further delays into the future. That is the disappointing part. Whenever we have a look at it — whether they are wets, whether they are dries; whatever they are in the Liberal Party — ultimately conservatives are very slow, extremely slow, to pick up these changes that are life changing. They are life changing for a range of people within our community.

We have this evidence-based position in this government that is extremely important. I was in the chair when the honourable member for Lowan made her contribution and talked about her issues — and rightly so. I commend the honourable member for Lowan for standing up for her constituents in terms of when they may need this type of assistance or medical intervention. She talked about the need for physicians at the local hospital. My understanding is that if you have one of these chronic illnesses, such as epilepsy, in the main you will have a specialist that you go to. You will already be seeing somebody with the qualifications required under this legislation who is able to prescribe this medicine for the long term. So even though there may be areas in Victoria where these specialists may not be, if one's child is going to the Royal Children's Hospital, for example, to see a specialist in terms of epilepsy, then those specialists will be able to deal with this matter. You do not need, in those instances, people out in the regions or out in country areas.

One of the things we have thought about with this legislation is how do we deal with all Victorians? How will we be a government for all Victorians and not just for certain regions or towns in Victoria? That is why this legislation is important. People need to understand that the Labor government is making the hard decisions in terms of looking after our people in Victoria. I commend the legislation to the house.

I commend the Premier, the ministers and the departmental officers involved with this legislation. The bill is extremely important for the people it will affect in the future. I think everybody in this Parliament can be proud that they are part of this history of dealing with these medical conditions, and we are dealing with it in a compassionate and correct way, under the leadership of the Premier of Victoria. I commend the bill to the house.

**Mr CARROLL** (Niddrie) — It is my honour to speak on the Access to Medicinal Cannabis Bill 2015. It was also great to be in the house to hear some of the contributions from this side — and I commend the member for Melton and the member for Essendon before him. I was here to hear those two passionate speeches on why this policy is right. I also want to begin by acknowledging Rhett and Cassie, who are here today. I know the member for Melton touched on the leadership of the Premier. We are not meant to use electronic devices excessively here, but there was the most beautiful photo, I think, that symbolised the relationship that the Premier has developed with the Wallace family. The photo is of the Premier on the steps of Parliament House wishing Cooper Wallace his happy fifth birthday. I just want to read out the Premier's statement. He said:

Cooper wasn't expected to make it to two, but thanks to medicinal cannabis products and the hard work of his loving parents, Cassie and Rhett, and his medical team, he's here today to mark this important milestone.

We promised to change the law and we're getting on with it — because no parent should have to choose between breaking the law and watching their child suffer.

So to Rhett and Cassie, it is an honour to have them here today. They should be very proud. I know they have got to know the Premier, like we have. In many respects he is a strong leader, and if we go back to when we won the election, I know within the first month the Premier was out there saying, 'This change has to happen and it will happen'. He was quoted in the *Age* newspaper literally within a month of gaining office, and here we are today.

The Minister for Health has also to be congratulated. She has led a process through the Victorian Law

Reform Commission (VLRC) to get here today. As the member for Melton said, this is evidence based and important legislation. Once we gained office we got our skates on — this was an election commitment — and we have done everything we could to get this legislation before the chamber as soon as possible. As I said, I congratulate the health minister. You only have to read her second-reading speech to see how important this legislation is for families, for children. It might be cancer, it might be HIV, it might be glaucoma — medicinal cannabis has been shown and has been proven to work in ways that other traditional medicines have not been able to do.

So in some ways Victoria has led the way. We have led the commonwealth government. We see that other jurisdictions are watching closely at how we implement this scheme, and I think it is going to go a long way to putting Victoria on the international stage in many respects — as the member for Essendon said — because this bill is incredibly important. It is not only about implementing our election promise. It is about making sure that we have a 21st century health system and support for families when they need it.

Providing for the medicinal use of products derived from cannabis by establishing a scheme to allow for their supply and the treatment of all Victorians with specified conditions will go an incredibly long way to ensuring that our health system is not only one of the best in Australia but one of the best in the world. As the Parliamentary Secretary for Justice I was very pleased to see the Victorian Law Reform Commission, upon Labor coming to office, essentially work very hard to do the review and make the necessary recommendations to ensure that the scheme that we did put in place was eligible and that it will make important regulations for the manufacture and distribution of medicinal cannabis.

The VLRC was extremely thorough in its investigation. It completed extensive public consultations, which included public consultation forums, written submissions and private consultations. The commission also drew on expertise from the medical profession and heard many compelling stories from people in the community about why medicinal cannabis should be made legal. The Victorian Law Reform Commission's *Medicinal Cannabis* report was tabled in Parliament on 6 October 2015, and the government accepted all 42 recommendations, 2 of which were accepted in principle.

I want to put on the record, as Parliamentary Secretary for Justice, my congratulations to the VLRC for its work. It deserves thanks for the thorough and precise

work it did in an incredibly timely manner, because this is legislation that essentially could not wait. I am very happy now that we essentially have the roadmap to go forward to legalise access to medicinal cannabis for Victorians in exceptional circumstances.

I want to congratulate the minister and her department, because to get to where we are today the consultation needed to be and was extensive. Paediatric neurologists at the Royal Children's Hospital were heavily consulted and worked with the Australian Medical Association. The Royal Australasian College of Physicians, the Royal Australian College of General Practitioners, the Pharmaceutical Society of Australia, the Pharmacy Guild of Australia, Victorian branch, as well as the Australian College of Nursing and the Victorian Managed Insurance Authority, were all heavily consulted and worked thoroughly through the VLRC process. We had a range of agricultural stakeholders which I know were also working with various cabinet ministers to get here today.

Finally, I want to thank all members, particularly those on the Labor side when we were in opposition who saw this issue. It would be fair to say the government of the day did not quite get it, but Labor got it. The Premier, Minister for Police, Minister for Public Transport and Gavin Jennings, a member in the Legislative Council — and a whole range of cabinet ministers — got it, and now we are delivering. It is another election promise delivered that is going to change how we practise medicine and how we deliver health care. It is going to really make Victoria a jurisdiction for the 21st century that we can be proud of. On that note, I commend the bill to the house.

**Debate adjourned on motion of Ms ALLAN (Bendigo East).**

**Debate adjourned until later this day.**

## BUSINESS OF THE HOUSE

### Adjournment

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

That the house, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the house.

**Motion agreed to.**

## PERSONAL EXPLANATION

### Member for Oakleigh

**Mr DIMOPOULOS (Oakleigh)** — I rise to make a personal explanation under standing order 123. In a point of order he raised following question time yesterday, the member for Mount Waverley incorrectly quoted me as saying that the reason the government is proposing elevated rail in Oakleigh is that it is a strongly held seat. I did not say that. In response to the Leader of the Opposition's assertions that the government is proposing elevated rail in Oakleigh because it is a strongly held seat, I responded, and I quote, 'That's why we are lowering the line in St Alban's — a 70 per cent Labor seat'.

## ABORIGINAL HERITAGE AMENDMENT BILL 2015

### *Second reading*

**Debate resumed from 9 February; motion of Ms HUTCHINS (Minister for Aboriginal Affairs).**

**Mr RICHARDSON (Mordialloc)** — It is a pleasure to make a brief contribution on the Aboriginal Heritage Amendment Bill 2015. This is another key element in how we close the gap and achieve reconciliation between Indigenous and Torres Strait Islander Australians and the wider Australian community. This bill looks to improve on the protection and management of Victoria's Aboriginal cultural heritage, to maximise the efficiency of Victoria's best practice Aboriginal cultural management system and further reduce red tape for the industry and government.

I see these reforms as having two key pillars. One is cultural heritage significance and connection to a culture that is one of the oldest in the world. The other element is how we improve the education system, how we improve the health of and how we reduce the incarceration of our Indigenous Australians. It will be a long journey, and it has been a long struggle to get to where we are at this point in time. My knowledge of these issues started with the apology of the former Prime Minister, Kevin Rudd, to the stolen generation, which helped to heal a significant scar and sore in modern Australian history. We have so far to go across the board in this space.

Recently we saw the example of Stan Grant, a wonderful journalist, standing up and sharing his story about his feelings about Australia Day. He is an Indigenous Australian, and we need to listen and pay attention to what he has to say. It should be of great

concern to us that someone of Stan Grant's ilk has such concern about where we are going as a nation. I want to put on the record something that stuck out to me that a lot of people might be aware of in terms of the statistics about the lives of Indigenous Australians. One telling comment Mr Grant made in a speech was:

My people die young in this country. We die 10 years younger than average Australians, and we are far from free. We are fewer than 3 per cent of the Australian population, and yet we are 25 per cent, a quarter of those Australians, locked up in our prisons, and if you are a juvenile, it is worse; it is 50 per cent. An Indigenous child is more likely to be locked up in prison than they are to finish high school.

This is an astonishing statistic, and we need to acknowledge that we are not getting it right. Cultural heritage is one thing, but it is also about closing the gap across the board. We need to acknowledge that our modern system of democracy in Australia has not been on the side of Indigenous Australians. There are numerous examples that go back to the first settlement in 1788.

Children in our schools learn that our first prime minister was Edmund Barton. There was inherent racism at the time he became Prime Minister, and the laws of our land that uphold our freedom and opportunity included race provisions that denied the rights of our Indigenous Australians. It needs to be acknowledged that what happened at that time and in that era would be considered absolutely barbaric by today's standards. At the time, Australia's first Prime Minister, Edmund Barton, said that those race provisions were to regulate the affairs of people of coloured or inferior races who were in the commonwealth. It is only just over 100 years ago that those provisions were made in relation to a civilisation that had sustained itself on this land for over 65 000 years, its culture handed from generation to generation, and the damaging impact and effect those provisions had at such a modern point in our history is something we need to acknowledge.

We also have to acknowledge that it was not until 1967 that Indigenous Australians were given the right to vote. That is something we need to address. It is only 50 years ago that that happened. That is modern times, and that is a significant thing. We know of course about the Mabo decision of 1992. There was a 10-year struggle to put forward land rights that we now appreciate in the heritage setting and that these laws in Victoria are looking to strengthen and protect. It is not until we acknowledge that the Australian legal system has not always been on the side of Indigenous Australians that we can confront and be honest about some of the challenges that we face.

That brings in the closing the gap debate as well. It is an important policy that acknowledges that there is a gap between where Indigenous Australians are and the rest of the population are in relation to health care, age expectancy, education and incarceration, and there is the need to close that gap. I appreciate that there is absolute bipartisan support to do that, but we have a very long way to go before we are able to get to that.

I will reflect on one final thing: there has been a lot of debate about the Adam Goodes saga. Stan Grant reflected on this. I am a staunch Essendon fan, and I absolutely love Adam Goodes. He went to town on Essendon every time he played us. One thing I found astonishing in relation to the booing of Adam Goodes was that at around that time there was also booing of Jobe Watson, in particular in relation to what happened with the Australian Sports Anti-doping Authority case. The booing continued for about two or three weeks. As an Essendon supporter I saw parallels between the fact that he was being booed by a section of the crowd, and yet we had the sustained booing of an Australian of the Year recipient for many, many months.

We need to look at why that occurred. We need to stand up and ask ourselves about that and reflect on some of the comments of Stan Grant in speeches he has made. I will leave it at that. I appreciate this bill, and I wish it a speedy passage through the house.

**Ms COUZENS** (Geelong) — I am pleased to rise to speak on the Aboriginal Heritage Amendment Bill 2015. I congratulate the minister and her office on their work on this important bill. It is great to have had the acknowledgement of country brought into this house on Tuesday of this week, but I do want to support other members' comments about feeling uncomfortable about standing for the Lord's Prayer but not for the acknowledgement of country, and I think that is something we should address.

Having said that, I think what this government has done in the last 12 months it has held office is extraordinary. One of those things is that the minister initiated the Victorian government's first consultation with Aboriginal communities in over 20 years. The fact that she took the initiative to go out to talk to Aboriginal communities about what their needs and issues are should be commended. Again, it is a progressive government, the Andrews Labor government, that is taking on these issues.

Recognising, protecting and celebrating Victorian Aboriginal culture and its cultural heritage is a priority for the Andrews Labor government. This bill will ensure that Aboriginal Victorians have greater say in

the protection of their cultural heritage. This is pretty close to my heart for a number of reasons, but recently in Geelong, Telstra or Optus — it was one of them — wanted to build a tower over King Billy's grave. King Billy was one of the last of Geelong's Aboriginal population to survive, and he died in the 1960s. There is quite a monument to him in the western cemetery. The application to build a telecommunications tower over his grave was met with great anger in Geelong, which was heartening to see, and the council in its wisdom and to its credit actually rejected the planning permit. It is not over yet, but I think this sort of legislation will help Aboriginal communities protect their cultural heritage, which is really important to those communities.

The bill builds on the \$20.9 million invested in the Victorian Aboriginal Cultural Heritage Strategy through the 2015–16 budget, and it will reduce red tape and improve the efficiency of Victoria's best practice management system for Victorian Aboriginal cultural heritage.

I want to refer to the Reconciliation Australia report that came out the other day. I quote from that report:

While there is much goodwill and support for reconciliation growing across all sectors of the Australian community, there are still many hard conversations before us.

Racism, denial of rights and a lack of willingness to come to terms with our history continue to overshadow the nation's reconciliation progress.

I think that wraps it up in a nutshell. It is really important that we do have the conversations and that we support our Aboriginal communities to take control of their own cultural heritage. We do not need governments, bureaucrats and businesses telling our Aboriginal communities what they should be doing. For far too long we as a government have spoken for and told Victorian Aboriginal communities what do and when to do it. I think it is about time they started telling us what they need to be doing themselves, and we should be listening to that.

I know that in my electorate of Geelong the original owners of the land, the Wathaurong people, not only want to have a say but also want to have control over what happens in their community. They are best placed to tell us what to do. There are almost 20 000 Aboriginal people living in the Barwon south-west region, and almost half of that population is aged under 20 years old. It is critical that as a government we ensure that these young people are empowered and have the opportunity to learn about and understand their culture. Tragically, over many years there have already been great losses of cultural heritage

for Aboriginal Victorians, sites destroyed and land taken.

I think about my late husband, who in his 20s became more aware of the significance of his culture and his elders. This was due to the work of the local elders in campaigning for funding to establish the Wathaurong Aboriginal Co-operative — and of course his anger about racism.

If we look back in time, we see that it has been Labor governments that have been more assertive in their support of Aboriginal Victorians — and I know we have a lot more to do. For example, in 1987 the Victorian government, under John Cain, attempted to grant some of the Framlingham State Forest back to the local Aboriginal community. However, that was blocked by Liberal Party opposition in the other place. Over many years the land had been taken by the state, given away to government departments and sold off to private land owners. The then federal Labor government, under Bob Hawke, intervened and passed the Aboriginal Land Act 1987, which returned 4.6 kilometres of the Framlingham forest.

Much gets said about protecting Aboriginal culture. Action is more important. As part of the government I am really proud to be able to stand here today. I have also been asked to be the ambassador for closing the gap for the Andrews Labor government, which I am very proud of and privileged to do. I will continue to fight as hard as I can to make sure that Victorian Aboriginals have a fair go.

**Ms KILKENNY** (Carrum) — I am really proud to be able to contribute to the debate on the Aboriginal Heritage Amendment Bill 2016.

Just over 10 years ago I moved to Broome in north-western Australia, where I was a lawyer with the Kimberley Land Council. I worked there for nearly two years. That experience changed my life, and I can say that not a day goes by that I do not think about my time there. For me it was inconceivable how little I knew about Indigenous Australians and Aboriginal cultural heritage. I am actually quite ashamed to say that I did not really appreciate the significance of Aboriginal culture and customs. I did not really understand the ongoing and enduring impact that colonisation had and continues to have on our first nation peoples and the cultural bias that is so inherent in our communities today. I will never fully understand that, but, certainly for me, living and working in the Kimberley gave me the opportunity to start to understand it. From that, my respect for Aboriginal culture and Aboriginal cultural heritage obviously grew immensely.

Not everyone, of course, can live in a community like that, but it is changes to our laws and changes to our policies — as well as good leadership on diversity — that opens up paths of understanding about Aboriginal culture for all us. We know that when we start to learn about other cultures and we start to accept otherness, we start to transcend ignorance, and it opens up diversity pathways.

This week has been a historic week in the Victorian Parliament. This week marked the first time our parliamentary sitting week commenced with an acknowledgement of country. That is a tremendous step for us in this Parliament and a tremendous recognition of Aboriginal culture and Aboriginal heritage in this state and in this country. Most of us understand the fundamental need and fundamental right of every person to enjoy their culture, heritage and language. I believe that recognising and protecting cultural rights is essential to the enjoyment of individual rights and to the pursuit of social justice. The right to take part or participate in cultural life is widely recognised in human rights instruments, in particular article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights.

Individuals and communities have the right to know, understand, make use of, manage, maintain, exchange and develop cultural heritage as well as to benefit from cultural heritage. That also includes the right to participate in the identification, interpretation and development of cultural heritage as well as in the design and implementation of preservation policies and programs. With this bill — and this is a very significant bill — we are further recognising and celebrating Aboriginal culture and heritage, including Aboriginal intangible heritage, in Victoria. Most importantly we want to see Aboriginal people at the centre of this, and I am extremely proud that this is actually a priority for the Andrews Labor government. This bill will introduce amendments to specifically empower Victorian Aboriginal traditional owners and communities to determine what they want and what is best for them.

I did want to touch on one aspect of this bill — that this bill will enable traditional owners to control how their cultural knowledge is used by the broader community and industry. There are revolutionary amendments contained in this bill. Clause 59 inserts new part 5A in the principal act, and the intent is to create a new right to enable traditional owner groups to control the protection and use of their intangible heritage.

This will cover Aboriginal knowledge and expression held collectively by Aboriginal people and passed

down across generations. I saw this firsthand working in the Kimberley, and I saw just how progressive this can be and how empowering this can be for local communities. For example, before I moved to Broome I had not heard of the gubinge fruit. Apparently not a lot of other people had either, given its remote location and unreliable supply, but it actually contains one of the most concentrated sources of vitamin C and is now tipped to be one of the superfoods. One of the traditional owners near Broome said that the gubinge is an incredible opportunity for Aboriginal people. There were companies that wanted to commercialise this produce, but she noted that she is anxious to keep the control in Aboriginal hands. She said:

So much has been taken from Indigenous people, and this is one of the few things left where we can do business with it ... we understand the tree, we understand the seasons, we know how to protect it, we know how to collect the fruit.

This industry can provide us with honest, hard work that we can connect to.

This bill represents another significant step forward for Victoria on the road to reconciliation. This road depends upon all Victorians and all Australians respecting Aboriginal and Torres Strait Island cultures and heritage. We need to appreciate the rich and diverse identities of Aboriginal and Torres Strait Island people and truly embrace that beautiful, complex and sophisticated heritage as part of the distinctive character of our nation. I would really like to think that in all of us there is a sense of Aboriginal culture.

I absolutely commend this bill to the house, and I would like to acknowledge the work of the former Liberal government in the review of the principal act and the extensive consultation that took place with community groups as well as industry stakeholders to bring us to this point. This bill will enable greater respect and acknowledgement of Indigenous and Aboriginal cultural heritage and culture. It will go a long way towards helping us on this path to reconciliation. This is not going to be an easy path, but with the leadership shown by the Andrews Labor government this is a step towards that process and one that we should all be very, very proud of. I like to think that the culture of Aboriginal people and our Aboriginal heritage is unique.

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government business program has expired and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**EDUCATION AND TRAINING REFORM  
AMENDMENT (VICTORIAN INSTITUTE  
OF TEACHING) BILL 2015**

*Second reading*

**Debate resumed from 9 February; motion of  
Mr MERLINO (Minister for Education).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**BUILDING LEGISLATION AMENDMENT  
(CONSUMER PROTECTION) BILL 2015**

*Second reading*

**Debate resumed from 10 February; motion of  
Mr WYNNE (Minister for Planning).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**CONSUMER ACTS AND OTHER ACTS  
AMENDMENT BILL 2015**

*Second reading*

**Debate resumed from 10 February; motion of  
Ms GARRETT (Minister for Consumer Affairs,  
Gaming and Liquor Regulation).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ACCESS TO MEDICINAL CANNABIS  
BILL 2015**

*Second reading*

**Debate resumed from earlier this day; motion of  
Ms HENNESSY (Minister for Health).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted under sessional orders.**

**ADJOURNMENT**

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

**Canterbury–Bedford roads, Heathmont**

**Ms VICTORIA** (Bayswater) — Today I rise to request the Minister for Roads and Road Safety to allocate immediate funding for a rewriting of a signal program for the pedestrian crossing on Canterbury Road on the western side of Bedford Road. I previously spoke on this issue in Parliament in August last year and had a meeting with VicRoads on the site a couple of months ago. I had hoped the situation would be resolved prior to school starting back and before residents in the area returned from the holiday period. However, this is not the case.

A lady wrote to me two weeks ago to say her grandson is too scared to use the crossing on his own, despite the fact that he is in high school. She walks him across the road and has even had her own near misses coming back across the road to return home.

To refresh the minister's memory, this intersection and crossing is a very dangerous one. At present the pedestrian crossing signal program across Canterbury Road is not long enough to allow pedestrians safe passage across the three-lane carriageway in each direction. In addition the signal program coincides with the turning traffic from Bedford Road onto Canterbury Road towards the city. The turning traffic is on a blind corner and therefore drivers cannot see pedestrians crossing until they are almost on top of them. This results in a very dangerous dash across the crossing for many local residents. I have had constituents almost

cleaned up at this site, and I myself experienced this when I inspected the site with concerned local residents. I believe it is only a matter of time before a death occurs — a highly preventable death. Added to this is the issue of motorists continuing to run red lights here, even with a reduction in the speed limit. The local police have been notified and will continue to monitor compliance.

During our on-site meeting VicRoads agreed that this was one of the worst intersections and there were possibly short-term solutions to make it safer until a longer term solution could be designed. I have been told, however, that we will have to wait until the new financial year for an allocation of funding for any changes to be made.

VicRoads has stated that a preliminary resolution is the rewriting of the signal program. This will reprogram the operation of the signals at the crossing to allow an early start for pedestrians. This is estimated to cost a mere \$10 000, but VicRoads has no discretionary funds available. Its budget has been drained of all resources, and it is only February. We cannot wait until at least July.

I ask the minister: do we need to see a fatality at this intersection before this issue is addressed? I know none of us want that on our heads, so I ask the minister to provide the funds to allow this preliminary assistance to be implemented immediately.

### **Ascot Vale Primary School**

**Mr PEARSON** (Essendon) — My adjournment matter is directed to the Minister for Education. The action I seek is for the government to fund a flexible outdoor learning centre at the Ascot Vale Primary School for children with special needs. I am so fortunate to have a great school like Ascot Vale Primary School in my electorate. Ascot Vale Primary School was established in 1885 and was also the school that William Scurry attended. As members may well know, Mr Scurry developed the self-firing rifle that was used in the evacuation at Gallipoli. The school's principal is Sue Osborne, who is a fantastic principal and educator and has done a magnificent job with the school.

Like many schools in our community, Ascot Vale Primary School has students with autism spectrum disorder. It has identified a way in which the needs of these students can be catered for. Ascot Vale Primary School has an existing courtyard to the east of unit 3 which is currently linked physically and visually. However, it is not utilised as a learning space and is

underutilised as a play space. The school would like to ensure that this courtyard can provide a quiet, inviting, safe and contemplative space allowing students an opportunity to escape the noise of a large classroom and still be part of the learning indoors. It will create a therapeutic environment which is easily accessible and monitored by staff and will accommodate sensory overload needs, support emotional wellbeing and provide a flexible outdoor learning space which can be accessed by all members of the school community, not just those in unit 3. So I call on the minister to fund this fantastic initiative.

### **Gippsland roads**

**Mr D. O'BRIEN** (Gippsland South) — My adjournment matter is for the Minister for Roads and Road Safety, and it relates to the proposed realignment of the South Gippsland Highway between Koonwarra and Meeniyan. I am seeking from the minister clarification on the status of a business case — that is, whether this business case is going to the government for budget consideration in this year's budget. There is a fair bit of confusion about this project. It is a very important project between Koonwarra and Meeniyan, an important part of the South Gippsland Highway, linking all of South Gippsland and of course connecting down to Wilsons Promontory, our major tourism asset. The area itself has a winding stretch of road that goes over the Black Spur Creek. It is quite dangerous. There have been 13 reported accidents over the last couple of years, including some truck rollovers, and there were four serious injuries from those accidents.

The previous coalition government provided funding for a business case to be developed for the realignment, which would basically take out the bends and build a bridge across the creek so that we had a straight stretch of road. It was my understanding and that of the community last year that that business case had been completed. Indeed VicRoads had community information sessions at one stage. They were actually on a sitting day, so I could not make it to find out a bit more. Those community information sessions were about a business case, so it was expected that a business case had been completed. In the Leongatha *Great Southern Star* newspaper this week, VicRoads refused to say when it would be ready and why it had been delayed.

I had previously raised this with the minister, who indicated that, yes, the business case was still under construction, if I can use that term. So there is a bit of confusion about this one. From my point of view it is important that this is available for consideration by the government in this year's budget, and I would like the

minister to clarify whether it is complete, whether it is still underway and why it has taken so long if it is not complete. Ideally we want it actually funded in this year's budget.

In addition — and I spoke to the minister yesterday — Princes Highway east between Traralgon and Sale is a critically important road project in my electorate. I am hopeful that the minister will be preparing to fund the completion of that project when the commonwealth comes to the party with its 80 per cent contribution, which I hope will occur this year as well. The Black Spur is the important one that I am raising tonight, and I look forward to the minister providing a clarification on where this business case is at.

### **Kilberry Valley Primary School**

**Ms GRALEY** (Narre Warren South) — My adjournment matter is for the Minister for Education and concerns Kilberry Valley Primary School. The action I seek is that the minister ensure that Kilberry Valley Primary School receives funding through the Inclusive Schools Fund to create re-engagement spaces for students with disabilities. Kilberry Valley Primary School is an outstanding local school with a current enrolment of 833 students, including 90 students who are funded through the program for students with disabilities. The exceptional work being done by Kilberry Valley Primary School has led to its enrolment of students with disabilities increasing from 8 to 90 over the past six years, and 16 of those students began their journey at Kilberry Valley Primary School just a few weeks ago. It has also increased its education support staff from 8 to 43 to meet the complex and often unique needs of its students with disabilities.

To ensure it can continue to provide its students with the support and care they need, the school has identified the need for more quiet and supportive engagement spaces that are separate from the existing classrooms. Many of its students experience a range of sensory issues that can quickly become overwhelming and that it is often impossible to address in a classroom. The team at the school has found that the students who are overwhelmed or overstimulated benefit from working in a quieter environment. They are able to calm down, re-engage in their learning and return to the classroom.

Students who are feeling overwhelmed would be able to visit these re-engagement spaces to do just that. These spaces could be created through the modification of and addition to an existing school building and would include withdrawal spaces, a multisensory room and outdoor learning spaces and be shared for out-of-school care. This unique facility would ensure

that students with disabilities would have access to the support they need to fully participate in school, re-engage in their learning and make the classroom a better place for all students.

I know that the principal, Neil Cunningham, and every single one of his teachers and support staff go above and beyond for their students. They deserve not only our admiration — they show incredible patience, kindness and skill — but also our support. I urge the minister to ensure they receive the support they need to continue their very fine work at Kilberry Valley Primary School.

### **Elwood College**

**Ms ASHER** (Brighton) — The issue I have is for the Minister for Education, and the action I am requesting of him is to provide me and indeed the house with a timetable for the funding and construction of the master plan for Elwood College. The background to this is that the government promised \$10 million to Elwood secondary college in the last election campaign, and the coalition of course made a similar promise to the school for its master plan and much-needed refurbishment and renewal of its buildings. The government announced the funding for this in the 2015–16 budget.

I refer the minister to page 25 of the 2015–16 document entitled *State Capital Program*, which shows that the government set aside \$1.6 million approximately as estimated expenditure in the financial year 2015–16 and \$8.38 million as remaining expenditure. Again, in that table, the government has indicated that it anticipates the estimated completion to be quarter 4 of 2016–17. The house would appreciate that stage 1 is obviously critical to Elwood secondary college. It is a rebuilding and refurbishment program. It is one thing to say that in the 2015–16 budget \$1.6 million would be allocated and another thing to say that \$8.3 million will happen sometime in between the budget and quarter 4 of 2016–17.

I ask the minister to outline the funding flow for Elwood secondary. As part of that he will probably indicate whether that estimated completion date is still viable under this. If he could provide that information, the Elwood secondary college community and I would be extremely grateful.

### **Coolaroo South Primary School**

**Mr McGUIRE** (Broadmeadows) — The matter I raise is for the attention of the Minister for Education. The action I seek is that the minister join me in

supporting the application by Coolaroo South Primary School to the Inclusive Schools Fund for money to install an interactive outdoor playground. The Inclusive Schools Fund is a \$10 million fund promised by the Labor Party before the election and delivered by the Andrews Labor government. It is designed as an initiative to help make Victoria the education state and build on that proposition by providing Victorian government schools with quality new spaces and more inclusive facilities, based on best practice research and design.

Coolaroo South Primary School became aware of Imagination Playground when it presented at a workshop at the International Play Association conference in Istanbul in 2014. Unlike traditional playgrounds, the Imagination Playground blocks promote constructive play. The Imagination Playground would be set up in an undercover area. In the event of foul weather, the loose parts can easily be transferred to one or several indoor spaces accessed by all students. Its value is that it can be used in any weather and all seasons, so creating this opportunity. Apart from the value for health and wellbeing, teachers also use the Imagination Playground as a tool for learning.

This is an important initiative that will add value to the redefining of education through the Broadmeadows schools regeneration project of the Bracks and Brumby governments. That was an incredibly important investment in the attributes that largely determine where we all end up in life: attitude, education and opportunity.

### **Lilydale and Mooroolbark level crossings**

**Mrs FYFFE** (Evelyn) — My request for action is to the Minister for Public Transport. The action I seek is the minister's guarantee that provision will be made to ensure sufficient parking throughout the planned removal of the Lilydale and Mooroolbark level crossings. While I understand that the government is yet to commit to a date for the removal of these two crossings in the Evelyn electorate, the government lists the status on the Level Crossing Removal Authority website as 'Early planning and engineering assessments underway'. Although I would like to see a more definitive time line for the delivery of the Lilydale and Mooroolbark level crossings, that is not specifically the point of this adjournment matter.

I was contacted by Mr Chris Middleton in January with concerns about what impact the removals may have on parking at both stations. I have spoken in this house before about some of the pre-existing parking woes

affecting commuters from around the valley who park and ride to work during the week. Mr Middleton's concern stems from the timing of the removals. If both crossings are removed simultaneously, parking shortages are likely to be exacerbated. Although I suspect the government will not be able to do both removals at the same time, I think the issue of interim parking is a valid one. When it is difficult to find parking near a station it creates inconvenience. This inconvenience translates into a decline in public transport patronage. I support the removal of level crossings in accordance with affordability and in line with public demand.

There is no doubt that the removal of the crossings at Mooroolbark and Lilydale would improve traffic flows. However, the devil is often in the detail and consideration of flow-on effects arising from construction. Therefore I ask the minister to provide details on measures the government will take to alleviate expected parking congestion once the removal of the Lilydale and Mooroolbark level crossings begins.

### **Railway Place, Coburg**

**Ms BLANDTHORN** (Pascoe Vale) — My matter tonight is for the attention of the Minister for Public Transport. The action I seek is for the Minister for Public Transport to ask the Department of Economic Development, Jobs, Transport and Resources to arrange a meeting between representatives of Public Transport Victoria, VicTrack, Metro Trains Melbourne and the Pascoe Vale district and local residents, particularly those involved in the Railway Place action group, to discuss strategies that could be put in place to address the persistent dumping of rubbish and other matters along the Upfield line and Upfield shared pathway in Railway Place.

Last week I met with a group of constituents who have worked tirelessly to improve road safety and amenity in Railway Place, Coburg. The residents informed me that they have been advocating for the following outcomes: safety and beautification works; improved pedestrian access; development of strategies to address the ongoing issue of vehicles being parked partially on the railway verge; the implementation of treatment options to mitigate the use of the street as a rat run between Munro Street and Reynard Street; and extension of the Upfield shared pathway.

The residents advised me that they have worked with the Moreland City Council and state government representatives over the last four years to devise strategies to address these issues and that as a result a detailed proposal was developed and plans drawn up

accordingly. The residents also informed me that late last year they were advised by the council that the proposal has been delayed until the removal of the Bell Street, Coburg, level crossing. The Andrews government's commitment to remove the Bell Street, Coburg, level crossing does not prevent the Moreland City Council from undertaking some immediate and cost-effective action to remediate some of these issues. Similarly I am sure there must be some immediate and cost-effective treatments that the state government could undertake to address some of these issues. Such considerations could include safety and beautification works as well as improved pedestrian access. So the action I seek is that the minister ask her department to coordinate a meeting with the Railway Place action group and other interested stakeholders.

### Protective services officers

**Mr WATT** (Burwood) — My adjournment matter is for the Acting Minister for Police. The action I seek is for the minister to ensure that the rollout of protective services officers (PSOs) along the Alamein train line in my electorate of Burwood is put back on track. The PSO rollout was scheduled to be completed last year, but there are still numerous stations without them and even more that will not have PSOs during the late night weekend services. Since the election I have been to my train stations regularly, and I have noticed that the PSO pod at the Alamein train station has been boarded up and there are no PSOs at the station. The Alamein station is located in Ashburton.

Today I came across a submission to the local superintendent from the now chief of staff to the police minister regarding crime and safety in the area. At the time of the submission the minister's chief of staff acknowledged that the crime rate in the area was 28 per cent higher than the state average and 82 per cent higher than the Boroondara average. Given this admission it is contemptible for the government to not only refuse to provide PSOs for the area but also to downgrade the police services that already existed in my electorate. Last September the Ashburton police station was drastically reduced to two day shifts a week. Recently the Burwood police station was vandalised and that was not dealt with for more than a week due to the closure of that station.

It is clear that my electorate is suffering from the Andrews Labor government's cut to sworn police officers across the state. My residents feel that the Andrews government and the minister have a tin ear when it comes to police resourcing in my electorate. This was recently highlighted by Channel 9 and 3AW. Many residents have signed a petition calling on the

Andrews Labor government to place protective services officers on all train stations along the Alamein train line from 6.00 p.m. until the last train. Residents are concerned about running trains all hours of the night on weekends without PSOs at the stations, especially since this is when the risk of drunken, loutish behaviour is at its highest. I call on the minister to ensure that the Alamein line does not miss out again and that the stations along the line receive PSOs, as was promised.

### Level crossings

**Mr DIMOPOULOS** (Oakleigh) — The matter I raise is for the Minister for Public Transport, and the action I seek from the minister is that she produce any documentation she may have that will clarify the position of Glen Eira City Council in relation to consultation on the Andrews Labor government's proposed design to remove all nine level crossings between Caulfield and Dandenong. There have been recent pieces of misinformation being spread by one particular Liberal Party member of the Glen Eira council. As I said in this place yesterday, removing level crossings is the no. 1 priority for the residents in my community. It took the Andrews government and a very active Minister for Public Transport to get on and do this — and the government will be doing it all by 2018.

I take this time to refer the minister to comments that have been reported and that have been provided to me from media outlets in my community about a meeting held at the City of Glen Eira between councillors and the Level Crossing Removal Authority. They are sourced from a councillor at the City of Glen Eira, who has suggested amongst other things that rail lines on the ground will stay there for years, councils will have to pay to develop the new parkland and — here is a cracker — councils will get into the business of shopping centre development and the government will be gifting them a whole lot of land to do it. What absolute scaremongering nonsense. Yet more nonsense being peddled and organised directly by those opposite.

I have it on good authority that these comments are from the Liberal Party member of the Glen Eira City Council, Karina Okotel. We may remember Cr Okotel from when she campaigned for my opponent at the last election. We may also remember her as a prospective Liberal Senate candidate for the next federal election, which was mentioned in the media recently. If this is conduct that she thinks is appropriate, God forbid that she gets elected to the national Parliament. You might also know her from the protests in my community recently, despite the fact that we keep hearing that these protests are not political. Not political? The last protest

had no less than five Liberal members of Parliament, including the Leader of the Opposition and the Deputy Leader of the Opposition.

I recognise that there are people in my community who have genuine concerns, and from day one the Premier made it clear that each affected resident would have their own dedicated case manager. I understand there will be a range of things provided for each resident, but this will be done in a calm and considered way by a caring government, one by one with all residents. What I do not recognise is the scaremongering, misinformation and out-and-out lies spread by those opposite. I have even heard that staff members of those opposite have been out doorknocking my community and staff members of the Leader of the Opposition have been canvassing shoppers in Koornang Road, Carnegie, about their views on sky rail without identifying who they are. I have also heard that members of the Leader of the Opposition's staff have been doing other activities to coordinate this anti-campaign. I look forward to welcoming the minister to my community again through the duration of this project, and I look forward to her clarification on these matters.

### Responses

**Ms ALLAN** (Minister for Public Transport) — The member for Evelyn raised a matter regarding the removal of the Lilydale and Mooroolbark level crossings, which of course make up two of the 50 level crossings that the Andrews Labor government has committed to remove over the next seven years. It is great to hear a Liberal member in this house talking positively about the level crossing removal program. I hope she can duck upstairs and talk to her colleagues and encourage them too to get on board with this program.

The member raised the issue of car parking, and indeed at all of these level crossing locations and at many stations across Melbourne we know that car parking is a really big issue for people in these areas. I will come to the Caulfield-Dandenong level crossing project. That is a great example where by removing those level crossings we are also able to increase the car parking that is available along that corridor. I think the member asked me to provide details and measures for how considerations of car parking could be picked up in the planning and design phase. I can assure her they will be.

I will refer this to the Level Crossing Removal Authority, which will be overseeing the consultation that will go on with the communities and councils, as I said, at each of the locations. Where each of these level

crossings includes a station, car parking comes up. It can certainly be looked at as an issue during the planning and design phase. As I said, I hope the member can get more support in her party room for our level crossing removal program.

The member for Pascoe Vale raised a matter for me regarding issues around rubbish on the Upfield rail line, seeking for a meeting to be organised with Public Transport Victoria and the various agencies and, most importantly, with local residents. I thank her for her ongoing advocacy on behalf of her constituents in the local community. She is a very active local member, particularly on public transport issues.

I am very pleased to advise the member that I will direct my department to convene the meeting, as she has requested, with Public Transport Victoria, VicTrack, Metro Trains Melbourne, the councils and local residents. I will ensure that a report is provided back to me after this meeting on what strategies can be put in place to manage this and other initiatives that can be pursued to alleviate rubbish dumping along the corridor. I think it is an incredibly frustrating issue for local residents to see their community tarnished by careless people who dump rubbish in this way. I thank the member for raising this issue, and we will follow it through in the manner that she has requested.

Finally, the member for Oakleigh has raised a matter with me. It is quite a concerning matter because it does go to some misinformation that has been produced in his local community for purely political purposes. I know the member for Brighton is shocked. She is shocked at what is going on in the Oakleigh community. The member for Oakleigh asked for me to produce documentation that would clarify the position of Glen Eira council.

I am looking to read into the record comments that I have in a letter. I am prepared to make the letter available to the house this evening. I received this morning a letter from the office of the mayor, Cr Neil Pilling, in response to an issue that was raised in the *Herald Sun* today about some claims about a meeting that was held with the Glen Eira council and the level crossing removal project team on Tuesday evening. Sorry, it was not to me. I should be clear. It was to Kevin Devlin, the CEO of the Level Crossing Removal Authority. I would just like to make that correction: it was to Kevin Devlin. He indicated that the discussion was, and I quote:

robust but productive, and it was helpful to gain a greater insight into not only your plans for further consultation with the community ...

He goes on to say, and I quote:

It has come to our attention that one of our councillors has distributed her personal interpretation of matters discussed at the meeting to a wider audience ... I would like to emphasise that this communication is neither an official record nor an accurate record of the discussion, nor does it represent the views of the collective council group.

I apologise that this has occurred as it is inconsistent with both the intent of the briefing and the courtesy that council seeks to afford to guest presenters.

As I have said, I appreciate the mayor taking immediate steps to correct the record from his council's perspective following the reports in the media today. Is it not such a shame that the mayor has had to write a letter apologising on behalf of his council for the actions of a renegade councillor who is choosing to put her own party political interests above the good of the council and the good of the local community? It is incredibly disappointing. I hope for the member that that clarifies the position of the Glen Eira council. I appreciated the opportunity to briefly meet with the CEO and the mayor this afternoon as they were meeting with members in Parliament.

I also just want to mention too that we really look forward to working with the Glen Eira council on both the project and the opportunities that come from removing nine level crossings in the way that it is going to be done, creating those 11 MCGs worth of open space. The Glen Eira council has the least open space of any municipality in Melbourne, so this presents a unique, one-off opportunity not only to get rid of level crossings but to run more train services, to reduce road congestion and to make them a much safer area for the local community. It is going to be an opportunity. The Andrews Labor government has already said that it looks forward to funding new facilities — they will be municipal facilities but new facilities along this corridor — and then providing funding to the councils in the longer term for them to maintain the upkeep of these facilities. That is why we want to work constructively and proactively with councils like Glen Eira and others along this rail corridor as we deliver an incredibly exciting infrastructure project for this community.

The member also mentioned that he understands and has great empathy for people who do have some concerns and issues about the project. The government has indicated already that where people are seeking to, there will be a case manager assigned. They will have the opportunity to have face-to-face conversations in a respectful way — not in the glare of the spotlight but in a respectful way — so they can have their issues understood, worked through and actioned where

appropriate. Certainly the member for Oakleigh is going to be central to that consultation process. I look forward to working with him on behalf of all members of his community — those who support the project, those who want to know more about it and those who have some issues as we deliver, as I said, on our election commitment to get rid of these dangerous congested level crossings.

I will refer the remaining matters raised by other members to the ministers for their attention.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 5.31 p.m.**