

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 30 August 2016

(Extract from book 11)

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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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
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
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D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁶	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
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Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
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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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Tuesday, 30 August 2016

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

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER — Order! We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to acknowledge in the gallery today Senator Curtis Bramble, Senator Michael Gronstal and Senator Deb Peters, representing the National Conference of State Legislatures from the United States. On behalf of the Premier, the Leader of the Opposition and all members, I welcome you to the Victorian Parliament. I am assured, dear friends from the United States, that members will be on their best behaviour today.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I rise to advise the house that the Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations will be absent from question time this week. The Minister for Planning will answer questions on her behalf in the portfolios of local government and Aboriginal affairs, and the Minister for Public Transport will answer questions on her behalf in the industrial relations portfolio.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to acknowledge a former member of the Legislative Assembly for Ballarat West, Mr Paul Jenkins.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is to the Premier. Twelve months ago your adviser John-Paul Blandthorn advised you in writing that you may consider asking Peter Marshall to be respectful to all ministers, members, staff and departments and to treat them with the respect he would demand himself. Last sitting week in Parliament you said, 'I cannot recall, that is to say, any complaints

made to me', when asked about Peter Marshall's behaviour. Premier, serious issues relating to Mr Marshall's behaviour were raised with you 12 months ago, and you did nothing. Last sitting week why did you mislead Parliament?

Mr ANDREWS (Premier) — I stand by the answer. It is a completely and utterly accurate answer — completely accurate. Be in no doubt about that. I would expect it is a completely accurate answer, and I stand by it, and that answers the question.

Supplementary question

Mr GUY (Leader of the Opposition) — Having been caught out lying to Victorians about seeing documented evidence — —

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Tourism and Major Events. I will not warn the minister again. When the Chair stands on his feet all members shall remain silent.

Mr GUY — Having been caught out lying to Victorians about seeing documented evidence of Peter Marshall's bullying and disrespectful behaviour — —

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon will come to order. The Chair will not warn the member for Essendon again.

Mr GUY — Having been caught out lying to Victorians about seeing documented evidence of Peter Marshall's bullying and disrespectful behaviour, particularly against women, do you intend, Premier, to apologise to the people that you failed to protect from this bullying and disrespectful behaviour since you were warned on 4 August 2015?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. A shouty litany of errors, that is what the question is, and the — —

Honourable members interjecting.

Mr ANDREWS — I think you will find that the Leader of the Opposition's question, Speaker, is littered with errors and inaccuracies, and I reject each and every one of his usually aggressive assertions that have no basis in fact.

Ministers statements: unconventional gas

Mr ANDREWS (Premier) — I have not been asked by those opposite about this, but I am very pleased to inform the house of a major policy announcement that affects every farmer and every regional community right across Victoria. Everyone who depends on a clean, green environment for business and their health has received a massive boost by virtue of this government's announcement today that we will legislate a permanent ban on unconventional onshore gas — not a moratorium, not games played in the midst of by-elections but a legislated ban, for good, in terms of fracking and unconventional gas.

This is fundamentally about protecting the \$11.6 billion agriculture sector right across our state. It is about protecting tourism and the jobs that depend upon our clean, green image right across our state.

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte.

Mr ANDREWS — It is about making sure that we listen to the community and deliver on our fundamental commitment that unless and until there was a consensus we would not allow this to happen, and that is what we have delivered, in full. Those opposite did not deliver this, nor would they be capable of it. This is a proud day for regional communities and the certainty they require. It is a proud day backing their brand — the best products to every part of the world — and we will protect that brand via this legislated ban.

I thank the current minister — he has done an outstanding job — and of course before him the former Minister for Energy and Resources, now the Minister for Energy, Environment and Climate Change, who did an equally outstanding job.

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, on 17 August in Parliament you said:

Everyone who behaves inappropriately should be condemned ...

Peter Marshall is due upstairs in 15 minutes today. I will ask you yet again: will you finally call out this man for his now documented disrespectful behaviour, particularly towards women?

Mr ANDREWS (Premier) — If the Leader of the Opposition wants to make an allegation, then he can do that, but just as — —

Mr Pesutto interjected.

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

Mr ANDREWS — But just as the good people of this state are free to make their own judgements on the Leader of the Opposition, they will be free to make them on me, your good self, Speaker, and indeed anyone appearing at a parliamentary committee today or any other day. My position has not changed on that matter, nor will it. Anyone who has done the wrong thing ought to be condemned. If the Leader of the Opposition wants to detail his claim rather than just getting all shouty and stringing one contrivance to the next and the one after that, then we can respond to it. All Victorians should behave appropriately at all times. That ought not be news to the Leader of the Opposition, although perhaps it is.

Supplementary question

Mr GUY (Leader of the Opposition) — Well, the Premier may not, but one of his most senior advisers called out Peter Marshall's disrespectful behaviour a year ago to the Premier in writing. Premier, you have previously said that the standard you walk past is the standard you accept. If that is what you truly believe, Premier — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition is entitled to silence when asking a question. All members will allow the Leader of the Opposition to conclude his question.

Mr GUY — If that is what you truly believe, Premier, why when given written evidence of bullying and disrespectful behaviour did you choose to do nothing?

Mr ANDREWS (Premier) — Again, Speaker, the Leader of the Opposition has put forward — advanced — a whole series of things he might wish to be facts, a whole series of things he spent the whole winter wishing were true, but it turns out they are not. They are not, and on that basis I have adequately dealt with this matter, with absolute accuracy, on previous sitting days. With the greatest of respect to the Leader of the Opposition, I would indicate to him that if he is talking about standards and leadership, he might well

want to have a look behind him, and that concludes my answer.

Ministers statements: unconventional gas

Mr NOONAN (Minister for Resources) — I am very pleased to follow the Premier to inform the house about the Andrews Labor government’s decision to introduce legislation to permanently ban fracking. This is all about certainty, and I am very pleased today to be on this side of the chamber to deliver that certainty for Victoria.

Passions run deep on this issue, and over the past three months I have met and listened to many farmers, local councils and industry and community groups. Since taking this portfolio, it has become very clear to me that the environment is the economy for so many Victorians. It is the economy for our farmers, it is the economy for our important food and fibre industry, and it is that economy that so many rely on.

If we do things to compromise our water supply and our agriculture industry, we compromise the economy of Victoria. After weighing up the evidence, the response was clear: in Gippsland and in the Otways the risk posed by fracking and coal seam gas to Victoria’s agricultural sector is too great. We are the country’s largest producer and exporter of food and fibre products, exporting \$11.6 billion worth of product in 2014–15. Over 190 000 people work in this sector, and it is a significant contributor to the Victorian economy. We cannot risk this part of our economy.

Now, I understand that this might be a bit awkward for those opposite, because we know that if the federal Liberals had their way, we would see more fracking. Not banning it — more fracking!

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat. The member for Hawthorn will come to order. The manager of opposition business on a point of order, to be heard in silence.

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

The SPEAKER — Order! The minister will come back to making a ministers statement.

Mr NOONAN — Well, the opposition leader labelled this issue as a ‘distraction’ this morning and

‘nothing new’. I wonder if the National Party agrees with that. Let me assure the house that this issue — —

Honourable members interjecting.

The SPEAKER — Order! The minister will continue in silence.

Mr NOONAN — I can assure the house that this issue is not a distraction to the Victorian farming community, it is not a distraction for our very vital agricultural sector, and I am pleased that we have made the right decision for all Victorians.

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is again to the Premier. In your government a bully like Peter Marshall seems to get every single one of his demands, but women like Lucinda Nolan and your former and current ministers are either forced out, marginalised or have their responsibilities taken away. Premier, why do you give in to the demands of a bully like Peter Marshall while brushing aside the advice and professional opinion of women in your own team?

Mr ANDREWS (Premier) — The question almost invites a comparison of women in respective teams in this chamber, and what an amazing comparison it is. You could not dream of walking into a cabinet room with as many women as I am proud to say are in our cabinet room.

Mr Guy — On a point of order, Speaker, by way of relevance to the Premier’s answer, and importantly, I never sacked or bullied any women on my team!

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will come to order. The Chair will not hesitate in withdrawing members of all sides.

Ms Hennessy interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Minister for Health

The SPEAKER — Order! The Minister for Health will withdraw from the house for a period of half an hour.

Minister for Health withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

United Firefighters Union Victorian secretary

Questions and statements resumed.

The SPEAKER — Order! The Leader of the Opposition had concluded his point of order. There is no point of order.

Ms Allan — On a point of order, Speaker, I was wondering if perhaps you would like to invite the Leader of the Opposition to correct the record. I understand he made a wild and fanciful allegation about supporting women, and I suggest the member for Kew might want to reflect on the embrace of support that party gave to dumping a former female minister — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hawthorn

The SPEAKER — Order! The member for Hawthorn will withdraw himself from the house for a period of half an hour.

Honourable member for Hawthorn withdrew from chamber.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

United Firefighters Union Victorian secretary

Questions and statements resumed.

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

Mr ANDREWS (Premier) — Thanks very much, Speaker. I was listening to the Leader of the House, amid all the shouting from those opposite, trying to drown her out, and I would simply say to the Leader of the Opposition: scoreboard, mate, scoreboard! Have a look at it. You know what the most important issue is in my humble judgement in this state in relation to women and their safety? It is the scourge of family violence, and I can tell the Leader of the Opposition, in case he has missed it, that the first royal commission in Australian history was established by this government — —

Ms Staley interjected.

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

Mr ANDREWS — Every recommendation will be delivered by this government. Six hundred million dollars in additional funding over two years just for our state will be delivered by — that is right — this government.

When it comes to the Leader of the Opposition's angry, shouty, incorrect nonsense, I just say this: have a look at the scoreboard and then have a look at the scoreboard again.

Supplementary question

Mr GUY (Leader of the Opposition) — On 16 August the Premier said:

... I will again say to you that no-one —

no-one —

no matter their background ... no matter their position, and no-one, no matter the context, should treat people disrespectfully.

Yet John-Paul Blandthorn's memo directly warned you that Peter Marshall's behaviour was disrespectful and had crossed the line. Premier, did you ignore this warning because whatever Peter Marshall has on you — maybe a recording — is worse for you politically than the bullying he is perpetrating against your own colleagues?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order, and so will the Leader of the House, and allow the Premier to respond to a supplementary question as put by the Leader of the Opposition.

Mr ANDREWS (Premier) — We saw last week the Leader of the Opposition — —

Mr Guy interjected.

The SPEAKER — Order! The Leader of the Opposition asked a question. The Leader of the Opposition will allow the Premier to respond.

Mr ANDREWS — He is never happier than when he is shouting. He is never happier than when he is upset, this one. He is never happier than when he is upset. Last week you were in the bins, and this week you are in the gutter.

Ministers statements: unconventional gas

Ms NEVILLE (Minister for Water) — I rise today to be able to talk about the critical importance of this government’s decision to ban onshore unconventional gas in Victoria in regard to water quality here in our state. For years what we have known is that there have been growing concerns in rural and regional communities about the risk to water resources, soil contamination, gas emissions, amenity and property values. What we know is those voices were ignored by those opposite, dragged kicking and screaming to a moratorium. People like Harriet Shing and James Purcell in the other place, who were strong advocates — —

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

The SPEAKER — Order! The minister will come back to making a ministers statement.

Ms NEVILLE — As I was saying, farmers have been very concerned for years particularly about the impact on water, and that is why we have members like Harriet Shing and James Purcell in the other place advocating for the communities of Gippsland and the communities of the Otways — people who understand the importance of productive land and our natural assets in those areas and the importance of water quality to the success of the Victorian economy into the future.

So it is now Labor who is banning unconventional onshore gas exploration — banning it. It was Labor who released the water science studies; it was Labor who informed the parliamentary inquiry. And in fact back in 2012 when we attempted to establish a parliamentary inquiry —

Mr Katos interjected.

The SPEAKER — Order! The member for South Barwon is now warned.

Ms NEVILLE — those opposite, including the Leader of the Opposition, voted against it. The member for South Barwon might make a lot of loud noise and talk about his community, but he has never supported a ban. It is this side of the house who supports the ban because we know and we understand that water — —

Mr Katos interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for South Barwon

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

Honourable member for South Barwon withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: unconventional gas

Questions and statements resumed.

Ms NEVILLE (Minister for Water) — Given the potential damage that unconventional onshore gas exploration could do to our water security and our water quality, it is this government that is putting a permanent ban in place to protect Victoria’s agriculture industry.

Shepparton electorate youth mental health services

Ms SHEED (Shepparton) — My question is for the Minister for Mental Health. Minister, the front page of the *Shepparton News* last week featured allegations that the child and adolescent mental health service at Goulburn Valley Health was at rock bottom and that there were serious concerns about the level of service being provided and about morale in the unit. I know that health professionals in the community have raised concerns about the quality of and the access to care for children for a number of years. Attempts at advocacy and dialogue were ignored. Minister, what steps will you take to ensure that proper and appropriate child and adolescent mental health services are provided in my electorate?

Mr FOLEY (Minister for Mental Health) — Can I thank the member for Shepparton for her question, which now places her ahead of the entire opposition in terms of having asked questions of this portfolio when it comes to this Parliament. The member for Shepparton’s question is extremely relevant to some substantial changes that have been going on in the staffing areas of the Goulburn Valley mental health area. The member for Shepparton is right: this was the subject of a front-page article in the *Shepparton News* of the weekend just gone. But prior to that we had been made aware through processes of regular review that the Department of Health and Human Services carries

out on all of our child and adolescent mental health areas as to their performance, and there have been some substantial changes in staffing arrangements within the Goulburn Valley child and adolescent mental health area.

With that information made available to me some time ago, I did ask the Office of the Chief Psychiatrist, an independent office set up through legislative provisions of this Parliament, to undertake a review and an analysis of how the performance of that health service, particularly in its child and adolescent mental health area, was going. The Office of the Chief Psychiatrist has conducted a number of interviews. It has had a number of meetings with Goulburn Valley mental health's child and adolescent mental health unit, and as recently as yesterday I met with the chief psychiatrist about the progress of his report.

We need to understand — and I can give the honourable member this assurance — that the staffing and the delivery of service for the Goulburn Valley child and adolescent mental health remains fully staffed and fully resourced. Through the initial assessment of the Office of the Chief Psychiatrist, all the patients, young and adolescent, who need to get the triage service delivered to them are having that delivered. Clearly there are, however, issues around churn of staff, and there are wider issues going to the performance of that health service.

I can assure the honourable member that we are working hard with the leadership of the health service, with the board and more importantly with the independent Office of the Chief Psychiatrist to make sure not just that the quality of service is there but that our extra \$57.3 million that we allocated in this year's budget to child and adolescent mental health right across our state is delivered in a way that makes sure that the young children and the young people of your community and the whole state get the best possible service delivery they expect.

Supplementary question

Ms SHEED (Shepparton) — Minister, issues such as I have described often raise questions relating to governance, supervision and the culture of an organisation. What steps are being taken to address these broader issues within the health service?

Mr FOLEY (Minister for Mental Health) — Yes, the honourable member for Shepparton is quite correct. These performance issues — whilst we are confident they are not undermining the level of performance in child and adolescent mental health — speak to some

wider issues about how health services are delivered. That is why, with the support of the Minister for Health, who of course is my co-minister in these areas, she and I have initiated an inquiry into these allegations and the chief medical officer is attending the health service tomorrow to undertake the preliminary inquiries and to make sure that there is a full investigation into these allegations. That will be dealt with at arm's length from government and at arm's length from the health service by Susan Zeitz. Ms Zeitz is an experienced lawyer who recently undertook a similar investigation into the Ballarat health services. I look forward to the reports from that review. I would be more than happy to brief the honourable member, with the Minister for Health, about that review.

Ministers statements: unconventional gas

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I rise to speak to the house regarding the significant environmental benefits that will result from the Andrews Labor government's ban on onshore fracking and unconventional gas. As Minister for Energy, Environment and Climate Change, I can say that the evidence is clear: fracking would have a devastating effect on our environment. It was only Labor that went to the last election with a clear promise for an open and transparent parliamentary inquiry, and that is exactly what we did. We delivered that.

Unlike those opposite, we did not get a mate like Peter Reith to have a shoddy, secret process behind closed doors where there was no environmental science at the table and no community members at the table. We value transparency, openness and science — —

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

The SPEAKER — Order! The minister will come back to making a ministers statement.

Ms D'AMBROSIO — Our government values openness, transparency and science. That is what we, on this side of the house, value, and those opposite — —

Honourable members interjecting.

The SPEAKER — Order! The Premier and the Leader of the Opposition will come to order! The minister will continue, in silence.

Ms D'AMBROSIO — As with every commitment we make on this side of the house, we see it through,

and we have the guts and the courage to make decisions based on the evidence and community input. We have not left anyone behind on this matter. Let me be very clear: unlike those opposite, who are quite hypocritical in this space, when we had the member for Malvern who got up and said, 'No, no, no. We're never going to — —

Mr Clark — On a point of order, Speaker, the minister is now defying your ruling and returning to debating the issue. I ask you to bring her back to complying with sessional order 5.

The SPEAKER — Order! The minister will come back to making a ministers statement. I uphold the point of order as put by the manager of opposition business.

Ms D'AMBROSIO — Thank you very much, Speaker. The fact is we are very clear about the impacts that fracking and onshore unconventional gas were going to have on communities. We were very clear in the commitment we made. We respect the people of Victoria, we respect the science and we respect the environmental aspects of this very, very important issue. We will continue to deliver all of the policies that protect the people of Victoria and our environment, and that is because that is what we were elected to do. Quite frankly, each and every single day we are getting it done.

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon and the member for Macedon have been warned. They will not be warned again!

United Firefighters Union Victorian secretary

Mr GUY (Leader of the Opposition) — My question is to the Premier. Given today you have said that, 'It is my expectation that everyone acts respectfully', despite complaints about Peter Marshall's behaviour from your own colleagues and written warnings from your own staff about his behaviour that, in their words, crossed the line, I ask: Premier, do you still maintain that Peter Marshall is a fit and proper person to be associated with you and your government?

Mr ANDREWS (Premier) — I really do think the Leader of the Opposition needs to get some new material. He has asked this question before. If he has got an allegation to make, then he should get up and make it. I tell you what, I dare say the Leader of the Opposition does not think any unionist is a fit and proper person, going by the way he treated them when he was in government. People ought to behave

appropriately, and that includes not making stuff up, Leader of the Opposition.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! The Leader of the Opposition will come and see the Chair after question time. I warn the Leader of the Opposition: the Chair is on his feet. The Premier, to continue in silence.

Mr ANDREWS — When the Leader of the Opposition is finished writing his book — we get a chapter every question time, a few pages, some more fiction. Fiction Guy, when you finish writing your book and making things up, maybe you will ask some questions about fracking or family violence or a thousand schools being upgraded or the western distributor or level crossings that are being removed or more funding than our doctors and nurses and paramedics have ever had — the list goes on and on.

When the Leader of Opposition is content to take a break from making things up, maybe he can ask some questions that actually relate to real Victorians and their experience, and I will be only too happy to regale the Leader of the Opposition with all the good work that all my colleagues here — every single one of them — and those burdened by membership of the other place are doing. Every day we are getting it done, just as we said we would.

Supplementary question

Mr GUY (Leader of the Opposition) — He said it is being made up, so turning a blind eye to every press conference the former minister attended — is that making it up? Ignoring reports, Premier, that Peter Marshall would put an axe through the head of one of your female MPs — is that making it up? You do not believe your own member for Wendouree when she saw vile text messages — is that making it up? And frankly you did nothing when Lucinda Nolan was bullied by the United Firefighters Union — is that making it up, Premier? Premier, you called an inquiry into Adem Somyurek, a member in the Legislative Council, when a staff member complained to your office of bullying, so why did you do nothing when written complaints of disrespect were put to you in writing?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The Leader of the Opposition! Standing orders apply to all members, including the Leader of the Opposition. This house adopted a clear standing order,

namely, that when the Chair is on his feet all members shall remain silent. I ask respectfully that the Leader of the Opposition adhere to that standing order and resolution of the house. The Premier, in silence.

Mr ANDREWS (Premier) — Could I suggest to the Leader of the Opposition — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. It appears to the Chair that the subject matter of the question warrants respect and order in the house. I request that order. The Premier will continue in silence.

Mr ANDREWS — I would simply say to the Leader of the Opposition that shouting one's head off while advancing a thesis on bullying is not really the way to go I would have thought. It is a little bit of a contradiction. Losing one's composure whilst accusing people of bullying does not quite — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Kew

The SPEAKER — Order! The member for Kew will withdraw himself from the house for a period of 1 hour. The Premier will continue, in silence.

Honourable member for Kew withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

United Firefighters Union Victorian secretary

Supplementary question

Questions and statements resumed.

Mr ANDREWS (Premier) — As I was saying, losing one's composure while running a thesis that everyone is a bully does not quite work. It is hard to know whether the Leader of the Opposition is serious, but we are also very grateful that he has cleared one thing up for us: written complaints are in writing. That is what he just cleared up for us. Thanks so much!

Ministers statements: employment

Mr PALLAS (Treasurer) — I rise to update the house about the new achievements of the Andrews

Labor government in creating jobs for all Victorians. We have done this in community consultation. We have not laid a wreath at the feet of community consultation; we have actually got serious about it. And the community, the business community, are demonstrating in spades where their allegiances lie.

Data released last week by the Australian Bureau of Statistics reveals that Victoria is indeed in a state of momentum. Victoria's regional unemployment rate now sits at 5.5 per cent, well below the national average of 6.2 per cent, and might I say the lowest of all the states. In this time more than 33 000 jobs have been created in regional Victoria, with over 17 000 of these jobs being full-time jobs. Thanks to the hard work and tireless advocacy of people like the member for Buninyong we have seen that the unemployment rate in the Ballarat region is down to 4.6 per cent.

Now the member for Malvern has the temerity to continuously say that New South Wales is outstripping Victoria in terms of economic performance. That is despite the fact that Victoria is leading the nation for both economic growth and jobs growth in the last year. The 2016–17 budget committed over \$2 billion to regional Victoria, making it the highest regional infrastructure investment on the record. We are investing because Labor is proud of our food and fibre sector, which contributes 4.9 per cent to gross state product. Victoria is the country's leading state exporter. We are making sure that our food and fibre exporters get the circumstances, the environment and the support they need.

CONSTITUENCY QUESTIONS

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (9183) I wish to raise an issue with the Minister for Roads and Road Safety on behalf of my local constituents regarding the installation of electronic signage outside the Eastern Ranges School on Dorset Road in Ferntree Gully. Parents at this school are concerned that vehicles are speeding in excess of 40 kilometres an hour on a regular basis. This is a view shared by members of the local police highway control at Knox, who strongly support the need for the installation of electronic flashing 40-kilometre-an-hour signs outside the school. This enforcement is urgently needed as drivers are unaware of the school zone due to the heavy volume of traffic that passes through every day.

I have previously raised this issue with the minister for roads, who has been unwilling to date to install an electronic sign outside the school. This is despite

similar signage being installed at schools in the neighbouring Labor electorate of Monbulk. On behalf of my constituents I ask the minister for roads: when will the electronic flashing 40-kilometre-an-hour speed limit signs be installed on Dorset Road, Ferntree Gully, outside the Eastern Ranges School?

Bundoora electorate

Mr BROOKS (Bundoora) — (9184) My question is to the Minister for Education. I refer the minister to the Andrews government's massive school capital program and in particular the government's previous announcement that Bundoora Primary School, which is in my electorate, would begin planning for new facilities. The school has been working with the Department of Education and Training with great enthusiasm to plan for its new school buildings, and so I ask: when will architects be appointed to develop detailed plans for the new Bundoora Primary School?

Ovens Valley electorate

Mr McCURDY (Ovens Valley) — (9185) My constituency question is to the Minister for Water, and it centres around Goulburn-Murray Water's policy to order water licence-holders to pay for a renewal fee for the licence four months prior to it expiring. I refer to Goulburn-Murray Water and its dealings with my constituent Ian Black of Nug Nug. Mr Black received a water licence renewal notice from Goulburn-Murray Water on 23 December 2015 for a water licence which would expire on 30 June 2016. Despite this date of 30 June, he was ordered to pay the renewal fee by 28 February. Mr Black was indeed right to question why he was required to pay the \$690 fee some four months prior to the licence expiring.

In addition to Mr Black, I believe there would be many other Goulburn-Murray Water licence-holders who would have received the same notice seeking such early payment. The minister's explanation is that the due date has been revised from 30 April to 28 February by Goulburn-Murray Water to encourage licence-holders to submit their licence renewal, and I ask the minister: should Goulburn-Murray Water be required to pay water bills from 28 February to 30 June?

The DEPUTY SPEAKER — Order! The honourable member's time has expired. I remind honourable members that with constituency questions — because the honourable member's time expired by the time he got to his question — they need to ask the question up-front, before they run out of time.

Macedon electorate

Ms THOMAS (Macedon) — (9186) My question is for the Minister for Education. With the Andrews Labor government having budgeted for and committed more than \$30 million to rebuild or significantly upgrade schools in my electorate, including in Kyneton, Daylesford, New Gisborne, Woodend and Bullengarook, could the minister please provide me with detailed information regarding time lines and milestones for each of these vital projects?

Rowville electorate

Mr WELLS (Rowville) — (9187) The constituency question I wish to raise is directed to the Minister for Emergency Services, on behalf of the deeply concerned Country Fire Authority (CFA) volunteers at Scoresby and Rowville CFA stations. Having regard to the proposed pending federal legislation to protect emergency services volunteers, and particularly CFA volunteers in this instance, from the tyranny of union thuggery and dominance in any final negotiated enterprising bargaining agreement outcome, I ask: Minister, can you provide an assurance to the CFA volunteers in the Rowville electorate that you will ensure that the Victorian government and agencies will fully comply with any federal legislation and that volunteers' rights will be protected from the United Firefighters Union and what can only be seen as a union takeover of the CFA?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (9188) My question is to the Minister for Police, and I ask: what extra resources and support is the government providing to police to tackle crime in my electorate? A number of people in my electorate have raised with me concerns about aggravated burglaries and car thefts, especially involving young people. Their concerns are real, and I would like to ask the minister to provide what the government is doing to tackle crime in Narre Warren South and ensure police have the support and resources they need to do their job.

Burwood electorate

Mr WATT (Burwood) — (9189) My constituency question is to the Minister for Police. After the cutbacks at the Ashburton police station and the Mount Waverley police station and the closure of the Burwood police station, I have received approximately 1000 signatures on a petition in the last week calling for more police resources and have also received reports of an alarming amount of crime in my electorate of

Burwood, including quite violent crime. So I ask the Minister for Police: besides closing police stations, what is the minister doing to prevent carjackings, home invasions, drive-by shootings, ram raids, car thefts, supermarket armed hold-ups, burglaries, theft of number plates and the wanton proliferation of graffiti in my electorate of Burwood?

Niddrie electorate

Mr CARROLL (Niddrie) — (9190) My question is also to the Minister for Police, who is at the table, and I ask: what is the government doing to tackle crime and ensure Victoria Police have the resources and support they need to keep my electorate safe and communities across Victoria safe? The 2016–17 state budget delivered a huge boost to police resources, and I understand the government is working very closely with Victoria Police to develop specific and targeted standalone offences to deal with aggravated burglaries and car thefts in our local communities. Finally, I ask the Minister for Police: what additional resources and support is the government providing to support our police force in tackling crime and ensure that our legislation is fit for the 21st century?

Bass electorate

Mr PAYNTER (Bass) — (9191) My constituency question is for the Minister for Public Transport. The residents of Pakenham are asking: will you fund an upgrade at Pakenham's McGregor Road railway crossing, and when will this occur? Pakenham resident and business owner Elaina Haig is asking for the McGregor Road railway crossing to be upgraded urgently. Mrs Haig is a driving instructor and has documented when she has been held up at the McGregor Road railway crossing, in particular when it has made her late for her next appointment. Mrs Haig has reported that many people are taking risks and weaving through the closed boom gates when they are waiting in traffic for up to 15 minutes without any trains passing. The Cardinia Shire Council has sought funds to duplicate the McGregor Road railway crossing without success. Upgrading the railway crossing must include signalisation of the Henty Street intersection and the provision of left in and out turning lanes at the Rogers Street intersection to prevent traffic banking up at the level crossing.

The DEPUTY SPEAKER — Order! What is the honourable member asking for? What is the question?

Mr PAYNTER — I asked the question at the start. The residents of Pakenham are asking: will you fund an

upgrade to Pakenham's McGregor Road railway crossing, and when will this occur?

The DEPUTY SPEAKER — Order! I will just remind the house and the honourable member that constituency questions are about the honourable member asking a question of the minister. Now, that may incorporate statements, positions and other matters from residents and constituents, but members themselves need to ask that question, not the constituent; the member is asking the question on behalf of the constituent. Members need to just be clearer. I will take that on board in terms of the question — will the upgrade be funded? — but the member just needs to be clearer on that.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (9192) My consistency question is for the Minister for Finance. The question I ask is: how will the state government fund the recently reinstated Greener Government Buildings program? A number of my constituents and local organisations such as the Climate Action Moreland have previously made representations to me regarding the need for government to introduce programs and initiatives to reduce carbon emissions and encourage greater investment in renewable energy sources. The Greener Government Buildings program is one such example. While those opposite have criticised this program, I understand that it is forecast to reduce greenhouse gas emissions by approximately 25 000 tonnes each year and that it is also estimated to deliver up to \$100 million worth of savings in the longer term by substantially reducing the energy use of buildings across the state. The reduction in greenhouse gas emissions will be achieved through the installation of solar power, replacement of all of Victoria's freeway lighting with efficient and long-lasting LED technology and upgrading heating and cooling systems across particular government buildings.

CORRECTIONS LEGISLATION AMENDMENT BILL 2016

Introduction and first reading

Ms NEVILLE (Minister for Police) — I move:

That I have leave to bring in a bill for an act to amend the Corrections Act 1986 and for other purposes.

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

Ms NEVILLE (Minister for Police) — The amendments in the bill will strengthen the corrections

system, including by introducing new safety powers for corrections officers to protect the community when supervising parolees, ensuring that prisoners who are unlawfully released from prison can be returned to custody by police officers, and broadening the grounds for information sharing about offenders for the purposes of the working with children scheme and with corrections and parole authorities in Australia and other countries.

Motion agreed to.

Read first time.

**EQUAL OPPORTUNITY AMENDMENT
(RELIGIOUS EXCEPTIONS) BILL 2016**

Introduction and first reading

Mr PAKULA (Attorney-General) introduced a bill for an act to amend the Equal Opportunity Act 2010 to modify the religious exceptions in relation to the employment of a person by religious bodies and schools.

Read first time.

**TRADITIONAL OWNER SETTLEMENT
AMENDMENT BILL 2016**

Introduction and first reading

Mr PAKULA (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Traditional Owner Settlement Act 2010, to amend the Crown Land (Reserves) Act 1978, the Fisheries Act 1995, the Flora and Fauna Guarantee Act 1988, the Forests Act 1958, the Land Act 1958, the National Parks Act 1975, the Prevention of Cruelty to Animals Act 1986, the Water Act 1989 and the Wildlife Act 1975 to provide for agreements about natural resources with traditional owners, to make a minor amendment to the Aboriginal Heritage Act 2006 and for other purposes.

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

Mr PAKULA (Attorney-General) — The purpose of the bill is to improve the operation of the Traditional Owner Settlement Act 2010 to ensure that it continues to be an attractive alternative to the commonwealth Native Title Act 1993. It recognises the rights of Victorian traditional owners to access and use land and natural resources for cultural, social and economic reasons, and it streamlines existing processes.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The DEPUTY SPEAKER — Order! Understanding order 144 notice of motion 2 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PARTNERSHIPS VICTORIA

Port Phillip Prison and Fulham Correctional Centre contract extension projects

Ms NEVILLE (Minister for Police), by leave, presented project summaries.

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 11

Ms BLANDTHORN (Pascoe Vale) presented Alert Digest No. 11 of 2016 on:

- Crimes Amendment (Carjacking) Bill 2016**
- Equal Opportunity Amendment (Equality for Students) Bill 2016**
- Local Government Amendment Bill 2016**
- Melbourne and Olympic Parks Amendment Bill 2016**
- National Domestic Violence Order Scheme Bill 2016**
- Police and Justice Legislation Amendment (Miscellaneous) Bill 2016**

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978 — Order under s 17D granting leases over Johnstone Park Reserve

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to the State Environment Protection Policy (Ambient Air Quality) (*Gazette G33, 18 August 2016*)

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

Brimbank — C177

Casey — C226

Greater Dandenong — C195

Hume — C198

Mitchell — C115

Monash — C126

Northern Grampians — C42

Stonnington — C237

Surf Coast — C103

Wangaratta — C63

Whitehorse — C181

Whittlesea — C56

Wyndham — C206

Yarra — C216, C217, C222

Statutory Rule under the *Road Safety Act 1986* — SR 100

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 100.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 24 February 2015:

Building Legislation Amendment (Consumer Protection) Act 2016 — Section 5 and remaining provisions of Part 3 (except Division 10 and ss 24, 28, 37, 40, 41, 46, 52 and 71) — 1 September 2016 (*Gazette S261, 23 August 2016*)

Fines Reform and Infringements Acts Amendment Act 2016 — Division 1 of Part 3 — 1 September 2016 (*Gazette S261, 23 August 2016*).

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent on 23 August to:

Education and Training Reform Amendment (Miscellaneous) Bill 2016

Gene Technology Amendment Bill 2015

National Parks and Victorian Environmental Assessment Council Acts Amendment Bill 2016

Road Management Amendment (Bus Stop Delivery Powers) Bill 2016.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 1 September 2016:

Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016

Melbourne and Olympic Parks Amendment Bill 2016

National Domestic Violence Order Scheme Bill 2016

Police and Justice Legislation Amendment (Miscellaneous) Bill 2016

Public Administration Amendment (Public Sector Communication Standards) Bill 2016.

In just making a few observations on the program that is before the house today, the government has five bills for the house to consider, and there is a significant amount of policy for the house to consider in the passing of those bills, particularly given that they go to issues like further reform and work on the family violence system and implementing key election commitments like those related to freedom of information. We all know the issues that went on in the past under the previous government and the changes to freedom of information. We are improving and strengthening this regime with the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. This is a key bill, and I know some of our colleagues in the upper house are eagerly awaiting its arrival there.

We also have to consider this week amendments from the upper house on the Primary Industries Legislation Amendment Bill 2016 that you just referred to, Deputy Speaker, so there is a good amount of business for the house to attend to over the course of the week. As I said, I am sure there will be significant interest from members in speaking on the five bills, particularly the couple that I have identified, given they go to some key policy commitments and policy reform work that this government has been undertaking as we progressively work through delivering on each and every one of our election commitments and delivering a program for the state. I hope that those opposite can support this program, particularly given its depth and breadth, and I look forward optimistically, as I always do at this time, to hearing from those opposite and hope that they and others in the Parliament can support this program.

Mr CLARK (Box Hill) — The opposition parties do not support this government business program. As the Leader of the House has referred to, it certainly has a number of complex and demanding bills in it — bills that deserve very careful scrutiny. A number of them contain quite concerning provisions, and if the government were true to its election commitment, it would make time for consideration in detail of these bills. We have had no indication from the Leader of the House that that will be the case, and given the government's track record — only two bills have been considered in detail in this chamber since the government came to office — we have got no grounds for optimism that there will be any consideration in detail of the bills before the house. There are substantial numbers of members on this side of the house who wish to contribute to a number of the bills that are before the house and to express the concerns about various provisions in those bills that members on this side of the house have.

However, the principal reason we oppose the government business program is the glaring omission of any arrangements for the holding of a joint sitting to fill the casual vacancy created by the resignation of Mr Damian Drum from the Legislative Council and the nomination of Mr Luke O'Sullivan to fill that vacancy. We have debated this issue before in the house, but the issue remains an outrage and one that this side of the house believes needs to be remedied as a matter of urgency. Quite frankly, the government is acting illegally in what they are doing. They are acting in open defiance of the constitution. It is very clear in section 27A of the Constitution Act 1975 that if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacancy by a joint sitting of the Council and the Assembly.

Ms Allan — On a point of order, Deputy Speaker, as much as the manager of government business would be desirous of talking about these matters, they are not within the scope of the motion, which goes to the government business program for the course of the week. I have outlined the five bills and the bill that has been returned from the upper house that make up the government business program for this week, and I would suggest that speculation about what other activities might occur is merely that — speculation — and should be ruled outside the confines of this debate.

Mr CLARK — On the point of order, Deputy Speaker, it is perfectly in order for speakers to express why they oppose the government business program, if that is their position. I am explaining the urgency of

matters that have not been dealt with by the Leader of the House, and I am perfectly in order to do so.

The DEPUTY SPEAKER — Order! In making a ruling on this particular matter, the normal custom and practice in relation to the government business program has been that it is a very narrow debate, an extremely narrow debate. That has been the custom and practice. I have been listening intently to the honourable member for Box Hill. I have given him leeway to make the points that he wants to make on this particular matter, and I request him to come back to the motion before the house.

Mr CLARK — The motion before the house is for a business program that this side of the house regards as completely unacceptable in the absence of arrangements for a joint sitting. The joint sitting is fundamentally important, and it should be given priority over the matters of government business that the Leader of the House is seeking to put before us. If the Leader of the House were to indicate that arrangements are to be made within the government business program for a joint sitting, then obviously the opposition would look at the matter on a different basis. However, it has been a longstanding practice of leaders of the house, when they outline to the house the government business program, to put that in context and to inform the house of other matters that they have in mind that are relevant to the government business program, and there has been a deafening silence from the Leader of the House in relation to any joint sitting. That is, from the point of view of this side of the house, the most important and urgent item that needs to be remedied to deal with the illegality that has been perpetuated on the community. The opposition therefore opposes the business program of the government.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the government business program. As the Leader of the House eloquently outlined, this is a busy and full government business program for the house this week with bills which deliver on election commitments made prior to the 2014 state election as well as bills which relate to business as usual from a governing perspective.

I listened quite intently to the manager of opposition business's contribution, and I think it is reasonable to suggest that the opposition will oppose each and every government business program from here until probably December — that would be my guess — unless we decide to do its bidding and yield to the opposition's unreasonable position of having a joint sitting of Parliament. The manager of opposition business talked

about illegal conduct because we are refusing to have a joint sitting. I am not quite sure where in the constitution it suggests that it is fair and reasonable practice for the Leader of the Government in the other place to be evicted from that chamber, denying him the right to serve his community for six months.

The DEPUTY SPEAKER — Order! I ask the honourable member to come back to the question before the house.

Mr PEARSON — Thank you, Deputy Speaker, for your guidance. It is a fulsome program before us, and despite the endeavours of those opposite trying to derail this government, trying to take up the time of this house — and I am sure we will have various stunts from those opposite to try to derail the work of this house through their pathetic antics — we will proceed. We are committed to honouring our election commitments in full. We are committed to ensuring that the people of Victoria get good governance from this government, and as the Leader of the House has indicated, there are five solid bills before us, plus there will be other bills that are likely to return to this place from the other place. So it is a good business program.

It is regrettable that those opposite will seek to try to distract us from doing what the people of Victoria have sent us to this place to do. I dare say for every week hereon in they will try to stall, delay, frustrate and obfuscate the business of this house. But if the manager of opposition business wishes to become the master of cunning stunts like this, so be it. That is a choice he can make, and he is free to make that, but we will not be distracted. It is a full program before the house. There are many speakers lined up, certainly from the government side, over the course of this week, and there will be plenty of opportunities, I think, for members to make their contributions.

The manager of opposition business again refers to this issue of consideration in detail. The manager of opposition business raises this matter periodically. If you scan *Hansard*, I reckon you would see that probably every six weeks this is raised by the manager of opposition business. He does not provide any evidence that he has actually sought this request for consideration in detail. It just seems to be this yearning, whim or desire that he wishes to satisfy and fulfil as he sees fit whenever it seems to be of interest to him.

Be that as it may, the reality is that there is ample opportunity for members on all sides to have their say on these five important pieces of legislation. It is a full government business program, we are getting on with it, and we will not be distracted by those opposite, no

matter how many times they try to pull their stunts or oppose our government business program. It is a great government business program, and I commend it to the house.

Mr HIBBINS (Pahran) — I rise to speak on the government business program. I think we have been pretty good in supporting the government business program over this term in Parliament — —

Mr Pearson — Thank you. You're so kind!

Mr HIBBINS — That is all right. We have not, as usual, requested to go into consideration in detail on any of these bills or sought amendments, as we usually do. Although, I do remind the government members that it was their commitment to make consideration in detail a standard feature of every bill, so there is an election commitment that it would be good for them to also stick to.

Usually we would support the government business program. However, given the fact that the government is using its numbers in this place to refuse a joint sitting of Parliament to fill the vacancy in the upper house, as is prescribed in the constitution that it must do, we are not of the view that we should support the government business program, which is essentially the government asking us, the house, to seek permission to guillotine debate at 5.00 p.m. on Thursday no matter where we are up to or who has spoken — to simply put all bills to a vote. We are not of the view that we should support that in this instance, given that there is a pressing duty for this Parliament, which is to hold a joint sitting and to fill the vacancy in the upper house as prescribed by the constitution.

Mr McGUIRE (Broadmeadows) — The government business program builds on the state of momentum the Andrews government has established through economic and social leadership. It has been applauded throughout Victoria and, as recently as last week, by the business sector. The five bills before the house continue to paint the big-picture Victorians support in delivering economic and social leadership.

I will go to a key example, and that is the National Domestic Violence Order Scheme Bill 2016, which stems from Australia's first royal commission into our leading law and order issue — domestic violence. This bill is significant because it will enhance protection for family violence victims and promote perpetrator accountability right across Australia, and it is establishing a national domestic violence order scheme. It is part of a suite of measures agreed to by the Council of Australian Governments to develop standards to

ensure intervention with perpetrators is effective nationally. This is leadership of the highest order on the most critical law and order issue we face, and I find it extraordinary that the opposition is saying that it is going to oppose this. I ask them to reconsider their view and on this bill stand shoulder to shoulder with the government to actually make sure this happens.

I am hoping we have bipartisan support, because this is an important initiative, and let us remember it is led by the Premier who announced the royal commission. The Andrews government then accepted all of its 227 recommendations and committed \$572 million as a first step towards implementing the recommendations. This is a critical, pressing, demanding, urgent issue of the highest order, and this gives leadership for Victoria. I am reaching across the aisle to opposition parties to say: be a part of this. Be a part of the leadership that the Andrews government is providing and take it up as a national initiative as well. This is how we can effect cultural, generational and systemic change, and this is the leadership that is being provided by the Premier of Victoria.

Then we have the issue of freedom of information legislation. I remind the house that this was first introduced into the Victorian Parliament by the Cain Labor government in the 1980s. The objective of the bill continues the tradition of aiming at increasing the transparency and accountability of government, so these are major issues. We have a total of five bills to work through and, as the leader of government business has explained, there will be other initiatives from the upper house.

We keep hearing about the joint sitting. I remind the house that the position the opposition has taken against the Leader of the Government in the upper house is politically motivated, the punishment is excessive and the result is unprecedented and undemocratic. I call on the opposition to lift the excessive penalty against the Leader of the Government in the upper house and allow him to move the motion welcoming the new Nationals MP to the Victorian Parliament. This is a fair, reasonable and timely remedy, and it will restore representative democracy for all and not for some. This is the critical issue.

Then we go to the other point that has been raised, about consideration in detail. This argument is ringing hollow. I have asked repeatedly for evidence of specific requests, any written requests that the opposition has made to the government on this point, and none has been provided every time this issue has come up. This is a government business program that goes to critical issues of substance. It drives the agenda that the

Victorian government is providing, and it shows national leadership. This is what the Victorian community is applauding. I commend the government business program to the house.

Ms STALEY (Ripon) — The member for Broadmeadows has asked for evidence of any specific requests that we go into consideration in detail, and he has asked for that to be in writing. I will take him up on that offer and ask right now that the government go into consideration in detail. I will send him the *Hansard* report of my request, which will therefore, of course, be in writing. We are under no illusions on this side of the house. We think consideration in detail is an important feature, given that the current government made quite a thing of saying it would be a standard feature of this house. I invite the Leader of the House to give guidance as to what a standard feature would mean, as we have had only two occasions so far on which we have gone into consideration in detail.

Like the manager of opposition business, I also note that we oppose the government business program for that reason and also because it fails to include a joint sitting of the houses. This is a petulant, undemocratic, spiteful and nasty act, and it goes to the heart of the undemocratic nature of this government. I find it interesting that the member for Essendon, in his contribution to this debate, attempted to say that the opposition's opposition to the government business program is a cunning stunt. Apparently if opposition members stand up and oppose something, it becomes a stunt. I would have thought that that was us doing our job of properly debating whether we think the government business program motion from the Leader of the House should be supported, and on this occasion we will not support it.

It is also completely false to draw a correlation between the Leader of the Government in the other place and Luke O'Sullivan, whom we believe should be in the other place. One has staff, an office, a driver and the capacity to represent his constituents; the other has none of those things. To in some way suggest that there is some equivalence there is well beyond what is an acceptable argument. I also note that we have seen the government say — —

The DEPUTY SPEAKER — Order! I think the honourable member has made her points on this matter, and I ask her to come back to the motion.

Ms STALEY — Thank you. I will come back to the government business program. I do think, though, that we need to look at whether the government business program contains the things that need to happen. The

government has five bills. The five bills will go to the guillotine at 5.00 p.m. on Thursday. In addition to bills, many other things have been brought to us in various government business programs over time, and therefore I do not see why we cannot have the joint sitting as is required by the constitution. But of course this has been a big week for the crushing of democracy by the government, so perhaps we should not be surprised that it continues to hold to this argument.

As I said, I will take the member for Broadmeadows up on his suggestion and directly ask: when will the government next put us into consideration in detail, and will the Leader of the House give us some guidance on her thoughts in implementing the government's election promise of making consideration in detail a standard feature of this house? I oppose the government business program.

Ms SHEED (Shepparton) (*By leave*) — I have a number of points I would like to make. First of all, there are a number of important bills. One in particular that is of interest to me is the National Domestic Violence Order Scheme Bill 2016. It is an important piece of legislation that will commence a scheme throughout Australia whereby family violence orders are recognised across the whole of the country and registration in individual states will no longer be required. I understand that it is the case that a joint sitting would not normally be on a government business program, but I am concerned that today is the day that a joint sitting should occur. I say this because it is 14 days from the commencement of the sitting of the house since the preselection of Luke O'Sullivan.

I regard it as unconscionable that we in northern Victoria have been without representation from 27 May and are still unrepresented. I say this having spoken on this matter a couple of weeks ago in the absence of any briefing from anyone in this place — like a shag on a rock, as I often am in this place — and bereft of the sort of advice that one might hope colleagues from other parties and other members might provide to an Independent sitting alone in this place. In the period between the last sitting of the house and today I have sought my own legal advice, my own constitutional law advice, on this.

There are a few things that are unconscionable. One is the fact that we have been without representation for so long when that could have so easily happened throughout June. It just starts to look like political game playing when we are put in a position where a preselection does not take place until 31 July.

Another thing that I regard as unconscionable is the fact that we have a member of the upper house out of the Parliament for so long. It seems to me that that is unheard of. The advice that I have taken on it and the issues that I have looked at around it would indicate that that is unconscionable. But I have come to the view that they are all separate issues and they need to be regarded separately.

The constitution talks about the joint sitting that must take place. It does not set a time frame for it to take place, but when that legislation was passed in 2003 I expect that the constitution of Australia would have been looked at. It provides in a way for a 14-day period from the next convening of the house to be an appropriate period, and today is that day. Today is 14 days since we convened last, and it is now appropriate that a joint sitting take place and that Mr O'Sullivan be sworn in in the usual way.

They are three separate issues. In the absence of any apparent timetabling for a joint sitting I need to vote against the government business program simply because it seems that there will be no other opportunity when this might arise during this week. I think it is important that we adhere to the constitution and that we do the right thing. On the advice that I have received I believe that it would be the right thing for this matter to be dealt with technically today or at least this week.

On that basis I find that while it is quite technical and difficult to know how it might stand in terms of the government business program, I intend to take the position that I will be voting against the government business program.

House divided on motion:

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
Couzens, Ms	Pakula, Mr
D'Ambrosio, Ms	Pallas, Mr
Dimopoulos, Mr	Pearson, Mr
Donnellan, Mr	Richardson, Mr
Edwards, Ms	Richardson, Ms
Eren, Mr	Scott, Mr
Foley, Mr	Spence, Ms
Garrett, Ms	Staikos, Mr
Graley, Ms	Suleyman, Ms
Green, Ms	Thomas, Ms
Halfpenny, Ms	Thomson, Ms
Hennessy, Ms	Ward, Ms
Howard, Mr	Williams, Ms
Kairouz, Ms	Wynne, Mr
Kilkenny, Ms	

Noes, 38

Angus, Mr	Northe, Mr
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryall, Ms
Burgess, Mr	Ryan, Ms
Clark, Mr	Sandell, Ms
Crisp, Mr	Sheed, Ms
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Smith, Mr T.
Gidley, Mr	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Ms
Katos, Mr	Wakeling, Mr
Kealy, Ms	Walsh, Mr
McCurdy, Mr	Watt, Mr
McLeish, Ms	Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Country Fire Authority events

Mr BATTIN (Gembrook) — My members statement today is in relation to an email I received from a Julie McClaren, an adviser for government relations with the Country Fire Authority (CFA), which was reminding us that members of the opposition are no longer able to speak at events, particularly brigade dinners et cetera, within our CFA stations, including our local CFA stations. Whilst the government will say this is a policy that has not changed, it is actually a policy that has changed. We have traditionally always been able to speak within our brigades. We have always been able to speak at the brigades and get up on stage and speak.

Mr Merlino — You can speak to whoever you want, mate; just don't lie.

Mr BATTIN — It is actually very interesting that the Minister for Emergency Services just said, 'Don't lie'. He has just said, 'Don't lie'. He may want to sit there at the moment and start listening to Peter Marshall, who is up there at the moment, currently lying to the panel up there and the committee in relation to the CFA. It is about time that the union and you as the Minister for Emergency Services started to stand by our volunteers.

The message we are going to continue to send is: we will not go silently on this. We will continue to stand with those volunteers. Just this weekend I was asked not to speak, yet one of the board members — one of your hand-picked board members — contacted me to say that she did not support Frances Diver in her

decision to ban us from speaking at events. It is a shame that your hand-picked members will not come out publicly and say this; they will only say it off the record. It is about time this CFA board did the same as the last board and stood up against your bully tactics.

Statements interrupted.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER — Order! Before I call the Deputy Premier, I want to recognise Helen Shardey, who is in the gallery today. She is a former member for Caulfield.

MEMBERS STATEMENTS

Statements resumed.

Italy earthquake

Mr MERLINO (Minister for Education) — I rise to offer my condolences to those affected by the recent earthquake in central Italy. The people of Italy have suffered a great loss of life and destruction of community. As the mayor of Amatrice, Sergio Pirozzi, has said, 'Amatrice is not here anymore; half of the town is destroyed'. Distressing images and heartbreaking stories have since emerged, with over 280 confirmed fatalities and many more injured. I have spoken with the Italian Consul General to Melbourne, Marco Maria Cerbo, to whom I conveyed my deepest sympathy and regret for these tragic events, and I know that the Premier spoke to him immediately after the earthquake as well.

I also wish to express these sentiments publicly in the Parliament. Victoria has the largest Italian-Australian population in Australia, so the impact has been particularly acute. As a descendent of Italian migrants, I know firsthand the sense of dread upon hearing such bad news in a country that is still home to family — so far away and yet very close to our hearts. I pay tribute to the efforts of the Italian emergency services workers and all those involved in the rescue effort.

The Consul General has advised me that there are various community organisations working to set up a national committee to support the victims of this devastating earthquake. In fact there is a meeting today. I am sure there will be events and fundraising efforts over coming weeks that we can all support.

In conclusion, I again quote the mayor. He said:

No night can last so long that the sun never rises again. I am convinced that Amatrice will rise again. We owe it to the people who died here.

The DEPUTY SPEAKER — Order! Can I also, from the chair — I know this is a bit unusual — give my condolences to all the people in Italy as well, as the Deputy Premier has done.

Gippsland Business Awards

Mr NORTHE (Morwell) — I rise today to acknowledge the success of a number of Gippsland businesses following the recent 2016 Bendigo Bank Gippsland Business Awards. Businesses within the Morwell electorate performed extremely well, with Applebox Farm/Gippsland Free Range Eggs from Glengarry a finalist in the food and wine production section. In the hospitality section the friendly staff from Claudia's Cafe in Morwell were worthy finalists along with the excitable team from the Three Little Birds Cafe in Traralgon. Guy and Stacey Martin from the Churchill Hotel were very proud and deserving winners of the same section, and they have done a marvellous job in reinvigorating this much-loved pub. The fine dining and service at MOMO in Traralgon was recognised in the new business section, whilst Rene and Tess from Embrace Fitness and Wellbeing in Morwell were the winners of the new business category.

The team at Spectrum Productions in Traralgon were a finalist in the services, business and professional, section; and in the services, personal and other, category Le Keyah Skin Rejuvenation Centre in Traralgon, the Poolside Swim School in Traralgon and the Laundry Lounge coin laundry in Morwell were all worthy finalists. Aridian Cabinets in Traralgon, Central Gippsland Building Consultants and CommSite Integrated Communications were finalists in the services, trade and construction, section. A massive congratulations to Lynda Bertoli and the team at Sage Technology from Morwell for their deserved induction into the hall of fame.

It has been a challenging time for businesses in Gippsland with rising unemployment, not helped by the withdrawal of key specific local development programs by the Andrews government. Despite this one can only admire the spirit, determination and innovation of so many Gippsland businesses.

Golden Plains community facilities

Mr HOWARD (Buninyong) — I have been delighted to visit several towns in Golden Plains shire this past week following the completion of a number of great community facility upgrades. My Golden Plains tour began with the official opening of the Smythesdale Business, Health and Community Hub expansion, otherwise known as The Well. This innovative health

and community hub already has a GP clinic, operated by Ballarat Community Health, and a commercial pharmacy operating on the site. The bright new extension will enable the GP and other health services offered in Smythesdale to be further enhanced, providing more professional consulting rooms, maternal and child health capacity and more space for community activities.

In Dereel the community hall upgrade includes enhanced performance spaces, a new entrance foyer, fully accessible toilets and a new kitchen. This will enhance community activity by offering a modern space for the community to get together and showcase their talents. Experienced and budding local skaters in Dereel will also have a great new space at which they can come together, with an inspiring upgrade to the skate park. This has been further enhanced by artwork undertaken by a great community arts initiative.

Again yesterday I opened brand-new female changing rooms and a BMX track at the Woody Yaloak recreation reserve. Women and girls are joining grassroots sports in record numbers, and the new female changing rooms ensure that netballers and other women using the Smythesdale reserve have the great quality facilities they deserve. All the projects to enhance the lives of so many people in Golden Plains shire were funded with over \$2 million and are great projects.

Country Fire Authority enterprise bargaining agreement

Mr WELLS (Rowville) — This statement is to congratulate Prime Minister Malcolm Turnbull for honouring his pre-election commitment to support and protect Victoria's 60 000 loyal and dedicated Country Fire Authority (CFA) volunteers by introducing federal legislation to enshrine the rights of emergency service organisation volunteers in any enterprise bargaining agreement (EBA) outcomes and to protect the CFA against the Premier's support of the proposed takeover by the United Firefighters Union.

Victorians have been deeply disturbed at the treatment of and total lack of respect by the Premier and Labor for the CFA volunteers, the sacking of the CFA board and the forced resignations of the CFA chief fire officer and its CEO. At least the Prime Minister has listened and responded swiftly and appropriately in support of the CFA, as compared to their Premier, who has shamefully acted as a puppet for his union mates. With the Premier's obvious intent to push through an EBA deal at whatever cost to CFA volunteers, Prime Minister Turnbull's original commitment to and now

public announcement of details of the proposed federal legislation will be welcome news to many.

Prime Minister Turnbull is to be applauded for the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016, which is to be introduced in the very first sitting of the new federal Parliament to protect the role of volunteer firefighters and the power of the chief fire officer. Prime Minister Turnbull is to be congratulated for standing tall with CFA volunteers and for introducing his promised legislation.

Eltham Junior Football Club

Ms WARD (Eltham) — As I stand here in my red and black scarf, I congratulate the Eltham Junior Football Club on winning the Northern Football League Junior Club of the Year award earlier this month. The Eltham Junior Football Club is a values-based club and prides itself on its inclusiveness. All the tireless work of the committee, volunteers, players and parents, led by club president Darren Fitzsimons and junior vice-president Stewart McCallum, paid off in the finals. I include the extremely hardworking secretary of the club, Fiona Allin, who, like Darren, steps down this year. She has made an enormous contribution to the Panthers, and their success is built on the work of many volunteers, including Fiona.

I am pleased to say history was made with the appearance of a girls team in the grand final for the first time ever in the club's history. The under-12 girls were right in the game until the end, but although close did not take the flag. The coaches all thought it was the best game of the year by the girls, with everyone running hard and laying the best tackles of the season. It was a great effort, and I am sure these trailblazers will be right in contention for the flag again next year. The under-11 boys also played in their first grand final as a team. Congratulations to the under-14 and under-12 blue teams, who won their premierships. The under-12 blues showed great composure to hold on for a 3-point win in a thriller. Special congratulations are due to Jackson Brown, who was best on ground in the under-14 blue premiership team.

Darren, Stewart, Fiona and their team of coaches, committee and volunteers are doing a tremendous job of being ambassadors for the game and growing this club. I look forward to next season and seeing the mighty Panthers continue to grow in strength.

Country Fire Authority events

Mr BLACKWOOD (Narracan) — The recent actions by the Andrews government to prevent

opposition members of Parliament from discharging the duties they were elected to perform is further proof of the bullying tactics it is prepared to use. Our local Country Fire Authority (CFA) brigades work closely with their local members of Parliament, and MPs consider it their duty to support their local brigades, whether in government or opposition. For any government or puppet of the Andrews government to attempt to undermine this relationship is another kick in the guts for our dedicated CFA volunteers.

I will be attending at least three brigade 70th anniversary celebrations over the next month. I have been respectfully invited as their local member of the Victorian Parliament. I will be speaking as requested. These events are held to remember the contribution generations of local family members have made to the safety of their community, with their relentless dedication to their local brigade. The events are not about their local member of Parliament, and they are certainly not about the Premier.

Olivia's Place

Mr BLACKWOOD — On Saturday night I attended the third annual Father's Day fundraiser for Olivia's Place in Warragul. Olivia's Place provides pregnancy support services and is largely supported by a tremendous band of volunteers. Receiving no government funding and relying on the support of their community through donations of cash and goods, they assist families dealing with pre and postnatal difficulties by offering counselling, referrals and essential items for the care of their baby. I commend Kirsten Finger, CJ Rovers and their band of volunteers for their tireless efforts for families, helping others while they themselves have young families of their own to manage.

The Generator Urban Eatery

Ms BLANDTHORN (Pascoe Vale) — I rise to congratulate locals Daniel and Matt on the success of their business, the Generator Urban Eatery. This thriving cafe recently celebrated its first birthday. The Generator Urban Eatery is a little gem in the heart of a traditional industrial estate on Bakers Road in Coburg North. This business has an ever-growing customer base as it continues to gather local recognition for its exceptional food and coffee, all prepared and served with the good grace of Daniel, Matt and their team.

As I have explained previously in this place, Coburg North is changing rapidly. The area was once a manufacturing hub, but now old workers cottages and new warehouse conversions are becoming modern

homes for young professionals and their new families. The business success of the Generator Urban Eatery reflects the shifting demographics of the Coburg North area. There is now a cluster of thriving businesses in the precinct, including Blu by the Australian Seafood Group and Little Deer Tracks, as well as the new Coburg North Village precinct. All of these businesses are important. They create local employment opportunities and stimulate the local economy. It is through the hard work and ingenuity of people like Daniel and Matt that our economy grows and our community prospers.

Daniel and Matt have also actively campaigned for a safer, more harmonious community. In particular they have made representations to the local police and me when they felt that drivers' hooning behaviour was a safety issue for local schoolchildren. Finally, whilst this year has brought business success for Matt and Daniel, it has not been without difficulties. I wish both Daniel and Matt health, happiness, fulfilment and love — and of course continued success at the Generator Urban Eatery.

Unconventional gas exploration

Ms SANDELL (Melbourne) — Today I want to congratulate all the communities across Victoria who fought long and hard for a permanent ban on toxic gas fracking in our state. Because of your hard work, today the Victorian government made the right decision: to say no to fracking in Victoria. We won! Thank you to the government and to the Minister for Energy, Environment and Climate Change for listening to the community. As we have seen across the world, onshore gas destroys farmland, poisons water, ruins tourism and the environment and makes people sick. To Friends of the Earth, Lock the Gate and all the gasfield-free community groups, this is your victory. Without your constant pressure, we would no doubt now have toxic gas wells across Victoria.

Well done in fact to everyone who has been involved in this campaign, including Greens supporters and community members who contacted the minister, who came to rallies and events, who knocked on doors, who donated to advertisements in key marginal by-elections and who made submissions to the parliamentary inquiry. You have every right to celebrate today, and while we are disappointed that the Labor government has left the door open to conventional gas drilling after the election, today is still a victory. Rest assured that the Greens and the community will keep fighting to ensure we keep all fossil fuels in the ground. But today, thank you to everyone out there who campaigned for this, and well done.

Craigieburn community emergency response team

Ms SPENCE (Yuroke) — On Sunday, 28 August, I had the great pleasure of joining with Victorian emergency management commissioner Craig Lapsley and Ambulance Victoria general manager Mick Stephenson to present the National Emergency Medal to five members of the Craigieburn community emergency response team for their service during the Black Saturday bushfires. The nominations for these medals were made by Ambulance Victoria, and the recipients are well known to a very grateful Craigieburn community; they are: Jason Davies, Trudy Harris, Robyn Jones, Casey Nunn and James Yates.

The citation for this award is as follows:

These medals are presented for sustained service: during the dates of Sunday, 8 February, until Tuesday, 17 February, Craigieburn CERT provided extended coverage, often 24 hours a day, as an additional resource to be used by Ambulance Victoria. Each of the awarded members today completed at least an additional three rostered shifts during this period. At different points in time, the CERT vehicle was used to ferry firefighters up to staging areas ...

The Craigieburn brigade's vehicle had perished in the fires on that Saturday, and its melted steering wheel and metal are displayed in the room at the Craigieburn Country Fire Authority station where the presentations took place. The members were also acknowledged for the fundraising and relief work completed within the two-week period immediately after the fire. Members worked with Red Cross to facilitate the purchase and donation of over \$60 000 worth of cash and goods that were then ferried to relief centres at Wallan and Whittlesea. Again to these recipients I say: congratulations and thank you.

Stratford-Maffra Road

Mr T. BULL (Gippsland East) — Some months back I raised in this place the issue of the deteriorating Stratford-Maffra Road, citing it as the worst road in my electorate. I received a response from the minister saying reconstruction of 2 kilometres of this road would 'be considered'. Being a weekly visitor to either Maffra or Heyfield, I can keep a close eye on the condition of this road, and I am astounded it is not the highest priority for works in my region. Last week I noted that apart from the 120-plus patches on this 6-kilometre stretch of road, there are another 10 places where the surface is broken and many areas where the shoulders are crumbling. These areas of road surface have been broken for a number of weeks without repair. I urge the minister to ensure that the resealing works that are under consideration are implemented as soon as possible.

Timber industry

Mr T. BULL — I recently wrote to the Minister for Agriculture seeking better security for timber industry workers. Contractors have again been halted from working in recent weeks, and it is clear that the guidelines need overhauling to provide more security. I urge the minister to take stronger action to provide this security and let these workers get into their coupes.

Omeo District Football Netball League

Mr T. BULL — Congratulations to all football and netball winners from the Omeo District Football Netball League grand finals at Ensay on Saturday. Lindenow South won its fourth senior premiership in five years over my old side Swan Reach, while Swan Reach defeated Omeo-Benambra in the under-16s. Well done to league best and fairest winner Nathan Pollard on winning the medal for best on ground. In the senior netball Omeo-Benambra was too good for Bruthen and Swan Reach defeated Swifts Creek in the juniors. Good luck to Bairnsdale and Maffra in the Gippsland league football netball finals this weekend. It was also great to see Heyfield knock off Sale City in the North Gippsland league.

Vietnam Veterans Day

Mr CARROLL (Niddrie) — I rise to thank Keilor East RSL for inviting me to lay a wreath at their annual Vietnam Veterans memorial service and to honour those who served in the Vietnam War. Australian servicemen and servicewomen were engaged in the Vietnam conflict from 1962 to 1975. The Republic of Vietnam requested support from the United States and allies, including Australia, in the early 1960s with the aim of resisting the communist North Vietnamese government's attempt to overpower the south. In response Australia deployed the Australian Army Training Team Vietnam, a non-combatative action which was in keeping with the policies of other nations.

The Vietnam War was Australia's longest military engagement of the 20th century. Almost 60 000 Australians fought in it and more than 500 lost their lives. Originally known as Long Tan Day, Vietnam Veterans Day is commemorated on 18 August every year. As many members know, this year marked the 50th anniversary of the Battle of Long Tan where 108 brave young men from D Company, 6RAR, resisted an attack by 1500 to 2500 North Vietnamese and Vietcong troops. This would become one of the most extraordinary chapters in Australia's military history.

Each year when I commemorate Vietnam Veterans Day I remember my uncle, Allin Moore, who served in Vietnam for the United States as part of the US Coast Guard. I have had the honour of visiting his graveside at the Arlington National Cemetery in Washington, DC. It will always be an honour for our family that he is buried there.

I would like to thank Keilor East RSL president William Laker and secretary Kevin Millman for inviting me once again to take part in the memorial service to honour the sacrifices of those courageous young men and women who served in the Vietnam War.

Waverley Garden Club and Camellias Victoria

Mr GIDLEY (Mount Waverley) — Today in the Parliament I rise to recognise the great success of the 45th annual Camellia and Garden Show put on by the Waverley Garden Club Incorporated and Camellias Victoria Incorporated. It was a pleasure to attend the show and see the enormous efforts of both clubs and all of their volunteers in putting on such a high-quality show. I thank them for their efforts and send my best wishes to both clubs.

Waverley Blues Netball Club

Mr GIDLEY — I rise today in the Parliament to congratulate the Waverley Blues netball team on their outstanding Eastern Football League premiership success. The club defeated Forest Hill by four goals, taking out the division 3 premiership. I recognise and thank the team and all of those who have supported them, for their hard work in winning the premiership. I also congratulate Sarah Gregory for being named player of the game.

Glen Waverley Bowls Club

Mr GIDLEY — Today in the Parliament I rise to recognise the enormous efforts of the committee and club members of the Glen Waverley Bowls Club, who have worked hard over the winter months to prepare the club for the season ahead. I had the opportunity to drop into the club last Saturday for the season opening and could see firsthand the hard work of members which has well prepared the club for the season ahead. I wish the club all the best for the season ahead.

Local government rates

Mr GIDLEY — Another week passes and there is another tax attack on household and family budgets. This time it is the Victorian Labor government's sponsorship of massive increases in council rates across

the state. Whether it is in Mount Waverley, Glen Waverley or further afield, the feedback from residents is clear. Under this state government council rates are skyrocketing, increasing cost of living pressure on household and family budgets. These massive tax increases sponsored by this Victorian Labor government must stop and must stop now.

Sunbury child health hub and global learning centre

Mr J. BULL (Sunbury) — Prior to the July federal election the federal opposition committed a total of \$4 million to Sunbury: \$2 million for the child health hub at Sunbury Community Health Centre and \$2 million for the important Sunbury global learning centre. We now know that the federal opposition did not win the election but came mighty close — an outstanding effort. Unfortunately the federal Liberal government did not match this vital funding, and now Sunbury is short-changed to a tune of \$4 million. That is \$4 million that would have made a great difference to the community. It is \$4 million that would have gone a long way.

Both of these projects are vital for the growing community. The child health hub at Sunbury Community Health was designed to ensure that Sunbury children receive the very best access to health services without having to travel — services like audiology, speech pathology and physiotherapy. The child health hub was also to serve as a great early intervention and support system for families and children with a disability so they were able to access services and facilities before they got to a critical point. The Sunbury global learning centre is a critical project that Sunbury needs. I know the member for Broadmeadows shares my passion for this project.

I have since written to the federal member for McEwen, Rob Mitchell, and asked that he keep fighting for this very important funding. Once again the federal government has neglected Sunbury. I call on the Prime Minister to address both of these funding needs — that is, to respond to the need for a child health hub and to provide the important additional and much-needed funding for the new Sunbury global learning centre.

Burwood District Bowls Club

Mr WATT (Burwood) — It was a pleasure to open the greens and bowl a jack at the Burwood District Bowls Club on 27 August. I wish all the members the best for the coming season.

Ashburton United Junior Football Club

Mr WATT — Congratulations to the Ashburton United Junior Football Club, with four out of their five grand final teams winning premierships on the weekend. Congratulations to the under-15 girls Green team in section 3, the under-12 Black team in section black, the under-13 Black team in section black and the under-15 girls Red team in section 2, and commiserations but congratulations also to the youth girls team, who were grand finalists. It is fantastic that all three girls teams at the Ashburton United Junior Football Club managed to get through to grand finals, with two of them winning.

Bennettswood Bowling Club

Mr WATT — It was a pleasure to join Cr Andrew Davenport of Whitehorse City Council for the opening of the Bennettswood Bowling Club greens on 27 August. I wish the players well for the coming seasons.

Surrey Park Junior Football Club

Mr WATT — Congratulations to the Surrey Park W under-13s team, who won the under-13 blue section premiership.

Toby Greene

Mr WATT — Congratulations to Toby Greene, a former Ashy Redbacks 100-game player, on making the all-Australian squad. Forty players made that squad. Toby Greene is from the Greater Western Sydney Giants. I look forward to the end of the week; hopefully Toby can get up there as well.

Waverley Garden Club and Camellias Victoria

Mr WATT — It was a pleasure to join the member for Mount Waverley on 20 August at the 45th Camellia and Garden Show. Congratulations to all the members of the club for the work they did and the beautiful flower arrangements that they made.

Zoroastrian community

Mr WATT — Thank you to the Zoroastrian community in Victoria for their invitation to join them for a new year function. I wish them all the best for a happy new year and a prosperous new year.

TAFE funding

Mr McGUIRE (Broadmeadows) — The Andrews government's overhaul of Victoria's training and TAFE

system is needed most in Broadmeadows and defines why Labor matters. Starting with an extra \$114 million next year, TAFEs will receive increased funding every year to help Victorians, regardless of their background or postcode, access real training for real jobs. This is incredibly important for my electorate as under the former government we had the situation where \$25 million was cut from Kangan TAFE and then Kangan was merged with Bendigo TAFE at a time of great need, when the Ford Motor Company had disclosed that it would end manufacturing — that in fact occurs in only six weeks, so this is really important. As the Minister for Training and Skills said, this initiative goes to restoring confidence, which was at an all-time low. TAFE campuses were being closed and institutions were on the brink of financial collapse. Too many courses were being delivered, which rarely led to better productivity for industry or jobs for the students.

I welcome this initiative and also the support of the Minister for Industry and Employment, who came with me to the Ford Motor Company and CSL in Broadmeadows, and to a jobs fair in Broadmeadows where, importantly, 1000 jobs were offered. I remind the opposition that it was John Howard who said he could not imagine Australia without a strong automotive industry.

Country Fire Authority events

Ms STALEY (Ripon) — I rise to express my deep disquiet at the repeated anti-democratic actions of the Andrews Labor government. In particular I draw to the attention of the house an email sent to all Country Fire Authority (CFA) stations by Julie McClaren, adviser, government relations, in the CFA's CEO's office banning non-government MPs from speaking, presenting medals, handing over equipment or participating in any other official function at CFA events. This is a profoundly undemocratic missive that goes against decades of practice across Ripon. There are over 90 brigades protecting Ripon's people and assets. They all deserve our thanks, and it is one of the great privileges and duties of my role to attend and participate in many brigade functions.

CFA CEO Ms Diver downplays this as, 'It's always been this way', but that is just not true. It is well outside the bounds of acceptability. She has specifically said we cannot do medal presentations or attend brigade dinners, and I do all of these things as a country MP. I looked at *Hansard* and I saw that the previous member for Ripon, the Honourable Joe Helper, said on 5 April 2011 that he had attended the Maryborough fire brigade's 150th anniversary event, which he spoke at — I checked with the captain. Of course that was

during the Liberal government. This has not been the practice; it is wrong.

Wooranna Park Primary School

Ms WILLIAMS (Dandenong) — Last week I had the great pleasure of being part of the family storytelling night at Wooranna Park Primary School to celebrate Book Week. Children from the school turned out in their pyjamas and blankets and were encouraged to bring their favourite storybooks to share with their friends and classmates. Five reading stations were set up throughout the Terry O'Connor Centre, and parents and community members read to the kids, some in languages other than English. Kids rotated through the reading stations, enjoying a wide range of stories and the theatrics of the excellent storytellers. I was delighted to be asked to read to the kids and to be able to bring along one of my favourite storybooks — *The Story of Ferdinand*. For those of you who do not know, Ferdinand is a bull who would rather be sitting under the cork tree smelling flowers than fighting with the other bulls in the paddock. It is a beautiful story about individuality and acceptance, and one that has always resonated deeply for me.

All of us in this place appreciate how important it is that children are read to. We know how important it is for children's development. But for many families in my electorate it is not always an easy task. As the most ethnically diverse electorate in the state, Dandenong is home to many migrant and refugee families. Many families will not have a high level of English proficiency, or they may speak English but struggle to read it. Sometimes parents will have limited literacy in their mother tongue, let alone in English. This means that many kids are dependent on their teachers and volunteers in the community to read to them. This is why events like this at Wooranna Park are so important. I would like to congratulate the community engagement committee at the school for organising the event, in particular Michelle, Jess and Carla. Also thank you to the principal, Ray Trotter, and his team, who never cease to impress me with their community-mindedness.

Tony Fitzgerald

Mr PAYNTER (Bass) — I rise today to pay tribute to recently retired Outlook CEO Tony Fitzgerald. I consider Tony to be one of my dear friends and an outstanding advocate for people who are disadvantaged in our community. Tony started at Outlook in 1989 and changed the day service model into a fully inclusive community-based activity model. Outlook was the first organisation of its kind to pay full award wages to people with disabilities through the many commercial

activities that Tony helped create. Tony's consistent and powerful message for his staff was to 'encourage empowerment through participation'.

Tony leaves an enormous legacy behind him, but now he can relax on his property with his much-loved wife, Gai, knowing that he has made a difference to many people's lives, including mine. I wish him well in his retirement, and as a one-off and for Tony's benefit only, I say, 'Go Hawks!'.

Newhaven College

Mr PAYNTER — On 28 June I was fortunate to be an Acting Speaker in the house during the 2016 YMCA Youth Parliament. I was delighted to have students from Newhaven College present their bill. The students put forward the Implementing the School Psychologists Program Bill 2016, and it was passed with a majority. Well done to Lauren Adams, Claire Anstey, Matthew Fletcher, Alex Swan and Saxon Taylor-Le Page from Newhaven College for all the time and effort.

National Op Shop Week

Mr PAYNTER — On Wednesday, 24 August, I hosted an op shop fashion parade in Pakenham. The event celebrated National Op Shop Week. I am hoping that the charity bin will remain in Parliament for members to recycle their preloved suits and outfits.

Rosanna Road safety initiatives

Mr CARBINES (Ivanhoe) — I rise to thank the Minister for Roads and Road Safety for meeting in my electorate office in Rosanna last Friday with the Honourable Jenny Macklin, MP, federal member for Jagajaga; senior officers from VicRoads; members of the local community group Resolve Rosanna Road, Natasha Reifschneider and George Kio; and local councillor Tom Melican from Banyule City Council.

The meeting provided a further opportunity to discuss progress and data relating to the Rosanna Road truck curfew, an election commitment of the Andrews government. Further, a detailed briefing was provided on the \$850 000 worth of road safety initiatives that the minister announced last month that will fund further upgrades to Rosanna Road. Banyule council also provided details on its decision to fund a supervised crossing at Banyule and Rosanna roads.

I thank the members of the Resolve Rosanna Road committee for their constructive engagement with all levels of government. We will continue to work together on improvements for safety. We will do the hard work. We will get the benefits of that hard work

through the support of the Andrews government which time and time again is working with the local community to make progressive improvements to the safety of Rosanna Road.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2016

Statement of compatibility

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

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

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

Overview

The bill amends the Births, Deaths and Marriages Registration Act 1996 to remove current barriers for an adult to apply to the Victorian registrar of births, deaths and marriages (the registrar) to alter the sex recorded in their birth registration, namely the requirements for a person to have undergone sex affirmation surgery and to be unmarried. Instead, the bill allows an adult to apply to the registrar to alter the sex recorded in their Victorian birth registration by way of a statutory declaration that the person believes that their sex is as nominated in the application, and which is accompanied by a supporting statement from an adult who has known the applicant for at least 12 months. The applicant must nominate the description of the sex on their birth record, which may be 'male', 'female' or any other gender diverse or non-binary descriptor nominated by the applicant. This means a person will be able to describe their sex in a way that reflects their identity.

The bill introduces a new process to allow the parents or guardian of a child to apply to the registrar to alter the sex recorded on the child's Victorian birth record. This process will be restricted to children with the capacity to consent to the alteration. Children aged 16 and 17 years old will be presumed to have that capacity.

The bill allows the registrar to issue a document acknowledging the sex of an adult or child whose birth is registered outside of Victoria, if they have lived in Victoria for at least a year.

In addition, the bill amends the Children, Youth and Families Act 2005, the Corrections Act 1986, the Serious Sex Offenders (Detention and Supervision) Act 2009 and the Sex Offenders Registration Act 2004 to require detainees, prisoners, prisoners on parole, offenders or registered sex offenders to comply with an approval process before making their application to alter the sex on their birth record or for a document acknowledging their sex. The approval process is

similar to the approval process for change of name applications.

The bill amends the Births, Deaths and Marriages Registration Act and the Corrections Act to allow the Secretary of the Department of Justice and Regulation to obtain information from the registrar about all alterations of the record of sex of a prisoner or all of the documents issued acknowledging the sex of the prisoner where this is reasonably necessary for the purposes of the administration of the corrections legislation or for the purpose of the provision of services related to the health of the prisoner. The bill also amends the Births, Deaths and Marriages Registration Act to allow the registrar to provide written notice that a document has been issued to the registrar in the state or territory where the birth of the person, the subject of the document, is registered.

Human rights issues

Right to equality and the protection of families and children

Section 8 of the charter provides that every person has the right to enjoy their human rights without discrimination, is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. Discrimination under the charter means discrimination on the basis of an attribute set out in section 6 of the Equal Opportunity Act 2010, including gender identity, marital status or sex. Section 17 of the charter provides that families are the fundamental group unit of society and are entitled to protection and that every child has the right, without discrimination, to such protection, as is in their best interests and is needed by reason of their being a child.

New sex descriptors

New section 30A(2) in clause 8 and new section 30E(2) in clause 10 of the bill, provides for a person to nominate a sex descriptor of their choice to describe their sex in their birth registration or document respectively. A sex descriptor may be 'male', 'female' or any other descriptor nominated by the applicant. This means a person will be able to describe their sex in a way that reflects their gender diverse or non-binary identity. This new additional category promotes the right to equality of trans, gender diverse and intersex persons because it allows a person to use a description of their sex that is most appropriate and meaningful to them. This description will be recorded in their birth registration, and be what is shown on their birth certificate.

Removal of barriers to acknowledging a person's sex on their birth record

Currently, a person wanting to alter the sex recorded in their birth registration must have undergone sex affirmation surgery and be unmarried.

Sex affirmation surgery is a serious medical procedure that involves the alteration of a person's reproductive organs. For some people who identify as a sex that is different from that recorded in their birth registration, such surgery is not an option because the person has a medical condition or disability that prevents the surgery being undertaken, or because the surgery is unaffordable, not easily accessible or even available where the person lives. Further, the surgery

requirement applies regardless of other ways in which the person may live in their affirmed gender identity.

Even where a person has undergone sex affirmation surgery, they will not be able to alter the sex recorded in their birth registration if they are married. In effect, this provision requires the person to choose between a birth certificate that reflects their sex or affirmed gender identity, and the maintenance of the legal relationship with their spouse, even where that relationship is ongoing. Such a choice can have both financial and emotional consequences for the people involved.

New section 30A in clause 8 of the bill removes the current requirements to have undergone sex affirmation surgery and to be unmarried. New section 30E in clause 10 of the bill similarly removes these requirements for a person whose birth is registered in a place other than Victoria, in order to apply for a document that acknowledges their sex in accordance with their nominated sex descriptor.

In removing these unnecessary barriers, the bill promotes the right to equality and makes it easier for trans, gender diverse and intersex people to alter their birth record in a way that recognises the inherent dignity and autonomy of a person.

The new process for applying to alter the record of sex in a birth registration does not require a person to show medical evidence of gender transition or confirmation by a medical professional as to the person's sex: such requirements would inappropriately medicalise the person's sex or gender identity, and undermine the person's own statements about their sex or gender identity. Instead, the new process is primarily based on the person's self-declaration as to their sex. The equality rights of persons with disabilities may also be promoted by these changes, as some medical conditions preclude persons from undertaking sex affirmation surgery.

Removal of the requirement to be unmarried also promotes the right to protection of families: a person will no longer need to divorce their spouse in order to obtain a birth certificate that reflects their sex or affirmed gender identity.

New process for acknowledging a child's recorded sex

New sections 30B and 30BA in clause 8 of the bill introduce a process for the parents or guardian of a child to apply to alter the sex recorded in the child's birth registration. New sections 30EA and 30EB in clause 10 of the bill introduce a process with the same requirements for the parents or guardian of a child whose birth is not registered in Victoria, but who has lived in Victoria for at least 12 months, to apply for a document acknowledging the child's name and sex in accordance with the nominated sex description.

In both cases an application cannot be made unless the child consents to the application and the child must have the capacity to consent to the alteration. As for adults, clauses 8 and 10 of the bill provide for the nomination of a sex descriptor of the child's choice. The introduction of these new processes for altering a child's recorded sex, where previously there were no mechanisms for doing so, promotes the right to equality and the protection of trans, gender diverse and intersex children by allowing them to alter the sex recorded in their birth registration in a way that is appropriate and meaningful to them.

However, the bill may also limit the right to equality of children and the right to protection of children by: providing

for a special approval process to alter a child's recorded sex which is different to the process for adults; providing a more restrictive application process for children under 16 than for those aged 16 and 17 years old; and requiring minors to obtain parental approval for altering their recorded sex. In my opinion, any such limitation is reasonable and justified for the protection of families and children in accordance with section 7(2) of the charter.

The bill introduces a special approval process to alter a child's recorded sex by requiring a relevant person, being a doctor, registered psychologist or a person in a prescribed class of persons, to make a supporting statement affirming that in their opinion the application is in the best interests of the child. Although this requirement makes the application process for children more restrictive than for adults, it provides an important independent safeguard of the child's general health and wellbeing and takes into account the particular vulnerabilities of children. I therefore consider that it strikes a balance between the rights of the child to equality and their right to such protection as is in their best interests, and is needed by reason of their being a child under section 17 of the charter.

Children aged 16 and 17 years old are presumed to have the capacity to consent to an application to alter their recorded sex. This presumption means that the application process for children under 16 years of age is different than those for children aged 16 and 17. Unlike children aged 16 and 17, children under 16 years of age must have their individual decision-making capacity assessed by a relevant person to ensure that they have the capacity to consent to the application being made. This variation recognises that children aged 16 and 17 generally have the maturity to understand the meaning and consequences of altering their recorded sex. A different process for children aged under 16 than for those aged 16 and 17 is therefore appropriate in recognition of this variation in capacity. In my view, there is no less restrictive means available to ensure that the rights of children who have different decision-making capacities are protected in this context.

The application process for altering the child's recorded sex is also more restrictive than that available for adults in that the application must be made by a child's parents or guardians on their behalf and be accompanied by a supporting statement from a relevant person. I consider that this process strikes an appropriate balance between the rights of the child to equality and the protection of families under section 17 of the charter, by preserving the rights of parents to make decisions in the best interests of their child and recognising the variations in capacity between children of different ages and children and adults.

In recognition of the fact that parents might disagree as to what is in their child's best interests, new section 30BB and new section 30EC provide a mechanism for one parent or guardian to make an application to the County Court for an order to approve the alteration of the child's recorded sex if the court is satisfied that the alteration is in the child's best interests. Where neither the parents, nor a guardian, make an application on behalf of the child, despite the child's request for an application to be made, the matter would need to be resolved through the Family Court. New section 30C(3)(a) in clause 9 of the bill would allow the registrar to alter the record of the child's sex if the Family Court has ordered that the record be altered. In my view, there is no less restrictive

means available to ensure that the rights of families, children and the right to equality are all respected.

Right to privacy

Section 13 of the charter provides that a person has the right to not have their privacy unlawfully or arbitrarily interfered with.

Change to process for acknowledging recorded sex

Both clauses 8 and 10 of the bill remove the requirements that a person must have undergone sex affirmation surgery and that a person must not be married in order to apply to alter the sex recorded in their birth registration or for a document acknowledging their name and sex. The bill therefore promotes the right to privacy, as a person seeking to alter their recorded sex will no longer be required to disclose their medical history or relationship status in their application.

Information sharing

New section 30K in clause 16 of the bill allows the Secretary of the Department of Justice and Regulation, in certain circumstances, to obtain information from the registrar about all of the alterations to a prisoner's recorded sex and all documents issued acknowledging the name and sex of the prisoner.

New section 30K of the bill clearly sets out that the registrar must only disclose information to the secretary about a prisoner's recorded sex upon the request of the secretary. The interference is not arbitrary because the information that the registrar must disclose is limited to certain information about a prisoner's recorded sex and the request can only be made in relation to a defined class of persons who are deemed to be in the legal custody of the secretary under part 1A of the Corrections Act. Furthermore, the secretary will only be able to make a request for this information where the request is reasonably necessary for the administration of corrections legislation, as defined in section 104ZX of the Corrections Act or for the purpose of providing services related to the health of the prisoner. Consequently, requests for information about alterations to the prisoner's recorded sex in their birth registration may be required for the management, supervision or transfer of prisoners in the secretary's custody. Such information might be required, for instance, to ensure the safety of trans, gender diverse and intersex prisoners or to determine whether a person should be considered an at-risk prisoner in need of special protective measures.

Further, the information disclosed under new section 30K to the secretary would come within the meaning of 'personal or confidential information' in part 9E of the Corrections Act and would be subject to the provisions of that part providing for the use and disclosure of that information only in prescribed circumstances.

New section 30FA of the bill provides that the registrar has the power to provide written notice to another registrar that a document has been issued. The interference with privacy is lawful because it is clearly set out in the bill and it is not arbitrary because it relates only to providing notice in specific circumstances where a document has been issued and only to the registrar in the state or territory where the birth of the person, the subject of the document, is registered. The purpose of sharing this information with another registrar is to ensure the integrity of all state and territory births, deaths and marriages registers, as a person who has altered their recorded

sex could potentially have different identity documents. Written notice of the acknowledgement document offers the best identity security protection, enabling the registrar of the state or territory where the person's birth is registered to appropriately note the name and sex of the person as recorded in the document.

I therefore consider that any interference under the bill with a person's privacy is lawful and not arbitrary and is therefore compatible with the charter.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

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

The government has made a strong commitment to put equality back on the agenda in Victoria, particularly for lesbian, gay, bisexual, trans, gender diverse and intersex — LGBTI — Victorians. This government aims to create a fairer Victoria by reducing discrimination and respecting diversity. The Births, Deaths and Marriages Registration Amendment Bill 2016 is an important part of the government's broader equality agenda.

The bill seeks to amend the Birth, Deaths and Marriages Registration Act 1996 and has been developed in close consultation with the LGBTI communities. I am grateful for their assistance in developing a bill that will improve the legal recognition of trans, gender diverse and intersex people in Victoria.

Many trans, gender diverse and intersex people face barriers in daily life because they are unable to alter the sex recorded in their birth registration, and therefore what is shown on their birth certificate. As a result, organisations and institutions may query the person's sex by asking inappropriate and intrusive questions, for example when providing a service or amending documentation such as bank accounts, insurance details, credit cards, university records etc. In some circumstances where there is a lack of understanding, it may lead to appropriate care and services not being provided.

The bill implements the government's pre-election commitment to remove barriers for trans, gender diverse and intersex Victorians to apply for new birth certificates. First, in line with the principle of self-declaration, the bill inserts a new process for a person to alter the record of their sex without having to undergo sex affirmation surgery. Sex affirmation surgery is a serious medical procedure that involves the alteration of a person's reproductive organs. For some people, such surgery is not an option because the person has a medical condition or disability that prevents the surgery being undertaken, or because the surgery is inaccessible or unaffordable. The amendments mean that a person can apply to have their recorded sex altered on the basis of the person's own declaration and in accordance with a description of their sex that is appropriate and meaningful to them.

Secondly, the bill 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. This requirement can force a person to choose between a birth certificate that reflects their sex or affirmed gender identity, and the maintenance of the legal relationship with their spouse, even where that relationship is ongoing. Such a choice can have both financial and emotional consequences for the people involved.

By removing these requirements, the bill promotes the right to equality in the Charter of Human Rights and Responsibilities.

The application process for adults

The bill introduces a new application process for adults to alter the record of sex in their birth registration in a way that provides an appropriate level of legal formality, while promoting the dignity and personal autonomy of applicants. The applicant must make a statutory declaration nominating the sex to be recorded in their birth registration. Their application must include a statement from another adult who has known the applicant for 12 months or more, who believes the application is made in good faith and supports the application.

The bill allows the applicant to nominate a sex descriptor of their choice to describe the sex on their birth record. A sex descriptor may be 'male', 'female' or any other descriptor chosen by the applicant to recognise their gender diverse or non-binary identity. This new additional category is not limited by the bill and will allow a person to describe their sex in a way that reflects their identity. This choice is important because a list of descriptive terms to describe a person's sex in their birth registration has not otherwise been widely agreed within the general community. This approach is consistent with that of the Australian Bureau of Statistics, which allows counting of persons who are male, female or 'other'. The category of 'other' can be further described in a way that is specified by the applicant. In addition, in the recent commonwealth census, people who do not identify as either male or female had the option of identifying as 'other', with such identity able to be specified by the person completing the census.

The only limitation on the use of sex descriptors in the bill is a discretion for the registrar to refuse to register a descriptor that is obscene or offensive, or cannot practicably be established by repute or usage.

The bill similarly provides for a person, whose birth is registered in a place other than Victoria, but has lived in Victoria for at least a year, to apply for a document that acknowledges their nominated sex.

The application process for children

Unlike all other states and territories, Victoria currently has no statutory process for a child to alter the sex recorded in their birth registration. In recognition of the fact that many young trans and gender diverse people are capable of expressing a strong gender identity from an early age, the bill also introduces an application process for a child's record of sex to be altered in their birth registration. Similar to the process for an adult, a child would not be required to undergo treatment and a sex descriptor of their choice must be nominated in the application.

The application would be made on behalf of a child by their parents or guardian (or in particular circumstances one parent may make the application on the child's behalf). The

application must include a statutory declaration from the parents or guardian of the child stating that they believe on reasonable grounds that altering the sex recorded in the child's birth registration is in the best interests of the child.

An application cannot be made unless the child consents to the application. Where the child is under 16 years of age, the application must include an assessment by a doctor or registered psychologist (or prescribed person) that the child has the capacity to consent to the application. In all cases, the application must include a statement from a doctor or registered psychologist (or prescribed person) that the alteration is in the child's best interests. These are all important independent safeguards of the child's general health and wellbeing that recognise the different decision-making capacities of children and their ability to understand the outcomes of their decisions. A child aged 16 or 17 will be presumed to have the necessary legal capacity.

The bill similarly provides for the parents or guardian of a child, whose birth is registered in a place other than Victoria, but who has lived in Victoria for at least a year, to apply for a document that acknowledges the child's nominated sex.

Approval process for people subject to detention or supervision orders to make an application

In addition, the bill will provide additional checks and safeguards in respect of applications by people (both adults and juveniles) in detention or under supervision who wish to make an application to alter their recorded sex. The additional conditions are very similar to those that currently apply in relation to the change of name process. The approval process provides for the relevant supervising authority to consider the application with regard to its reasonableness, necessity and other relevant considerations including security or the safe custody or welfare of the person or any other person.

Conclusion

The purpose of the bill is to remove barriers for trans, gender diverse and intersex Victorians to apply for new birth certificates. It enables more adults who want to alter their recorded sex to do so without having to undergo invasive surgery or forsake their legal relationship with their spouse, and enables children to have a birth certificate that reflects their affirmed gender identity. At the same time, the bill maintains the integrity of the register of births. Together these amendments promote the right to equality and privacy in the Charter of Human Rights and Responsibilities. The bill recognises the inherent dignity and autonomy of a person applying for a new birth certificate that is most appropriate and meaningful to them.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Tuesday, 13 September.

ESTATE AGENTS AMENDMENT (UNDERQUOTING) BILL 2016

Statement of compatibility

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) 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 Estate Agents Amendment (Underquoting) Bill 2016.

In my opinion, the Estate Agents Amendment (Underquoting) 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 will amend the Estate Agents Act 1980 to introduce new measures to address the problem of underquoting by estate agents and agents' representatives in the sale of residential property.

In particular, the bill will require estate agents or their representatives to take into account three comparable properties in determining their estimated sale prices, and to provide details of these properties, and other information in relation to the property for sale, to prospective buyers in an information statement.

The bill also requires agents or representatives to update advertised prices to reflect any change in the estimated selling price or where a written offer is rejected by the seller.

The bill will enable the director of Consumer Affairs Victoria to give substantiation notices to estate agents requiring them to provide the director with information or documents. The bill also provides for courts to require estate agents' commissions to be forfeited to the Victorian Property Fund in certain circumstances.

Human rights issues

Property rights

Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, and are accessible to the public and are formulated precisely.

Clause 12 of the bill amends the Estate Agents Act to provide that a court may require a person to forfeit commissions and other fees received or owing to the agent to the Victorian Property Fund in certain circumstances. The circumstances in which a court may decide to do so are clearly formulated in the bill. The court must first have found a specified offence proven against the person.

Therefore, I consider that these provisions are lawful and not arbitrary and are compatible with the right to property under section 20 of the charter.

Right to privacy

Section 13 of the charter provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with.

Clause 8 of the bill amends the Estate Agents Act to enable the director of Consumer Affairs Victoria to give an estate agent a written notice requiring the agent to give information or produce documents to the director to substantiate the reasonableness of various specified matters, including the agent's estimated selling price and choice of comparable properties.

An agent must not, without reasonable excuse, fail to comply with a substantiation notice within 21 days after the agent is given the notice, or, if the director grants an extension, the time specified in the extension.

Most information required by a substantiation notice will not be of a private nature. However, to the extent that these provisions require the disclosure of personal information, there is no arbitrary or unlawful interference with the right to privacy because of the need to comply with clearly articulated requirements. Access to information and documents that might substantiate the reasonableness of an agent's estimated selling price assists the director to effectively administer the bill. The provisions are clearly set out in the bill, are circumscribed in scope and only operate to compel the provision of material necessary to monitor compliance with provisions set out in the bill.

Therefore, I consider that these provisions are lawful and not arbitrary and are compatible with the right to privacy under section 13 of the charter.

Right to protection against self-incrimination and the right to a fair hearing

Section 25(2)(k) of the charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt. The right applies in relation to incriminatory material obtained under compulsion, and extends to cover information that may have been obtained prior to any charge being laid. This is also an aspect of the right to fair hearing under section 24 of the charter. Section 24 provides that a person charged with a criminal offence or a party to a civil proceeding has a right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clause 8 of the bill provides for the director to require an estate agent to give information or produce documents specified in a substantiation notice. Clause 9 of the bill amends section 70U of the Estate Agents Act to provide that the protection against self-incrimination afforded to natural persons under that section also applies to the giving of information requested under a substantiation notice that would tend to incriminate the person.

The protection against self-incrimination under the amended section 70U does not extend to the production of documents that would tend to incriminate the person. This enables the director to obtain pre-existing documents that could substantiate the reasonableness of the matters specified in the notice, even if the documents would tend to incriminate the person.

At common law, the privilege against self-incrimination generally extends to documents a person is required to produce. However, the courts have drawn a distinction between the production of pre-existing documents, and oral testimony or documents that are brought into existence to comply with a request for information. In the former case, the protection against self-incrimination is considerably weaker.

It is my view that the amended section 70U is a reasonable limit on the rights of criminal defendants to fair hearing and against self-incrimination under section 7 of the charter. The limitation is directly related to its purpose. The documents that are required to be produced are necessary to monitor compliance with the provisions set out in the bill and ensure the effective administration of the regulatory scheme. The requirements are consistent with reasonable expectations of persons who operate a business and choose to participate within a regulated scheme.

I am of the view that there are no less restrictive means available to achieve the purpose of enabling the director to monitor compliance with the provisions set out in the bill, as providing an immunity for documents would unreasonably obstruct the administration of the regulatory scheme. Therefore, I consider that these provisions are compatible with the right not to be compelled to testify against oneself in section 25(2)(k) and the right to fair hearing in section 24 of the charter.

Right to be presumed innocent

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty in accordance with the law.

A number of provisions of the bill impose an evidential onus on defendants in criminal proceedings.

Clause 5 of the bill requires that, in determining an estimated selling price for a property they have been engaged or appointed to sell, an estate agent or agent's representative must take into account the three properties the agent or representative reasonably considers to be most comparable, having regard to the matters set out in the bill. The bill further provides that, if the agent or representative reasonably believes there are fewer than three comparable properties, this requirement does not apply.

An agent or representative seeking to rely on this exception bears an evidential onus to adduce evidence that they had such a reasonable belief. The provisions do not impose a legal burden on a defendant. Once the defendant has adduced some evidence to support his or her reliance on the exception, the burden is on the prosecution to prove the elements of the relevant offence beyond reasonable doubt.

The basis for an agent or representative's belief that there are fewer than three comparable properties is a matter particularly within the knowledge of the defendant. Consequently, even if these provisions were found to limit the right to be presumed innocent through imposing an evidential onus upon defendants, they would be reasonable and justified under section 7(2) of the charter.

Clause 5 of the bill also provides that, in marketing a residential property, an estate agent or an agent's representative must not state as the estimate of the selling price of the property a price or a price range that the agent or representative knows, or could reasonably be expected to

know, is less than the price proposed in any written offer to purchase the property that the seller has rejected. An agent or representative that becomes aware of a rejected offer must take all reasonable steps to remove or amend any advertising that contains an amount lower than the price proposed in the rejected offer.

The bill further provides that these provisions do not apply if the seller rejected the offer for a reason other than because the price was too low. This is to ensure there is no requirement to update pricing information if the offer was rejected in circumstances where the price may have been acceptable to the seller, but other terms of the offer were not acceptable.

Clause 5 also requires the indicative selling price included in the information statement to be, among other matters, not lower than the price proposed in any written offer rejected by the seller, unless the offer was rejected for a reason other than because the price proposed in the offer was too low.

An agent or representative seeking to rely on the exceptions set out in these provisions bears an evidential onus to adduce evidence that the seller rejected the offer for a reason other than because the price was too low. These provisions do not impose a legal burden on a defendant and only require a defendant to adduce some evidence to support his or her reliance on the exception.

If no reason for rejecting the offer is indicated to the agent or representative by the seller, the requirements not to advertise below the proposed price and to update price advertising will still apply. Accordingly, the evidential onus is based on matters particularly within the knowledge of the defendant. Consequently, even if these provisions were found to limit the right to be presumed innocent through imposing an evidential onus upon defendants, they would be reasonable and justified under section 7(2) of the charter.

Clause 8 makes it an offence for an estate agent to fail to comply with a substantiation notice issued by the director, without reasonable excuse. An agent seeking to rely on this exception bears an evidential onus to adduce evidence that they had a reasonable excuse for failing to comply with the notice. These provisions do not impose a legal burden on a defendant and only require a defendant to adduce some evidence to support his or her reliance on the exception.

The basis for an estate agent's reasonable excuse is a matter particularly within the knowledge of the defendant. Consequently, even if these provisions were found to limit the right to be presumed innocent through imposing an evidential onus upon defendants, they would be reasonable and justified under section 7(2) of the charter.

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

Hon. Marlene Kairouz, MP
Minister for Consumer Affairs, Gaming and Liquor
Regulation

Second reading

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

That this bill be now read a second time.

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

The bill will amend the Estate Agents Act 1980 to introduce new measures to address the problem of underquoting by estate agents and agents' representatives in the sale of residential property. The bill delivers on the government's commitment to act on areas of poor practice and complaints against estate agents.

For most Victorians, buying a home is one of the biggest decisions they will make. Underquoting can cause significant emotional, and often financial, distress. As well as spending time inspecting properties that were in reality beyond their means, prospective buyers may also incur costs associated with legal advice, building and pest inspections, or other pre-purchase costs. The bill aims to ensure that prospective buyers can confidently participate in the property market.

The bill will improve the transparency of agents' estimated selling prices, improve information available to consumers and create certainty about the way prices are quoted and advertised. Substantial penalties for non-compliance will apply, and a new substantiation notice process will assist the director of Consumer Affairs Victoria (CAV) to monitor compliance with the new requirements.

As well as the Estate Agents Act, estate agents and agents' representatives are also required to comply with the Australian Consumer Law (ACL) and other laws in the marketing and sale of land. The bill does not in any way limit or deviate from the effect and scope of the ACL or any other law. What the bill does is to set out detailed, industry-specific requirements to complement the ACL requirements, which are of a more general application.

Currently, the provisions of the Estate Agents Act in relation to underquoting apply to all property sales. The new requirements to be introduced by the bill will be restricted to residential property sales, which is the sector of the market where underquoting has been identified to be a problem. This will reduce the compliance burden for agents in non-residential property sales.

Estimated selling price and statement of information

Estate agents commonly use comparable property sales information in determining their estimated selling prices. The bill will make this practice more transparent by requiring agents or their representatives to determine a reasonable estimate of the selling price that explicitly takes into account the sale prices of the three properties that the agent reasonably considers to be the most comparable to the property for sale, and to include that estimate in the engagement or appointment. The bill sets out the matters agents or representatives must have regard to in choosing the three comparable properties, including guidelines issued by the director of CAV. If the agent reasonably believes that there are fewer than three comparable properties, as set out in the bill, the agent is exempt from this requirement, but must still ensure that their estimate is reasonable.

The bill will require agents to ensure that their estimated selling price remains reasonable. If the estimate ceases to be reasonable, agents will be required to notify the seller of this fact in writing and to revise the estimate of the selling price contained in the engagement or appointment.

Estate agents will be required to disclose details of the three comparable properties that they took into account in determining their estimate in a statement of information which will be provided to prospective buyers. If the agent believes that there are fewer than three comparable properties in relation to the property for sale, they must disclose this belief in the statement of information.

A statement of information will be required to be displayed at any inspection of the property, with any internet advertisement for the property published by or on behalf of the agent or representative, and must also be provided to prospective buyers on request within two business days.

A statement of information will also include other important information in relation to the property for sale. It must include an indicative selling price, which must not be lower than the estate agent's current estimated selling price, any asking price advised by the seller, or any offer rejected on the basis of price. This will ensure that prospective buyers will have access to the most accurate current pricing information, even if a price has not been advertised for the property. A statement of information must also include the median selling price for the suburb. This information will assist prospective buyers to make informed decisions about the property.

Advertising

The bill will create certainty about the way residential property prices are quoted and advertised.

Currently, while the estimated selling price contained in the engagement or appointment is restricted to being a single price or a range of no more than 10 per cent, there is no such restriction on the advertised price. The bill will provide that any advertised price must be a single price or a range of not more than 10 per cent.

Additionally, the use of qualifying words or symbols in relation to the advertised price, such as 'offers over', 'from' or 'plus' will be prohibited. Such words or symbols can be misleading to prospective buyers as they offer no information about what additional amount is required.

The bill prohibits estate agents or their representatives from advertising below the estimate contained in the engagement or appointment. Additionally, the bill prohibits advertising below the amount of any written offer that has been rejected by the seller. This does not apply if the offer was rejected for a reason other than because the price was too low, for example, because of other proposed terms that were unacceptable to the seller. These requirements are in addition to the requirements of the ACL in relation to price representations.

When an estate agent or agent's representative revises their estimate or becomes aware of a rejected written offer, they must update any advertising that contains a selling price or likely selling price that is lower than the estimate or rejected offer, either by removing or amending the advertisement. For internet advertising, this must be done within one business day, and for all other advertising, as soon as practicable. These requirements will ensure that advertising remains current.

Penalties and enforcement

Substantial penalties of up to 200 penalty units, or more than \$31 000, will apply for non-compliance with the requirements

set out in the bill. In some cases, this represents a doubling of existing penalties under the Estate Agents Act.

For the most serious offences, the bill also enables courts to order the forfeiture of any commissions or other consideration received or owing in relation to the sale. For a median house sale in Melbourne, this represents an additional penalty of more than \$14 000. For more expensive properties, the cost to agents found breaching the law will be even higher.

The bill will also strengthen requirements for agents to substantiate their estimates and choice of comparable properties. The director of CAV will have new powers to issue a substantiation notice requiring an estate agent to give information, or provide documents, capable of substantiating the reasonableness of various matters including their estimated selling price, choice of comparable properties, or any other pricing information given to prospective buyers or the seller. This will assist the director to effectively monitor compliance with the bill.

The bill aims to address the problem of underquoting and ensure prospective buyers can confidently participate in the property market.

I commend the bill to the house.

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

Debate adjourned until Tuesday, 13 September.

NATIONAL DOMESTIC VIOLENCE ORDER SCHEME BILL 2016

Second reading

Debate resumed from 16 August; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I am pleased to be able to speak this afternoon on the National Domestic Violence Order Scheme Bill 2016. I am pleased to advise at the outset that the coalition does not oppose this bill, although we do have concerns, to which I will advert shortly, around commencement and why this scheme cannot commence now. As I will make clear and as the bill and supporting materials make clear, this bill, as far as it deals with substantive matters, which we will not oppose, will not actually commence, and the government is making it very clear that there is no indication of when it might commence. It is a matter of substantial concern to us on this side of the house that there is nothing to prevent this bill sitting on the books without being proclaimed for a very long time indeed — whether it is many months or even years. I will come to those matters shortly.

Of course the national domestic violence order scheme has been on the books for a long time. During the course of the previous government, under the then

Premier, Denis Napthine, steps were taken by the Victorian government to sign up to the second action plan of the *National Plan to Reduce Violence Against Women and Their Children 2010–2022*, which contained a whole-of-government approach encompassing a wide range of initiatives designed to change culture and to educate men, women and children about the causes of domestic violence and about counselling and rehabilitation. I am very proud to have been a supporter of a government in the previous Parliament that was committed to investing substantial amounts of funding and taking a wide range of necessary steps to tackle domestic violence. I say that not as a partisan statement; I know that on the other side of the house there is as much goodwill and determined effort to addressing the scourge of family violence.

Of course the idea of a national domestic violence order scheme was on the Council of Australian Governments (COAG) agenda for some time, and it formed part of the work of various iterations of the action plans under the broad action plan I mentioned before. It is worth noting that in early 2015 COAG established an advisory panel headed up by the now eminent citizen Ken Lay with esteemed members such as Rosie Batty also on that advisory panel. Part of its work was to look at the introduction of a domestic violence order scheme that would operate nationally.

That culminated in December last year when the relevant ministers meeting in COAG resolved to introduce a national domestic violence order scheme with effect in the second half of this year, and I emphasise those words ‘with effect’. I will explain a bit more about that in a moment.

So what is the idea around a national domestic violence order scheme? Well, as we know, or as many people in the sector would know, at the moment if you are, for example, a woman who has obtained a domestic violence order, let us say, in New South Wales and you flee circumstances in which you are subject to violence and come to Victoria with your children, that order which you obtained in New South Wales does not automatically apply in Victoria.

There are provisions under the Family Violence Protection Act 2008 by which a protected party can apply to obtain an order — I am using some of this language loosely — which recognises an interstate order, which will then, upon that application being successfully determined, apply in Victoria as if it were made here. A breach of that interstate order which has been recognised in Victoria will carry serious penalties for a breach committed inside Victoria.

That, for many women and children in particular, is quite an unwieldy system. It has operated for a very long time, but it means that the practical onus is on the protected party to take steps to secure the protection of an interstate order. Whilst that has been the case for many years, it seems that in our efforts to deal with domestic violence, not just on a state basis but on a national basis, it makes perfect sense to amend the provisions operating in each of the jurisdictions to allow for what we might call complete portability of orders. That is the general purpose of such a scheme: to make it easier for people, particularly women and children, to have the protection of those orders and to relieve them of the need to approach the courts themselves, backed up ultimately and ideally by an IT system which provides all the relevant stakeholders and parties, such as Victoria Police, the courts and anyone else who might need access to this information, with immediate real-time access to live orders that have been generated in other jurisdictions. So it makes sense.

Where I do have some concerns about this bill is in respect of the commencement of that and who bears the costs for this. I understand from what the government is saying that it is looking to the commonwealth for funding, effectively, as I infer from the materials — the bill and the second-reading speech — to support the implementation and application of the IT system which needs to underpin a national domestic violence order scheme. The question of funding may well be a legitimate question, and it certainly is, but when we all agree, as we do, that the highest priority is the protection of people, in particular women and children, who are at risk of being harmed because people can evade the application of an interstate order — because, let us say, a woman has been concerned with looking after her family rather than going to the court to register an interstate order — that is not an ideal scenario. But for governments to bicker over who is to expend the moneys and to put the commencement of the system on, effectively, the backburner is not a desirable way to approach this.

I understand what the government is saying, but I do not think it is an excuse for not commencing either the scheme which is proposed in the bill or part of the scheme, which would at least improve protection for women and children who are protected parties under interstate orders, because what the effect of this bill in terms of commencement will mean is that, despite the words supporting this bill in the second-reading speech and in the media release, there is no change. Nothing changes. If this bill passes the other place in the next few weeks, then nothing will have changed. It is quite possible in fact, if we are to understand what is being said in the supporting materials — if we are to take it at

face value — this bill might not be proclaimed for a very long time.

One might well ask: what is the point of the bill if you are not prepared to commence it? I say that because we strongly believe there should be steps taken to commence this urgently or as soon as possible, even if there is going to be an ongoing discussion between governments about who is to fund what component of what system. That may well be a legitimate argument, but as I said, we all understand and we should all accept that the highest priority is to make sure that we have maximised the protection of women and children. That is best secured by commencing this bill.

I do note that the government — for reasons I can understand — has talked in its supporting materials about the fiscal commitments it has made to domestic violence arising from the royal commission. They talk of \$572 million in this year's budget. That is a large figure, and one wonders why with such a substantial commitment something cannot be diverted to ensure that earlier commencement of this scheme can take place.

As I said, this bill will create a scheme in which all domestic violence orders, wherever they have been secured, will operate, and it will do so without those persons with orders having to take any further actions. It provides for automatic recognition with enforceability being possible on a national basis. The national model, which the Council of Australian Governments is aspiring to, is working on the basis that there will at any one point in time be only one order operating and that effectively, and put simply, if an order is made, it will supersede an earlier order, and the last-in-time order will apply. Again, it makes sense.

I can understand and accept at some level that you need a strong IT system to underpin that, because if you are to have a system in which one order applies at any one time, it is ideal. I stress that: it is ideal that you have an IT system which supports that. But national schemes existed before the IT revolution, and my point is that, while this debate goes on between state and territory governments and the commonwealth, I just cannot see why it is not possible for at least automatic enforceability of interstate orders to apply because, as the government points out in its own second-reading speech, what this bill proposes does represent something of a departure from the national model. So if you are prepared to depart from that national model — and I say in particular in reference to the ability of Victoria Police to apply for a family violence safety notice which will supersede, if this bill commences, an

interstate domestic violence order — then there is your safeguard.

One of the reasons cited by the government for not commencing it is that it may leave women and children exposed to risk, but I think the greater risk is that you are not providing for automatic recognition. This bill itself provides a safeguard for what might be some practical difficulties and some temporal difficulties in police obtaining, for example, the full details of a domestic violence order (DVO) that is made, for example, in Queensland. Yes, it may take some time, but this bill provides that, for example, a police officer can apply for a safety notice, so when it comes to the idea that you cannot commence this scheme until there are, in the words of the government, adequate systems in place to support the implementation and keep victims safe, the bill itself has that safeguard in it. It will provide that the safety notice will supersede an interstate order and prevail over that interstate order to the extent of any inconsistency.

In light of that it is hard to see why we have a situation where, again, for all of the supporting rhetoric around the bill there is no preparedness to commence the scheme, and I will be interested to hear during the course of this debate arguments that go beyond what is stated in the second-reading speech. I would really be interested to know why with the safeguards in this bill the government is not prepared to commence it, because if the government were prepared to commence the bill and be as determined and as dogged in pursuing governments — whether it be the commonwealth government or other state governments — about the IT system, who funds it and who provides what at what time, that could all take place. But that could take years, and women and children should not have to wait years for the protection that this bill will provide.

I should also say that the bill deals with other matters which we do not oppose. It extends, as one might expect, the operation of the detention scheme so that, where it is necessary to detain somebody who is a respondent to an interstate domestic violence order, police will be able to do that where they believe on reasonable grounds that that person is a respondent to a recognised domestic violence order and the officer intends to obtain a copy of that order.

Again, as I was saying in respect of automatic or complete portability and the extension of this bill to powers of detention in relation to persons who might be the subject of an interstate DVO, because this bill will not commence for a time — we know not how long — these provisions will not apply either. Police will not be able to exercise their powers of detention in respect of a

person who they reasonably believe is a respondent and in respect of whom they wish to obtain a copy of a relevant applicable interstate domestic violence order. They will not be able to do that. There will be no capacity until the government proclaims this legislation.

So we are at a bit of a loss to understand why, one, the government is not prepared to commence it and, two, the government is not prepared to proclaim the act once it has passed for an indefinite period. And let us be frank: history shows that arguments between state, territory and commonwealth governments can occupy, as I said, months, sometimes sadly even years. We do not know how long this will take. What we do in good faith is ask: can the government think of a way in which this bill, which we do not oppose in substance, can be commenced either wholly, with the safeguards that are in place, or partly? There may need to be, in light of perhaps technical issues, some selection of provisions which can operate as they are and others that might need some tinkering, but at least we will have a scheme that is operating. As I said, what is better? Is it better to have a situation continue where a woman who has the benefit of, say, a New South Wales DVO has to take steps in Victoria to register that, as opposed to a scenario where the bill commences and she no longer has to do that because the DVO registered in another jurisdiction has automatic application in Victoria?

Even with some of the technical difficulties that may exist it is still better as a matter of policy in our view that, for example, a man with a history of violence in another jurisdiction who is the subject of an order knows that that order applies to him if he goes anywhere else in Australia. He will know because the order will provide explicitly that the order will apply to him in every jurisdiction throughout the commonwealth. Surely that has got to be a better outcome, a better scenario, than the status quo, which is that that order only applies within certain borders. We know that domestic violence does not recognise borders. There are many sufferers of domestic violence who experience it from jurisdiction to jurisdiction, often because they are fleeing, sometimes sadly because they are pursued relentlessly because of a person whose bitterness, anger and violence are so deranged that they think it is legitimate to do that.

My appeal to the government is one made in good faith. There is no opposition to the substance of the bill. These matters surrounding a national domestic violence order scheme are sound and they are desirable, and our point is that we need them in operation as early as possible. Yes, I accept that there will be an ongoing debate or discussion between different levels of government, but let us not accept that as a reason for

not implementing the scheme now so that particularly women and children have the immediate benefit of at least knowing that orders they have obtained in other jurisdictions will apply in Victoria without them having to do anything about it. Even with the practical difficulties the police may find in obtaining the full details of a registered domestic violence order in another jurisdiction, that is still a lot better than leaving this bill in an unproclaimed state.

Ms RICHARDSON (Minister for the Prevention of Family Violence) — It is my great pleasure to rise today to speak on the National Domestic Violence Order Scheme Bill 2016, and as the member for Hawthorn has highlighted this is an initiative that has come from work done at the commonwealth level. As we have had said very many times in this house, family violence is of course the greatest social challenge facing our community, with women and children bearing the biggest toll, the biggest burden, as a consequence of our collective inability to address this harm.

The number of reported incidents of family violence has increased significantly — in fact, by 82 per cent between the 2009–10 and 2013–14 financial years. This is an increase of over 30 000 reported incidents in that time, but in truth we actually do not know the full extent of the rate of family violence, and that is why we are introducing a world first — a family violence index — to measure the rate of family violence incidents, but also to measure our performance over time in addressing that harm.

As we all know, the Andrews Labor government has made a historic commitment to Australia's first family violence royal commission and to implement each and every one of the 227 recommendations contained in its report.

This bill before the house seeks to address some of the cross-jurisdictional challenges that arise from intervention orders (IVOs), and of course every state and territory has a different set of arrangements to put in place intervention orders and protection for victims. Currently, if you travel across jurisdictions, those intervention orders are not recognised automatically across those jurisdictions, and in fact victims have reported on a number of occasions being of the view that their intervention order achieved in another state will be valid in their new home or new place of work and the like, and of course they find that the intervention order is not valid in that jurisdiction.

In 2009 the commonwealth government released *Time for Action*, which as the member for Hawthorn highlighted was the national council's plan for

Australia to reduce violence against women and their children, and this recommended that there be some urgent action taken with respect to the registration of intervention orders across jurisdictions. There has been some work done on this for a considerable period of time, and in December 2015 the Council of Australian Governments (COAG) agreed to a set of model laws developed in consultation across jurisdictions, and it also agreed to introduce a national domestic violence order scheme so that IVOs issued in one state could be recognised across every jurisdiction. Indeed there was a commitment made that legislation would be brought before parliaments to bring these changes into effect.

Now we are obviously bringing this bill forward as part of our commitment and honouring of that COAG agreement, but we also recognise and understand that there are significant barriers on the ground or at the coalface to actually seeing this legislation being implemented in such a way that victims actually benefit from it.

In the short term COAG did agree to develop interim information-sharing schemes to support this initiative, but in the longer term we know that this scheme will need some comprehensive national information-sharing systems that police and courts right across Australia will be able to use in order to ensure that victims in any jurisdiction with an IVO are recognised right across the country.

The government has made it plain that we cannot and will not commence this bill until we are satisfied that this information-sharing regime is in place, and most particularly we understand that we will have to work directly with the commonwealth across jurisdictions to put in place something that is going to work in every jurisdiction.

In addition to intervention orders, of course, we have the family violence safety notices, which are put in place by police, and this bill also varies the model laws by allowing Victoria Police to issue a family violence safety notice even if there may be an interstate court-made domestic violence order in place. This will ensure that police can put in place some protections immediately, no matter what is happening in other jurisdictions around the country.

This bill of course is just the start of the intervention order reform that we will be undertaking here in the state of Victoria. That is coming from a set of recommendations from Australia's first Royal Commission into Family Violence, and the report itself identified a range of challenges that victims who are seeking an intervention order face. There have been, I

must say, some improvements made to the intervention order scheme here in Victoria, but the royal commission clearly identified that there is a great deal more work that needs to be done. For example, recommendations 56 and 57 highlight the need to better streamline IVO application processes and the serving of IVOs. Recommendation 71 highlights the way new technologies in fact can be used to better help victims apply for intervention orders using remote witness facilities and the like, which is clearly less traumatic for victims seeking an intervention order.

Also, importantly — and this is very relevant to the bill before the house — there is a need to improve information sharing across our courts. As the commonwealth works through the priority that is identified with IVO cross-jurisdictional support for IT services, this is something within our jurisdictions here in Victoria — between the Family Court and the Magistrates Court — where there is a need, as identified by the royal commission and by the courts themselves, to have better information-sharing regimes.

There is also a call to improve the list management systems to help deal with the lengthy wait that many victims experience as they go through our courts. Importantly, we want to recognise child victims of family violence as part of the intervention order scheme process. We also need to better respond to breaches of the intervention order, and the royal commission highlighted the need to do that.

The royal commission called for — and I think this is a very important part of the report — more innovative court processes and innovative models and restorative justice models as well as alternative pathways to the intervention order scheme. It is an imperfect scheme. No matter what you do, in very many circumstances it will not be able to deliver the kinds of safety that you want to deliver for victims of family violence, nor can it hold perpetrators accountable in order that they will change their behaviour. The royal commission identifies and highlights the need to do more work in that space, and obviously we are committed to do that.

The truth is that when they speak about intervention orders a great many victims of family violence highlight the many challenges with which the process and the system confronts them. Most particularly they identify that we need to do more to prevent the violence in the first place in order that they can avoid the police and the court system in its entirety. The member for Hawthorn raised his concerns about wanting to see the scheme delivered as soon as possible. We of course want to see a scheme such as this put in place as soon as possible. Everyone is keen to see that. However,

there are significant IT challenges to make this realised, and there will need to be significant investments to make this process realised. Victoria is already putting in place a range of measures to improve its IT systems. We are hoping to see those improvements rolled out across Australia.

The \$572 million investment that has been made does in part go towards addressing some of those information-sharing challenges. In particular we want to ensure that as we are dealing with victims who are coming through the system, we are actually sharing information across the system so that we are putting in place the kinds of measures victims need in order to keep them safe. The commonwealth clearly has a role to play in this space, not just working with us but with other jurisdictions, and we very much look forward to working with the commonwealth to see this scheme put in place as soon as possible.

Mr D. O'BRIEN (Gippsland South) — It is a pleasure to speak on the National Domestic Violence Order Scheme Bill 2016 and also to follow the contribution of the minister on this important piece of legislation. As the member for Hawthorn has outlined, the coalition is certainly not opposing this legislation. The member for Hawthorn outlined in some detail concerns about commencement with respect to the arrangements contained in the bill, but I understand also the comments just made by the minister about the technical and IT challenges in making that occur.

In some respects, as a new member of Parliament I see this legislation and the attempts to harmonise domestic violence orders (DVOs) across the nation, and I think: why has this not been done before? I am sure this is particularly the experience of the many women who have fled interstate from domestic violence only to find that their DVO does not apply in their new jurisdiction unless they take action to have it specifically enforced. This legislation will overcome that concern and ensure that domestic violence orders that are in place in one jurisdiction will automatically be enforced in other jurisdictions as well.

The legislation also includes jurisdictions overseas. That will be a significant challenge, I am sure, but there are other areas of law where this occurs, and I hope we are able to implement that in as many relevant jurisdictions as possible. This is of course a step in the right direction in tackling the scourge of domestic violence.

We can trace this issue back many years, but in researching the bill I came across the original national plan to reduce violence against women and their

children from 2011. In a political sense it is quite startling to see the signatories to that Council of Australian Governments (COAG) agreement at the time, just five short years ago. Of the Prime Minister, premiers and chief ministers who signed that agreement there is only one remaining, and that is the West Australian Premier, Colin Barnett. I guess what is good about that is that we are seeing consistency through the years, so despite the changes of government, despite the changes of prime ministers, chief ministers and premiers, five years later we are continuing on with the work that was started then, and in particular implementing the agreement made at COAG in 2015.

It is important to note that this has been largely bipartisan. That particular national plan was launched by the then Prime Minister, Julia Gillard. We then saw the \$100 million national plan to tackle issues of domestic violence launched by the former Prime Minister, Tony Abbott, and now legislation implementing the COAG agreement from last year under Prime Minister Malcolm Turnbull. Likewise, at the state level, one of the signatories to that national plan in 2011 was then Premier Ted Baillieu, and that commitment continued through his premiership, that of Premier Denis Napthine and now on to the current Premier.

The bill will ensure that domestic violence orders will be automatically applicable across various jurisdictions. I appreciate the technical and pragmatic challenges, as outlined a moment ago by the minister, that that will bring, but the sooner the better. I think it is also important that, as a Parliament, we acknowledge the pragmatic limitations of DVOs themselves. There are regular complaints where a woman will take out a DVO, but ensuring that it is actually implemented and that the woman is appropriately protected — because it is overwhelmingly women, of course — becomes a more practical challenge, given the resources available to police. There have been a number of good programs over the years, and one that was trialled in the Hume region with respect to women involved having access to pagers or alert buttons that they could press in the event of any domestic violence occurring. I acknowledge that there are those pragmatic limitations. At the end of the day the DVO is a piece of paper, and we have to accept that it does not necessarily stop perpetrators breaking those rules.

The statistics in this sector are quite alarming. Some of those are from the national plan, and I appreciate that there will be updates, but from the 2011 national plan the first one that really struck me as perplexing was that nearly all Australians — 98 per cent — recognise that violence against women and their children is a crime,

which makes me wonder about the other 2 per cent. It is extraordinary that there is anyone in our society who thinks that violence against women and children is not a crime, so my only query on that statistic is: where is the other 2 per cent? Then we have 1 in 3 Australian women who have experienced physical violence since the age of 15, and 1 in 5 experiencing sexual violence, according to the Australian Bureau of Statistics.

In 2005 over 350 000 women experienced physical violence and over 125 000 women experienced sexual violence. These are frightening statistics. Recently I saw on television a reference to a statistic that 1 in 4 women will be raped in their lifetime, and it went with a slogan that said, 'Will it be your mother, your wife or your daughter?' That really does bring home the concern that this is so prevalent and widely occurring for women in our community. It is not just domestic or family violence, as in that case, but they are shattering statistics that are too terrible to think about at times, but it is important that we are thinking about it and talking about it.

I must say it is to my great shame as a country member of Parliament to hear that the rates of family violence are so high in country areas. I think the top four areas for reporting of domestic violence were all in the country. In an article on those statistics in the *Age* last year the Latrobe municipality in Gippsland was no. 2 after Campaspe. It talks about those statistics with Latrobe reporting 2767 incidents of family violence per 100 000 people. They are certainly concerning. The article goes on to highlight that the statistics may well be worse than that, given the underreporting.

I think we have seen probably a spike in family violence reports in the last couple of years. I think we can properly interpret that as a good thing, because we are getting this out from under a rock, ensuring that it is not an issue that is swept aside and is not an issue that people can see as just a family thing that should stay behind private closed doors. We do need to get this out in the open.

I appreciate that that is a particular issue in the country — in small country towns where perpetrators may be very well known to police and they are involved in the footy club, the fire brigade, the local Lions club or whatever it may be — but we do need to bring it out into the open, and we need to take as many steps as possible to ensure that we address this issue. So it is really quite concerning that family violence remains such an issue in our country areas, and I hope that each piece of legislation and each separate program that we fund here as a Parliament or as a government

will do a little bit in the right direction to reduce this scourge on our communities.

I think we must continue to do more to protect women and children. There are, it should be acknowledged, a small number of men who suffer from family violence, but it is overwhelmingly a female issue, and it starts with men — with men taking responsibility and with men, such as those of us here in this Parliament, taking a lead and saying that enough is enough and making sure that we do not accept that this scourge of violence continues in our communities. I said before that one of the most important roles for those of us in this chamber is to protect the vulnerable. In that respect, this legislation will go some way towards doing that, and I look forward to seeing this pass through the Parliament soon.

Ms THOMAS (Macedon) — I rise to speak on this very important bill before the house today, the National Domestic Violence Order Scheme Bill 2016. At the outset I would like to put on the record the pride that I have for the work of the Andrews government in addressing Victoria's no. 1 law and order issue, the pride that I feel in our complete commitment to establishing Australia's first family violence royal commission and the pride that I feel in our commitment to delivering on each and every one of the 227 recommendations of the Royal Commission into Family Violence. I note also that this is a government that has put money where its mouth is, with just over half a billion dollars as an initial investment in our family violence system. I take the opportunity again to commend the Premier on the absolute and resolute leadership he has shown in this regard.

I note some comments that have just been made by those on the other side reflecting that there has been a bipartisan commitment to addressing this issue, and I note that indeed that has been the case since the royal commission commenced and subsequently with the recommendations of the royal commission. But let us bear in mind that this was not always the case. Indeed the former premier, Denis Napthine, disparaged the royal commission as a talkfest. I doubt there would be many who would stand by those comments now, when we have seen the incredible work that that royal commission has done in absolutely assisting us as a Parliament and, importantly, as a government to understand the systemic problems that we face and the fact that we need a whole-of-government response and a government that is willing to commit itself to addressing each and every one of the family violence royal commission's recommendations one by one in order to deliver that system reform.

So this is a government that takes very, very seriously its responsibility to Victoria's women and children, and I would make a note that I believe this is in no small part a reflection, again, of this government's commitment to supporting women both as members of the Labor Party and in this house and as members of our cabinet. I think that it is the influence of the very, very strong women on this side of the house that has seen this issue receive the due prominence that it has. Again I make the point that without our Premier and his commitment to improving the lives of women across this state, we would not be debating this bill today in the context of delivering on each and every one of the royal commission's 227 recommendations.

Under this government we will establish 17 safety hubs statewide, we will boost early intervention services and we will provide more specialist family violence services within our courts. We will ensure stronger accountability for perpetrators, more resources for police, family violence training in hospitals and schools and an independent agency to hold governments to account. We will introduce new laws so that the privacy of perpetrators does not trump the safety of victims. There will be a housing blitz, one which is commenced for women in crisis, and more resources for schools to teach the next generation about respectful relationships.

Above all we will put victims at the heart of our reforms. We will work with victims and survivors and with the people and organisations that support them to build a better system that will help prevent family violence and keep women and children safe. The commitment that this government has shown to the principle of co-design in the implementation of each and every one of the royal commission's recommendations is important. That means that the voices of victims, survivors and the agencies that work with those women and children are there at the table helping us design our response and implementation of the recommendations of the royal commission.

I am also really pleased that our approach is truly whole of government. As I said before, we are talking system reform. That requires our cabinet, as one voice, to be totally committed to the implementation of the family violence royal commission's recommendations. It means the Attorney-General, the Minister for Housing, Disability and Ageing, the Minister for Police, the Minister for Families and Children, the Minister for Health, the Minister for Sport, and even, I might note, the Minister for Small Business, Innovation and Trade getting right behind our commitment.

I point out the innovation minister because I was delighted to read that along with the Special Minister of

State, the innovation minister announced SmartSafe+, an app developed by Domestic Violence Resource Centre Victoria, had won the top public sector award for innovation. The SmartSafe+ app helps women safely and securely collect detailed evidence in order to obtain a protection order or prove a breach of one. It collects photographs, video and recordings and saves them off device to ensure the evidence can be protected and used in court. So this is a fantastic technological innovation, supported, as I said, by the minister. Domestic Violence Resource Centre Victoria worked closely with the Magistrates Court, Victoria Police and community and legal services to develop the app. It was, I might say — while the award was sponsored by the minister for innovation — again the Premier, who chose this particular app as the one to win the public sector and government iAward for innovation.

On the national domestic violence order project, as we have heard, each Australian state and territory and indeed New Zealand has a form of domestic violence order (DVO). Currently if a victim moves from New Zealand to Australia or from one Australian state or territory to another, and they wish to have their court-made DVO enforced in that state or territory, they must register that order with a court in their new jurisdiction. Failure to do so means that the DVO is unenforceable in the new jurisdiction. Here in Victoria this is of particular interest to those who live in our border communities. I have my own particular interest in this matter — as you know, Acting Speaker Carbines — having grown up in the border town of Wodonga.

So while I welcome the member for Gippsland South's contribution, I hope that we will hear from those members who represent our border communities. In particular I would hope that the member for Benambra might find it in himself to make a contribution. That would be a rare event, but one would think that on this matter he might rouse himself to speak out for the women and children in that town, that border community of Wodonga, who need a strong voice in this house. Unfortunately, I have to say, they do not have one.

I would also say that in 2009, as we know, the commonwealth government released *Time for Action!*, which is the National Council to Reduce Violence against Women and their Children's plan for Australia for 2009–2021. It recommended that urgent attention be given to the need for automatic registration of civil protection orders. Now, we have heard also that work on this issue has been going for some time. It has been on the agenda at the Council of Australian Governments (COAG). In 2015 COAG agreed on a set

of model laws developed in consultation with the various jurisdictions and agreed to introduce the national DVO scheme so that DVOs issued in one state would be recognised in all the others. So I am very pleased that the Andrews Labor government has fulfilled this commitment by introducing this bill to the house in the first half of 2016. We will continue to work closely with other jurisdictions, including the commonwealth, to implement the national DVO scheme to ensure it is as comprehensive as possible in the protection it provides to victims. In particular, again, I make note of the need for this bill to protect the interests of women and children who live in the many border communities, those abutting not only New South Wales but of course South Australia as well.

This bill is an important step towards a system that will mean victims of family violence who take out a DVO will be protected by that order throughout Australia once the full scheme commences. It will allow perpetrators of family violence to be charged with and prosecuted for breaching an interstate DVO, as they should be. On that note I commend the bill to the house.

Ms SANDELL (Melbourne) — It is a pleasure to contribute to this debate. The Greens fully support the national domestic violence order scheme, which was an initiative of the Council of Australian Governments (COAG). As others have outlined, the issue is that victims of family violence who successfully apply for intervention orders in one state or territory find that when they move across state or territory borders, the intervention orders do not follow them. It is clearly and obviously unacceptable and has been recognised as such by multiple inquiries and reports, so we absolutely welcome this bill and thank the government for it.

We understand that the government has some concerns around the workability of the interim arrangements — for example, before the national database of all domestic violence orders comes on line and specifically around the limitations of the existing national police reference system database. We also understand that based on those concerns the government has departed from the COAG model laws in its bill to do two primary things: firstly, to allow the police to issue family violence safety notices regardless of whether an interstate domestic violence order is in place, and secondly, to ensure that such safety notices will prevail over interstate domestic violence orders where it is not possible for respondents to comply with both the notice and the order.

That is fair enough, but what we do not understand is why there is no agreed commencement date for the national scheme. The COAG communiqué of

December 2015 recognised that these interim arrangements would be imperfect, and the government has demonstrated a willingness to depart from the model laws during the interim period. We had a briefing on this matter, and the Attorney-General's department has told us that the reason there is no commencement date in the bill is due to the fact that there are a lot of things that need to happen before everyone is ready for the bill to come into effect. Fair enough, but that is the same for all legislation, and traditionally you would expect that implementation efforts work to the time lines of the Parliament.

So we are concerned that, without a commencement date for the bill, victims of family violence who have moved to Victoria from interstate will not be protected by orders made interstate and this bill could conceivably be delayed indefinitely. I know that is not the government's intention, but without a commencement date it is what could happen.

The Attorney-General's advice to people in that position is that they should simply register their domestic violence order in Victoria, which means of course that no matter when we pass this bill their situation does not actually change, and I am not sure that is acceptable. I know this can be a really big problem especially in towns close to the border, such as towns close to Mildura where I grew up. I know that many people I grew up with — my friends — lived across the river in Buronga or Gol Gol and worked in Mildura in Victoria or vice versa. Obviously having to register orders in two different jurisdictions, even though those jurisdictions are so close together, is really not ideal and needs to be fixed.

While not necessarily directly related to some of the provisions in this bill, I want to take this opportunity to once again send my condolences to the family and friends of Karen Belej. Karen was a friend of mine at school. I grew up with her. I went all through primary school and high school with Karen; we were in the same year. She still lived in Sunraysia. She was a White Ribbon ambassador, she worked for the council and she was killed in her home earlier this year. I know that her family and friends are really hurting and miss her terribly every day. I want to put on the record that I am thinking of them. They are constantly in my thoughts, and I will continue to do all I can here in this place to stop awful crimes like this from happening and to uphold Karen's legacy, because she was a great advocate for victims and survivors of family violence.

Back to the bill. The only reason a national domestic violence order scheme was not considered by the Royal Commission into Family Violence was that the

commission was satisfied the issue was already being addressed by COAG. So when this bill goes to the upper house, we will be asking some questions of this government about the bill and the commencement date, because it is really incumbent upon this government to explain why it or indeed COAG has not been able to find a way to make the model laws work in the interim.

I do appreciate that the New South Wales government has apparently taken the same approach, which is to delay the implementation of its legislation until such time as a workable interim arrangement can be found, but I would say that, at the very least, victims of family violence need to know how long that is expected to take, so we will be raising these matters with the minister. I hope that these questions and concerns will be able to be addressed in good faith before the bill reaches the upper house so that it can have a speedy passage, because it is an incredibly urgent and important matter that needs to be addressed.

Ms KNIGHT (Wendouree) — I am very pleased to rise to speak on the National Domestic Violence Order Scheme Bill 2016. But before I begin, I want to thank the member for Melbourne for her words about her friend. When we come into this place and we talk about bills such as these, it is really important that we are reminded that there are actual people behind this and that when we stand in this place we are often standing here on behalf of those who would be impacted by these bills but who may not be with us any longer. So I thank the member for Melbourne.

This bill is a really incredibly important bill for what it represents, for the symbolism of it and also for the reality of it. This will actually make a huge difference to a lot of women and their children and the lived experiences that they have. Violence against women and children is not contained in one geographical area, and women's safety should not be confined to one geographical area. If we think about what women and their children go through when they flee or leave a violent situation, I think that everyone in this chamber can imagine and some have perhaps experienced the stress at that time — the trauma, the difficulties and the panic about, 'What about the kids, what about the pets, what about my home, what about my family and what about my extended family?'. A whole range of very difficult decisions have to be made in what is sometimes a very limited period of time and often perhaps when you are recovering from injuries or have been subjected to physical violence or have seen your children similarly affected.

To have a scheme where there is one less really important thing to have to think about at that time of

trauma and stress — that is, if I flee to another state or, as the member for Macedon I think pointed out, if I live in a border town, do I have to go through getting that order registered in different places? — makes a huge difference, and I am very proud to be part of a government that is standing here and talking about doing this. I also acknowledge the opposition, whose members are supportive of this bill too. They recognise the importance of this and have spoken so very well about this as well.

I am just going to read for a moment from the second-reading speech:

... the model laws provide complete portability of domestic violence orders throughout Australia. However, they rely on police in each jurisdiction having access to every domestic violence order that is in force. Unfortunately, this is not yet possible. The COAG communiqué dated 11 December 2015 states that COAG agreed to:

'develop a comprehensive national domestic violence order information-sharing system that police and courts will be able to use for evidentiary purposes or to enforce domestic violence orders, noting this will take several years to fully implement; and

in the short term, establish an interim information-sharing system that will provide police and courts with information on all domestic violence orders that have been issued, but will not have the same evidentiary or enforcement capacity as the permanent system'.

The Minister for the Prevention of Family Violence was in the chamber before and mentioned that in the state of Victoria some of the funding that has gone to family violence will be used for these purposes. I think it is incredibly important that we get this right and it is incredibly important that the commonwealth gets this right and puts some resources into this and does that as a matter of urgency. We just have to make sure that we do this properly and without any flaws in the technology, I guess, because we cannot put women at further risk. We cannot be the perpetrators of what would be a massive breach of trust — that a woman may have confidence that the order will be in place in another state and go there. She must be confident that that is in fact the case.

I want to also spend a moment talking about funding and the Royal Commission into Family Violence. I know that I have spoken before in this place and in fact anywhere where anyone will listen about how incredibly moved and privileged I felt to be part of a government that had the first royal commission into family violence and that, after having worked for many, many years in this field, finally here was a Premier standing up and saying, 'This is the no. 1 law and order issue'. Something has to change. Something has to give

or we are going to continue to see the same numbers or more, we are going to continue to hear the same stories and we are going to have women and children continuing to be unsafe in their homes.

It was such a great relief to me, and I have spoken to a lot of people, some of whom I worked with back in the olden days and some who are working in the area now, who also felt incredibly relieved to know that we were serious about this. I am not saying that Labor governments in the past have not absolutely funded programs and projects around family violence and the prevention of sex assault that have made a difference — I know that Liberal governments have done that as well — but here was something that was looking at the structural reasons why this occurs and actually stating that it is about gender and it is about inequality.

Coming out of the royal commission were 227 recommendations, all of which the Andrews Labor government has committed to implementing. This is unprecedented — absolutely unprecedented — as is the \$572 million investment. Again I would like to go back to the people who do the work on the ground — those amazing agencies and organisations which every single day go to work and hear stories of agony, trauma, heartbreak and violence. They assist women and children with that, then go home and get up and do it all again the next day.

In my local area I want to acknowledge the Ballarat Centre Against Sexual Assault, which has not only responded so well and so immediately to all the women who came forward as a result of the spotlight being put on family violence but was also at the same time dealing with the victims of clergy abuse as the Betrayal of Trust inquiry happened, and now there is the federal inquiry. The staff have just worked so well. I want to congratulate them along with Berry Street, WRISC, Women's Health Grampians Community Health and of course child and family services. I also want to acknowledge the Minister for the Prevention of Family Violence for all the work she has done around those recommendations from the Royal Commission into Family Violence and in driving that. I also of course acknowledge the Premier and the rest of the Labor government for their work with the family violence royal commission.

Mr CLARK (Box Hill) — This is a bill that, as its name indicates, is to put in place the legislative underpinning for a national domestic violence order scheme. Clearly to have a national scheme for the recognition between jurisdictions of orders made in other jurisdictions is a highly desirable outcome to better protect those in whose favour orders have been

made. It is a complex task to bring any set of jurisdictions together. It is a task that has been underway for some time. It is important to get it completed and operational, because many people move interstate, and perhaps those who have been victims of family violence may for very understandable reasons need to do so more than others in order to escape perpetrators. So it is a highly desirable objective, and certainly on this side of the house we are fully supportive of that objective.

As I indicated, it is always a complex task to get arrangements in place between multiple jurisdictions. Sometimes reforms have to be put in place a step at a time. As the member for Hawthorn has indicated, a key consideration in relation to this bill is how does the government envisage it will be brought into operation. Clearly having it on the statute book and having it available to be swung into action as soon as possible is one thing but to actually get it operational as far as possible is another. As the member for Hawthorn referred to, it may be necessary to bring it into operation in stages, but clearly the objective should be to get as much of it operational as possible as soon as possible, if needs be on the basis of interim arrangements until the final arrangements have been put in place.

While the government has made some references to its intentions in that regard, and I think the Minister for the Prevention of Family Violence made some reference to it in her contribution earlier, I think it would be beneficial for the house and for the community for the government to spell out in a bit more detail what its thinking is in that regard, albeit recognising that in part what it can do will be dependent on what other jurisdictions do.

I also want to make some remarks about this bill in the broader context of legislative, law enforcement and other justice system measures to help prevent and protect against family violence. This has been an ongoing process over many years, and it is one that continues to require effort to continue to look at opportunities to improve. Clearly the government has made a lot of commitments arising out of the Royal Commission into Family Violence, and the implementation of those recommendations now that the report has been tabled and the government has committed to them will be very important. It is also desirable that as and when other measures can be introduced this be done as quickly as possible. There are obviously some things in any reform program that can be done more quickly than others. Often it is the relatively small but very practical matters that can be dealt with more quickly than other measures.

I had the privilege recently to catch up with a person with whom I had worked closely on aspects of family violence law reform during the term of the previous government and to be given an update on what has been happening in recent times and some of the opportunities for further improvement. It is clear that there are still ways in which the interaction between the family law system and the child protection and family violence systems can be improved, including issues in relation to improving the operation of child support recovery and seeking to minimise costs for the parties concerned, and those aspects involve, of course, the commonwealth government as well as the state government.

But in terms of specifically how the state system operates, it has been suggested to me there may well be opportunities to improve some of the training of security guards at various courts so that they can be sensitive to some of the fears that victims of family violence coming to court can legitimately have, because it can be very confronting to have to go to court, knowing that the perpetrator is going to be there and potentially in close proximity. Obviously a range of measures have been undertaken over the years to try to improve that. Certainly under the previous government there were CCTV cameras installed around many courthouses in country Victoria which previously did not have them. There are currently commitments for further upgrades to courts to provide safe waiting areas and other protections.

But there may be some opportunities to bring in some measures ahead of that more extensive upgrade program — for example, perhaps there is potential to rearrange the counter arrangements or the noticeboard arrangements at courts so that victims are able to report their attendance to the court and find out which courtroom their matter is to be heard at a different location than that which perpetrators attend, so the risk of their being brought suddenly face to face with a perpetrator can be minimised.

An issue was mentioned to me about one of the consequences that has occurred in the past in relation to evidence being given by a person remotely — that is, not in the courtroom — because of their concerns about being brought face to face with the perpetrator in the courtroom. Clearly that is a substantial improvement and has been made widely available. But one observation that was made to me is that in some locations, at least in the past, if a person has given their evidence remotely, they have not been able to fully hear what other witnesses or the counsel have said about their case as there has been a delay between when they have finished giving their evidence and when they

could get to a position where they could hear that. So, can systems be upgraded, or do they still need to be upgraded, to allow a better streaming of audio into the location where a witness is giving remote evidence so they can hear what other witnesses are saying about their matter?

The previous government introduced a range of reforms for stronger sentences for those found guilty of serious or repeated breaches of family violence orders. I think it was a very important reform. However, we need to make sure that the sentences now being handed down in the courts are commensurate with the gravity of the offending concerned and, if the current legislation is not achieving that, to look at other improvements that are necessary. We also need to look at other opportunities to reduce the unnecessary trauma of victims attending court to seek intervention orders. The previous government put some measures in place in relation to that. The current government has not agreed with those, and it has stopped them proceeding. But there is still a problem and opportunities still need to be sought to address it.

The reform measure of the previous government that most concerned me when it was put on hold at the change of government was the pilot for a GPS tracking system that would enable high-risk family violence perpetrators to be GPS monitored in a way that allows victims to be warned when a perpetrator came near them, not just in their home but wherever they might be. That technology seemed to offer enormous potential. As far as I am aware that technology has not subsequently been piloted. I very much hope that that can be revisited, because to be able to protect victims wherever they may be is much better than only being able to protect them in their homes.

Last but certainly not least I am concerned that a number of very valuable programs that were previously underway — such as Baby Makes 3, a program for couples with newly born children to protect them against factors that can lead to family violence — have been allowed to run their course without being renewed. I think there is recognition on both sides of the house of the importance of programs such as Baby Makes 3, but the last I heard was that decisions have not been made about further rounds of grant funding for that. I think it is very important that those grants be decided upon so that programs such as Baby Makes 3 can continue.

Ms GRALEY (Narre Warren South) — It is a real pleasure to rise this afternoon and speak on the National Domestic Violence Order Scheme Bill 2016. You have many moments in politics that you remember vividly,

and one of them for me certainly was being out at Moonee Valley Racecourse at a Labor Party conference a couple of years ago, when we were in opposition. I would admit that attending Labor Party conferences on a Saturday morning at Moonee Valley is probably not no. 1 on my list of things to do, but I have to say I was sitting there and I heard the then opposition leader deliver a very powerful speech, and then he announced that if we were elected as a Labor government, we would actually commit to — we would do in fact — undertaking a Royal Commission into Family Violence. I have to say there was a spontaneous outbreak of applause. There was a standing ovation for the leader's announcement.

I looked around and there were women, especially, crying their eyes out to think that as members of the Labor Party they were going to have hopefully a Labor government that would address an issue that meant so much to them and their families. I remember looking over at my good friend and Labor Party stalwart Amy Duncan, who has ridden the hard times in life but always has a smile on her face and always has a helping hand out there for everybody. She had tears in her eyes, and she said, 'I don't think I've ever felt more proud to be a member of the Labor Party', and I think that was a feeling that was shared around the room.

Here we are in government — I think it is 657 days into our term in government — and not only have we had the royal commission but we are going about implementing the 227 recommendations from the royal commission. I must say everybody on this side of the house, including the whole of the cabinet, led by the Premier, and of course the minister, are right behind this project. I must say I notice that it is 153 days since the royal commission report was tabled. I also note that the opposition has not committed to implementing each of the 227 recommendations. I would have really thought that it would have been appropriate when we are talking about this matter today for the lead speaker for the opposition to get up and give us that surety and given that commitment to the people of Victoria — shown that leadership — that all of the recommendations, irrespective of who is in government, will be implemented. The people of Victoria — the women and children of Victoria especially — deserve nothing less.

I will go on to talk about the bill in a little bit of detail. As you are probably aware, I represent the Narre Warren South electorate, as part of the City of Casey, and it is a sad thing that I have had to say a number of times in this house that we have the highest levels of family violence in the state. This has been a significant issue for us — not only for the police but for the service

providers, the people that live in the area and of course the victims themselves.

I am very pleased to see addressed one of the significant issues that has been raised by women coming to my office — certainly some who may have moved to Narre Warren South from interstate or who have had to move around the country, often because of family violence, or who are planning to move away from the state to protect themselves and to start their lives over again. The issue of having a transportable national domestic violence order is very, very important to them. They often turn up and think that an order they got in Queensland applies to them in Victoria, and sadly they often find that the perpetrator, the person trying to get to them, knows that it does not and turns up at their front door. And it all starts over again; that nasty cycle of family violence starts over again.

We know that, also sadly, the number of family violence incidents recorded by Victoria Police has increased by 82.7 per cent between the 2009–10 and 2013–14 financial years. This sounds like a big increase — and it is an extraordinary number of people — but when you actually say, 'This has been an increase of almost 30 000 incidents', it is absolutely horrifying to think that there are 30 000 more affected families out there, a lot of them with children that are witnessing family violence. Then they take those problems and issues associated with seeing violence between their parents or their siblings to school, and the implications of that for the school system and the community are boundless. We really have to make significant inroads into this issue of family violence. As I said at the outset, I am very pleased to be a member of a government that is tackling this issue head-on.

I know from when I had a quick look at the royal commission report that it talks about a number of issues around magistrates courts, where the family domestic violence orders (DVO) are actually issued. I think this is an important paragraph. It says:

This raises questions not only for the court but for the family violence system as a whole: why are we unable to break the cycle of ... violence for some people? Although intervention orders are but one mechanism within the system for preventing family violence, the repeated use of these orders does raise the issue of the extent to which intervention orders are actually effective in preventing family violence.

One of the problems is the lack of transportability, so I am very pleased to see that we are developing a national scheme. I noticed that the members opposite have said, 'Well, why haven't you done it?' — yesterday, actually — and I would like to just put on the record that the Victorian government supports a single

commencement date for the national DVO scheme. But the government will not commence the bill until it is satisfied that the national DVO scheme will not jeopardise the safety of victims or impose an unreasonable burden on our courts and police as well. We have got to get this right. We cannot afford to muck around with it; we have got to make sure that the system is foolproof, and we have got to make sure that women especially can access this system with the authority that it needs to contain. We need to know that when women especially go to the really harsh environment of court — often on their own, but increasingly so, I see in the royal commission report, with the support of police and other support services — they are going to get a DVO that will protect them no matter where they are in Australia.

This is the reason why the bill does not contain a default commencement date and in fact will be commenced by proclamation, and I have noticed that other state and territory governments have not made any formal commitments about when the national DVO scheme will commence. As I said, it is important we get this right. We have a national working group that has been formed to oversee the implementation of the national DVO scheme, and I trust that these expert people, in consultation, will get this right. I notice that Victoria Police is leading that working group.

I would just like to finish by reiterating just how important this issue is. I am sure we all recall Rosie Batty being in this chamber not even a year ago. She has actually said, and she is on the record as saying, that family violence:

... is an entrenched epidemic that we've lived with since time began, so we've got a long way to go.

But I do believe the tide is turned. It's no longer a subject that only occurs behind closed doors.

Indeed, she spoke about it in this house, and she asked all of us — each and every one of us — to put our politics aside and stand up for the victims of family violence, to provide the funding and services necessary to do that and to do the legal reform that is required to make sure that things like DVO schemes proceed efficiently, quickly and with national application. I am sure that today she would be very pleased to see this small but very important step taken to make sure that no matter where you live in Australia you can go home safely at night and know that your children are going to be safe — and we all deserve that.

Ms VICTORIA (Bayswater) — I rise to make a contribution on the National Domestic Violence Order Scheme Bill 2016. The purpose of this bill is to amend

the Family Violence Protection Act 2008 and other acts to provide for a national recognition scheme for various domestic violence orders. This came about as the result of a decision made at the Council of Australian Governments (COAG) late last year. So in December 2015 COAG came together and said that one of the ways forward in the area of domestic violence that could make a really tangible difference to people's lives is by the nationalisation of recognition of domestic violence orders, or DVOs. Certainly all the states agreed that this was something that needed to happen and something that would certainly make a positive step forward. The idea behind this is that domestic violence orders will be recognised nationally but will also be enforceable across various jurisdictions. So it is okay to have them recognised, but they should also be able to be enforced.

In Victoria we do not call them domestic violence orders; we actually call them family violence intervention orders, or FVIOs, but we also have an alternative here, which are known as family violence safety notices. Breaching either one of those, either an intervention order or a safety notice, is actually a criminal offence. We just need to know that that is included within what we are talking about here.

I will get onto the clauses of the bill a little bit later, but one of the things I want to talk about of course is the scourge that is family violence. This is — and it rightly should be — a priority for all Australians and in fact people right throughout the world. We know that this certainly is not a problem that is just occurring here in Australia. In some countries it is in fact far worse, and some of those countries, some of which I have been to, are in denial about just how bad their family violence situation is. I do pity them for not at least recognising how bad it is within their countries. Of course I cannot effect change there, but we can as lawmakers effect change here in Australia and certainly in our jurisdiction here in Victoria.

It needs to be a priority for all of us because the emotional toll, the social toll, the psychological toll and the financial costs are huge in this area. It affects all of us. Even if we have not been victims or survivors of family violence, we would all know somebody who has been in this space. It is really important to note that it is not just women. Even though women make up the vast majority of the statistics, it also of course is a very major player in the lives of so many children and also in the lives of some men. We need to recognise that this is and should be across the board.

The number of family violence incidents recorded by Victoria Police has increased significantly. If we look at

the statistics back in 2009–10, we see there were 35 666 incidents reported. If we jump forward just four years to 2013–14, that figure had jumped by 82.7 per cent to 65 154 — alarming statistics in anybody's books. I am the first to say — and I have certainly been on the record here in the house many times, certainly as a former Minister for Women's Affairs — that I am not surprised that the numbers have increased as people feel more confident about reporting. The fact is that this is no longer something that is swept under the carpet or considered somebody else's problem. It is not an area where people say, 'I do not want you to be involved'. People are now grateful in most circumstances when workmates or family members do make a report and can finally get the person who is being victimised some help and relief in so many circumstances. But I cannot believe that an 82.7 per cent increase is purely about the comfort, if you like, in reporting, about the ability to report or about the knowledge that there are services out there to help.

We do know that frontline policing is incredibly important for all types of crimes but certainly for family violence. Being able to have police out on the beat to be able to respond quickly before things accelerate and exacerbate and to be able to actually go in and remove a perpetrator or give the woman an option — I am saying woman, but obviously we know that there are other victims in all of this — makes it really important that we have the frontline police there. Certainly when we were in government I was extremely proud of the fact that we put some nearly 2000 frontline police members on the beat. It was very, very effective. I understand the need for task forces, but not at the expense of frontline, everyday police who can go out and prevent. Prevention is obviously always much better than addressing something once it has happened.

We know that — and not just anecdotally but certainly if we look at true numbers and statistics in my area — there has been a decrease in frontline police. I have several police stations that service the electorate of Bayswater. I have got Knox, Boronia, Ringwood and Croydon that service the electorate — all big stations, all with amazingly hardworking members but all 20 to 30 per cent down on frontline police men and women. The ones that I speak to when I am out and about or popping into the stations just to say hi tell me the stress and strain on them is quite unbelievable. I would urge the government — certainly this is a step forward — to make sure that the resources are there for this type of scheme to be backed up. It is fine to say that they can go in and police violence orders from other jurisdictions, but we have got to have the resources on the ground.

The thing that is disturbing me about the bill before the house is the fact that we actually do not have a start date. The fact that this needs to happen everybody agrees on — I do not think there is a person in this chamber or the other chamber who would disagree — but what we do not agree on is the fact that this can happen now. The government have said that we need to wait for the feds to fully fund an IT system. That is true, an IT system needs to happen, but a lot of this progress can be made without a universal IT system. We know that IT systems — I do not know the word — are great when they are working, but when the technology is not there or not fully in place we cannot rely on them. I would suggest that in fact there are things that can be done now and that we should in fact have a start date with provisos in there that we want obviously the federal government to do their part in helping to fund the IT system.

I do urge the government to have a think before this bill goes to the upper house and to actually put a start date in so that women who are coming from interstate do not have to go through and register and do all the things that they have to do now so that it is cross-jurisdictional — so that they have comfort in knowing that if they have fled an area or if they have chosen to move to an area, those orders remain in place and remain valid without them having to go off and apply. We should not have to wait for a time on the never-never. It is not going to be six months — IT systems are not developed overnight. If this was 3 years, 5 years or even 10 years away, it would be too long. We need to protect the victims of these horrific crimes as soon as we possibly can.

I note the Minister for the Prevention of Family Violence in her contribution spoke about some of the recommendations for the Royal Commission into Family Violence — about family violence intervention order improvements and also about new technology — and I am delighted that the government are taking up those recommendations, but I would urge them to think very seriously about putting a start date on this so that there is some assurance for those who most need it. We are not opposing this bill, but I would caution the government against doing something that really is ineffective in so many ways unless a start date is implemented along with the implementation of the bill when it actually becomes an act.

With those few words I wish that some sense occurs in the upper house and that an amendment is made, perhaps with a start date included; and, for those who have been through such dreadful times, that we give them a little bit of hope that there is something out there being done for them.

Ms WARD (Eltham) — Thank you, Acting Speaker, for the opportunity to speak on this important bill. I, firstly, want to echo the words of the member for Narre Warren South who spoke about the state conference the Labor Party had at Moonee Valley a few years ago. I share with her the wonderful feeling that took over that conference when our Premier, then opposition leader, made the statement that we would be having a royal commission into family violence. To have this man stand up and acknowledge how important this issue is to so many women and to so many people broadly within our community was very important. To have the concern that so many of us have validated and supported by him was an important signal. It was an important signal not just to our own party, not just to those delegates who were at the conference, not just to our broader membership but to the whole Victorian state, and indeed the whole nation, that this issue of family violence — this ‘epidemic’ as Rosie Batty has called it, and I agree with those words — is important; that we need to act on it; that the time has come for something concrete to happen, something real to happen, not for it to be hidden in the inside pages of newspapers that talk about things happening to women, not the actions of men; these newspapers that talk about a woman being attacked, not a man attacking a woman. Our now Premier stood up and validated our concerns, validated our feelings of disempowerment and validated our desire to make something effective happen. This legislation is yet another step in the direction of removing family violence from this state and hopefully from this country.

This is a bill that will enhance protection for family violence victims. It is important that we take our concerns within this state beyond our borders and that we have a national approach to family violence orders. We want to make women feel safe when they cross our borders so that a woman living in Wodonga can go shopping in Albury without having to notify the police station of her whereabouts and her movements. It is important that she knows there is a trail of protection that will follow her and that she also knows that her fears, her safety and her life are taken seriously, not just by the Victorian government but by our national government and by the governments of our other states. Women, children and men need to know that their safety is paramount to our government.

Australia’s National Research Organisation for Women’s Safety has said that one in three women over the age of 15 have experienced violence. This is a figure that gets put out by almost every organisation, and it is true. I know women who have been victims of family violence and who are survivors of family

violence, as does everybody in this place, and the fact that there is one degree of separation between most of us and someone who has experienced family violence is a shocking statistic. It is just awful to think that the degree of separation is so small that so many of us have knowledge of someone who has experienced violence in their own home at the hands of someone who is supposed to love them. Whether this is a child, whether this is a woman or whether this is, as is sometimes the circumstance, a man is irrelevant. The fact that there are people who feel unsafe in their home is terrible, and it is up to governments to do something about it.

Seventy per cent of female homicide victims are victims of family violence; 70 per cent of women who are murdered are murdered by someone who is supposed to love them, someone with whom they are supposed to feel safe — 70 per cent. That represents about one woman a week, and I think we are up to 44 so far this year so we are going even beyond that statistic. It is just shocking, it is horrifying and it is deeply disturbing. Family violence is the greatest killer of women between 18 and 44 years. That is higher than the number of women who die as a result of car accidents, heart disease and cancer. This is a huge problem. It is indeed an epidemic, as Rosie Batty has said.

This would be a crisis if the death toll occurred in any other field. Let us have a think about how many Victorians are dying on our roads at the moment and how deeply concerned we are about that. We are just as concerned about the amount of women who are being murdered in their own homes every week. A shark attack off a Perth beach leads to national headlines, to lead news stories, to closed beaches and to drumline hunting of the shark, yet a woman who is attacked, stabbed, beaten and tortured will rate one or two brief stories and quite often it will be pointed out that she went back to him. People ask, ‘What was she doing there?’, ‘What was she wearing?’, ‘How was she behaving?’ and, ‘Did she provoke him?’.

The fact that these questions get asked is a disgrace. No-one asks people why they keep swimming at beaches. It is their right to swim at a beach, just as it is every woman’s right to be safe in her own home. It is her right to return home and feel that she is going to be safe. We need to acknowledge that women return home for a lot of reasons. Women are not accountable or responsible for the actions of the men who hurt them. It is the sole responsibility of those who perpetrate those crimes. Sixty-two per cent of women have experienced physical assault in their own home. That is disgraceful. Women are experiencing sexual violence — around 15 per cent — from an ex-partner. Thirty-six per cent of

women have experienced physical or sexual violence from someone they know and 61 per cent of women have experienced violence to children in their care. Forty-eight per cent of kids have said that they have seen their mum attacked in their home.

One in five Australian women over the age of 15 has experienced sexual violence. This figure is pretty horrible, but when you stand as I do on a Saturday morning on netball courts watching my daughter play netball, or when you stand as I do on the soccer field on a Sunday afternoon watching my other daughter play soccer, you wonder how many of these girls are going to be these statistics and how many of these girls are going to be the victims of sexual violence, of emotional violence, of financial violence and of physical violence.

The fact that there are girls my daughters are playing sport with, there are girls in my daughters' classes and there are girls in my girl guides group who will be the statistics is appalling. What I hope is that as these girls get older and as we start to implement these 227 recommendations these statistics will drop and that these girls who are with my daughters — these girls who are playing netball, who are at guides, who are at school, who play violin, who do all of these activities with my daughters — will be kept safe and will not be a part of the statistics that I have just mentioned.

In talking about family violence I want to talk about the importance of women's shelters and the role that these play and the tremendous work that women do in helping keep other women safe and helping them rebuild their lives. In particular I want to talk about my friend Dale Wakefield, who is a very good woman. I went to Research Primary School with her. She is from Eltham, and 12 years ago she moved to Alice Springs. Dale has spent around 10 years working as a social worker and then as the CEO of the Alice Springs Women's Shelter, doing a tremendous job as CEO.

I want to congratulate Dale because she has done something pretty impressive over the weekend: Dale has come within 10 votes of beating Adam Giles for the seat of Braitling. Dale has not only championed the cause of women in Alice Springs; she has championed the cause of almost that whole community. She has gone out and spoken with as many people as she can. She is an absolute warrior for social justice, and she is to be applauded for the incredible swing that she achieved in the seat of Braitling. That that seat is still in doubt — that she still may win that seat — is a tremendous achievement, and I am sure that all of my colleagues on this side of the house would like to congratulate Dale for her fantastic achievement.

Research Primary School has produced another good, strong, Labor woman who is prepared to stand in her truth and to stand up for vulnerable people. She is willing to stand up for communities who need a Labor voice, to stand up for women, to stand up for children and to stand up for Indigenous communities in order to really make a change and make a difference to people's lives — and improve people's lives. I congratulate Dale on her tremendous achievement, and I commend this bill to the house.

Ms RYAN (Euroa) — It is a great pleasure to rise today to speak on the National Domestic Violence Order Scheme Bill 2016, which as the name very simply suggests ensures that domestic violence orders which are created in other states are recognised in Victoria and vice versa. I think that this is a very important change, and as my colleague the member for Gippsland South highlighted a little earlier in the debate, it is hard to understand, as a relatively new member of Parliament, why this change has not actually been implemented earlier. Obviously it is a Council of Australian Governments (COAG) reform, and sometimes we see that reforms through COAG can move at a glacial pace, but I certainly do welcome the fact that the government has brought this legislation now to Parliament.

At present a person who is protected by a domestic violence order in one state or territory but who perhaps moves or lives close to the border and wishes to ensure that that order is recognised in another state or territory does need to register that order with a court in that other jurisdiction. I cannot possibly imagine what it must be like to go through that process in one state only to be forced to do it again.

One of the things that really stuck with me out of some of the commentary from the royal commission was the difficulties that women, particularly women in a regional setting, face when they apply through the courts for an order. One of the big issues that the royal commission highlighted was that courtrooms and police stations do not always separate victims from perpetrators. They do not always have the facilities for that to happen, and victims often run into the perpetrators when they go through that process. That is certainly something that I have seen locally in Benalla, where we have our courtroom — and I have highlighted this on a number of occasions in this house — which is located right next to the police station, but the police station is also very, very old and police officers do not have any way of separating perpetrators from victims in cases of family violence.

People who presented evidence to the royal commission raised a significant concern about the safety of victims when they attend court, because they have found that it often results in an escalation of violence or controlling behaviour from the perpetrator. I think that is one of the reasons why it is particularly important that women do not actually have to go back to court in a different state or a different territory in order to have a domestic violence order enforced.

While I appreciate that there are some challenges in the implementation of this bill, I do think that it is a concern, as other members of the coalition have flagged, that there is no proclamation date within the bill. I think as the legislation is drafted currently it could be any length of time before it actually takes effect; that could be months, it could be years, it could be decades.

The government has made very strong statements about its commitment to reducing the impacts of family violence, and those commitments are bipartisan. Certainly there is goodwill on both sides of this chamber and from both houses to ensure that this problem is addressed as effectively as it can be, but if the government is to deliver on those commitments, it should be prepared to proclaim the bill immediately in order to afford women and children the greatest possible protection. We have all heard the statistics around family violence — that one woman in Australia is killed almost every week by a partner or ex-partner and that more than one in three Australian women who have had an intimate partner have experienced violence from a partner or ex-partner, but whilst we talk about those statistics a lot we have to remember that behind every one of those statistics is an individual story, and that is truly horrifying.

Sometimes it feels that in order for legislation to change, tragedy has to occur, so I am pleased that this has come forward without waiting for yet another tragedy, despite the fact that they are happening on a daily and a weekly basis. Again, as the member for Gippsland South highlighted earlier in the debate, rates of family violence in regional Victoria in particular are significantly higher, and country areas have the local government areas with the highest rates of family violence, Campaspe being one of them. This bill has particular relevance, as some other members have mentioned, to communities in Western Victoria but also along the Murray, where people frequently cross state lines. People in communities such as Mildura, Swan Hill, Echuca, Wodonga and indeed even Benalla and Euroa, which are not that far from the border, need the certainty that the orders that are made through the courts will be valid no matter what side of the river people live on.

In my own area there are some amazing organisations working at the coalface, trying to cope with the large number of women and children who face family violence. I note that the member for Ovens Valley is in the chamber. He shares with me the Centre Against Violence, which is based in Wangaratta but delivers services into Benalla. I would like to mention some of the statistics from its last few years of operation because they are quite amazing. The centre delivers family violence crisis support and accommodation services. It cared for 329 women in crisis care last year. There were 161 women and their children provided with crisis accommodation in the form of refuge and motel stays, and a total of 2688 bed nights for women and children.

The centre also provides a sexual assault service. In the past year there were 282 women, 102 girls, 55 men and 21 boys who came to the service, and that counselling and crisis care is offered, as I mentioned, not just in Wangaratta and Benalla but also in Wodonga, Myrtleford and Mansfield. So there is a lot of wonderful work being done locally. I would also particularly like to take the opportunity to highlight to the minister and the department — because I am sure the officials will go back and read over *Hansard* — the work of Tessa Stow from my area, who has been working to try to develop a pilot program in the Benalla and Wangaratta court system, with the use of companion dogs. She is actually a qualified veterinary nurse, and I have written to the Minister for the Prevention of Family Violence about the amazing work that Tessa has been doing. The program has been successfully trialled in the United States, and there are now 116 court dogs who are authorised to work in the United States. The studies that have been undertaken on that program show that it significantly calms children and women as they have to give testimony to courts, and it often results in a higher conviction rate because they are better equipped, by remaining calm, to give evidence.

Tessa has faced some barriers in being able to get the court system to agree to implementing a pilot project in Benalla and Wangaratta, and it is something I would strongly urge the government to look into to see whether we could at least test that program. Again, the royal commission highlighted the importance of local solutions in local communities, and here is one that I think is certainly worthwhile and deserves consideration.

In conclusion, I am very pleased to see the bill come forward. It is disappointing that the government is yet to include a proclamation date. I think there might be

scope for that between the houses, and I certainly urge the government to do that.

Ms EDWARDS (Bendigo West) — I am also very pleased to make a contribution to the National Domestic Violence Order Scheme Bill 2016. I note that there were nine Labor women on the list to speak on the bill today, which is heartening, given that this is so important to us as a government and in particular to us as women members of the government. The bill provides for a national recognition scheme for Victorian family violence safety notices, family violence intervention orders and domestic violence orders (DVOs) which are made in other states and territories and in New Zealand. It is based on model laws that were endorsed by the Law, Crime and Community Safety Council in November 2015 and then agreed to by the Council of Australian Governments (COAG) in December 2015. Also at this COAG meeting it was agreed to introduce a national domestic violence order scheme so that DVOs issued in one state would be recognised in all other states, and at this time every jurisdiction is committed to introducing laws to come into effect as soon as possible.

I noted that the member for Bayswater and also the member for Lowan have suggested that a starting date needs to be implemented for this act to commence, but it is a little bit difficult when the Northern Territory and Western Australia are yet to introduce bills to enact the model laws. Of course the Northern Territory has just been through an election with the fantastic result of a Gunner Labor government being elected with a 20 per cent swing, and I am pretty sure they will get on and introduce a bill to enact the model laws as quickly as possible. Then the only state remaining to introduce a bill to enact the model laws will be Western Australia, which is a Liberal coalition government.

The bill will develop a comprehensive national DVO information-sharing system that police and courts can use for evidence or to enforce DVOs. The family violence royal commission recommendations 56 and 57 hinted at streamlining intervention orders (IVOs) and how that could be done. This of course will take some time to do, and there is still much work to be done in this area. As the member for Narre Warren South mentioned, it is 153 days since the report of the Royal Commission into Family Violence was tabled in this Parliament, and personally I am very proud that this government, led by the Premier, not only committed to holding the royal commission — a first in Australia — but that we as a government have committed to implementing all 227 recommendations. I thank the Premier for his leadership in this matter and also the

Minister for the Prevention of Family Violence for her work in this area.

We have already begun, as people would be aware, implementing the royal commission's recommendations, and this has been possible thanks to our \$572 million investment in the family violence system. While this work goes on and will continue until all the recommendations have been implemented, sadly the statistics continue to show that the number of family violence incidents recorded by the Victorian police has increased by 82.7 per cent since 2009–10 to the end of 2013–14, which is an increase of around 30 000 incidents. There has also been a significant increase in the number of family violence intervention order matters being heard in Victorian courts — 34.5 per cent in the Magistrates Court and 33 per cent in the Children's Court. So while we get on with the good work of implementing family violence royal commission recommendations, there is still much to be done, and still out there in our communities women and children are fleeing from family violence and suffering from family violence.

Every state and territory in Australia and in New Zealand has a form of domestic violence order. At the moment if a victim moves between states or from New Zealand to Australia and they want to have their court-made DVO enforced in that state or territory, they have to register that order with the court in their new jurisdiction. I think it was the member for Lowan who mentioned the difficulty for women who have been victims of family violence having to attend courts and confront their perpetrator. If they have to do that regularly because of breaches of intervention orders or domestic violence orders, it just adds to the trauma that they have already gone through. So I think that having these orders across the whole of Australia will make a huge difference, because victims will not have to go to court to have it reissued in another state.

If they do not go to have it registered in another state, then that DVO is unenforceable, and that is tragic. Actually this bill is the first step — just the first step — towards a system that will mean victims of family violence who take out a DVO or IVO will be protected by that order throughout Australia once the full scheme commences, because it will allow perpetrators of family violence to be charged and prosecuted for breaching an interstate DVO.

Family violence, as we know and all the statistics show, is much higher in regional Victoria, and it is not always localised, although we do have pockets where we know it exists at a high level. Many, many women and children are forced to flee their homes to escape from

family violence; that is a well-known fact. They flee in fear and often for their lives, and many, if they can afford it, flee interstate in the hope of anonymity.

Often the perpetrator pursues them and tracks them down by whatever means necessary, and even though an IVO might be taken out against them, this does not seem to prevent a perpetrator from that pursuit. In some cases, despite their best efforts, these women and children are located by the perpetrator, and many return to the very place they have fled from, partly because the IVO has no legality across borders. Then of course the cycle of family violence continues.

I would like to mention services like the Centre for Non-Violence in Bendigo and other similar remarkable services across Victoria which are to be congratulated for the work they are doing to support women and children who have experienced family violence. The Centre for Non-Violence in Bendigo is an integrated family violence service and its members' contribution to the family violence royal commission was outstanding. What they have indicated is that IVOs have been problematic for women for a long time. If you have had interaction with women who have experienced family violence and if you have been privileged to hear their stories, you will know that an IVO to them, in some cases, is not worth the paper it is written on. Breaches of IVOs occur all too often, and courts have been challenged to uphold these breaches and have been put under enormous pressure.

That is why this government is strengthening our justice system to respond to family violence. That is an investment of \$23.9 million to hold family violence perpetrators to account and to support victims as we overhaul the way the justice system responds to our no. 1 law and order challenge, \$4.6 million in legal assistance to specialist family violence services at community legal centres and Victoria Legal Aid and \$4 million for court reform and to develop innovative justice approaches. These are important investments in reforms to give women and children the confidence they need in a system that they feel has let them down and indeed has let them down.

This bill is also about giving women and children confidence that should they take out an IVO or should they choose to leave, no matter where they go in Australia or whether they come from New Zealand to Australia, they will be protected by that IVO. It is about making women's safety a priority and sending a message to perpetrators that they will no longer be able to beat the system and they will be caught if they breach an IVO.

This bill is a really important bill because it is the start of something that will make a national, significant difference to women and children who are fleeing family violence. I commend the bill to the house.

Mr PAYNTER (Bass) — It is a privilege to be able to speak on this bill. I cannot say it is a pleasure. I do not think it is a pleasure talking about national domestic violence. In fact, unfortunately, it is a part of life in Australia, and it is staggering to think that it took a Council of Australian Governments meeting in December 2015 to recognise that family violence and domestic violence orders are a national problem. Of course they are a national problem, not just a state problem. They cross all borders and they cross all areas of our great country. Unfortunately we cannot expect that a domestic violence order (DVO) issued in one state should be applicable throughout Australia. but we can address this problem together as a nation — and what a serious problem this is.

Damning statistics in Australia show that we do have domestic violence, family violence and men's violence against women at extreme levels. It is a national shame. Of course the coalition will not be opposing this bill, because it ensures that a DVO that has been issued in one state should be recognised in all states of Australia. In fact international DVOs should also be recognised in Australia. We should expect nothing less of our governments than that we should work together on this particular issue.

It is a privilege to be standing here today to talk about domestic violence as it crosses our great nation. The amendments to the Family Violence Protection Act 2008 will provide for a national recognition scheme for various domestic violence orders. Currently if a person has a DVO in one state, when they do cross a border that DVO is not recognised by the other states. What this will do, in particular in Victoria, is recognise those DVOs, and we are waiting on two or three other states to take it up as well so that we can have this national database.

It is unfortunate that we do not have a start date. We would like the system to have started yesterday; of course we would. We seem to be waiting on a national computer system. Again, in this day and age you would think — you would certainly hope — that we would be able to come up with a national IT system that would recognise DVOs and make it easy for our police to enforce DVOs, but it appears that one is not available. We are waiting on the commonwealth to fund and come up with an IT system that will recognise or make it easier for police to enforce DVOs across the nation.

So although we have this legislation, it will not be proclaimed until an appropriate IT system is developed.

It is quite extraordinary that we are not able to sit here today and think that by the end of the week this piece of legislation will pass through the lower house and upper house and get proclaimed and then get enacted. It is a shame, and it is one of the questions that the coalition has asked.

As I said, we are not opposing the bill. Obviously with such an important matter we would not be opposing the bill. The question is whether we could have this implemented as soon as possible and not wait for the IT system or perhaps use an IT system that may need to be refined. We think the legislation is too important to hold off on until we get an IT system that is perhaps perfect. We would much prefer to see us pass the bill, have it proclaimed and put it into the community so that it can be enforced. Waiting on an IT system is, I think, not the way to do it. I would far prefer to see this enacted now so that we can deal with the issue of recognising DVOs across states.

Of course the people who take out or apply for DVOs do not do it lightly. We had Rosie Batty out at Pakenham talking about her challenges in dealing with the court system and family violence in her family and the difficulty she had with getting intervention orders and keeping them current and keeping her partner — her ex-partner at the time — accountable. She was facing enormous challenges, and you could still see, two and a half years after losing Luke, the pain and anguish on her face and hear it in her words as she spoke about the difficulties in dealing with a violent man. You would not wish that on anybody.

If it is our responsibility to come up with a system that makes it — not easier; it is never going to be easier — more workable for people under these conditions, then we should do so and we should do so now. Nobody takes the decision to apply for a DVO lightly. It is an extremely stressful matter for anybody to deal with, as is living a life under the stress of interaction with a violent partner. You could see it on Rosie's face, and obviously Luke also shared that stress and anxiety — living in fear of their lives on a day-to-day basis. So of course we would support legislation that would strengthen the DVO system, as we would to prevent all types of family violence, domestic violence or what I prefer to call men's violence against women.

Let us be quite frank about it: most — probably over 90 per cent — family violence and domestic violence is men's violence against women. I think if we simply use the terms 'domestic violence' and 'family violence' we

overlook the real core of the issue, the real heart of the issue, and that is men's violence against women. We know for a fact that the leading cause of death and injury among women between the ages of 15 and 44 is at the hands of men, I am sad to say, as I stand up here as a man talking about men's violence against women. It is something I do not quite understand, but I will do everything in my power to reduce the incidence of men's violence against women. It is a national shame, so I am proud to be standing here talking about some legislation that recognises DVOs across our great nation.

Sadly the incidence of family violence is increasing; it is increasing every day. I have visited our local police stations. In Pakenham I have seen the family violence units and the amount of work they do. I have seen the whiteboards. The names are covered, but I see the whiteboards full of names; the police have those particular men under surveillance. It is a sad reflection on our society today that we have a huge amount of police resources being used to chase down perpetrators of family violence, particularly in my local community, which I love so dearly. I grew up in Pakenham, but there are some parts of Pakenham I am not proud of, seeing that the resources of our police are tied up with such a huge amount of family violence or domestic violence or, as I call it, men's violence against women.

The incident numbers are rising. We saw an 82 per cent increase in family incidents recorded by police between 2010 and 2014. That number — 82.7 per cent — is an incredible number. The number of Magistrates Court applications heard was up by 34.5 per cent in 2013–14, and the number of Children's Court applications increased by 33 per cent. I mean, these are damning statistics — very concerning statistics.

So we will not be opposing this bill — of course we will not — but we would like to see it passed and proclaimed as soon as possible. Let us get on with preventing men's violence against women and making sure that Australia is safe regardless of the state you live in or cross into and that women, their children and their families can move around our country safely and securely, without fear, without anxiety, to live lives with the quality of life we expect to live with in Australia. These women and children certainly warrant dignity and our respect and our support of DVOs right across Australia.

Ms COUZENS (Geelong) — It is a pleasure to rise to speak on the National Domestic Violence Order Scheme Bill 2016, and I do note the comments of the member for Bendigo West regarding the nine Labor women who are speaking on this bill today.

This bill is a significant move to keep women and children safe. I know it is not the complete answer, but it is a step in the right direction. I would particularly like to congratulate the Premier on his commitment. It is interesting that when I move around my electorate and talk to women who have experienced family violence it is clear they now feel confident about doing something about the situation given the Premier's commitment to the Royal Commission into Family Violence and the implementation of the recommendations arising from the royal commission. There has been strong feedback on that, and I would like to put on the public record that women in Geelong are feeling much more confident about doing something about their situations.

I also want to congratulate the Minister for Women, who is also the Minister for the Prevention of Family Violence, for her work and her commitment, again to Geelong in particular. The minister has visited Geelong on three different occasions, where she has run forums on family violence and spoken to women and services about their needs and the outcomes of the royal commission. We have been very grateful for and appreciative of the minister's time. I know she is very busy and there are other electorates she needs to get to, but we have been really delighted to have such a strong commitment from the minister to Geelong and to the women and children she is acting for.

The bill will enhance protection for family violence victims and promote perpetrator accountability across Australia by establishing a national domestic violence order (DVO). Each Australian state and territory as well as New Zealand has a form of DVO. In Victoria these are known as family violence intervention orders. DVOs are court-made civil restraining orders that forbid a person, the respondent, from perpetrating family violence on a victim or victims. Breach of a DVO is a criminal offence.

Many jurisdictions also have police-made notices that similarly forbid respondents from perpetrating family violence on a victim or victims. In Victoria these are known as family violence safety notices (FVSNs). Breaching a FVSN is a criminal offence. Presently if a victim moves from New Zealand to Australia or from one Australian state or territory to another and they wish to have a court-made DVO enforced in that state or territory, they must register their order with a court in the new jurisdiction. Failure to do so means that the DVO is unenforceable in the new jurisdiction.

On 11 December 2015 the Council of Australian Governments (COAG) agreed to introduce a national domestic violence orders scheme so that DVOs issued

in one state will be recognised in all others, with every jurisdiction committing to introduce laws to give effect to this in the first half of 2016. The National Domestic Violence Order Scheme Bill 2016 will fulfil this commitment. The Victorian government has a strong focus on addressing family violence, having established Australia's first Royal Commission into Family Violence, which reported in March 2016. The government has accepted all 227 recommendations of the royal commission and committed \$572 million as a first step towards implementing its recommendations. Stakeholder expectations and media interest are high in the family violence field.

There are also moves to address family violence at the national level. The development of the national DVO scheme is part of a suite of measures agreed to by COAG, with other measures including developing standards to ensure interventions for perpetrators are effective around Australia and taking actions to limit technology-facilitated abuse.

Family violence is Australia's no. 1 law and order issue. My electorate of Geelong is no different. We have some great services and a fantastic program within our local police that are dealing with some of these issues. We know that the death of women and children is unacceptable, and the royal commission's outcomes reflect that. The Barwon Area Integrated Family Violence Committee, which is an organisation based in Geelong, is looking at what we need to do in Geelong as a community to protect women and children in particular. We have services such as Barwon CASA and Minerva Community Services, which are the key community organisations that work with victims of family violence and provide all sorts of programs, along with the police, to ensure that the needs of victims of family violence are being met. But they are also looking at preventative measures, such as going into schools and other community organisations and promoting activities to ensure that women and children know where they can go and what they can do to get support.

The Barwon Area Integrated Family Violence Committee also develops partnerships and convenes groups to ensure that community network continues to play an important role in the Geelong community. As we know from the royal commission outcomes, there will be significant changes rolled out over the next couple of years — changes to housing and the introduction of safety hubs and preventative and early intervention programs. Respectful relationship education programs will also be rolled out, along with police training. Clearly those things need to happen, and in Geelong we are really keen to make sure that,

when they do come into our community, they are focused on women and children in particular to ensure that they are protected as much as possible.

Victims of family violence who take out DVOs after the scheme has fully commenced will be protected by those orders throughout Australia. There are too many stories of women and children living in fear. I have had the pleasure, if you want to put it that way, of speaking to many women and their children about the impact family violence has had on them and the difficulties they have had in leaving the family home. Having left the family home, some women feel that they are protected in some way and that the police provide extreme support for them. But for some, once they have left the family home the fear that something is going to happen, particularly to their children, has been a problem for them to deal with.

I think this bill is a step in the right direction. I do not think it is going to protect everybody 100 per cent, and we know that from experience. Women who already have orders do not necessarily feel protected or are not protected in the best possible way, but I think that we need to ensure that whatever moves we make in implementing the royal commission recommendations they are working in the best interests of those women and children. The level of protection that we are talking about here, as I said, is not necessarily the be-all and end-all, but it is something that victims currently do not have across Australia.

I know in my community there is a strong commitment to address family violence issues. Since the royal commission more and more people have spoken out against family violence and shared their experiences. As I said earlier, I think because of the royal commission women are feeling much more confident that they will be protected if they do something about their own experiences. I do not think there would be many of us here who do not know or know of somebody who has experienced family violence, whether it is a member of their family or a friend. I think we are all very much more aware of what is happening in our communities and the shocking things that are happening to women and children. It is not just the big media cases that we see but also those of women living in our communities who are putting up with intolerable situations.

In the 18 months that we have been in government, and with the establishment of the royal commission, women have gained more confidence. I am not just making that up. Even the police are saying that they are getting more and more reports from women and they believe

that is because of the royal commission outcomes. I commend this bill to the house.

Mrs FYFFE (Evelyn) — It is 14 years now since I first spoke about family violence in this place, and family violence is still a big problem in our communities. The introduction of the National Domestic Violence Order Scheme Bill 2016 is a step in the right direction. We in this Parliament have a responsibility and a duty to protect those affected by family violence, and I look to the government to act constructively with the federal government to achieve positive outcomes for my community and the state.

Domestic violence is a sad thing. It is a terrible thing. It is not new. It is not gender or age specific. It can be physical or mental. The statistics are horrible, with women being murdered every week due to violence. The Napthine government doubled spending on the prevention of domestic violence. The federal government increased spending, and this government has announced funding for it as well.

Family violence crimes are being reported in the Yarra Ranges at an alarming rate of more than four a day, and 1500 reports of family violence were made in the last year. The law courts are struggling to keep pace in dealing with these issues and offences. Data released by the Crime Statistics Agency show that stalking and harassment offences have jumped by 124 per cent, and breaches of order offences are up 156 per cent. A lot of these crimes are related to family violence, according to Yarra Ranges police inspector Peter Wheeler. The Ringwood Magistrates Court has had to add an extra sitting day to process the burgeoning number of family violence matters in the outer east. This bill is about protecting people, but despite a 12.4 per cent increase in crime over the past year under this government, the number of frontline police has been cut under this Premier. We certainly need a lot more police in the Yarra Ranges.

In my own district of Evelyn the statistics of family violence are far too high. We have had an increase of 64 per cent in the past five years. Police figures for the past financial year show 1374 reported incidents, up from 840 in 2010–11. The police attribute this rise to reporting and the media encouraging women to come forward, but I do know from people I know that the violence has increased. The government needs, if it is serious about domestic violence, to urgently increase the number of frontline police around the state.

We might have changed attitudes, but it is not just violence towards women that we are concerned about. There are also men who suffer from this violence,

children who also suffer and mothers who suffer from the violence of their teenage children. We know it is ongoing and self-perpetuating. We need to work on the reasons these things are happening.

Mental violence, harassment and bullying are things that as a community were disregarded a long time ago, probably in the same way that physical violence was, but these are now taken into account, whether it is the use of drugs or whether it is insecurity, anxiety or depression. Bullying and harassment take the spirit out of the individual. With cyberspace and modern telecommunications it is easier to track down and harass people over much longer distances.

Allowing the domestic violence order to be accessible across many Australian governments is a strong move in the right direction. All states are facing the issue of domestic violence, both physical and emotional, against people. Our citizens are willing to move around the country for work and personal needs. I hope in future the legislation and the Council of Australian Governments agreement will broaden to also include non-family violence intervention orders. A person relocating from interstate to Victoria with a non-family violence intervention order will have to remain under the old procedure; they will have to continue to register their domestic violence order with a Victorian jurisdiction if they want enforceable protection in our state.

This bill will enable a protection order issued in New Zealand courts and which is registered in any Australian jurisdiction to be enforceable nationally. As we make this reform, other state and territory governments are making the same reforms to the system so a Victorian-issued domestic violence order will be enforceable outside our borders. Amendments to the Firearms Act 1996 will enable the cancellation of a firearms licence if expressed in a domestic violence order issued in another state or territory. This is an important amendment.

Domestic violence is not always physical. People need to be protected from harassment and bullying for their mental health. Bullying is something I know that many who sit in this chamber understand, and they also understand the need to be protected. Maybe they have witnessed harassment from a work colleague, bullying in the workplace and harassment of those who are vulnerable. To paraphrase the words of the Prime Minister of Great Britain, Theresa May, when talking about bullying — does this remind you of anybody — anybody in your world, your workplace? Do we just look away and cross the street, or do we say to the perpetrator: ‘Stop’? We need to say to the child who

pulls the wings off flies or butterflies: ‘Stop, that is cruel’. Because we all know that cruelty to insects and to animals progresses and that those who take enjoyment in that will often become adults who will continue to bully and use physical violence. I support this bill. It is a good step. There are questions about timing. There are many questions, as always with any legislation that comes into this place. It is a step in the right direction, and I support it.

Ms GREEN (Yan Yean) — It is with mixed feelings that I rise to speak on the National Domestic Violence Order Scheme Bill 2016. I am proud to be part of a government, and a Parliament indeed, that takes this law and order issue so seriously, but I wish it was something that we did not need to legislate on. I think we would all love to just be able to wish away the damage that has been done to families, to women and to children not just in our great state but in every state and indeed in New Zealand, as discussed.

All of my working life has somehow been related to support for women and children and has been around family violence. I worked in the ministry of housing in the 1980s. I volunteered for a number of refuges, and I was the secretary of the Labor Party’s housing policy committee. I have been on the women’s policy committee, and just about every step of the way my work has somehow been related to this issue. It is with a sense of pride and a sense of amazement that I see there is such momentum now and that I am part of a government that has taken it so seriously.

I remember quite clearly that at the April state conference, before we were elected to government and had the privilege of sitting on the government benches, I was sitting immediately in front of the now Premier, then the opposition leader, when he announced that we would if elected to government introduce and have Australia’s first Royal Commission into Family Violence. I remember sitting between the now Minister for Industry and Employment and Jenny Mikakos, the now Minister for Families and Children. We just looked at each other. All three of us felt the hair stand up on the back of our necks. We felt that something really significant was happening.

I was in this chamber on the day when we had the motion around family violence and when we had Rosie Batty and numerous other victims and advocates address this Parliament, and I heard members from all sides almost unanimously take part and express their distress at this terrible issue. I am glad that it is not just our government but also other governments and indeed the federal government that are taking this issue seriously.

I want to commend my own community for the steps that they are taking. The city of Whittlesea in particular has taken incredibly seriously the proportion of women and children who are impacted by family violence. They have been working in an extremely cooperative way and have been raising this issue with various tiers of government over a number of years. They actually have a family violence monitor, and they keep data. I will cite that data for the period 1 April to 30 June 2015. In that quarter 107 new people presented to Whittlesea Community Connections for family violence, close to 2 cases per working day. The community legal service had 69 cases. Then there was casework, with 13 cases, and emergency relief, with 10 cases. Eight cases came from people seeing a family violence worker.

In more than half of all cases — 55 — this was the person's first contact with a support agency. In 48 per cent of cases they had contacted police, and in 43 per cent of cases they had applied for an intervention order. One in three reported that children had witnessed the violence. Overwhelmingly, perpetrators were recorded as ex-partners. In that quarter 61 per cent of cases involved ex-partners and 32 per cent involved current partners. This underscores what many experts and many of those working in the sector have been saying all along in answer to the question, 'Why doesn't she just leave?'. I think those statistics actually show why she does not just leave — because the time of leaving is the most dangerous time for a woman and her children. It is the time when she is most likely to be injured or in fact murdered.

I have spoken about this before, and I have actually written an opinion piece for the *Herald Sun* about how this has impacted on my life. A good friend whom I grew up with and shared a house with, Katrina Makkar, a mother of a then three-year-old son, had escaped a violent relationship. She had moved in excess of 20 times, trying to start a new life for her and her son, and beginning numerous jobs. She had settled in Canberra and was working in a restaurant. Her violent ex-partner tracked her down and stabbed her to death in front of 25 diners. That had a terrible impact not only on her son, who has grown up not knowing either of his parents — or only having those few years of knowing his mother — but also on her brothers and sisters, her parents, her friends and of course the people she worked with and for and those 25 diners whose lives will never be the same.

She was 22 years old; she had her life in front of her. She was a kind, decent, hardworking young woman who was a fantastic mother, despite the difficult circumstances. What really upsets me to this day is that

while her ex-partner was found guilty it was of the lesser offence of manslaughter. He was not found guilty of murder, because he claimed provocation. That young woman had relocated some 20 times to get away from him. This is a story that has happened in so many women's lives. I want to dedicate any of the work that I am able to do and anything I am able to achieve as part of a government so committed to change in this area to the memory of Katrina Makkar.

I was really fortunate in that after I wrote that article for the *Herald Sun*, which I found really difficult, Katrina Makkar's younger sister, who was just a very young teenager when Katrina was murdered, contacted me, and we had the most amazing conversation. She lives in Bendigo, and as it turned out I was going to Bendigo the very next day, so we were able to meet then. Fortunately Lola Makkar warned me beforehand. She said, 'You'll feel like you've seen a ghost when we meet, because everyone tells me I am the dead spit of Katrina' — and she absolutely is. She is certainly using her voice to speak up against violence, like so many have.

Together — women and those impacted telling their stories — is the only way this change has come about. It is why we now have this bill before the house after all 227 recommendations of the royal commission were agreed to by this government and significant amounts of money have been allocated to deal with not only the consequences but also the causes of family violence. We need to strive to do whatever we can to keep women safe and ensure that domestic violence order mechanisms can be recognised not only in this state but also in other states and that it is not women who have to go and register these orders. Whether they live in a border town or whether, like Katrina Makkar, they have moved interstate on numerous occasions to keep themselves and their families safe, they should be safe anywhere in this country.

I would like to commend Victoria Police and indeed all police in every jurisdiction in this state and in New Zealand who are now taking this issue seriously so that it is the no. 1 law and order issue of our time. I am proud to be part of a government that takes it so seriously, part of a government that has 47 per cent of its members in this chamber who are women, and we are supported by great men, including our Premier, who take this issue so seriously. I commend the bill to the house.

Ms KEALY (Lowan) — It is a great privilege to rise today to make a contribution on the National Domestic Violence Order Scheme Bill 2016. The main purpose of the bill is to amend the Family Violence

Protection Act 2008 and other acts to provide for a national recognition scheme for various domestic violence orders. It is particularly relevant for people living within my electorate, because we do adjoin the South Australian border. In fact we have got a few hundred kilometres of shared border, between Lowan, in Victoria, and South Australia.

The main elements of this bill are really to break down some of those barriers of domestic violence orders currently being statewide jurisdiction measures and not being recognised in other jurisdictions. This bill will provide for the recognition in Victoria of local, interstate and registered foreign domestic violence orders made in participating jurisdictions. For particularly people who live along those border towns and who may be escaping violence on one side of the border, there is no reason for a person — and it is usually a woman — escaping a family violence situation to have to go through the bureaucracy twice. It is already stressful and difficult enough for a woman to be brave enough to make the decision that they are not going to put up with a situation any longer and to take action — often uprooting their family, taking children out of school and going to an environment where they may not have any supports — and go to a completely different area, without having to, if it happens to be interstate, then have to go through another domestic violence order scheme.

We know that sometimes there are limitations around domestic violence orders being upheld. We do hear of people breaching them, and we do need to make sure that we have sufficient police resources to support these orders. As I said, if we have got women who are willing to take those steps of getting an order put in place, we need to make sure that we can manage that.

Interestingly, a lot of people in my local area are probably starting to get an understanding that family violence is not just an issue that happens on various TV programs or is not just a Melbourne issue; it is an issue in our own backyard. I have got a very good friend who is a social worker in a local area, and when we do catch up to discuss some of the issues around the region, it is very disappointing to hear of the level of family violence that is occurring in my region.

It is exceptionally difficult for women to seek assistance and help to get out of those environments, simply because the support services are not available. If you wanted to leave a community — for example, Dimboola — with your family to escape a family violence situation, you would have to actually uproot. The nearest women's shelter is in Ballarat, which is some 2½ hours away. We need to have better supports

for women who are seeking to escape those situations. I believe we need to have improved levels of shelters for women in rural and regional Victoria, because it is an enormous leap to travel that distance and particularly to lose your connection with other supports in your local area and the supports of your children, taking them out of school et cetera. It is very, very hard.

The way that we can close off some of those challenges is, of course, by all providing leadership and showing leadership and making sure that it is very well understood in the community that family violence, or violence against women, is never okay — in fact that violence against anybody is never okay.

I would like to just make mention of someone who is a local champion and who has used her absolutely horrific experience in a violent relationship to now be a role model and spokesperson within the local area. I would like to refer to the experience of Simone O'Brien. Simone had an absolutely horrific experience with a man who basically beat her to near death with a baseball bat. Simone had been seeing this man for a period of time. He had told her a lot of lies over the duration of their relationship — about his financial situation, about his background in terms of previous relationships and having children — and Simone eventually made the decision to break up the relationship. She actually contacted this man at 6.06 p.m., and by 6.16 p.m. her daughter, Gabby, called an ambulance. It was absolutely devastating for the children to have to witness that sort of violence against their own mother. This man had arrived at the house, taken Simone into a bedroom and beaten her repeatedly with a baseball bat — all in front of her children. The result was that Mrs O'Brien's left arm was snapped in two places, resulting in a compound fracture; her top jaw was smashed; her nose and right cheekbone were broken, along with both eye sockets; and her skull was shattered. She was also left blind in one eye.

Simone has been undergoing an enormous amount of surgery, and she is going forward so well in her recovery. But she has made the commitment that she wants to come out and be a role model and give women confidence to leave violent relationships. Simone has been doing a lot of work with local football and netball clubs. She is also working with different community groups. I absolutely commend Simone for her ability to have the confidence to work through such a devastating situation. Many people would simply just want to become a hermit and shy away, but she actually made the comment, 'It wasn't until I was walking out of the court that I discovered it was something people wanted to talk about. It made me realise that if by telling my story I could help one female, then I am happy to tell

it'. Her message to every woman in a violent relationship is: 'If you don't feel secure or safe with someone you're with, speak up'.

I think that is something that we all need to ensure the community are well aware of. If you are not happy in your situation, if you do not feel secure or if you do not feel safe, then please speak up, seek assistance and support and make sure that you get out of that relationship.

The other support that we need in rural and regional areas is around better counselling services for men. We need more access to behavioural change programs because, while we need women to have the confidence to leave violent relationships, we also need to make sure we have got pathways for men who are taking actions which are completely unacceptable and using violent reactions as their mechanism for conveying their emotions. It is simply not okay, but they need to have support so they can break through some of that cycle.

I would like to make mention of an issue that I have in regard to the recommendations arising from the Royal Commission into Family Violence. That is about recommendation 37, which states that there will be 17 support and safety hubs across Victoria, which would be only one across most of the Lowan area, for the Western District. Now the Western District is the biggest in the state. It goes from Brim in the north all the way down to the coast. Warrnambool is the largest regional centre, which would be about 3½ hours from Brim, with all the other major centres being Portland, Hamilton, Horsham, St Arnaud and Stawell. It is an enormous zone. To only have one support and safety hub for that entire region is simply not enough. We need to understand the geographical area that this covers. I would encourage the government, when it is implementing these recommendations, to take that into consideration and make sure that women and families in country Victoria are not unfairly disadvantaged because they do not live in a heavily populated area. It is very, very important that we do have those options, particularly when we know that family violence is such an issue in our country regions. So I really would like the government to make sure that that is addressed and that country women are treated with the same respect and have the same access to services as people in built-up metropolitan areas.

One of the key concerns about this bill — and it is our main concern — is around the proclamation date, or the implementation date. It is important that this is brought in immediately; there has not been a proclamation date announced at this point in time. As long as we have a

scheme in place we will have a safer operating system for our women and children in our community. I think that this bill should be proclaimed as soon as possible. The scheme should be operating with temporary safeguards for as long as they are needed so as to provide a better and safer system for those women and children escaping family violence.

Mr J. BULL (Sunbury) — I am pleased to contribute to the debate on the National Domestic Violence Order Scheme Bill 2016. This is a very important bill. All of us in this house are now aware of the tragedy of family and domestic violence in our community. Before being elected, like so many, I was aware of the harms of family violence — the destruction of confidence, the physical harm, the emotional abuse, the manipulation and the destruction, essentially, of one's self — but I do not think I quite understood the scale and the severity of the problem before becoming a member of this house, nor did I understand the rates of injury and death. These are figures that are a national shame, a national disgrace. I do not think that until becoming a member of this place I realised the harm that we cause to one another, tragically, on such a regular occurrence, and it is harm that can be prevented.

I heard the member for Yan Yean mention being at Moonee Valley Racecourse when the Premier, then the opposition leader, announced Australia's first royal commission into family violence. That came with mixed emotions for me, as I am sure it did for many members on the government benches. It came with a deep sadness because we needed to address the issue in the first place, and it also came with a deep determination because we were committed to actually addressing it. How is it that in 2016 the greatest cause of death and disability for women under 45 is domestic violence? How is it that 34 per cent of women have experienced violence from a partner or ex-partner? It is with deep sorrow that I note that already this year 46 women have lost their lives to violence.

I think that, certainly thanks to the work of the Premier and this government, family violence is at the front and centre of this government's agenda. I am extremely proud to be a member of the government that commissioned the first ever royal commission into family violence and that we are implementing all 227 of the recommendations. I am proud that we invested \$10 million to deal with immediate changes in family violence, with further reform to our system to come with future investment, and the \$572 million that other members have mentioned as a first and significant step to implementing these recommendations.

I do recall last year hosting a family violence forum at the Sunbury Aquatic Centre and having the Minister for the Prevention of Family Violence and Minister for Women in attendance with representatives from Victoria Police, the Sunbury Community Health Centre, the Hume City Council and the Melton City Council and community leaders and individuals from Sunbury, Bulla, Diggers Rest, Gladstone Park and Tullamarine. I recall, sadly, hearing stories of abuse that spanned not just years but decades — stories of broken families, stories of shattered lives of women who could not escape their partners and partners that would essentially use this system to abuse them and continue to abuse them. At this forum I undertook to do more, and as a government, through the royal commission and with the Premier and the minister, we all made a commitment and promised to do as much as we possibly could to address these terrible events.

This bill tonight is one of many steps to addressing such a serious problem in our community. Currently, as we know, in Victoria if a person wants to have a court-ordered domestic violence order (DVO) recognised in a state or territory other than where it was issued, they must register their DVO in the new state or territory for it to be enforceable. This government, along with governments across Australia, is committed to both making perpetrators of family violence accountable and ensuring that we enhance the protection of survivors by creating the national domestic violence order (NDVO) scheme. In line with decisions made at the Council of Australian Governments (COAG) in 2015, as we have heard, the NDVO will streamline the issue of DVOs, meaning if a DVO is issued in one state, it will be recognised in other states and territories, which is certainly a very important step.

This is part of a whole range of measures that were decided by COAG, including developing standards to ensure that interventions with perpetrators are effective around Australia and taking actions to limit technology-facilitated abuse, which is certainly something that is increasing. I was pleased that COAG not only recognised family violence in Australia as the no. 1 law and order issue but also fully committed to introduce legislation to support the national DVO scheme across the country. The protection of victims and survivors of family violence has been certainly placed at the front and centre of our government's agenda in this Parliament and in our society. It is incredibly important — right from the day someone is born, through preschool, primary school and high school — that we as a society and we as a government are doing all that we can to ensure that the protection of our community is paramount.

In terms of consultation for the new DVO process, Victoria Police, the Magistrates Court and the Department of Justice and Regulation were all represented on the national working group responsible for the development of the model laws, and police from other states and territories were also represented. Further to this, Victoria Police, the Magistrates Court and the Children's Court were consulted during the drafting of this bill, along with broader family violence stakeholders who were provided with a high-level briefing on the national DVO scheme.

It is important to note that the bill also amends several other acts to ensure that recognised DVOs have the same status and are treated the same. This bill starts to fix the unacceptable holes in our system. If I cast my mind back to the local forum with the minister, I remember there were so many examples — tragic examples, sad examples — of people in our community, predominantly women, who have experienced shocking cases of family violence. The destruction of their lives and the destruction of the lives of their children and of other relatives and family members is, as I said, a national disgrace and a national shame.

This is the most serious law and order issue we are facing and one that requires all governments, all MPs — and I have listened closely to the contributions this evening — no matter what their political view is, to put politics aside and say, 'Enough is enough'. I will never forget those stories, nor will I forget the hundreds of lives that were taken from us through domestic violence.

I want to take the opportunity in the time remaining to me to commend the Premier on his resolve, his determination and his passion in addressing this national disgrace. I think that when you are elected to Parliament there are things you think you know, there are things that you know and then there are things that you do not know. Sadly, this is one of those examples of public policy that I would have said I thought I knew enough about. However, upon coming to government I found that it was deeply shocking to me and something where I think, when you really unpack the issue, when you see the statistics, when you see the loss of lives and when you think about the devastation for women, their families, their children and their households, you are thankful — I know I certainly was thankful — for the life opportunities you were given in being raised in a very loving and safe household.

But you are conscious of the fact that there are so many thousands of Victorians who do not have those protections, and it is our responsibility — it is

incumbent upon all of us in this place, in the other place and in Canberra — to do everything we possibly can to be a safety blanket, a security blanket, for those who suffer these unspeakable acts. Once again, I would like to commend this very important bill to the house.

Mr THOMPSON (Sandringham) — I am pleased to be able to contribute to the National Domestic Violence Order Scheme Bill 2016. The purpose of the bill is to amend the Family Violence Protection Act 2008 and other acts to provide for a national recognition scheme for various domestic violence orders. There are a number of key provisions, including clause 10, which provides for the recognition in Victoria of local, interstate and registered foreign domestic violence orders (DVOs) made in participating jurisdictions. Clause 13 provides that a recognised DVO in any participating jurisdiction, that is enforceable against a respondent in Victoria, supersedes any existing recognised DVO. Clauses 15 to 18 provide for the enforcement in Victoria of any recognised DVO made in any participating jurisdiction, as if it were a local DVO.

I am aware that the Scrutiny of Acts and Regulations Committee will write to the Attorney-General seeking further information as to the compatibility of clauses 23(2) and 25(5), in their application to interstate-recognised DVOs, with the charter's right to have civil proceedings determined by a court or tribunal. That particular comment comes from page 8 of the Scrutiny of Acts and Regulations Committee report to the Parliament, *Alert Digest* No. 11 of 2016.

In commenting on this jurisdiction I would also like to place on the record some of the federal initiatives in the arena. Domestic violence has been at the forefront of the coalition's agenda since 2013, and significant momentum has been built around the issue. The first act of the Turnbull government was in fact to announce a \$100 million Women's Safety Package in 2015 which focused on practical immediate action to keep women and children safe, improved training for frontline workers, enhancing service delivery in critical areas and providing the best educational resources to change attitudes.

There was also the launch of a \$30 million national campaign to change young people's attitudes to women and violence, in partnership with states and territories. I am advised that there have been 32 million online views of TV commercials. The campaign website had been viewed almost 400 000 times at the date of my briefing, and online resources had been downloaded over 10 000 times.

In the 2016–17 budget \$100 million was committed for initiatives under the third action plan. This would include \$20 million for preventative strategies and cultural change, \$15 million for frontline services like housing and financial support, \$10 million to support victims of revenge porn, \$25 million to address family violence in Indigenous communities and \$30 million for frontline family violence legal services, and there was a commitment of \$10 million to develop a comprehensive national domestic violence order information-sharing system. There was also \$230 million over two years to extend the national partnership agreement on homelessness.

The former speaker noted areas of concern and the value of cohesive households. With cohesive households there are cohesive communities, cohesive neighbourhoods and a cohesive nation. I remember from my time as chair of the then Victorian parliamentary Law Reform Committee some of the examples that were presented to one of our inquiries, in concert with Victoria Legal Aid duty solicitors, of the magnitude of domestic violence, which was beyond my comprehension in terms of the severity of assaults that had occurred. Good work must continue to be undertaken to redress the impact of domestic violence on individuals and households.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to speak on the National Domestic Violence Order Scheme Bill 2016. I will make only a very brief contribution in order to respect other members' rights to make contributions, and I will not go through most of the other detail as other members already have, but obviously this is Victoria acting as part of a national agreement that was reached through the Council of Australian Governments in December 2015. It is a very important national agreement to close the gap, in a sense, of perpetrators getting away because of effectively a lack of communication and information flow between jurisdictions, but it is also about ensuring that victims have adequate and full protection across Australia and across New Zealand.

It is a very basic thing to do but very, very important. Obviously this bill is only a first step. As the Minister for the Prevention of Family Violence said in her contribution to the second-reading debate, there is a whole lot of work that needs to still happen in relation to this, specifically in relation to the infrastructure needed to support communication between police and courts in one jurisdiction and across all jurisdictions — in fact effectively 24 hours a day is what is required in order for this to be fully operational.

In conclusion to my short contribution I really want to talk just briefly about the Premier and his leadership. We have all talked about family violence, whether it be in relation to this bill or in previous contributions in this chamber over the last 18 or 19 months. All sides of politics have such a strong ownership of this issue, and that is fantastic, and that is the strength of true leadership: when you get an issue so much into the mainstream that everybody feels a sense of ownership of it. In doing that — as parochial as it may sound, it is very authentic — I want to make sure that we do not lose the reality that it was a premier in a Labor government, specifically the Premier and current Leader of the Labor Party, who made this happen.

As other members have said, it was he who stood up at the Labor Party conference at Moonee Valley and said something which no other leader in Australia has said. That is a true test of leadership, to the point that we are now discussing it as if it has always been an area of government focus. It has not always been an area of government focus. I compare it very much to the contributions made by big leaders in this country like John Curtin standing up to the British in World War II or Gough Whitlam withdrawing troops from Vietnam or even John Howard's gun buyback. This is true leadership, and it is attributable solely and only to the Premier of Victoria. I commend him for his leadership, and I commend the Minister for the Prevention of Family Violence for hers, and I fully support and commend the bill to the house.

Ms McLEISH (Eildon) — I rise to make a contribution to the National Domestic Violence Order Scheme Bill 2016. The purpose of this bill is fairly simple — it is to have family violence orders recognised across the country, which in turn will create a greater and more seamless level of protection for the women or the men who are currently protected. At the moment the way the system works is if a person is protected by a court-made domestic violence order in one state and they want to have it recognised in another state or territory within Australia — not just recognised, but recognised and enforced — they must first register with a court in that other state or territory. Once the order is registered, it is then recognised and enforceable.

This is founded on the notion that at any one point in time only one order is in operation, and this gives effect to the Victorian component of a scheme that was agreed upon nationally at the Council of Australian Governments (COAG) at the end of last year. Examples of people with domestic violence orders (DVOs) who move interstate or who live near borders or perhaps holiday interstate show that each time they move they

need to have their DVO registered in that other state and that can actually be quite stressful for them. It may even prevent them from going somewhere. I think this gives peace of mind for everybody concerned with DVOs that they can move freely around Australia, and indeed New Zealand, knowing that this will be in place and they will have those protections.

At COAG all states agreed to introduce laws to give effect to this in the first half of this year. One of the key components here is information sharing across the system, which I think is really good, and you wonder actually how we have got so far with so many systems not speaking to each other around the country. I think once we have got this mechanism set up that when the data goes in — it is only ever as good as the data that goes in — it will actually make it very simple for police to use, and we will have then that complete portability of DVOs. Of course when all states are on board that will be the case.

We all know that domestic violence is a huge social challenge not just in Victoria but across Australia and not just in cities but in country Victoria, and the physical and emotional toll for people who are subject to domestic violence is something that is of great concern to everybody. We know that reporting of domestic violence incidences is on the increase, as is the number of applications made in the Magistrates Court or indeed at the Children's Court. I know in my electorate, for example, the police say that the main thing that they do is attend family violence disturbances, and in many cases there are a lot of repeat offenders.

I am pleased that this is coming on board at a national level, but I do have concerns that the government in Victoria may be holding this up unnecessarily, because I think that there is room for the government to look to get the ball rolling in the first place. I know that IT systems are very cumbersome sometimes and difficult, and Victorian Labor governments' history of building IT systems has been nothing short of disastrous, with the ultranet, myki and the law enforcement assistance program database as well. In the short term, though, the requirement through COAG was to establish an interim information-sharing system that will provide police and the courts with information on all domestic violence orders that have been issued. So there is that necessity and that agreement to actually get moving in this regard.

I do just want to comment very quickly on what has been happening in my electorate, because there have been some wonderful local and community-level initiatives. A couple of weeks ago the Mansfield

Football Netball Club made the White Ribbon pledge, with a big banner spread across the field before the game. All the footballers and supporters stood up and said the pledge. In 2013 Flowerdale resident Steve Joblin walked from the Flowerdale Men's Shed 100 kilometres to Marysville to say family violence is not acceptable, because he felt in that area that the fires were being used as an excuse for an increase in family violence.

In the southern end, Brendan Murphy from Yarra Junction was the Yarra Ranges Shire Council Citizen of the Year in 2015. He was responsible for a video that went viral, and he had a lot of the blokes at the local football club speak out. The message was simple: that every week a woman is killed by her partner or her ex-partner, and this is not tolerable. The beauty of these people has been that they are not celebrities; they are regular people in communities who, like many of us, want to see an end to family violence because it is just not right.

We do have celebrities and people with greater reputations making points as well, and I commend Jimmy Bartel in this regard. He has lived through family violence and he said it needs to be talked about more. He is growing a beard for the whole season, and I commend him for that, but I will be very glad to see it come off. As I have said, there is no opposition to the substance of this bill, but I do have some concerns about the time frame for implementation.

Ms SHEED (Shepparton) — I am pleased to speak briefly on this matter, and I know many members have wanted to do so because it is a very important part of the reform of family violence that has been going on for a very long time. I have been practising family law for many years, and I have watched the development of this area of law, and certainly it has been very troubling, starting out with family violence orders — or intervention orders as we know them in Victoria — involving so many technicalities and being so difficult to obtain. But times changed gradually. Police were put into positions within police stations where they were dedicated to looking after victims of family violence and bringing applications for them, and that was a very welcome situation. Now we have police stations such as Shepparton where a number of police officers are dedicated to dealing with family violence issues.

On that note I point out, regretfully, that Shepparton is ranked as having the third highest number of family violence incidents in the eastern region, and it is eighth in the state, so it is a problem we face in our local community. The Royal Commission into Family Violence has been welcome, and many proposals

within the recommendations will lead to a streamlining of the court processes around the obtaining of family violence orders. This piece of national legislation is important because the need to manually register an intervention order has always been an issue — finding the right copy to take down to the court or having a certified copy to send in. This will now mean that the order is registered in one place and effectively covers the whole of the country.

It also means that if you want to vary or extend or change an intervention order in some way, you can do it in the place in which you are living. The jurisdictional limits or requirements that have previously existed will not create that impediment. You will not have to go back to Wagga if you live in Shepparton; you will not have to do any of that. You will be able to go to your local court in the place where you now live, your intervention order will be registered in that place and you can seek to have the proceedings dealt with locally where you live. Those sorts of things make a huge difference to the people seeking those sorts of orders.

The legislation also provides for weapons and firearms to be treated in a similar way across the country. Where there is a disqualification, say, in New South Wales, the same disqualification will apply in Victoria, so should a perpetrator travel to the same town such as Shepparton that the victim has relocated to, the intervention order will apply and so will all of the terms and conditions that are on it. The other thing that is really beneficial is that the prosecution of a breach of an intervention order will be able to take place in the place where, again, the victim is. It will mean a more prompt and easy disposal of a perpetrator in circumstances where a breach has taken place.

The bill contains many detailed amendments, and they are appreciated because on a day-to-day basis they are all really important, because there are so many things that throw up hurdles for applicants of family violence orders. Some of them relate to the Family Law Act 1975. One of the things that commonly arises is that an applicant will be concerned about property she has had to leave at her home or will be concerned about her animals. It has been a common statement from the bench that that is a family law matter and it cannot be dealt with. I believe that will remain a problem because at this stage we have not dealt with the Family Law Act and those connections that sometimes apply in these sorts of situations. I believe the royal commission has made recommendations around those things, and further changes will be required in the future.

The technology around the bill will be important to ensure that the systems are in place and that registration

is there, is broad ranging and is instant so that people will know that they can make a report to the police and it will be picked up straightaway even if the intervention order is in another jurisdiction. Given the time limitations, I will finish by saying that I support the bill.

Ms BRITNELL (South-West Coast) — It gives me pleasure to rise today to speak on the National Domestic Violence Order Scheme Bill 2016. I will state at the outset that the opposition does not oppose the bill. This piece of legislation will play an important part in the work being done to combat domestic violence across Australia. Most importantly, it will remove a burden for people protected by domestic violence orders who move interstate, often to start afresh and escape their situation. It will mean a domestic violence order issued in Victoria will automatically be recognised and enforced by any other state or territory and vice versa. It is worrying, though, that the government is willing to delay this important piece of legislation until an IT system is in place. I cannot understand the logic of the government to not have this legislation implemented until it is fully funded, and I urge the government to do the right thing so that there is some improvement. To be arrogant and do nothing is not an appropriate way forward.

Family violence is a major law and order issue in Victoria, with incidents recorded by police increasing by staggering amounts. But it is not just Victoria in which it is happening. National domestic orders need to come into effect as soon as possible. The government's reason for delay is not compelling. People under these orders do not need the added burden of having to re-apply if they cross state lines. Many move interstate to escape abusive situations and many do so in fear for their lives. The added delay of having to apply for an enforceable order in their new state may have dire consequences. This bill should be proclaimed with temporary safeguards rather than waiting until a computer system is put in place.

In my experience of 30 years of nursing I spent many shifts in accident and emergency, where I worked with people who were victims of family violence or were involved in suicide attempts which were often linked back to family violence episodes. My experience is that domestic violence is a very important issue, but it is also often a complex issue and often associated with drug and alcohol and mental health issues. Therefore as a society I do not think we can forget the challenge we have in front of us to make sure we look at these complex situations and not try to isolate them and treat them as silo issues.

Just last week I met with Dr Rodger Brough, a drug and alcohol physician in my electorate who lectured me 30 years ago. There is an enormous amount of respect for Dr Brough right across the country. We had a very good conversation around how family violence is not just a health issue. It certainly is often a health issue but it is also an issue of tough love. We have to increase the way we, as a society, address the boundaries and the consequences that people will face if they do the wrong thing. That is where we are going wrong. I have been involved with many drug programs. I have handed out a lot of methadone and Subutex that help recovering addicts, and I have supported many families in my community work, particularly in the last 15 years where I worked in community health and walked with families on their health journey through many issues. Many of those were drug and alcohol-related issues.

I have seen my fair share of clients as a result of family violence, and I am very confident that a lot of it was attributed to drug, alcohol and mental health issues, which are not handled as well as I would like to see them handled. We need to stop being a bit too soft. I think the community are saying this to us every day. They are saying we need to put boundaries in place — adults need boundaries, children need boundaries, everybody needs boundaries — and we need to have consequences. The legislation talks about being able to detain people, but until the legislation is actually proclaimed, the police will be restricted, as they are now, in doing their job.

I spoke this week also with a man who has been a detective in the Victorian police force for the last 30 years and who is frustrated that he cannot do his job, that he cannot get the convictions he needs to get and that too many people are just being let out. He talked about one particular client — I do not know if you call them a client when it is someone you are working with when you are a policeman. Twenty-one times they tried to get a conviction, and this guy was bailed, even though he told the magistrate he would reoffend and needed to go to prison because he needed to have boundaries put in place.

I have seen that myself. I myself have had clients tell me that the prison system is a place they go to make sure they do not kill themselves, because they know they are pushing the boundaries of their drug use. So they would steal cars and they would drive at high speeds so they would get put behind bars so they did not actually die.

It is tough, I know, but it is time we got tough. We need more police on the streets. We need to give those police the ability to do their job. I was very, very shocked

when I did the Vinnies sleep-out this year and we had a mob of professional protesters come and disturb the peace. There was nothing the police could do, not because they were not doing their job but because we have changed laws — we have no longer got the move-on laws, for example — and the police are frustrated. No wonder they are going off on stress leave. They just want to do their job. The victims of family violence just want to be protected, police just want to protect them and it is time we worked out really what is going on.

I commend the fact that we are working towards change and that this bill will do that. I know it will help women and it will also help men who are also victims of family violence. I understand they are not necessarily the ones who are being killed, but I have talked to many recently who are upset by the fact that they are not being brought into this debate and understood and respected.

So we can make a difference, and I am pleased this bill will assist people who need protection. I hope this legislation will be enacted and proclaimed and that we will not sit and wait and put people at risk any longer.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the National Domestic Violence Order Scheme Bill 2016. As those other speakers have said quite eloquently over the course of this afternoon, this bill is an important piece of legislation because it will look at introducing a national domestic violence order scheme so that domestic violence orders issued in one state will be recognised in all others.

I think that this is a very commonsense and sensible measure, because the reality is that people will increasingly look at moving around and moving from one state to another, either going back home to be with their family and support networks or alternatively going to another jurisdiction seeking work or a new start or a new life. I think that finding a streamlined approach to ensure that victims of family violence can have a degree of support in terms of seeking that those domestic violence orders be in place across other jurisdictions makes sense.

The reality is that, as the royal commission has shown, family violence is a shocking and terrible crime, but the causes that underpin that crime and the way it manifests are many and varied. I think that when you look at a really difficult problem, a complex problem, that impacts upon a number of different people at different stages in their lives from different backgrounds, then

you need to have a multipronged approach to try to tackle that.

If I look in my electorate of Essendon, we have got a very large public housing community. We have got many members from the Horn of Africa who choose to call my electorate their home. And I think it is important that we recognise that if you are from culturally and linguistically diverse backgrounds, if you live in public housing or if you have got a large family, there is a need to ensure that there are appropriate responses in place, because clearly an individual without dependants who is a victim of family violence is going to require a different level of support to, say, a public housing tenant with four, five, six or eight children living with them. That is why the government is to be commended — not only for identifying this as an issue but also for looking at trying to address some of the problems as well by having that immediate injection in terms of public housing and having more housing available to enable those victims who are fleeing family violence to find a safe haven, to find a safe refuge.

This is an important piece of legislation, but it is not in itself the solution in totality. It is an important component. But when you look at a really deep problem that touches so many in our community in so many different ways, you need to try and tackle this through a number of different levers. This is an important step.

The member for Oakleigh in his contribution spoke quite eloquently earlier, acknowledging the role played by the Premier in identifying this as an issue prior to the last election when he came out and spoke quite eloquently at a state conference in 2014. I have been to many Labor Party state conferences over the years, and I remember at the time thinking it was the finest speech I had heard any Labor leader give at a state conference. It was an outstanding contribution. So the Premier, as the member for Oakleigh indicated, is to be congratulated for identifying this as a major issue and for looking at trying to tackle this problem head-on.

Again, as I said, there are a number of different options that we have to look at exploring in terms of trying to give support to these communities. As I said earlier, I think we need to make sure that we have got an appreciation of some of the challenges there are for those members of our culturally and linguistically diverse communities who might be living in public housing or who might have large families living in a two-bedroom flat. We need to be mindful and cognisant of those.

The Minister for Housing, Disability and Ageing is also to be congratulated for his major announcement earlier in the year, after the findings of the royal commission were handed down, that he would look at a major injection of funds in public housing so that those victims who are fleeing family violence have got a safe haven that they can flee to.

The reality is that family incidents recorded by Victoria Police have increased significantly since 2009–10. There has been an 82.7 per cent increase, from 35 666 incidents in that year to over 65 000 in 2013–14. Similarly the number of applications heard in the Magistrates Court has increased by 34.5 per cent to 35 147 between July 2009 and the 2013–14 financial year.

So when you are looking at this greater, heightened awareness of this as a problem and as an issue you see that as legislators we need to take that step, take that leadership, to try to address that. Again I think this is an example where Victoria is leading the nation in this important public policy debate. It is important that it is not just this government that has recognised that it is an issue that needs to be addressed; the opposition as well and the minor parties should also be acknowledged for their role in supporting these initiatives under the leadership of this Premier.

Look, this is an important piece of legislation. It is about harmonising; it is about that harmonised approach in terms of tackling this national scourge. This is just a component part of a bigger problem, a bigger issue. It is a building block, but it is an important building block to address what is such a profound issue.

Many of us, luckily, thankfully, in this place and in the other place have not had to experience this. We have not had to go through this in our childhoods; we are not perpetrators or victims. I think you would find that there would be probably a low correlation in this place and in the other place. So we are fortunate, many of us, in that respect, but it is important that we look at identifying these appropriate legislative tools to tackle this major, major problem and issue so that we can try to ensure that particularly children in their first 1000 days of development as well do not experience adverse childhood experiences which have deleterious effects upon their development. Look, this is an important piece of legislation. I commend the bill to the house.

Debate adjourned on motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Debate adjourned until later this day.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2016

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, page 3, line 20, omit "86A." and insert "86A; and".
2. Clause 1, page 3, line 20, after "86A" insert "including abolishing any advisory committee".
3. Clause 1, page 3, after line 20 insert —

"(g) to make amendments to the **Biological Control Act 1986** required as a result of the Biological Control Amendment Act 2016 of the Commonwealth."

4. Clause 2, line 24, after "Act" insert "(other than Part 8)".
5. Clause 26, page 18, line 6, omit "Subject to subsection (1B), before" and insert "Before".
6. Clause 26, page 18, line 8, omit "of—" and insert "of the Game Management Authority.".
7. Clause 26, page 18, lines 9 to 16, omit all words and expressions on these lines.
8. Clause 26, page 18, lines 26 to 30, page 19, lines 1 to 5, omit subclause (4) and insert —

"(4) Section 86A(5) of the **Wildlife Act 1975** is **repealed.**"

9. Insert the following New Clause to follow clause 26 —

'A New section 107 inserted

At the end of Part XII of the Wildlife Act 1975 insert —

"107 Transitional provision, advisory committee— Primary Industries Legislation Amendment Act 2016

Any advisory committee established under section 86A(5) immediately before the commencement of section 26 of the Primary Industries Legislation Amendment Act 2016 is abolished and its members go out of office on the commencement of that section 26.".

10. Clause 27, omit this clause.
11. Insert the following Part heading and clauses to follow clause 27 —

'Part 8 — Amendment of Biological Control Act 1986

AA Definitions

- (1) In section 3(1) of the **Biological Control Act 1986** insert the following definition —

“*prescribed organisms* means organisms that are—

- (a) live organisms; or
(b) viruses or sub-viral agents—

but does not include live vaccines or resistant cultivars;”.

- (2) In section 3(1) of the **Biological Control Act 1986**, in the definition of *kind*, after “organisms,” insert “viruses or sub-viral agents;”.

- (3) In section 3(1) of the **Biological Control Act 1986**, in the definition of *organism*—

- (a) in paragraph (b), for “paragraph (a);” substitute “paragraph (a); or”;

- (b) after paragraph (b) insert —

“(c) a virus or sub-viral agent;”.

- (4) In section 3(1) of the **Biological Control Act 1986**, the definition of *prescribed live organisms* is repealed.

BB Biological control

In section 4 of the **Biological Control Act 1986**, for “live” substitute “prescribed”.

CC Consequential amendments

In sections 19(1), 20(1), 24(1), 28(1)(b), 29(1)(a), 32(2)(a) and 35(3) of the **Biological Control Act 1986**, for “prescribed live organisms” substitute “prescribed organisms”.

12. Part heading preceding clause 28, omit “8” and insert “9”.
13. Clause 28, line 3, omit all words and expressions on this line and insert —

“This Act is repealed on the first anniversary of the first day on which all of its provisions are in operation.”.

14. Long title, omit “and the **Wildlife Act 1975**” and insert “; the **Wildlife Act 1975** and the **Biological Control Act 1986**”.

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

That the amendments be agreed to.

Ms SANDELL (Melbourne) — I would like to ask that the Chair separates out the two sets of amendments we have here to distinguish the amendments that were moved by the government in the upper house and those

moved by the Shooters and Fishers Party in the upper house. The reason is that they do two quite separate things.

The amendments moved by the government are in relation to getting Victoria’s scheme in line with the national framework for the new strain of rabbit haemorrhagic disease (RHD) K5. Unfortunately we have a devastating rabbit problem here in Victoria, which is terrible for our environment as well as for our primary industries. It is a real scourge across our entire state. Rabbits destroy our wildlife, they maintain our cat and fox populations, they compete with other animals, they inhibit the regrowth of other native species and they contribute to soil erosion, and unfortunately the RHD is really the only effective way we have to deal with this problem at the moment. So bringing the Victorian scheme into line with the national framework is a good idea, and we support those amendments.

On the other hand we will not be supporting the amendments that have been put forward by the Shooters and Fishers Party in the upper house. We are really disappointed that Labor has accepted these amendments put forward by the shooters to abolish the Emergency Closures Advisory Committee. This committee is the only source of independent scientific advice that the minister receives for the purposes of her decision on whether or not to close individual wetlands for the duck shooting season. I would like to know what the Labor Party has traded with the Shooters and Fishers Party in order to accept these amendments, or I would like to know why the Labor Party is supporting the duck shooting season at all when we have record low duck numbers and when it is such a cruel, cruel practice. I am very disappointed that the government has given in to the shooters in this instance, and we will not be supporting those amendments. For those reasons I would like the amendments to be separated.

Mr WALSH (Murray Plains) — I will make a small contribution on the upper house amendments to the Primary Industries Legislation Amendment Bill 2016. The coalition will be supporting both those sets of amendments. After listening to the previous speaker I note that I do not believe the amendments should be split at all.

With the Biological Control Act 1984 related changes, the minister contacted us between houses to say that the government was going to introduce a house amendment to enable this measure to happen, and I think it is good. The amendments bring the legislation into line with commonwealth legislation and mean that the new rabbit control, K5, can be released potentially mid next year. If you think about rabbit control over the time, with

myxomatosis having been first introduced back in the 1950s and when a calicivirus was introduced in the late 1980s and early 1990s, you see they had a major impact on the control of rabbits right across Australia. Obviously the effectiveness of those particular controls gradually wanes over time, so having another arrow for our arsenal I think is a very good thing and can be released next year. So these changes are very sensible and just implement what has been the nationally agreed target.

The second amendment is about getting rid of the Emergency Closures Advisory Committee and empowering the Game Management Authority to actually carry out those roles. I think it is a very sensible amendment. When we were in government we set up the Game Management Authority to do this. It has the skills and it has the scientific knowledge to give advice to the minister. Having both bodies duplicates that role and creates confusion. We all saw the absolute disaster of the process around the closure of Lake Elizabeth in the duck season, and this amendment means that those sorts of things will not happen in the future. We support the amendments to get rid of the emergency closures committee and give its powers to the Game Management Authority. That was designed to happen when the Game Management Authority was set up, so this amendment just gives those powers to the authority in the future.

On the issue of whether duck shooting is good or whether duck shooting is bad, duck shooting is a legal pursuit here in Victoria and people have the right to engage in the practice and do that.

Ms Sandell interjected.

Mr WALSH — Well, it is the law in Victoria. I think both sides of politics agree that duck shooting will be here for a long time into the future. While there might be interjections from some people, the issue of whether there are ducks or whether there are no ducks is just absolute rubbish. Ducks are migratory birds. They move to where the rain is, so when it seems that there are not many ducks in Victoria they are actually in central Australia or in south-west Queensland, where they go to breed. There will never, ever be a shortage of ducks. I must admit that some people let their emotions get involved in this and do not study the facts on how the duck breeding cycle works and how ducks are migratory birds. These amendments are very sensible, and I look forward to them passing through the house.

The ACTING SPEAKER (Mr Pearson) — Order! The minister has moved that the amendments be agreed to. I have been advised by the member for Melbourne

that she wishes to vote against some but not all of the amendments. I will therefore split the question so as to deal with the amendments opposed by the member for Melbourne separately.

Amendment 1 agreed to.

House divided on amendment 2:

Ayes, 79

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Angus, Mr	Merlino, Mr
Battin, Mr	Nardella, Mr
Blackwood, Mr	Neville, Ms
Blandthorn, Ms	Noonan, Mr
Britnell, Ms	O'Brien, Mr D.
Brooks, Mr	O'Brien, Mr M.
Bull, Mr J.	Pakula, Mr
Bull, Mr T.	Pallas, Mr
Burgess, Mr	Paynter, Mr
Carbines, Mr	Pearson, Mr
Carroll, Mr	Pesutto, Mr
Clark, Mr	Richardson, Mr
Couzens, Ms	Richardson, Ms
Crisp, Mr	Riordan, Mr
D'Ambrosio, Ms	Ryall, Ms
Dimopoulos, Mr	Ryan, Ms
Dixon, Mr	Scott, Mr
Donnellan, Mr	Sheed, Ms
Edwards, Ms	Smith, Mr R.
Eren, Mr	Smith, Mr T.
Foley, Mr	Southwick, Mr
Fyffe, Mrs	Spence, Ms
Garrett, Ms	Staikos, Mr
Gidley, Mr	Staley, Ms
Graley, Ms	Suleyman, Ms
Green, Ms	Thomas, Ms
Guy, Mr	Thompson, Mr
Halfpenny, Ms	Thomson, Ms
Hennessy, Ms	Tilley, Mr
Hodgett, Mr	Victoria, Ms
Howard, Mr	Wakeling, Mr
Kairouz, Ms	Walsh, Mr
Katos, Mr	Ward, Ms
Kealy, Ms	Watt, Mr
Kilkenny, Ms	Wells, Mr
Knight, Ms	Williams, Ms
Lim, Mr	Wynne, Mr
McCurdy, Mr	

Noes, 2

Hibbins, Mr

Sandell, Ms

Amendment agreed to.

Amendments 3 and 4 agreed to.

House divided on amendments 5 to 10:

Ayes, 79

Allan, Ms	McGuire, Mr
Andrews, Mr	McLeish, Ms
Angus, Mr	Merlino, Mr
Battin, Mr	Nardella, Mr

Blackwood, Mr	Neville, Ms
Blandthorn, Ms	Noonan, Mr
Britnell, Ms	O'Brien, Mr D.
Brooks, Mr	O'Brien, Mr M.
Bull, Mr J.	Pakula, Mr
Bull, Mr T.	Pallas, Mr
Burgess, Mr	Paynter, Mr
Carbines, Mr	Pearson, Mr
Carroll, Mr	Pesutto, Mr
Clark, Mr	Richardson, Mr
Couzens, Ms	Richardson, Ms
Crisp, Mr	Riordan, Mr
D'Ambrosio, Ms	Ryall, Ms
Dimopoulos, Mr	Ryan, Ms
Dixon, Mr	Scott, Mr
Donnellan, Mr	Sheed, Ms
Edwards, Ms	Smith, Mr R.
Eren, Mr	Smith, Mr T.
Foley, Mr	Southwick, Mr
Fyffe, Mrs	Spence, Ms
Garrett, Ms	Staikos, Mr
Gidley, Mr	Staley, Ms
Graley, Ms	Suleyman, Ms
Green, Ms	Thomas, Ms
Guy, Mr	Thompson, Mr
Halfpenny, Ms	Thomson, Ms
Hennessy, Ms	Tilley, Mr
Hodgett, Mr	Victoria, Ms
Howard, Mr	Wakeling, Mr
Kairouz, Ms	Walsh, Mr
Katos, Mr	Ward, Ms
Kealy, Ms	Watt, Mr
Kilkenny, Ms	Wells, Mr
Knight, Ms	Williams, Ms
Lim, Mr	Wynne, Mr
McCurdy, Mr	

Noes, 2

Hibbins, Mr	Sandell, Ms
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Amendments agreed to.

Amendments 11 to 14 agreed to.

**FREEDOM OF INFORMATION
AMENDMENT (OFFICE OF THE
VICTORIAN INFORMATION
COMMISSIONER) BILL 2016**

Second reading

**Debate resumed from 23 June; motion of
Mr PAKULA (Attorney-General).**

Mr M. O'BRIEN (Malvern) — It is a pleasure to rise to speak on the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. The coalition is gravely concerned about this bill because at its heart this bill sacks another person who has stood up to and stood in the way of what this Premier wants. There is a shamefully long list of Victorians who have been

sacked by this Premier and this government for standing up and doing their jobs properly.

We could start by looking at the board of Ambulance Victoria. We could look at the Linking Melbourne Authority, the Greyhound Racing Victoria board, 19 water corporation boards and, infamously, the Country Fire Authority (CFA) board. We could look at individuals like former CFA chief executive officer Lucinda Nolan and former CFA chief fire officer Joe Buffone. A former minister, Adem Somyurek in the Legislative Council, was sacked by this Premier; the former Minister for Emergency Services, the member for Brunswick, was sacked by this Premier; and the Minister for the Prevention of Family Violence has been sidelined from her fundamental task of implementing the recommendations of the Royal Commission into Family Violence.

You could look at the CEO of V/Line, the CEO of Tourism Victoria, the chair of Public Transport Victoria and the chair of the Peter MacCallum Cancer Centre, Wendy Harris, QC. During my time at the bar Wendy Harris was known, and I think is still known, as being an absolutely first-class intellect and somebody with a lot of community passion at heart. The chair of the Peter MacCallum Cancer Centre was forced by this government to resign because she knew the damage that this government's petulant and ideological decision to kill off the new Peter Mac Private, proposed as part of the Victorian Comprehensive Cancer Centre, would bring to Peter Mac. She knew the damage that would bring to cancer research in this state. She knew the damage that would bring to fundraising in the state. Wendy Harris, QC, was forced to fall on her sword. The chair of the Victorian Commission for Gambling and Liquor Regulation, Bruce Thompson, was pushed out, as was the chair and CEO of WorkSafe.

I could spend my entire 30 minutes looking at people on boards and in organisations that this government has sacked, but this bill deals with another one — in particular, the commissioner for privacy and data protection (CPDP). That statutory appointment, that very important role, is to be terminated by this bill. The current incumbent of that position, Mr David Watts, was appointed as the inaugural commissioner for privacy and data protection when the relevant act, the Privacy and Data Protection Act 2014, was brought into being.

Mr Watts, I understand, was appointed for a five-year term. Here we are only two years into the five-year term of an independent statutory office-holder, and this government is seeking to sack another independent

voice in Victoria, because this is a government of bullies, a government run by bullies who are riding roughshod over the rights of Victorians and over the views of anybody who has a job to do and who may disagree with this Labor government and its ideological bent. It does not matter whether you are a Labor MP, a Labor minister, an independent statutory office-holder or on the board of an organisation like the CFA; if you do not lie down and do this Premier's bidding, you will get sacked. That is why this bill is so obnoxious. That is why this bill is appalling. That is why this bill in its current form cannot be supported by the opposition.

I should also add to that list the former Freedom of Information Commissioner, Ms Lynne Bertolini, somebody who was press-ganged into resigning by the Special Minister of State. We hear members opposite lament the temporary absence of the Special Minister of State from the other place. I have to say that his dark hand has been seen in many, many sackings by this government. The sacking of Ms Lynne Bertolini as FOI commissioner was a disgraceful episode on the part of this government, and more particularly the Special Minister of State.

Before the member for Essendon or anybody else gets up here and tries to be a bush lawyer by telling me, 'No, they weren't sacked; they resigned', I did spend long enough as an industrial relations lawyer to know that constructive dismissal is still dismissal. When you effectively force somebody to tender their resignation because you make their position untenable, the law recognises that as being a dismissal, and that is exactly what this government has done to Lynne Bertolini and a host, a raft, of other independent office-holders right across this state in the less than two years since it has come to office.

This is like some Stalinist purge. Anybody who does not toe not just the Labor line but also this Premier's personal line is to be gotten rid of. We have already seen this in the politicisation of the public service, and I know there is another bill on the notice paper which we will be dealing with this week in relation to public sector communications. When I speak on that bill I will give some further examples of the appalling politicisation of the public service we have seen under this government, the way that they have coopted the public service into partisan, party-political spin, not promoting government initiatives but attacking the opposition, attacking the Liberal and National parties and promoting the Labor Party — not promoting government policies or initiatives but promoting the Labor Party. It is disgraceful behaviour by this government, and this bill is just another example of

what we have seen from Labor since they have come to office.

The bill itself is termed in very high-minded rhetoric. You would think by looking at the bill that it provides a nirvana of open, transparent and better access to freedom of information in this state, but of course the fact is it does anything but. For example, the government will no doubt trumpet the fact that the bill proposes to reduce the time frames for responding to FOI requests from 45 days to 30 days. However, when you look at the detail of the bill, you see that clause 8 permits an agency or minister to delay by an indefinite number of 30-day periods, as agreed by the applicant. Clause 8 also permits an agency or minister to automatically extend the period for responding to requests by 15 additional days if, 'consultation is required' under various sections of the act. The breadth of this provision makes it quite clear that in effect 45 days will be the norm rather than the exception.

The minister's second-reading speech says:

The bill also provides for an extension of up to 15 calendar days where mandatory consultation is required under the FOI act. Mandatory consultation will be required where documents contain information of a personal, commercial or confidential nature or relate to law enforcement or state/commonwealth relations.

In other words anything you might actually want to get out of FOI will be the subject of mandatory consultation. It is hard to think of what is not covered by those different aspects, which would lead to only a 30-day deadline applying. The fact is that in effect a 45-day deadline will apply, which is the current position anyway, which means that that particular provision does nothing to improve access in relation to FOI.

Another issue is that the government has flagged a so-called root and branch review of FOI. If you again look at the minister's second-reading speech, you see it provides that 'the review is expected to be completed in March 2017'. The question is: if the government is committed to a root and branch independent review of FOI, why is it now moving to abolish the current FOI commissioner position? Is it because this so-called independent review is not going to be independent at all, because the government is saying, 'We've just fixed up FOI the way we want to fix it up, we've just sacked the people we want to sack, so you had better not come up with an alternative that actually differs from what we have just put in place'?

It is only March 2017. Given that there is nothing substantive in this bill that actually improves

transparency, that substantively or effectively reduces the deadlines for FOI, why would you not actually wait until that root and branch review has taken place? The fact is that the government is keen to try and put its own structure in place, regardless of what this so-called independent FOI review might say.

The existing FOI commissioner and also the CPDP structures have been in place for less than two years. They are certainly, arguably, working well. If there is a case for tweaking or improvements, then the government needs to make that case. There is no justification for abolishing it, yet that is exactly what this bill purports to do. There has been no review of this current structure. The government says it is undertaking a review, but those results are not in. So why would you pre-emptively go and abolish a structure which has been in place for effectively less than two years?

We are also very concerned by the watering down of the independence of independent statutory office-holders. It is bad enough that this government is sacking the FOI commissioner and bad enough that this government is sacking the commissioner for privacy and data protection — that is bad enough. But when you see what it replaces them with, the structure of this bill means that there is far less independence. While the information commissioner, who is set up to be the head of this commission, is subject to parliamentary approval on any removal, when you look at the suspension or the removal from office of the public access deputy commissioner, which is the position which will in effect take over from the current CPDP, that does not require any parliamentary approval. Clause 6O(1) of the bill provides:

The Governor in Council, on the recommendation of the Minister, may suspend or remove the Public Access Deputy Commissioner from office on any of the following grounds ...

It includes misconduct, neglect of duty and inability to perform the duties of the office. Clause 6O(1)(d) provides:

any other ground on which the Governor in Council is satisfied that the Public Access Deputy Commissioner should not hold office.

So we have gone from having a situation where the CPDP effectively has parliamentary protection to a situation where the public access deputy commissioner, which will, in effect, take over the role of the CPDP, can be removed by the Governor in Council on any ground on which the Governor in Council is satisfied that the public access deputy commissioner should not hold office.

So we are seeing a government which is not only sacking independent office-holders but is replacing them with statutory holders who are not as independent as those that they are replacing. They are weaker, because they can be sacked by the government of the day. If this government were serious about having real teeth and giving real independence to these new officials, they would provide for them to be removed only on the concurrence of both houses of Parliament. That is what the position is for existing office-holders that this bill is seeking to sack and that this bill is seeking to replace. They should have the same level of statutory protection.

I am either young enough or old enough to have not been in Parliament but remember the complaints from the then Labor opposition about what they argued were infringements on the independence of the Auditor-General back in the era of the Kennett government. I remember there was a big proposal. After the 1999 election Premier Steve Bracks came into Parliament and said that they were going to enshrine the independence of the Auditor-General in the constitution. So the Labor Party seems to be very keen on the independence of statutory office-bearers when it is not trying to sack them. When it is not trying to sack them, it is really keen on them having independence, but when it wants to sack them, not only do they not get any constitutional protection but they do not even get the protection of parliamentary removal — ‘No, no, trust us. Leave it to the Governor in Council on any ground that we see fit’.

Well, we are not going to cop it. The Liberal and National parties are not going to cop what is fundamentally an undemocratic bill from a government full of bullies — and we have seen this since the day they have come to office. This is a government run by bullies, trying to bully and sack anyone who disagrees with them. It does not matter what area you work in in Victoria. If you cross the Premier and this Labor government, he wants to bully you and he wants to sack you. Well, we are going to stand up. We are going to stand up for those voices, and we cannot and will not support this bill in its current form.

There was a very important statement that was made by the commissioner for privacy and data protection dated 19 August 2016. That statement has been provided to the member for Shepparton, it was provided to the Greens, it has been provided to the government, and it has been run past the Speaker and Hansard. So, Acting Speaker, I seek leave to have the statement of the commissioner for privacy and data protection, dated 19 August 2016, incorporated into *Hansard*.

Leave refused.

Mr M. O'BRIEN — The Minister for Women, who is at the table, has refused leave to incorporate the statement from the commissioner for privacy and data protection. It is not enough that the minister wants to sack this independent office-holder; she wants to gag him as well! She wants to not only sack him but gag him so that his views cannot be put onto the public record. Well, I have got 13 minutes to go, and I am going to read this statement by the commissioner for privacy and data protection of 19 August 2016 so that the words of Mr David Watts will be recorded in *Hansard*:

My comments on the Freedom of Information (Office of the Victorian Information Commissioner) Bill 2016 (bill) recently published on this website dated 16 August 2016 (comments) have been the subject of a number of media reports.

Contradictory statements

In *The Mandarin* on 18 August 2016, a report on the comments included a statement by an unnamed 'government spokesperson' that:

The Commission for Privacy and Data Protection was consulted on the proposed reforms and invited to provide feedback ahead of the drafting of the bill. The government has offered further opportunities for the commission to give feedback and to date we have not received any formal feedback on the bill.

This statement is apparently a response to the statement I made in the comments that:

I was first advised [of the proposed bill] at a meeting on 3 March 2016. The concerns I expressed were dismissed as being 'too late' because cabinet had already approved the proposal ...

These two statements are directly contradictory. Rather than allow uncertainty to arise from this contradiction, this statement sets out the events relating to when and to what extent the 'commission' knew that the government intended to introduce the bill.

The sequence of events — is this consultation?

Responsibility for the bill within the Victorian public service rests with the Department of Premier and Cabinet (DPC). All my dealings with government regarding the bill have been with DPC. Accordingly when the 'government spokesperson' refers to the government, I understand that to mean DPC. As far as I am aware, the only discussions that have taken place with my office regarding the bill have involved me.

I first learnt that the government intended to amend the legislation I currently work under (the Privacy and Data Protection Act 2014 (PDPA)) at a meeting on 3 March 2016 between me and Chris Eccles, the secretary of DPC. Prior to that meeting there was no suggestion that the meeting would involve discussion of statutory amendments. As a result, Chris Eccles raising amendment of the PDPA was a complete surprise to me. Prior to that date there had been no

consultation regarding the bill or any policy decision or discussion that might have led to it.

At that meeting Chris Eccles said that:

the government had decided to merge the commissioner and office of privacy and data protection with the commissioner and office of freedom of information;

this would mean the creation of a new commissioner and office of the information commissioner and two deputies, a privacy commissioner and an FOI commissioner [This is the structure I referred to in the comments as the information commissioner model];

this means that both the existing commissioner roles for privacy and FOI would be abolished;

if I unsuccessfully applied for the information commissioner role I would be paid four months salary in lieu of notice, although he said I was not entitled to such a payment ...

I will just interrupt there and note that this is a statutory office-holder who has been appointed for five years. A five-year appointment as an independent statutory office-holder and this government is trying to sack them with this bill after just two years and say, 'We do not owe you a thing, but we will give you four months salary to go away'. When I was an industrial relations lawyer we used to call that 'go-away money'. Actually there was a slightly more robust term used for it occasionally as well. What a disgrace. What a disgrace that this government is trying to buy the silence of an independent statutory commissioner with a five-year term by saying, 'We will give you four months go-away money'. I return to the statement, and this is referring to Chris Eccles:

he apologised to me for the 'appalling way' in which I had been treated by DPC and told me that those responsible had been counselled and disciplined. By this I took him to be referring to the response of DPC to issues I had managed during the restructuring of previous statutory authorities that were merged by the passage of the PDPA. Those issues involved the redeployment of staff, to which the Community and Public Sector Union (CPSU) had objected.

When at that meeting I immediately expressed concern regarding the workability and policy basis of the information commissioner model Chris Eccles said that it was too late to express those concerns because the matter had already been decided. That discussion did not provide me with any notice of the issues to be discussed or any reasonable period in which to respond to the proposal.

I did not then, and have not since, thought of that meeting and what was said during that meeting, as an invitation to consult with DPC regarding the bill or any proposal made by DPC.

On 5 May 2016 I attended a meeting with Tony Bates of DPC. Tony Bates is the deputy secretary of DPC responsible for coordinating the relationship between DPC and the office

of privacy and data protection. That meeting was also unexpectedly (for me) attended by two lawyers from DPC, Sam Porter and Chris Millar. During that meeting, Tony Bates told me that:

so far as the PDPA was concerned, the bill would only amend governance arrangements by introducing the information commissioner model;

the commissioners would be appointed and removed by executive government, rather than by Parliament; and

the bill was planned to be introduced in June and passed by September 2016.

Prior to that meeting I had formed the view that a key reason for the introduction of the information commissioner model was that the CPSU had disagreed with management decisions I had taken (referred to above) and wanted the government to restructure to remove me.

Again I interrupt this statement to note that the commissioner has said it is his belief that the reason the government wants to sack him under this legislation is he dared to offend the CPSU by exercising his responsibility as commissioner to manage his staff. This is just another grubby little public sector union fit up. That is all this is: sack an independent office-holder to please Karen Batt and her mates down at the CPSU. What an absolute disgrace. What a disgrace this is. This is government of the unions by the unions and for the unions, and anybody independent is going to get sacked or bullied. I return to the statement:

In the later stages of the meeting on 5 May 2016, Tony Bates and I were still present and Sam Porter and Chris Millar had left. At that time I asked Tony Bates why the legislation was being amended specifically to remove me at the instigation of the CPSU. Tony Bates did not contradict that construction of events. Rather, he commented that 'the unions have long memories'.

So Tony Bates, who is, I think, fairly close to the government, it would be fair to say — a deputy secretary at the Department of Premier and Cabinet — has, according to the statement, commented that this bill is being brought in to sack this independent officer because 'the unions have long memories'. What a disgrace. What a disgraceful indictment of every member opposite who votes for this. Let us not hear a single sanctimonious, hypocritical piece of cant from anybody on the other side about ever respecting the independence of the public service, because it is there in black and white — no wonder the minister at the table did not want this document incorporated into *Hansard*. I return to the document:

I did not then and have not since thought of that meeting and what was said during the meeting as an invitation to consult regarding the bill or any proposal made by it.

On 24 May 2016 I received an email from Chris Millar marked 'cabinet in confidence' and attaching a preliminary draft of the bill which included the information commissioner model. That email said that 'the bill ... is still being refined ... we would greatly appreciate your comments on it' and sought any comments by 27 May 2016, three days after the date of the email. On the same day I received a further email from Chris Millar providing me with a copy of a press release that was published that day, which in part stated that the bill would be introduced into Parliament and that the information commissioner model would be adopted. A response period of three days and a press release committing to the structure in relation to which I had previously raised concerns did not appear to be a realistic approach to seeking comment and I did not comment in response to that email.

I did not then and have not since thought of either of those emails as an invitation to consult regarding the bill or any proposal made by it.

The bill was introduced into Parliament on 22 June 2016, without any further correspondence being sent or received or any meeting having occurred which was relevant to the issue of consultation.

Conclusion

On the basis of these events and this correspondence, I consider that neither I, nor my office have been 'consulted' in relation to the bill. Nor had my views been sought on the policy approach taken in the bill, in particular the governance structure it proposes.

It may be that my understanding of events is mistaken. If so I would welcome correction from a government spokesman, perhaps including providing me with a copy of any document I have overlooked.

It is signed by David Watts, the commissioner for privacy and data protection, and dated 19 August 2016.

What a damning document that is — damning of this government, damning of its lack of consultation, damning of its lack of respect for independent statutory office-holders, damning of it being beholden to the CPSU and damning of it running the CPSU's agenda to act in retaliation against an independent statutory office-holder who has dared not do what the CPSU wants him to do. As I said previously, this is a government of bullies run by bullies trying to bully or sack any Victorian who gets in their way. We have far too many examples of that for it to be a contestable proposition.

We do not support this bill as it currently stands. We believe it is retrograde because it does not properly respect the independence of office-holders. We believe it is retrograde because it comes ahead of a so-called root and branch independent review of FOI which is due to report in March 2017, and we do not believe it should be supported given that it removes independent office-holders and replaces them with a structure which

is less independent. As I mentioned previously, to replace people who can only be removed by the agreement of both houses of Parliament with deputy commissioners who can be sacked on the whim of the Governor in Council — the government of the day — for effectively any reason whatsoever is no statutory protection at all.

If we are serious about freedom of information, if we are serious about protecting the privacy of Victorians' data, we need to have watchdogs, not lapdogs. What this bill does is turn what are currently independent watchdogs into government lapdogs. We cannot support that. This is something upon which I am sure members in the other place will have a great deal to say. We believe that this is a bill which requires considerable further examination, including by a parliamentary committee in the other place, and I can flag now that it will certainly be the intention of the Liberal and National parties in the other place to ensure that this bill is referred to an appropriate legislative committee and examined.

The anti-democratic aspects need to be taken out. The what appear to be on the face of it, or what the government claims, are positive measures in relation to FOI need to be strengthened considerably if they are to make any practical difference to the operation of FOI in this state. The appalling treatment of Mr David Watts needs to be redressed. It needs to be remedied and this government needs to come back with a new bill or a better bill, and we are open to either, which actually keeps to the lofty words and the lofty ideals members opposite proclaimed before the election about being a more open government, being a more transparent government, being a government that is about improving standards, because all we see so far is a government that is sacking independent office-holders, weakening statutory positions and bullying and cajoling any Victorian who dares to stand in its way by doing their job for the people of this state.

Mr McGuire (Broadmeadows) — Freedom of information is always contested. Revelations range from the spectacular, such as the Pentagon papers into the United States government's conduct in Vietnam, to the international reach of digital data through WikiLeaks. They both proved as insightful as they were controversial. In Victoria the Cain government introduced FOI legislation in the 1980s and that is how the regime began here. We have had the lead speaker for the opposition give a wideranging analysis, and there are key things that should be put on the agenda straight off the top just so we actually know and

understand the proposition behind this piece of legislation.

This bill delivers on the government's election commitment to convert the role of FOI commissioner into the Office of the Public Access Counsellor; give the FOI commissioner a mandate to set professional standards for departmental officers; educate the public as well as the public sector about FOI; review decisions to exempt documents under cabinet exemption and review decisions of ministers and principal officers — that is, secretaries or equivalent heads of agencies; reduce the time to respond to an FOI request from 45 days to 30 days, and I note that the opposition lead speaker did actually acknowledge that; and reduce the period agencies have to seek Victorian Civil and Administrative Tribunal review of the FOI commissioner's decision from 60 days to 14 days. These commitments signal an intention for the government to shift to a more open culture in which the public obtains access to a wider range of information held by government.

The bill widens the reach and shortens the time that people have to wait. I think that is the key intent of this bill. A review of Victorian's FOI and public records laws has been announced. The review will be undertaken by an independent person. Details of the review, including the terms of reference and who will be undertaking the review, are currently being finalised. There is plenty of opportunity for this bill to be passed and for other amendments or reforms to be put forward in the public interest, to be weighed, measured and debated and put into legislation.

Returning to this bill, it expands on the government's election commitment by merging the FOI commissioner and other officers to create the Office of the Victorian Information Commissioner (OVIC). It removes conclusive certificates for cabinet documents to allow a review of decisions that documents are exempted on these grounds, and it gives the OVIC the power to consider complaints against principal officers.

These are the key reforms that are being put into place. The bill extends the OVIC's power to consider complaints against decisions by ministers to include complaints that a document does not exist or cannot be located. That is an important proposition. The bill gives the OVIC power to conduct own-motion investigations, with associated powers and sanctions, and clarifies the FOI exemption in the IBAC act. That is an important set of initiatives for clarity. Then the bill goes to the creation of the Office of the Victorian Information Commissioner. This will comprise an information

commissioner who will assume overall responsibility for managing the OVIC and for performing key FOI privacy and data protection functions; a public access deputy commissioner who will replace the FOI commissioner and assume responsibility for most of the FOI commissioner's functions; and a privacy and data protection deputy commissioner who will replace the commissioner for privacy and data protection (CPDP) and assume responsibility for most of its functions. Existing staff will be transferred from the FOI commissioner's office to the CPDP's offices.

This is the realignment of how the mechanisms will work. By subsuming the FOI commissioner's and the CPDP's functions into a single office, the OVIC will become Victoria's primary regulator and source of independent advice to the government about how the public sector collects, uses and shares information. Other Australian states have also amalgamated these two offices.

There are clear policy benefits in allowing FOI and privacy to be regulated by a single body, and these include creating a body which has broad oversight of the Victorian government's information management practices and which can identify potential policy improvements and emerging issues through its activities. It will ensure that one body manages the overlap between the existing FOI and privacy regimes and aligns regulatory priorities across both. This is hopefully going to eliminate duplication and overlap, provide a solid foundation for future reforms, create a more integrated information system and regulators and create an opportunity to integrate other information functions into the OVIC in the future.

FOI is primarily concerned with the release of government information, whereas privacy focuses on protecting the use and disclosure of personal information. As such the two regimes are not in direct conflict, as they both support the release of government information while ensuring that personal information is appropriately protected. In addition, the Freedom of Information Act 1982 and the Privacy and Data Protection Act 2014 (PDP act) both have regimes for assessing personal information in different circumstances. It is intended that the OVIC will provide a source of integrated policy advice to government on how these schemes work together.

This is an attempt to get a better balance between these conflicting views on the right to information and also the right to privacy. The information commissioner will be appointed by the government for up to two terms of five years. To reflect existing arrangements, only

Parliament will have the power to remove the information commissioner. The Governor in Council on the advice of the minister may suspend the information commissioner from office if the Governor in Council is satisfied the information commissioner is unfit to hold office. The minister must cause to be laid before each house of Parliament a full statement of the grounds of suspension within seven sitting days of that house after the suspension.

The information commissioner must be removed from office by the Governor in Council if each house of Parliament declares by resolution that the information commissioner ought to be removed from office within 20 sitting days after the day when the statement issued is laid before it. The Governor in Council must remove the suspension and restore the information commissioner to office unless each house makes a declaration within the time specified. Then the bill in its detail goes on to describe how deputy commissioners are appointed and how their appointment can be suspended or terminated.

This is a new mechanism that is being implemented. Why are there two-term limits on employment? The two-term limit balances independence with the need for renewal of office-holders and is considered with other similar integrity body appointments, such as the Ombudsman, who is appointed for a term of 10 years with no opportunity for reappointment.

The suspension and removal methods are different between the information commissioner and the deputy commissioner, as they reflect the existing suspension and removal positions in relation to the FOI commissioner and the assistant FOI commissioners respectively. The information commissioner's powers in relation to office management, employment of staff and advising the minister are exclusive to the information commissioner and cannot be delegated.

The information commissioner and the deputy commissioners will both have powers to carry out the core regulatory activities of the OVIC, including, under the FOI act, hearing reviews and complaints and monitoring compliance with the professional standards; and under the PDP act, hearing privacy complaints and monitoring compliance with data security standards. All remaining functions will sit with the information commissioner, who will be able to delegate these powers to the deputy commissioner or others as appropriate.

I have gone into detail to outline the new structural arrangements that attempt to cut the time that people

have to wait, the duplication and the overlap and to make accessibility easier. These are the key parts of this bill, and there is already a mechanism to look at further issues that need to be raised in the public interest and how they can be brought to be examined, weighed, measured and implemented in the future, as reforms evolve. I recommend the bill to the house.

Mr WALSH (Murray Plains) — I rise to make a contribution on the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. As the member for Malvern has already articulated in his contribution, the Liberal-Nationals coalition will not be supporting this bill in its current format, and I believe it will have some very intense scrutiny in the upper house when it gets up there, including the desire to refer it off to a committee to give it a detailed analysis.

I listened with interest to the contribution of the member for Broadmeadows about how he believes this will speed up the process and stop duplication. From my experience — and a bit later I will talk about my personal experiences with freedom of information so far in this term of Parliament — I believe the system has been effectively thwarted and broken by this current government and by the current bureaucracy. It is effectively impossible to get any information under freedom of information out of this current government.

It would appear to me that, from the Premier down, it is ‘my way or the highway’. If you actually question something and you want some information about something, it is denied. There are all the excuses under the sun as to why that cannot happen. We once had a time I think in the Victorian government — whoever was in government — where the bureaucracy actually gave independent, frank and fearless advice. Well, I am afraid the way it works now is that everyone is very, very afraid, because if they actually give advice that the government does not want to hear or say something that the Premier does not like or does not want to hear, they are effectively going to get the sack. And I think the member for Malvern went through a very long list of people who have been sacked in less than two years of this government.

From my own portfolio area, very early in the term, 19 water boards were summarily dismissed. There were a lot of very good people there. The majority of people who go on statutory bodies and government boards go there to do good things for Victoria. They are not there to play politics; they are there to fulfil their role under the particular act of Parliament they are appointed under, and it amazed me that at that time the Minister

for Water would summarily sack 19 water boards with all that corporate memory in such an important sector here in Victoria.

The list goes on with the issues around PrimeSafe and some of the other statutory authorities in the Minister for Agriculture’s portfolio. Again, they were good people who wanted to do good things for Victorians but they were effectively forced out because they were not of the right political persuasion or they would not do what the government wanted them to do, which quite often was contrary to their appointment and to the acts of Parliament they worked under. We have debated this issue at length in this house and I am sure we will talk about it for a long time into the future. The classic example would be the Country Fire Authority (CFA). There is a CFA act which encompasses a volunteers charter, and the CFA board, the CEO and the chief fire officer had a responsibility under those provisions to do certain things. So in this place at this time it is all about, ‘Do as the Premier says; otherwise you’ll get the sack and you’ll be out of a job’. I think the member for Malvern has pointed out very clearly what this bill does in getting rid of statutory officers here in Victoria who believe they were appointed for a set period of time, had employment, had a job to do and are now out of work.

When it comes to the issue of freedom of information, I have three examples I would like to put on the public record. Victorians will remember, when we were in government, the Regional Victoria Living Expo and what that did in trying to sell country Victoria here in Melbourne. The government supposedly commissioned a report to examine the effectiveness of the expo and Damian Drum, who was a member for Northern Victoria Region in the other place before he moved on to be the federal member for Murray, lodged a request for an FOI around that report on 2 February 2016. A period of 210 days elapsed while we waited for a response around that particular FOI. It is 165 days overdue, and we are still waiting. We complained to the Freedom of Information Commissioner, who has investigated and replied that the Department of Economic Development, Jobs, Transport and Resources has stated to the commissioner that we will have a response soon. After 165 days of it being overdue, we are still waiting for a response on that particular FOI.

I talked earlier about the issues of PrimeSafe. Again a request was made that PrimeSafe provide documents to the department of agriculture or the office of the Minister for Agriculture regarding changes to regulations for the sale of meat at farm gates and

farmers markets here in Victoria. That request was lodged on 1 March 2016. We have been waiting 182 days for a response around that FOI. It is 137 days overdue, and again we are still waiting on that particular one. This request was also referred to the FOI commissioner, who again found strong grounds to investigate the lengthy delay. Again the commissioner was told by the Department of Economic Development, Jobs, Transport and Resources that a response would be with us soon. It is still coming.

Another particular frustration with this request was the lengths that my office had to go to in chasing up the FOI commissioner just to get a simple confirmation that the request had been received. It took five emails over the course of 14 days just to get acknowledgement that it was lodged, so do not tell me that the FOI is working under this current government. By that stage the 45-day statutory period for processing had already passed. The other one was a request for advice that Goulburn-Murray Water had provided to the department or the Minister for Water's office about options for resetting the connections project. That request was lodged on 24 March 2016 and we were waiting 158 days for a response to that request. It was 113 days overdue, and when we finally got the response it was that there were no documents identified as relevant to our request.

Are we to believe that Goulburn-Murray Water provided absolutely no advice to the Minister for Water or the department about the resetting of the connections project, or if you are a cynic, is the government actually reviewing the FOI loopholes to actually hide information around that particular project where there is a major refit going on? Any reasonable person would have thought the water authority would be providing advice to the government as to how that project would be reset, but they are saying there are no documents identified as at all relevant to that request.

So there may have been very good intentions, as the member for Broadmeadows said, when former Premier John Cain introduced FOI legislation, but if you look particularly at how the process is working under this current government, it is just not working. It is a constant frustration for not only members of Parliament but also members of the public who want to access general reasonable information about the functioning of government. All they get are excuses, stalling and people not returning emails and not returning phone calls. There are FOI officers in all the departments, and it is their job to make sure this process works properly, but under this government I believe their operating instructions are to make sure this

process does not work properly, because it is broken. It needs to be fixed. I do not believe this particular bill fixes the problem at all, but rather it sets up a structure that will make it even worse into the future. The opposition will oppose the bill. It needs significant amendment to ensure that the FOI process here in Victoria serves the best interests of the public.

We are all elected to be parliamentarians, to come here and represent the public and do good things for the people of Victoria, not to have executive government be the plaything of a Premier who just wants to bully everyone who does not agree with him. We have seen example after example of that, and I am afraid all the people I talk to, particularly in my electorate, just cannot wait for the last Saturday in November 2018, when they can rid this state of the Premier and the Labor government.

Mr PEARSON (Essendon) — It is lovely to see you in the chair this fine evening, Acting Speaker Thomas, and I am absolutely delighted to make a contribution on the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016. This is a great bill, and I am proud to speak on it tonight. Labor has a proud tradition in this state of FOI reform. As previous speakers have indicated, John Cain, Jr, in one of his early acts in the first Cain government, introduced the original Freedom of Information Act 1982, which was a really important piece of legislation, given the fact that for the previous 27 years there had been effectively one-party rule in this state, and the ability for the community to understand the way the government discharged its functions and duties was opaque, to say the least.

I seem to recall that back in those days, as it has been explained to me, there were no fees. You could go off and lodge your request for information, and I seem to recall that Mark Birrell was quite an aggressive user of FOI. He made a series of requests when he had the shadow health portfolio. No fees were paid, there was no cost incurred for the opposition at that time and they received a wide number of documents in relation to, in Mr Birrell's case, health. Then when the Kennett government came to office everything was shut down and you had to pay a lodgement fee and pay for photocopying and searching. I was working in the opposition rooms in the 1990s, and it was difficult to try and get any information out of the Kennett government in those years.

I remember that Anna Stefanatos was an adviser to former Premiers John Brumby and Steve Bracks, and she worked tirelessly to try and identify the relevant

searches that were required. She would wait and try to get the information, and it was a time-consuming and costly exercise. It was time consuming and costly for a number of reasons. One was the fact that we had not entered the digital age. Back in the mid-1990s computers had only just been introduced into the parliamentary library, so the chances of having information readily available was remote and rarely occurred. It is also important to note that at that time freedom of information was not the only way of obtaining information about the way a government functioned.

In the Legislative Assembly there was no compulsion or requirement for ministers to provide answers to questions on notice, but there were time limits in place on answers to questions on notice in the Legislative Council. One of my great tasks was to look at writing and coordinating questions on notice that were lodged on behalf of the then opposition which were put through those processes in the Council.

I remember being particularly interested in trying to understand. When you are in opposition — and I hear some of the comments made by the Leader of the National Party — you are trying to understand how government works for two purposes: one is to try and basically score a point on the government and try and expose deficiencies and weaknesses; another is actually just from the point of view of understanding how government works. How does a program work? How does a department function?

In my case I remember I had my timing right. I thought if I lodge around about, it would have been, a few hundred questions on notice in early 1999 — it would have been about March — the time lines would ensure that we would get answers to those questions on notice by the time the Parliament rose at the end of the autumn session in 1999, which would help us inform our policy development for the 1999 election. At the end of the day I think that if you have got an opposition that is quite conversant with understanding the way in which government functions and operates and works and the government itself has got the capacity to access that information, then the Victorian public wins. If you have got well-thought-out, well-costed policies that are coherent and appeal on both sides, then in the end, whoever wins the election, the public will always win.

In this particular case I recall it quite, quite clearly, because like a kid on Christmas Eve I was waiting for this day to come and I was waiting to get these several hundred answers to questions on notice, because I knew the time lines had to be adhered to because of course

that was the requirement in the Legislative Council. And what did I get? I got my answers to my questions on notice, and the answers said, 'Time and resources do not justify a response to this question'. Multiply that 270-odd times.

So listening to those opposite, those opposite are not the champions of transparency. They are not. They are not at all. And when you look at their conduct and behaviour in relation to the changes to the Audit Act 1994 in 1997, similarly it was appalling. They sought to actively nobble the Auditor-General. That is what they did. They pushed it through. They did not like the fact that Ches Baragwanath pointed out failures and deficiencies of their administration, and they sought to nobble the Auditor-General.

The reality is that this bill seeks to ensure that we recognise the fact that information and the way in which information is contained and held within government have changed. It is not simply a case of things being handed to the typing pool, typed up, taken to a filing cabinet, filed and left there until they get transferred to the Public Record Office Victoria. The reality is that information is contained in a number of different sources and at a number of different sites. It is contained in different ways and takes different shapes and different forms, and we all know that. You will have Excel spreadsheets, you will have PowerPoint presentations, you will have Word documents and you will have databases. The multiplicity with which data is generated by government and is retained by government ensures that there is a need to have a broader approach to the way in which this data is managed, and that is exactly why the government is seeking to create the Office of the Victorian Information Commissioner. The bill not only looks at freedom of information but also relates to privacy and data protection issues as well. This is entirely consistent with the promise and the commitment that we took to the last election.

The reality is that if you look at the way in which this Parliament has conducted itself and the way in which this government has conducted itself, you have got questions on notice, you have got constituency questions — which did not exist in the 1990s — and you have got the Council requesting that documents be provided to it. And documents have been provided to it. There has been a recognition that the Council does have a right to ask for certain documents, and where those documents are not cabinet-in-confidence documents they have been provided. More documents have been provided under this government through the Legislative Council than were provided in the 1990s. The way in

which the Kennett government treated the Legislative Council was with absolute contempt. It was just treated as a rubber stamp for all of its years of operation.

The reality is that this government has looked at making sure that the community has got far more access to information through various sources due to our transparency and the regime that we are installing. This bill is an important part of our commitment, and we recognise the fact that the way in which information is held and contained has changed with time.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Drouin Primary School

Mr BLACKWOOD (Narracan) — (9193) I raise a matter for the Minister for Education, and the action I seek is that he direct his department to develop a master plan for the future development of Drouin Primary School, taking into account the increasing enrolments due to the enormous population growth Drouin is currently experiencing. The number of students attending Drouin Primary School in 2013 was around 190, and this year, just three years on, there are 270 students enrolled. By 2017 enrolments are predicted to grow to 400, and by 2020 the numbers are estimated to be in the vicinity of 540.

Drouin has grown from a population 10 years ago of around 8000 to almost 16 000 at this present time and is predicted to exceed 20 000 by 2020. These are mostly young families moving into the area because Drouin provides a safe and attractive environment to raise a family. Drouin has close access to a first-class health service at the West Gippsland Hospital and tremendous choice of high-quality education at early years, primary and secondary levels. Throw into this mix very competitive land prices and Drouin's proximity and transport links to Melbourne and you have a region that is increasingly popular for young families who may choose to raise their children in a great place but are happy to travel to work outside the area if necessary.

There will be a portable arriving on site later this year to provide two extra classrooms for next year, but it is essential that proper planning be undertaken to ensure the level of quality education currently being provided at Drouin Primary School can be maintained into the future. One example is the opportunity to expand the

music program across the school if a larger music room could be provided. To optimise the use of space available on the site and to make sure the classroom space provided supports the ongoing delivery of high-quality education, proper planning must be undertaken, preferably before the numbers become unmanageable or portables take up valuable space, prohibiting the best long-term outcomes for staff and students.

A properly developed master plan will consider all the alternatives, including purpose-built facilities, and provide options that will ensure the best outcomes possible are achieved. This is the least we can do for the students and dedicated, hardworking staff. So I urge the Minister for Education to elevate the needs of Drouin Primary School on his list of priorities and direct that a master plan process for Drouin Primary School be undertaken as soon as possible.

Ford Broadmeadows site

Mr McGUIRE (Broadmeadows) — (9194) My adjournment request is to the Minister for Industry and Employment. The action I seek is for the minister to discuss with the Ford Motor Company and me options for the future of Ford's Broadmeadows site once local manufacturing of passenger vehicles ends on 7 October. Put simply, the automotive industry has been beneficial to Victoria, and municipal, state and Australian governments have been generous to the automotive industry, especially the Ford Motor Company. I have been surprised to discover that the Bolte government's sale of green wedge land in Broadmeadows, previously compulsorily acquired for public housing, to the Ford Motor Company was at the time categorised in the Victorian Parliament as a sweetheart deal costing hundreds of thousands of pounds instead of millions of pounds. 'All negotiations were hidden in a veil of secrecy', a member for Melbourne North Province, the Honourable J. W. Galbally, told Parliament in his contribution on the Housing (Broadmeadows Land) Bill on 8 November 1956. He also went on to describe the benefit Ford received from an electrified railway line near its works at the same time.

When Ford closes its manufacturing in six weeks it will leave behind a site the size of a suburb. This location is logistically ideal, with Sydney Road at its front and the Upfield line and a spur running into the site. The Victorian government is currently expanding the Tullamarine Freeway, there is also a ring-road and there is also the nearby curfew-free Melbourne Airport, so this is a wonderful opportunity for the community. It is critical to the families I represent.

I really want to make sure that we know and understand that the convergence of coalition governments, state and federal, left unemployment in Broadmeadows equal to the rate of Greece and youth unemployment at more than 40 per cent, and coalition governments denied this community access to almost \$1 billion, which I have raised previously in this house. I want to also outline that former Australian Minister for Industry and Science Ian Macfarlane said the \$800 million remaining in the automotive transformation scheme designed to help supply chain businesses survive the end of Australia's once-proud auto manufacturing industry and to find new markets would be used for higher priorities. There are no higher priorities right now before Australia than jobs and growth. That was the critical — dare I say it — three-word slogan that the federal government was elected on.

My call is for a 21st century vision, not managed decline for this iconic site. This is critical for rebuilding Victoria and to providing a 21st century vision to move beyond the eras of the past and to set up the state for economic development and cultural development in the area where it is needed most.

Road Trauma Support Services Victoria

Mr NORTHE (Morwell) — (9195) My adjournment matter is directed to the Minister for Finance in his responsibility for the Transport Accident Commission (TAC). The action I seek is for the minister to extend road trauma support and counselling services into the Gippsland region.

Over recent weeks I have spoken with two local mums, Carola Atkin and Lisa Cook, who both unfortunately lost their children in car accidents. Carola and Lisa have conveyed to me their experiences during their time of grief and the lengths they were forced to go to to receive support and counselling. Despite regional Victoria experiencing more fatalities than metropolitan Melbourne, it appears road trauma counselling and support services are based solely in Melbourne. For a person or persons to have to either travel to Melbourne for an appointment or speak with a specialist on the phone just does not seem fair, and that is the experience that Carola and Lisa and their families had to endure. I would like to read out part of a letter that Lisa recently sent to me:

Most of us when faced with road trauma have no idea on where to gain support and at the time of great stress we are not thinking clearly anyway. The local Victoria Police members were amazing and passed on the contact details to the Road Trauma Support Services Victoria (RTSSV) of family and friends that we believed may need to be contacted for follow-up. We were told it may take one to two weeks for them to make contact. At the end of the two weeks, I tried

contact RTSSV and was faced with a recorded message instructing me to call back during office hours or ring Lifeline if my call was urgent. My son's girlfriend tried to call a month later and was faced with the same phone call. As our family needed some immediate support, I was forced to arrange some sessions through my employer's EAP.

A lovely lady from RTSSV contacted me around three weeks after my son's death, but by this stage we had already visited a local counsellor and none of us could imagine that over-the-phone counselling would be an option. It was also impractical to travel to Melbourne for individual counselling sessions for our family members. However, I believe that counselling from RTSSV would have been of greater benefit to our family initially as the sudden loss of a loved one, especially someone so young, requires counsellors who are experienced in this field. The TAC has provided our family with funds to obtain counselling, but these details weren't provided to us until a couple of months later. This for most people is too late. The TAC will cover the cost of psychological treatment for those involved in a car accident and for the immediate family of a deceased person, but not for others such as girlfriends, boyfriend, extended family et cetera.

That is the end of Lisa's quote. In closing, I note that road trauma causes untold grief amongst families and communities. It is imperative that family members and loved ones are adequately supported by the provision of professional and specific road trauma counselling services. The reality is this is not the case in the Gippsland region, and I therefore call upon the minister to extend these services into Gippsland and other regional areas of Victoria.

Doctors in Secondary Schools

Ms THOMAS (Macedon) — (9196) The matter I wish to raise is for the attention of the Minister for Education, and the action I seek is that the minister funds the Doctors in Secondary Schools program at Kyneton Secondary College. Kyneton is a fantastic school in my electorate that, in the best traditions of country secondary schools, provides a comprehensive curriculum to a diverse student population. The school's vision is to work in partnership so students can own their own learning, to engage with the wider community and to prepare students for their futures as responsible, successful adults. The college strives for excellence and to develop confidence and embrace diversity in a respectful, sustainable environment. I am pleased to say that with a much-needed capital upgrade under this Andrews government Kyneton is well on its way to achieving this vision. I have been proud to champion the work of the college in celebrating diversity and participating as a pilot school in the respectful relationships program.

Accessing affordable health care can be a real challenge in regional Victoria, and there are pockets of real

disadvantage in my community. The Doctors in Secondary Schools program means access to primary health care for kids who need it most. Adolescence is tough. This program is about promoting the health of young people and is part of this Labor government's commitment to giving all kids, particularly those who are disadvantaged, the best chance of succeeding at school. I am delighted that the minister has asked me to be an ambassador for this important program, which aims to make primary health care accessible to students and assist early intervention in a range of health and wellbeing issues. Again, I ask the minister to fund the program at Kyneton Secondary College.

Clyde police station

Mr PAYNTER (Bass) — (9197) My adjournment matter is for the Minister for Police. The action that I seek is for the minister to commit to building a staffed police station in the Clyde area. The population of Clyde and Clyde North in the southern end of the City of Casey has grown from just over 700 to over 3000 since 2011 and will be in excess of 18 000 residents in the near future, with a large parcel of land under development. The latest crime statistics show an increase of 52 per cent since March 2015. This is a shocking statistic for current and new residents and people building right now. The Cranbourne police station is less than 5 kilometres away, but it is already at capacity and providing support to an enormous area that is also growing every day. It is a huge challenge.

The City of Casey CEO, Mike Tyler, stated in a letter to the shadow Minister for Police, Mr Edward O'Donohue in the other place, that the council seeks support for the provision of additional police resources in the City of Casey and there is a need to establish an additional police station in the Clyde area. The Police Association Victoria secretary, Ron Iddles, said in June 2015 that Casey needed 155 extra police over the next five years to keep up with the growth.

Clyde residents are concerned that infrastructure needed when a community is growing at this rate will come long after it is needed. A police station is needed now. We are hearing very clearly from residents that law and order and personal safety are their no. 1 concerns. The Andrews government has dropped the ball on this issue, and for the first time constituents have a genuine concern for their own wellbeing as they go about their daily lives. The residents of Clyde will be keen to hear if the Minister for Police will build a police station in Clyde as a priority.

Doctors in Secondary Schools

Ms SULEYMAN (St Albans) — (9198) My adjournment matter is for the Minister for Education and concerns secondary schools in St Albans. The action I seek is that the minister consider implementing school-based GPs across secondary schools in St Albans.

It is commonly known that young people do not visit the GP as frequently as they should. The implementation of school-based GPs would allow faster, cheaper and more accessible medical services to students in a setting they find most comfortable. I know how important it is for schools such as the Keilor Downs, St Albans and Victoria University secondary colleges to have GP clinics on site to improve the health and wellbeing of their students. This will assist students who often find a visit to the GP to be too costly. It would also allow our young people to get the health support, advice and treatment they deserve so that they can reach their full potential.

The west continues to grow, with house prices and living expenses on the rise. It is becoming harder for low-income families to afford everyday costs like going to the GP. The population of 15 to 19-year-olds in my electorate is expected to increase by 10 000 over the next 10 years, and any service to relieve pressure on our frontline healthcare system would be welcomed. This is about delivering better access to health and wellbeing services and of students having better access to their local GP. I thank the Minister for Education for this positive announcement, which will be a welcome boost to health outcomes in my electorate.

Firefighting aircraft

Ms STALEY (Ripon) — (9199) My adjournment matter is for the Minister for Emergency Services. The action I seek is that he ensure the Erickson Air crane remains in Ballarat for the coming fire season and subsequent fire seasons. There is a proposal that the air crane, which has been in Ballarat for a number of years, be moved to Moorabbin prior to the next fire season. The reason that has been given for this is that instead of using the air crane, smaller capacity helicopters will be used. The air crane has a capacity of 7500 litres, and it is proposed that it be replaced by a 1200-litre helicopter, the idea being that these smaller helicopters can get into the air faster and be at the fires at the same time as the trucks.

I welcome the addition of a smaller capacity attack helicopter. I am sure that it would add to the fire response in western Victoria. However, all of the

representations I have had from Country Fire Authority groups 15 and 16, the Ararat Rural City Council and the Pyrenees Shire Council and also via a unanimous motion of the Ballarat City Council say to me that they want to retain the air crane in Ballarat. I also note that Ballarat City Council is trying very hard to get the airport at Ballarat made into a regional emergency services hub, and retaining the air crane there would add to that capacity. People have said to me that the air crane was instrumental in saving the town of Moyston during the Moyston fire a couple of years ago, and it made a very big difference to fires at Mount Bolton near Ballarat during the last fire season.

As the member for Lowan and the member for South-West Coast have also noted locally, we are in a very, very high-risk fire area. Western Victoria, including the Grampians, frequently burns, and we believe the existence of the air crane in our region is incredibly important to protect lives, communities and property in our region. We do not understand why it makes sense to move the air crane to Moorabbin when Victoria's only other air crane is already in Essendon. It does seem to be yet another example of a very city-centric Labor government moving firefighting resources away — —

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

Keilor Heights Primary School

Mr CARROLL (Niddrie) — (9200) I raise a matter for the attention of the Deputy Premier, who is also the Minister for Education. The action I seek is that the minister join me on a tour of Keilor Heights Primary School to see for himself the strong learning outcomes being delivered for students and to reaffirm the Andrews government's fundamental commitment to making Victoria the education state. Keilor Heights primary will soon be celebrating its 53rd anniversary, having been a solid pillar of the local community throughout the decades. The school is situated within the heart of my electorate of Niddrie and has over 480 students enrolled, a number which is predicted to continue to increase. The school also boasts great diversity, with families hailing from 26 language backgrounds other than English.

As the education minister well knows, a key measure of social disadvantage across educational institutions is the student family occupation (SFO) index, with 0 being least disadvantaged and 1 being the most. The SFO index is used for identifying where resources can be targeted towards schools to empower students that may otherwise struggle. Keilor Heights primary is rated as

0.47 and has been steadily increasing over recent years. In addition, the Camps, Sports and Excursions Fund is being accessed by 25 per cent of families at the school for financial support. Only a Labor government can deliver the investment in our public education system that ensures all students have the same opportunities for a quality education regardless of background, postcode or family income.

I was very pleased to address a school assembly recently, where I presented school captains Maddie and Zheng with a new Australian flag. I was also pleased to join Lisa Webster from the parents and friends association as well as principal Ann Turner-Calleri on a visit to the school where I met staff and students and inspected the oval and grounds. It was very clear that the oval and grounds do need more investment. To this end, Keilor Heights primary are go-getters and are going to make their spring fair on 23 October a winner, which I am looking forward to being a part of. All funds raised at this great local event will be going towards the upgrades that the school desperately needs. I want to commend the hard work of the principal and Lisa Webster, Suzie McManus, Jodie Fry, Cathy Craggs, Mel Pizzinga and Mel Rutley from the spring fair committee in doing what they can to make sure that this community event is a real success.

I thank the Deputy Premier and Minister for Education. Since my election in 2012 he has visited many schools around my electorate. The 2016–17 state budget includes a record \$1.1 billion to invest in new, run-down and specialist schools across Victoria. This builds on the \$730 million commitment to Victorians in the 2015–16 budget, where one of the most run-down schools in the state, Essendon Keilor College, received a whopping \$10 million to rebuild and to implement its master plan.

Point Grey precinct, Lorne

Mr RIORDAN (Polwarth) — (9201) I call on the Minister for Energy, Environment and Climate Change to work with the Great Ocean Road Coast Committee to finalise the future of the iconic Point Grey precinct in Lorne to ensure the continuing viability of tourism and business in that area.

After years of successive plans and consultations, the certainty around the future of the Point Grey precinct in Lorne seems no closer. Over recent weeks the community has seen its fish co-op close its doors after more than 40 years of operation on that site. The closing of the fish shop as head tenant also exacerbates the threat to the iconic Pier restaurant, run by brothers Sammy and Angelo Gazis. The existence of the Pier

restaurant, with its fabulous ocean-front views and year-round menu, is an important attraction to visitors all year. Some Chinese tour groups now book their tables and crayfish specialties before they leave China to ensure they get the best possible Lorne and Great Ocean Road experience.

Mr T. Bull — It's a good meal down there.

Mr RIORDAN — It is indeed. It is this growing off-peak tourism trade that businesses like the Pier restaurant are helping to support along the Great Ocean Road, which is increasingly assisting coastal businesses to get through the long and sometimes harsh winters. Quite frankly this is not rocket science. Either the government commits the funds to the project it wants or wishes to create or it leaves it to the market and the existing operators to improve and enhance their facilities. Either way, a decision is urgently needed. The fish shop has now gone, and the Pier restaurant is keen to improve, upgrade and modernise its facilities.

The one option everyone knows is not a choice is a run-down, abandoned and derelict Point Grey precinct in Lorne. Point Grey is a valuable tool in the Great Ocean Road tourism mix, and with the redeveloped pier jutting out into Louttit Bay, neither the Lorne community nor tourism can afford to have this site sitting neglected and abandoned. As locals described it this week in the weekly newsletter, 'The sword of Damocles is hanging over the whole situation'.

Craigieburn North West Primary School

Ms SPENCE (Yuroke) — (9202) My adjournment matter is for the Minister for Education, and the action that I seek is for the minister to visit Craigieburn North West Primary School, a brand-new school that is currently under construction in my electorate. It was terrific to attend the official sod turning with the minister earlier this year, and with construction nearing completion I look forward to inspecting the wonderful new facilities. Craigieburn North West Primary School will welcome students in 2017, with the newly appointed principal, Michelle Bromfield, working hard to make sure everything is ready for students, teachers and parents. It will have an initial capacity of 450 students, and as a representative of one of the fastest growing areas in the state, I welcome the relief that this school will bring to local families when it opens its doors months from now.

Responses

Ms NEVILLE (Minister for Police) — I thank the member for Bass for raising the issue of the Clyde

community. There are a couple of things in relation to this issue. Firstly, obviously the member would be aware that decisions about new police stations are made by the Chief Commissioner of Police, but at this stage, following the issue that was raised recently, I have asked the chief commissioner to have a look at this and provide me with advice on whether there does need to be any planning for the future and money in any future budgets in relation to Clyde or that growth corridor. The chief commissioner has made it very clear that he is conscious of the pressures in our growth corridors and that there is clearly one of them around the City of Casey in terms of resources et cetera. It is advice that I am seeking, and certainly when I have got that advice I will be able to make some further comments in relation to that.

A number of other members raised a range of issues with a number of ministers, and I will pass those issues on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.23 p.m.

