

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 15 September 2016

(Extract from book 12)

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HANSARD¹⁵⁰



1866–2016

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

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

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

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

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

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

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

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

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

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
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Battin, Mr Bradley William	Gembrook	LP	Naphine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
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Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁴	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
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D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
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Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ Elected 14 March 2015

⁵ Elected 31 October 2015

⁶ Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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Thursday, 15 September 2016

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

INTERNATIONAL DAY OF DEMOCRACY

The SPEAKER — Order! Today is the International Day of Democracy, recognised and celebrated throughout the world. This year the United Nations has chosen the theme of Democracy and the 2030 Agenda for Sustainable Development. The message is clear: in the global quest for sustainable development we need inclusive institutions in which all community members can participate for the betterment of our societies.

Today is also the first anniversary of the day we raised to the top of Parliament House the Australian Aboriginal flag to fly permanently alongside the Australian and Victorian flags. Each day we see the Aboriginal flag proudly flying on this building, the home of democracy in our state, we are reminded of the importance of reconciliation with our nation's first peoples.

On this day of democracy we urge all Victorians to be inspired and get involved in our democracy and our efforts towards reconciliation.

PETITIONS**Following petitions presented to house:****Grand Final Friday**

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Assembly of Victoria to note the harmful impacts of the decision by the Daniel Andrews Labor government to declare new public holidays in Victoria.

At a time of high and rising unemployment and when many businesses are already doing it tough, Daniel Andrews has imposed a major new cost that will see many businesses close their doors for the day, employees lose much-needed shifts and inflict significant damage on our state's economy.

The Andrews government's own assessment of the grand final eve public holiday put the cost of the holiday to Victoria at up to \$898 million per year.

The impact of these additional costs will not be restricted to businesses, with local government and hospitals also affected leaving ratepayers and the community to foot the bill.

We therefore call on the Daniel Andrews Labor government to reverse its decision to impose the grand final eve public holiday.

By Mr HODGETT (Croydon) (107 signatures).

Maroondah Hospital

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that car parking at Maroondah Hospital is at crisis point and does not meet the needs of patients, families or the public trying to access the hospital and its services.

The sick, their families and those trying to use Maroondah Hospital's services are, at a time of stress and anxiety, unable to locate parking spaces leading to circling the block and parking unacceptable distances away. Funding car parking is Daniel Andrews's responsibility, and shouldn't come at the cost of vital healthcare services.

Under the former government's commitment, an additional 100 car parks would be under construction now. The car parking crisis needs to be rectified, immediately.

The petitioners therefore request that the Legislative Assembly of Victoria calls on Daniel Andrews to immediately provide Eastern Health the funds needed to build a car parking solution for Maroondah Hospital that meets the community's needs.

By Mr HODGETT (Croydon) (125 signatures).

Special religious instruction

To the Legislative Assembly of Victoria:

The petition of residents in the Croydon electorate draws to the attention of the house that the government has scrapped voluntary special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that as of next year they will break this promise.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allow students attending government schools to attend SRI during school hours, as has been the case in Victoria for decades.

By Mr HODGETT (Croydon) (282 signatures).

Police numbers

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that Premier Daniel Andrews has failed to commit to providing additional police numbers and subsequently, as Victoria's population grows, the number of police per capita goes backwards under Labor every day.

The petitioners therefore respectfully request that the Legislative Assembly of Victoria calls on the Andrews Labor government to commit to providing additional frontline police numbers as a matter of priority.

By Mr BURGESS (Hastings) (9 signatures).

Country Fire Authority enterprise bargaining agreement

To the Legislative Assembly of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Assembly of Victoria to strongly note that when we need them we are always able to rely on our CFA volunteer firefighters to protect us.

Now our CFA volunteer firefighters need our support.

We, the undersigned concerned citizens of Victoria, therefore request that the Victorian government does not sign the EBA agreement, handing over control of the CFA to the United Firefighters Union (UFU).

This deal will give the union control of the CFA, removing the rights of our volunteers and CFA management.

By Mr BURGESS (Hastings) (9 signatures).

Gippsland rail services

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria and Gippsland draws the attention of the house to the strong community opposition of any move by the Victorian Labor government to terminate Gippsland V/Line services at Pakenham railway station.

A recent report by the state government's regional citizen jury, which did not contain a Gippsland representative, recommended that some Gippsland rail services cease at Pakenham railway station.

Commuters from other major regional cities such as Ballarat, Bendigo and Geelong have dedicated rail lines into Melbourne, and Gippsland commuters should not be further disadvantaged by having to transfer to metropolitan rail services.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Labor government to rule out any plans to terminate Gippsland V/Line services at Pakenham railway station as suggested by the government's regional citizens jury.

By Mr NORTHE (Morwell) (2120 signatures).

Tabled.

Ordered that petitions presented by honourable member for Croydon be considered next day on motion of Mr HODGETT (Croydon).

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

Ordered that petition presented by honourable member for Morwell be considered next day on motion of Mr NORTHE (Morwell).

DOCUMENTS

Tabled by Clerk:

Essential Services Commission — The Energy Value of Distributed Generation: Distributed Generation Inquiry Stage 1 Final Report

Federation Training — Report 2014

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2016 — Ordered to be published.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 11 October 2016.

Mr CLARK (Box Hill) — The opposition believes that the house should not be adjourning until we have dealt with the issue of the joint sitting with the Legislative Council to fill the vacancy that exists in the Legislative Council. This is reaching the point of becoming intolerable. The government is refusing to abide by its democratic obligations to fill that casual vacancy, it is refusing to attend to the messages that have been sent from the Legislative Council and it is just adjourning the house. We should deal with this motion for a joint sitting before the house adjourns. The matter was to be taken into consideration yesterday; it is sitting there on the notice paper. We could still deal with this matter today and hold a joint sitting, and for that reason this side of the house will oppose the house being adjourned until the casual vacancy in the Legislative Council has been filled.

Ms THOMAS (Macedon) — The resolution of this issue is quite simple, and it rests in the hands of those on the other side: stop the farce; let the Leader of the Government in the upper house return to his rightful place. Stop the farce. It is in your hands. Let us be in no doubt about that. The power rests with those on the other side to stop their childishness and allow the Leader of the Government in the other place to resume his rightful place in that chamber, representing his constituents.

I might also take the opportunity to update the house on the number of my constituents who have written to me, phoned me or dropped in to see me to complain about their lack of representation from the National Party in the other place. Speaker, let me tell you how many people that is: that would be zero — absolutely zero. I need to point out to you, Speaker, that the constituents

in my electorate — indeed across northern Victoria — have been very poorly served for many years by The Nationals, who have failed at every opportunity to represent the interests of their constituents. Damian Drum, as we know, was missing in action for almost the entirety of his period in this place. He has gone on to greener pastures. He wanted to keep his seat warm here in case he was not successful in the federal seat of Murray. This is the type of cynicism and opportunism that we have come to expect from the National Party.

So again I make the point: the opportunity to end this farce, which saw those on the other side kick out the Leader of the Government in the other place, rests with them. Bring back the member for South Eastern Metropolitan Region and do it now. It is your decision. Do it now.

Mr NORTHE (Morwell) — On this motion I am just incredulous to hear the commentary coming from the member for Macedon. The only person missing in action is the member for Macedon and indeed Christian Zahra, who will be back! The comments from those opposite have been ambiguous at best, ill informed and just plain stupid.

We have had the member for Essendon and others conceding that Luke O'Sullivan is a good bloke and will be a good member of Parliament. On the other hand we have this nonsensical game of comparing Mr O'Sullivan's circumstances to those of Mr Jennings. It is just a ridiculous rationale that they are applying in rejecting the appointment of Mr O'Sullivan.

Much has been said about the contravening of constitutional matters. But here we have those opposite trying to justify their absolutely appalling position through a range of ridiculous assertions and comparisons. This government is basically saying on the one hand, 'We will not conduct a joint sitting because of Mr Jennings's suspension', but then we have had others saying, 'The Nationals took too long to appoint Mr O'Sullivan'. Who knows what will be next?

The government is trying to compare the circumstances of Mr O'Sullivan with those of a member of Parliament who was suspended by not just The Nationals and Liberals but the Legislative Council, which comprises a number of parties. You cannot compare the circumstances of Mr O'Sullivan with those of Mr Jennings. The reality is: does Mr Jennings still have an office to work out of? Yes. Does Mr Jennings still have staff? Yes. Is Mr Jennings still able to work in his electorate? Yes.

Honourable members interjecting.

The SPEAKER — Order! The member for Morwell is entitled to silence. The member for Macedon will come to order.

Mr NORTHE — Is Mr Jennings still being remunerated for his employment? Yes. Is Mr O'Sullivan having any of those things? The answer is no, so comparing the two is absolutely nonsensical. If anyone thinks that, by comparison, Mr Jennings's circumstances are the same as Mr O'Sullivan's, they are absolutely delusional.

My good friend the member for Gippsland South in his contribution made a very good statement, I might say. I will quote from what he said:

This Labor government stands absolutely condemned for moving to adjourn the house without convening a joint sitting. It stands condemned for denying the democratic rights of the people of Northern Victoria Region. It stands condemned for base and petty politics, condemned for the damage it is doing to the reputation of this Parliament and ultimately condemned for the childish, petulant behaviour it is displaying on this matter.

That absolutely sums it up, and I condemn the government for not hosting a joint sitting to appoint Mr O'Sullivan.

Mr CARBINES (Ivanhoe) — People on this side of the house — the government — are not going to be lectured to about the constitution or its conventions by those over on the other side, who trashed the constitution and its conventions back in 1975. For a start, each and every one of them are guilty of that, can I tell you. So we will not be lectured to about the constitution and we will not be lectured to about the conventions by those opposite. I remember it well; I was two at the time.

Can I just say that what we also know on this side of the house is that when the government is represented by its leader in the upper house, when the member, Mr Jennings, is back to lead the government in the upper house, which can happen at any time — any time those opposite decide to do that — when he is back there in the upper house to lead the government and the opportunity is provided to move the motion for the joint sitting, then these matters can be resolved very simply, very quickly.

I did note that an honourable member for Eastern Metropolitan Region, Shaun Leane — I was listening to the contribution of my upper house colleague yesterday — made the point about the National Party that when Damian Drum decided to move on and leave his Northern Victoria Region constituents in the lurch, it was months before the National Party chose to fill

that vacancy. They left that seat empty for months — for months! So there is clearly no great desire from those opposite in the National Party to ensure there is representation for Northern Victoria Region, because they left that seat empty for several months, such was their desire to fill it.

It is a play thing for the National Party, and we are not going to be intimidated. We are not going to be bullied. We are not going to be bullied, and we are not going to be intimidated. We are not going to be lectured to about the constitution or its conventions by those opposite, who trash the fundamental principles of democracy every chance they get.

I am looking forward to the Leader of the Government in the upper house returning to his rightful place on the Treasury benches. I am looking forward to him returning so that he can move a motion to bring about the joint sitting, and then the house will consider these matters. The house will consider these matters in due course.

I note that the National Party's nominee, who has on many occasions taken a spot here in the gallery, is not here today. Maybe he has also accepted that these matters are not about to be dealt with until those opposite understand. Perhaps another member for Eastern Metropolitan Region, Mary Wooldridge, might reconsider and have a bit more thought about her explanations to her National Party colleagues about thinking before you act and about giving some thought and taking responsibility for decisions made in haste and for reckless and intemperate decisions whereby you choose to trash the constitution and its conventions because of intemperate, knee-jerk, silly actions that you have made. Now you are reaping what you have sown. You set a poor example, and now you are reaping what you have sown.

This is very clear. The Parliament and the government stands ready to consider the matter of the joint sitting at any time those opposite determine it is appropriate to return the Leader of the Government to his rightful place in the chamber of the upper house to represent not only his constituents in South Eastern Metropolitan Region but also the government. The conventions of this place can then be followed through by allowing an opportunity for him to move the joint sitting to be held. We are really looking forward to considering those matters, whoever the nominee may be.

We are not going to be lectured to about conventions and practices in this place by those opposite who have thumbed their noses at the rulebook, thumbed their noses at the community and thumbed their noses at

Victorians. They are determined to treat people poorly, and they are reaping the dividends of their intemperate, grumpy, knee-jerk misery. which is the lot of those in opposition, I suppose.

It is very clear that we stand ready to deal with these matters any time, but unfortunately those opposite, who have treated people poorly, who have been intemperate and who have behaved poorly, are now reaping what they have sown. Until they spend a bit of time in the hall of mirrors and reflect on their behaviour, the government cannot deal with these matters.

Mr WALSH (Murray Plains) — I rise to support the manager of opposition business in his opposition to the adjournment of the house. In doing that, I suppose we can give a bit of latitude to the members for Essendon and Macedon for their contributions because they are on training wheels and they do not actually understand the difference between the two houses. The upper house actually has control of its own destiny when it comes to the issue of Mr Jennings. I do not think there is any latitude available to the member for Ivanhoe for the absolute rubbish he just spoke about in this place.

The upper house had a very clear process: they debated at length and over a considerable period of time the issue of Mr Jennings and the production of certain papers that the upper house were requiring him to present. That was a very lengthy debate, and democracy in the upper house was worked through in that particular process. A decision was made by the upper house to suspend Mr Jennings because he would not produce those papers. There is a process in the upper house that is available to Mr Jennings to resolve these issues — that is, by actually sending the documents that are being sought to an independent arbiter to make a decision about what should be tabled and what should not be tabled. There is a very clear process available in the upper house for the resolution of this matter.

Mr Pearson interjected.

Mr WALSH — We listen to the member for Essendon ranting, 'Give us back our leader!'. Well, the stupid fool up there can solve this by giving it to the independent arbiter.

The SPEAKER — Order! The Leader of The Nationals will come to order. The Leader of The Nationals, through the Chair, will continue on the subject matter.

Mr WALSH — The leader of the upper house can very clearly solve this issue by putting those documents to the independent arbiter to determine what can be tabled up there. That is a very different process — and one that can be solved — to that of the joint sitting to

appoint Mr O'Sullivan. We have listened to the absolute rubbish that has been talked about by those on the other side of the chamber on why we cannot have a joint sitting to put Mr O'Sullivan in. They say it is because they want the leader back again, and that is a totally separate issue.

Mr Pakula interjected.

The SPEAKER — Order! The Attorney-General will come to order. The Leader of The Nationals will continue in silence.

Mr WALSH — The two are two totally distinct things. Every speaker on that side of the house has tried to join the two together, and that just shows how ignorant they are of parliamentary processes and the difference between the two chambers. I do not think they actually understand how it all works when they say that we on this side of the chamber in the Legislative Assembly can somehow compel the upper house to change their particular process.

Can I say in supporting the manager of opposition business in opposing the adjournment of the house that we should hold a joint sitting today so that Mr O'Sullivan can be sworn in. It is not too late for those on the other side, particularly the Leader of the House on the other side of the table here, to actually admit that there should be a joint sitting, the constitution should be upheld and Mr O'Sullivan should be sworn in later this day so that this issue can be resolved. The upper house will manage its process with Mr Jennings, as is its place to do, and the ball is very clearly in Mr Jennings's court to actually sit down and work with the independent arbiter about what papers should or should not be tabled in the upper house. There is a process — —

Honourable members interjecting.

The SPEAKER — Order! Government members will allow the Leader of The Nationals to continue in silence.

Mr WALSH — There is a very clear process up there — —

Mr Pakula interjected.

The SPEAKER — Order! The Attorney-General will come to order. The Leader of The Nationals, to continue.

Mr WALSH — There is a very clear process up there for Mr Jennings to resolve this issue totally separately to the need to have a joint sitting, and I urge the house to support the Leader of the Opposition so that there is a joint sitting later this day.

Mr HIBBINS (Pahran) (*By leave*) — I rise in support of the motion put forward by the opposition. We do believe that we should be having a joint sitting to fulfil what is required of us in the constitution. I think this is certainly — —

Mr Pakula interjected.

Mr HIBBINS — The government is seeking to conflate the suspension of the Leader of the Government in the upper house with the filling of this casual vacancy, and we believe it is wrong to do so. There is a different path it can take, which is to fulfil the requirements that are in the standing orders of the upper house. If they do not believe that they should be revealing these documents — I note that the grand prix contract is one of the documents requested — then they can seek arbitration, which is provided for in the standing orders of the upper house. If they are seeking to negotiate in regard to those provisions or seeking to change those provisions, my colleague in the upper house Sue Pennicuik has been requesting these documents for many years. She is awaiting your phone call, and she is more than willing to have a chat to you about this matter, so I will put that as a better course of action, rather than this course of action, which is essentially trashing the constitution.

House divided on motion:

Ayes, 44

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

Noes, 38

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms

Clark, Mr	Ryan, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Thompson, Mr
Hibbins, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Ms
Katos, Mr	Wakeling, Mr
McCurdy, Mr	Walsh, Mr
McLeish, Ms	Watt, Mr
Morris, Mr	Wells, Mr

Motion agreed to.**MEMBERS STATEMENTS****Community shade grants program**

Ms NEVILLE (Minister for Police) — I am very pleased today to celebrate some of the local groups that I have supported to get a grant under the shade grants program, a great program established by the Minister for Health. These three community groups — one a sporting group, one a community organisation and another a kinder — are very highly regarded organisations in my community, and I was pleased to support them in getting those grants. I know that the grants will go a long way in assisting them to continue to grow their organisations.

Firstly, there is the Point Lonsdale Tennis Club, which received a well-deserved grant. This is a club that we have supported over the years with new facilities, and this is just that added bonus to make sure that this growing club has the infrastructure it needs so that it is able to continue to grow, particularly its youth program.

The Ocean Grove men's shed also received a grant, and I know the members there will put that to very practical use. I have been very pleased to work with them over the years and am still working with them in terms of securing future investments to continue to grow what is already a very strong club of 50 members and a very respected contributor to the Ocean Grove community.

The fantastic Leopold kinder also received a grant that will be used in their playground area. Like all the kinders across the Bellarine Peninsula, they just do a wonderful job caring for and educating our young children. We are blessed to have such great groups, and these grants will go a long way.

Eastern Football League

Mr WAKELING (Ferntree Gully) — Congratulations to president Sam Cavarra, coach Peter Farrell and all of the players and members at the Ferntree Gully Eagles Football Club, who won their

first grand final in nearly 30 years when they took out the Eastern Football League's fourth division grand final. They are certainly looking forward to going into third division next year. Commiserations to Wantirna South, who went down to Bayswater in the second division grand final, and also congratulations to the Upper Ferntree Gully Football Club, who took out the third division grand final. Knox won three of the four divisions in the Eastern Football League, and it is a fantastic outcome.

Knox City Basketball Club

Mr WAKELING — It was a great pleasure to recently join with members of the Knox City Basketball Club at their annual trivia night. I know they had a great event and raised some important money for that club.

Koolunga Native Reserve

Mr WAKELING — I was also pleased to join members of the Koolunga Native Reserve and representatives of Knox City Council for their annual tree-planting day, Bushcare's Major Day Out. I congratulate everyone for the work they are doing at the Koolunga reserve.

Wantirna South scouts

Mr WAKELING — I was pleased to attend the 1st Wantirna South scout group annual reports and presentation meeting. It is a fantastic group that is providing wonderful opportunities for young people to participate in scouting. My three children are members of the scouts in Knox, and I know how important it is in the development of young people. Congratulations to all involved.

Wantirna College

Mr WAKELING — I was pleased to join Sue Bell, the students and the staff at Wantirna College for the principal for a day program. That is a fantastic school. There are over 1000 students in attendance at that school. It serves the community well, and congratulations to Sue and her team for a great day.

Mount Ridley College

Ms SPENCE (Yuroke) — Last week it was a pleasure to take part in a collaborative classroom activity at Mount Ridley College, conducted in partnership with the Beacon Foundation. This innovative program brings industry into the classroom to give students a practical understanding of the curriculum, including linking what is learnt in the classroom to real-world career options.

The session I attended was called ‘Making and breaking the law’, and it was wonderful to act as speaker while the students debated the merits of an amendment to the Crimes Act 1958. Students argued respectfully for their point of view, and each one of them spoke well. The second purpose of the session was to talk to students about career options that are available to people who are interested in politics, public service, law and related fields. Students showed a keen interest in these areas, and I sincerely hope they consider these career paths.

I was particularly eager to participate in this process after learning from the Yuroke Youth Advisory Council that it is common for students to leave school with little or no understanding of our democratic institutions. Any program that seeks to remedy this and teach students to think critically about our system of government is a welcome addition to the curriculum, and I encourage the Beacon Foundation to engage students in this way as much as possible and at as many schools as possible.

Thank you to Susan Yengi from the Beacon Foundation, Bianca Ellul from Mount Ridley College and Cam Keily from Victoria Police for making the class informative and enjoyable for all.

Grand Final Friday

Mr NORTHE (Morwell) — As we get closer to another of the Andrews government’s new public holidays, many businesses within the Morwell electorate again express their dismay at this attack on the business sector. The following quotes are from small business owner-operators in my electorate on their feelings on the grand final parade public holiday:

Five per cent loss of monthly turnover and still having to pay employees for a footy game. I’m disgusted!

I am disgusted! We will close for the day so that we don’t have to pay staff higher rates. We are also on call for our customers, and this will increase costs due to penalty rates.

Cannot afford to open. Will have to close for the day.

It will cost me \$1800 in wages for no work return. Basically an \$1800 loss.

Forces me to close on the busiest day of our week — a Friday. I am a small business owner with five staff, and I am forced to pay them to have an unnecessary day off.

Remember that the government’s own independent analysis said that the cost of the Premier’s extra public holidays to the state of Victoria would be close to \$1 billion. On top of this, the Andrews government has in the Morwell electorate alone cut vital local specific economic development and job-creating programs such

as the Latrobe Valley Industry and Infrastructure Fund, Putting Locals First and the Regional Partnership Facilitation Fund. It has also whacked some of our largest employers with an extra \$252 million in costs through its electricity tax. It is little wonder businesses in the Morwell electorate feel they are getting a raw deal under the Andrews government.

Bentleigh electorate schools

Mr STAIKOS (Bentleigh) — There is so much happening at our schools in Bentleigh under the Andrews Labor government. Architects have recently been appointed to design upgrades at Tucker Road Bentleigh Primary School, Berendale School and Bayside Special Development School. Planning is underway on stage 2 of Valkstone Primary School’s rebuild, and the East Bentleigh Primary School community are busy planning the refurbishment of their main building. The Minister for Education joined me at Bentleigh Secondary College on Saturday to announce a further \$3.8 million for competition-grade basketball and netball courts, in addition to the existing allocation of \$9.6 million, which includes funding for a new da Vinci centre and tech wing.

Recently I visited McKinnon Secondary College where we are building a new VCE centre. Thank you to students Thomas Herterich, Josh Spreitzer and George Nikolakopoulos for the invitation to appear in their year 12 video, which involved performing a dance move known as the Dab. On a more serious note, it was great to address the school assembly and wish the year 12s well for the stressful period ahead as well as inform students that construction on the new building will begin at the start of 2017 and it will be ready for the 2018 school year. McKinnon Secondary College is by far the biggest school in my electorate and excels in everything it does. At this point I would like to pay tribute to Sir Henry Bolte for leading the only Liberal government to contribute any funding to new facilities at McKinnon. What a difference a Labor government makes.

Heathmont College

Ms VICTORIA (Bayswater) — Congratulations to the students at Heathmont College who participated in the worldwide Language Perfect World Championships competition. Students had to answer as many online questions as possible in one week. They received 1 point for each correct answer. For maths and English Heathmont College was ranked as the top school in all of Australia for schools with between 250 and 500 students. For the maths they were ranked first globally, and they were second in the world for English.

Well done to all the teachers for motivating the students, and a special congratulations to Andy Thai from year 9, who was the top student for both maths and science. Almost unbelievably, he correctly answered over 10 000 questions on his own. What a fantastic result.

Bayswater Football Club

Ms VICTORIA — The Mighty Waters won the Eastern Football League's division 2 grand final for the first time since 2003, with a 107-point thumping of Wantirna South Football Club. It was a particularly proud day for Gary Galvin, a former premierships player, with son Joel captaining the winning team and playing alongside his other two sons, Mitch and Bryce. I know their mum, Tracey, a very active volunteer at the club, is grinning from ear to ear. The reserves also secured grand final glory, beating Wantirna South by 12 points. What a sensational quinella. Well done to all the players, coaches, staff and volunteers. Go Baysie!

Grand Final Friday

Ms VICTORIA — The grand final holiday is upon us again, and businesses across the Bayswater district have told me it will cost them anything from \$6000 to \$40 000 to be forcibly shut for the sake of a football parade. Shame on the Andrews Labor government for bleeding family-owned companies dry just to pander to the Premier's obscure and selfish thought bubble.

Moreland Toy Library

Ms BLANDTHORN (Pascoe Vale) — On 3 September I attended the Moreland Toy Library's 25th birthday party. Located in the scout hall at Jacobs Reserve in Brunswick West, the library services over 200 families across Moreland and is at capacity as more young families are choosing to call Moreland home. I have been working with the library's president, Lauren, and committee member Emma to secure a second site north of Bell Street for this growing group.

Toy libraries are important in our community because they bring local families of all backgrounds together in unstructured environments. They provide access to play resources appropriate for the different stages of early years development, particularly for families who may not otherwise be able to afford those resources, and they promote sustainability and less wastage. Since my own visits to the toy library as a child, I have long been an advocate of their important role in our community. I congratulate the committee of the Moreland Toy Library for what they are doing now, what they have done for the last 25 years and what they continue to

dream about doing across the Moreland area for local families.

Pascoe Vale Girls College

Ms BLANDTHORN — I also mention that on Saturday, 3 September, I visited Pascoe Vale Girls College to share in their 60th anniversary celebrations. Pascoe Vale Girls is a tremendous school. It boasts an outstanding leadership team led by principal Kay Peddle and an energetic and dedicated group of teachers. Everywhere I go across the district women young and old want to tell me that they went to Pascoe Vale Girls. They still have a deep affinity for the school. The celebrations were beautiful, and I particularly acknowledge the beautiful voice of year 12 student Maggie Brittingham. Happy anniversary to Pascoe Vale Girls, and happy birthday to Moreland Toy Library.

Public holidays

Mr BURGESS (Hastings) — With no group calling for additional public holidays, last year the Andrews government declared Easter Sunday and the day before the AFL Grand Final to be new public holidays in Victoria. We all love our days off, and Victorians work hard to earn theirs. However, no-one I have spoken to believes that the small businesses that we rely on to provide the majority of jobs for our families and young people should have to pay such a heavy price for holidays no-one asked for or said they needed. At a time when jobs are becoming even more difficult to find and when many local businesses are already doing it tough, the Premier chose to impose two new major costs that will see many businesses close their doors for the day, employees lose much-needed shifts and a cost shock to our state's economy of as much as \$1.6 billion.

Victoria now has 13 public holidays, the highest of any state or territory. The Andrews government's own assessment of the grand final eve public holiday, carried out by PricewaterhouseCoopers (PwC), found it would cost close to \$1 billion. The PwC assessment confirmed that overall the cost of the holiday outweighed any benefit to the state.

Owner of Somerville Village Meats, Phil Revell, has stated that the grand final eve public holiday is bad for his business and should be removed. However, as a butcher he is forced to stay open on grand final eve. Mr Revell said that traditionally grand final eve was the busiest day of the year; however, last year it was quiet and he lost as much as \$2000.

Hastings Football Netball Club

Mr BURGESS — Congratulations to the Hastings Football Netball Club for winning the Nepean football league 2016 grand final, breaking — —

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

Equal Pay Day

Ms THOMAS (Macedon) — Equal Pay Day in Australia was Thursday, 8 September. Equal Pay Day marks the additional time from the end of the previous financial year that women must work to earn the same pay as men. Using average weekly earnings data from the Australian Bureau of Statistics, the Workplace Gender Equality Agency calculates the current national gender pay gap to be 16.2 per cent for full-time employees, a difference of \$261.10 per week. To me the gender pay gap speaks to the low regard we as a community have for caring roles in our society.

We will never achieve equal pay in this country until two things change. Firstly, we need to better value and reward the paid roles that women have traditionally performed, including caring roles in children's, aged and disability services. On that point, I want to congratulate United Voice on the Big Steps campaign and highlight the commitment of so many of their women members across the early childhood sector, who are fighting to close the gender pay gap. Secondly, as Parliamentary Secretary for Carers, I call on all men in our community to step up and take on more of the unpaid caring roles our families and communities rely on. There are 773 000 carers in Victoria, and 71 per cent are women. This means women are less likely to participate in the paid workforce, less likely to work full-time and less likely to take on promotions.

Last week former Prime Minister John Howard said he doubted we would ever achieve equal representation of women in Parliament because of women's lack of capacity due to their caring roles. I say to John Howard: the status quo might be good enough for the Liberal Party but it will never be good enough for members of the Labor Party. I am proud to be part of a government that is developing Victoria's first gender equality strategy, and I am proud to serve — —

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

State Emergency Service Loch Sport unit

Mr D. O'BRIEN (Gippsland South) — The contribution of volunteers to our community was

evident when I visited Loch Sport last week to congratulate the local State Emergency Service (SES) unit on its acquisition of a new all-terrain vehicle (ATV). The vehicle will be used in the rugged coastal national park and around the lakes and beaches surrounding the town. The new ATV is a credit to the unit's controller, Terry Ford, who came to me asking if the Department of Environment, Land, Water and Planning or Parks Victoria might have any such vehicles that were surplus to requirements. To the credit of the former minister and Parks Victoria, they found one, which is now in Loch Sport and will be used by not only the SES but also volunteers from the Country Fire Authority and the volunteer ambulance service, who all turned out to greet me at the excellent emergency services compound in Loch Sport. The community is well served by its volunteers, like many across our country areas.

Gippsland South electorate sporting clubs

Mr D. O'BRIEN — Congratulations to the mighty Sale City Bulldogs on winning both senior and reserves premierships in the North Gippsland Football Netball League grand final on the weekend. As a member of the coterie group the Deckheads — yes, I said Deckheads; we stand on the deck to watch the games — it was fantastic to see the boys have a strong win over Heyfield. Congratulations also to Woodside A-grade netballers for their thrilling one-goal win over reigning champs Rosedale. Good luck to Leongatha as they take on the member for Morwell's Traralgon team this Saturday for a spot in the grand final against Maffra. The Parrots were undefeated all season until a shock loss to Maffra last week, but I am sure their coach, Beau Vernon, will get them back up for a crack at the premiership.

St Thomas Primary School, Sale

Mr D. O'BRIEN — It was great to speak to grade 5 and 6 students at St Thomas Primary School in Sale last week about government and politics, and to answer some tough questions, including, 'Have you ever broken any laws?', and, 'What would you do if you were Prime Minister for a day?'. The future is bright with these young people coming through.

Wendy Reeves and Stephanie Nicholls

Mr D. O'BRIEN — And a quick thank you to Wendy Reeves and Steph Nicholls, who have been wonderful electorate officers for me for the past 18 months. I thank them for their service and wish them well as they head off to other opportunities.

Mordialloc-Braeside Junior Football Club

Mr RICHARDSON (Mordialloc) — Recently I had the pleasure of attending the Mordialloc-Braeside Junior Football Club's presentation day and paying tribute to the wonderful participants, the parents and the volunteers who make that happen. Of one great note on that day was the presentation of the best club person award to an outstanding community advocate, someone who has given a lot of service to our local area — Robyn Ryan. She is someone who has served her community in Victoria Police, someone who has served as the president of Parkdale Primary School council and someone who continues to support the children in our local area through the Mordialloc-Braeside Junior Football Club.

It is a club that now boasts nearly 600 children, all playing footy, and it now has multiple girls teams and is looking to establish four or five more in the coming year. That is absolutely impressive. In female participation in our area, they are leaders in that space. I also want to put in a plug for Tim Smith, who has been the president of the club for some time and is doing an outstanding job, along with Brooke Hannaford, the secretary.

St Bedes/Mentone Tigers Amateur Football Club

Mr RICHARDSON — Finally I would like to just say to the St Bedes/Mentone Tigers Amateur Football Club, which was previously coached by Luke Beveridge, the Doggies coach — and all the best to Luke over the weekend against the Hawks — and is up against the Beaumaris Sharks and is hoping to get back into A grade in the amateur football league, that I wish St Bedes/Mentone all the very best for the weekend.

Country Fire Authority enterprise bargaining agreement

Mr MORRIS (Mornington) — The firefighter dispute reached a new low at the end of August. Claims from the United Firefighters Union (UFU), based on highly selective figures, suggested that volunteer brigades across the outer urban areas of Melbourne were failing to meet Country Fire Authority (CFA) response standards. According to the UFU that failure:

... puts lives at risk and increases damage to property resulting in economic loss.

The so-called facts used in this cowardly attack on CFA volunteers simply do not bear out the claims being made. The actions of the UFU appear calculated to undermine CFA volunteers and to try and place a dent

in their credibility in the community. Such tactics could easily have led to widespread panic. Thankfully they have not.

The Mount Martha brigade was singled out for particular attention despite having a primary turnout compliance rate for medium urban areas, on the UFU's own figures, of 100 per cent. The suggestion that this brigade is providing anything other than excellent service to the Mount Martha community is just plain wrong. This is a brigade that over the course of the past year has attended 70 fires and explosions, unfortunately 40 false alarms, 20 hazardous condition incidents and 15 rescue calls. Incidents included two cliff rescues, a car fire and a range of other equally grave incidents.

The brigade tanker saw service in both Tasmania and South Australia over the course of the past summer. Operational brigade members, of whom there are nearly 30, responded more than 1100 times over the course of the year. I wish to place on the record my thanks to the members of the Mount Martha brigade for their long and ongoing service to our community. They have, I know, the thanks and the strong support of the community they serve so well.

Ballarat Regional Trades and Labour Council

Ms KNIGHT (Wendouree) — I would like to express my appreciation of and support for the Ballarat Regional Trades and Labour Council and to particularly acknowledge the secretary, Brett Edgington. It is so important that trades and labour councils have a real presence in regional Victoria, for many reasons. One of those very important reasons appeared in the *Courier* on 8 September. 'Ballarat workers paid as little as \$8 an hour: union' reads the headline. This is a story that reports that some young workers are paid as little as \$8 an hour, cash in hand. Mr Edgington rightly identifies that underpayment also is often tied to workplace bullying.

This story was exposed as a result of Trades Hall having opened its Young Workers Centre, where they have seen a 'constant stream' of young people. It horrifies me that young people are being illegally underpaid. It horrifies me that young people are being taken advantage of and being paid off the books and that there may be no recourse if they have an accident at work because they are not on the books. It horrifies me that this is happening in Ballarat.

I will work alongside Ballarat Trades Hall to make sure that every single worker has access to information about their legal entitlements. I sincerely want to thank the Ballarat Regional Trades and Labour Council, the

secretary, Brett Edgington, and all of the delegates for their dedication and commitment to fairness and justice for each and every worker in Ballarat.

Mount Duneed Regional Primary School

Mr KATOS (South Barwon) — Last Thursday I was granted the opportunity to become principal for a day at Mount Duneed Regional Primary School. It was an eventful day. Students and staff were encouraged to wear yellow to mark R U OK? Day, and the entire school spent a moment to ask their fellow students and staff, 'R U OK?', in a meaningful way because, as the students learnt, connecting regularly and meaningfully is one thing everyone can do to make a difference to anyone who might be struggling. I thank the entire school and principal Julie Makin for making me feel welcome.

However, the Mount Duneed school community made it clear to me they are still living in limbo with the Minister for Education and the department giving no clarity as to the future of the school. The school is certainly open to moving to the new site at Armstrong Creek west, but they are being stonewalled by this government. If the government will not allow the school to move, then they desperately need new facilities. They have only one permanent building to cater for around 260 students, with further growth in student numbers expected. Minister, make up your mind. Allow the school to move or upgrade their current facilities.

Djila Tjarri Park

Mr KATOS — I was also pleased on Sunday to attend the official opening of the play and skate space at Djila Tjarri Park, Torquay. This is a fine asset for the growing Torquay community, funded by all three levels of government. This was a commitment made and funded by the previous Liberal state government through the Regional Growth Fund, allocating \$2.377 million, which saw the construction of the skate park, a regional playground, pedestrian pathways, public toilets and parking facilities, and it was assisted by local federal member Sarah Henderson with a grant of \$500 000. I congratulate all the parties involved. It was certainly an eventful day.

School breakfast clubs

Mr BROOKS (Bundoora) — Among the darkest parts of the four years of the previous government, in my view, were the cruel cuts to education, in particular the cuts to the Victorian certificate of applied learning, the cuts to TAFE and the cuts to the education

maintenance allowance to help our most struggling families. They even cut Free Fruit Friday.

In contrast, Labor has been reinvesting in education. One of the great examples is the Andrews government's school breakfast club program. With one in seven kids turning up to school hungry, this is a great investment — \$13.7 million that helps with learning and attendance rates at over 50 primary schools across Victoria. That is helping over 25 000 students. I am very pleased to note that this program is now helping four schools in my local community, with the fantastic work that is done at Norris Bank Primary School, at Kingsbury Primary School, at Bundoora Primary School and at Mill Park Primary School. They now have the benefit of one of these school breakfast club programs running. It is a great program.

The program now also supports local dairy and food producers from the Murray-Goulburn region, purchasing 400 000 litres of milk each year, and SPC Ardmona baked beans — 80 tonnes of those. This is a great program that supports vulnerable kids, our excellent schools, and local food and dairy producers.

Millwarra Primary School

Ms McLEISH (Eildon) — Last year Roz, a teacher at Millwarra Primary School in Millgrove, asked me to spend a day at that school so that I could see exactly what they do in the classroom, how they do it and most importantly how they manage the challenges they face. I committed to do so, and last week I spent a day as principal, shadowing the highly dedicated Rod Barnard. Unfortunately Roz was on long service leave. Having a full day to shadow the principal provides wonderful insights into the range of activities a principal does each day. Not only that, it allows you to fully understand the challenges within the education system more specifically in local schools.

There is no doubting the level of commitment to the school and students by the teachers and the staff at Millwarra. I was warmly welcomed by all. I was able to actively engage with the staff and students, and I thoroughly enjoyed my time there. I had a great question and answer session with the older kids — mostly me questioning them about their recent school camp. I was introduced to the Pigeon books in the younger classes; they were actively drawing and writing about them. I was pleased that I was able to take home a special pigeon made for me. I also got to ride in the Barney bus to the East Warburton campus of Millwarra, where I spent some time.

Warburton Primary School

Ms McLEISH — Warburton Primary School principal Damian Marley extended an invitation for me to be principal for a day at his school last week. That was a day of full-on activity, including final preparations for the expo later that morning, where wonderful projects were displayed for family and friends. There was also a student council meeting where students from the youngest grades to the oldest grades were present, a staff birthday and an assembly. As is common in Warburton, the power was off for most of the day, but neither the students nor the staff batted an eyelid — they just kept on going.

Damian and the staff clearly give their all for the benefit of the local students. Whilst I was happy to take on every challenge of being principal, I did not take up the offer to climb the ladder — —

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

Sunbury Downs College

Mr J. BULL (Sunbury) — It was my absolute pleasure to be principal for a day last Thursday at Sunbury Downs College. This is a great school, one that both my brother and sister attended and one that my mother worked at for over 15 years. The day began with a meeting of school principals, followed by a staff briefing. First period involved a mock court room, where I sat on a jury deliberating on the death of Mr Lego Head. The second period involved a tour of the school facilities and grounds, followed by a wonderful staff morning tea.

The day then moved to the middle school, where there was an assembly at which I presented certificates and spoke to students about my role as an MP and leadership within the community. It was great to see many parents in the room playing an active role in their children's education. After lunchtime I met with the Hume mayor and grants officer, and the day finished up with a senior school assembly, student awards and another speech from me.

I want to thank school principal Maria Oddo for all her support throughout the day as well as the assistant principals, staff and most importantly the students for having me along.

Sunbury West Primary School

Mr J. BULL — It was also wonderful to join the principal of Sunbury West Primary School for a tour of the newly created outdoor exercise space. This

equipment was made possible due to a grant from the Lord Mayor's Charitable Foundation, Sunbury Community Health and the Andrews government. I want to thank the Minister for Education for providing a grant so that this wonderful project could be completed. Students at Sunbury West Primary School now have a fantastic area in which to play and exercise, and I am absolutely thrilled that we were able to deliver such an important project.

Ashwood High School

Mr WATT (Burwood) — Congratulations to the students of Ashwood High School on their performance of *Footloose*. It was an enjoyable production, and I want to pay tribute to the cast: Mitchell Brown, Georgia Robertson, Mitchel Mahon, Hannah Sim, Jacobi Loria, Mahalia Brooks, Mikayla Sutherland, Katriana Fernando, Daisy-May Creighton, Nick Guo, Luka Khattab, Alan Martin, Rory Bacic, Ethan Wardlaw, Sarah Lobbe, Kayla Karlsen, Nyapal Giek, Natalie Lindenmayer, Hayley Bacic, Rachel Hull, Mandy Kha, Chelsea Dunstan, Connie Hulsen, Courtney Tulia and Emma Mahon.

I also want to pay tribute to others who contributed: Maddy Ryan, Libby Thacker, Jessica Addis-Shawyer, Mayra Kelly, Amy Peters, Maxi Stathakopoulos, Giji Vinod, Karla Dockrill, Leah Packer, Catie Tennant, Ashleigh Tufuga, Nellie Weerasekara, Chloe Allen, Jamie Boxall, Bianca Cox, Nicole Dreyer, Elena Doulgerakis, Laura McFarlane, Lashaye Walker and Sarah Webster. I also pay tribute to the band and all the backstage crew. It was a great performance.

Human trafficking

Ms GRALEY (Narre Warren South) — One of the hidden crimes that takes place across the world is the illegal trading of humans. It is estimated that nearly 21 million people are trafficked for profit globally. Unfortunately Australia is not unaffected by this crime; sex slavery is happening in Victoria. According to a report published in 2014 the Victorian deputy commissioner of police at the time, Mr Graham Ashton, said:

About 60 to 70 per cent of human trafficking in Australia occurs in the sex industry ... but people were also being trafficked for forced labour, domestic servitude and forced marriage.

The report tabled by the Royal Commission into Family Violence states that there are serious shortcomings in how police and the family violence system respond to the experience of women who work in the sex industry. Victims often feel invisible or

overlooked in the broader family violence system in terms of both prevention and response. The royal commission report also confirms that no reliable data on the number, sex or gender identity of people who work in the sex industry in Victoria exists. However, it identifies an urgent need to ensure that sex workers who are victims of family violence can access the support of police, family violence services and other related services.

In a recent article published in the *Age* police warned that a rash of illegal brothels in Melbourne CBD apartments may harbour trafficked women as sex workers. The police are calling it an illegal pop-up industry.

Recently in this house I have spoken about forced marriages, honour killings and genital mutilation. Overwhelmingly this violence is gender based. Like family violence, it is a result of gender inequality, and like family violence, it has no place in our progressive, fair and inclusive Victoria.

Mount Waverley Football & Netball Club

Mr GIDLEY (Mount Waverley) — Today in Parliament I rise to congratulate the Mount Waverley football and netball team on their outstanding Southern Football Netball League premiership success. The club defeated Heatherton 44-41, taking out the division 7 premiership. I recognise and thank the team and all those who have supported them for their hard work in winning the premiership. I also congratulate Madeleine Cavanagh for being named player of the game.

Equal opportunity legislation

Mr GIDLEY — I rise in Parliament today to support the right of faith-based schools to be able to employ staff consistent with the faith-based values and principles of their school. Unfortunately the Victorian Labor government is attempting to change the law through this Parliament, and if successful, it will remove a longstanding right. Under the Victorian Labor government's plans schools will no longer have an exemption to equal opportunity laws which allow them to select employees with regard to their faith-based principles and values, with the exception of religious education classes.

This plan completely misunderstands what faith-based schools are about. They are not about teaching students faith-based values and principles solely in one class and then forgetting about them. Faith-based schools are about developing faith-based values and principles in students in all areas of their schooling and life. If a

faith-based school cannot select staff with reference to their values and principles through existing equal opportunity exemptions, they will not be able to provide faith-based schooling. Such an outcome completely disregards the right to freedom of religion for students and their parents who send their children to such schools.

FOOD AMENDMENT (KILOJOULE LABELLING SCHEME AND OTHER MATTERS) BILL 2016

Statement of compatibility

Ms HENNESSY (Minister for Health) 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 Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016.

In my opinion, the Food Amendment (Kilojoule Labelling Scheme and Other Matters) Bill 2016, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Food Act 1984 to provide for a kilojoule labelling scheme requiring chain food businesses with 20 or more outlets in Victoria or 50 or more outlets nationally and supermarkets with 20 or more outlets in Victoria or 50 or more outlets nationally, where the supermarkets have a floor space of more than 1000 square metres, to display:

- a. the kilojoule content of standard, ready-to-eat food and non-alcoholic drinks on menus, menu boards and food labels; and
- b. the statement 'the average daily adult energy intake is 8700 kJ' on menus, menu boards and display cabinets or stands.

It will be an offence for the proprietor of a chain food premises or chain supermarket not to display kilojoule information in the manner and location required by the bill.

Human rights issues

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

Presumption of innocence

It is a defence to the offence provisions (new sections 18D and 18F) if it is proved that the proprietor of the chain food premises or chain supermarket exercised all due diligence to prevent the commission of an offence by the proprietor or a person under their control. For example, if a proprietor displayed in good faith kilojoule labels provided by the head office of the chain food business that were found to be

incorrect, the proprietor may be able to demonstrate due diligence. A proprietor relying on this defence would be required to present or point to evidence capable of proving due diligence. The offence provisions also do not apply to businesses exempt from the kilojoule labelling scheme under new section 18H, such as a cinema-run food business or a business providing catering services. A proprietor who was charged with an offence under section 18D or 18F would need to lead evidence to establish the exemption applies in this circumstance too.

Offence-specific defences such as these can limit the presumption of innocence protected by section 25(1) of the charter, by placing an evidential burden on the defendant.

In these circumstances any limitation is justified. There are many different ways a proprietor could have exercised due diligence to prevent the commission of an offence under the bill. It is reasonable to expect that a defendant who claims to have exercised due diligence to bear an onus of pointing to or adducing evidence to establish the defence applies. The due diligence measures a proprietor has taken will be within the particular knowledge of the proprietor, whereas it would be very difficult for the prosecution to establish that a proprietor did not exercise due diligence due to the range of potential measures that could have been undertaken. Similarly, a proprietor is best placed to establish that the business is exempt under section 18H. Additionally, the burden placed on the defendant is an evidential burden, rather than a legal burden which would be a more restrictive measure. Finally, it is noted that the penalties for the offence are relatively small.

Accordingly, I consider the provisions are compatible with the right to be presumed innocent in section 25(1) of the charter.

Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) — I move:

That this bill be now read a second time.

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

The purpose of this bill is to provide for a kilojoule labelling scheme at large Victorian chain food businesses and large supermarket chains. The bill also provides for minor and technical amendments to the Food Act 1984.

A kilojoule labelling scheme will provide Victorians with information about the kilojoule content of food they buy and help them take practical steps to improve their health and wellbeing.

Approximately two-thirds of Victorians are overweight or obese and these rates are rising.

Obesity is a major risk factor for cardiovascular disease, Type 2 diabetes, some musculoskeletal conditions and some cancers. Obesity has been estimated to cost Victoria \$14.4 billion a year when economic and social factors are considered. There are many complex causes of obesity. One factor is the excessive consumption of energy-dense food.

The average Australian dines out more than four times a week and studies show that consumers tend to significantly underestimate the kilojoule content of energy-dense, takeaway foods.

As Minister for Health I want to ensure our community has information about the energy content of meals they purchase. A kilojoule labelling scheme will put information about the kilojoule content of meals in the hands of consumers, and will support our community to make informed decisions about what they eat.

Kilojoule labelling is a highly cost effective and practical health and consumer information initiative. It will complement a range of Victorian government initiatives designed to combat preventable chronic disease and promote healthy communities. In particular, it will be a significant addition to the efforts underway through the Healthy Choices initiative. This initiative supports organisations across the state to provide and promote healthy food and drink options in the places where people spend their time — including workplaces, sport and recreation settings, and hospital and health services.

In April this year, the Victorian government made a commitment to introduce kilojoule labelling laws. This bill gives effect to that commitment.

Implementing this legislation will mean around 3000 Victorian chain food businesses and 570 supermarkets will be required by law to display kilojoule information.

Kilojoule labelling schemes have been progressively implemented in other Australian jurisdictions, commencing with New South Wales five years ago. Since then South Australia, the Australian Capital Territory and most recently Queensland have introduced kilojoule labelling laws.

There is a growing body of Australian and international evidence about the effectiveness of providing kilojoule information on menus.

An evaluation of the introduction of kilojoule labelling laws in New South Wales found the average number of kilojoules consumed per meal decreased by 15 per cent, after the legislation came into effect in that state.

Other Australian and international studies have also found kilojoule labelling is effective in informing consumers about the energy content of their food and drink choices, and that providing kilojoule information can reduce kilojoules consumed.

Introducing a kilojoule labelling scheme in Victoria will empower consumers with information to take steps to improve their health and enable them to:

compare the kilojoule content of meals within and between large chain food outlets; and

monitor and adjust their overall daily energy intake.

The Victorian scheme is broadly based on similar schemes in other Australian jurisdictions.

The Victorian scheme will require large chain food businesses — those with 20 or more outlets in Victoria or 50 or more outlets in Australia, with at least one outlet in

Victoria — to display kilojoule information for food and non-alcoholic drinks.

The scheme will also apply to supermarket chains that have at least 20 outlets in Victoria or 50 outlets nationally, with at least one in Victoria, but only to individual supermarkets within the chain that have a continuous floor space of more than 1000 square metres.

To place kilojoule information in a more meaningful context chain food businesses and supermarket chains will be required to display the statement 'the average adult daily energy intake is 8700 kJ' on their menus, menu boards, online menus and on each display cabinet, area or stand.

The scheme will apply to chain food businesses such as quick service restaurants, burger, chicken, pizza and pasta chains, noodle and sushi chains and café and bakery chains, as well as to medium and large supermarket chains.

The scheme will apply to in-store cafes within large supermarket chains, where these are owned and operated by the supermarket.

The scheme will apply to food and drinks that are standardised for portion and content, are ready-to-eat, unpackaged and sold at more than one outlet.

Concepts of 'standardised' and 'ready-to-eat' food items are elements of kilojoule labelling laws in all other Australian jurisdictions, and are well understood by this sector.

Chain food businesses and supermarket chains will be required to display kilojoule information about ready-to-eat items on menus, menu boards, food labels and menus that are distributed outside the store, as well as online menus, 'apps' and drive through menus.

Consistent with other Australian jurisdictions, kilojoule information will not need to be displayed on whole fresh fruit and vegetables or for whole loaves of bread or plain bread rolls.

The scheme will not apply to pre-packaged food as its kilojoule content is already required to be displayed on the nutrition information panel on the packaging for these items.

The requirements will not apply to a generic offering of food, such as a billboard located outside a chain food outlet that says for example 'pies sold here'.

Consistent with feedback from industry, the government has been careful to design a scheme that is in line with the requirements of schemes operating in other Australian jurisdictions, and particularly the New South Wales scheme.

Therefore having regard to the labelling requirements already in place in other states and territories, the bill provides that supermarket chains and supermarket-run in-store cafes have the option of displaying kilojoule information on price tickets either as per 100 grams or per serve of food. Consistent with laws in other Australian jurisdictions, chain food businesses will be required to display kilojoule information per serve of food.

The average kilojoule content of each standard food item must be calculated in accordance with standard 1.2.8 of the food standards code. Methods including laboratory analysis

of menu items or nutritional analysis software will be permitted to calculate kilojoule content.

In line with the approach taken in other Australian jurisdictions that have implemented kilojoule labelling, a practical approach will be taken to any variation in testing the kilojoule content of menu items. A margin of tolerance above and below the actual kilojoule content of menu items will be permitted, and matters such as seasonal variation and preparation will be taken into account.

In contrast to schemes in New South Wales and South Australia, the proposed Victorian scheme includes chain food businesses that offer dine-in services only in addition to dine-in and takeaway services. This will ensure equity and consistency across the chain food industry in this state.

In contrast to schemes in New South Wales and South Australia non-qualifying food businesses and supermarkets that choose to voluntarily display kilojoule information, will not be subject to the scheme.

This is because requiring outlets that wish to voluntarily display kilojoule information to be subject to a specific set of obligations and penalties would be onerous and costly for small businesses.

The scheme will not apply to standard food items that are specials or trials, that are offered for sixty days or less, at no more than five outlets, and that have not been offered previously.

The scheme will not apply to cinema candy bars, catering services, temporary or mobile food premises, food vending machines, service stations selling petrol, not-for-profit businesses delivering meals to persons in their homes and food catering services.

In addition, the scheme will not apply to convenience stores or small supermarkets with a floor space of 1000 square metres or less.

Penalties, offences and enforcement

The bill provides offences for failure of the proprietor of the chain food business or supermarket chain to:

display the average kilojoule content of each standard food item in a certain manner, for example requirements to display the correct kilojoule content for all standard food items and to display clearly legible kilojoule information;

display the statement 'the average adult daily energy intake is 8700 kJ' in a certain manner, for example requirements to display the statement once on each display cabinet, stand or area.

The offences in the bill are broadly consistent with offences for kilojoule labelling schemes in other Australian jurisdictions.

Both offences have penalties of up to 20 penalty units — up to \$3109.20 — for an individual and up to 100 penalty units — up to \$15 546 — for a corporation. Both offences are also infringeable.

The bill provides that these offences do not apply if the proprietor of the chain food business or supermarket chain

exercised all due diligence to prevent an offence from occurring. For example if a proprietor displayed in good faith, kilojoule labels provided by the head office of a chain food business or a supermarket chain that later turned out to be incorrect, the proprietor may be able to demonstrate they exercised due diligence.

The state government will work collaboratively with local government in relation to enforcement. Enforcement officers in local councils and in some instances, food safety auditors, already inspect food premises. Enforcement officers and food safety auditors will be required to do a visual check of chain food businesses and supermarkets to ensure businesses are complying with the laws. Any breaches of the laws that clearly relate to an individual outlet, such as a menu board that is obscured, should be addressed by the enforcement officer or food safety auditor. Any breaches of the laws that relate to materials or information provided by the head office of the chain food business or the supermarket chain will be referred to the Department of Health and Human Services for follow-up. This is on the basis that such matters are more likely to be statewide, rather than specific to a particular municipality.

I would like to emphasise that the Victorian government expects there will be high compliance by Victorian food businesses and supermarkets with kilojoule labelling laws in this state. The experience in other jurisdictions that have introduced kilojoule labelling laws is that there has been extremely high compliance with the laws by the food industry.

Implementation

The kilojoule labelling scheme is intended to take effect 12 months after the legislation passes through Parliament. This provides the food industry with adequate time to integrate the new arrangements with the normal turnover of menu boards and re-printing of menus.

Most restaurant and supermarket chains that will be subject to the Victorian scheme are national chains that operate in other Australian jurisdictions. They are already familiar with kilojoule labelling laws and how those laws apply.

The Victorian government intends to respond in a practical way to operational issues raised by businesses.

A communications strategy targeting affected businesses and food industry peak bodies and local government will be developed and implemented to support the smooth implementation of the new laws. Key stakeholders will be consulted in the development and design of communication activities to ensure communication materials are clear, practical and effectively targeted.

Compliance costs associated with the scheme are expected to be minimal. This is because, with the implementation of similar legislation in four Australian jurisdictions, most food businesses operating in Victoria that will be subject to the laws already measure the kilojoule content of their menu items.

The Victorian government will provide support to chain food businesses and supermarket chains not currently measuring the kilojoule content of their menu items, for the first year of the scheme. This will comprise:

access to a free nutrition service that calculates the kilojoule content of standard food items; or

workshops to explain how to use software to calculate kilojoules.

I am pleased to note consultations to inform the development of the bill indicate industry is generally supportive of the scheme. In particular, I would like to take this opportunity thank those organisations that took the time to make submissions to the consultation process.

Health groups who have been advocating for the introduction of kilojoule labelling laws in Victoria for some time, are also strongly supportive of the scheme.

There will be widespread community support for this initiative. Research shows that more than 8 out of 10 Australian consumers favour fast-food outlets displaying 'calorie counts' on menus.

Kilojoule labelling laws have been operating for nearly five years now in New South Wales. The scheme is well understood and accepted by industry. Similarly we expect a smooth transition to the laws in Victoria.

The Victorian government looks forward to working collaboratively with the food industry and local government to ensure this initiative is effectively communicated and well understood. A clear understanding of the laws will ensure a smooth transition to the new arrangements, high compliance with the laws and consumers who are better informed about the energy content of what they eat.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 September.

VICTORIAN FISHERIES AUTHORITY BILL 2016

Statement of compatibility

Mr DONNELLAN (Minister for Roads and Road Safety) 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 Victorian Fisheries Authority Bill 2016.

In my opinion, the Victorian Fisheries Authority Bill 2016 (the bill), as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill establishes the Victorian Fisheries Authority (the authority), with objectives of promoting sustainability and responsibility in fishing and fishing related activities in

Victoria, optimising the social, cultural and economic benefits of all fisheries sectors, supporting the development of recreational fishing, supporting the development of commercial fishing and aquaculture, working cooperatively with fisheries management bodies in other states and territories and the commonwealth, and exercising its functions and powers in the manner that best achieves these objectives.

The bill also amends the Fisheries Act 1995 to enable the authority to perform or exercise existing regulatory and other functions or powers in that act, and makes further consequential amendments to other acts. These amendments operate to replace references in the Fisheries Act 1995 to the Secretary of the Department of Economic Development, Jobs, Transport and Resources, with references to the authority, or the chief executive officer of the authority, but do not extend the scope or operation of existing provisions. The bill similarly amends the Conservation, Forests and Lands Act 1987, the National Parks Act 1975, the Public Administration Act 2004, the Surveillance Devices Act 1999, the Traditional Owner Settlement Act 2010 and the Firearms Act 1996 to include references to the authority or the chief executive officer of the authority.

The bill also amends the Catchment and Land Protection Act 1994, the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Environment Protection Act 1970, the Flora and Fauna Guarantee Act 1988, the Forests Act 1958, the Land Act 1958, the Land Conservation (Vehicle Control) Act 1972, the National Parks Act 1975 and the Wildlife Act 1975, so that the provisions in those acts relating to authorised officers apply to authorised officers appointed under this bill. However, these amendments do not alter the substance of those existing provisions.

Human rights issues

Privacy — section 13

Under the bill, the governing body of the authority will be the Victorian Fisheries Authority board, consisting of between five and eight directors with skills, knowledge or experience in relevant specified areas who are appointed by the minister.

The bill sets out the procedures by which the board will make its decisions, including the requirement, in clause 29, that any director who has a pecuniary interest in a matter being considered by board must declare the nature of that pecuniary interest at a meeting of the board, and that failure to do so will be an offence. Similarly, clause 30 requires that any director who has a (non-pecuniary) interest in a matter being considered by the board, must disclose the nature of the interest to the chairperson.

The requirement for board members to declare personal or pecuniary interests may operate to require the disclosure of personal information, including financial information. As such, it may engage the right in section 13(a) of the charter, which protects the right of a person not to have his or her privacy unlawfully or arbitrarily interfered with. However, the requirement in clause 29 is directed at the important purpose of maintaining the integrity and internal transparency of the board's decision-making functions, and consequently does not arbitrarily limit the right to privacy.

The right to privacy in section 13 of the charter may also be relevant to clause 33 of the bill, which prohibits a person who

ceased to be a director of the board from applying for or holding a commercial fishery licence or aquaculture licence, or being appointed as a senior or executive officer of a representative body, at any time during the following two years. It may also be relevant to clauses 22(2) and 25(7) of the bill, which prohibit a person being appointed as a director or acting director of the board if they hold certain other positions, have or have had certain licences, or are currently associated with a person or entity who holds a current commercial fishery licence or aquaculture licence.

Measures banning or restricting an individual's capacity to gain employment or hold positions may interfere with the right to private life where they affect an individual's ability to develop relationships with the outside world to a very significant degree and create serious difficulties for their capacity to earn their living. The restrictions in clauses 22, 25 and 33 may therefore interfere with the right to privacy by restricting the type of employment former board directors can obtain, and placing restrictions on who can be appointed to the board. However, I consider that any such interference is neither arbitrary nor unlawful. The restrictions, who they apply to and in what circumstances, are clearly set out in the bill. They apply in the context of highly regulated industries, in which expectations of privacy are necessarily reduced, and are necessary to ensure that the authority's functions in regulating the commercial fishing or aquaculture industries can be performed free from any perception of bias or conflict of interest.

For these reasons, I am satisfied that the bill does not limit the right to privacy.

Freedom of expression — section 15

Section 15 of the charter provides that every person has the right to freedom of expression, which includes the freedom to impart information and ideas of all kinds. The right has also been held to include the right not to impart information.

The right in section 15 of the charter is relevant to clause 32 of the bill which prohibits a person who is, or has been, a director, chief executive officer, authorised officer or employee of the board from disclosing any information obtained during the course of the person's duties except as authorised under this provision. Clause 32 sets out certain specific circumstances in which disclosure may be made in the course of a person's duties.

Clause 32 is directed at ensuring the maintenance of confidentiality of information obtained during the course of a person's duties. As such, to the extent that clause 32 may impose a restriction on a person's right to freedom of expression, I am satisfied that such a restriction is both lawful and reasonably necessary to respect the rights and reputations of other persons, and therefore would fall within the exceptions in section 15(3) of the charter.

The Hon. Jacinta Allan, MP
Minister for Public Transport

Second reading

Mr DONNELLAN (Minister for Roads and Road Safety) — I move:

That this bill be now read a second time.

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

This bill will deliver one of the key elements of our government's Target One Million election commitment — that is to establish Fisheries Victoria as a statutory authority.

The Andrews government's Target One Million plan acknowledges the importance of fishing in Victoria and commits to establishing a focused, dedicated authority for the management of this precious resource. To deliver this plan we have committed over \$46 million; the largest allocation of funds to fisheries in 30 years. Target One Million has already had a number of successes, including the recent change to netting in Port Phillip Bay, establishing a marine stocking program, opening a trout cod fishery at Beechworth and much more.

We are committed to getting more people fishing more often by encouraging participation in what is a great pastime and inclusive outdoor activity. Fisheries Victoria has done some amazing work to increase fish stocking across the state. We are well on our way to hit this year's target of 3.5 million fish, along with barramundi stocked into Hazelwood pondage, trout released in over 60 waters across Victoria and countless other stocking events.

Fishing is an important cultural, recreational and commercial pursuit in Victoria. Our state's fisheries are a prized communal resource that need to be sustainably managed for their intrinsic value, future generations and long-term viability of all fisheries sectors. Fishing and its related activities contribute significantly to the Victorian economy and jobs, and the creation of a dedicated authority to sustainably manage and support the development of fisheries sectors in Victoria recognises that contribution.

Recreational fishing delivers significant social benefits to individuals, families and communities; offering an opportunity to engage in an outdoor recreational pursuit at almost any age regardless of skill, experience and ability. Additionally, around 8000 Victorians are dependent on seafood either landed or produced here for the majority of their employment.

Recreational fishing is the cornerstone of many regional communities and we see significant economic benefits flow to allied industries as a result of recreational fishing activities, particularly in areas such as tourism, bait and tackle stores, and boating. The recreational fishing sector contributes around \$2.3 billion per year to Victoria's economy.

Victoria's commercial fishers supply domestic and international markets with some of the world's finest seafood, including abalone, rock lobster and snapper. The estimated total value of production for wild catch fisheries in Victoria in 2013–14 was \$54.6 million, with aquaculture contributing a further \$25.4 million.

Indigenous fishing is also an intrinsic part of fisheries in Victoria. Aboriginal communities have undertaken fishing

practices for thousands of years. Victoria's waters, including those that can be fished, are an important part of Aboriginal people's connection to country and culture.

This bill provides the legislative basis for a new, independent statutory authority to regulate and support the development of recreational and commercial fishing and aquaculture in Victoria — the Victorian Fisheries Authority (VFA).

The VFA will be responsible for the majority of the functions Fisheries Victoria currently undertakes. However, this is not just a machinery-of-government change. Creating the VFA is about providing tailored and transparent governance to drive improved performance. It will be a modern, fit-for-purpose authority that delivers efficient regulatory and compliance outcomes and takes an integrated and collaborative approach to the management of Victoria's fisheries resources.

Our stakeholders support the change to a statutory authority, as they too know how precious our fisheries resources are. The government would like to acknowledge all the support of VRFish, Dallas D'Silva and Rob Loats, who on behalf of Victorian fishers have been strong supporters of the Target One Million initiative. VRFish is playing a key role in getting more people out there fishing, collaborating on stocking opportunities and generally spreading the word on the great work they and Fisheries Victoria are doing. The government would also like to acknowledge the support and commitment of the Future Fish Foundation, David Kramer, and Rex Hunt in key initiatives such as the removal of boating restrictions in Blue Rock Lake and the successful stocking of barramundi into Hazelwood pondage.

The government also acknowledges the contribution of Seafood Industry Victoria, Johnathon Davey and Harry Peters, in working constructively with the government on the netting changes in the bay — they have played a key role in supporting commercial fishers during this period of transition. The government thanks our stakeholders for sharing our commitment to the sustainability of our precious Victorian fisheries.

Speaker, I now turn to the provisions of the bill.

The bill includes standard provisions critical to the success of an independent statutory authority — clear objectives and functions and the necessary powers. These provisions are broadly consistent with other Victorian statutory authorities, including the Game Management Authority and Dairy Food Safety Victoria.

The bill includes modern governance arrangements to ensure the VFA strategically manages fisheries. It outlines accountabilities for not only the authority itself, but for the relevant minister as well as the secretary. This recognises the collaborative approach required to effectively manage such a geographically dispersed and highly valued resource.

The VFA's objectives provide the board and key stakeholders with a clearly defined direction for the authority, and complement the objectives of the Fisheries Act. The VFA will optimise the social, cultural and economic benefits of all fisheries sectors and promote sustainability and responsibility in fishing and its related activities. Our government wants the community to be assured that we are committed to having our valuable fisheries resources managed by an agency that is independent, with a dedicated focus on fisheries.

The VFA will be directly accountable for a range of regulatory functions. This includes the administrative, licensing, compliance and enforcement functions Fisheries Victoria currently performs. The authority will be empowered to develop fisheries management plans, operational plans, conduct research, encourage compliance via education, and monitor and enforce compliance under the Fisheries Act and other relevant legislation. As a dedicated entity, the VFA will deliver efficient services that ensure long-term sustainable management of Victoria's fisheries.

With the VFA responsible for developing fit-for-purpose and timely operational plans, we can ensure fisheries staff continue to perform their duties at the very high standard that we have come to expect and appreciate.

The VFA will also support the development of recreational and commercial fishing and aquaculture in Victoria. This will be achieved through strategic fisheries management planning, working in partnership with my department and stakeholders to reduce regulatory burden for all fisheries sectors, and identifying new opportunities for fisheries in Victoria. The VFA will facilitate recreational fishing improvements, including administering the recreational fishing licence trust.

It is important to acknowledge that, as is best practice, strategic policy as well as development of legislation and associated regulations will remain with the minister and department. Strategic policy and legislation will therefore remain at arm's length from the on-ground enforcement and operational functions. But a collaborative approach is critical, and that's why the bill provides for the VFA to make recommendations to the minister in relation to their powers, functions and duties in the Fisheries Act.

The authority will also advise the minister and the secretary on fisheries management issues and strategic policy for fisheries in Victoria. In practice, this means that the VFA will continue to influence and shape outcomes in relation to fisheries management, including quota setting, allocation of funding, development of legislation and setting of fees, royalties and levies.

In recognition of cross-jurisdictional and inter-agency collaboration, the VFA is also explicitly empowered to work with other bodies to improve fisheries outcomes, respond to emergencies, and assist other regulators, where appropriate, with their compliance and enforcement activities.

An important, innovative component of this bill is the inclusion of guiding principles. Guiding principles aim to provide rigor to the decision-making process and support the achievement of the VFA's objectives. Our government is committed to ensuring the VFA take into account integrated and evidence-based decision-making, the triple-bottom line, equity, transparency and stakeholder engagement and community participation. The principles will provide clarity, for both board directors and stakeholders alike, and offer the necessary platform for a transparent, consistent and predictable approach to considering issues and making decisions. The inclusion of these principles is consistent with legislation of other statutory authorities such as the Environment Protection Authority and the Australian Fisheries Management Authority.

Through continuous improvement in the creation of entities like the VFA, we are creating an authority that is best equipped to deliver on the government's and the community's expectations. We are being clear about the relationship

between the VFA, minister and department. Legislating clear accountabilities and providing the framework for management of direct relationships will deliver high-quality services through promoting transparency, accountability and role clarity.

The bill establishes a skills-based board to oversee the strategic direction of the authority. Membership of the board will consist of no less than five and no more than eight directors, including a chairperson and deputy chairperson. Skills-based boards are important to ensure an impartial and evidence-based approach to decision-making.

The bill requires that the board has an appropriate mix of skills, knowledge and experience to assist the authority to achieve its objectives, perform its functions and maintain good governance practices. We will seek to ensure that collectively, directors have expertise in a number of areas, including legal practice, finance, natural resource management, fisheries sectors, stakeholder engagement and Aboriginal culture and identity as it relates to fishing and fisheries.

Integrity is paramount to the effective provision of services and overall function of an authority such as the VFA. The government does not want there to be a situation where knowledge gained through membership of the board is used to make financial gains of a personal or commercial nature after a director leaves the board. The bill's tailored exclusion provisions will see to that.

Our government is committed to creating an organisation that has integrity at its core. That is why the bill establishes ineligibility criteria for appointments to the VFA board, as well as conditions on directors exiting office. These criteria, together with requirements of directors to attest to their personal and professional integrity prior to appointment, will address any real, potential, or perceived conflicts of interest that may hinder the effective operation of the VFA.

In addition to defining standard areas of accountability for the board, such as setting strategic directions, managing risks and exercising best practice governance, the bill specifies that the board must operate having regard to any governance framework requirements agreed between the board directors, minister and secretary. This again clarifies accountabilities and reinforces the collaborative approach we will take for the management of our fisheries resources moving forward.

But this isn't just about government talking to itself. Experts and stakeholders will continue to be an integral part of fisheries management. To make this absolutely clear, the bill provides for the board to establish advisory committees to provide advice and information to assist it in performing its functions. Together with guiding principles, this will deliver evidence-based decision-making and allow for the meaningful participation of stakeholders and local community in the sustainable use of fisheries resources in Victoria.

The bill provides that the VFA board employ a CEO in consultation with the minister. The CEO will be the employer of all VFA staff, who will be Victorian public service employees. Fisheries Victoria staff members will be transferred to the VFA with no associated job losses or reduction to entitlements.

The role of the CEO includes responsibility for the day-to-day management of the authority, as well as exercising enforcement and compliance powers assigned to them under

the Fisheries Act. This provides operational independence for compliance and enforcement activities from the VFA's other functions, and will maximise information security associated with these activities, particularly to ensure the safety of officers in the field.

For transparency and accountability, the bill requires the VFA to submit an annual report to the minister for tabling in each house of Parliament. This report will include financial statements and any information requested relating to its objectives and delivery of its functions. The minister is able to provide directions to the VFA, and these directions must be published on its website and in its annual report, as well as in the *Government Gazette*.

With the range of services the VFA is to provide to its many and varied stakeholders, the bill ensures the VFA engages directly with stakeholders through a requirement to present its annual report to all fisheries sectors in a form or forum it considers appropriate.

The bill also requires that the VFA prepare an annual business plan that sets out its objectives and priorities for the next three financial years, including its financial projections for that period and budget for the next financial year. We will ensure any approved plans drive the strategic direction and priorities for the VFA.

The bill contains provisions to empower the VFA to appoint authorised officers to exercise powers and perform functions and duties for relevant laws. This is consistent with current authorisations of officers.

Finally, the bill makes a number of consequential amendments to transfer legislative accountabilities and associated decision-making responsibilities to the VFA and the CEO where related to compliance and enforcement. The transitional provisions and consequential amendments ensure continuity for the VFA and allow it to perform the particular functions that will be transitioning out of the department.

This bill strengthens our government's commitment to focus on fisheries in Victoria and establishes a dedicated, modern and fit-for-purpose authority that will operate with integrity and clear accountability. Creating the VFA will provide transparent, accountable governance to drive improved performance. The VFA's robust and specifically tailored governance arrangements will ensure it delivers efficient regulatory and compliance outcomes and takes an integrated and collaborative approach to the management of Victoria's fisheries for our future generations.

I commend the bill to the house.

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

Debate adjourned until Thursday, 29 September.

CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016

Second reading

Debate resumed from 1 September; motion of Mr PAKULA (Attorney-General).

Opposition amendments circulated by Mr CLARK (Box Hill) under standing orders.

Mr CLARK (Box Hill) — It is clear that Victoria is experiencing a law and order crisis. In the 12 months to 31 March we have seen crime rise by 12.4 per cent, with 519 130 separate offences being recorded in the crime statistics. We have seen weapons and explosives offences up by 18.5 per cent. We have seen theft offences up by 16.1 per cent, transport regulation offences up by 13.9 per cent, burglary and break and enter offences up by 13.7 per cent, breaches of orders up by 13.4 per cent, drug use and possession offences up by 13.4 per cent and, most concerning of all, increases in gang-related crime, be it riots, home invasions, drive-by shootings or carjackings.

Understandably, Victorians are now frightened at night, even in their own homes, that some armed gang will break down the door, threaten them, rob them and steal their cars. They are frightened of driving on the street at night, both in the suburbs and in towns across Victoria, that they will be stopped, assaulted, robbed and have their car stolen. Unfortunately this is a crisis that is in large part due to the actions and inactions of the current government. In particular the government has allowed frontline police numbers at stations across Victoria to be cut, and it has allowed overall police numbers to fall compared with the population and compared with the levels of crime that we are experiencing in Victoria.

Regional police full-time equivalent — in other words, frontline police at stations across Victoria, including the metropolitan region — are down by over 80 officers compared with November 2014. Total sworn full-time equivalent police as at June this year are up by less than 100 compared with the previous quarter and less than 160 compared with the situation in November 2014, well behind the growth in Victoria's population and certainly miles behind the soaring levels of crime that we are experiencing in this state. In short, we do not have enough police, and that is accompanied by the fact that we do not have strong enough laws or strong or effective enough sentences, which is due in large part to the actions and inactions of the government.

In particular, unfortunately we have seen changes made to water down bail laws for juvenile offenders so that

there is no penalty incurred by juvenile offenders who breach their bail conditions. That has sent a very bad message indeed to would-be juvenile offenders, compounding the belief that has gained increasing currency — and unfortunately with good reason — that the law is powerless and in effect they can do what they like and get away with it.

Even though of course the law does try to do some things and some offenders end up in custody, it is not enough to dispel that perception. It is not enough to send the right message, and that is compounded when even the handful who do end up in custody as juvenile offenders are out again within a few short months and able to go back to their previous offending or worse. So we do have a very serious problem, and the government have failed to react to it and indeed for policy reasons in some instances they have deliberately made the situation worse.

Where measures have been taken by the government, they have been slow, belated and ineffective, and many of them I have to say have come about simply as a result of pressure from and the lead set by the opposition, and in particular as a result of initiatives put forward by my colleague in the Legislative Council Edward O'Donohue, the shadow Minister for Police. This bill before the house is a classic example of where it has been the coalition parties that have set the agenda and the coalition parties that have called for stronger legislation and brought in that legislation. The government bill that we are now considering has been a forced reaction to measures that were initiated by the opposition.

Let us have a look at exactly what this bill does. As its title suggests, it seeks to tackle two areas: carjacking and home invasion. In relation to carjacking, the bill follows very closely the bill that was introduced by my colleague Edward O'Donohue. It creates a new offence of carjacking, which singles out that offence which has of course been causing such serious problems in the community. In effect the offence of carjacking will be committed where there is a robbery where a car is stolen, since robbery is stealing accompanied by the use of force or fear of force. That singles out a specific offence in the context of robbery involving cars, but the main difference that is made to the law in this area by this bill — and again it follows what was in the bill introduced by the coalition — is the establishment of a new offence of aggravated carjacking, which adds in a clear manner to the existing spectrum of offences in this area. Aggravated carjacking will in effect be committed where there is an armed robbery where a car is stolen and a person is actually injured.

So the spectrum of offences in relation to carjacking will be carjacking itself — namely, the robbery of a car — carrying a maximum sentence of 15 years; then there will be the existing offence of armed robbery involving a car, carrying a maximum of 25 years jail; and then the most serious offence in this area will be the new offence of aggravated carjacking, which will carry a maximum of 25 years and a statutory minimum under the bill of 3 years. I should foreshadow the fact that the amendments that I have had circulated seek to change that statutory minimum from three years to five years, consistent with the bill that the opposition previously introduced. With the exception of the difference in statutory minimum penalty and with some minor variations of wording, what is in this bill is virtually identical to the measures that the opposition previously put forward.

In relation to home invasion the provisions in this bill are very complex. Indeed they have been subject to considerable criticism by legal bodies. I would not necessarily agree with all of the criticism of those legal bodies. Liberty Victoria have particular views on the appropriate approaches to crime, with which in many respects we would not agree, but I think they have justifiably highlighted the complexity that has been created in the law in relation to home invasion. That does have serious consequences, because an important part of having offences on the statute book is the sending of messages to people about the consequences of their actions — the sending of very clear messages that highlight that if they do certain things, there will be certain unpleasant consequences that will follow.

If those messages are complicated and confused because the specification of the offences in the legislation is complicated and confused and it cannot be distilled down to clear and simple messages that can be got through to would-be offenders — who often unfortunately do not give a lot of attention to the detail of these matters — you are going to undermine a lot of the effectiveness of what you might actually put on the statute book. So this area as proposed by the bill is very complex indeed. I will do my best to give an explanation of it to the house, but I think members will find that even the degree of detail that is necessary for that will demonstrate the complexity that is being created.

What we have in the bill is two new offences being created of home invasion and aggravated home invasion, and they need to sit alongside the existing offence of aggravated burglary and indeed the existing offence of burglary. If you put the existing and the new offences together, beyond burglary the next offence that will be involved will be where someone enters a home

intending to steal, assault the occupants or commit criminal damage in the home — to smash up the home in other words — and that offence will be committed regardless of the number of people involved and whether they enter the home with a weapon or they knew someone was at home or were reckless about whether someone was at home. In that instance the offence of aggravated burglary will be committed, carrying a maximum penalty of 25 years, and that is the existing offence on the statute book.

The first of the new offences that the bill adds to that is the offence of home invasion. That will be committed when someone enters a home intending to steal, assault or create criminal damage and there are two or more persons involved and either they had a weapon with them or alternatively there was in fact someone present in the house, whether they knew it or not. That will amount to the offence of home invasion, again carrying a 25-year maximum penalty.

The most serious of the offences will be the new offence of aggravated home invasion, and that will be committed when three or more persons together enter a home intending to steal, assault the occupants or cause criminal damage, they have a weapon with them and they know or are reckless about someone being at home. When those elements are satisfied, there will again be a maximum penalty of 25 years as well as a statutory minimum penalty of 3 years.

Out of all of that complexity the question you have to ask yourself is: what are the clear messages that are going to be conveyed to the community about what consequences will follow from particular actions? You have to be concerned that even police officers are going to struggle to remember exactly what the different elements are of these different offences in the spectrum and they are going to have to go back to their manuals in order to work out what the appropriate charge is that they are able to lay in those particular instances. I think about the best you could say is if two or more people go into a home without a weapon, they will be exposed to a 25-year maximum if someone happens to be home even if they thought the home was empty, whereas in the past they would have only been committing the offence of what you might call an ordinary burglary with a 10-year maximum penalty if they thought the home was empty.

To put it in a nutshell, as far as I could work out, the only new context in which the offence of home invasion will apply is if you have got unarmed cat-burglars who are operating in pairs and who seek only to enter empty homes. They will be caught by the new provision if someone happens to be home. That is

not a major achievement in terms of the creation of that new offence. If you have got two armed thugs who bash down the door when they know someone is home, they are not going to be liable to any greater maximum penalty under this bill than they are already. The only situation, apart from the 'cat-burglars working in pairs' situation, where the bill is going to make a difference in relation to home invasion is if you have got three or more armed thugs breaking into a home knowing someone is home. They will then face a potentially stronger penalty than at present, namely, at least three years in jail unless they are aged under 18.

On the other hand, if you have got five Apex gang members aged under 18 and armed with knives breaking into a home when they know the family is there, they are not going to face any greater penalties under this bill than already apply. You have to question how effective the government has been in identifying the detail and specifications of the new offences that are being created under the bill. The government may say, 'Well, at least we're sending a message that home invasions are going to carry tough penalties', but unfortunately, as I referred to earlier, the fact that the new regime is so complicated and that its application is going to be so fragmented is going to badly undermine that message.

There is every sign that this is a bill that the government has rushed to prepare. They have been able to pick up on the carjacking provisions that the opposition has given consideration to and put together, and the carjacking provisions are clear in sending a very strong message to those who cause injury in the course of the armed robbery of a car, but in relation to home invasion the messages that are going to be sent and the application of the law to better protect the community is going to be very limited indeed. It does seem that the government has been rushing to try to respond and give the impression that they are doing something even though they are largely acting in response to what the opposition has been doing.

There has been an issue raised about the operation of the statutory minimum sentences that are provided for in the bill. I should say that the Attorney-General has foreshadowed to me that the government is intending to make a house amendment to clause 1 of the bill in relation to the 'Purposes', where at the moment there is a reference to mandatory terms of imprisonment in paragraph (b). When I raised that with the Attorney-General yesterday he and I were in agreement that that was an inappropriate reference and it should refer to minimum periods, because there is a difference between statutory minimum sentences and mandatory sentences. We on this side of the house are pleased that

the government is continuing to make use of the statutory minimum sentence regime that was put in place under the previous government. That is the regime that is in place here.

Liberty Victoria has taken issue with the whole notion of statutory minimum sentences. They have mischaracterised them as mandatory sentences and they believe that they are inappropriate. I have to say that unfortunately when we are faced with a context where there are far too many instances where some judges do not seem to properly read the intentions of Parliament on behalf of the community and depart from those intentions and where, as a result, sentences are imposed that the community and the Parliament believe are far less adequate than was intended and are inadequate to protect the community and to deter offending, then of course the Parliament needs to become more specific and more prescriptive in the way in which Parliament specifies the penalties that are going to attach to offences.

The introduction of statutory minimums is not a mandatory sentence in the sense that there is absolutely no discretion left to the sentencing court, but Parliament does send a very clear message that we expect the norm to be the statutory minimum sentence that we specify in the Parliament and that departures from that need to be justified on very strong grounds indeed. We do not accept this argument by Liberty Victoria, and indeed, as I referred to earlier, we believe that the statutory minimum sentences in the bill for aggravated offences should be set at the level of five years, rather than three years, as was proposed in the bill that the coalition previously brought to the Parliament.

The other house amendment that the Attorney-General has foreshadowed to me relates to the trying of some of the lesser offences summarily. Because that amendment has not yet become available, it is one to which the opposition will give further consideration as to the circumstances in which the government thinks it would be appropriate for such an offence to be tried summarily.

The Scrutiny of Acts and Regulations Committee (SARC) has looked at this bill and has raised two points in particular that I want to touch on. The first is in relation to whether or not the Attorney-General's references to strict liability in relation to the offence of home invasion where someone is known to be home in the premises concerned is correct. That is a question of terminology, and SARC draws a distinction.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Crime prevention

Mr CLARK (Box Hill) — My question is to the Minister for Police. Minister, the government has failed to fund enough police, and now their resources are stretched across the state and crime is up 12 per cent. I ask: why in the middle of an unprecedented crime wave has the government slashed almost all funding to the successful, much-loved and decades-old Neighbourhood Watch, forcing its CEO to quit and leaving it without a full-time staff member for the first time in its history?

Ms NEVILLE (Minister for Police) — I thank the member for his question, but I can tell you now there is no basis for the proposition he is putting to us about Neighbourhood Watch. Neighbourhood Watch continues to play a very important role in our community and in fact is now working very closely with what is known as Eyewatch as well, so it is both the online tool as well as the community-based tool. Certainly the Neighbourhood Watch organisations that I have met with and dealt with are working very closely with the local police in their local communities and working with the Eyewatch system.

It is again a series of misleading comments and statements by those opposite when it comes to police. They continue to claim cuts in frontline police. Clearly, time and again, it is this side of the house that has invested in our police services, has invested —

Honourable members interjecting.

The SPEAKER — Order! I do acknowledge that the Western Bulldogs are playing the Hawks on the weekend. I also acknowledge that it is Thursday, but all of the football items need to be removed immediately. The minister will continue in silence, without disruptions.

Ms NEVILLE — Since we have come to government we have continued to increase police numbers in every region, which I went through yesterday. Secondly, we are continuing to invest in police custody officers, which is freeing up police hours. Over 11 500 shifts are being freed up right now, and we have also committed to an additional 406 police, who we are in the process of training. It is this side of the house that is completely committed to giving the police the resources and the powers they need in order to work with communities and in order to

ensure that we continue to improve community safety across Victoria.

Supplementary question

Mr CLARK (Box Hill) — Given that the minister has refused to acknowledge the government's cuts to its funding to Neighbourhood Watch, I ask: why has the government defunded the National Motor Vehicle Theft Reduction Council, despite car theft spiralling out of control, and why has it also failed to fund a single substantive crime prevention initiative by the much-respected Crime Stoppers organisation?

Ms NEVILLE (Minister for Police) — I am not sure if those opposite are just sort of throwing out a whole lot of programs and hoping they hit a target. Let us be really clear: we have got record funding for crime prevention. We have got record money — the biggest investment in crime prevention we have seen. Despite them having a crime prevention minister last time, who did nothing, we are actually investing in crime prevention. We are supporting Neighbourhood Watch. We are supporting Eyewatch. We are supporting crime prevention right across our communities because we know we have got to stop this cycle, this trend, around increasing crime which the chief commissioner has said we have seen over the last six years. Those opposite cannot be trusted when it comes to this or the lies that they put out there.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 9(2), which enables you to require a minister to provide a written response where an oral answer has not been responsive to the question. My supplementary question related specifically to defunding of the National Motor Vehicle Theft Reduction Council and a lack of funding for initiatives for the Crime Stoppers organisation. The minister has not addressed those matters in her response, and I ask you to ask her to provide a written response.

Mr Pakula — On the point of order, Speaker, the minister was entirely responsive to the member for Box Hill's question. The member for Box Hill's question went to matters about crime prevention. He did not particularise his claim. The supplementary did not relate to the substantive question, and the minister went in great detail to matters that the government has implemented in terms of increased police resources and police custody officers in order to reduce crime.

The SPEAKER — Order! The Chair does not uphold the point of order.

Ministers statements: floods

Mr ANDREWS (Premier) — I rise to update the house on the significant flood events being experienced in central and western Victoria and indeed the work that is underway to respond to them. As honourable members know, significant rainfall has led to flooding across 18 local government areas, 10 of which have experienced significant damage, the extent of which is being assessed literally as we speak. The communities most affected of course are Coleraine, Casterton, Hamilton and Maryborough, and I want to make particular reference to the community of Charlton, who are no stranger to flood events, we are sad to say. Flood levels are expected to peak in Charlton later on today.

I can inform honourable members that the State Emergency Service (SES) have responded to over 1000 calls for assistance over the past week and have performed 17 flood rescues, some of which have been in very dangerous circumstances for those SES members and other members of our emergency services. Over 500 SES, Country Fire Authority and other emergency services personnel and other agency personnel are out there and have been working throughout the night to provide support and assistance and care to all of those affected and impacted by these floods. We thank them for their efforts, and we honour them for the way in which they put their local communities ahead of their own safety and ahead of really everything else.

Our thoughts as well — I am sure I speak on behalf of all honourable members — are with the families and loved ones of the 88-year-old gentleman from Wallacedale who is missing still and a 6-year-old boy from Beechworth who is missing still. Our thoughts and prayers are with their loved ones, and we wish success to those who are dedicating so much time and effort to finding those two Victorians.

There are 180 roads closed. Thirteen schools remain closed today. There are many warnings on relevant websites, and I commend those and some common sense about not entering floodwater to all Victorians.

Police resources

Mr CLARK (Box Hill) — My question is to the Minister for Police. With fewer police on the beat in Casey today than there were two years ago, Police Association Victoria secretary Ron Iddles has gone on the record stating that officers' health is being put at risk from a lack of police numbers and saying:

When a local council like Casey takes the unprecedented step of petitioning the community for more police you can be assured — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the manager of opposition business on an important question. The manager of opposition business, in silence.

Mr CLARK — With police association secretary Ron Iddles saying:

When a local council like Casey takes the unprecedented step of petitioning the community for more police you can be assured that we have a resource crisis that needs urgent attention.

We have also had a Casey police officer saying members have been stripped out from the front line, putting extra pressure on police stations, so I ask the minister whether she will now finally admit what everybody else in the City of Casey knows — namely, there are fewer frontline police today than there were two years ago, stations are being closed without notice or having their hours cut and the community is crying out for something to be done.

Ms NEVILLE (Minister for Police) — I thank the member for his question. Let us be really clear: there have absolutely been no cuts to frontline police. In fact that region that Casey is in — the Casey, Cardinia and southern metro division region — has gone from 636 full-time effective staff in 2014 now to 695.57 full-time effective staff. Let us be really clear about what is going on in Casey, and I have had a number of communications with the City of Casey, all of which they have pretty much ignored, including offers to meet with senior police and to talk about the issues that they raise.

The City of Casey are playing political games as they go into the election and in fact are so disrespectful to our veterans they are flying their flag at half-mast — against, can I say, the Flags Act 1953 — but aside from that disrespect for our veterans they are flying their flag at half-mast against the facts, which are that there have been no cuts. In addition to that, what I have indicated to the Casey council twice now in a letter to the City of Casey is that the Chief Commissioner of Police has made it absolutely clear that, with the additional police that we are funding and training, he is aware that in this growth corridor we will need additional police to go out there. But we have not cut them. They funded no police.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume her seat. The Chair is on his feet. The minister will continue, in silence.

Ms NEVILLE — Once again it is a Labor government funding — —

Mr Clark — On a point of order, Speaker, the minister is both misleading the house and debating the question. I ask you to bring her back to answering the question.

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

Ms NEVILLE — Again, it is a Labor government funding additional police. As the chief commissioner —

Mr Wakeling interjected.

The SPEAKER — Order! The member for Ferntree Gully is warned.

Ms NEVILLE — has made clear, some of these additional police that we are funding, the Labor government are funding, will go out to these growth corridors like the City of Casey. All I would say, though, is that the City of Casey, if they really represented their community appropriately, would have taken up the offer to meet with senior police to discuss these matters. I would expect those opposite to discourage Liberal councillors running in the next election from playing politics with community safety. It is not appropriate for them to play politics with community safety.

Mr Battin interjected.

The SPEAKER — Order! The member for Gembrook is warned.

Supplementary question

Mr CLARK (Box Hill) — Given that the minister denies that there is a problem with police shortages or police station closures, I refer her to the statement by Detective Acting Senior Sergeant Ivan Bobetic, who has urged anyone who is bumped in their car in the middle of the night not to get out and instead drive safely to a nearby police station. I ask: with a crime wave underway, police stations closing or having their hours cut without notice and now this advice from Victoria Police, will the minister guarantee that if people drive to their nearest police station, it will not be shut?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House! The manager of opposition business asked a supplementary question. The opposition would be interested to hear the minister's response, in silence. The minister to respond, in silence.

Ms NEVILLE (Minister for Police) — Thank you for the supplementary question. Again we are seeing the peddling of lies and misinformation by those opposite. They did this yesterday in the matter of public importance debate. The facts do not back up their claims. We have some significant issues in Victoria in relation to this increase in crime, and we also have issues in relation to some of our serious crimes around carjacking and home invasion. That is why we are in the process of recruiting new police; we have funded new police. That is why we have in front of this Parliament new laws to make sure that we send a tough message to those people who are committing carjackings and home invasions. As I have indicated, and as the chief commissioner has indicated, there have been no changes to any 24-hour police stations, and there will not be.

Ministers statements: floods

Mr MERLINO (Minister for Emergency Services) — I rise to update the house on the response efforts and relief and recovery support underway following the floods in central and western Victoria in recent days. As the Premier has said, there has been flooding across 18 local government areas and there are affected communities in Coleraine, Casterton, Hamilton, Maryborough and many others. On Monday I visited Coleraine and Casterton and met with affected local community members.

While these events have a major impact on communities, they also bring people together. It was impressive to see how people in these communities were working together and helping each other out. I met a business owner who had been out of town but local State Emergency Service and Country Fire Authority volunteers had gone in and sandbagged his property, preventing significant damage. There were many examples of this. I want to pay tribute to these volunteers and to all of our emergency services — the many hundreds of volunteers and career staff who have been working together over recent days in difficult circumstances.

I can inform the house that emergency relief and recovery arrangements have been activated. Emergency relief payments of up to \$1300 for households requiring immediate assistance have been activated, and 10 payments have been made so far. These are for things like food, shelter, clothing and personal items.

Joint commonwealth and Victorian emergency re-establishment grants have also been activated in the Southern Grampians. These are payments of up to \$32 500 that are available for households experiencing hardship to support re-establishment, clean-up and repair.

Information on relief and recovery can be accessed at emergency.vic.gov.au. Over coming days and weeks we will work closely with flood-affected communities, including, importantly, Charlton today. The emergency relief and re-establishment grants, I am sure, will cover more areas of the state as we move into recovery mode.

Country Fire Authority enterprise bargaining agreement

Mr WALSH (Murray Plains) — My question is to the Deputy Premier. The New South Wales Rural Fire Service Association — their equivalent of the Country Fire Authority (CFA) — has provided evidence to a Senate inquiry stating:

... it has come to our attention, that CFA volunteers close to the ... border have been contacting our brigades inquiring about membership. Should this continue, it could potentially leave some communities in Victoria at risk.

Minister, do you stand by your comments that the CFA volunteers have not been disaffected by your government's enterprise bargaining agreement (EBA) debacle and that there is no crisis within the ranks of the CFA volunteers?

Mr Foley interjected.

The SPEAKER — Order! The Minister for Housing, Disability and Ageing is warned. The Deputy Premier to respond to the Leader of The Nationals, in silence.

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of The Nationals for his question. What we see is a continuation of the scaremongering from those opposite —

Mr T. Smith interjected.

The SPEAKER — Order! The member for Kew has been warned.

Mr MERLINO — and their supporters in the leadership of Volunteer Fire Brigades Victoria (VFBV). Well, can I say that I do not trust anything that is raised in question by those opposite. This scare campaign, in terms of the impact of volunteers, they have run it here in these current EBA negotiations, they ran it in 2010, they ran it in 2006. There are elements

within the VFBV that always oppose these negotiations and these agreements. In 2006 they said:

Volunteers in Victoria are very concerned with the implications of this EBA on CFA's ability to support them in providing the highest level of emergency services to Victorian communities.

That was in 2006. In 2010 they said:

... the CFA's newly signed enterprise bargaining agreement with the firefighters union — —

Mr Walsh — On a point of order, Speaker, on the issue of relevance. The question was very clearly about the evidence to the Senate inquiry from the New South Wales Rural Fire Service and the risk to Victorian communities. Can I ask you to bring the Deputy Premier back to answering that question, please?

Mr MERLINO — On the point of order, Speaker, the question related to the CFA agreement. The question related to its impacts on volunteers and whether volunteers will leave the firefighting service. I have been completely relevant to the question that was asked.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister to continue in silence.

Mr MERLINO — In 2010 the VFBV said:

... the CFA's newly signed enterprise bargaining agreement with the firefighters union is a major setback for Victoria's volunteer firefighting resource.

That was in 2010. So every four or five years we get the same old tactics, the same old scare campaign. Between the previous two agreements that the VFBV said were the end of the world volunteer numbers increased. What we will not do in government is cut the CFA budget by \$45 million.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The minister is entitled to silence.

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

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

Mr MERLINO — We have the same old scare campaign by those opposite. Volunteer numbers have increased. The agreement that has been reached between the CFA and the United Firefighters Union representing career firefighters in the CFA will not

impact on volunteers. We will not cut their budget. Those opposite claim they never did. Well, that is not what a former emergency services minister, Peter Ryan, said.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Rowville

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

Honourable member for Rowville withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Questions and statements resumed.

Mr Clark — On a point of order, Speaker, the Deputy Premier is both misleading the house and debating the question. Again I ask you to bring him back to answering the question, or if he has completed his answer, he should simply sit down.

Mr MERLINO (Minister for Emergency Services) — On the point of order, Speaker, and the comment from the manager of opposition business that I was misleading the house, the former minister said, and I quote:

There will be reductions for the CFA and MFB, they will be in the order of the figures that are being talked about, that is so.

So there is no misleading of the house.

The SPEAKER — Order! The Deputy Premier has made his point of order. The Chair upholds the point of order. The minister to come back to answering the question.

Mr MERLINO — So no cuts, no sending CFA TAFE courses to New South Wales. We will support our CFA firefighters, both career and volunteer.

Supplementary question

The SPEAKER — Order! The Leader of The Nationals on a supplementary question to the minister.

Mr Walsh — On a point of order, Speaker, first. Can I seek leave to table the evidence from the New South Wales Rural Fire Service?

The SPEAKER — Order! Is leave granted? Leave is not granted.

Honourable members interjecting.

Mr Walsh — You don't want the truth.

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals will resume his seat. The member for Gembrook!

Mr WALSH (Murray Plains) — Minister, given the New South Wales authorities have highlighted a possible safety risk to communities in Victoria, rather than attacking the VFBV, why are you not working with them to keep the confidence of our volunteers and keep all Victorian communities safe?

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of The Nationals for his supplementary question, but a question on keeping Victoria safe from an opposition which when in government cut the budget by \$66 million — —

Mr Clark — On a point of order, Speaker, yet again the minister is misleading the house and debating the question. I ask you to bring him back to answering the supplementary question.

Ms Allan — On the point of order, Speaker, I am asking you to rule out of order the point of order. This consistent claim of misleading the house that is made by the manager of opposition business is indeed wrong. The *Age* of 4 September 2012 reported:

State minister for emergency services, Peter Ryan, confirmed this evening the cuts ...

It is entirely appropriate for the minister to reflect on the cuts.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister, to continue.

Mr MERLINO — I refer to comments that the chief officer of the CFA, Steve Warrington, has made to the parliamentary inquiry — —

Mr R. Smith interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! The member for Warrandyte will withdraw himself for the period of 1½ hours. The member for Warrandyte will come and see the Chair afterwards — no reflections on the Chair.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Country Fire Authority enterprise bargaining agreement

Supplementary question

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — He said:

The reality is we have had agreements in the past. The sky was going to fall in in 2010, and I can tell you we continue again to provide service in a collaborative manner across this state, and we will continue to do so.

It is offensive for the Leader of The Nationals to say — —

The SPEAKER — Order! The Deputy Premier is warned.

Mr Walsh — On a point of order, Speaker, on the issue of relevance, the question was very clearly about why the Deputy Premier is constantly attacking the VFBV rather than supporting the volunteers to keep Victorian communities safe. I ask you to bring him back to answering that question.

The SPEAKER — Order! The Chair does not uphold the point of order.

Mr MERLINO — It is offensive to the Leader of The Nationals to suggest that our CFA volunteers are not doing all they can to keep Victorians safe. At the bushfire inquiry it was clear from the chief officer down that we are ready for the upcoming bushfire season.

Ministers statements: floods

Ms HENNESSY (Minister for Health) — I too rise to update the house on the flood situation and how it is affecting some of our health services. There have been a number of health services that have been impacted across the state, but definitely the health service that has

been doing it the toughest is the Maryborough District Health Service.

Mr Andrews — Great health service.

Ms HENNESSY — A terrific hospital and a health service that is indeed rising to the challenge that the flood situation has presented. Yesterday the flood waters and road closures meant that there was not the ability to access the health service. Notwithstanding that, the Maryborough health service remained open and maintained its service, which is quite extraordinary. They were very well supported by Ambulance Victoria, and we had air ambulance services on call and available at all times should the situation have arisen that we needed to take a patient whose condition degenerated out of that health service and to one of the tertiary health services in Melbourne.

Of course staff have also been affected. Yesterday we had 35 nursing staff that were unable to access the health service because of those road closures, and a code brown was activated. But, as I said, full services have been maintained. Those staff have been able to get to work today, which is a really terrific outcome, but we have had to reduce some of the district nursing services as a result.

It is a great moment and an important moment to reflect upon how privileged we are to have people that put their dedication to their patients before the needs of their own families and their own properties. We have had health assistant teams offer to be chopped in to health services should that be required. We are hopeful that that will not be required, but right across our system our health workers, our ambulance workers and all of the hardworking volunteers have really stepped up in very challenging circumstances. On behalf of this chamber, I am sure we wish to express our gratitude, because they are doing a sensational job.

Country Fire Authority enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is to the Deputy Premier. Thirteen-year Country Fire Authority (CFA) board member and long-term CFA volunteer Michael Tudball has submitted evidence to the Senate inquiry, stating:

The integrated model of volunteer and career firefighters is unique and allows CFA to effectively protect the Victorian community. To begin to 'tear down' and destroy this model will have a serious impact on the preparedness and response capability of the state's fire services, in particular the CFA.

Minister, why are you threatening the safety of Victoria's suburbs and towns simply to pay off Peter

Marshall for services rendered during the 2014 election?

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of the Opposition for his question. What an extraordinary question: 350 additional firefighters puts our community at more risk! That is the most ridiculous proposition ever put in this place, for goodness sake. We made an election commitment — —

Ms Thomson interjected.

The SPEAKER — Order! The member for Footscray will not be warned again.

Mr Guy — On a point of order, Speaker, by leave, I seek to table Mr Tudball's evidence to the chamber so they can see firsthand his evidence to the Senate inquiry about Labor's changes to the enterprise bargaining agreement.

The SPEAKER — Order! Leave is not granted for the purpose of tabling a document. There are other procedures, as the Leader of the Opposition understands only too well. Leave has not been granted for the purpose of providing the document to the house.

Mr MERLINO — So more firefighters is a dangerous thing apparently. I mean, for goodness sake. The need for additional career firefighters was raised at the 2009 Victorian Bushfires Royal Commission. We made an election commitment to deliver 350 additional career firefighters into the CFA, and that is exactly what we will do.

Ms Thomas interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Macedon

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

Honourable member for Macedon withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

**Country Fire Authority enterprise bargaining
agreement**

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — More firefighters at Ballarat, in Bendigo, in Shepparton, in Morwell, in Frankston, in Cranbourne — it means more firefighters out the door in 90 seconds so they can get on with saving lives, ensuring there is a rapid response to emergencies in these communities 24 hours a day, seven days a week.

It was not just the bushfires royal commission. It was not just the CFA management talking about the need for additional firefighters. When the coalition was in government the coalition's independent — —

Mr Clark — On a point of order, Speaker, on the question of relevance, this was a specific question about the evidence of Mr Tudball about the adverse effects on the Country Fire Authority's preparedness in light of the actions taken by the minister. I ask you to bring him back to answering that question.

Mr MERLINO — On the point of order, Speaker, the question directly went to additional firefighters, career firefighters, within the CFA. I have been relevant to that question the whole time. I am about to refer to an independent inquiry in 2011 that, again, is directly relevant to the question of additional career firefighters in the CFA.

Mr Walsh — On the point of order, Speaker, in support of the manager of opposition business, the question does not mention one single word about paid firefighters. It is not mentioned in the question, Speaker. The Deputy Premier is actually wrong. This is about Michael Tudball's evidence and the preparedness of the volunteers. The question has nothing to do with paid firefighters.

Mr Andrews — On the point of order, Speaker, if I heard the question correctly, I think the Leader of the Opposition was quoting Mr Tudball, who referenced integrated brigades and the unique model that operates in Victoria where career firefighters work alongside volunteers. So, yes, there was a mention of career firefighters, by definition. The question then went on to talk about the suburbs — —

Honourable members interjecting.

The SPEAKER — Order!

Mr Andrews — Well, the question clearly relates to integrated brigades, and that is what the minister is very eloquently going directly to.

The SPEAKER — Order! The Chair does not uphold the point of order.

Mr MERLINO — So the independent inquiry into Country Fire Authority volunteers by County Court judge David Jones had this to say, and I quote:

It is clear that the changing risk profile in Victoria, with the development of new urban areas and extension of urban growth boundaries, will place significant pressure on the CFA to ensure its service delivery standards are maintained. Inevitably — —

Honourable members interjecting.

Mr MERLINO — I am not quoting Gordon, you fool. I am quoting Judge David Jones.

The SPEAKER — Order! The minister will continue through the Chair.

Honourable members interjecting.

The SPEAKER — Order! The minister is entitled to silence. The minister is being responsive.

Mr MERLINO — He goes on to say:

Inevitably, this will result in more paid firefighters being required to meet the service needs.

It was raised in the bushfires royal commission. We made an election commitment to deliver additional firefighters to be rolled out at our integrated stations. We will deliver that, and the agreement that has been reached between the CFA and the United Firefighters Union representing our brave and dedicated firefighters facilitates that rollout. We are keeping our community safe.

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals and the member for Mordialloc. The Leader of the House will — —

Honourable members interjecting.

The SPEAKER — Order! I will not warn the Leader of the House again.

Supplementary question

Mr GUY (Leader of the Opposition) — Well, Michael Tudball also gave evidence that the government's CFA debacle is now causing great angst

and concern amongst volunteers in the lead-up to summer. This evidence is from someone who is a 20-year CFA volunteer and a board member who was first appointed by a Labor government and reappointed by a Labor government. Minister, is this just another fire expert you are going to disregard, verbal or abuse simply because they have dared to stand up for the CFA and its 60 000 volunteers?

Mr MERLINO (Minister for Emergency Services) — The answer to the Leader of the Opposition's question is no. What I also will not be doing is making quotes such as this:

There will be reductions for the CFA —

and the Metropolitan Fire Brigade (MFB). That was under the former government. That was under the former minister for emergency services.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The manager of opposition business, in silence, on a point of order.

Mr Clark — On a point of order, Speaker, the minister is now debating the question. If he has nothing further to add to his answer, he should simply sit down.

Mr MERLINO — On the point of order, Speaker, the question was about respect, and I was simply making the point that we will not disrespect the CFA and the MFB by cutting the fire services budgets, which is what those opposite did.

Honourable members interjecting.

The SPEAKER — Order! I uphold the point of order. The minister will come back to answering the question.

Mr MERLINO — The only people interested in ensuring that this dispute is ongoing, the only people interested in dividing our firefighters, pitting firefighters against each other, are those opposite and the leadership of Volunteer Fire Brigades Victoria.

Ministers statements: floods

Mr DONNELLAN (Minister for Roads and Road Safety) — I rise to update the house on road closures across the state due to heavy rainfalls over the last week. The latest update indicates that across the state we have 188 roads closed, including 11 in the north-eastern region, 57 in the northern region, 40 in the south-western region and 73 in the western region. Major roads that are impacted include the Western

Highway, near Stawell; the Bendigo-Maryborough Road, near Eddington; and the Princes Highway, impacting on the town of Birregurra. The Great Ocean Road remains closed between Eastern View and Lorne due to landslips and fallen trees. Crews are working hard at present to clear these sites. It also remains closed between Skenes Creek and Lorne.

Due to the amount of landslips, it is unlikely that sections of the Great Ocean Road will be reopened today, and it may take several days to clear the road and make it safe. VicRoads will continue to provide information on any local or arterial road updates, including closures and road openings, and will also update the VicTraffic website — traffic.vicroads.vic.gov.au — which I recommend all motorists visit. Alternatively motorists can call VicRoads on 13 11 71. To help people get to where they need to be, including tourists, schoolchildren and freight operators, VicRoads is working with incident control centres to coordinate requests to reopen roads or implement detours when it is safe and appropriate to do so. Inspections and works to remove the loose and broken sections of pavement before reopening are continuing.

Costs of damage to road infrastructure caused by flooding and torrential rains is covered under VicRoads's industrial special risks policy. In many cases reopened roads will see reduced speed limits, and it is important that everyone drives to the conditions and takes extra care while driving in heavy rain and flood conditions and in areas that have been affected by floods. I cannot stress enough to Victorians in the affected areas the importance of staying safe and for them to remember the following simple steps to improve road safety in wet and flooded conditions: wet weather should be a prompt to slow down — —

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

Metropolitan Fire Brigade enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is again to the Deputy Premier. In the current proposed Metropolitan Fire Brigade (MFB) enterprise bargaining agreement (EBA), section 113.1 lists an entitlement for so-called community service leave being demanded by the United Firefighters Union (UFU) of 10 days paid leave per year. Minister, is this leave designed to allow UFU members to campaign for the Labor Party at the 2018 election at taxpayers expense?

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of the Opposition for his question. What a limp and pathetic way for the Leader of the Opposition to finish this week.

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the minister. The minister is entitled to silence. The Leader of the Opposition asked a question of him. All members will respect him.

Mr MERLINO — It is just a pathetic question from a desperate Leader of the Opposition. As I have said through the course of this week and in previous weeks, the issues in regard to the current MFB agreement and proposed provisions in the new agreement being negotiated are before the independent umpire, the Fair Work Commission. What we will not do is vilify the firefighters. Ninety-nine per cent of the United Firefighters Union is made up of brave and dedicated men and women who put their lives on the line every single day to save lives and protect properties. That was a pathetic question from a pathetic Leader of the Opposition.

Supplementary question

Mr GUY (Leader of the Opposition) — In the 2014 election the Labor Party rorted taxpayer-funded resources from MPs' electorate office budgets to campaign for Labor electorates. Minister, given you will not rule out approving this new clause, is this because you are already paving the way for Labor rorts mark 2 at the 2018 election?

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of the Opposition for his supplementary question.

Honourable members interjecting.

Mr MERLINO — He is a bit all over the place when the tactical genius, the member for Warrandyte, is not in the chamber.

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Ringwood

The SPEAKER — Order! The member for Ringwood will leave the house for the period of 1 hour.

Honourable member for Ringwood withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Metropolitan Fire Brigade enterprise bargaining agreement

Supplementary question

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — Perhaps the Leader of the Opposition can visit Damien Mantach in prison in the three weeks between parliamentary sitting weeks.

Mr Walsh — On a point of order, Speaker, the substantive question clearly talked about section 113.1 of the proposed MFB EBA, and the supplementary question went to that section further, asking the Deputy Premier to rule that clause out, otherwise he is starting Labor rorts mark 2 for the 2018 election.

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

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Croydon

The SPEAKER — Order! The Deputy Leader of the Opposition will withdraw himself from the house for the period of 1 hour.

Honourable member for Croydon withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Metropolitan Fire Brigade enterprise bargaining agreement

Supplementary question

Questions and statements resumed.

Mr MERLINO (Minister for Emergency Services) — They have struggled a bit this week, the opposition. The answer to the Leader of the Opposition is no.

Ministers statements: floods

Ms NEVILLE (Minister for Water) — Today we have heard from the Premier and other ministers about the many communities across Victoria who are suffering the consequences of floods and the risks of further flooding. My thoughts are with those communities.

Honourable members interjecting.

Ms Allan — On a point of order, Speaker, the Minister for Water is endeavouring to give a very serious update to the house on the matter of flooding that is occurring in parts of my electorate and in many parts of regional Victoria. It is not appropriate to make wisecracks about desalination orders across the chamber when the minister is making such an important point.

The SPEAKER — Order! The Chair upholds the point of order insofar as the minister is entitled to silence when speaking on a matter important to all of us in Victoria.

Ms NEVILLE — Victoria is well used to responding to and preparing for floods, but over the last couple of years we have seen some significant improvements that are being used currently to assist in community warning.

Last year I was able to launch FloodZoom, a tool that was developed by the Department of Environment, Land, Water and Planning (DELWP). That FloodZoom tool enables us to use real-time information and provide accurate information to emergency services and to communities. It brings together flood forecasts, mapping, real-time river height gauges and property data that makes flood assessments much simpler. This tool has been used extensively over the last week, especially in Charlton, Casterton and the Avoca River catchment. It has provided our incident controllers with up-to-date information and evidence, which has enabled them to get out and coordinate earlier warnings. We know the earlier we have those warnings, the better we can prepare our agencies and also our residents to undertake some of those preventative actions, like sandbagging, and the better we can assist people in knowing the safest routes for evacuation when that is required.

In addition, our agencies have also installed new portable river height gauges to assist in the warning system and in working with the FloodZoom technology. The flood strategy that was released earlier this year has also strengthened the way in which our

agencies and support services work together to ensure that we have clarity of roles and responsibilities.

I want to thank all our emergency services workers who are working tirelessly to support these communities who are affected, especially those under my department — the DELWP staff and the catchment management authorities — and of course Victoria Police, who are working alongside the Country Fire Authority and the State Emergency Service.

Mr ANDREWS (Premier) (*By leave*) — I have a brief update on the flooding. I thank those opposite for granting leave. I am very pleased to be able to inform the house that I have just been informed by Emergency Management Commissioner Lapsley that the six-year-old boy from Beechworth that I referenced a moment ago has been found safe and well. He is in good shape. To him, to his parents and all the people who love him we send our best wishes. Of course to the dedicated members of the State Emergency Service, the Country Fire Authority, Victoria Police, Ambulance Victoria and all the others involved in keeping us safe in this flood event, we thank you, and we are so very thrilled at the contribution and work you do every single day.

CONSTITUENCY QUESTIONS

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (11 693) My question is to the Premier. Labor’s disastrous sky rail project along the Pakenham-Cranbourne line is destroying the lives of those affected, including residents in my electorate of Caulfield. Jan and John Neeson have lived in their Lorne Street home for 40 years. It is currently 11 metres from the rail line. Sky rail will bring the tracks closer to their home, and the elevated line will only be 14 metres from their heads when they sleep. However, Jan and John have been snubbed by Labor and the Level Crossing Removal Authority, deemed ineligible to be part of the voluntary purchase scheme (VPS), to which Jan responded, ‘These are our lives they’re playing with’. Premier, what are you doing to compensate residents like the Neesons, who have been told that they do not qualify for compensation as part of the VPS?

Sunbury electorate

Mr J. BULL (Sunbury) — (11 694) My question is to the Treasurer. What are the economic benefits of the completion of the Tullamarine Freeway widening project for my electorate of Sunbury? Residents in my community rely significantly on the Tullamarine

Freeway to get to and from the city. It is an important corridor that services thousands of residents in my area each and every day. This is a \$1.3 billion project to upgrade one of our busiest road corridors. It will provide significant economic benefits to my community, and I ask the Treasury what they are.

Morwell electorate

Mr NORTHE (Morwell) — (11 695) My constituency question is to the Minister for Public Transport. Minister, what is the latest information with regard to the recent review of bus services in the Latrobe Valley? Public Transport Victoria held local consultation sessions, with some residents raising concerns with respect to how well those sessions were advertised. In addition, some who did attend the sessions subsequently conveyed the view that their suggested local bus service improvements simply fell on deaf ears.

Hopefully initiatives such as the extension of bus route 45 in Traralgon will be supported. Given that a number of large businesses are now located in Traralgon East, the provision of bus services for staff, employees and customers is essential. There are many similar examples in all towns and communities within the Morwell electorate, where the retention and/or extension of bus services are vital. I also implore the minister on behalf of my constituents to ensure that the span and frequency of existing local bus services are not cut or reduced.

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — (11 696) My question is to the Minister for Health. The advice I seek is information on the government's plan for a coordinated strategy for health services in Melbourne's north, particularly its capital, Broadmeadows.

The emergency department at the Northern Hospital is now the busiest in Victoria. The number of residents from the northern growth corridor being admitted to any hospital in the next decade is forecast to grow by 74 per cent, so its exponential growth highlights the need for more health services where people live. Northern Hospital's tower block expansion requires \$130 million over four years as the hub for increasing services, connecting satellite organisations in Melbourne's north, including Dianella health in Broadmeadows.

I want to thank the minister for the investment of almost \$20 million in a new surgery in Broadmeadows in the last budget. My constituents greatly appreciate

that the surgery is on track to open as early as 1 July — an outstanding result. It will be of significant benefit in addressing waiting lists in Melbourne's north and it will make up for a lot of the historic neglect of previous coalition and Liberal governments.

The DEPUTY SPEAKER — Order! I missed the question that the honourable member asked. What was the actual question?

Mr McGUIRE — The advice I seek is information on the government's plan for a coordinated strategy for health services in Melbourne's north.

The DEPUTY SPEAKER — Order! So you are asking for a coordinated plan which is for an action?

Mr McGUIRE — No, the advice I seek is information on it.

The DEPUTY SPEAKER — Order! You are seeking information?

Mr McGUIRE — Yes, specifically I said I was seeking information.

The DEPUTY SPEAKER — Order! Which is an action?

Mr McGUIRE — Yes.

The DEPUTY SPEAKER — Order! No, I rule it out. Sorry.

Mr McGUIRE — No, I said specifically on the — —

The DEPUTY SPEAKER — Order! Sorry. It is ruled out.

Eildon electorate

Ms McLEISH (Eildon) — (11 697) The question I have is for the Attorney-General, and I raise it for my constituents in the Mansfield community who rely on community legal services and/or legal aid because they cannot afford private legal services. What can you do to ensure or assist Goulburn Valley Community Legal Centre (GVCLC) in Shepparton to deliver legal and related services to the Mansfield community?

I visited the Mansfield court when it was sitting last week and met with the registrar and the magistrate. I watched proceedings and chatted with the duty solicitor and various others. The need for community legal services was evident. I understood that GVCLC, the closest community legal centre, is keen to deliver services to the Mansfield court but is under-resourced and therefore cannot do so. This was later confirmed by

the managing lawyer at GVCLC. They need to be able to pay for a lawyer once a fortnight to get to Mansfield to do that work.

Mansfield is a fairly typical country court, dealing with fines, convictions and intervention orders. I heard that family violence matters often complicated by drugs are by no means uncommon. Women who are violated cannot afford legal services and should be allowed to access them locally.

St Albans electorate

Ms SULEYMAN (St Albans) — (11 698) My constituency question is for the Minister for Water. Recently we had a fantastic announcement locally that an old, unused concrete channel that is currently part of Stony Creek in Sunshine North will be transformed into a network of revegetated open space in a major coup for the local community. My question is: what are the next steps and milestones for this project? I understand there will be significant health and environmental benefits for local residents, businesses and schools groups in Sunshine North and adjoining suburbs. The government is providing millions of dollars towards the project, along with the commonwealth government, Melbourne Water, City West Water and also Brimbank City Council and Places Victoria. There are also many not-for-profit groups that will assist with bringing together this project. The question is again to the Minister Water: what are the next steps and timing of the project?

Shepparton electorate

Ms SHEED (Shepparton) — (11 699) My constituency question is for the Minister for Public Transport, and the question I ask is whether it would be possible to reinstate the walkway at station level between the car park and the bus depot and the platforms at Seymour station? The access to platforms at Seymour station poses considerable difficulties for most people, but especially for those who are older or who have a disability. Leaving the platform area requires you to leave the platform and walk down a long ramp to a tunnel. You must then walk up another set of steps or another very long ramp to the car park or waiting buses. The distance is considerable and very onerous. I have seen many people struggle to make the transfer. It would be of great benefit to so many of my constituents who travel to Seymour to access regular train services — as there are very few from Shepparton — to have such ease of access to the platform.

Oakleigh electorate

Mr DIMOPOULOS (Oakleigh) — (11 700) My question is to the Treasurer, and I ask: what is the Treasurer doing to create employment growth and jobs in my community electorate of Oakleigh? I note with optimism the outstanding employment figures in July were 5.9 per cent. They are still too high, but 5.9 per cent is better than what this government inherited in November 2014. In fact they are 0.8 per cent better than what we inherited 19 months ago. I also note with optimism that the government's commitment to create 100 000 jobs in two years has been exceeded. It has created about 113 000 full-time jobs in less than two years and 152 000 jobs altogether. Just specifically in relation to my community, I would appreciate the Treasurer's advice.

Polwarth electorate

Mr RIORDAN (Polwarth) — (11 701) My question is to the Minister for Health. When will the minister release the Duckett review into hospital safety and quality? Many hospitals in the Polwarth electorate are awaiting its recommendations. Following the tragic circumstances of baby deaths in Bacchus Marsh, health services were promised recommendations from the Duckett review back in April. Since then the minister has now on two occasions told health services in my electorate that the release of the Duckett review is imminent. There can be no greater responsibility for a health service than the community having 100 per cent confidence in the provision of safety and quality. In Polwarth our community is served by many locally governed health services that are integral to the health welfare of those communities. Running a rural and regional health service comes with all the same obligations and expectations of a major metropolitan hospital but with half the resources and governed by hardworking volunteers. Withholding this report has meant rural health services are left treading water and waiting for advice rather than proactively developing their services. The government has had this report for four and half months now. It must be released so its recommendations can be actioned.

Frankston electorate

Mr EDBROOKE (Frankston) — (11 702) My constituency question is for the Treasurer, and I respectfully ask: what are the economic benefits for the eventual completion of the Melbourne Metro project and the level crossing removal project for my electorate of Frankston? On Monday evening I had the pleasure of formally welcoming our community members to the Skye-Overton Road level crossing removal community

presentation. The big picture is that this level crossing removal is part of over \$250 million worth of investment, confidence and opportunity for the rejuvenation of Frankston. This is more investment than Frankston has ever seen. I am very proud to have worked hard to procure its investment and to see the job done right. This is indeed generational change that we are achieving. So many people have talked about it over the years, but we are actually getting the job done. I would also like to know the economic benefits of these major projects for Frankston.

CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016

Second reading

Debate resumed.

Mr CLARK (Box Hill) — Prior to question time I had begun to refer to some passages in the recent report of the Scrutiny of Acts and Regulations Committee (SARC) on this bill. However, before resuming my remarks on that subject, I want to refer to the provisions in the bill that deal with the Bail Act 1977. Those provisions specify that the so-called show-cause provisions of the Bail Act will apply to all of the new offences created by the bill except the offence of carjacking in its non-aggravated form. The show-cause provisions of the Bail Act are provisions that require a person charged with a particular offence to show cause as to why their continued detention is not justified prior to them being able to obtain bail.

The provisions on the Bail Act that are in the bill represent very little change to the existing law, as aggravated burglary and any indictable offence involving a weapon are already show-cause offences. As far as I can make out, about the only additional offenders who will be caught by the new show-cause provisions seem to be offenders like the unarmed cat burglars operating in pairs and who unintentionally enter a home when someone is present that I referred to earlier in my remarks.

In relation to SARC, SARC made two main points in relation to the bill. One I think does raise cause for concern; the other is misconceived and I disagree with it. The first point that SARC makes is about the minister's use of the term 'strict liability' in relation to the new proposed offence of home invasion. He refers to that in relation to the provision that the offence of home invasion can be committed if at the time the offender is present in the home someone else other than a co-offender is present in the home. Then the bill provides in proposed section 77A(2) that, for the

purpose of subsection (1)(c)(ii), it is immaterial whether or not the person knew that there was or would be another person present in the home.

The Attorney-General argued in his second-reading speech that that was intended to be a matter of strict liability, so that the offender's knowledge of the presence of another person is irrelevant. He said that that was deliberate and a response that properly recognises the traumatic effect on victims and that in those circumstances two or more individuals who enter someone's residence as trespassers when there is someone present should face a serious charge, and whether they knew someone was present or whether they turned their minds to that possibility is irrelevant.

I have no quarrel with the Attorney-General's sentiment in that regard, but the SARC report says, and I quote:

The committee notes that the term 'strict liability' is used to refer to elements that do not require proof of subjective fault but which allow defendants to assert the defence of honest and reasonable mistake of fact. In contrast, the term 'absolute liability' is used to refer to elements that do not require proof of subjective fault and where the defence of honest and reasonable mistake of fact is unavailable.

The committee notes that under new section 77A(1)(c)(ii), a person would be found guilty even if they could demonstrate that they believed (albeit incorrectly) that the home was unoccupied at the time of entry. It therefore appears that the defence of mistake of fact would not be available in relation to the subsection. For this reason, it is unclear to the committee whether the government intends that the subsection should impose absolute or strict liability. The committee also notes that the High Court has found that the principle of legality requires that offences be read as imposing strict liability, rather than absolute liability unless the legislation is clear or could not otherwise operate, see: *CTM v The Queen* [2008] HCA 25.

SARC raises a reasonable point that needs clarification here. The minister's second-reading speech certainly seems to indicate that the government's intention is it does not matter whether or not the offenders could argue that they honestly and reasonably believed the home was empty and that they should be liable for home invasion if someone happens to be home. We are happy to agree with that approach; however, by using the term 'strict liability', SARC raises the concern that the courts may construe the provision otherwise, and I think that does need to be resolved. I hope the Parliamentary Secretary for Justice, the member for Niddrie, or other government speakers will be able to do that.

The second point raised by SARC is concern as to whether the proposed new section 79A and the offence of aggravated carjacking may infringe the Charter of Human Rights and Responsibilities Act 2006, and also

I think in relation to the consequential show-cause requirements in the Bail Act 1977, because of a reference to a person causing injury as being an element of that offence. SARC says:

While the committee considers that existing s. 10A of the Sentencing Act 1991 ensures that clauses 4 and 5 are compatible with the charter's right against cruel, inhuman or degrading treatment, it observes that, if the terms of a new offence that carries a presumptive minimum sentence or a presumption against bail are not clear, those clauses may engage the charter's rights against 'arbitrary' detention or, for people awaiting trial, 'automatic' detention until trial.

The committee says that it is going to write to the Attorney-General about whether a more limited provision should be inserted. I have to say that I think SARC is straining to make its case in that regard. It is perfectly open to this Parliament to hinge the offence of aggravated carjacking on the fact that the offender causes injury to another person in the course of that offence. It is designed to send a very strong message that if you carjack someone, if you use a weapon to threaten them in order to steal their car and you end up causing injury to them, that should constitute the offence of aggravated carjacking, and you should face a statutory minimum sentence.

I make the point that SARC seems to be straining at a gnat, as the saying goes, in relation to making its point there. Whereas on the very next page of its report in relation to the Equal Opportunity Amendment (Religious Exceptions) Bill 2016 it seems to have swallowed a camel in terms of finding no charter act issues raised in relation to that bill, notwithstanding the very strong submissions it received.

In relation to the statutory minimum sentences imposed for aggravated carjacking, the only difference between the government and the opposition on that point is that we believe that the statutory minimum sentence should be five years rather than three years.

In conclusion, the opposition does not oppose this bill as far as it goes. As I have indicated, large parts of it are drawn from the bill that the opposition previously put forward and which seems to have been the catalyst for this bill. We are concerned that the complexity of the provisions in relation to home invasion are going to undermine their effectiveness and that they have not been well drawn to send a strong message and deliver very strong consequences for many who may in future engage in horrific home invasions. More generally we remain concerned that the government only seems to be acting on law and order measures when it is pushed to do so by the opposition.

There is a lot more that the government needs to do to undo the damage that it has done or allowed to happen. It needs to strengthen the provisions relating to juvenile bail conditions; it needs to act on the Boulton decision in relation to community correction orders; it needs to reaffirm the Parliament's intentions in relation to baseline sentencing for serious and horrific crimes; it needs to undo its flawed repeal of the move-on laws; it needs to listen to what the opposition has been saying about no body, no parole legislation; and it needs to deal better with the situation of prisoners and their fines. The government is continuing to fail across the board in respect of law and order. Unfortunately the community is paying the price for that.

Government amendments circulated by Ms RICHARDSON (Minister for Women) under standing orders.

Mr CARROLL (Niddrie) — It is my pleasure to be the government's lead speaker on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. At the outset I want to state the case that the Andrews Labor government is very concerned about recent serious criminal offending, which has involved people breaking into people's homes and dragging people out of their cars. There is absolutely no place for this sort of behaviour. All Victorians, all members of our community and all members of our local electorates should feel safe and secure in their own homes. All Victorians should be able to drive around without fear of being set upon by criminals.

This legislation is very important. It responds to recent incidents of home invasions and carjackings. Sadly these incidents have also been very close to home in my own electorate. The bill creates four new offences: home invasion, aggravated home invasion, carjacking and aggravated carjacking. The bill also creates a statutory minimum sentence of three years for both aggravated carjacking and aggravated home invasion. The bill amends the Bail Act 1977 to include aggravated carjacking, home invasion and aggravated home invasion as show-cause offences. The Bail Act is also further amended to clarify the operation of the show-cause provisions when a person is charged with certain related offences, including burglary.

Carjacking and home invasion, without doubt, have had a traumatic effect not only on victims but on the broader community right throughout Victoria. The Andrews Labor government is determined and very clear that we want to send a very strong message that such activities will not be tolerated under our government. People have a right to feel safe in their homes and while driving. We want to make sure that

our laws reaffirm the government's commitment to community safety and security. Following very well publicised incidents on the nightly news and in our newspapers, we are certain that we have the right reforms and investments in our police resources to make sure our laws are up to date with the community's expectations. We are introducing these new offences and penalties because this is what Victoria needs.

This bill does create new offences of carjacking, aggravated carjacking, home invasion and aggravated home invasion. The seriousness of these offences is recognised, and we believe that aggravated carjacking and aggravated home invasion warrant statutory minimum sentences of three years for these offences. As I said, we are also making sure that we make the right amendments to the Bail Act to ensure that when these offences are committed the offence carries a maximum penalty and the prison term is enforced.

I will begin with home invasion first. The bill creates a new offence of home invasion. The offence of home invasion will be made out when a person enters a home as a trespasser in company with another and is intending to steal something, to assault a person in the home or to damage something, and there is a person present in that residence. The offence is also made out if the offender is armed; however, if the offender is armed, there is no need to prove that another person is present at home.

In relation to the carjacking offence, a person will be guilty of carjacking when they steal a vehicle and, immediately before the time of doing so and in order to do so, they use force on another person or they or another offender put another person in fear that they or anyone else will then be subject to force. 'Vehicle' includes a motor vehicle and a vessel. The offence carries a maximum period of imprisonment of 15 years. A person will be guilty of the offence of aggravated carjacking when they commit a carjacking and at the time have with them a firearm, imitation firearm, offensive firearm or an explosive or imitation explosive in the course of the carjacking and cause injury to another person. The definition of 'offensive weapon' includes any article that is made or adapted for use in causing injury or that is intended to be used or adapted for that purpose. This will cover bats, crowbars or any other objects used in an aggravated carjacking.

The bill specifically introduces an element of strict liability into the offence of home invasion so that an offender's knowledge of the presence of another person is irrelevant. This is deliberate and is a responsive way for the government to ensure that we properly recognise the traumatic effect on victims. It is unacceptable for

someone to feel unsafe in their own home. It would be even worse to actually be confronted by strangers in what should be a person's sanctuary. We are very certain that we want to make sure that the definition of home is broad enough to also cover rooming houses, caravans and hotels. It is intended to cover any building in which a person lives.

The penalty for the new offence of home invasion is a maximum of 25 years imprisonment. That is the same penalty as for aggravated burglary. The offence of aggravated burglary remains on the statute books as it is. It will cover a single offender entering a residence and any aggravated burglary of a commercial premises.

The bill also introduces the offence of aggravated home invasion. This offence has been created to capture the most serious instances of home invasions and will be committed when: the offender was acting as part of a gang of three or more people; the offender had a weapon; there were people in the home; and the offender knew or was reckless as to whether there were people in the home. Like home invasion, this offence has a 25-year maximum penalty, but it also carries a statutory minimum sentence of three years imprisonment.

In relation to bail it is very important that we make sure when a person is arrested for an offence that they are entitled to bail. However, we must recognise that for a certain class of offences that presumption is displaced and a person must show cause as to why they should be granted bail. The amendments to the Bail Act add the offences of home invasion, aggravated home invasion and aggravated carjacking to those offences for which a person must show cause why bail should be granted. In addition, the bill amends the existing show-cause provision to clarify that a person charged with aggravated burglary or with any indictable offence where the commission of the offence involved the use of firearms or other weapons must show cause as to why bail should be granted. Some of these offences and sentences may be considered too harsh, but we do believe that as a government we have a role to play to ensure offenders do not take any risks and when they decide on these acts of criminality they face the full force of the law. We have examined the existing laws and concluded there are modifications needed to respond to recent incidents of criminal offending.

I, as the state member for Niddrie, was horrified when even in my own electorate in July a couple was held up in Airport West and another in nearby Essendon. I watched the nightly news that night and I could not believe it was happening in my community. I am very proud that the government is bringing forward this

legislation — it is very important, it is critical. I want to thank a range of constituents who have contacted me over this legislation, including Kieran Fitzpatrick of Niddrie and Dean Kalimniou of Keilor East, who, on behalf of his local residents in Nicholas Court, wrote a very well-crafted letter to me, which I have responded to, concerning his local community's needs. I also thank Maryanne Born of Essendon; Gino Munari of Aberfeldie, with whom I have had several discussions — Gino has given lots of practical advice to me, and I have really appreciated that; also Laurie Ziros of Airport West and Leandros Ziros of Essendon. They have all made very well-meaning approaches to me and we have had a lot of discussion and communication back and forth by email.

In the remaining minutes I have I want to address a couple of issues raised by the member for Box Hill. I understand that he has circulated amendments on behalf of the opposition and is very much seeking to increase the statutory minimum non-parole periods of three years for carjacking and five years for aggravated carjacking. We believe, as a government, we do have the balance right, that the levels that have been set are right and that we are ensuring that on the statute book the offences are given the recognition they deserve. We do believe that the offence of causing serious injury in circumstances of gross violence, which has a statutory minimum period of four years, is a serious offence as this can result in someone being seriously injured. We do believe that it would be a bridge too far for the offence of aggravated carjacking, which does not require any injury at all, to have a higher statutory minimum than an offence which has an element that includes inflicting serious harm. We do not believe it is appropriate to apply a statutory minimum penalty to the offence of carjacking. This is not consistent with the hierarchy of offences set out in the bill. It is sufficient for the aggravated versions of the offences to include statutory minimum sentences.

We believe — as a Labor government committed to making sure our laws are capable in the 21st century of meeting the community's expectations, with record investments in police resources and our corrections system — that we have the balance right. I think this is very important legislation. I commend the Attorney-General, the Minister for Police, the Premier and the whole cabinet for bringing forward this important legislation dealing with carjacking and home invasion. It is important that this bill gets passed. It is very important that the police and our courts have all the resources they need at their disposal. I commend the bill to the house.

Ms RYAN (Euroa) — I welcome the opportunity to contribute to this debate today. In his contribution the member for Niddrie made the statement that Victorians have the right to feel safe and the right to feel safe in their homes. That is a sentiment I completely agree with. The truth is that at the moment we know Victorians do not feel safe. That is largely due to the actions of this current government. We know that crime increased by 12.4 per cent in the year to March. They are quite staggering figures, but frontline police at stations are down by 80 officers across the state compared with November 2014 when the coalition left government. Police stations around the state are closing their doors. We have had numerous examples of that in metropolitan Melbourne, but there are also police stations across country Victoria and in particular one-man police stations that are no longer being staffed in the way they once were. As the member for Box Hill outlined earlier, the government has also weakened bail laws for juvenile offenders, and on this side of the house we are quite concerned about the message that sends.

Concerns about rising crime and the government's failure to protect Victorians has actually extended beyond the city borders. It is certainly impacting in my area. The government's failure in particular to keep pace with population growth is really starting to impact areas like Mitchell shire, for example, which is part of the Euroa electorate. Last year Benalla actually saw a 36.6 per cent increase in the crime rate. While we have an average of 12 per cent — that in itself is shocking enough — in some regional communities we are seeing increases that are much greater than that. The local police inspector there, Dan Trimble — who I think has recently moved on — cited both home and commercial burglary as the main drivers for the increase, particularly in property damage, and also of course crimes against the person were up.

The government often points to increased reporting of family violence as being a driver of the increase in the crime rate, and while that is true to some extent, we also know that there have been increases in violent crime. The Shire of Mitchell, as I said before, is growing very rapidly. It is actually expected to grow at a rate of 6.8 per cent per year over the next 15 years. Because of the rapid growth of areas like Mitchell shire and the government's failure to actually employ enough police to keep pace with that population growth, what I am seeing across parts of my electorate is that police are getting dragged out of smaller communities to be put into these rapidly growing communities. There is most definitely a very real and very present need for the government to look at police resourcing and to ensure that the men and women of Victoria Police are staffed

to the capacity necessary to do the work they need to do.

The bill that we currently have before the house amends the Crimes Act 1958 to create four new offences of home invasion, aggravated home invasion, carjacking and aggravated carjacking. It also amends the Sentencing Act 1991 to provide for a statutory minimum sentence of three years imprisonment where a person is convicted of aggravated home invasion or aggravated carjacking.

I particularly wish to pay tribute to a member for Eastern Victoria Region in the other place, Ed O'Donohue, for the vast amount of work he has actually done. I think it is probably fair to say that he has embarrassed the government into bringing this bill forward. It was introduced after he introduced his private members bill into the Legislative Council, and I very much doubt that the government would be taking these measures, which are almost a carbon copy of Mr O'Donohue's bill, were it not for his actions in the other place.

In Mr O'Donohue second-reading speech he highlighted the fact that carjacking was once virtually unheard of in Victoria, but data from the Crime Statistics Agency now shows that the number of crimes that actually fit the definition or the matrix of carjacking has increased by 80 per cent in the last year alone. That is quite a staggering increase. Much of that, as we know, has been attributed to members of gangs, like the Apex gang, but it does go beyond the boundaries of the city, as I said earlier. One of the things I was very interested to note when the crime statistics data came out recently was the huge increase in motor vehicle theft across in particular the Mitchell shire.

The coalition has also proposed an amendment to the government's bill to insert a five-year minimum non-parole period, as we believe that the bill that is currently before the house actually proposes a weaker position than that which was proposed under the private members bill that was introduced by Mr O'Donohue in the other place. We further have some concern that the new offences relating to home invasion do not actually seem to be very different to the existing burglary offences which are already under the Crimes Act. I think that could lead people to wonder whether the government has in fact introduced this bill more in response to public pressure and, I guess, as a political fix than for the genuine reason of addressing the issue of carjacking, which we have seen increasing at such a staggering rate.

Just in the few minutes that I have left I do just wish to put on the record some conversations I have had, particularly with the community of Rushworth. It obviously came to light in question time today that the government has actually cut funding for Neighbourhood Watch. In Rushworth there is an excellent Neighbourhood Watch group, who wrote to me a number of months ago very concerned about the increase in crime that they are seeing in their community and the reduced policing presence. There are actually two retired police officers in that community who themselves are absolutely scratching their heads in utter frustration at the police's inability to actually catch people who are known in the community, who are causing property damage, who are defacing things around town and who, they have told me, they have actually caught on CCTV stealing a car from the main street.

These are crimes that once were not really considered commonplace in smaller country towns, but with the pressure that police in our country communities are now under they are becoming commonplace and we are seeing more and more of this kind of behaviour that police are simply not resourced to be able to deal with. The rosters, as I understand it, at the Rushworth police station have changed, and as a result the police station there is now no longer open the way that it was and the police officer who was at Rushworth has been called to Bendigo for a significant period of time.

Again, the bill before us addresses these issues around carjacking and home invasions, but there are much broader law and order issues there that the government also needs to look at. The reality is that the only way we are going to see these issues addressed is by adequately resourcing the fine men and women of Victoria Police who do their job day in, day out and who are finding it increasingly difficult as a result of the lack of resources from this government. On that note, I am pleased that the government is taking these steps. I wonder whether they would have done it had it not been for the actions of the coalition in the upper house, but I think this is a positive move forward. I would urge the government to consider the statutory minimums that the coalition has put forward.

Mr McGuire (Broadmeadows) — Public safety is a critical responsibility for any government. How to balance preventative and punitive responses evolves. The Crimes Amendment (Carjacking and Home Invasion) Bill 2016 addresses concerning developments in crime, amending the Crimes Act 1958 to create the offences of home invasion, aggravated home invasion, carjacking and aggravated carjacking.

The manager of opposition business has simultaneously said the government's bill follows the opposition's private members bill but does not go far enough, and the opposition wants to extend the penalties. This reveals the coalition's politics — no matter what the government implements by introducing new offences, the opposition's retort is that it does not go far enough. That is their political tactic and media game.

So let us address the facts. This bill responds to recent incidents of home invasions and carjackings. It creates four new offences: home invasion, aggravated home invasion, carjacking and aggravated carjacking. It also creates a statutory minimum offence of three years for both aggravated carjacking and aggravated home invasion. The bill amends the Bail Act 1977 to include aggravated carjacking, home invasion and aggravated home invasion as show-cause offences. The Bail Act 1977 is further amended to clarify the operation of the show-cause provisions when a person is charged with certain related offences, including aggravated burglary. Carjacking and home invasion have a profound and traumatic effect on victims, and the Andrews government is determined to send a clear message that such activities will not be tolerated. People have the right to feel safe in their home and while driving, and these new laws reaffirm the government's commitment to community safety and security.

Following a number of well-publicised incidents and media reports in recent months the government has committed to amending the law to deal with this criminal behaviour. And we are doing just this. There is a regular mantra from the opposition that the government is not acting fast enough, yet when the government does respond, the opposition tries to have it both ways. We as a government are responding to unfolding events, and this is what these penalties address. They actually determine that home invasion carries tough penalties, as does carjacking. So this is the difference between the reality and the approach that the Victorian government is taking and the politics of trying to aggregate anxiety and fear that the opposition continues to pursue.

Let us go to the issue now. An offence of home invasion is committed when two or more people armed with a weapon enter a home with the intent to steal or damage property or to assault a person in the home. The bill also introduces an element of 'strict liability' so that it is immaterial whether or not the offenders knew that there was another person in the home. That is trying to provide added security for people and to discount any excuses. Aggravated home invasion applies when at least three armed offenders commit burglary on a premises where a person was present and the offender

knew or was reckless as to whether there was anyone at home. That is the overview of the home invasion proposition. It is a strong response to deal with this dangerous and unnerving proposition that has arisen more recently.

The carjacking offence will apply to an offender or offenders who use force, or threaten to use force, in order to steal a vehicle. Aggravated carjacking will apply if the offender has an offensive weapon, or if they cause injury to another person during the commission of the offence. This is trying to deal with the media reports and incidents that we have been witnessing that are incredibly disturbing for people. While driving along the road you could have your car bumped into, and even if you just pull over thinking that it is probably an accident, you could then confront somebody who has a weapon and who wants to steal your car to sell it later. So this is a really disturbing trend that is occurring and which the government is seeking to address. The offences of aggravated carjacking, home invasion and aggravated home invasion carry a maximum term of 25 years imprisonment. That is a critical proposition. Those convicted of carjacking face a maximum prison term of 15 years. The offences of aggravated carjacking and aggravated home invasion will also attract a statutory minimum sentence of three years.

To again address some of the opposition's questions regarding how the offences of carjacking and home invasion differ from existing offences in the Crimes Act 1958, the new offence of home invasion is similar to the offence of aggravated burglary. The offence of aggravated burglary captures a very broad range of behaviour. It covers both those who enter an empty premises armed and those who recklessly enter premises that are occupied but who are unarmed, as well as those who deliberately arm themselves and enter an unoccupied home. The maximum penalty is 25 years imprisonment, as I said.

The new offence of home invasion is also a broad offence. It is differentiated from aggravated burglary by the fact that it must be committed in a home — which is broadly defined within the bill — and it must be committed by two or more people. In contrast to aggravated burglary there is an element of strict liability, so there is no need to prove that a person was reckless about whether there were people in the home. The maximum penalty is 25 years imprisonment. The offences of carjacking and aggravated carjacking largely mirror the offences of robbery and armed robbery. Aggravated carjacking is broader than armed robbery, as it captures an offence where an injury is caused but no weapon is involved.

I have basically gone through the definitional differences and explained how this legislation is part of the evolution of a response to events as they unfold within the community and that the government has responded in a timely fashion. Armed robbery is committed when an offender commits a robbery and has a weapon at the time. Aggravated carjacking includes the offence of carjacking with a weapon but also includes the offence of carjacking when an injury has been caused to another person. Injury is defined as physical harm or harm to mental health, whether temporary or permanent. We know that there can be post-traumatic stress disorder caused in people who are woken up in the dead of night or who stumble in and confront people in their home. They then face trauma, which recurs, particularly when these incidents have occurred in the home; that is an issue that unsettles people. There has been plenty of evidence in the past to say that a lot of people actually seek to move home after these sorts of incidents. So it is that serious and that chilling to a lot of people, and it does take a long time in some cases for people to fully recover.

The same definition of injury is used in the offences against the person subdivision of the Crimes Act 1958. It requires more than merely frightening or threatening the victim. The imposition of a statutory minimum sentence for aggravated home invasion and aggravated carjacking is warranted, according to the government, by the rising prevalence of these offences, the violence that occurs and the impact that it may have on victims of such offences. There are more elements to the aggravated home invasion offence that must be proved, ensuring that the statutory minimum sentence is only applied to the most serious cases of home invasion. The aggravated home invasion offence includes the extra elements that the offender was acting as part of a gang of three or more people, that the offender had a weapon, that there were people in the home and that the offender knew or was reckless as to whether there were people in the home.

This is a considered proposition brought by the Attorney-General on behalf of the Andrews government. It is part of a package to look at the punitive measures that are required to send a clear message to the community that these offences are unacceptable. We are dealing with them and we will address them. As I said, it is part of a bigger suite of reforms by the Andrews government that will also look at preventative measures for crime, which is something that must be addressed simultaneously. These are issues of balance. This is an important piece of legislation. It provides new mechanisms for the courts, and it sends a really strong message that these offences will not be

tolerated and the punishment will fit the crime. With that, I commend the bill to the house.

Mr HIBBINS (Pahran) — I rise to speak on behalf of the Greens on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. This bill amends the Crimes Act 1958 to create new offences of carjacking and home invasion; it amends the Sentencing Act 1991 to provide that statutory minimums, which are mandatory sentences, apply to the offences of aggravated carjacking and aggravated home invasion; and it amends the Bail Act 1977 to include new offences of aggravated carjacking, home invasion and aggravated home invasion as show-cause offences under the act.

We understand the absolute seriousness of these offences: the crime of breaking into someone's home and the absolute terror of that for the occupants of the home; the seriousness of assaults and other crimes against people within their own home or within their car and the devastating impact that this would have on someone's sense of security and safety; and that feeling of personal invasion when you come back to your home and find that it has been broken into and things have been stolen. There is an absolute right for people to feel safe within their own homes. There have been numerous recent reports of carjackings, where people have been rammed from behind and then when they get out of their car being attacked or assaulted and having their car stolen. These carjackings are incredibly serious.

The question before us is whether this bill will help in terms of these offences, and the Greens do have concerns in regard to this bill. Our first concern is that there are already laws to deal with instances of carjacking and home invasion. Are people not being prosecuted for committing these crimes? Are people committing these crimes without the knowledge that they are illegal and they will be prosecuted or charged because of them? Let us have a look at the offence of home invasion. We have got offences involving home invasion that would be prosecuted: we have got robbery, armed robbery, break and enter with intent, burglary, aggravated burglary and assault. For offences of carjacking, we have got car theft, abduction, causing serious injury intentionally in circumstances of gross violence, causing serious injury recklessly and robbery. Whilst, yes, there is increased reporting of these offences, they are not new offences; they have happened in the past. These offences can be dealt with by pairing one offence with the other.

I will move on to sentencing. The other concern that we do have with the bill is that it does provide for statutory

minimums or minimum mandatory sentencing, which the Greens oppose. In this particular bill we have sentences of 25 years maximum for home invasion and aggravated home invasion, and the same applies for aggravated burglary. You also have a sentence of 25 years maximum for carjacking, which I believe is the same for robbery offences. Both have statutory minimum non-parole periods of three years.

The Greens have always opposed mandatory sentencing. We have always been of the view that the courts are in the best position to provide the most appropriate sentence based on the evidence before them, referring to guidelines, of course, within the Sentencing Act. We believe that often mandatory sentencing can lead to sentencing outcomes that are not in the best interests of the community or community safety, and there is no evidence to suggest that it leads to a reduction in crime. We are supported in this view by Liberty Victoria, which has put in a submission on this particular bill. A number of other bodies and agencies also oppose these sorts of sentences — the Victorian Bar, the Law Institute of Victoria; they do support the principles of smart justice.

The government's reasoning for this particular bill is that, one, it sends a message. I do question whether those who are committing these offences — and I will discuss later where we are seeing these offences committed — are actually listening to us or listening to the government in terms of what message we are sending. I note the comments of the previous speaker on the government side, who said that this bill will equip the police and the courts with the tools that they need to do their job to prosecute these offences, but I would note that by introducing mandatory sentencing you are actually taking away from the courts their ability to provide a sentence that they feel fits the crime and that is in the best interests of the community and community safety.

Now, of course this bill is being introduced in an environment where there is an increase in the overall crime rate, which has been rising for six years. However, in regard to youth offences, one statistic that I am provided with is that about 40 per cent of youth offences are committed by about 5 per cent of young repeat offenders, so there is an increase in serious offending, but it is by a very small number of young offenders. It is important that we focus our efforts on them and prevent recidivism, that we really focus our efforts on that small number of young offenders. We cannot simply just use incarceration as a way out of the problem of crime. What we need to do is focus on these young repeat offenders and reduce the rate of reoffending.

I believe that the rise in crime rate is down to the failed policies of the previous government. Their decisions to increase incarceration, reduce sentencing options and build more prisons has made us less safe, and their response to the continued increase in crime has been essentially to double down on the failed policies of the past. Clearly they see this as their path back into government. It does remind me of the last years of the former Labor government when of course alcohol-fuelled violence was very much the big issue and the big concern. We saw a lot of reporting and a lot of discussion around that particular issue.

I feel that some of the rhetoric that we are hearing from the opposition regarding these matters is very similar to the rhetoric we are hearing from Donald Trump over in America. We have got the Leader of the Opposition comparing Melbourne to Johannesburg. He suggests he is feeling more unsafe now than he has felt in his whole life, just in Melbourne. We have got opposition members comparing Melbourne to Rio and New York. It seems very much to be the sort of language that we are hearing from Donald Trump, painting a dystopian picture of the communities that we live in. If I could steal from another presidential candidate, it feels like the Liberals have gone from 'Victoria — on the move' to 'Victoria — at home and too afraid to do anything'. It is a 'Midnight in Victoria' rhetoric that I feel does not reflect the wonderful communities that we live in. It does not provide any solutions but instead provides the failed policies of the past, when the crime rate went up, recidivism went up and spending on prisons went up.

We should be approaching this problem with the confidence that we can put in place the policies that work. We need to put in the drug and alcohol programs, the education and employment programs, the housing initiatives, the mental health programs and the diversion programs. We need to strengthen our non-custodial sentencing options and bring the police and the service providers, the victims of crime and the communities together to see what can work best and to look at those systemic issues. We know about the link between incarceration rates and the lack of secondary school completion. These policies are not new, and we need to put them in place and get them to work.

This government has a choice. They can take that new approach that we know works or they can take the other approach, which has been advocated by the opposition. I do not think this bill fits in with the right approach, and some of the rhetoric that we are hearing — —

Mr Pearson interjected.

Mr HIBBINS — Rhetoric, for the member for Essendon. Sometimes I do wonder as he works on his laptop in the chamber whether he is listening, but he is listening. He does not miss a beat.

Some of the rhetoric coming from the Premier includes him saying:

No sob story is good enough to explain away this sort of violent offending ... No Victorian is prepared to excuse that sort of behaviour because you've had a hard deal in life or because your circumstances aren't as you would like them to be. If you commit these sorts of crimes you will be caught — and you will be put inside.

It is very similar to what we have heard from the Leader of the Opposition, who said:

We can't be obsessed with worrying about why offenders fell off their bicycle at age 5 and now they want to start home invading at age 16.

...

Ninety-nine-point-nine per cent of officers didn't become police officers to become, with respect, a social worker.

This is dismissive. It misrepresents what the different approach to crime is all about. We need an all-of-government approach. This government needs to take a clear direction in terms of a focus on crime prevention. It may not be a headline grabber, but it works.

This bill creates new offences for crimes that are already against the law. It undermines the courts, which are best placed to determine sentencing. To suggest that the police or the courts do not already take carjacking and home invasion seriously is wrong. It does undermine the approach we need to take to prevent crime. Of course we are deeply concerned with these crimes and the increasing crime rate, but that is why we need to put in place the policies that work.

Mr CARBINES (Ivanhoe) — I would like to open my contribution to the debate on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016 with a letter from constituents in my electorate:

My wife and I were victims of an Apex gang aggravated burglary, on 27 December at 2.00 a.m., carried out by seven knife-wielding thugs from Africa. I walked in on them, in the house, and was punched in the face. I am sure the only reason I wasn't knifed was because they needed me to tell them where the car keys and cash were.

We have lived here for 45 years and have always felt safe and secure. Our house has now been secured like Fort Knox, and we live in trepidation of any sound or disturbance during the night.

The gang members were all caught by police (because we phoned 000 while the thugs were still in the house. They couldn't chase them in my stolen car anymore, so they had to call in the helicopter). They were all charged, placed on remand, and then all bailed by the magistrate (with no regard for us).

We were shocked to read in the newspaper on 25 April that more Apex gang members were arrested after another aggravated burglary, involving assault with a hammer, and car theft. The 19-year-old leader of this gang of seven was the same ringleader of the gang that broke into our home. I've no doubt that some of the others on bail were also involved.

Every day we read of other violent crimes where the accused is released back into the community on bail, usually to reoffend. If they are not released on bail, those that have been in prison are released on parole and reoffend.

The letter goes on. My constituents also passed on to me, and I will quote from this, an 8 May *Sunday Herald Sun* article headed 'Apex free pass — teens let off after bashing elderly'. This is the case that refers to my constituents and the letter they wrote. I quote:

Two Apex gang members have escaped criminal convictions after bashing an elderly couple in their beds during a brutal home invasion.

The teenagers faced a Children's Court in the past fortnight over the late-night attack at a property in suburban Melbourne.

The victims, aged in their 70s, have been left deeply traumatised after waking to find the young, armed intruders in their house.

They were assaulted with weapons during the onslaught.

The *Sunday Herald Sun* has been told the Apex pair received six-month probation orders with no convictions recorded.

A Children's Court spokeswoman said it would not comment on individual cases.

Senior police sources have expressed concerns to the *Sunday Herald Sun* about attackers taking 'pleasure' in bashing victims.

The article goes on to talk about some other particular cases. Can I say that these constituents of mine live only a few blocks from our house. As I understand it, the magistrate indicated that the victim impact statement tendered to the court in this instance was one of the most horrific victim impact statements they had the opportunity to read and consider. No-one should take lightly the crushing effect on people's confidence, on their character and on their capacity to go about their lives when they are subjected to these brutal actions from people — hiding in the shed in the backyard of your house in the middle of the night and your wife waking in the middle of the night with a knife to her throat. Can you possibly imagine the effect that has on people? And then the shock generally of how

everybody else, unable to empathise really with that terror, must feel when they give consideration to how they might have acted themselves?

I would like to accord some thanks to the Attorney-General, who met with me and my constituents to discuss and hear really from them directly about these matters. I think it was a great insight for the Attorney-General as we prepared to bring forward bills like the one the house is considering at the moment. I am thankful that they had the opportunity, my constituents — out of deference to them I will not name them — to tell their story, their harrowing tale, and allow the Attorney-General to hear that. I think that was very instructive for the government.

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

Mr CARBINES — I continue my contribution on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. I was referencing a letter from constituents of mine who have been the victims of an aggravated burglary by members of the Apex gang. I was taking the house through their very traumatic experience. I was also acknowledging the opportunity that they afforded myself and the Attorney-General in taking us through their harrowing experience and also in outlining their desire to see improvements and changes in the law.

I pick up on another incident outlined on 10 May 2016 in the *Heidelberg Leader* in an article headed ‘Family’s carjack ordeal: gang members terrorise couple and their children’. I quote:

An Ivanhoe East husband came to the rescue of his screaming wife as two armed thugs — members of the notorious Apex gang — were stealing the family’s car.

The family had returned from midnight mass when two men wearing balaclavas and armed with guns confronted the woman in her McArthur Rd driveway about 1.00 a.m. on Sunday, 1 May.

Banyule crime investigation unit detective Senior Constable Damon Abbey said the woman’s husband and children ran outside after hearing her screams.

Senior Constable Abbey said the husband scuffled with one of the men before seeing a second thug, also armed with a gun.

Both men, of African appearance, made off with the family’s Jeep Cherokee, which has since been recovered by police.

‘We believe they were members of the Apex gang’, Senior Constable Abbey said.

After the armed robbery, the vehicle was seen at an Apex gang-related aggravated burglary in Cranbourne that Victoria Police’s Taskforce Tense is investigating.

These two examples happened in Ivanhoe East, which is in my electorate, and an earlier example I used relates to a couple in Rosanna. They are only a couple of blocks from my electorate office and a couple of blocks from my own home. I just want to make the point again that the horrific circumstances that those victims endured — the lifelong effect that it will have on them and their confidence — and the trauma that has been inflicted on them lasts long beyond the actual crime committed at the time.

I want to give them some affirmation that the conversations that they have had about their horrific experiences with the Attorney-General and myself have helped inform some of the changes that have been proposed in this legislation. Of course we need to continue to be vigilant about what we do in the future as legislators. The great concern we all have is that despite the laws that we set in this place, magistrates, judges or the courts do not reflect the will or the expectations of the community in the sentencing judgements that they hand out. In effect parts of this crimes amendment bill goes to the point of some mandatory sentencing options.

I just want to clarify again the overall objectives, which are to amend the Crimes Act 1958 to create the offences of home invasion, aggravated home invasion, carjacking and aggravated carjacking; to amend the Sentencing Act 1991 to provide for a statutory minimum sentence of three years imprisonment when a person is convicted of aggravated home invasion or aggravated carjacking; and to amend the Bail Act 1977 to include home invasion, aggravated home invasion and aggravated carjacking as show-cause offences. An accused charged with the offence of home invasion, aggravated home invasion or aggravated carjacking must be refused bail unless they can show cause why their continued detention is not justified. The bill also aims to amend the Bail Act 1977 to clarify the operation of the show-cause provision in relation to the offence of aggravated burglary.

In his second-reading speech the Attorney-General made the point that some may say the new offences and sentences are too harsh. The government says offenders take the risk when they decide to engage in that sort of serious criminality. The community rightly expects that such acts, with their traumatic consequences for victims, should be punished in a manner consistent with the harm caused. This bill delivers on that expectation.

The example of what my constituents had to live through — no Victorian, no person, no family should have to endure that. While we cannot wipe away their horrific memories of what happened, what is important

is that the government and this Parliament reflect the will of the people, respond very clearly with laws that seek to take to task and punish offenders, and send a clear message to the community about how we respond to these acts of criminality. It is important also that we instruct and direct our courts as best we can to reflect the will of the community. Where they do not do that, Parliament will again act in the best interests of citizens.

Mr GIDLEY (Mount Waverley) — I rise this afternoon to make a contribution to the Crimes Amendment (Carjacking and Home Invasion) Bill 2016, and I do so in a disappointed state, given the crime wave that, under this government, is gripping Melbourne and regional Victoria. It seems that every week, unfortunately, when you turn on the television or open a newspaper there is another report of a serious crime and another rise in serious crime.

Regarding the matters that this bill touches on in relation to carjacking and home invasion, it is hard to think of more serious offences in terms of the impact that these can have on victims. As I said, they seem to be a growing trend in Victoria, which appears to be becoming a lawless state. I can only imagine the trauma, the hurt and the suffering that victims of crime generally face, particularly in relation to a home invasion. Everybody should be able to feel safe in their home with their family and their loved ones, but in the state of Victoria today that does not seem to be the case. We see a growing number of people invading people's homes, showing disregard and disrespect for them, and likewise with carjacking.

Once upon a time in Victoria I think it would have been fair to say that people did feel relatively safe and secure in their cars, but each week now we find an increase in carjackings. People are being pulled out of their cars — sometimes at knifepoint, sometimes in other ways — their cars are being stolen and their property is being stolen. Again the victims are left with great trauma. There is no question in my mind that this has not arisen overnight. This has come about as a result of the signals that have been sent by the Victorian government in relation to its policies on public safety and law and order. One of the crucial things that the state must do is to do all it can to keep its people safe. There is a range of ways to do that, whether it is via sentencing or other measures. In particular it is about the capacity to resource and provide frontline policing.

With that in mind, I look at where this state came from at the end of 2014. I look at my own district. We had a \$27.8 million upgrade to the Victoria Police Academy so that it was future-proofed and could not only serve existing cadets but also allow for the government, the

state, to recruit additional cadets to keep our streets safe. That upgrade was finished and funded by the previous government. Unfortunately the academy has not been used in the way it should have been. It should have been running at capacity, but it has not been, and that is because this government is refusing to fund the number of police required. The fact is that it is cutting police numbers across the state because it is refusing to fund the recruitment, training and deployment of them. There is no question that this has been a signal to the community, and the community has responded with these increases in crime. There were 1700 additional frontline police officers under the last term of government to keep our streets safe. They upgraded the academy, and 1700 went through. Under this government there has been a real cut in frontline police resources.

Under the previous government there were 940 protective services officers (PSOs) on the streets and at our stations to keep people safe. Under this government, unfortunately, PSO numbers have not only not increased, they have actually been cut. In my district all four stations used to have PSOs from 6.00 p.m. until the commencement of daytime services. That has gone now in the Mount Waverley district — Jordanville station and Syndal station no longer have PSOs at their stations on a Friday or Saturday for the evening services up until to the resumption of the day services. Again, that is a clear, unambiguous signal as a result of the decisions of this government to cut funding to Victoria Police and police numbers.

Then we have had this revelation today. Who would have thought that even this government would refuse to provide sufficient funding to an iconic organisation like Neighbourhood Watch, an organisation with a proud history that was well supported by the previous government? Who would have thought it would have gone after Neighbourhood Watch? I was just so disappointed to see the cuts today to the Neighbourhood Watch program. The fact is that the previous government provided \$600 000 to fund a full-time CEO and reinvigorate the program. The program has had challenges. I am the first to concede that it was not perfect, but the previous government did all that it could to provide that funding of \$600 000 and a full-time CEO. Unfortunately, under this Labor government that full-time CEO was forced to resign after funding was withdrawn.

This is the picture that we very clearly see in Victoria today: cuts to the Neighbourhood Watch program, which means the full-time CEO is gone; cuts to frontline policing, which provide a real cut in police numbers across the state; cuts in the PSO program,

meaning in my district alone 50 per cent of the railway stations do not have PSOs for the evening services. The message is clear for the people of the lawless state of Victoria, which is what we unfortunately have become — that is, crime will not be and is less likely to be detected under this government because it is not prepared to fund those police services. It is not prepared to utilise the investment in the Glen Waverley police academy — a \$28.7 million investment, which provided the government with the capacity to ensure we had those frontline police. This government did not have to invest an extra dollar in the police academy to get those extra recruits through. The work was done. The heavy lifting was done. The priority was set. All it needed to do was to provide sufficient funding for maintenance and increase police numbers. But of course that is just not in this government's DNA.

The real tragedy in this is that Victorians are less safe today as a result of the decisions this government has taken. Quite rightly, Victorians feel less safe because they are less safe. Under this government, crime is up by over 12 per cent. Whether it was intentional or not, there is no question whatsoever that the decisions made by this government in relation to cutting frontline police numbers, in relation to cutting the PSO program and in relation to the attacks on the Neighbourhood Watch program, which have resulted in the full-time CEO not being able to continue and the lowering of the morale of the volunteers in the program who feel that they are not being supported in the way they should be, have led to this increase in crime in Victoria.

If I ask people in the community how they are feeling today about carjackings and home invasions and do they feel safer today than they did two years ago, the answer I receive is an unequivocal no, they do not. They continue to ask, 'Why is it that we have less police on the beat? Why is it that when people want to drive to a police station they now find those police stations closed? Why is it that we are not seeing the numbers come through the academy at Glen Waverley after all the heavy lifting was done, the investment was made, the funding was there, it was renovated and it was delivered? Why is that the case?' The only real explanation is that this government does not have public safety as a priority. That is the only reasonable explanation, and that is a tragedy.

The real losers in this scenario are the people of Victoria and the victims of crime. I know those opposite obviously are not interested in victims of crime, but they are the real losers. When you live in a state that is less safe as a result of the decisions a government has made, there is likely to be an increase in crime. As I said, there has been an increase of 12 per

cent. That is unlikely to change when public safety is not a priority for this government, and that is a tragedy because real lives are impacted.

In my own district two weeks ago we had a horrific carjacking, where a family were pulled out of a car. There were children in the car. I can tell you now that that family certainly does not feel safer today than they did two years ago, and they are not the only family. There are many families, households and residents in my district who, as a consequence of this government's lack of priority for public safety, do not feel safe. For that reason I condemn this government and ask them to pick up their game.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Ms Thomas) — Order! I would like to take this opportunity to acknowledge a former member for Glen Waverley, Ross Smith, in the gallery.

CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016

Second reading

Debate resumed.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. It is a shame to see those opposite doing what they do best, which is running a fear campaign on this issue, one absolutely riddled with lies, particularly on the issue of police, but I will get to that a little later.

This bill creates four new offences, as we have heard: home invasion, aggravated home invasion, carjacking and aggravated carjacking. The bill also amends the Bail Act 1977 to include aggravated carjacking, home invasion and aggravated home invasion as show-cause offences, meaning offenders will need to show cause as to why they should be released on bail — that is, the general presumption in favour of bail does not apply to these offences.

All of us in this place are aware of instances of home invasion and carjacking, and I think it is fair to say, despite what those opposite try to say through their cheap politicking, that we are all very concerned by these incidents and we are all very aware of the trauma these events have caused to the victims. The Andrews government is determined to send a clear message that these activities will not be tolerated.

We have heard it said many times in this place, and particularly many times today, that people have a right to feel safe in their homes. For that matter, they have a right to feel safe when they are in their cars as well. This is why we are taking a hard line by introducing these new offences, because we all have the right to feel safe and because there must be consequences for the offenders who engage in this activity.

Much of the recent media attention on these crimes has focused on the so-called Apex gang. I obviously have a particular interest in and concern about this, because the so-called Apex gang originates from within my electorate. In fact Apex Street, from which the name of the gang comes, is only a short distance from where I live. I have been concerned about recent coverage for a number of reasons, and I would like to use my contribution to this debate today to outline those concerns.

Firstly, you might wonder why I have been referring to the so-called Apex gang. 'Apex gang' is a misnomer. What may have started out as a distinguishable group with a shared purpose many years ago is certainly not what it is today. In discussions with local police based at Springvale and Dandenong over the past couple of years, what has become clear to me is that it is not a gang in the typical sense.

One senior officer described it to me as more of a network. The offenders committing these crimes usually do not know each other. There is no clubhouse or regular meetings. There is no organisational structure in a typical sense. There may be some social media connection but even then, I am led to believe, this is often pretty tenuous. These are overwhelmingly young people. Criminal offenders, yes, but young criminal offenders who attach themselves to a designation that has gained a level of popularity in our culture today and a street cred as a result of the media attention it has attracted.

These young people are not all from Dandenong; they hail from across Melbourne. I do not believe there is a shared vision or objective other than to terrorise home owners and car owners for what I can only assume is some kind of financial gain, or maybe even just the buzz of being bad. Some of these people are very young. I have heard reports of 12 and 14-year-olds; this is very alarming and in some ways very sad.

My second concern is that some in the media and in our broader community have decided to characterise these offenders on ethnic grounds. I have lost count of the number of times people have described these offenders to me as African or Sudanese. It is just not accurate.

From my discussions with local police, I am aware that these offenders come from an array of ethnic backgrounds. Some are Middle Eastern, Pacific Islander, African and, note this, Caucasian — Anglo-Celtic, Australian-born. They are diverse. Any attempt to racially profile these offenders is, firstly, lazy, and secondly, extremely dangerous, and that is why every time anybody, particularly the media, racially profiles these offenders, that broader ethnic community is catapulted into a state of insecurity and fear, and this just is not fair.

I have had South Sudanese residents tell me that they fear their neighbours are suspicious of them. They feel they are being regarded as inherently dishonest, untrustworthy and dangerous. Some of them have been the victims of racial abuse as a consequence of some of this coverage.

I want to give an example of how this kind of ethnic bias can translate into the broader community's consciousness; it is a very recent example and a very tragic example. I thought hard about whether to share my views on this or use this as an example, but I think it is an important one. It is the murder of Sanaya Sahib, and most of us in this place will remember this. We are all aware of that particular incident, where a child was reported missing by her mother after a walk through a park. We all remember that in the end Sanaya's mother confessed to the murder of her daughter. But I am not interested in that. What I am mostly interested in is the original story she told law enforcement when she reported her daughter missing.

I am taking this version of events as reported in the media. She said a shoeless African man smelling of alcohol snatched her baby from the pram. It was a fabrication; no such man existed. But in her mind the easiest and most convincing description she could give was of a shoeless, drunk black man. She felt this would be believable. It is perhaps not surprising that this characterisation came after many weeks of media about the so-called Apex gang, some of which included descriptions focused unnecessarily on the ethnic background of certain offenders.

I am not saying this media coverage was the inspiration for Ms Sahib's description, but the chronology of events is interesting, and it disturbed me greatly at the time because I think it shows the power of racial profiling and what it can lead to in our community. I would hope in this place and in this debate that we stay away from the unfair racial and racist descriptors. In fact the only thing I can see that these offenders seem to have in common is youth. They are young, sometimes very young.

The last thing I will talk about on this particular topic is something I have heard on several occasions. It is the statement that these offenders must come from bad families. I am sure there are many in this place who have had children or family members who have done things that they are not proud of, and I am sure many have family members who would be described as having gone off the rails. I am sure these people would be most offended to have the actions of their relatives used to cast judgement on their own character.

One senior police officer in my area made the point of saying to me earlier this year something to this effect — and I am paraphrasing here. He said that people assume these kids have come from bad backgrounds, bad families. It is just not true. Many have come from what we would typically call really good families, with hardworking, law-abiding parents who are busting a gut to send these kids to good schools, many of them working around the clock to send their kids to private schools. Again I caution against making assumptions, but back to the bill.

The fact remains that these crimes have been committed. They are nothing short of terrifying, and we do not seek to take away from that at all. These crimes have victims beyond those immediately and directly affected. They have left many in our community frightened in the one place they should feel the safest — their own homes. This is why the bill before us today is not only desirable but absolutely necessary.

I will now go through a couple of the provisions in the bill. I will start with the offence of home invasion. The offence of home invasion is committed when two or more people armed with a weapon enter a home with intent to steal or damage property, or to assault a person in the home. This is a strict liability offence, meaning it is immaterial whether or not the offenders knew there was another person in the home at the time. As for aggravated home invasion, this offence applies where at least three armed offenders commit a burglary on premises where a person was present and the offender knew or was reckless as to whether there was anyone home. For the purpose of these home invasion offences, a ‘home’ covers any building in which a person lives, such as a house, flat, rooming house, caravan or hotel.

The offence of carjacking applies to an offender or offenders who use force or threaten to use force in order to steal a vehicle. Aggravated carjacking will apply if the offender has an offensive weapon or if they cause injury to another person during the commission of the offence. As we have heard, aggravated carjacking, home invasion and aggravated home invasion carry a maximum term of 25 years, and those convicted of

carjacking face a maximum prison term of 15 years. The offences of aggravated carjacking and aggravated home invasion will also attract a statutory minimum sentence of three years to reflect the seriousness of those crimes.

This is an important step in the right direction in tackling these incidents of crime. However, I must also add that changes to the Crimes Act 1958 alone will not solve the problem entirely, and nor will greater police numbers, which we are also delivering on, by the way, contrary to the claims of those opposite. I must also give a shout out to one member of Casey City Council, who at least had the integrity to acknowledge that the facts he was pedalling on social media were in fact incorrect and he corrected those online. So I say thank you to Rafal Kaplon on that one. I sincerely hope his council colleagues do the same and do not fall prey to what is a very cheap and extremely dishonest Liberal Party campaign on that issue.

Those opposite like to think that all law and order issues can be resolved by more police, and this just is not the case. Their understanding of these issues is fairly unsophisticated. I said earlier that the primary characteristic most of these offenders have in common is their age; they are all relatively young. So we must look at that more closely and ensure that we have the right social policy settings to support them and a prevention model in place as well. We do not want these kids getting to this point. I know this government is doing significant work in this space too, but unfortunately I do not have time to go through that. On that note, I commend this bill to the house.

Mr WATT (Burwood) — I rise to speak on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. I want to start my contribution with a comment from Detective Acting Senior Sergeant Ivan Bobetic. He stated on 3AW:

If you are involved in a minor car accident, it's 3 o'clock in the morning and it's in a dark street, I would suggest to anybody ... if they're concerned about the occupants of another car to try and make their way to a police station and alert police ...

I would contend that it really should not matter whether it is 3 o'clock in the morning or 3 o'clock in the afternoon: if you are involved in an incident and you are concerned for your safety, you should probably make your way to a police station. If you were to, say, search for an open police station and were told that a police station was open and you made your way there, you would be fairly disappointed if the police station had had its hours adjusted. I say ‘hours adjusted’ because the Minister for Police keeps telling us that

police stations are not closed even though the doors are not open. People are arriving at police stations, as did one particular young lady, Shaynae Moss, who arrived at the Burwood police station back in June after looking for a police officer. It was only because I was at the station that I was able to assist her with her needs, but the problem was that she was actually directed to go to a police station and she had assumed since she was directed by sources that the police station would be open.

If the police minister keeps saying police stations are not closed, members of the community might actually take that at face value and start believing that stuff. The problem is the minister has said a number of times that police stations are not closed, yet I am currently looking at a photo that was taken on 29 February 2016 outside of the Nunawading police station, and on it I can see a nice little sign that says 'Closed'. I understand that the police station is not closed, but what I do not understand is why the police have put a sign on the door that actually says 'Closed'. I am a little confused as to how the minister can say the police station is not closed when I am looking at a picture of a door with a 'Closed' sign on it.

I also note that I have raised this topic a number of times in reference to a number of police stations, and particularly in reference to Burwood. The Burwood police station has been closed since about February of last year. I was at a train station this morning speaking to constituents, and I had a conversation with a lady who lives in Scott Grove. For those people who do not know the Burwood electorate, the Burwood police station is actually on the corner of Burwood Highway and Scott Grove. Interestingly enough, I had a conversation with a young lady who, when I pointed out the Burwood police station was not closed because the minister said so, said to me, 'Well, it's been locked since February last year'. My constituents find it a little bit strange to keep hearing that police stations are not closed.

I have a picture here that was taken at the end of January this year. It is actually a picture of the Burwood police station door. I understand that the minister keeps telling me that that police station is not closed, but when I look at the police station —

Ms Ward — On a point of order, Acting Speaker, while I appreciate that the member for Burwood may have an interest in representing his constituents and wanting to talk about things that are happening in his electorate, he is not actually talking about the bill but about a police station in his electorate. I ask him to go

back to the genesis of the bill, which is around carjackings and keeping communities safe in that area.

Mr WATT — On the point of order, Acting Speaker, I specifically started with a comment from the police about carjackings and the fact that if you were potentially a victim of carjacking, you should go to the police station. I am talking about the ability of people to do that based on the comments from the police. I think this is extremely relevant to the bill and to the topic of carjacking, and it also follows on from comments that have been made by every other member in the chamber.

The ACTING SPEAKER (Ms Thomas) — Order! The member has taken some opportunity to talk particularly about police stations in his electorate, but I would now ask him to talk to the bill.

Mr WATT — Like I said, referring back to the police telling people to go to police stations, I refer to one of the police stations that Ivan Bobetic may have been talking about, the Burwood police station. I look at this picture of the Burwood police station taken in January of this year. I know that the minister tells me that it is not closed, but the picture actually is a photo of a door with a sign on it which says 'Closed'. The last time I raised this in the chamber the minister actually did do something about it. She fixed it. The sign no longer says 'Closed'; the sign now says 'Currently unattended'.

It is interesting because I am looking at an article from June of this year and there is a picture of a sign that is on the police station door which says 'Burwood police station is currently unattended' and it actually says that Forest Hill is a 24-hour police station. It says 'The nearest 24-hour police stations are ...' — and at the top of the list is Forest Hill. I note in the minister's contribution yesterday that she said that Forest Hill is not a 24-hour police station and never has been. Once again I do not understand why there is a sign on the Burwood police station saying that the Forest Hill police station is actually a 24-hour station when the minister tells me it never has been and never will be.

Talking about signs and police stations and noting that the police are telling people that if you are concerned about your safety and you are bumped in your car, you should drive to a police station and seek out the assistance of police, noting that very interesting comment around carjacking, I note that I saw another sign in July this year that was on the Ashburton police station. It says that as of 8 February 2016 — noting that is a change in the sign from, I think, one that was put out in September last year, which said the police station

was open on Tuesdays and Fridays — the police station is open Mondays and Thursdays, 9.00 a.m. to 5.00 p.m. I also note that it tells me to go to the Mount Waverley police station, which it proclaims is a 16-hour police station. Talking of more signs and noting that the police are telling us that if you are involved in a carjacking incident, you should probably drive to a police station, I note once again that at the Mount Waverley police station I saw a sign that stated:

The Mount Waverley police station is currently unattended.

Counter open hours — Monday to Friday 8.00 a.m. — 4.00 p.m.

I do not know how Monday to Friday, 8.00 a.m. to 4.00 p.m., is a 16-hour-a-day station, as the notice at the Ashburton station told me, but I do note that after I had made this comment — I think I put out a tweet on 23 July this year — the sign on the Ashburton police station changed again. Actually no, it has not changed; I correct myself. It is not a changed sign; it is just a sign stuck over the old sign. The new sign, stuck over the old sign, actually discounts the Mount Waverley police station and does not include the Mount Waverley police station at all. It mentions the other three police stations, which are Camberwell, Oakleigh and Malvern.

The reason I get to Malvern is because one of the contributions during yesterday's matter of public importance debate was made by the member for Malvern. The member for Malvern talked about carjacking in his electorate. The reason the comment that came from the police, from Detective Acting Senior Sergeant Ivan Bobetic, came about was because it was in reference to a carjacking that happened only recently. That happened in the Malvern electorate, very close to my electorate. There have been carjackings of residents in my electorate, but some of the victims of the carjackings in Malvern were actually residents of the Burwood electorate.

The reason I raise Malvern and the sign changing to direct people to go to Malvern as a 24-hour police station is that I note that just recently the Malvern police station was actually closed — sorry, the hours were adjusted. It was not closed, because the minister keeps telling me it is not closed. So Burwood is not closed, even though it has not been open since February last year; Ashburton is not closed, even though we have had a 71 per cent reduction in hours; and Mount Waverley is not closed, even though we have gone from 16 hours a day to 8 hours a day, five days a week. I note that Malvern is not closed, even though the Malvern police station was actually not open on the weekend.

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

Mr STAIKOS (Bentleigh) — Well, well, well. I tell you what: Bob Stensholt is a dear friend of mine, and every time I think of Bob and I look across the chamber, I think the people of Burwood had 11 good years, did they not? The only decent thing about the member for Burwood's contribution was that he was wearing a Hawthorn tie while he was giving it, and I do wish them — yes, I do wish our team — all the success tomorrow night.

It is a pleasure to rise to speak on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. This government has zero tolerance for the crimes that we have seen over recent months. After the Moomba riots our Premier said that he will hear no sob stories, this is unacceptable and the police will get the resources and the tough new laws that they need to keep Victoria safe. That is our role as a government.

I cannot imagine how terrifying it must be for victims of these home invasions and these carjackings. I cannot imagine that at all, but I do recall last April, while I was overseas, being contacted by a family from the member for Brighton's electorate, actually, who were victims of a horrific home invasion. Thankfully the children slept through the ordeal, but the father of the house ended up in hospital — his car was stolen — with significant injuries. I spoke to him on the phone. It is something that he said will affect him forever. It will absolutely affect him forever. It is something he will never forget and no doubt something that will require a lot of counselling for many years to come.

I also recall speaking to another family from my electorate. This mother was with her son at the Boundary Hotel one night. It was her son's birthday. The Boundary Hotel was then held up at gunpoint. In fact her son had a gun held to his head right in front of her. Absolutely horrific, but do you know what? That happened in 2012. It was not while this government was in power; it was while the former government was in power — —

An honourable member interjected.

Mr STAIKOS — Yes, absolutely, it was during the last months of Ted Baillieu's government and his premiership.

The other interesting thing about that one was that there used to be a police station right across the road from the Boundary Hotel, which was closed in the 1990s. Who do you reckon was in government then? It was the Kennett government. It was absolutely the Kennett

government. But do you know what? I am not going to play politics with this, because on this side of the house we know that it is police command that makes those decisions. It is not those opposite, and it is not even those on this side of the house; it is police command that makes decisions when it comes to police stations and police personnel.

To quote the Minister for Police from 16 June:

Stations are not closing. There is no policy to close stations.

Graham Ashton said:

... I give discretion to my officers, particularly our local area command, to have police on patrol ...

He also said if he asked people in the community whether they preferred their police to be behind the counter in a police station or out on patrol in their community, they preferred that those officers to be on patrol in their community.

I think that is a very good point, because that was not the first time the Boundary Hotel had been held up. The Boundary Hotel was also held up when the police station was there. Let us not think that just because there is a police station on the street that street is safe from crime; it just is not always the case.

The public quite rightly expect us to keep this issue above politics, but all we hear are lies from those opposite about police numbers. They should get a pen and piece of paper out and take down these numbers. In November 2013 there was a total of 13 145.68 sworn police. In June 2016 there was a total of 13 311.47 sworn police. That is not a cut; that is an increase of 165.79. If I narrow those numbers down to my neck of the woods in the southern metro region, in November 2014, there were 1966, and in June 2016, 2049 — an increase of 83.

This bill amends the Crimes Act 1958, the Sentencing Act 1991 and the Bail Act 1977. It creates the standalone offences of home invasion and aggravated home invasion, with a penalty of up to 25 years imprisonment. It creates the offences of carjacking, with a penalty of up to 15 years, and aggravated carjacking, with a penalty of up to 25 years. Importantly, the bill sets a minimum sentence of three years imprisonment for aggravated home invasion and aggravated carjacking. The bill amends the Bail Act so that a person charged with home invasion, aggravated home invasion or aggravated carjacking must show cause why they should be released on bail. The general presumption in favour of bail does not apply. This qualification on the right to bail will apply equally to

minors. These are tough new laws to go with the additional police resources that this government is giving Victoria Police to keep the Victorian community safe.

Just to finish up, I would like to thank the Minister for Police for accepting my invitation to visit the Bentleigh electorate to meet with concerned locals about this issue of law and order but also to visit Moorabbin police and meet with the police custody officers funded by this government. Having them at Moorabbin police station means that police can be out on patrol, keeping our community safe. That is what this government is doing, and I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. Right at the outset I would like to note the work that has been done by the shadow minister in the other place Ed O'Donohue in keeping this issue front of mind and no doubt, I think, having an influence on the fact that here we are, debating this bill today.

The purpose of the bill is to amend the Crimes Act 1958 to create new offences of home invasion, aggravated home invasion, carjacking and aggravated carjacking; to amend the Sentencing Act 1991 to provide a statutory minimum sentence of three years imprisonment where a person is convicted of aggravated home invasion or aggravated carjacking; to amend the Bail Act 1977 to include home invasion, aggravated home invasion and aggravated carjacking as show-cause offences, so that an accused charged with the offence of home invasion, aggravated home invasion or aggravated carjacking must be refused bail unless they can show cause why their continued detention is not justified; and to amend the Bail Act 1977 to clarify the operation of the show-cause provision in relation to the offence of aggravated burglary.

There are fairly extensive provisions within this bill, but mostly what it is doing is creating a new offence of home invasion. I think we need to define this for those who will be reading this debate. It is committed when a person commits a burglary or enters a home in the company of one or more other persons, when at the time a person other than the previously mentioned person is present in the building or part of the building and when the accused person is armed. We will no doubt talk about the definition of the term 'aggravated' later. It is immaterial whether or not the accused person knew there was a person present in the home, and this element will operate as strict liability and not necessarily prove that the accused person had or should

have had knowledge of the other person being present. A person can be found guilty of a home invasion offence, whether or not any other person is prosecuted for or found guilty of the offence. We have got a penalty of 25 years imprisonment.

The bill creates an offence of aggravated home invasion, which is committed when a person commits a burglary. That offence also has a maximum sentence of 25 years. An offence of carjacking is committed when a person steals a vehicle and immediately before or at the time of doing so and in order to do so uses force on another person and seeks to put that person or anyone else in fear of being subjected to force. Of course this will carry a maximum penalty of 15 years. Then of course aggravated carjacking, which is more serious, is committed when a person has with them at the time a firearm, an imitation firearm, an offensive weapon, an explosive or an imitation explosive and in the course of that carjacking causes injury to a person. That carries a maximum of 25 years. There are also, as I mentioned earlier, the changes to the Bail Act to bring people to show cause.

I think it is now time to comment on what all this means in our communities. Carjacking has been a visible and disturbing feature of the current crime wave across Victoria, and carjackings are occurring in Victoria almost on a daily basis. Many of them have been attributed to the Apex gang and copycat gangs, and until recently carjackings were virtually unknown in Victoria. In fact according to the Crime Statistics Agency, the number of crimes that fit the matrix of carjacking has increased by 80 per cent in the last year alone, up from 95 offences to 171. Unlike New South Wales, Victoria has not had a specific offence around carjacking or aggravated carjacking. This is of concern to communities, particularly with the media reports around those crime gangs or copycat crime gangs in our areas.

While the new offences in relation to carjacking are genuinely new offences and are clearly and distinguishably separate offences to those of car theft and armed robbery, the new offences relating to home invasion appear to be splitting hairs. A different practice existed when you had the aggravated burglary offence under the Crimes Act 1958, except for the number of participating offences related to an applicable defence of strict liability. We then question, particularly around the burglary stuff, whether this is a window-dressing response to gangs and individuals as there is no statutory minimum non-parole period for these lower level offences of carjacking and home invasion. Although we are refusing bail without the offender showing cause, the bill still allows the

possibility of revolving door offenders. We do need to show that we are curbing home invasions and carjackings. Resources are needed to discharge our responsibility to keep our community safe.

On those resources, it is of concern when there is talk now of Neighbourhood Watch funding being reduced. Neighbourhood Watch is also a vital part of keeping our community safe. They do great work on a shoestring, and I am very much hoping that this government recognises, as I am sure all governments would, the value of Neighbourhood Watch-type programs and that communities are involved in assessing risks, reporting risks and also taking action to mitigate risks. We just cannot have people living in fear. That is something that everybody is well aware of. Crime is up; the figure of 12 per cent is being used. It is here and it is now that crime is up.

In my community there are still great concerns about how the bail system is used. I know that offering bail is a privilege. It is a privilege that most people want to accept. However, there are some offenders who just treat it like a revolving door. It is certainly very appropriate that the show-cause provisions are a feature of this bill. That is something that I think is overdue and we are well inclined to support.

We also need to be looking at extra frontline support for police in all areas, particularly in our country areas where people are used to feeling safe but now feel threatened by what they see on their televisions. They are asking, 'How long before that starts to spread to country areas?'. I mentioned copycats earlier, and people are very, very concerned about the possibility of this gang activity spreading from where it is in the city to our country towns. I do not think we should be waiting to see if this occurs in my electorate. It just should not be tolerated, and we need those resources for our frontline police to ensure that this does not happen. People in Mildura want to go to bed knowing that hardened offenders will not be roaming the streets and likely to burst through their doors at night. It is just not what is wanted. They have been concerned for a long time that the wrong message has been sent to a cohort of young and hardened offenders by weakening those juvenile bail laws and by failing to toughen the justice system.

In concluding, I say again that people in the Mildura electorate want to go to bed at night knowing that their homes are not going to be invaded. We need to have the resources to ensure that they can go to bed at night and be comfortable knowing that their home is not going to be invaded. For that reason we need those extra police, and we also need Neighbourhood Watch to remain

intact to help our communities feel confident that they are safe in their own homes.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. I think it is really important that as a Parliament and as a community we separate the crime from the perpetrator of the crime. Like many members, I have been approached by members of my community who have been gravely concerned by home invasions and carjackings. There were two home invasions in my electorate. I had an elderly couple come and see me to express their concerns. As a representative it is important that you listen to people, hear their concerns and look at addressing those concerns through an appropriate mechanism, and I think the bill that is before the house is an appropriate mechanism. People should have the right to feel safe and secure in their own homes. They should feel that if they are on the road travelling around late at night, they will not be the victim of a carjacking. But I am concerned by some of the commentary that has been running in the media in recent times.

As many members know, in my electorate I have a very large Horn of Africa community — many people who originally hail from countries like Somalia, Ethiopia, Eritrea or South Sudan. These are great members of my community. They are establishing new lives in a new country, and they want the best for their children. They want to access good-quality education for their kids. They want their children to get a good education and to find opportunities for good and productive work. So I think it is concerning when you see in the media various reports about the Apex gang and the denigration of African-Australians through being shown as the perpetrators of these crimes. I listened intently to the member for Dandenong's contribution earlier today when she also alluded to those problems. I think it is important that we do separate the crime itself and that we avoid instances where we might allocate these crimes and offences to a particular ethnicity or to a particular cohort of people who happen to come from the same continent. It is something we have got to be really careful about as a community, because I fear that it could lead to a situation where these communities themselves feel like they are being marginalised and criticised or attacked. So it is a balancing act.

Looking at the bill that is before the house, it makes a good attempt at trying to recognise the fact that people do have the right to feel safe in their own homes and that we need to make sure that people can go about their business without having those fears, concerns and anxieties. But it is important that we look at criminal

justice and youth criminal justice through a number of different lenses. We need to try to identify the issue. As I mentioned in an earlier contribution, Jerry Madden, who was a Republican representative of the Texas state legislature, indicated that you needed to try to find ways in which you can make sure young people do not go through the criminal justice system and graduate as hardened criminals but that they are triaged out when and where an opportunity presents itself.

I do not want to spend a lot of time on the bill. I know many members want to make a contribution to the debate. It is a good piece of legislation. I just urge members of our community and the media to act with caution in terms of making sure that people do not condemn a group of members of our society and community simply because of the colour of their skin or the country or continent they emigrated from. I commend the bill to the house.

Ms ASHER (Brighton) — I too wish to make a couple of comments in relation to the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. As has been articulated by previous speakers, this bill creates four new offences; home invasion, aggravated home invasion, carjacking and aggravated carjacking. Again other speakers have gone through the detailed changes to the Bail Act 1977, with the show-cause provisions and so on and so forth.

I want to make some comments about the context of the bill, because the bill is the government's response to alarming new developments in terms of crime — that is, of course, as it says in the bill title, carjacking and home invasion. On the issue of carjacking, the coalition introduced a private members bill, the Crimes Amendment (Carjacking) Bill 2016, into the other house. The coalition made the point in the second-reading speech that carjacking was up 80 per cent in the last year, from 95 to 171 offences. Carjacking has been made a specific offence in New South Wales. I suppose we went into a bit of argy-bargy about 'my bill's better than your bill' and which bill we were going to debate — all the things, of course, that have led to the public being rather sick of us as a political class. I am at least pleased to see that there is a response, in terms of legislation, in relation to carjacking and home invasion.

I want to look at the broader issue of the disquiet this is causing in the community and the fact that this legislative response is only part of a response to this. The government does need to look at police resources, which was the subject of a considerable debate yesterday, and the government does need to look at a whole range of police powers and the like. I particularly

want to refer to the context in which the government has brought this bill before the house.

While I was listening in my office yesterday to the matter of public importance debate, I was struck by a comment from the Attorney-General which is relevant to this bill. I regard the Attorney-General as being at the more sensible end of the Labor side, but yesterday he said, uncharacteristically — and this is recorded at page 68 of *Daily Hansard* — that he was worried about debates in this chamber and that this would be a representative debate, causing a state of fear. I note that he then went on to say:

The opposition members ... have to answer a question about their approach to all of this. The question for the opposition is whether they want to play any kind of positive role in reassuring their own communities about the facts as they currently exist or whether they merely have an investment in pursuing their own base political interests by exacerbating fear and by stoking it up ...

In the context of home invasion and carjacking I think the Attorney-General has misjudged the community response to this. As I said, it was an uncharacteristic comment from him. I think there is enormous fear in the community about carjackings and home invasions and about rising levels of crime and physical violence, and I am not so sure this bill before the house will be a complete response to it. There has been a 12.4 per cent increase in crime over the past year, and a number of speakers commented on the fact that weapons and explosive offences are up 18.5 per cent; theft offences, up 16.1 per cent; and burglary and break and enter offences, up 13.7 per cent. These are all things that generate enormous community fear.

I have to say — and it may be due in part to my gender and probably in part to my age — that my own behaviour and the behaviour of many women in my constituency has had to be modified as a result of fear based not only on the crime rate that is increasing but on the particular crimes that this bill seeks to address — that is, carjacking and home invasion. I for one will not drive my car now unless I lock myself in. I am not so sure that that would stop someone bashing in a window, but it is a massive modification of my behaviour. On the same theme, if you like, of violence, I would never walk home at night from the train station. I use the train to come to Parliament. I get off at Brighton Beach station — it would be regarded as a pretty safe area — and at 7.30 p.m. or 7.45 p.m. I now would never walk in the dark on my own. I feel safe on the stations because there are protective services officers, but my husband comes to pick me up. I have had to modify my behaviour. Many other women and maybe men have had to modify their behaviour because people are becoming more and more out of control.

I have to say that one of the things that fills me with complete dread is the crime of home invasion. I note that the Minister for Police wrote to me after I raised the issue of home invasion in this house. She advised me on 9 June 2016 that Victoria Police had established a task force — Taskforce Tense — to target people breaking into people's homes to steal car keys and the like. She advised me that:

... Taskforce Tense recently arrested seven men in connection with a series of aggravated burglaries and thefts in Ormond and Brighton East.

I want to quote from a constituent, and indeed the member for Bentleigh touched on this case in my electorate. This home invasion case filled me with horror, and I have previously referred to this in the house. It was a letter from a constituent of mine, who said:

At 3.00 a.m. this morning our secure home was invaded by a group of six to seven youths, young males. I was awoken to find three males in my home.

He went on to say:

I had been attacked with pieces of wood that they found on my property ... Numerous times I was pelted with rocks from our rock garden, which is also what they used to smash a floor-to-ceiling window to get in our front door.

He continued:

This ordeal continued for over 20 minutes where I thought I was going to die. The gang only dispersed on the arrival of police, whom my wife had called.

Again I have to say that throughout my electorate of Brighton there is enormous fear about home invasion. Whilst I think the bill before the house is a reasonable step, I am not so sure that this bill is going to allay human anxiety and fear or produce a change in behaviour of people in their own homes.

My constituent went on to advise me:

Our home has security gates, door locks, window locks, alarms. None of these measures did anything to stop these opportunistic thieves.

I fear for our general community who cannot feel safe in their own homes.

He actually made the comment that he felt — I would think in addition to this legislative response from the government — that there needed to be other responses. His suggestions — other than saying, 'Where has this lunacy come from? How is this right and just?' — were:

My family and I have been attacked in our home, our supposed safe place, and I am told the police cannot do

anything to chase down these criminals. What world are we living in? I am told the police even saw my car driving around the streets of Brighton, past police cars, flaunting the fact that they can't be stopped if chased. My understanding is that another family also experienced this ordeal at 6.00 a.m. this morning, potentially from the same people.

Whether they were the same people or not is immaterial. The fact of the matter is that the government needs to look at a suite of responses to this enormous fear in the community and not dismiss the fear that has been articulated by this side of the house, because that fear is real and people are having to modify their behaviours in their cars, in their homes and on the streets.

The government not only needs to look at a legislative response; the government also needs to look at police and police resourcing — the subject of yesterday's extensive debate on the matter of public importance. The government does need to look at police powers. The government does need to look at a range of responses, because let me give a little hint to you: I suspect the Apex gang are not listening to this debate. I suspect members of the Apex gang have probably not picked up and read the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. I am not so sure this bill is going to modify the behaviour of those who are perpetrating these crimes on innocent people.

I say to the government: I am pleased to see some type of legislative response. I think it can be better, and I think the shadow Attorney-General, the member for Hawthorn, has made a couple of suggestions in relation to that. But the government needs to be aware of the enormous fear that is in the community — the fact that the community are now having to modify their behaviour on their own streets, in their own communities, in their cars and in their homes.

Mr J. BULL (Sunbury) — I am pleased to have the opportunity to speak on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. This is an extremely important bill that deals with community safety and the safety and protection of all Victorians. Every single Victorian has the right to feel safe. They have the right to be free from harm, intimidation and violence. Governments have many responsibilities — important duties to each and every person. One of the most important duties — if not the most important — is to keep people safe and free from harm. If we look to the budget in May, we know that this government provided \$596 million for 406 officers and 300 frontline cops as part of our plan. This was an investment that included major technology boosts to equip first-responding officers with iPads and body-worn cameras. At the time of the announcement

the Chief Commissioner of Police welcomed the funding and noted that it would place Victoria Police as the national leader in responding to current crime issues.

Over the course of the last year there has been significant media attention on this issue, which a number of members have highlighted and spoken about this afternoon. The carjackings and home invasions that have occurred have certainly done considerable damage and caused a great deal of trauma to many people. However, it is important to stress that these figures reflect a six-year trend. The work of Victoria Police is resulting in more arrests, but we know that further laws — laws like the one before the house today — are required. We know that Victoria Police is on the beat 24 hours a day, seven days a week, serving the community, protecting the community and keeping us safe.

I take this opportunity to very briefly thank the local police within my electorate. In Sunbury, Tullamarine, Gladstone Park, Gowanbrae and Diggers Rest, as well as right across the north-west, there is very important work that Victoria Police do. The relationship that I have developed with the police is a very positive one and a very sound one.

I know that a number of members have spoken about personal experiences, and I just wanted to reflect on some personal experiences of my own that I had in my younger years in the family home. When I was younger the family home was robbed. Whether they have spoken about personal experiences or the experience of others, I have heard speakers this afternoon talk about that feeling of fear that creeps in when an incident happens. If I think about the time when our family home was robbed many years ago, I certainly know that a level of unease and a level of anxiety is caused when somebody essentially breaks into your home. It was the family garage, and a number of items were stolen. I am talking about personal items — things that are significant to the individual or the family, things that people work hard to buy. It is not a good feeling.

I am very fortunate that issues as severe as those that have been outlined by other speakers have not happened to me or to people I know, but the terror and trauma that would be experienced as a result of these actions must be absolutely shocking. These actions should be condemned in every sense of the word. It is for these reasons that this government needs to take more action and send a strong and clear message to those that commit these crimes: 'You will be punished, and you will feel the full force of the law'.

The bill directly addresses the rise in home invasions and carjackings, which we have heard about. We know that under the bill an individual will be guilty of carjacking when they steal a vehicle and use force on another person at the time or immediately before, or another offender uses force or fear of force to steal the vehicle. It must be, as I have mentioned, incredibly traumatic and a terrible thing to go through. If we look at the offence of aggravated carjacking, an individual will be accused of this when, in addition to using force against another person to steal a vehicle, the individual uses or has at the time a firearm, an offensive weapon, an explosive or the like, or causes injury to another person in this action. These are certainly important measures.

The maximum period of imprisonment for carjacking is 15 years, and aggravated carjacking carries a maximum of 25 years, with a statutory minimum of 3 years. This is intended to be a serious deterrent to those who choose to use violence to steal another person's vehicle. Members have spoken about the definition of home invasion, so I do not need to go into that; I am conscious that there is quite a bit of business to get through in the house. The maximum penalty for home invasion is 25 years imprisonment, as it is for aggravated carjacking, and it also has a statutory minimum sentence of 3 years.

In regard to bail, this bill places these offences in a class where an individual must show cause as to why it should be granted, as opposed to being entitled to it. These amendments recognise the seriousness of such crimes and therefore place the burden upon the offender of demonstrating that they are not a risk to the community.

The Andrews Labor government shares the concerns of the community, and we are serious about these very important issues. There is absolutely no place for this sort of behaviour. All Victorians should be able to feel safe and secure in their own homes. All Victorians should be able to drive around without fear of being set upon by criminals. They should know that when they are in their cars they are safe, and they should know that when they are in their homes they are safe. They should understand that this government stands with them each and every day, alongside Victoria Police and a whole range of agencies that are working hard each and every day to ensure that they are protected and they are cared for. This bill before the house is certainly a very important bill, and I fully commend it to the house.

Mr KATOS (South Barwon) — I rise this afternoon to make a contribution on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. As the

member for Brighton said earlier and most members of the house have articulated, the purpose of the bill is to create new offences of home invasion, aggravated home invasion, carjacking and aggravated carjacking. What I will say is that, as usual, the Andrews government is being dragged kicking and screaming to get tougher on crime. This is just normal practice when it comes to Labor; it is always, traditionally, soft on crime. It has taken a spate of absolute carnage across Melbourne and Geelong to get to this point — when you look at the number of aggravated carjackings and aggravated home invasions that have occurred recently. These are not offences that have been here for the last 20 years and all of a sudden we have seen a bit of a spike this year; prior to, really, the last year or two, aggravated carjackings did not exist in Melbourne. They hardly existed; nothing was happening.

The fundamental thing is that these offenders have no respect for the law; they have no respect whatsoever for the law. We had the government late last year weakening our bail laws so that juvenile offenders were let out if they committed an offence while on bail. They would have been locked up or held in remand following changes the coalition made, changes that were softened by this government — not by the coalition, by this government. That is why we are in the situation we are now in.

I would like to pay full credit to the shadow minister in the other place, Ed O'Donohue, who brought forward a carjacking and home invasion private members bill. As I said earlier, this government was forced to come to the table kicking and screaming.

I will just give some examples from the Geelong region. The *Geelong Advertiser* reported on 21 July, 'Pregnant woman left by side of Bellarine Highway by carjackers'. The article states:

Police believe the four men that carjacked a pregnant woman at Leopold and stole another car from a Queenscliff home on Wednesday night may be linked to two other car thefts in the Geelong region this week.

Cars stolen in Torquay Tuesday night, and from Lara on Wednesday afternoon are being investigated in relation to Wednesday night's dramatic events.

That is the fundamental point — car thefts are up; they are through the roof. It is commonplace in Torquay, where that is happening; it is commonplace right around Victoria. If you drive an Audi, which seems to be the car that is the flavour of the month for these thieves, then that is what they will do.

A good example of a home invasion and aggravated burglary happened to Geelong footballer Corey Enright

and his wife, Renee. While Corey and Renee, who was pregnant at the time, were sleeping these people crept into their home in Torquay in the dead of night and stole their car keys and stole both of their cars from the front of their home. Fancy doing that — being brazen enough to go into a home when a gentleman and his pregnant wife are sleeping there. Perhaps they are lucky they did not wake Corey up and incur the wrath of his displeasure; I will not put words into his mouth, but I am sure Corey could have handled himself.

You can look at more: ‘Accused teen carjacker was on joyride rampage from Bellarine Peninsula to Geelong’ — stealing cars. Then we had a very disturbing incident in Geelong on 17 August, where a McKellar Centre worker who was parking her vehicle in Calvert Street, Bell Park, off Ballarat Road — Bell Park football club is at the other end of Calvert Street — was set upon while she was simply parking her car and going to work. As the *Geelong Advertiser* reported:

A female worker at the McKellar Centre has been attacked by three armed men who jumped out of a van and tried to steal her car and phone.

...

She had been parking her car on Calvert St, in Hamlyn Heights, when the incident occurred at 6.30 a.m. yesterday.

‘Two got out of the van, which has been described as a dirty white van, and produced knives and demanded the keys to her car’, Senior Constable Thomas said.

The member for Brighton said earlier that she has changed her habits and now locks her car, and I can tell you she is not the only one doing that. I have started doing that recently. I have never done that before in my life when I have got into my vehicle. I actually lock the vehicle when I am driving. I just find it extraordinary that we have got to this point.

Then there was the headline ‘Elderly man subjected to terrifying carjacking in Geelong’. This gentleman was carjacked on, I believe, Station Street. The 76-year-old man was virtually pulled out of his car by two men in hoodies, as reported in the *Geelong Advertiser* of 24 August:

Two men in black hoodies approached the green Toyota ute, with one opening the passenger side door and sitting down beside the terrified victim.

The other man opened the driver’s side door, grabbed the victim and pulled him from the car, before demanding he hand over his wallet.

The thieves then drove off in the man’s car, leaving him to walk home where he then phoned police.

If he had gone to the police station, it probably would not have been open, so of course he had to phone them.

A really disturbing one happened recently in Geelong, as far as home invasions go. It was reported in the *Geelong Advertiser* with the headline ‘Hose ruse bandit’s victim speaks out over Hamlyn Heights bashing’. This was a situation where the perpetrators actually flooded the elderly man’s backyard. They turned a hose on the 93-year-old victim. The whole backyard flooded. This poor gentleman in Chaucer Street, Hamlyn Heights, went out to investigate what was going on, and he was set upon by these complete thugs. The paper said:

A young thug used a hose to flood the home, forcing Mr Janeczko’s 93-year-old father to investigate before the offender laid in wait to attack during a violent home invasion on Monday evening that’s left police shocked.

In a sustained attack he thinks lasted up to 20 minutes, Mr Janeczko was set upon and assaulted at his Chaucer Street home, before the armed hood used his knife to cut a wallet from the 67-year-old’s back pocket.

Obviously the man’s son was involved there too. These are brazen people. They have no fear, because we are lacking in police numbers. There are not adequate police, as I articulated in yesterday’s matter of public importance. We simply do not have enough police, given Victoria’s population growth. These perpetrators have no fear of the law. They are not scared. They are becoming more and more brazen.

When you look at some of the details of the bill as far as home invasion goes, you see there have to be three perpetrators or more. If there are two of them who are armed to the teeth and walk into your house, is that all of a sudden not an aggravated home invasion? From my understanding of the bill, they must be aged over 18. So if three juveniles come in with firearms and accost and terrorise a household, all of a sudden it is not aggravated home invasion because they are juveniles. If you are of a mind to arm yourself and, as part of a gang of people, break into someone’s home and terrorise them, to me whether you are aged 16 or 60 is irrelevant; you should face the full force of the law. That is what needs to happen.

In the end it is a step in the right direction that we are bringing these new laws in, but we need more police out on our streets. We need more police on the beat. We need to get respect back for our police and for the law, because it is, unfortunately, sadly lacking at the moment.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. I think we

need a sense of perspective here. I have been listening to those opposite, the most recent of whom was the member for South Barwon, saying that there is carnage around the place. He got to work okay this morning, did he not? He came to this place okay. I am sure his car is safely parked. Let us get a sense of perspective in this debate. As the Attorney-General said in his second-reading speech, and as the member for Niddrie said, the Andrews Labor government is very concerned about recent serious criminal offending which has involved breaking into people's homes and dragging people out of their cars. There is absolutely no place for this sort of behaviour. All Victorians should feel safe and secure in their own homes. All Victorians should be able to drive around without fear of being set upon by criminals.

That being said, the strong leadership position from the Premier, from the Attorney-General, from the Minister for Police and from the entire government does not give the other side licence to use extreme hyperbole and make people anxious about the level of crime. Just remember the Chief Commissioner of Police has made it very clear that it is a six-year trend. If you do your maths, six years means that it was at least relevant to the four years of the last government. On that issue the previous speaker, the member for South Barwon, and others called for more police. It would be great if they had actually done what they ask of us. We are the only party that in government in the last 40-odd years in Victoria — or at least in 30-odd years — has actually funded extra police. As the Minister for Police has informed the house on numerous occasions, the last funding of police was pre-John Cain in terms of the Liberal side of politics. On our side of politics we have funded police throughout the last three or four Labor governments. In this government we have a very proud record of funding police.

I think the member for Sunbury talked about the figures, but they are worth repeating: 406 new police and 52 support personnel. Essentially that brings the figure to 1152 funded police personnel since Labor came to government. That is a record to be proud of, unlike the last relevant record under the coalition — and the last four years under the previous government are not a relevant record. We have to go back to the Kennett government to find the last relevant record. It talked about increasing police numbers but in fact did quite the opposite. That is not a matter of speculation or opinion; that is a matter of fact.

I have two messages for the opposition and for the Victorian community. This is not a debate that is informed or helped by hyperbole or by words like 'carnage'. If they are going to use that terminology,

they had better make sure that when they are in power they have the runs on the board to increase police and make the relevant changes to the law to help prevent this six-year crime trend.

In the short time I have got left — other speakers have covered this — there are four new crimes that this bill seeks to introduce, and they are very relevant to the leadership that this government has taken in relation to addressing this issue. It is an issue of community concern, I accept that. It is also an issue that we are dealing with responsibly. I just want to highlight that there is a key difference between the aggravated carjacking offence that we are proposing in this bill and the existing offences on the statute book. The key difference between aggravated carjacking and armed robbery is that aggravated carjacking will cover injury that is not caused by a weapon, whereas that does not apply currently to armed robbery.

The key difference between the proposed offence of home invasion and aggravated burglary is that whether the perpetrator knew another person was present in the home is immaterial to the offence. This is an element of strict liability, and it reflects the seriousness of home invasions and the effect on victims who are at home when one of these invasions takes place. These are material changes that will assist in calming the community and also in setting a benchmark showing that we will not tolerate this behaviour, both in terms of the laws that police need and also in terms of the resources that police need, as the government, the minister and the Premier have previously stated. It gives me great pleasure to support this bill, and I wish it a speedy passage through the Parliament.

Ms SHEED (Shepparton) — I rise to speak on the Crimes Amendment (Carjacking and Home Invasion) Bill 2016 that is before this house. For some years the Greater Shepparton municipality, which is within my electorate, has been second only to the Latrobe municipality in its rate of crime per capita in regional Victoria. In the 12 months to March this year Greater Shepparton recorded 7868 offences. The rate is sadly climbing everywhere across the state except in the shires of Whitehorse and South Gippsland, according to the latest results released by the Crime Statistics Agency.

This bill creates the new offences of carjacking and home invasion. To the best of my knowledge carjacking is a rare offence in Greater Shepparton, but it has happened. A frightening case is one that was widely reported last year. It began a major man hunt. A Shepparton man was stopped in Shepparton South and forced to drive to Yarrawonga at knifepoint. On arrival

he was forced to hand over his phone and wallet before the offender fled.

Home invasions are certainly another matter; however, until now we have known them as other offences, such as aggravated burglary, depending on whether a resident was home at the time the intrusion took place. How can anyone in Shepparton ever forget the ordeal of Bill Hickford, who miraculously survived after he was stabbed 20 times when two teenagers broke into his Kialla home a week before Christmas in 2010. It was an incident which rocked Shepparton district to the core. One of the teenagers was found not guilty of attempted murder and not guilty of intentionally causing serious injury. The second pleaded guilty to theft and aggravated burglary, a charge which, had the crime happened now, would be termed aggravated home invasion. While offences obviously exist in our Crimes Act at the moment that deal with these offences, I think this legislation will create a circumstance whereby the offences are actually called what they are. In addition to this, the penalties will more reflect the horror of the sorts of crimes that are being committed.

Increased youth crime is certainly an issue within our communities. An October 2015 Jesuit Social Services report, *An escalating problem — Responding to the increased remand of children in Victoria*, states that in 2014–15 there was a 57 per cent increase in the number of children admitted to remand — from 112 to 176 — following the introduction of bail reforms. We have to ask ourselves as a society whether remand, youth detention and ultimately jail is the answer we want for young people who are offending. We must have a vision for the future for those children who are very young now but who are very much at risk of being the next generation of offenders. Surely these incidents show that if we addressed family dysfunction and childhood trauma at an early age, we would be redirecting so many young people away from lives of criminal behaviour and detention.

We are attempting to do this in Shepparton through initiatives such as the Neighbourhood Schools Project, which is connecting children to paediatric and other services through their schools and finding success through a form of trauma play therapy. At least 60 per cent of the children who have been assessed to date have shown significant developmental and behavioural problems associated with early childhood trauma. This trauma may be associated with family violence, refugee experiences or foetal alcohol syndrome.

Shepparton is a multicultural community with various needs when it comes to our children, but we are working very hard to be inclusive. We celebrate

cultural differences, we have an number of events throughout the town that try to create an inclusive community and we have a multicultural police officer, Mr Matthew Walker. But we still have a high crime rate. I firmly believe we need to be working at both ends of the spectrum — that is, in the early childhood phase and of course in the policing needed to deal with offenders. A stronger police presence on our streets is required, but we also need to know we can call on police at our stations when required. The two-up rule has had a major impact on our regional stations and police services generally. There are stations left unattended for long hours. At times on country roads a police officer may be alone and therefore not able to intervene in relation to an offence unless two of them are present, and very often that is simply not the case. We have a right to feel safe in our communities, whether it is walking through a shopping district, driving down the street or being in our own homes.

On another aspect of this matter, I note that Mr O'Donohue in the other place has recently introduced two bills, one in relation to carjacking and the other on 'no body, no parole'. I call on Mr O'Donohue to take the time to brief me on such bills before they come to this place as a matter of courtesy not only to me but the people of the Shepparton district I represent. I think we could all do better than keeping the Independent member for Shepparton in the dark about proposed important legislation. With that, I support the bill.

Debate adjourned on motion of Ms HALFPENNY (Thomastown).

Mr SCOTT (Minister for Finance) — I move:

That the debate be adjourned until later this day.

Mr WALSH (Murray Plains) — I move:

That the words 'later this day' be omitted with the view of inserting in their place the words 'the message from the Legislative Council proposing a joint sitting has been dealt with'.

Acting Speaker Carbines, we have had this debate a few times, and I think you have personally been involved in this debate a couple of times when we have done this. There is a message from the upper house requesting a joint sitting of the Parliament to elect Luke O'Sullivan to his rightful place as a member representing Northern Victoria Region in the Legislative Council, and I believe that message should be dealt with and a motion should be passed. It may surprise you, Acting Speaker, that I think it should be passed. I think if you seriously examined your

conscience, you would believe it probably should be passed as well.

The spurious arguments from the other side that are put forward every time that somehow, magically, there should be a quid pro quo deal done for Gavin Jennings to be forgiven for his refusal to produce papers in the upper house, that somehow all that should just go away are just frivolous. There is a totally separate process going on at the moment — that is, the upper house has been through their process and the upper house has requested documents of the Leader of the Government in the upper house, Gavin Jennings. He has chosen not to produce those documents. He was suspended from the Parliament for choosing not to comply with the resolution of the upper house.

There is a proper process there where an independent arbiter can be appointed, as I understand it, who can go through those documents and make a decision about which ones are appropriate to be tabled and which ones are not appropriate, particularly those around cabinet in confidence. So the issue around Gavin Jennings's presence in the upper house is totally of his own making and within his own ability to resolve.

The issue around the joint sitting to appoint Luke O'Sullivan to the upper house is very much an issue for the government in this house. It is for it to put that motion and to support that motion for there to be a joint sitting. There is 1 hour and 20 minutes before this house adjourns. The upper house is in session at the moment. There would be ample time, if there was goodwill from the government in this house, to hold a joint sitting today and for this issue to be dealt with. I would have thought — —

An honourable member interjected.

Mr WALSH — It is interesting how Gavin Jennings is suddenly very important to some people when I have previously heard plenty of them bagging him behind his back. All of a sudden they seem to think he is all right. Some of the people on that side of the house should be a bit mindful of their language and their opinion of Gavin Jennings in private because their public message is very different to what they are saying privately about him and his ability to run the upper house. There are a lot of crocodile tears for him at the moment that I am not sure are really very sincere.

There is plenty of time today, with goodwill from the other side, to put a motion about a joint sitting and to vote in the affirmative so there can be a joint sitting and to request that the upper house members come across. We could have it all done by 5 o'clock and everything

would be sorted out. The recognised process that is there for Gavin Jennings to work with an arbiter, who would have a look at those papers and determine what should or should not be tabled, could then take place.

Unfortunately I think the decision by the government not to have this joint sitting is, in the eyes of the public, dragging down the reputation of both houses and the Victorian Parliament. They think what the government is doing around this particular process is absolutely ridiculous. The people of Victoria are actually a lot smarter than those on the other side of the house because they see through the stupidity of what is going on over there at the moment.

Mr Nardella interjected.

Mr WALSH — They can all interject and yell and scream, but it just reflects on people like Donny Nardella. It reflects on you, Donny, and your stupidity, I am afraid. That is what it does. It reflects on you, Donny, and your stupidity — —

Mr Scott — On a point of order, Speaker, members should be referred to by their proper titles.

The ACTING SPEAKER (Mr Carbines) — Order! I would just remind the Leader of The Nationals in relation to that.

Mr WALSH — It reflects on the stupidity of the member for Melton. Is that better? This message should be dealt with.

Mr HOWARD (Buninyong) — Sadly, here we go again. One moment the members on the other side of the house are saying, 'There's not enough time to debate the bills that are before the house this week', and lamenting that they are not getting a chance to speak on important bills, yet how much time has been wasted by the coalition this week trying to push this point when they know it could be resolved with some sensible discussion outside of this house?

We know, as the Leader of The Nationals says now and has said several times over the last few days and as have so many on the other side of the house, that we should have a joint sitting. But we also know that unprecedented action has been taking place in the other house whereby the government leader in the other house has been denied his opportunity to represent himself and participate in the upper house for an unprecedented six-month period. This could all be resolved if there was some real, sensible discussion taking place outside of this place so that we could continue on with the important work of this house when we have that opportunity.

I was hoping to be able to speak on the bill before the house on births, deaths and marriages this week, but it looks like we are going to run out of time for that. No doubt there are other members on this side of the house who wanted to speak on the bills that are still to be covered before the house, but they are being denied that opportunity because of the repetitive way in which the opposition wishes to prosecute this matter. They know there is a sound, sensible way to prosecute this matter, and it can take place with sensible discussion outside of this house. If we can have that sensible discussion outside of this house, then we can actually progress both the issues of the joint sitting and the reinstatement of the government leader in the upper house, and we can see both houses progress as they ought.

In the meantime we seem to have this delaying tactic that is being played by the Leader of The Nationals and by the members of the opposition. We see that on one hand they keep saying, 'We've got important legislation to debate', and on the other hand they want to waste the time of this house by repeating the same motion over and over again over the last sitting week, as they did in the previous sitting week. This is clearly dragging out our time unnecessarily, and I hope that the opposition will realise that the only way to progress this matter is by clear discussion outside of this house, which will resolve this matter sensibly.

Mr CRISP (Mildura) — I rise to support the amendment moved by the Leader of The Nationals in order to see justice done for a member-elect of the upper house. I would also like to remind the house again of the constitutional impacts of what is occurring at present. Section 27A(1) of the Constitution Act 1975 talks about filling a casual vacancy in the Legislative Council, and it says:

Subject to this section, if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacant seat ...

Now, 'must be' is a very clear instruction to this Parliament, and this Parliament has been obstructing this part of the constitution for quite some time. It goes on to say that one person should occupy the vacancy and that this should be done by a joint sitting of the Council and Assembly. Section 27A(2) says:

A joint sitting of the Council and the Assembly need not be held if the casual vacancy occurs 3 months or less before the day on which the seat would have become vacant due to the expiry of the Assembly.

Again I ask whether the government is playing this game to look for an early election — and I am sure that Victoria would be happy to oblige your wish for an early election. However, I also think that this is about

process. It is about treating the upper house with the respect it deserves and not treating the upper house with contempt and holding the upper house to ransom by attempting to bully them into bringing together two separate processes. This is unacceptable.

This government and this house is passing judgement on an upper house decision, a decision they made according to their rules. They too, as the upper house, need to defend the constitution, something this house is not doing. I note that they are asserting their relevance and defending the constitution, with a message coming from the upper house via the media that they are in fact deferring debate on all legislation in the upper house until such time as there is a joint sitting.

By your own actions, your government is going to grind to a halt because no legislation will be passed.

Honourable members interjecting.

The ACTING SPEAKER (Mr Carbines) — Order! The member for Essendon!

Mr CRISP — You are making this situation far worse by your actions. They say that they only have 39 sworn members — they should have 40 — and that they will now effectively bring legislation to a halt. You have pushed them to this point. This is of your making, not theirs, because of the way you have behaved. Now you will need to resolve this yourselves, otherwise the process of government is going to grind to a halt. You can solve this by having a joint sitting. You should have a joint sitting.

I know there has been much talk about another issue. They are separate issues and should be resolved separately. You can go to an independent arbiter to evaluate those documents. You too can have your leader back that you so often demand and call for — 'Give me my leader'. You can have your leader back by simply submitting to a process and having those documents evaluated.

Honourable members interjecting.

The ACTING SPEAKER (Mr Carbines) — Order! I ask members to come to order and allow the member for Mildura to have his contribution heard.

Mr CRISP — There are two processes. One is constitutional — that is, to have the upper house have their 40 members. The other is to resolve an issue made in the upper house, managed by the upper house. You too can have your leader back any time you want.

Honourable members interjecting.

The ACTING SPEAKER (Mr Carbines) — Order! The member for Essendon will come to order.

Mr CRISP — There is a process there for you to do it. You are playing politics with the upper house, and you are playing politics with Victoria.

Honourable members interjecting.

The ACTING SPEAKER (Mr Carbines) — Order! The Chair is having trouble hearing the contribution from the member for Mildura and asks for the cooperation of all members to allow him to complete his contribution in silence.

Mr CRISP — To sum up, two separate processes are involved. For the good of Victoria, what the government needs to do is resolve these two processes separately. Let us have a joint sitting and get that one out of the way, and resolve the documents as a separate issue with the leader of the upper house. Then we can get on with governing Victoria — something you are committed to doing but is not going to happen unless you have a joint sitting.

Ms WARD (Eltham) — What a testosterone-fuelled afternoon we have had! All the noise, all this pseudo-anger, all this pseudo-outrage and all this chest thumping is just unbelievable. We are elected to this place to talk about things that matter to the people of this state. We are not here to create ridiculous arguments and situations like those opposite want to do. The fact is they are demanding cabinet-in-confidence and commercial-in-confidence documents from the government, and because we will not do that, because we should not do that, they decide that the Leader of the Government in the upper house needs to be thrown out.

Well, that is not the way to have a thriving democracy. We should be here right now talking about things that matter to people. They do not care about all of this carry-on that has been engaged in to stop our processes; they want us to talk about important things like our births, deaths and marriages bill. This is the kind of bill that is life-changing for people. This is the kind of bill that matters to people, that gives people dignity and gives them control over their lives. They do not want to have to listen to the kind of rubbish that has gone on this afternoon. All this outrage and this chest thumping and saying, 'It's our right to have a member in the upper house'. It is your right to have your member in the upper house, just as it is our right to have our leader in the upper house. It is his right to be in that chamber, just as much as it is anybody else's right to be in that chamber and represent their constituency.

It is time to stop with the silly, petty games and get on with representing people and talking about things that matter to people. The fact that they continue to carry on, delay and waste people's time is a very good example of why they are not in government. We, on this side, want to be here making legislation that is doing real things for people and giving people dignity and control over their lives.

We want people to be able to go and say what gender they are and what gender they identify with, because that is important. People have to have the right to be able to do that. They cannot be told that they are different, that they are second class and that they do not have the rights of other Victorians. It is the wrong way to go about it to raise questions like, 'Can you go into female changing rooms or can you go to a female gym if you are transgender or if you identify as a woman?'. Yes, you can. This is the bill that we should be debating now. This is the bill that we should be talking about. We should not be talking about these kinds of delaying tactics and this continual division that those on the other side want to create.

Mr Wakeling — On a point of order, Acting Speaker, this is a very narrow debate about a motion to have the crimes bill adjourned. It is nothing to do with foreshadowing debate on another bill before the house. I ask you to bring the honourable member back to the motion at hand.

The ACTING SPEAKER (Mr Carbines) — Order! I appreciate the point of order from the member for Ferntree Gully. I am listening attentively to the member for Eltham, and I believe at this stage she is in order and can continue.

Ms WARD — That interjection just goes to illustrate my point that all they want to do is hamper and hinder progressive policy and the progressive advancement of this state. All they want to do is create division, as we have seen them do with the Country Fire Authority. They only want to create division. They do not actually want to work towards creating a progressive, productive Victoria. They just want to sit and argue amongst themselves and try to pick fights with people who do not deserve to have fights picked with them, so they can waste the time of the people of this state.

We are here to do a job. We are here to represent the best interests of the communities that we represent. It is time that those opposite actually stood up and stopped playing games. It is time that they actually grew up, turned into adults and represented people and the things that matter to them. They need to stop being divisive

and stop playing stupid games that waste people's time and rather actually respectfully go about their daily business of being elected members of Parliament. They spend far too much time indulging themselves in time-wasting practices that do not matter to the people of the state.

They have not learnt from the four years that they were in government and the self-indulgent claptrap that went on during that period. They have not learnt that that is not the way to get elected. They are nearly two years into being in opposition and they are still managing themselves exactly as they did when the people of Victoria threw them out of office.

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to support the Leader of The National's amendment on this adjournment issue. It is extraordinary that we just heard the term 'self-indulgent claptrap' from the member for Eltham supposedly in respect of this side, because if this is not self-indulgent petty politics from the government, then I do not know what is. It is extraordinary.

We had the Speaker advise us all this morning that today is the International Day of Democracy, and everyone in the room nodded and agreed on how important it is to celebrate our democracy. There is one very important person in this room at the moment who cannot celebrate the International Day of Democracy, and that is Luke O'Sullivan, who should be a member for Northern Victoria Region in the Legislative Council but is being denied that democracy. The constitution of this state says that he should be able to go into that chamber as an appropriately preselected member for Northern Victoria Region and represent The Nationals.

We have heard in this debate any number of spurious arguments from those opposite. I have heard time and time again ridiculous lines of argument. As I said in a previous contribution to one of these debates, the Labor Party generally loves the 'look over there' issue. They do not want to debate the issue; they want to talk about something else. So they are stopping Luke O'Sullivan from coming into the upper house on the International Day of Democracy, and yet they are going on about the Leader of the Government in the upper house. The Leader of the Government in the upper house has a choice. He has a choice to provide the documents.

Honourable members interjecting.

Mr D. O'BRIEN — I hear people say, 'No, but these are cabinet in confidence. These are commercial in confidence'. He has a choice to go through the independent arbiter, but has the government done that? No, they have not done that. They have not gone

through the independent arbiter to work out what documents can be tabled. As the Leader of The Nationals said before, perhaps it is because those in the cabinet do not really want the Leader of the Government in the upper house. Perhaps they are quite happy for him to be sidelined for a bit, because he does seem to have his fingers in a lot of pies, in a lot of ministries.

Various ministers know all about how the Leader of the Government in the upper house is really up there doing all of this string pulling. We heard in a debate this morning a comment — I think it might have been the member for Essendon talking about a member in the upper house, Mr Shaun Leane — and I could not help but be reminded of a comment in the *Herald Sun* a couple of months ago about Shaun Leane being 'the vase in which Gavin Jennings arranges the flowers'. It is quite possibly the best description of someone I have heard in politics for a long time. We do not know who said it, but it was probably one of them over there.

We have also heard criticism of The Nationals throughout this process and criticism of the very good new federal member for Murray, Damian Drum, for apparently abandoning his post. Now I wonder, did the Attorney-General abandon his post when he stood down from the upper house to contest the by-election? What about Evan Thornley? We have not heard anyone mention him and how he abandoned his post when he left in the middle of a term. The hypocrisy on this matter from those opposite is extraordinary. I might just add that a number of us in The Nationals sat in the party room last night and watched the inaugural speech of the new federal member for Murray — who has supposedly abandoned his post — and what a fantastic speech it was. It highlighted what a great member of the upper house he was and what a great member he will be in the federal Parliament.

Just like the federal member for Murray was a great member for Northern Victoria Region, I have absolutely no doubt that Luke O'Sullivan will be an extraordinary member for Northern Victoria Region if this anti-democratic Labor government ever actually allows him to be appointed. It is just a disgrace that they have not allowed him to come in. Luke O'Sullivan will be an excellent member for Northern Victoria Region. He will continue the work that Damian Drum has done, and he should be allowed to come into the Parliament.

We should stop this ridiculous conflation of two totally separate issues. Even though they are separate issues, the Leader of the Government in the other place has a choice. He can engage in the independent arbiter

process to decide on what documents can be tabled. He was not kicked out just on a whim. This matter as to whether the Leader of the Government in the other place should be suspended or not was discussed for six to eight months in the upper house. The government had the opportunity to engage in an independent process that would decide whether those documents should be provided. The government argued about there being a cabinet-in-confidence issue. As I said earlier, a lot of members do not want the upper house member to come back in, but they should let him come back. They should engage in that independent process. At the same time they should let democracy work on the International Day of Democracy and give Luke O'Sullivan the chance to come in and represent the people of Northern Victoria Region.

The SPEAKER — Order! The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 43

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

Noes, 37

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr D.
Battin, Mr	O'Brien, Mr M.
Blackwood, Mr	Paynter, Mr
Britnell, Ms	Pesutto, Mr
Bull, Mr T.	Riordan, Mr
Burgess, Mr	Ryall, Ms
Clark, Mr	Ryan, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Thompson, Mr

Hibbins, Mr	Victoria, Ms
Hodgett, Mr	Wakeling, Mr
Katos, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McLeish, Ms	Wells, Mr
Morris, Mr	

Amendment defeated.

Motion agreed to and debate adjourned until later this day.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2016

Second reading

Debate resumed from 13 September; motion of Mr PAKULA (Attorney-General).

Mr ANGUS (Forest Hill) — I rise this afternoon just to conclude my brief comments in relation to the Births, Deaths and Marriages Registration Amendment Bill 2016. I resume where I was up to on Tuesday night and say how pleased I have been to see the strong stand taken by the coalition in relation to this bill.

As I said in my previous brief contribution, many constituents of mine have contacted me. Many organisations have contacted me, and they share the concerns that have been raised by a number of speakers and indeed some of the concerns that I raised in my own contribution on Tuesday. As I said, we are very pleased to speak against this bill and pleased that the coalition is opposing it. I will conclude there.

Ms GRALEY (Narre Warren South) — It is a pleasure to rise this afternoon and speak on the Births, Deaths and Marriages Registration Amendment Bill 2016. I would just like to commence by saying I have listened to the debate, and I have to say those opposite have really outdone themselves this time. Their capacity to rewrite history is legendary in this chamber, but they have now taken up the game of making some very strange excuses, some wild accusations, some red herrings and some furrphies. At times I did not know whether to laugh or cry at some of the things they have said. When I heard somebody talking about going into a family violence refuge, I thought it had reached an all-time low from those opposite. It dismays me that your heads could be so mixed up, but what really upsets me is that your hearts could be so unkind. So I am going to take the opportunity to rebut some of the comments from those opposite. I am going to put on the record the facts of this situation.

The birth certificate reforms do not compromise the integrity of the Victorian Registry of Births, Deaths and

Marriages. They do not put women's safety at risk. People will not be going into women's toilets because of this bill. It does not mean that Victorian law will be inconsistent with the commonwealth Marriage Act 1961. The birth certificate reforms do remove the barriers for transgender, diverse and intersex Victorians to apply for new birth certificates. The bill enables transgender, diverse and intersex Victorians to have documents that match their gender identity, and it supports transgender, gender diverse and intersex Victorians to go about their daily lives free from discrimination, just like you and me — to be free of discrimination.

We have heard reports of where people turn up with their birth certificates, have that embarrassing moment and shy away from taking on the tasks that you and I take for granted in our everyday lives. Also, if you or a member of your family are not a transgender, gender diverse or intersex person, these proposed changes will not affect you or the recording of your family history — we have heard all sorts of stories from those opposite about that — and a child's sex at birth will still be registered as male or female.

As I said, these proposed reforms do not put women's safety at risk. This bill does not make it somehow easier for somebody to creep into a toilet block or a gym or a women's refuge, gain access to women's changing rooms or toilets or find somebody they might want to give a whack to in a women's refuge. This is sensible legislation. This bill does not alter the status of marriage under the commonwealth Marriage Act 1961 — I repeat that. But I will tell you what this bill is about. I am going to talk about a case that I know of. It is the case of Kobe Poulter and her son, now daughter. I know them through a friend's family. They are a very good family, the Gray family. You would think of them as a good-living family; they are civic minded, Christian in outlook and well respected in the local community. They have provided support to Kobe's family. I will read from an article about Kobe and her daughter:

At the age of four Arlow developed a tic. He had an inexplicable blink.

In the absence of a medical diagnosis, his mother, Kobe Poulter, put the cause down to stress.

Arlow had worn fairy dresses to creche, but around the time his blinking emerged, he was in kindergarten and hiding his dresses.

Two years later, on Arlow's first day of school, he kicked and screamed and begged not to wear the boys uniform.

Eventually, Arlow's mother 'twigged'.

'I blurted out, "Why don't I buy you girls clothes?". He looked at me like it was Christmas, and said "Yes Mum. No more dress-ups. I want real girl clothes". And I went, "Oh, this is it, this is what it is".'

So that is what it was, and what that little boy at the time — now little girl — was saying was, 'This is who I am' — 'To thine own self be true'. In this complex world it is very difficult to find meaning for yourself, but to be able to define yourself as a certain gender, I would think, is just a basic human right. It is in accordance with the dignity of somebody that has probably gone through a great deal of trauma to get to the point of making that decision. So let us not stand any longer in the way of people who now know themselves, who have found themselves, who have found their true selves.

I just want to also address the issue of sex affirmation surgery. I would like to go to the authorities for this, because I know that this bill removes the need for sex affirmation surgery as a prerequisite for altering the record of sex in the register of births, deaths and marriages. This does follow on from a recommendation of the Australian Human Rights Commission, which states:

The definition of sex affirmation treatment should be broadened so that surgery is not the only criteria for a change in legal sex.

It talks about why that is so. It is about not having to traumatise people any longer. It is about saying to people, 'You know yourself; you know who you are. You don't have to go through that surgery if you don't want to'.

I want to finish up by talking about the situation of Senator Janet Rice, who I met at a Western Bulldogs Football Club function at Etihad Stadium quite a few years ago. Janet and her partner turned up with their children. The kids were all decked out in their Western Bulldogs jumpers. They were at my table; I was hosting a table for the club. They sat down, and there were a few second glances and a little bit of 'Oh, goodness me. This is an interesting situation', but we all sat back and had a great day at the footy. We went on to win, the kids had a great time and I thought what a terrific family they were — smart, intelligent people. I just want to read what Senator Rice actually said about her relationship, which had changed:

We've got that experience to know that Penny having transitioned from being Peter to being Penny, she's the same person. We still love each other.

We loved each other when we got married. We loved each other when she transitioned. We still love each other now.

For me the basis of loving another person is very much based on loving oneself; one cannot love another person if one cannot love oneself. To know who you are is essential. It is in fact the most basic first step in being the person you are and in being able to love another. I am not in this Parliament to stop people falling in love with the people that they want to fall in love with, and that is essentially what this bill is about. I quoted Shakespeare at the start, and I will go back to him again:

The course of true love never did run smooth.

This bill has had a few hiccups here in the house this week — a few ghastly moments and a few unsatisfactory contributions from those opposite. I ask them to look into their hearts and to stop creating this bumpy road for the people for whom this bill is so important to their dignity, integrity and capacity to be a real person in a very complex and demanding world.

I wish this bill a very, very speedy passage, and I hope very much that those in the upper house will not resort to silly business. As I said, all of these strange accusations, all of these furphies and all of these red herrings that we have heard are completely unnecessary as far as this bill is concerned. It has as its basis human rights. You on that side of the house — the opposition — who so often give us lectures on the rights of the individual, should look again at this bill, should not oppose it and in fact should get behind it. Do not stand up and stop people from loving themselves so that they can love others fully.

Mr MORRIS (Mornington) — The purpose of the Births, Deaths and Marriages Registration Amendment Bill 2016 is of course to remove the requirement for sex affirmation surgery, to remove the requirement to be unmarried and to allow an application to alter a birth certificate on behalf of a child. As the Attorney-General mentioned in the second-reading speech, this of course comes out of the ALP equality policy from 2014, which amongst other things seeks to remove barriers for attaining new birth certificates for trans, gender diverse and intersex Victorians and to work to address the discriminatory automatic divorce consequences for trans, gender diverse and intersex Victorians by developing a comprehensive plan to eliminate it.

The bill certainly seeks to remove those barriers for trans and gender diverse Victorians. It keeps that commitment to some extent, but it does appear that there has been little or no work done in terms of addressing the divorce issue that was identified in that policy; the bill simply sets that matter aside. There appears to have been no work done to address the

‘discriminatory’ consequences for trans and gender diverse Victorians and no work done to develop that comprehensive plan at all. Or if there has been work done, it is not evident in the form of the bill and it certainly was not referred to in the second-reading speech.

What we have is a bill that may in fact breach commonwealth legislation as it stands. I recognise that there is a debate occurring about that and there may be some changes, but at this stage the bill may be inconsistent with commonwealth legislation. I understand that there are divergent views about that. The library research brief that was provided canvassed those views, but I understand also from the briefing that the department was not able to provide definitive advice on that issue. So I think we are entitled to ask: why is the government proceeding at this time, and why is it proceeding without that definitive advice? Surely it would be better to wait. Surely it would be better to make sure that the advice was clear and unequivocal so we could proceed knowing what the consequences will be.

Clearly the existing legislation is less than perfect; I do not argue that. There are a number of issues. The first one is that our Victorian legislation is inconsistent with the manner in which the commonwealth deals with the issue, and whatever the relative merits of the two distinct manners in which they are addressed, the question needs to be considered. The other thing is that Victoria is the only state where the guardian of a child under 18 cannot apply for a change. Those matters could have been dealt with in consideration of this bill. One of them clearly is; the other one is not.

But the government is seeking to go much further than simply resolving those inconsistencies, much further than the policy proposed in 2014 and much further than any other jurisdiction in the federation. I think that is unfortunate because it does appear that the government is seeking to be deliberately provocative in bringing in this bill. It is deliberately seeking to turn this into a political issue, and I think that is disappointing. It is seeking to promote a divisive view, and indeed, to some extent, it is seeking to promote division in the community simply for its own tawdry ends.

We are only too familiar with the way this government operates, fostering division in the community under the guise of promoting diversity and harmony. It is a government that, despite its protestations, deliberately promotes an agenda of winners and losers. We have seen this in a number of pieces of legislation, including one we have been debating this week. It is interesting, though, that the losers always seem to be those who are

unlikely to support the Labor Party. The government sets out to impose its own values on the broader community. The other sad thing about this is that the way the government operates the very people the government professes to be standing up for are at serious risk of becoming the meat in the sandwich.

If I can turn to the three major issues in the bill, I identified them earlier: the sex affirmation surgery requirement, the removal of the requirement that a person be unmarried, and, finally, the introduction of non-binary sex descriptors. I will come back to the other two if time allows, but I do want to spend a bit of time on that last matter, the introduction of non-binary sex descriptors. Indeed what is proposed by this bill is not simply non-binary sex descriptors; what is proposed is effectively open-ended sex descriptors within some exceptionally loose limits. That is a significant change to the way society views itself.

I am concerned that there has been little or no discussion on the outcome. Yes, there has been consultation with a group of stakeholders. The rest of the community basically has been largely ignored. There has been next to no reporting in the media on this. There have been a couple of good articles but there certainly has not been broad coverage. The fact is most members of the Victorian public are totally unaware that the change that is proposed by this bill will be introduced.

I do not believe that the bill before the house is reasonable, and I do not believe the government has got it right in this case. Frankly, I do not think the government has really thought their proposal through. I do not think they have considered the consequences if things go wrong. The problem is if this Parliament gets it wrong and this bill is wrong, then there will be long-term consequences. But they will not be long-term consequences for the Parliament, they will not be long-term consequences for the government and they will not be long-term consequences for the entity of the state of Victoria. They will be long-term consequences for individuals, and indeed they will be long-term consequences — potentially adverse consequences — for the very individuals the government professes to be seeking to help with the changes proposed in this bill.

One of the challenges with this legislation, both in terms of the government's rhetoric in the second-reading speech and the commentary of many members on the government side during the course of this debate, is the effects of the bill itself. That commentary, that rhetoric, is conflating two distinct concepts: gender and sex. A potential outcome of the bill is that a third concept is also brought into the

discussion, and that is the issue of sexual identity, and we just heard about that in the last contribution, from the member for Narre Warren South.

Sexual identity or sexual preference is too often raised in the context of gender discussions, but it should not be because sexual attraction is a very different matter from gender and it is a very different matter to sex. It is not just me saying that. If you look at the Australian Psychological Society guidelines or you look at the Australian government guidelines, which have been developed and varied under both sides of government, the terms are very clearly identified: gender being part of a person's personal and social identity, and sex being chromosomal, gonadal and anatomical characteristics associated with biological sex. The guidelines say:

Although sex and gender are conceptually distinct, those terms are commonly used interchangeably, including in legislation.

I think that is part of the problem with this, because we are perpetuating that conflating of the issues. That is unfortunate in this bill. The fact is though that what is proposed is entirely open-ended, and indeed the bill itself on page 5 under the definition of 'sex descriptor' includes:

- (a) male; or
- (b) female; or
- (c) any other sex;".

But it is not limited to that, so it is very, very open-ended. The commonwealth, on the other hand, is quite strictly limited.

What is proposed here is not only at odds with commonwealth legislation, it is also at odds with the legislation of every other jurisdiction in the federation. There are obviously practical issues, such as with the Australian Bureau of Statistics, for which the distinct sex of a person is preferably collected, but I think there are more relevant issues in terms of society.

But the bottom line is that this is not a difficult discussion. To a large extent the commonwealth has already addressed the matter. I do not have time to go through the detail in which that is addressed, but unfortunately this bill does not give a satisfactory result.

Ms EDWARDS (Bendigo West) — I am very pleased to rise to speak on this bill today. I would firstly like to acknowledge that we have some people in the gallery who were also present on Tuesday to hear the debate on this bill, and that was a very difficult time for them. It is also very disappointing that we have had this

debate delayed in the chamber today, which has meant that only a few members are able to speak on this bill, and I know that there was a long list of members on the government side who wanted to speak on the bill.

I am from regional Victoria, as everyone knows. I am the member for Bendigo West. People might think that gender diverse people only live in the city. I can clearly say that they do not, and in fact I would like to start by acknowledging an email that I received from one of my constituents — I will not mention their name — who said to me:

I am a gender diverse person living in Castlemaine writing to you today in hope that you will support in Parliament the Birth Deaths and Marriages Registration Amendment Bill 2016.

I warmly welcome the proposed reforms that will enable trans, gender diverse and intersex Victorians to access the identity documents they need to be recognised as their true selves. I know that it will make a big difference in my life in work, community and family life.

I would like to acknowledge all of those people who are trans, gender diverse and intersex who live in regional Victoria and who in some cases face much more difficult barriers to being part of the life of their communities.

I would also like to acknowledge that the member for Hawthorn, who is in the house now, was the lead speaker for the coalition on this bill on Tuesday. While I did not agree with a lot of what the member for Hawthorn said, and it is disappointing that the coalition has decided not to support this bill, I acknowledge that he was very respectful. Unfortunately there were other members of the coalition who spoke on this bill on Tuesday who were not respectful. I reject outright the member for Ripon's assertion that gay men and lesbians reject the identity of trans people. In fact they support these reforms. The Victorian Gay and Lesbian Rights Lobby supports these reforms, and it is sad that we have members in this house who are peddling misinformation and showing complete ignorance of what these reforms mean.

It was a very difficult debate, and we acknowledge that it is a difficult debate for some people, but I thank and salute the very brave trans, gender diverse and intersex people who sat through the debate the other day.

The member for Ripon also stated that our government, the Andrews Labor government, was out of step. I note that the member for Mornington has also said that we are well at odds with the rest of the commonwealth in respect of this bill. What they are really trying to say is that we are a step ahead of every other state, and we are

pretty well advanced when it comes to the social agenda for this state. In fact our equality gender is well known across the nation, and we are indeed leading the way in this respect.

Perhaps for the sake of those opposite, who perhaps have never met anyone who is trans, gender diverse or intersex, I will read something I found on a blog site. It is a blog by Sophia Gubbon entitled 'What It Feels like to Be Transgender (And Why Trans Genders Are Valid)'. It goes like this:

When I look in the mirror in the morning, before having shaved, it's certainly a painful experience. But perhaps not in exactly the way you might imagine.

The immediate reaction I get from my reflection is a feeling of very strong disassociation, accompanied by a kind of shock, confusion, or mental jarring. (Actually, the shock is what I notice first).

I have the strong, gut-level sensation that whoever is behind the mirror is not me. This feels just as wrong and surreal as it would feel if someone played a trick on you, and replaced the bathroom mirror with a pane of glass with a pantomime behind it pretending to be you.

My reflection in the morning feels like a mirage, feels alien, unreal, and very, very distant. It causes my eyes to unfocus and for me to take refuge in my thoughts rather than being in the here and now.

I experienced this all my life, even when I didn't know I was trans.

...

Nowadays, after almost three months of hormones, my face is becoming more feminine. I'm harassed less on the street. Sometimes people's eyes pop out a bit when I mention I'm trans.

And, once I've shaved and covered up my beard shadow with make-up, I can have what for me is still an odd experience: I can look at myself.

I mean, I can look at myself for longish periods of time, without my eyes unfocusing, and without the feeling that existence is somehow intolerable.

There were many, many comments on the blog site to which that particular piece was posted. I thought it was pertinent because it attracted a whole lot of other people to tell their own experiences of what it is like.

I would like to read something from Markus, who posted:

I only realised being transgender as an adult. I never experienced that much dysphoria as a youth, but a sort of disconnected fascination towards my reflection has always been with me. Only now that I'm finally making changes to look like how I feel, I realise why seeing my reflection or photos always felt so weird and unbelievable. Unlike you I

could spend ages staring at myself in the mirror or in photos, all curious and fascinated.

I've tried to explain my feelings concerning me being trans by saying that it is not about how feminine or masculine I am, it is about how I feel my body should be.

I say thank you to those people for putting those words out and for making it so clear. I think this bill is really, really important for the very basic reason that it gives trans, gender diverse and intersex adults a certificate of birth that allows them to access so many things that we take for granted. They are best placed to confirm their own gender and what gender should be on their birth certificate. It is not for us to tell them who they should or should not be. The bill's amendments respect the right to privacy and the right to equality of trans, gender diverse and intersex people in a way which supports their individual dignity and bodily autonomy under the Victorian charter.

I do not think the opposition has been particularly articulate in telling us what the consequences of this bill will be. I think the consequences of this bill will be that trans, intersex and gender diverse people will have an opportunity to not have to go through horrific and costly surgery — unnecessary, in some cases, surgery — just to get a birth certificate that tells them who they are, who they really are, who they feel they are and who they act like they are. There are no consequences, and it is not for us as legislators to tell those people what the consequences will be for them, because the consequences in fact can only be good. I was really disappointed to hear that the opposition feels that this is somehow going to end the world and that the sky might fall in.

It is really important to note also that there is an increasing number of children who identify as trans and gender diverse, and this is demonstrated by the increasing number of referrals to the gender service at the Royal Children's Hospital. There is currently no process in the Births, Deaths and Marriages Registration Act 1996 for a child to have the record of sex in their birth registration altered, so this will make a huge difference to those children as they get older. However, the new application does allow for parents or guardians of a child under the age of 18 to make an application on the child's behalf to the registrar.

This is a really important bill for this Parliament to debate. It is a really important bill for the Labor government to bring forward. It exemplifies how important our socially progressive agenda is. It exemplifies how much this government is a leader when it comes to social justice, and I commend the bill to the house.

Mr T. SMITH (Kew) — I rise to make my contribution on the Births, Deaths and Marriages Registration Amendment Bill 2016. The purpose of this bill is to enable citizens to self-select their own gender. To me, this bill really does say some very profound things about the left most broadly in Australia and indeed specifically about what is wrong with the Andrews Labor government — a government that is completely obsessed by identity politics.

We on this side of the house, the Liberal and National parties, stand proudly for the moderate mainstream of Australia. But the party opposite, that was once the great party of Hawke and Keating — again, governing for all Australians of the moderate mainstream — has become a party that is obsessed with bleeding heart romanticism and government by feeling not by facts, with a social agenda that is inspired by Marxist activists like Roz Ward. It is a party that has become obsessed and influenced by a highly sinister post-modernism and all-pervasive relativism where to even assert a usually uncontroversial truth — that, for instance, gender is not fluid — is seen as at best retrograde and at worst bigoted.

Melanie Phillips, writing in *The Spectator* earlier this year, put it quite aptly:

Once upon a time, 'binary' was a mathematical term. Now it is an insult on a par with 'racist', 'sexist' or 'homophobic', to be deployed as a weapon in our culture wars. The enemy on this particular battleground is anyone who maintains that there are men and there are women, and that the difference between them is fundamental.

In giving citizens the right to self-identify their gender on their birth certificate in this bill the Labor Party has managed to offend both the Christian lobby and the women's liberation front all at the one time! That is quite an extraordinary achievement.

This is a government of high farce and monstrous hypocrisy where if you dare disagree with their at times deeply offensive to mainstream Victorians agenda, you are labelled a bigot, a homophobe or worse. This goes for everything from the Safe Schools Coalition — this state will be the only jurisdiction in the country where children will be taught radical gender studies, often against the will of their parents — to being a state where religious bodies cannot choose who they employ and the manner in which they employ them because the government seems to know best.

The role of the state is not to impose itself on private organisations, religious bodies and the like to suite its own social agenda; it is to enable those organisations to freely go about their business in the way that they always have done. We on this side of the house, the

great custodians of conservatism and liberalism, stand shoulder to shoulder with the moderate mainstream of Australian society to enable, for example, religious bodies and private schools to employ whoever they like, to enable parents to choose whether or not their children get taught radical gender studies of the sort that usually get taught in third-year university not in year 7, to enable Christmas carols that talk about God and other deities to be sung in primary schools during Christmastime, and to encourage all children, no matter their background, to sing the national anthem.

We have a social agenda from the Labor Party that is completely at odds with the agenda of the Bracks and Brumby years and with Labor governments of years past that brought us together and did not divide us. This bill is another step along the road to undermining the basic pillars of not just society here in Australia but western civilisation more broadly. Now people can choose their own gender. They can backwards-engineer a legal document that at the point that it was certified was fact. That legal fact can now be unwound later on because someone has decided — often for very good reasons I might say — that they disagree with the descriptor in their birth certificate. That is illogical and bears no resemblance to our laws and indeed our historical experience going back decades, if not centuries.

I say to the government: you continue to do this at your peril. You continue to backwards-engineer society. You are a government, not social engineers. You do your worst, and we will do our best. The Liberal and National parties will continue to stand up for mainstream Australia, to do our best, to stop carjackings in Chadstone and to get people to work on time, and you can keep talking about people's birth certificates.

Mr EDBROOKE (Frankston) — It is my privilege to rise to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016. I would like to begin by acknowledging the work of the Minister for Equality and his team and the strong advocates in our community, some of whom are in the gallery right now. I am truly sorry that they had to sit through some of these bloody disgraceful rants. I acknowledge the respectful contribution from the shadow Attorney-General but would hope that several comments from other members of the opposition would be retracted and apologies made. This community deserves so much better. The comments I speak of were made by the member for Ripon — —

Mr Pesutto — On a point of order, Acting Speaker, I would ask that the reference of the member for

Frankston to the contributions of other members be withdrawn under standing order 119.

The ACTING SPEAKER (Ms Kilkenny) — Order! If the member is raising an issue of unparliamentary language, he can ask the member to withdraw.

Mr EDBROOKE — I withdraw.

The comments I speak of were made by the member for Ripon, who stated that this is:

... post-modernist mumbo-jumbo —

and that —

... men are engaging in a radical form of mansplaining, telling women what really makes one a woman.

She then went on to quote a widely discredited feminist who was discredited when I was studying feminism and sociology in the 1990s. This is an appalling example of transphobia. I ask those on the other side of the chamber if any one of them has actually met a transgendered person. It is indicative of a larger, darker issue, and I think it is a sad and dark a day in Parliament when we see people reflecting on the past, saying we should be like that and be like anchors holding our community down when we are meant to be out there leading the way. It is a dark day when we have constituents in our gallery who are offended in such a way.

This government is known for its leadership in the sector of equality throughout the country, and it is a government that is genuinely ready to reform. It is not like the progressive charade on the other side. It occurred to me today — my good friend the member for Essendon actually bought it up — that 22 June was the last time a female member of the Liberal Party actually asked a question in question time. By the time we come back to sit again, it will be 111 days since a female member of the party has actually asked a question in question time. I think that says a lot.

My two sons marched with me very proudly in the Pride March this year, and I think they can teach adults something. There are some good lessons for others. I am a big believer in kids teaching adults sometimes. Jack, seven, and Hunter, nine, have been brought up in a house where we have plenty of friends who identify as LGBTIQ. They know where the coffee is, and they are good friends. Anyone who has kids knows that they have lots of questions. Throughout the parade Jack asked a lot of questions, and at one time he looked up at me and looked a bit puzzled. He said to me, 'So, Dad, Pete and Mike hang out together because they are gay

and they love each other'. I thought, 'Okay, that is a simple one', and I said, 'Yep'. He looked up at me and he was thinking of another question. I started to get a bit hesitant because as a parent you know that you could end up in a parade answering complex questions all day. I waited and waited, and then he said, 'Sweet. Can we get an ice cream?'

I think that shows the extent of generational evolution that has been happening. This concept is really, really simple to them, but it is harder for some older people because we were socialised differently for years. Society hid our differences, and we harmed people and hurt people. But we on this side of the house are not anchors holding our community back. Is it any wonder that our LGBTI community has high rates of poor mental health and suicide when we cannot even accept someone's gender? This bill is about ensuring that this community experiences less abuse and discrimination.

We committed to this bill. We do not need a plebiscite for this bill. We do not have to take the coward's way out. Equality — accept no substitute; they are words to live by. This debate, like that on every other piece of legislation in this house that has got to do with equality, is indicative of a much larger issue. Across the chamber we see the same Jurassic train of thought that is in the federal Parliament, where they are not doing what they are paid to do — that is, make decisions and make laws. They have to go to a plebiscite and waste hundreds of millions of dollars on a dangerous, divisive, destructive plebiscite which does not even bind government members.

The opposition to this bill is the same as the response to any other bill that promotes equality. It is the same old story. I would like to point out some of the similarities to unfounded scare tactics that came up in New Zealand when they were fighting for marriage equality. They are the same scare tactics. When New Zealand actually achieved marriage equality, what happened? Did it descend into chaos? No. Did the world end? No. Were religious freedoms bulldozed? No. I will tell you what happened. Gay people got married and life went on. That is it. And that is what is going to happen with this bill.

I respectfully suggest there is something much simpler that we should be asking members of Parliament, something that is at the heart of any debate about equality, and it could be answered by asking just two questions. The first question is: are you homophobic, yes or no? The second question is: are you transphobic, yes or no? If you hesitate to answer no to any of these questions, then I think you are failing to represent your community.

These birth certificate reforms do not compromise the integrity of the Victorian Registry of Births, Deaths and Marriages. They do not put women's safety at risk and they do not mean that Victorian law is inconsistent with the commonwealth Marriage Act 1961. Love is love, fair is fair, equality is not negotiable. I commend the bill to the house.

Ms SHEED (Shepparton) — I rise to make a contribution on the Births, Deaths and Marriages Registration Amendment Bill 2016 that is before this house. I regard this as a difficult bill. It is a complex issue. I found it very interesting to hear members from both sides articulate their views on the legislation. Many of the speeches have been detailed, well considered and very respectful.

I bring to this debate some of my own experiences and knowledge. When I commenced legal practice, the legislation I dealt with was very clear about gender — it was male or female. Over the years I have seen many amendments to the legislation, including to the Family Law Act 1975. The inclusion of de facto relationships and ultimately same-sex relationships within the jurisdiction of the Family Court were really significant changes at the time they occurred, and they reflected the wider changes occurring in society.

Over the years the Family Court has also become involved in gender issues, and there have been a number of cases where the court has been asked to make decisions in the best interests of children in relation to their access to treatments and ultimately in relation to the gender of those children. While I was not personally involved in those cases, they were certainly a part of an area of the law in which I practised, and I was always interested to hear, on an ongoing educational basis as a family lawyer, about those situations, because there were people in my community who could have needed my services as a family lawyer in relation to those sorts of things.

There have been many changes to the law over time. Some of them have been trailblazing and gradually society has changed its attitudes to deal with them, while others actually reflect social change that has already taken place. Society has always tended to adapt to those changes. I note recent media reports in my electorate of Shepparton which praise Shepparton as a place for its acceptance of transgender teenagers. A BuzzFeed article published in July says that the City of Greater Shepparton stands out for its LGBTI community, describing it as a tight-knit, highly organised and, perhaps most remarkably, visible part of our community. Support groups have gone from being

predominantly for gay and lesbian youth to transgender youth.

This bill amends the Births, Deaths and Marriages Registration Act 1996 to enable transgender, gender diverse and intersex adults and children to alter the record of their sex in their Victorian birth registration without having to undergo sex affirmation surgery or be unmarried.

In preparing to speak on this bill I consulted with Dr Michelle Telfer, a specialist with the Gender Service Team at the Royal Children's Hospital. Dr Telfer is someone I have known for a long time. She undertook some of her early years of training in Shepparton with my husband, Dr Peter Eastaugh, a general paediatrician. We shared many nights at the dinner table, having conversations about many things. Part of the strategy of professionals living in the country is to always try to attract, wherever we can, young professionals to come back to our community.

We were delighted when we heard that Michelle was going to specialise in paediatrics herself. She has developed an area of expertise and knowledge in which she is well recognised. So when she tells me that it is extremely important for young people to have their identity acknowledged as being valid and legitimate, I accept her experience and expertise in having formed such a view. Michelle has seen hundreds of young people in her practice at the Royal Children's Hospital. She pointed out that it is illegal for young people under 18 to undergo gender-changing surgery and that it is often not desirable for a child, or indeed anyone, to undergo that surgery.

This bill removes the need for sex affirmation surgery as a prerequisite for altering the record of a person's sex in the register of births, deaths and marriages. This follows recommendations made by the Australian Human Rights Commission and changes made federally in relation to the recognition of sex and gender in the maintenance of personal records in all Australian government departments. For instance, under federal law passports can be changed to one's preferred gender. Indeed Dr Telford tells me that she recommends that young people do this, as travelling to foreign countries can often cause trouble for people who may not look like the gender of the person recorded on their passport. They can often be subjected to questioning and physical examination. A Medicare card can state the gender nominated by the holder of the card.

This bill also removes the current requirement for a person to be unmarried in order to make an application to alter the record of their sex in their birth registration.

We have been moving in the direction of acceptance of diverse gender identities for some time. The High Court of Australia's decision in 2014 in the case of *NSW Registrar of Births, Deaths and Marriages v. Norrie* upheld the rights of a transgender person to be registered as neither a man nor a woman within the New South Wales Registry of Births, Deaths and Marriages. While in that case the person in question had undergone a sex affirmation procedure, they did not consider that it had resolved their sexual ambiguity. The justices of the High Court noted in their judgement:

Not all human beings can be classified by sex as either male or female.

When new laws are passed there are always issues raised about what may arise as a detrimental impact of those laws. There have been some possible impacts raised in relation to this legislation, particularly arising from the apparent ease with which a nomination of gender can be made and later changed.

In considering many of the decisions that I make in my life, I try to put myself in the shoes of the other person and think about what it must be like for them. In the case of legislation such as this, I have reflected on how I would feel as a mother of a young transgender person. For so many parents there must be pain and grief associated with knowing the difficulties your child will face as a transgender person. Acceptance of the circumstances you are faced with as a parent and the desire, more than anything, for your child to be accepted for who they are and to not suffer because of who they are will be a dominating factor. For all of these reasons I have determined that I will support the bill before this house.

Mr PEARSON (Essendon) — I am delighted to make a brief contribution on this bill. To the members of the trans community in the gallery I would like to say: this has been a long march for you all, but that march is nearly at an end.

I am very fortunate to have five wonderful children. All five might grow up being straight; all five might grow up being gay. None might grow up trans; they all might grow up trans. The reality is that this is an important bill because it means so much to those members of our community who identify as trans. It is about making sure that we treat people with the dignity and respect that they are entitled to as citizens of our state. This is an important initiative.

I am sorry that members of the gallery have had to hear some of the commentary from those opposite in the course of this debate. It is regrettable. However, this is an important piece of legislation because it gives people

the dignity that they are entitled to and that they deserve. For far too long trans people in this state have been discriminated against, and we in the Legislative Assembly are ending that now. I commend the bill to the house.

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. The house is considering the second reading question of the Births, Deaths and Marriages Registration Amendment Bill 2016. The question is:

That this bill be now read a second time.

House divided on motion:

Ayes, 45

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

Noes, 35

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

Motion agreed to.

Read second time.

Third reading

The SPEAKER — Order! The question is:

That this bill be now read a third time.

House divided on motion:

Ayes, 45

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

Noes, 35

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

Motion agreed to.

Read third time.

**CORRECTIONS LEGISLATION
AMENDMENT BILL 2016**

Second reading

**Debate resumed from 14 September; motion of
Ms NEVILLE (Minister for Police).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**ESTATE AGENTS AMENDMENT
(UNDERQUOTING) BILL 2016**

Second reading

**Debate resumed from 13 September; motion of
Ms KAIROUZ (Minister for Consumer Affairs,
Gaming and Liquor Regulation).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**EQUAL OPPORTUNITY AMENDMENT
(RELIGIOUS EXCEPTIONS) BILL 2016**

Second reading

**Debate resumed from 14 September; motion of
Mr PAKULA (Attorney-General).**

The SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 44

Allan, Ms
Andrews, Mr
Blandthorn, Ms
Brooks, Mr
Bull, Mr J.
Carbines, Mr
Carroll, Mr
D'Ambrosio, Ms
Dimopoulos, Mr

Kilkenny, Ms
Knight, Ms
Lim, Mr
McGuire, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pakula, Mr

Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Foley, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Hibbins, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms

Pallas, Mr
Pearson, Mr
Richardson, Mr
Richardson, Ms
Scott, Mr
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomas, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 36

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
McCurdy, Mr
McLeish, Ms
Morris, Mr

Northe, Mr
O'Brien, Mr D.
O'Brien, Mr M.
Paynter, Mr
Pesutto, Mr
Riordan, Mr
Ryall, Ms
Ryan, Ms
Sheed, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Thompson, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**APOLOGY FOR LAWS CRIMINALISING
HOMOSEXUALITY AND THE HARMS
CAUSED**

**Debate resumed from 24 May: motion of
Mr ANDREWS (Premier):**

That this house apologises for laws that criminalised homosexuality in this state — laws which validated hateful views, ruined people's lives and forced generations of Victorians to suffer in fear, silence and isolation. These laws did not just punish homosexual acts; they punished homosexual thought. They had no place in a liberal democracy; they have no place anywhere. The Victorian Parliament and the Victorian government were at fault. For this, we are sorry. On behalf of this house, we express our deepest regret.

Motion agreed to.

CRIMES AMENDMENT (CARJACKING AND HOME INVASION) BILL 2016

Second reading

Debate resumed from earlier this day; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 1, line 5, after “invasion” insert “and consequentially amend Schedule 2 to the **Criminal Procedure Act 2009**”.
2. Clause 1, page 2, line 2, omit “mandatory” and insert “minimum”.
3. After clause 7 insert —

‘Part 5— Amendment of Criminal Procedure Act 2009

AA Schedule 2 to the Criminal Procedure Act 2009 amended

After item 4.8 of Schedule 2 to the Criminal Procedure Act 2009 insert—

“4.8A Offences under section 79 of the Crimes Act 1958 (carjacking).”.

4. Part heading preceding clause 8, omit “5” and insert “6”.
- AMENDMENT OF LONG TITLE
5. Long title, omit “mandatory” and insert “minimum”.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

East–west link

Mr WAKELING (Ferntree Gully) — (11 703) My adjournment matter tonight is for the Minister for

Roads and Road Safety, and the action I seek is that the minister take action and build the east–west link.

This is a very important issue for residents in the eastern suburbs of Melbourne and particularly for residents in my electorate of Ferntree Gully. One need only look at the most recent 2016 RACV/Leader News Redspot survey, and 18 000 participants took part in this survey. It identified that the no. 1 traffic congestion hotspot that is driving Melburnians mad is the meeting of the Eastern Freeway, Alexandra Parade and Hoddle Street in Clifton Hill.

It is extremely clear to residents in my community that this is a project that needs to go ahead. This government had so many different positions on the project. They supported the project. In fact it was the previous Labor government that commissioned a report by Rod Eddington which identified that the no. 1 road project was the east–west link. Labor politicians at the time stood in this house actively supporting that. Then they changed their position and said that they were against the project but that if a contract was signed, they would then honour it. Then they got polling which showed that the Greens were going to take their seats, so they changed their position again to oppose it. We all know the Premier today made a very clear commitment in opposition that the contract was not worth the paper it was written on and that it would not cost Victorians 1 cent. We all know the lie to that, and \$1.1 billion later it was the most expensive road project never to be built. We saw money wasted.

We have got 100 000 residents moving into the state each and every year, many of whom are moving out into our region. What has this government provided my residents in return? Here we are, nearly two years into this government, and there is not one major road project that is servicing anyone in the eastern suburbs of Melbourne. You only need to look at the results of the federal election, the results in the federal seats of Aston and Deakin, and you only need to look at the results in Chisholm and at the new Liberal member for Chisholm to identify that a very important issue that was raised in those communities was the construction of the east–west link.

I come back to the survey that was done by the RACV, where 18 000 Victorians identified it as the most important issue. The action that I am seeking from the roads minister is to take action, listen to Victorians and build the east–west link.

Buckley Street, Essendon, level crossing

Mr PEARSON (Essendon) — (11 704) My adjournment matter is directed to the Minister for Public Transport, and the action I seek is that the minister join me and the hardworking member for Niddrie to visit the Buckley Street level crossing and see firsthand the traffic congestion that this crossing creates in my community. The Buckley Street level crossing is slated for removal. It is one of Melbourne's 50 most dangerous level crossings, and it was recently rated in an RACV survey as one of the worst traffic hotspots in the inner north-west. I would be delighted if the minister could join me and the member for Niddrie as soon as she is available to see firsthand what it is like in peak-hour congestion.

Regional rail services

Ms RYAN (Euroa) — (11 705) My adjournment matter tonight is for the Minister for Public Transport, and the action I seek is that the minister seriously re-evaluate the government's priorities around country rail and prioritise funding to both the north-east rail line and the Shepparton line for new rolling stock.

Despite claiming that this is a government that governs for all Victorians, we have seen very clearly this week that that is not the case. We have had the Treasurer on 3AW, on 25 August, boasting about how much money this government has. He said, 'I mean, Neil, we are running a pretty substantial surplus, one of the biggest the state has ever recorded, at \$2.9 billion'. So my question is: why is the Treasurer being so incredibly miserly? Why will he not provide funding for the north-east railway line?

Last year we had a member for Northern Victoria Region in the other place, Jaclyn Symes, telling the local papers that her greatest priority was to get new rolling stock for the north-east line. We are now months past the New Year — she said it was her New Year's priority — and we have had a blueprint to nowhere that has been released by the government in the regional network development plan. They have been out there telling the community that they are consulting with people and providing a plan. That plan was done on the assumption by the people who engaged in it, with very good will, that funding would follow. There has been no funding to follow. Just this week we have seen the government proudly announcing a \$2 billion investment for new rolling stock, but not one of those carriages and not one of those trains has been allocated to regional Victoria. Again, what we have seen from this government is that if you live beyond the end of the

tram tracks, they do not care about you and they will not provide the funding that you need.

I think this is an issue that the Minister for Public Transport needs to turn her attention to, and she needs to turn her attention to it quickly. The regional network development plan supposedly provided the way forward, but without any funding it remains just that — it remains a plan. This government cannot keep telling residents in north-east Victoria, including Shepparton, that it has their interests at heart when it refuses to stump up any of the funding required to actually improve those services and ensure that regional commuters have a reliable service that they can use.

Family violence

Ms WILLIAMS (Dandenong) — (11 706) My matter is for the attention of the Minister for Women and Minister for the Prevention of Family Violence. The action I seek from the minister is that she join me on a visit to Doveton College to see the unique integrated community model in place at the school and how community hubs like this can create strong and resilient young people.

Family violence is a scourge in our society, and it is Australia's no. 1 law and order issue. One woman is murdered every week by her current or former partner, and family violence is also the leading contributor to death and disability in Australian women under 45. We also know that 75 per cent of all assaults against women happen at home. These are just some of the many statistics that highlight the scale of the problem in our community today.

Part of the Dandenong electorate is located in the City of Casey, which statistics show has the highest number of reported family violence incidents of any local government area in this state. In the 12 months to April this year, 4222 family violence incidents were reported. This is a stark reminder that this problem is real and impacting people in our own community. It takes a government with courage and determination to tackle these big social issues, and thankfully this government is not one to shy away from a challenge — unlike those opposite. I am proud to be part of a government that is delivering the funding and policy needed to fix our system and save lives.

Important work is being done to change attitudes towards women and family violence. This is ultimately the best form of prevention. Family violence does not discriminate. It impacts across the community on people from all walks of life. In order to tackle this problem and change attitudes, we need a

whole-of-community approach that encompasses a range of key areas, including where we live, work and play. Local communities can help stop violence before it occurs, and this can start in businesses, schools, sporting clubs and workplaces.

The Doveton College project is the first to specifically target a community, with the aim of dramatically boosting educational standards and whole-life opportunities. It provides wraparound services for the families and children of Doveton through early intervention, family support and community integration. I invite the minister to join me on a visit to Doveton College to learn about its unique integrated community model, as we know that initiatives such as these are vital in preventing this harm before it occurs.

Nunawading police resources

Ms RYALL (Ringwood) — (11 707) My adjournment request is to the Minister for Police. I am very grateful that she is in the chamber as we speak, and I hope to get a positive response to the action I seek, which is for the minister to join me at a public forum in Nunawading with regard to residents who normally have access, and always have, to the Nunawading police station — those in Donvale, Mitcham, Blackburn, Nunawading and Blackburn North — to discuss with them and consult with them on the closure of public access to the Nunawading police station.

I draw to the attention of the minister her statement on Wednesday, 24 August, in relation to the reduced public access hours at Waurm Ponds, in which the minister said that she had urgently raised concerns with the Chief Commissioner of Police about a decision to change the counter hours and that this process requires police to consult with the community and show evidence that policing will be improved. She mentioned that in Waurm Ponds this process was not followed. This process was not followed in Nunawading for my community. The minister also said that first and foremost she wants communities to feel safe and that she will continue to work with the police and communities to make sure that this happens.

Obviously there are many issues that our communities are facing in relation to crime, family violence and certainly the direction of Victoria Police to encourage anybody who is in a minor accident to actually head to their police stations. No-one in my community has been advised by Victoria Police or by the minister that Nunawading is closed, and I continue, when I turn up to that police station, to find people stopping there and walking up only to find a ‘closed’ sign — an actual

‘closed’ sign — on the door. This is disturbing. It was brought to my attention by a woman who had a road rage incident on the Eastern Freeway and made her way to the Nunawading police station only to find it was closed. The community does not know, and in the instance where they do go there, they are in a situation where there is no way for public access.

It concerns me greatly also for family violence that the new Forest Hill police station that we funded and built is 5 kilometres away. People who live and want to feel safe in their communities want to know that they are able to access it, whether it be for family violence reasons or whether it be for a potential carjacking, and they want to know that they have been informed about and consulted with in relation to the closure of public access to Nunawading. To that end they should be consulted and also made aware of any changes to that so they know where to go rather than turning up at the door and finding a ‘closed’ sign. I welcome the opportunity for the minister to join me in this process.

Side by Side project

Mr McGUIRE (Broadmeadows) — (11 708) My adjournment matter is for the Acting Minister for Sport, the Minister for Housing, Disability and Ageing. The action I seek is a strategy for a coordinated plan to harness sport for social cohesion in Melbourne’s north, particularly its capital, Broadmeadows. The strategy is for sports of all sorts and people of all backgrounds to connect through the Side by Side project to harness sport, to involve people in teams, not gangs, and to connect them to lifelong learning, jobs and opportunity. It features Saving Footy in its Backyard, a proposal that I have developed because over the past decades Melbourne’s north has been left behind. The northern suburbs have received no funding from the AFL in about 20 years. This lack of funding has led to the collapse of eight clubs in the north-west, with Jacana Football Club the only remaining one in this once traditional and proud region.

Former Essendon Football Club legend Michael Long has been involved in launching the Side by Side Indigenous project, and he would be a member trying to connect up these models, particularly given the Michael Long Learning and Leadership Centre which he has already established in the Northern Territory. The connection would be to try to help particularly the Indigenous youth who used to be part of the Ballerit Mooroop school, formerly in Glenroy but closed in the last Parliament, and to try to connect this community into sport and into further partnerships, jobs and opportunity. This is significant in my community, given the high rate of unemployment.

We would also look at connecting up the Clontarf Foundation, which has had a high success rate, and extending this beyond the Indigenous community so that it becomes a multicultural hub for boys and girls and men and women to look at the world game, to look at tennis and to look at a proposal I had pitched to me today about basketball, and to have a public-private partnership, if that could be done as well. It is a great opportunity, and I look forward to the acting minister's response.

Ashburton and Burwood police stations

Mr WATT (Burwood) — (11 709) My adjournment matter is for the Minister for Police, and the action I seek is that she organise consultation with my local communities of Ashburton and Burwood regarding the closure of one station and the downgrading of the other station. I do this noting that on 24 August this year the minister put out a press release saying that she was unaware of changes being made to Waurin Ponds police station. In that release it says:

There is a clear process within Victoria Police about how changes to operations are authorised. All changes to counter hours must be approved by executive police command.

This process requires police to consult with the community and show evidence that policing will be improved — this process was not followed.

I put it to the minister that this process was certainly not followed in Burwood and certainly not followed in Ashburton. I was at the train station this morning, and I spoke to a young lady. After I put it to her that the minister told me that the Burwood police station has not closed, she told me that that was a very strange comment given the fact that she lives across the road and the doors have not been opened since February last year. I also would note that I have not heard of any consultation with my electorate about this particular proposal or these particular goings-on. I realise we are about 18 months too late, but nonetheless it is better late than never. I would ask the minister to consult with my community and speak to the community about the changes that the government has made unilaterally.

I note that when these changes actually did happen it was under the former police minister, and the former police minister's chief of staff had organised two petitions about the Ashburton police station. On one occasion, being the former member for Burwood, he actually said in the chamber that he had organised over 2000 signatures for a petition calling on the Ashburton police station to stay open. I also note that the former shadow minister, now the Minister for Public Transport, tabled a petition in this chamber with some, I

think it was, 900-odd signatures, which was also organised by the former Minister for Police's chief of staff. I note articles I read in the paper about the former minister's chief of staff presenting that petition. I also note that the former minister's chief of staff actually presented me with a petition out the front of the Ashburton police station, so that is three petitions this particular gentlemen had organised.

I note that members of the government's staff are telling them that we need police stations to be open. I note that the government is not listening. However, in line with the comments on 24 August in the media release that was put out, I ask the minister to consult with my community about the closure and the downgrading of my two police stations.

Heidelberg-Kinglake Road, Cottles Bridge

Ms GREEN (Yan Yean) — (11 710) I wish to raise a matter for the attention of the Minister for Roads and Road Safety, and the action I seek is a safety assessment and upgrade of the Heidelberg-Kinglake Road in Cottles Bridge between Lacey's Road and Church Road. As a regular user of the Heidelberg-Kinglake Road I have for some time had concerns about its safety.

At the Hurstbridge Wattle Festival a fortnight ago, I met a lovely woman from Strathewen, Wilma Hawthorne-Smith, who shared with me her experience on this section of road. It was a harrowing experience. In January this year her car fishtailed in wet conditions. The car went over a very steep embankment, rolled three times and miraculously landed on its wheels in the dry bed of Diamond Creek approximately 20 metres below road level. The section where Wilma's car fishtailed is winding, narrow and has no shoulder before the embankment in Cottles Bridge.

When travelling to Hurstbridge there are no cautions to slow down or warn that the road is slippery when wet. There is, however, a yellow sign for those travelling in the opposite direction with a suggested speed limit of 45 kilometres an hour. Wilma made the point when we met a few weeks ago what could have happened to her had the creek been full or swollen like it is now, or if someone were to come along and have an accident similar to hers. Now that Diamond Creek is incredibly full, were someone to come to grief, they might not have the happy ending Wilma did.

Wilma was not uninjured; she was actually quite seriously injured. She was so grateful for the care that she received that she actually wrote to the Premier

about the people that assisted her. I will quote from that:

This letter is to express my gratitude for our emergency services in Victoria. On January 20, 2016 (a wet morning), my car fishtailed in the wet and I went off the edge of the road, down a very steep embankment into the dry Diamond Creek near Hurstbridge.

Many people and crews attended ... police, ambulance, CFA, MFB. It took 90 minutes to extract me from my car.

My respect and admiration for the professionalism shown in very difficult terrain, skills obviously much practised, I can't speak of more highly. Not only the skills demonstrated, the respect and level of genuine care was amazing. I was kept informed each step of the rescue then transported by wonderful paramedics to the Royal Melbourne Hospital trauma centre, where the very skilled staff cared for me. Now the TAC is supporting me ...

From the CFA members, some of who held an umbrella (or my hand) to shelter me, to the CFA ropes crew, the paramedics, doctors and nurses, the police and the very caring members of the public who scrambled down that embankment to assist, I am so very grateful.

My very grateful thanks are extended to the Victorian government for providing these amazing services ...

Thank you ... two small words to express so much gratitude.

I urge you, Minister, to ensure that no-one else is injured —

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

Polwarth electorate water supply

Mr RIORDAN (Polwarth) — (11 711) I call on the Minister for Water. The action I seek is for the minister to provide the business case to my community that Barwon Water has used to justify the selling of its future water storage site at Barwon Downs.

Much has been made of the need for water security. In fact this government has deemed water security such an issue it has fast-tracked \$15 million worth of interconnecting pipework to Colac to make sure more people can access the \$29 million worth of highly expensive desalination water that the government has ordered from Wonthaggi. In fact the \$15 million will in the first instance ensure that even more pressure will be put on the now already stressed Gerangamete bore field, which local farmers, residents and environmental activists are all keen to protect. Over recent dry years the Geelong water supply has continued to rely on significant pumping of underground water, which everyone except the government and Barwon Water is prepared to concede is having a negative effect on Boundary Creek, the Gerangamete bog, the Gellibrand

River and other sensitive areas throughout the northern part of the Otways.

Ratepayers of Barwon Water want to know why a potentially productive dam site that has been owned and sourced for nearly 30 years — a site that is cleared, well sited and enables a variety of water catchment and storage options — would be sold and why a water supply option that provides the lowest cost water would be sold and replaced, and the only replacement would be with high-cost pumping and desalination options. Despite government commentary earlier this week we now know that after decent rain in the past 48 hours all Barwon Water's reservoirs are either 100 per cent full or at greater levels than for the same time last year. Not making use of a sensible dam option stops Barwon Water's users having access to the most economic and environmentally friendly water supply that they should have access to.

Community crime prevention program

Ms SULEYMAN (St Albans) — (11 712) My adjournment matter is for the Minister for Police. The action I seek is for the minister to provide information on how my electorate of St Albans will benefit from the \$19.4 million community crime prevention program. The Andrews Labor government recently committed this amount over two years for the community crime prevention program to tackle crime at a local level. This includes a number of grant programs designed to assist evidence-based, community-led crime prevention. The local projects could have a massive and positive impact on strengthening communities and reducing crime.

Earlier this year I attended the launch of the lighting improvements delivered along the southern section of Hampshire Road, Sunshine, as part of the 2015–16 community safety initiative. I saw firsthand the benefits and positive impact this program was having on the Sunshine shopping precinct and the importance of community lighting in creating a safer public environment. The local community groups and traders in my electorate tell me that they appreciate the real and positive impact these projects have had and that they have improved safety and delivered improved visibility, improved perceptions of safety and business confidence for everyone visiting St Albans and Sunshine.

Could the minister please provide funding support for the local community, traders and council to deliver practical and innovative projects to deter crime and improve community safety in my local community?

Responses

Ms NEVILLE (Minister for Police) — I am pleased that I have the opportunity to fill in for the Leader of the House this evening for the adjournment. Briefly, if I can go to some of the issues on police firstly, the member for Ringwood's matter was in relation to the Nunawading police station. I am sure the member recalls that in the commitment for the new Forest Hill station, which the previous government did build, the intention was always that Forest Hill was to become the key police station. Currently at Nunawading we have the transit and highway patrol for those regions based there. Of course I will pass on to the police the request for the community consultation and ask them to undertake some community consultation around policing and community safety issues in the member's community.

In relation to the member for Burwood's matter, he talked about petitions et cetera. I remind the member for Burwood of a comment from his shadow Minister for Police, Mr O'Donohue in the Legislative Council, who said just recently:

... under the Victoria Police Act 2013 the chief commissioner has absolute discretion about the allocation of police resources ...

Again I am very pleased that since becoming the Minister for Police I have been able to, with the Chief Commissioner of Police's office, ensure that there is consultation with communities. It is based on evidence about any changes to police station counter hours, and the executive command is responsible for that. I think that is a positive outcome for communities. The police have issued that directive from the deputy commissioner. Again, I will pass on to the police the issues raised by the member.

In relation to the member for St Albans, I really want to thank the member for St Albans for her question and the significant proactive work that she has been undertaking in her local community, including her advocacy. I know she has written some letters of support about the need for some crime prevention support in her community. I think that over the last year we have provided over half a million dollars to the community of St Albans and Brimbank to support things like lighting, sports programs and growing healthy communities. I am looking forward to having a look at the applications from the communities there and hopefully being in a position to continue to support the traders, the local community and the council to deliver really proactive community crime prevention programs.

The member for Polwarth's question around the business case for Barwon Water in relation to Barwon

Downs, is, I must say, a bit ironic. He was talking about how we have become reliant on groundwater and how bad that is, but at the same time the member for Polwarth recently criticised the decision to connect Colac to the Geelong water supply to ensure water security. We have done similarly with Aireys Inlet recently. It seems to me that if you want to move away from reliance in drought periods on just groundwater, you do actually need to provide ongoing water security. I am happy to pass on his request for a business case to Barwon Water, and it is obviously their decision about that business case.

A number of other members raised a number of other issues with different ministers, and I will pass those issues on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.44 p.m. until Tuesday, 11 October.

