

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Wednesday, 13 April 2016

(Extract from book 5)

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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

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Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources	The Hon. L. D'Ambrosio, MP
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 Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
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Minister for Training and Skills	The Hon. S. R. Herbert, MLC
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Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	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 M. Kairouz, MP

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

Speaker:

The Hon. TELMO LANGUILLER

Deputy Speaker:

Mr D. A. NARDELLA

Acting Speakers:

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

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent ³	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
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Britnell, Ms Roma ¹	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁴	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
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Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
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Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP

¹Elected 31 October 2015

²Resigned 3 September 2015

³Resigned 3 September 2015

⁴Elected 14 March 2015

⁵Elected 31 October 2015

⁶Resigned 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 Elasmr and Mr Melhem.

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

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

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

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

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

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

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

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

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Wednesday, 13 April 2016

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

PETITIONS

Following petitions presented to house:

Abortion legislation

To the Legislative Assembly of Victoria:

The petition of the residents of the electorate of Narracan draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Assembly of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins in the Legislative Council to rectify the problems with current law outlined above.

By Mr BLACKWOOD (Narracan) (98 signatures).

Beach Road–Surf Coast Highway, Torquay

To the Legislative Assembly of Victoria:

The petition of Torquay and Surf Coast residents and visitors to Torquay in the electorate of South Barwon draws to the attention of the house the dangerous traffic situation that exists at the intersection of Surf Coast Highway and Beach Road, Torquay.

The petitioners therefore request that the Legislative Assembly of Victoria support the installation of traffic lights at the above intersection.

By Mr KATOS (South Barwon) (509 signatures).

Tabled.

Ordered that petition presented by the honourable member for Narracan be considered next day on motion of Mr BLACKWOOD (Narracan).

Ordered that petition presented by the honourable member for South Barwon be considered next day on motion of Mr KATOS (South Barwon).

DOCUMENTS

Tabled by Clerk:

Crimes (Assumed Identities) Act 2004 — Report 2014–15 under s 31

Melbourne City Link Act 1995 — Chubb Sub-Lease

Statutory Rule under the *Local Government Act 1989* — SR 18

Wildlife Act 1975 — Wildlife (Prohibition of Game Hunting) Amendment Notice (*Gazette S82, 4 April 2016*)

BUSINESS OF THE HOUSE

Orders of the day

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

That the following order of the day, government business, be read and discharged:

That this house takes note of the addresses regarding the prevention of family violence, led by Ms Rosie Batty on 26 November 2015.

Motion agreed to.

MEMBERS STATEMENTS

East Werribee traffic management

Mr PALLAS (Treasurer) — I rise to inform the house about the progress of a significant roadworks project in my electorate of Werribee. As part of the state government's \$71 million East Werribee transport improvement package, traffic lights were turned on at the intersection of Sneydes Road and the Princes Highway on 6 April, marking the completion of stage 3. The works include a \$13 million safety upgrade for this intersection and at the nearby intersection of Hoppers Lane and the Princes Highway. Additionally, Sneydes Road has been widened with a \$4 million investment.

Pedestrians now enjoy widened paths, and cyclists have the benefit of additional lanes and traffic signals, which allow them to safely navigate the busy intersection. The site of the traffic lights was once the entrance to the former state research farm. The rural roads were no longer fit to carry the amount of traffic now experienced in my electorate, being one of the fastest growing communities in Victoria. These infrastructure projects are essential for improving road safety and assisting with managing high traffic flows.

My electorate office has already received positive feedback about the improved traffic flows in the area. My constituents are thankful for a state Labor government that is getting things done. I was pleased to turn the sod at the intersection just over one year ago to commence the project, and I am thrilled to see the progress of these significant works. I note how thrilled the house is to hear my report on this progress.

St Andrew's Gardiner Cricket Club

Mr M. O'BRIEN (Malvern) — Congratulations to the St Andrew's Gardiner Cricket Club, which celebrates its centenary at a gala dinner this Saturday evening at the Malvern town hall. At the dinner William Birch, club historian, will launch a history of the club, which was founded in 1916 by members of the Gardiner Presbyterian Church. In what will be a wonderful celebration of the longevity of the church-based cricket club, an 86-year-old former player from the club's 1945 side will be in attendance. Surviving for 100 years is itself a form of success, but St Andrew's Gardiner Cricket Club has won no fewer than 27 premierships to date. I congratulate the club's president, Graham Bond, and all club members past and present on reaching this remarkable milestone and wish them the very best for the future.

Malvern electorate junior football clubs

Mr M. O'BRIEN — Best wishes for the 2016 season to three of the wonderful junior footy clubs based in my Malvern electorate: the mighty East Malvern Knights, the gallant Glen Iris Gladiators and the brave Prahran Blues. I know that the boys and girls teams are all raring to go, the jumpers are laundered, the boots are clean and the mums and dads cannot wait to get out there on a freezing Sunday morning to cheer the teams on. Good luck to all of the boys and girls playing this season and thanks to all of the parents who volunteer their time to make junior footy such a success in my community.

Malvern electorate schools

Mr M. O'BRIEN — With the budget coming up shortly it is time for the Andrews Labor government to stop neglecting Malvern schools. Armadale Primary School in particular received significant funding under the coalition government but needs further funding under Labor, and we look forward to seeing a budget which does not neglect Malvern schools, unlike the last one from the Andrews Labor government.

Ocean Grove Primary School

Ms NEVILLE (Minister for Environment, Climate Change and Water) — Ocean Grove Primary School, led by principal Darryl Diment and his staff, is a great school and one that I have been proud to work with over many years. The school provides a comprehensive and quality curriculum with a strong focus on literacy and numeracy. In addition the school specialises in teaching in music, science, visual arts and physical education. However the school is under great pressure at the present time in catering for an increasing number of students. For example in 2012 the school had an enrolment of 450 students, and this year it has grown to 615. In 2017 the school expects to increase the number of classes from 26 to 27. This is an indication of not only the growing population but also the excellent reputation of the school.

However, due to this sharp rise in student numbers the school is cramped for space, and with a number of the classrooms being built in the 60s and 70s, many unfortunately have asbestos in them. They are pretty much degraded and have levels of damp in them as well. For that reason it is really important that the Ocean Grove Primary School be recognised and acknowledged for the great teaching it provides and be really well supported in this coming budget. I am requesting of the education minister and calling on him to look at a funding allocation to this school to ensure it is able to meet population demand and is able to improve the current classrooms that are in severe need of a significant upgrade.

Volunteer firefighter Mildura championships

Mr CRISP (Mildura) — Congratulations to all those involved in organising and participating in the Volunteer Fire Brigades Victoria championships in Mildura. Volunteering and the Country Fire Authority have long gone hand in hand, and it was great to see so many competitors and supporters in Mildura for these championships.

Mildura Easter celebrations

Mr CRISP — Who says nothing ever happens in the Mallee? Easter was again huge in Mildura, with thousands of people attracted to the city for numerous attractions. The show and shine in the Mildura mall was an enormous success, with thousands of people present to enjoy the displays and watch the entertainment.

Anzac Day

Mr CRISP — As Anzac Day approaches our thoughts turn to those who have served this country. There will be many services in my electorate as communities pay tribute to those who have made a sacrifice in protecting us. It is fitting that the Parliament will be placing crocheted poppies on the front steps tomorrow.

Sea Lake tourism

Mr CRISP — I congratulate the Sea Lake community on its persistence in preparing the case for the restoration of the Green Lake lake bed. Also Sea Lake looks forward to the Minister for Tourism and Major Events partnering with the community in developing its hidden treasure, Lake Tyrrell, which has been discovered as a destination for international tourists. This large salt lake has attracted particularly Chinese tourists, who are making the journey to Sea Lake to be photographed on the unique lake bed and to take in the evening skies. However, some work does need to be done, particularly as many of these tourists are coming to grief on the lake bed in the soft, saline soils and have required extraction by locals with equipment.

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

Minus 18 formal

Mr FOLEY (Minister for Housing, Disability and Ageing) — Last Saturday I had the honour of attending the fifth annual Minus 18 same sex and gender diverse formal. Each year this event gets bigger and better. This year over 600 young people from right across metropolitan Melbourne, regional centres and rural Victoria got together in a safe, inclusive, supportive and indeed joyous expression of identity. I say well done to Minus18 for providing yet another opportunity for young people to get together in this safe environment. This is a program that was initially funded through Minus18 by those opposite. Indeed the last three such events had for the first time been spoken to by both the government and the opposition of the day. That spoke in great detail as to the support that the same-sex attracted and gender diverse and questioning young people drew from across this Parliament. But this was sadly not the case this year.

In yet another example of how the Liberal Party has been hijacked by the extremists, the opposition not only failed to show up but indeed did not even respond to the invitation to the shadow Minister for Equality in this

space. This was taken with some sadness by those at Minus18 and indeed those young people more broadly across the spectrums. I use this opportunity to call on those opposite to put aside the slings and arrows that their federal counterparts might bring and to make sure that they use every opportunity to support same-sex and gender-diverse young people.

Ferntree Gully railway station

Mr WAKELING (Ferntree Gully) — With the state budget soon to be handed down, I wish to raise some very important issues on behalf of my local community. Firstly, the Ferntree Gully railway station is in desperate need of additional car parking. I was talking to commuters there last Friday morning. They are desperate for 110 extra car spaces to be installed. The coalition was going to install them at a cost of \$1.1 million. My community expects that in this year's budget.

Ferntree Gully electorate schools

Mr WAKELING — In regard to local schools, Fairhills High School is in desperate need of an \$8 million injection, Scoresby Secondary College is in need of a \$5 million injection and Knox Park Primary School requires an injection of \$457 000. I call on the government to start listening to the concerns of the Knox community and ensure that it will not be ignored like it was in last year's budget.

Ferntree Gully and District Cricket Association

Mr WAKELING — I congratulate everyone involved at the Ferntree Gully and District Cricket Association for its presentation night. I was very pleased to attend the association's annual event and present recognition awards to those members who have been selected for the team of the year. Congratulations to all involved.

Ferntree Gully electorate sporting clubs

Mr WAKELING — Recently I had the pleasure of joining Ash Heppell at the Knox Junior Football Club and Ian Connelly at the Ferntree Gully junior football club to participate in their junior jumper presentation days. They are both great clubs. Lots of young boys and girls are participating at those clubs. I congratulate the clubs on their work and indeed all junior clubs that provide sporting opportunities in Knox.

Lancefield air crash

Mr J. BULL (Sunbury) — I wish to express my deepest condolences to the family and friends of flight

school instructor Terry Otway and to the family and friends of the trainee pilot accompanying him, who both tragically died in a plane crash in Lancefield on Saturday. Terry was in his 70s, and he and his student at the Penfield Flight School were killed instantly when their Brumby aircraft plummeted into a paddock and burst into flames on Shannons Road.

I had the great privilege of meeting Terry when he and Captain Spencer Flint invited me up to Penfield Airport last year for a tour and a short flight over Sunbury. Terry was incredibly warm, generous and kind. Although this was our first meeting, Terry had a natural ease about him. He was extremely passionate about aviation.

Jarrold Bell, my electorate officer, recently began training at Penfield in the hope of getting his pilot's licence.

Terry had years of flying experience. He had clocked up more than 19 000 hours over 50 years of flying, which included a long commercial aviation career. Terry would often be seen wearing his Ansett badges in a show of great passion and dedication to the aviation industry. He was pedantic about safety and pre-flight inspections. Captain Spencer Flint was quoted as saying:

He had been a professional all his life and had the attitude that it didn't matter whether you are flying a two-seater or carrying 280 passengers — you had to go into any flight with a stringent planning.

It is thought that the plane lost control at around 11.30 on Saturday morning whilst heading towards local homes. It is incredibly sad, and I express my condolences to Terry's family and friends.

Norwood Secondary College

Ms RYALL (Ringwood) — Norwood Secondary College is a school of 1100 students in my electorate of Ringwood. The school is in need of redevelopment. The former coalition government committed \$7.5 million for a gym centre that would also serve as a performing arts centre and a science, technology, engineering and mathematics centre. Because the school has 1100 secondary students, it is very apparent — and should be very apparent to the Minister for Education — that a two-court gym facility is needed. Yesterday in this house the minister spoke of Tucker Road Bentleigh Primary School and a gym that the taxpayer is funding for it, as allocated by him. That primary school is much smaller than Norwood Secondary College — indeed it is half the size — yet both are getting a single-court gym. How can that be?

What we need to see is the minister being as serious about and as interested in the needs of the students of Norwood Secondary College as he is about the students of Tucker Road Bentleigh Primary School. For him to place the same priority on the students in my community in the electorate of Ringwood, what is needed is an additional \$1.6 million for Norwood Secondary College to provide the students with a sporting facility that enables this very large school community, with a population that is stable into the future, to be accommodated. To have 1100 students vying for a single court is unfair. It is out of touch, and it does not place the same priority on the students of Norwood that the minister has placed on other schools.

The right thing to do, the fair thing to do and the responsible thing to do would be to ensure that in the budget to be handed down next week Norwood Secondary College receives full funding to build a double-court gymnasium that meets the needs of the school community.

Sri Lanka

Mr PERERA (Cranbourne) — Recently I attended a luncheon meeting with the Sri Lankan foreign minister, the Honourable Mangala Samaraweera, together with representatives from both houses of this Parliament. I also had the opportunity to attend the round table conference organised by the Australian Institute of International Affairs with Sri Lanka's foreign minister as its special guest.

During this recent visit the Sri Lankan foreign minister assured us that it is a dawn of a new era under the new coalition government of Sri Lanka, being represented by the major parties of the Sri Lanka Freedom Party and the United National Party. The minister also noted that the new government has gone beyond being the traditional friend of China and has now established stronger relationships with important international players like the USA, India, Japan and the European Union. The minister also said the trade and investment arrangements between Indian and Sri Lanka initiated by the Chandrika Kumaratunga government unfortunately soured during the previous Rajapaksa regime. However, they have now been duly enhanced for the benefit of both countries.

The foreign minister also noted that Sri Lanka and Australia have developed a strong people-to-people relationship over a period of time. In Australia there are many professionals, tradespeople and academics — and even a member of Parliament and a mayor in this state of Victoria — with Sri Lankan ancestry. At present there is a small but growing number of Australian

companies that are investing in Sri Lanka. Foreign minister Samaraweera also stated in his recent visit that we should take a keen interest in supporting and promoting trade and investment between Victoria and Sri Lanka.

Jesse Iese

Ms KEALY (Lowan) — I would like to commend Jesse Iese on his stellar performance at the recent Australian Junior Athletic Championships in Perth, taking home two gold medals by winning the under-16 discus and shot-put events. Jesse is an amazing talent and has made his family and local community very proud. Well done, champion.

Regional and rural roads

Ms KEALY — Country roads are in crisis under this city-centric Labor government. The 17 per cent cut to the VicRoads maintenance budget by the Andrews Labor government means VicRoads now openly states it can only afford to permanently reduce the speed limit rather than properly fix our roads. This simply does not help our local businesses and families, who have no option but to continue to drive on appalling and sometimes dangerous road surfaces. This Melbourne-centric government must urgently reverse its drastic cuts to the VicRoads maintenance budget and provide sufficient growth funding to ensure all the supposedly temporary reduced speed sections of road are repaired and we have safe roadways for our local people.

Dr Donald Liu

Ms KEALY — Congratulations to Dr Donald Liu for recently winning the Rural Doctor Award — Outstanding Contribution at the 2016 Victorian Rural Health Awards. This award is fitting recognition of Dr Liu's outstanding contribution and commitment to the Warracknabeal and district community. I thank Dr Liu for his contribution to rural medicine and his commitment to delivering high-quality health care to country Victorians.

Regional and rural petrol pricing

Ms KEALY — Many locals have raised their concerns about the discrepancies in prices for fuel in different towns, which is creating a significant and unnecessary cost burden for our families and businesses. These price differences are often explained by fuel transport costs, but this argument makes very little sense when averages in neighbouring towns are far lower. An investigation must occur, and I urge the

Minister for Consumer Affairs, Gaming and Liquor Regulation to fully support an inquiry into petrol pricing in rural and regional Victoria.

Apsley Primary School bus service

Ms KEALY — Many small country schools rely on school bus runs to maintain student numbers and keep their doors open, so it is very disappointing that government policy is prohibiting students from getting on an existing school bus run to Apsley Primary School.

Gordon TAFE

Ms COUZENS (Geelong) — The Gordon TAFE plays a vital role in our Geelong community and has done so for 100 years. It is seen in my electorate as a sacred institution that provides education and training opportunities at many levels, including for the most vulnerable and disadvantaged students. The previous government's cuts to TAFE funding hit the Gordon, impacting on students and potential students, and this was devastating. That is why it was such a great honour to visit the Gordon last week to announce the Andrews government funding commitment of \$5.1 million to be used this year. It includes funding for student support to provide a range of critical services. It will support the Gordon's Geelong Technical Education Centre, which provides an alternative to the Victorian certificate of education for young people disengaged from school. The commitment and support from teachers, staff and the Gordon board are exceptional. Our young people need and deserve this.

Geelong youth round table

Ms COUZENS — In Geelong we clearly have a great future with our young people. This was highlighted at my youth round table with the Minister for Youth Affairs on Friday. We held a round table at Wathaurung Aboriginal Cooperative, where we had the opportunity to meet with Aboriginal and refugee young people, young people from youth support agencies, LGBTI young people and young people from Somebody's Daughter theatre group.

Geelong youth awards

Ms COUZENS — I also had the pleasure of addressing the award nominees and their families at the City of Greater Geelong Youth Awards ceremony — rewarding the courage to be the difference. There were almost 100 nominees for the Geelong awards. Our future in Geelong is in great hands with these young people.

City of Whitehorse Band

Mr ANGUS (Forest Hill) — I recently had the great pleasure of attending one of the City of Whitehorse Band's regular performances, when it presented *Brass Showcase*. It was a great night of musical entertainment and displays of wonderful musical talent. I congratulate the band president, Mr Wes Brown, on his leadership of and ongoing voluntary work with the band. The band was directed by Brian Kemp, who did a terrific job. I congratulate all the club members and other volunteers who have contributed to this band over the years.

Lollipops Playland, Forest Hill

Mr ANGUS — On Good Friday I once again had the pleasure of attending Lollipops Playland in Forest Hill to support its annual fundraising event, raising money for the Royal Children's Hospital Good Friday Appeal. As always it was a very successful day, and it raised over \$10 000 for the appeal. I congratulate the Lollipops proprietors, Tony and Cathy Maher, who donated the day's takings and also organised the auction and raffle items. Well done also to the staff and volunteers who donated their time for this worthy cause.

Battle of Long Tan commemoration

Mr ANGUS — As we approach Anzac Day I note this year is the 50th anniversary of the Battle of Long Tan. This was a battle where Australian men fought to protect South Vietnam and achieved a remarkable victory against the communist forces. I wish to note the strong relationship formed between Australia and South Vietnam during the Vietnam War and the friendship between our two countries over the years since, including with the extensive Vietnamese community in Australia. I recognise those who fought to defend freedom during that conflict. I also recognise two Forest Hill electorate residents, John Haward of Burwood East and Do Van Thang of Vermont South, for their leadership in Vietnam veterans activities and their role in the forthcoming Anzac Day march.

Nunawading & District Motocross Club

Mr ANGUS — The Nunawading & District Motocross Club, located in the Forest Hill electorate, held a special fundraising event on Good Friday to raise money for the Royal Children's Hospital Good Friday Appeal. The club raised over \$12 000 for the appeal, and I congratulate all those involved in this event, in particular the committee members and other volunteers who worked hard to organise this special day for the club.

SkyBus

Mr EDBROOKE (Frankston) — I rise to reflect on an article in the *Age* newspaper of 22 March which detailed a \$1 rise in SkyBus fares between the airport and Melbourne's CBD. The company will soon be announcing improvements to its services, including the new Frankston direct airport express service, all of which reflect a company with a commitment to continued investment and service improvement, so I would like to clarify some points for travellers in Victoria and my community of Frankston.

SkyBus is a proudly Melbourne-based Victorian company that is 38 years old. It is regarded internationally by many airports as a world-leading mass transit service. It is a brand with tremendous customer support and, at last count, over 1000 TripAdvisor reviews at 4.5-star-plus average. Last month SkyBus introduced free travel for children up to 16 years travelling with an adult on their family fare. It has a fleet with an average age of less than one year, and it offers a 24/7 service with free wi-fi and a free city hotel shuttle.

From the *Age* article, though, the shadow public transport minister shoes he does not seem to appreciate this great service and still thinks that the pipe-dream Liberal promise of non-existent rail is preferable. If members remember, we even had fake tickets for the rail service not to be built until 2026 — and let us not forget how many millions were spent on those advertising campaigns. What was it with a government promising quick, reliable public transport that did not start for another 14 years? That would mean that I would get a ticket in 2014 and have to wait 12 years for the train.

SkyBus is still the best value for money airport-to-city transportation option in Australia among many cities. It offers free wi-fi on board every vehicle in the fleet, free city transfers and a 24/7 service, and it provides on average 350 daily airport-to-city express services.

Murray Basin rail project

Ms BRITNELL (South-West Coast) — The federal government's announcement of funding the Murray Basin rail project is great news. This will take trucks off our disintegrating roads and provide safer travel. South-west Victoria is the state's most important food hub. We punch well above our weight in contributing to Victoria's economy. Investments in road and rail will realise the potential even further. Suggestions that roads leading to south-west Victoria are roads to nowhere, as we read in last week's media, are misleading and

ignorant. Dairy, grain, meat and timber are shipped from south-west Victoria every day. The roads leading into the port of Portland are an investment worth making.

Police resources

Ms BRITNELL — Over the weekend in Warrnambool we had a serious incident involving a machete-wielding man out on the street followed by a siege situation lasting almost 12 hours. Crime rates are increasing and police numbers declining as the population goes up, and to add insult to injury police stations are having to reduce their hours and shut down for periods to manage. My constituents often tell me that they do not feel safe anymore.

People are sick of a nanny state. Often these incidents are drug and alcohol fuelled. Domestic violence is often a feature. Good policy that addresses complex health issues resulting from drug dependency needs to be part of the solution, but individuals being made to face the consequences of their actions, giving police powers to allow them to do their jobs and making people accountable for their actions are key responsibilities of this government.

The Royal Commission into Family Violence starts this process, and I welcome the bipartisan support. This week I am honoured to share the stage with Rosie Batty, who is speaking in Warrnambool. Rosie's courage has raised awareness of the complexity of dealing with domestic violence.

Anzac Day

Ms BRITNELL — Anzac Day will be my first as the member for South-West Coast. It will be an honour to attend the dawn service in Portland and then later in Warrnambool as the local member to thank all those young people who left our country towns to serve, especially to remember those who did not return home.

Diamond Valley Foodshare

Mr BROOKS (Bundoora) — I rise to pay tribute to the hardworking volunteers of Diamond Valley Foodshare, an organisation that began in November 1992 in response to the economic downturn at the time and the growing number of people who were in need of assistance. At the time those involved thought they would only be around for about 12 months, having been given a space to work in the old dungeon of the Skillshare building opposite Greensborough station, with a dirt floor and a shoestring budget of around \$200 a month. Now, 24 years later, Foodshare is a vibrant

organisation with a dedicated group of volunteers who provide food to struggling families across Banyule. The organisation has a budget of over \$2000 a month, and in the last 12 months alone it has provided 1820 parcels of food catering for approximately 4245 people.

I want to give a special mention to the following volunteers, who will be joining me in Parliament here tomorrow: Denise Cronin, Rosalie Williams, Michelle Allen, Graeme Sloan, Judy Chives, Alison Campbell, Katrina North, Virginia Master, Karen Van Donekelaar and Jill and Allen Southon. Jill started at Diamond Valley Foodshare in 1998, and for most of that time she and her husband have gone out to Apteds Orchards each month to collect boxes of fresh fruit to distribute to those in need. Karen Van Donekelaar is a founding member of Foodshare and remains actively involved. Her passion and enthusiasm for the cause are contagious, and it has been an absolute pleasure over my time in public office to see the great work that she has done. Congratulations, Karen, and to all volunteers at Diamond Valley Foodshare.

Lang Lang Primary School

Mr PAYNTER (Bass) — I was recently invited to attend the Lang Lang Primary School leadership badge ceremony by the principal, Sharon Mitchell. I was so impressed with the outstanding leadership shown by the 2016 young leaders and the way they conducted themselves in front of the school assembly. Lang Lang Primary School's core values are respect, teamwork, communication, empathy, honesty and responsibility. All these core values were evident at the assembly and demonstrated by the entire school community.

Harmony Day

Mr PAYNTER — I was pleased to present participation awards at the 2016 Harmony Day Cardinia event held by Living & Learning at the Skills and Wellbeing Centre in Pakenham. It was a lovely morning, rich in culture, including stories from children of newly arrived citizens in Australia, Chinese dancers, Sudanese performers, an Indian Sikh martial arts exhibition, music and activities. I was impressed with Pakenham Secondary College's captain, Brady Healey, and vice-captain, Tyler Jamieson, who painted a picture of the melting pot of cultures represented at the college. Congratulations to Cardinia Shire Council's cultural diversity facilitator, Glenda George, on a terrific program on the day.

Pakenham and District Agricultural and Horticultural Show

Mr PAYNTER — On Saturday, 19 March, I had a stand at the 2016 Pakenham and District Agricultural and Horticultural Show in its 38th year. This year I was fortunate enough to be included in the famous Wally trail. I also took my turn to sit on the beyondblue dunking machine. A thankyou to the show committee, volunteers, stallholders and the community on a very successful event.

3mFM South Gippsland

Mr PAYNTER — Congratulations to community radio station 3mFM South Gippsland on running another successful membership drive. I was privileged to open the 24-hour event. 3mFM community radio is a not-for-profit, mostly volunteer-driven organisation.

Lahore bombing

Ms GRALEY (Narre Warren South) — It is with a sense of deep sorrow that I rise to talk about the horrific bombing that took place in Lahore, Pakistan, on 27 March, over the Easter weekend. The perpetrators claim to have targeted Christians celebrating with their families at a local park. The bomb, however, did not discriminate between young and old, men and women, Christians and non-Christians. It simply ended precious and innocent lives in needless carnage.

Many Pakistanis living in my electorate have expressed their profound regret at the state of affairs in their country of origin. I have been touched by those who identify themselves as belonging to what are classified as religious minorities in Pakistan. They feel a sense of helplessness at the sheer unwillingness of the officials to alleviate the situation. Many tell me that it is the constitution of Pakistan that has wrought havoc against religious minorities and refer to blasphemy laws that are in place and grant protection to perpetrators who commit crimes in the name of religion. Others feel a sense of guilt as a consequence of fleeing their country for a better future for themselves in Australia, leaving behind family members in their homeland who feel vulnerable, threatened, defenceless and trapped each and every day. Their family members go about their daily lives but do not know if they will see their loved ones when they return home.

Many despair at the lack of hope in the political and judicial system. Some tell me that if the situation in Pakistan improved, they would go home. On this day, the Pakistan Resolution Day, Pakistanis remember the ideals of the founding father of Pakistan, Muhammad

Ali Jinnah, who envisioned a secular Pakistan and spoke of an inclusive and impartial government, religious freedom, rule of law and equality for all — a vision that is far from what Pakistan has become today, but we live in hope.

Burwood electorate schools

Mr WATT (Burwood) — With the budget coming up I want to put on the record while that the state government is talking about education that there are a couple of schools in my electorate that I do think need some assistance. Parkhill Primary School has received a small amount of money from the state government to do some planning works, and it is looking forward to having some money in the budget to rebuild the school. Ashwood School, a special school in my electorate, has received nothing from this government in regard to funding to be able to fix its school. I look forward to the upcoming budget because before the last election we made commitments to both of these schools, and I look forward to the government actually doing something for them.

Burwood electorate planning

Mr WATT — On 22 March I held a planning forum. The Minister for Planning was actually invited, but strangely the minister did not show. Many residents in my electorate — over 100 people attended — have complained about the *Residential Zones State of Play* report and are also concerned about the Hay Street development, on which the minister is yet to make a decision. They are also particularly concerned about the Deakin University bridge in my electorate. But the biggest thing that is concerning residents in my electorate in relation to planning is the Markham estate, and 547 petitioners have signed a petition against this particular development and against the government's plans. I note that on ABC radio the Minister for Planning said that it was an island site and that he thought seven storeys were suitable on this site. I have to tell the minister that it is not an island site, and he obviously does not know what he is talking about.

Anzac Day

Ms KNIGHT (Wendouree) — This year 25 April marks 100 years since the decision to commemorate Anzac Day one year after the landing at Gallipoli. I know that every member of this chamber and in fact all Victorians will stop and remember all of those who have fought in wars for this country. Our thoughts will also turn to those men and women who are currently undertaking active service. Anzac Day is not a day to glorify war; it is a day to pause and try to have some

understanding of what it would be like to leave our families, our parents and our children and to experience the many horrors of war.

This year also marks the 50th anniversary of the Battle of Long Tan. I want to acknowledge Bill Akell from Buninyong, a member of Delta Company and one of 108 Australian men who resisted an attack of between 1500 and 2500 Vietcong soldiers during the Vietnam war. His is a story of incredible courage and fierce determination. I have had the great privilege of spending time with Bill and many other Vietnam vets in Ballarat, as well as their families, and it is a privilege.

I would like to put on record my thanks to all those veterans who have witnessed unspeakable horrors. I would like to thank all the men and women who are currently serving and who are away from their families and communities, and I would like to acknowledge all of those who have lost their lives in the service of our country, whether on the battlefield or in facing the battles against trauma once they come home.

Sanaya Sahib

Mr CARBINES (Ivanhoe) — The past few days have been very challenging for the community of West Heidelberg in my electorate of Ivanhoe. Can I say at the outset that it has been a great privilege to have represented West Heidelberg as a local ward councillor and member of Parliament these past 11 years. For most of that time I have lived in Goodenough Court, which backs onto Olympic Park, the scene of so much tragedy last Sunday. Last night Victoria Police released the following statement:

Homicide squad detectives have today charged a woman with murder following the death of a 14-month-old girl in Heidelberg West.

The body of baby Sanaya Sahib was located in the Darebin Creek about 2.45 a.m. on Sunday.

A 22-year-old woman has been charged with one count of murder and will face an out of session's court hearing at the 313 Spencer Street police complex shortly.

Investigators are no longer looking for anyone else in relation to this investigation.

I have had contact with many Perth Street residents in the past few days. People are anxious. They have been hassled, and their privacy and their daily routines have been disrespected. The media has trampled all over West Heidelberg in recent days and written about the trials and tribulations of our community — soon to be forgotten in the 24-hour news cycle. I thank Bernie Geary, a well-respected West Heidelberg resident and former Victorian child safety commissioner, for his

public statements. A child is dead, and that is the great sadness we share with the people of West Heidelberg today.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr McGUIRE (Broadmeadows) — I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates for 2015–16, particularly in relation to the contribution by the Minister for Employment, who referred to how working as a collective presents the government with an opportunity to drive strategic advantage from that collaboration across the economic portfolios within government. I want to begin by citing Einstein's great quote, 'Insanity is doing the same thing over and over and expecting a different result'. My call is for systemic change so sanity and the public interest can prevail.

We have consensus that terrorism, jobs and growth are the most critical issues we confront. Such issues are too important for politics but are mired in the way the political system has been gamed, where parties simply want to argue within a narrow grid of issues instead of the broader public interest, where they want to drive fear and anxiety as a political weapon and where they use the chain reaction of race, rights and taxes to divide communities.

We need a new agenda for the Council of Australian Governments, where a coordinated strategy for collaboration between the three tiers of government, business and civil society will actually help deliver results. To ignore the situation is perilous.

The reason I make this call is that we have actually been successful in delivering such a coordinated strategy in the past, so this is a matter of political will. All we have to do is defeat the silo mentality, turf wars, institutional ego, bureaucratic inertia and the political cycle. While those forces seem daunting, the results are well worth it when this can be achieved. To address this in a systemic way I want to look at it from the national perspective first, then a state perspective, a regional perspective and then a local view.

So my call is for the Australian government to urgently declare Melbourne's north and its capital, Broadmeadows, as an enterprise zone for jobs, growth and national security. As an enterprise zone, we would be able to use tax incentives, fast-track infrastructure, high-speed broadband, innovation and other initiatives in complementing the Victorian government's

economic development strategy and triggering significant private sector investment. Such initiatives are critical because the convergence of coalition governments at a state and national level has left Broadmeadows as the electorate defined by the Australian Security Intelligence Organisation as a hotspot for terrorist recruitment — with unemployment equal to the rate in Greece and youth unemployment at more than 40 per cent — while denying access to almost \$1 billion to the poorest community in Victoria at its time of greatest need and vulnerability.

The Abbott federal government pocketed \$800 million from the automotive transformation scheme, which was designed to help supply chain businesses survive the end of Australia's once proud automotive manufacturing industry by finding new markets. The federal government did this by declaring that the money would be used for higher priorities. My argument is as simple as this: there are no higher priorities now than national security, jobs and growth.

One of the best anti-radicalisation strategies is a job, connecting the disconnected, and one of the most informed national security responses is community engagement. Australians are crying out for such leadership, particularly in manufacturing, but the Abbott-Turnbull coalition refuses to participate. Its attitude of acting as a bystander is perilous, and it smacks of the debate in relation to the Thatcher government trying what was then described as 'managed decline' in the blue-collar community of Liverpool in the 1990s. This ended up in disaster, and this is the proposition that I am calling out. We need to take action on how we address this. You cannot just leave the communities of disadvantage, which are far more complex than they have ever have been, where the big factory jobs have gone and where Ford closes in six months, because the epicentre of the terrorist recruitment area was Campbellfield. Campbellfield is the headquarters of Ford nationally. The largest number of jobs will be lost in the Broadmeadows area, with the supply chain ripple effect.

So I am calling on the Australian government under Malcolm Turnbull to address these issues and to coordinate with the strategy that we have from the Victorian government and from the local community. I think we actually need another institution; we need a Melbourne's north authority, to look at the potential that we have there, because the other proposition is that we have some of the best infrastructure that will allow investors to come to the area. This is the option that we should pursue, and we must prevail in this strategy.

Public Accounts and Estimates Committee: budget estimates 2015–16

Ms McLEISH (Eildon) — I rise today to make a contribution on the Public Accounts and Estimates Committee report on the committee's inquiry into budget estimates 2015–16, and specifically I refer to the hearing attended by the Minister for Tourism and Major Events on 19 March. When I was reviewing the transcript of that hearing I did not have to go very far to have a major belly laugh. It was early on when the chair of the committee put a question to the minister. It was a Dixer, and so it has led him right into it. There is a line I must quote:

This modern Labor government made a commitment to the Victorian people to put people first, support families, restore services and create 100 000 jobs.

This clearly was not a stretch target. This was something that the minister was led into through the chair's questioning. I did have a laugh yesterday when we were talking about that election promise, that commitment of 100 000 jobs, which is somehow now becoming a stretch target and which we know was actually a fantasy target. During the hearing the minister constantly mentioned the importance of tourism, and I could not agree more; tourism is vitally important to the state. He went on to say that in 2013–14 it had contributed some \$20.6 billion to gross state product, which is pretty amazing, and it does really highlight the importance of this sector, with its some 206 000 jobs. He also went on to mention that with the demise of the manufacturing sector tourism will go a long way to filling that void. Whilst I hope that tourism can remain and should remain a very prominent part of any Victorian government's agenda, I do wonder whether he has put his money where his mouth is, because it really does not seem as though he has done that.

One of the things that I want to refer the minister to is budget paper 3, specifically table 1.6 on page 19 and table 2.2 on page 123. Certainly if you review these, you will not be able to find any additional money there for regional marketing. This is something that I am very concerned about because the coalition certainly was committed to regional marketing, and I know that many of the opposition members today would remember how much we did to support our local towns and our country areas, because tourism goes beyond the major cities of Geelong, Bendigo and Melbourne. Tourism actually goes to the heart of Victoria. There are so many small country towns that are reliant on tourism to really help support their local economies. I think that there is a lot of smoke and mirrors in here. If you have a look at

table 2.2, you can see a reduction of over 50 per cent in the funding, and certainly within the budget it goes from \$88.9 million in 2014–15 down to \$40.8 million in 2015–16, so it is actually quite low.

There are two events that I do want to draw the minister's attention to, and I am glad he is actually in the chamber to hear this. The first is certainly the Alexandra Truck, Ute and Rod Show, and I know the committee members have spoken to him on at least two occasions. Now, the organisers have not had formal meetings with the minister, but they would be desperate to have a funding boost. I can say that certainly under the coalition the organisers received an injection of \$10 000 each year for three years to help with the marketing and promotion of this program. Now that is absent. Since Labor has been in government, they have not received a zack — not a brass razoo — and when you are a small country town relying heavily on volunteers to put these events on, anything that can assist with the marketing is very much appreciated.

I also mention the High Country Harvest festival, which is held across a range of towns including Mansfield in my electorate and also Beechworth, Rutherglen and Bright. It was pleasing to see a member for Northern Victoria Region in the Legislative Council announce a \$30 000 grant to help the festival, but I must draw the minister's attention to the fact that that is actually a reduction from what it had received under the coalition. The minister is pretending that he is supporting regional marketing when he is absolutely not. I think the minister absolutely needs to get his act together and get on to his region — —

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

Public Accounts and Estimates Committee: budget estimates 2015–16

Ms GRALEY (Narre Warren South) — Like the previous speaker, it is a pleasure to speak this morning on the report of the 2015–16 budget estimates of the Public Accounts and Estimates Committee (PAEC). I would like to refer to the comments made by the Minister for Training and Skills. First of all, I would like to put on the record my compliments to him on the terrific job he is doing on rebuilding our TAFE sector after the gutting and cutting that occurred under the Liberal-Nationals government, which really left Victoria's skills and training sector in dire straits. You only have to look at the record youth unemployment rate that happened under the previous government to see the disastrous results that come from cutting skills and training funding.

The minister spoke at the PAEC hearing about the sad and cruel record of the previous government, and in response to a question from the Greens party member Ms Pennicuik he said:

Will we solve it all in one year? No. Can we rebuild TAFEs to what they were in one year? No. Are we on a solid track to provide far better funding and footing for the core responsibilities of our public TAFEs? Absolutely.

The minister is quite correct in saying the damage caused by the previous government was such that he has got a formidable task in front of him, but I really do commend him for his honest, frank and realistic response. I also commend him for the fact that he has not wasted a moment.

At the PAEC hearings the minister made it very clear that he had a very strong vision for the future of the tertiary sector. He really wanted to emphasise that TAFE courses needed to be in synergy with the needs of industry. This is why the government, as shown in the budget papers that provide information about this, has provided additional support for the new skills commissioner who is working to better align skills training with the needs of industry and for the enormous TAFE Rescue Fund, which is really putting TAFE back on its feet financially. This is why it is offering international student welfare grants of up to \$4 million. The government wants international students to come and study in our terrific tertiary sector. It is a great money earner for this state, but it also provides those students with a great experience.

More than that, the minister has done a formidable job, and it has taken an enormous effort on behalf of the department as well, on cracking down on dodgy providers. I know that people are really up in arms, as they should be, to think that people in the training system were ripping off young students who were trying to get upskilled and get a job.

I also draw the house's attention to the recent announcement in my own area, where the TAFE Rescue Fund is being used by Chisholm TAFE to work with Ventura Bus Lines to provide incredible training opportunities for new bus drivers. The minister was out there meeting with these new bus driver students, who were doing a certificate III course in driving operations, foundations and skills. They were not only absolutely thrilled to meet him but are also really looking forward to doing a great job in our expanding bus network.

This is really important. Why should we do this? I read an article in the *Age* last week headed 'Australia will have to face the consequences of its educational gap'. The article referred to the Fairfax-Lateral Economics

wellbeing index, which puts a dollar figure on our collective know-how. It says that when we invest in our know-how, according to the wellbeing index 'each degree or higher trade qualification is worth almost \$1 million in wellbeing for the community'. It also says:

If you don't have a post-school qualification the odds are stacked against you.

I can tell members that this government and this minister are making sure that the odds are stacked in our favour. As the minister said when he finished his contribution at the PAEC hearings:

We are seeing significant changes in terms of economic conditions and in terms of industries restructuring, and I believe there has never been a more important time to make sure we get our training and skills sector firing effectively so that the economy can transition and can thrive.

This is exactly what this budget commitment has done. I look forward in coming weeks to further investment in the tertiary sector, because I know that children, students and families in my electorate want to make sure that kids get the best skills and training so that they can get a job.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr D. O'BRIEN (Gippsland South) — I rise to speak on the Public Accounts and Estimates Committee (PAEC) report on the 2015–16 budget estimates. It is an excellent report, and I am sure that all members, but particularly the member for Essendon and I, are looking forward to going through the PAEC estimates process again in a short period of time.

Mr Pearson interjected.

Mr D. O'BRIEN — The member for Essendon is toey! In the report from 2015–16 I want to look at the revenue side of things for the state budget in particular. I want to highlight that this current government is in line for enormous windfalls in terms of revenue over the coming year and years. The report of the estimates process last year on page 88 highlighted the fact that land transfer duty is expected to increase to \$5 billion in 2015–16. That is up from just \$4.2 billion in 2013–14, the last full year of the former coalition government, so it is already \$8 billion up. I highlight that the budget update process released in November 2015, just five months later, indicates that stamp duty revenue will actually increase by a further \$400 million just in that period for 2015–16. That is a significant windfall for the government in relation to stamp duty.

In addition to this, we had the news recently of the Commonwealth Grants Commission and the carve-up of the GST revenue in which Victoria is to get an additional \$1 billion — just over \$1 billion. The port lease transaction has of course gone through and is expected to fetch between \$6 billion and \$7 billion. And the state government almost literally won Tattslotto with the High Court verdict on the Tatts and Tabcorp cases, which again saw a windfall return to the state of \$560 million. That is \$540 million that was originally lost but with interest payable comes to around \$560 million. Those four increases total around about \$9 billion, which is the equivalent of about 16 per cent of the annual state budget. Of course I am sure that the port lease proceeds will not all be delivered in one year, but this is nonetheless a significant revenue windfall for the Labor government.

I guess I am detailing this because it highlights that there are simply no excuses for the Labor government not to meet the expectations of the community, particularly in country areas. There are a number of projects that I have raised previously that are important for the state government to fund. They include the Princes Highway duplication between Sale and Traralgon, where there is about \$160 million to be funded 80-20 from federal and state sources, and the state contribution should be funded in this year's budget. We have the realignment of the Black Spur section of the South Gippsland Highway. The government has still not finished the business case for that project two years after it was funded by the previous coalition state and federal governments.

We have water projects in my electorate. There is the Macalister irrigation district upgrade, which the government has committed to funding, so I look forward to seeing that actually in the budget. There is also the northern towns project, which would provide water security to Korumburra, Loch, Nyora and Poowong. It is a very important project. I understand that the total state government ask for that project is about \$30 million, so it is significant. It is critical for water security, and the minister has had a lot to say in the last day or two about improving water security. I hope she is looking at Korumburra and the northern part of my electorate as well. It is very important.

In terms of schools, we just had the Minister for Education pass through the chamber. I have been highlighting to him ad infinitum the importance of funding a rebuild of the Yarram Primary School at a cost of about \$4 million and of funding stage 2 of the Korumburra Secondary College at a cost of around \$5 million or \$6 million to complete the project started by the previous coalition government. In addition about

\$1 million is required for the Leongatha Secondary College.

I would like to add another project — the hospital at Foster. The South Gippsland Hospital is seeking \$2.1 million for an extension to provide better post-operative care and to expand its maternity care.

The other project in relation to which the government extended funding for one year but has not yet committed to is the Gippsland Lakes Environment Fund, which the member for Gippsland East has been campaigning hard for. This is another important item. There are large revenue windfalls coming to the government, and it is important that the government now start to deliver in country areas, not just in the cities. I fully expect that those projects I have outlined today will be funded in the coming state budget.

Public Accounts and Estimates Committee: budget estimates 2015–16

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the report on the 2015–16 budget estimates. It is always a pleasure to follow the member for Gippsland South. I did listen with great interest when the member talked about the projected revenue increases over and across the forward estimates. A bit like the mug punter who looks at the form guide and puts a dollar each way on a horse that is 200 to 1, between putting on the bet and the race being run he is working out how many times he is going to spend the 200 bucks he is going to get in his pocket. It is completely and utterly irresponsible.

The reality is that, yes, we have got some projected increases in terms of revenue across the forward estimates, but we have also got many challenges and demands that confront us. For the member for Gippsland South to drag out his shopping list of all the various initiatives he wants funded in this budget would be entirely irresponsible. He knows full well that, were we to do all the things the member for Gippsland South wants and all the other members opposite want, as soon as we came within a whisker of a budget deficit they would be screaming out about the fact that Labor cannot manage the economy, which is completely false.

The reality is that, yes, we have got a strong fiscal position owing to the strong and disciplined leadership of the Andrews Labor government, but let us be clear: we also have got some significant challenges that confront us. The reality is that we are growing at a great rate of knots. I note that in a *Quarterly Essay* George Megalogenis quotes Ken Henry, who said:

In the second half of the 20th century, in those five decades, the Australian population increased by between 2.1 million and 2.4 million people [per decade]. In the first decade of this century the Australian population increased by 3 million people. According to the mid-case projections, in each of the next four decades, the Australian population is going to grow by between 3.8 and 4.1 million. That's in each of those decades. Now, I was secretary to the Treasury during pretty much the first decade of this century, and one of the things that was very evident to me was that coping with an increase in the Australian population of 3 million people was more than the Australian policy system could handle.

I have said before and I will say again that I am in favour of population growth. I think that growing the population is a very, very important objective, but we need to make sure that we can manage that growth.

That leads me to section 8.2.3 of the Public Accounts and Estimates Committee report, headed 'Asset investment funding — *Asset Recycling Initiative*'. This is talking about the fact that we need to look at the way in which, as a government and a state, we determine what assets we should maintain and hold and what assets we should recycle. I think it is important that we think about that in the context of asking: what are the businesses we should be in? Where there is market failure, clearly there is a role for the state to intervene. Clearly you would want to make sure that there were assets that always remained in state ownership, but I think that in light of the fact that we have got significant population growth projected over the coming years and coming decades, there is a need to ensure that we plan appropriately.

We need to have an honest conversation with ourselves, in this place and in the other place and in the electorate more broadly, to ascertain and determine what assets should remain in state ownership and what assets should be privatised or leased and the proceeds ploughed into sensible infrastructure investments, which is precisely why this government has set up Infrastructure Victoria to look at trying to work out what investments are required and to plan for those projects appropriately. So it is about basically doing your homework. It is about working out what you need in order to underpin population growth and to continue that. It is about working out what we need to do to continue economic growth, because the reality is that we have not had a recession in this country since 1991–92, and it is about doing the work.

What it is not about is blowing the proceeds as soon as you have got them, which is what my friend the member for Gippsland South seems to be suggesting. It is about being very clear, very deliberate and very sensible about the things that you are going to do. It is about planning, and it is about making sure that we

meet the right conditions and that we work out what assets we want to keep and what assets we want to divest and then plough those proceeds into infrastructure so we can continue to have the world's most livable city.

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

Mr T. SMITH (Kew) — I rise to speak on the Public Accounts and Estimates Committee report into the 2015–16 budget estimates, particularly evidence given by the Treasurer, the Minister for Roads and Road Safety and the Minister for Public Transport.

Recently I was invited by the Leader of the Opposition to chair a population policy task force. This task force will be looking at how we take pressure off Melbourne and regionalise —

Mr Merlino — Are you going to think about building schools?

Mr T. SMITH — It would be good if you started building some schools, you little grub. Just let me finish.

Honourable members interjecting.

Mr T. SMITH — You have not built one single school since you started here.

Mr Merlino interjected.

The ACTING SPEAKER (Mr Crisp) — Order! The Deputy Premier!

Mr T. SMITH — Why don't you focus on your own job and focus on the big picture?

We have got a situation where the education minister in this state has not started building one single school, despite the Grattan Institute saying that we will need 530 new schools by 2031.

Honourable members interjecting.

Mr T. SMITH — We built 11, I believe. We have enormous population policy pressures in this state. It is estimated in the intergovernmental report by the federal government that our population will be 10 million by 2051, so we have an enormous challenge in this state. How do we deal with population growth? How do we deal with it sensibly? How do we take the pressure off Melbourne and increase growth in the regions? This government does not have the answers.

The government spent \$1.1 billion to tear up a road contract that is absolutely needed by my constituents in the electorate of Kew and further afield in the outer east. It is not including South Yarra station in the Melbourne Metro rail project despite the fact that it has just sent an invoice to Canberra. It does not know how to pay for it. It has excluded South Yarra from the Melbourne metropolitan transport plan despite the fact that there is enormous population growth and jobs growth in that part of Melbourne.

We have an enormous challenge here. It is my task, on this side of the house, to chair a task force to look at a whole-of-government approach to how we should deal with population growth in Melbourne and Victoria — and our population will double by 2051. We know that this is a challenge, and we know that the federal government is committed to improving the livability of the people of Melbourne. It has put \$1.5 billion on the table for new road and public transport projects. My question is: will this government match that dollar for dollar? I do not know the answer to that. It should, because the constituents of the south-east to want to see the Monash Freeway upgraded.

Honourable members interjecting.

Mr T. SMITH — They want to see the Monash Freeway upgraded, and what have you done about that? Nothing! Nothing! Those opposite have done absolutely nothing about the Monash, and they are doing nothing about livability, particularly in the eastern suburbs. They paid \$1.1 billion not to build the most important road project in the nation. It is a disgrace. It is an absolute disgrace. Their signature rail project is unfunded.

Honourable members interjecting.

Mr T. SMITH — They sent the invoice to Canberra, and they did not even do the business case right, because they have had to spend \$10 million to look at how they can improve it. So we have this huge long-term problem for our state, but it could be an advantage if planned for properly. The great problem we have is that we have got a short-sighted state Labor government that is not looking in the best interests of the whole of our state and that is forgetting regional and rural Victoria.

We have long-term problems, and we need serious people to fix them, not people like the Minister for Education, who jumps up and down and says, 'the coalition', constantly blaming the previous government. Well, those opposite have been in office for 18 months now; it is their problem. They blame either Canberra or

the previous government. Well, it is their job. They are the government. They should fix it. They should stop blaming everyone else and get on with the job of governing and planning for our state's long-term interests and future. I repeat: they should stop blaming the previous government.

Honourable members interjecting.

Mr T. SMITH — I was not here; you were. Stop blaming the coalition government in Canberra, and start planning for our state's great future. It could be great if it were planned for properly, but at the moment that is simply not being done.

ROYAL COMMISSION INTO FAMILY VIOLENCE

Report

Mr ANDREWS (Premier) — I move:

That this house takes note of the report of the Royal Commission into Family Violence.

I would like to begin today with stories of two survivors. One, an abused woman, was visiting her GP for a pregnancy check-up. After the examination, her doctor asked if he needed to file a police report in relation to her injuries. She explained that a report was not needed as it was not in her mind an assault — her injuries were not at the hands of a stranger but instead had been committed by her husband. When questioned further, she explained:

I signed the dotted line that my body is his.

She described the doctor's response as a moment of clarity — a catalyst for change. He said:

And he signed the dotted line to love and protect.

Another survivor also shared her story. Despite ending a violent relationship, she was still not free of the threats and the intimidation that went with it. She said:

... I'm so glad I left him. But I am still scared when he threatens me at my door ... I am still scared he won't return my children to me safe and well. I am still married to him because he won't sign the divorce papers. I ... feel trapped by him ... I am trapped by the system. It doesn't stop.

These are the words of survivors — their testimony, presented to the royal commission, that of just two among many. This evidence, this testimony, was given anonymously and provided courageously.

These survivors are two of the many voices included in the report. I share them here today because they deserve to be remembered — remembered and recorded in our

Parliament's history to keep us honest and to keep us to account. I also share them because they illustrate the two greatest betrayals of family violence. The victims are abused by the very people that are supposed to love them. And then they are failed by the very system that is meant to help them, a system that does not protect the vulnerable and does not properly punish the guilty. We see it again and again. That is why it was time to change it all; time to address the biggest law and order issue facing our nation, time for a royal commission. The first in our nation's history, the commission was established just over 12 months ago. Its purpose: to investigate how Victoria's response to family violence could be revolutionised, how we could better protect families, how we could keep innocent children safe from harm. It did far more than that, because this process was about finding answers but recognising failures too.

It uncovered secrets. It opened locked doors. It gave victims a voice. It revealed the truth. I would like to thank the commissioners, the Honourable Marcia Neave, Patricia Faulkner and Tony Nicholson, for their hard work and dedication, for showing us how the voices of the vulnerable were routinely ignored, for demonstrating how a culture of silence and silos allowed family violence to persist and pervade, and for making it clear that the efforts of successive governments — our laws and our funding — simply were not good enough. Because the truth is powerful. Now we know where we have fallen down, and now we know what must be fixed.

The commission made 227 recommendations, and I am proud to say that our government has committed to meeting them all. This morning I announced that we will begin to address 65 of the commission's recommendations, including those that must be immediate. Over the next two years \$572 million will go towards making the change that simply cannot wait. We will commit \$152.5 million towards housing, providing support for victims who choose to stay in their own home and providing shelter for those forced to leave.

We will build and redevelop family violence refuges, expand crisis accommodation by 180 units and create up to 130 new social housing homes. Safe at Home programs will also be expanded. If you are in danger, you will have a roof over your head. We will invest \$121.9 million to keep our children safe. Funds will expand the maternal child health program and family services and counselling, and will continue much-needed reform of the child protection system under the Roadmap for Reform process, which is ably led by Minister Mikakos in our government.

We will invest \$103.9 million to expand and improve specialist family violence services to support victims as they escape and begin to build a new life. This means crisis support and counselling will be doubled — that is how much this increase represents. The royal commission found that there had been a 300 per cent increase in the five years to the end of 2014 in the number of people presenting for care but just a 10 per cent funding increase. This investment — and that is what it is, a profound investment — doubles the total funding for that entire family violence specialist service sector, a commitment we are proud to make.

These services are seeing unprecedented demand, and this is an unprecedented level of support for them and those they seek to protect and help. We will dedicate \$61 million to changing the culture that perpetuates family violence in our community, including expanding our respectful relationships program and introducing Victoria's first gender equality strategy, a very important piece of policy work that Australia's first Minister for the Prevention of Family Violence, who is also the Minister for Women, Minister Richardson, is leading across our government.

Family violence recognises no limitations in background, in education or in wealth. It is a problem defined by gender, and this can only change if we change our culture too. I have said many times and I again reiterate that bad outcomes for women in Victoria start with bad attitudes towards women here in Victoria. This is a gendered crime, be in no doubt about that, and proper action, reform and innovation with conviction is what is required to change the attitudes of some men to women, where equality is the furthest thing from their consideration.

We will develop a new system for safeguarding and sharing information between what are often disparate services, because the safety of victims should always supersede the privacy of perpetrators.

We will work with Aboriginal communities to address family violence. This is a key point. We will recognise, not just in words but in actions, my conviction and our commitment to making sure that Aboriginal-controlled organisations lead the way in this work, because that is how you deliver in a spirit of and with actions that are about self-determination the best outcomes for Indigenous Victorians.

We will reform the justice system so that it holds perpetrators to account and does not continue to retraumatise or indeed to hurt victims while it purports to provide them with protection.

As recommended by the Luke Batty coronial inquest, \$19 million will be provided for specialist navigators — a new type of family violence caseworker to guide victims through every step of crisis and recovery.

Importantly, we will provide \$15.4 million to achieve enduring reform, because that is what we as a community, as a Parliament and as a government are called to do.

With these funds we will establish an independent monitor to hold the government to account as we progress with the implementation of the commission's recommendations. It will also support our partnership with the Victim Survivors Advisory Council, led ably by Rosie Batty, and we thank her for her leadership and her generosity in giving her time to be a leader amongst those who have lived with and continue to live with family violence. Of course there is the Family Violence Steering Committee, which is made up of representatives of the sector. We need the voices of victims and survivors and of the professionals who support them if we are to overhaul what is a broken system.

The forthcoming budget will go even further, providing Victoria Police and other justice agencies with the resources they need. Let me be clear: the release of the royal commission's report and today's announcement are not everything. Our work does not stop here. The commission's report makes clear the long road ahead of us — all of us. Before the end of this year we will release a 10-year plan for action on the royal commission's recommendations and indeed beyond. This will be a roadmap for the future that gives the sector and those who rely upon it the certainty that has been lacking for so long and a plan that clearly lays out our purpose. It will ensure that this government and the governments that follow are kept honest and accountable in this regard. It will be successive governments that continue this work, because addressing this issue requires vigilance.

While our state's safety net remains full of holes, we will have more to do. While perpetrators continue to evade justice, we will still have more to do. While families and children continue to suffer, we will still have more to do. But today marks a beginning. Now is the time to change it all, because I am convinced that more of the same policy will simply mean more of the same tragedy. I will not accept that, this government will not accept it nor will this Parliament, nor will the vast majority of decent Victorians.

We established the royal commission because we heard the voices of those whose pain we cannot take away. We heard the voices of those who work every day, every hour in every part of the state to provide protection and comfort, dignity and care to those at their most vulnerable. We established the royal commission as a fundamental recognition that we did not have all the answers and that in collective terms we had failed far too many Victorians.

We received the recommendations, and in that spirit we committed to implement each and every one of the 227 recommendations. We make announcements today that represent these \$572 million — the most meaningful contribution to dealing with the tide of family violence in our nation's history. We do it with pride not for ourselves but with pride for those who have so bravely stood up and told their story, because without them there would have been no royal commission. Without them there would have been no \$572 million to keep people — those who are most vulnerable — safe. Without them and their leadership and their amazing dignity in spite of circumstances unimaginable to all of us there would be no reform — reform that will save lives.

I commend the work of the royal commission to all members and all Victorians.

Mr GUY (Leader of the Opposition) — On 12 February 2014 I do not think that anyone could have predicted that the murder of 11-year-old Luke Batty by his father in the town of Tyabb would have been a key catalyst for what we are here to discuss in this Parliament today. Indeed it would have been incomprehensible that on that day the story of his and his mother Rosie's endurance of family violence would become a public story — one that would see Rosie's story being told over and over and give many, many other people, overwhelmingly women, the courage and support to speak out and stand up against family violence.

In the two years and two months since, every state government, the federal government, local government, business, industry groups, all of us are confronting an evil in our society that must stop. Family violence is a scourge on our society, one of the greatest of all time, and it needs to end once and for all. If you love someone, how can you hurt them? If you care for someone, how can you abuse them? If you respect someone, why would you pay the ultimate disrespect to them?

Family violence is not just an issue for those people who it has directly touched — the mothers, kids,

partners — be it physical, emotional, financial or intimidatory abuse. It is a whole-of-society issue. It impacts upon all of us, and it must be confronted and dealt with by the whole of our society. For most of us, we have never seen, never witnessed, never experienced family violence. The term has been one which we have previously thought of as something to do with someone else or a neighbour, or something of generations past, but it is still happening right here in our First World, developed, contemporary nation, and its impacts are affecting all of us.

Family violence is a pattern of behaviour that takes many forms — physical abuse, emotional, psychological, even financial. It comes across all ages, genders, sexual orientations, cultural communities and of course economic demographics. Family violence encompasses a much broader range than simply between intimate partners — elder abuse, adolescent violence against parents, abuse of the disabled by family members and relatives. Intergenerational abuse and trauma, exposure to violence as a child, social and economic exclusion, financial pressures, substance abuse and mental illness are all contributing factors associated with family violence.

The interactions between all of these factors are complex. There is no one cause of family violence, and therefore there is no single thing that can be addressed, but there is the recognition of these issues as a first and most important step. Indeed the greatest contributor to family violence is a fundamental lack of respect, particularly a lack of respect towards women.

It is still hugely concerning that numerous surveys still show that attitudes towards family violence in Australia — regardless of the nature of the relationship or the gender of the perpetrator and the victim — show that many still believe this violence is not a crime. Sometimes violence is tolerated by the belief that the victims somehow deserve it, or violence is dismissed due to the 'good nature' of the perpetrator. Nothing could be further from the truth. In 2014 in this state there were 68 000 incidents of domestic violence reported to police. That is more than 1300 per week, 187 every day, 8 every hour. It represented an 8 per cent increase on what was then the previous year.

Between 2011 and 2015 family violence incidents reported to Victoria Police increased by nearly 60 per cent: 74 389 affected family members were female, around 18 000 were male and the total offence rate in Victoria was 6.2 per cent per 100 000 people. There has been a 76 per cent increase in reported family violence incidents at which children were present between the years 2009–10 and 2013–14. Overall in Australia 1 in

6 women and 1 in 19 men have experienced violence from a current or former partner. More than 60 women have been killed by their current or former partners so far this year. What is truly shocking is that family violence is the leading cause of ill health and premature death in women under 45.

I welcome the focus on this issue by numerous state governments and the federal government. The fact that governments across this nation, regardless of political colour, are facing up to what is needed to combat this great shame is a strong, positive step forward for our nation. I congratulate the state government for its focus on combating family violence and the work particularly of the Minister for the Prevention of Family Violence in her announcements.

Rarely do both sides of politics come together to praise, acknowledge and stand together to deal with great social scourges. Let me today say that I want all Victorians to know that as the Leader of the Opposition I offer my hand to work with the government and support it in combating family violence, not just for today or for tomorrow but for future generations. No Victorian of this generation or beyond should ever have to endure family violence, and if a united effort is required to combat this issue, then let that united hand exist. There will always be discussion — debate, even — over the way in which it is best to go about doing some of the things certainly from the royal commission's report, whether it is from political parties or external groups, but the core belief and principle to combat this scourge remains and will not dissipate.

I want to acknowledge the large commitment — half a billion dollars — made by the government this morning, particularly for shelter for women and children. That is needed, and that is important. Money will be needed to implement many of the recommendations, and it is positive to see the coming budget focus on some of those important requirements. In the government I was a part of, funding for family violence initiatives also doubled, rising to record levels of around \$110 million per annum with commitments over and above to \$150 million per annum. Like the actions of the current government, four key areas were identified for action. They are still as important today as they were two, three, four or five years ago. They are prevention — stopping violence against women and children in our community; safety — protecting women and children; accountability — holding perpetrators to account; and driving change — developing statewide behaviour change campaigns.

Programs centred around supporting the victims of family violence and boosting prevention efforts are also

still needed. They are victim outreach, support services and crisis accommodation; support to teachers and educators to respond to students affected by violence, and an education pilot for children; performance frameworks for research, evaluation and monitoring targets; flexible post-crisis responses to families with children who have experienced family violence; expanding the scope of multidisciplinary centres to include family violence; a statewide behaviour change program and programs to reduce reoffending; and specific, individualised responses particularly for Indigenous communities.

So when people ask, 'How does family violence impact the whole state, how does it impact all of us?', aside from those devastating health, social and emotional impacts, it is clearly having a major financial impact upon our state as well. It is difficult to segment this issue, but what we do know about certain locations are the following.

In regional Victoria, family violence is both at a higher rate and much less likely to be reported in regional centres in Victoria than it is in Melbourne. Victims of family violence may be less likely to access support services, due to both a real or perceived lack of availability and a reluctance for others to get involved in family issues. Risk factors that contribute to family violence, such as unemployment, financial stress or substance abuse, are particularly high in these areas. Support services may not be specialised or culturally appropriate and may have long response times.

In our Indigenous communities, Indigenous Victorians are 6.5 times more likely to report being a victim of family violence. Frighteningly Indigenous women are 5 times more likely to be the victims of family violence-related homicide and 34 times more likely to be hospitalised as a result of family violence than non-Indigenous women. Under-reporting of family violence is more common in Indigenous communities, so sadly these figures could possibly be much higher. Individualised responses for Indigenous women are going to be needed as an important focus of the responses to the royal commission. In many Indigenous communities tackling this issue needs to be of a highly individualised nature. I am hoping that some support services to match these critical demands can be boosted.

In our many and varied multicultural communities, women may be at greater risk of experiencing family violence and be less likely to both report the violence and be able to access support services. Nearly a quarter of all calls to the Safe Steps family violence helpline are from women of a non-English-speaking

background. Language barriers, including the knowledge that family violence is a crime, can be a significant impediment to accessing services.

In some recent immigrant communities in our state violence may be tolerated as a cultural norm or not reported due to fear of deportation or associated cultural stigmas. Many recent immigrants may have experienced significant trauma, and this may contribute to perpetrating family violence or not reporting experiencing it. Figures show that young women from multicultural communities may be more likely to be victims of family violence from those within their immediate family than necessarily an intimate partner.

These facts show why localised programs for culturally and linguistically diverse communities, particularly focusing on those with disabilities from those communities, will be essential. As a former multicultural affairs minister, I know that in some of those communities it is a more confronting topic than we could possibly imagine. What happens in one's home is considered exceptionally private business in many communities. To seek to change attitudes in those spaces will be hard and it will be challenging, but it will be essentially important.

Same-sex couples are often a forgotten part of this discussion. Family violence in same-sex communities occurs at similar rates as in heterosexual relationships, but these communities are often not considered in policy and responses. One study found that 41 per cent of male respondents and 28 per cent of female respondents in same-sex relationships had experienced physical violence. Same-sex communities have specific barriers in seeking help from support services, including fear of stigma and discrimination.

Importantly we should not forget the elderly. Elder abuse is a little-recognised form of family violence, experienced by older people from their partners or their children or other relatives, and particularly taking the form of physical, financial or emotional abuse. Up to 1 in 20 older people experience elder abuse; for half of them that abuse might be in the form of financial abuse. Elder abuse has additional specific risk factors that may not be accounted for in general risk factors for family violence — accumulation of assets, reduced physical and financial independence, or the death of a partner. Our elders deserve love and care in their twilight years, not suffering forms of abuse or intimidation.

The impacts on anyone who has been a victim are profound. Women who have experienced family abuse are more likely to have a disrupted work history and to be employed in part-time or casual work. They are

therefore more likely to have lower incomes and total wealth and reduced superannuation. The pattern of behaviour of physical and financial abuse can leave the victim financially dependent on their abuser, which makes it harder to extricate themselves from that relationship. For victims who do leave their abusive partners, the cost of accommodation, crisis support, legal fees, child support and other bills is often beyond their capacity to pay. Attempts to leave abusive intimate partners is associated with an escalation, particularly in physical violence, which in extreme cases has resulted in the death of the victim.

Violence can be predicated on violence. Children who witness or experience family violence are more likely to become perpetrators themselves. Children who are not the intended victim of family violence nevertheless experience its effects: direct or indirect physical harm, depression, anxiety, low self-esteem, impaired cognitive functioning and mood problems. Sadly, children can be the pawns of family violence perpetrators, often through the family law system.

This issue is one that will not go away until this scourge has ended. The royal commission report is detailed and its findings are confronting, but it has been necessary. Thanks must go to all of those who have participated — to all of those victims who have been strong enough to give evidence, to those who still find it hard to talk about their experiences and who have found solace in the fact that this issue has finally been brought into the open and confronted by our society.

The recommendations are broad and varied. There are over 200 of them. Again let me say the Liberal and National parties stand united with the government and other parties in this Parliament to confront and end the scourge of family violence. There are many recommendations to mention, but can I briefly say that the first key point is to send that strong and unequivocal message that family violence is never acceptable and is a serious crime.

More police resources are needed to enforce the law and to provide support for victims on the front line. It is going to be a key element in any response to the royal commission's findings. Safe housing for victims to ensure those leaving violent homes are not forced into a cycle of homelessness is strongly supported. We strongly support the recommendation of additional specialist investigative and intelligence police resources as well as random case reviews, and we welcome the recommendations to provide more support for victims in the court process, including safe waiting rooms and the capacity for victims to give remote evidence.

The leading cause of premature death in women under 45 in our state today is domestic violence. That is inexcusable, that is confronting, and that is a fact. All of us, particularly men, have a leading role to play in changing this disgraceful situation. Today I again commit myself, my party and my coalition to working with the government and all parties in this Parliament to end the great social scourge of family violence. Money will be needed, police numbers are critical, support services will have to increase, and outreach and education provisions will need support and resources, but ending family violence begins first and foremost in our homes. It is about respect. If you love someone — your wife, your partner, your child — then you certainly do not hurt them. I commend the motion to the house.

Ms RICHARDSON (Minister for the Prevention of Family Violence) — In rising to speak to this motion before the house I would like to begin by acknowledging the traditional owners of the land on which we are standing today and thank them in particular for their leadership over the past 12 months in addressing the harm of family violence in Aboriginal communities. I am proud that Muriel Bamblett joined Rosie Batty and others in addressing Parliament last year to share their experiences. The best way to honour the legacy of the people on whose land we meet is to remain committed to working in sincere and lasting partnerships with them and to recognise the critically important role Aboriginal lead organisations can and do play.

I would also like to thank the Premier. Two weeks ago the Parliament received the report of the Royal Commission into Family Violence. This report was only made possible because of him and because he could see that people were suffering under a system of family violence that had become its own form of abuse. He did not turn away or make excuses or fiddle with it or repair it at the edges; he determined to change it.

I take this opportunity to also acknowledge the commissioners, Marcia Neave, Patricia Faulkner and Tony Nicholson, for their months of review of a failing system. Our job as parliamentarians is to shape the 227 recommendations they have made into something real and lasting.

I want to take a moment to also thank the hundreds of victims and survivors who spoke personally with the royal commission about their experiences. For decades the rallying cry of the women's movement was: end the silence on domestic violence. But the truth is that it took victims, most particularly Rosie Batty, to grab our collective attention and to talk about what Ken Lay

rightly described as Australia's dirty little secret. It saddened me that so many of the victims' submissions to the royal commission had to be made anonymously, but I understand why. For too many years it was safer for victims to stay silent, and for too many years we often blamed them for the situation they were in. The royal commission was for these people. It was not for the lawyers, the academics or the experts; it was for all victims of family violence and in particular for those we have for decades sought to silence. Silence never kept us safe, and it did not keep our children safe. Now at last the silence is over.

Without a doubt we are at one of those critical moments in Victoria's history. We have set ourselves the challenge of doing more — in fact, of doing all that we can — to reduce the appalling rates of family violence in our state. The royal commission was a significant step to doing just that; however, we know there is more work to be done. Today we take our next significant step — an urgent investment into the areas that cannot wait and the largest boost in the history of our state to better respond to the harm of family violence.

To put this in context, the last time a Victorian government spoke of the biggest boost to family violence response was in October 2014. It was indeed a significant investment — \$150 million over five years. Today we have announced a package of \$572 million over two years. I raise this not as a reflection on the former government — far from it. The truth is that successive governments, Labor and Liberal, have failed to properly invest in reducing the harm of family violence. But those days are behind us. It is not through a lack of good intention from either side or the chamber. It was pleasing to hear the Leader of the Opposition today reaffirm his commitment to bipartisan support to meet the challenge of the harm of family violence. I very much welcome his statements today.

As the Premier highlighted, significant investments are being made in specialist family violence services, in housing, in child protection and in ensuring better services for high-risk groups and unique cohorts, including victims from culturally and linguistically diverse (CALD) backgrounds and Aboriginal victims.

Importantly, we also know that for too long perpetrators of violence have been lost from view, and we need to do more to hold them to account and put in place measures that result in behaviour change. Victoria's family violence system has been patched together with bandaid solutions for many years. We can no longer just slap on a little funding ointment and hope for the best. This is not the way we should be treating this problem. We need to start addressing family violence as

the disease that it is — not just spending on bandages to cover up the bruising but investing deeply in the search for prevention and cures. This will mean confronting the uncomfortable truth about the rates of violence as well as its causes. Last year, 37 Victorian women died as a result of family violence-related homicide. Clearly the gendered nature of this crime can no longer be ignored.

However, to turn these horrendous outcomes around we will need to address those fundamental drivers of the rates of violence against women: those poor attitudes and poor outcomes for women which continue to define so many of the relationships that end in violence. This is why today we are also announcing a record \$61 million investment in the prevention of family violence, including increased funding in our respectful relationships program and, in a first for Victoria, a gender equity strategy.

We need Victorians, wherever they learn, work and play, to understand the causes of family violence and work together to stop it. Changing attitudes will take time and will require a focus that transcends budget and election cycles. Moreover, the royal commission report clearly highlights that the existing government structures have consistently failed women and children over very many decades. The siloing of our response has been particularly damaging in the areas of risk assessment and in our response to high-risk groups such as victims from CALD backgrounds, Aboriginal victims, pregnant women, women with a disability and women living in rural and regional communities.

Systemic failure demands systemic reform, and that is why today we are also investing in some of the new and key components of a reformed family violence system, including \$32 million for better information sharing and risk assessment, \$19 million for family violence navigators as recommended in the Luke Batty coronial inquest, \$15 million to begin work on a new coordinating agency to monitor our progress implementing the royal commission's recommendations and \$5 million to begin the rollout of the new safety and support hubs recommended by the royal commission, as well as embedding our new family violence index. And along the way we will be working with advocates, service providers and, most importantly, victims to ensure that we get it right.

The funding announced today is a boost in investment over two years, but we know that the outcomes we hope to see in preventing family violence will not be achieved in a year or two. The royal commission has called for a 10-year action plan with measurable goals and accountability back to this Parliament. We should

not be frightened by what is demanded of all of us — every Victorian. The heartening thing is that so many people here in Victoria are ready for these changes.

I started my remarks today with an acknowledgement of our Aboriginal leaders, and I would like to finish by highlighting some of the key cultural lessons that our own Aboriginal community brings to this important challenge. It is certainly true to say that Aboriginal victims are disproportionately represented in the toll of family violence and in out-of-home care rates. Yet the more I have studied its response to family violence, the more I have appreciated just how far ahead the Aboriginal community is here in Victoria, and largely that is because at the heart of its response is a unique and remarkable culture. This cultural response, first and foremost, sees time not in election cycles or budget cycles but in generations — something the royal commission has called on us to do.

Aboriginal people regard the family as a whole and do not lose sight of the perpetrator or the child in delivering their response to family violence — something, again, that the royal commission has called on us to do. They see the family sitting within a wider community and use the levers of elders and significant leaders within that community to drive better outcomes in vulnerable families — again something the royal commission has called on us to do. Finally, with conflict resolution techniques their ideas and responses are not grounded in Western legal adversarial responses but in older, more people-focussed traditions — again, a need highlighted in the royal commission report. In short, world's best practice can be found right here amongst our Aboriginal-led, community-based services, and we are not only going to invest in these innovative responses but we are also going to learn from them.

I know every single member of this house, from all shades of politics, wants to get it right and end the harm of family violence. We certainly owe it to victims to do just that, but we also owe it to ourselves. It will take time, but we have successfully changed outcomes on our roads and in our workplaces, in large part by changing attitudes. We have been regarded as world leaders in this regard. We need to be world leaders once again. I am optimistic that we can be and that we will be, and indeed we will change outcomes for women and children in this state.

Mr WALSH (Murray Plains) — I rise to join the Premier, the Leader of the Opposition and particularly the Minister for the Prevention of Family Violence in responding to the motion to take note of the Royal Commission into Family Violence report before the

house today. I start by congratulating the minister on her work and what she has achieved. We all come to this place to make the world a better place for all Victorians, and I think the minister can be very proud of what she has done through this royal commission. I congratulate her. No Victorian should live in fear or grow up in an abusive household, and I think that is something on which we are united across the chamber in making that a reality here in Victoria. This royal commission is a big step forward in doing that.

The royal commission was given some specific tasks, including finding the most effective ways to prevent family violence and improve early intervention so as to identify and protect those at risk — to support victims, in particular — particularly women and children, and to address the impact of violence. Another task was to make perpetrators more accountable. As I said in my response when Rosie Batty spoke to this house, I believe perpetrators are not only those who actually commit family violence but also those who ignore family violence and do not report it. They are just as guilty as the perpetrators themselves.

Other tasks were to develop and refine systematic responses to family violence, including in the legal system and by police, corrections, child protection and legal and family violence support services; to better coordinate community and government responses to family violence; and to evaluate the measure of success of the strategies, frameworks, policies, programs and services that are introduced to put a stop to family violence. The commission was tasked to make practical recommendations to achieve those outcomes, and there are 227 recommendations in the report.

There is a long journey ahead, but the government has already started that journey by making some significant announcements today. We congratulate it on those announcements to start that journey. If we look at the most common form of family violence, it is intimate partner violence committed by a man against their current or former partner. One of the sickening statistics about this is that a woman dies at the hands of a current or former partner almost every week somewhere in Australia. As a male, that statistic makes me feel absolutely sick — that our gender in the human population would commit those sorts of horrendous crimes here in Victoria. As has been said by previous speakers, I commit myself and The Nationals to making sure we do everything we can to work across the chamber and, in future times when we are on the other side of the chamber, to make sure that the royal commission delivers real outcomes, particularly for women and children here in Victoria.

The most common forms of violence — the causes of family violence are complex — include gender inequity and community attitudes towards women. I think that is gradually improving, but there is obviously a lot more to be done. It is about, as the Leader of the Opposition said, respect for women in the future. We all have mothers, sisters, grandmas and daughters. We have respect for them, and we should make sure that everyone has respect for those of the female gender in the population here in Victoria.

Contributing factors may include financial pressure, alcohol and drug abuse, mental illness or social and economic exclusion. They may be the causes, but they are not excused, and we need to be very clear that they are not excuses for people to commit family violence. We need to be very sure also that the perpetrators take responsibility for their own behaviour and that victims are not blamed for the abuse that is perpetrated on them. That was part of a culture that should be well and truly gone in this state. We do not want to see those things happen ever again in the future.

The commission's conclusions are interesting as well. In congratulating the minister for what she has achieved it is also very important to acknowledge what has been done in the past. The commission concluded that Victoria has been at the forefront of family violence policy development and reform in Australia for the past 15 years, and both sides of politics can take some credit for that happening. That has led the commonwealth government, other states and international governments to recognise the fact that we have done that. It has been done with the combined efforts of a lot of people. We had Rosie Batty speak to the house; she is someone who has really led the charge in the last few years. Ken Lay, when he was the Chief Commissioner of Police, really stepped up to the plate and made a significant difference. He then went on to chair the commonwealth task force around this, so he is someone who has made a significant contribution.

But I suppose the ones I would like to acknowledge today are all the silent people, particularly the victims, who over time have continually raised this issue and probably put their personal safety on the line a number of times to report perpetrators and particularly to support other victims. I think it is important to acknowledge those unknown people, who have made a huge contribution to the outcomes we are seeing here today.

I also acknowledge the former minister, Mary Wooldridge, a member for Eastern Metropolitan Region in the other place, for the work she did that led to some of the changes that have already been put in

place and that the royal commission report builds on. Mary can be very proud of the work she undertook when she was the minister.

In my contribution I would like to focus on a couple of the recommendations in the report from a country perspective, because there are some significant challenges for country people around distance and the time it takes to travel. I highlight recommendation 8 and the consequential recommendations further in the report around the court system. It may be the case in the city, but I know in the country that a lot of courthouses are not well structured and set up for domestic violence cases to be heard.

The classic example of that would be the Echuca court, where there is a small waiting room. There is one entrance and exit that is shared with the main office of the local council. When I talk to police and lawyers there they say it is a hotbed of trouble waiting to happen. You have the perpetrators, you have the victims and you have the families all in a very confined space, sitting sometimes for quite a length of time waiting for a court case, and that leads to trouble.

In relation to implementing the recommendations around courts, I encourage the government to implement an investment strategy to make sure that the perpetrator and the victim can be separated as they come into court. That will make it a lot easier, particularly for the victims and their families as they go through that process.

I would also like to touch briefly on recommendation 12 around the new approach and the support and safety hubs. There is a request in the report from the royal commission that the safety and support hubs be set up within the next 12 months. The idea, as I understand it from the report, is that there be one hub set up in each of the 17 districts of the Department of Health and Human Services regions in Victoria. Again, one of the challenges for country Victoria is the distances around this. I know the Premier and the minister will be very well aware of this, but what we do not want to find for country victims is that an 1800 number is actually the Department of Health and Human Services safety hub. We need to make sure people have access to services, whether it is outsourced to some of the other community service delivery organisations or however it is done, but it is important they have access to those services quickly so that if there is an issue, they are not waiting 24 hours for a phone call back, or those sorts of things. I acknowledge the nods from the government about those issues.

In concluding, this is another opportunity for this house to be seen at its best. We saw it with the *Betrayal of Trust* report in the previous Parliament. We are now seeing it with the royal commission report here, where politics are put aside and the best is done for Victorians. Again I congratulate the minister on that. But I particularly come back to the issue of acknowledging all those who have worked over the decades — and quite often they were victims of family violence — with the relevant authorities and whose efforts and combined support for each other have led to the sorts of outcomes we are seeing now. I acknowledge what was done before the royal commission report and also those who actually appeared before the royal commission to make sure their stories were heard. I acknowledge the minister's work in ensuring that a lot of that evidence was given in private, and I can understand why that was done. I acknowledge them for what they did.

As I said, Rosie Batty and the tragedy of her life with the death of Luke gave the extra impetus for society and for parliaments right across Australia, including here in Victoria, to do something about this. I again put on the record the contribution that Ken Lay made as Chief Commissioner of Police. He really led the charge on this and can be very proud of what he contributed over that time. I commend the motion to the house and, as has already been said, look forward to working with the government to make sure there are real outcomes from this, and particularly, from my point of view and from my party's point of view, real outcomes for people in country Victoria.

Mr MERLINO (Minister for Education) — I am proud to rise in support of this motion. I commend the leadership of the Premier, the leadership of the Minister for the Prevention of Family Violence, the commissioners and, most importantly, those brave victims who have spoken in this place and throughout the hearings of the royal commission.

It is a significant report with 227 recommendations. In my contribution I want to focus on one recommendation in particular, that being respectful relationships. As is appropriate, in the report and recommendations, and particularly in our immediate response, we will be focusing on those things we need to do immediately — housing, child protection, crisis support and counselling. I also want to speak on the issue of prevention and engaging with our young people, because if we are going to make a fundamental change, it is by engaging with kids in kindergartens, kids in primary schools and kids in secondary schools. A good education teaches students how to be resilient, how to respect others and how to build healthy and

respectful relationships. These are critical to addressing family violence.

In November of last year in this chamber we heard from Rosie Batty, Chief Commissioner Graham Ashton, Kristy McKellar and others in a special sitting to hear from family violence survivors and first responders. It was a day that we will never forget. I spoke then about my conflicting emotions of despair and hope: despair at the heart-wrenching stories, like those of Kristy, laid out before us; and hope that their courage, that Kristy's courage and Rosie's courage and others', has thrown this issue into the light. It is an issue that we can no longer ignore or silently tolerate. I hoped then and I know now that change is possible.

Domestic or family violence is a blight on modern-day Australia and the Victorian community. For too long we as a society have tolerated this conduct. We have turned a blind eye to the mental and physical abuse that has beset our community. Everyone has a right to feel safe at home, especially those we love. It is why we as a government have made the prevention and response to family violence a priority since day one, and as the Premier has said, family violence is the biggest law and order challenge of our state. That is why the government has invested time, money and expertise through the Royal Commission into Family Violence to understand the scope of the problem and how it is currently being addressed and, most importantly, to come up with ways we can better approach our action in this area.

The royal commission was tasked with providing recommendations that will influence generational change, as the minister said, to prevent and respond to family violence. As Minister for Education I want to ensure that any conversation about better dealing with family violence is ensuring that we are considering ways to prevent the development of those attitudes and stereotypes that mean that young Victorians see violence as an option. There is strong evidence that respectful relationships education plays an important role in equipping students with the knowledge and skills to build healthy relationships from a young age. We need to ensure that we are aiming resources at prevention and education as well as support to victims after the fact.

The commonwealth government's report entitled *Reducing violence against women and their children* indicates that, beyond family members, teachers have the highest level of influence over young people between the ages of 10 and 14. It is why we announced the introduction of respectful relationships education into the school curriculum from 2016 to support

students to learn how to build healthy relationships, to understand global cultures, ethics and traditions, and to prevent family violence. Respectful relationships education will be included in the curriculum from prep through to year 10 from next year. It will focus on challenging negative attitudes such as prejudice, discrimination and harassment that can lead to violence, most often against women.

Our education state package announced last year provided over \$21 million to support teachers in government schools to implement the new Victorian curriculum, including respectful relationships education. That funding will provide training for school leadership teams on the new curriculum, planning time for teachers to implement the new curriculum as well as professional development.

Today's announcement is the vital next step for the further embedding of respectful relationships in our schools. The Andrews government announced today that in this year's budget we will be investing an additional almost \$22 million to significantly strengthen the delivery of a respectful relationships program across Victorian schools and early years services. This funding boost will help us deliver on the royal commission's recommendation to take a whole-of-school approach to supporting respectful relationships — from prep right through to year 12.

The Labor government introduced respectful relationships into the school curriculum in 2016 and, with the investment announced today, is expanding the program to focus on teaching practices, culture and partnerships with the community, and it is part of our \$572 million initial response. In the first two years this funding will deliver training and support for around 120 selected mentor lighthouse schools to champion the program and drive positive change in their own and other schools; professional learning for thousands of primary and secondary teachers to help them teach the respectful relationships program; dedicated health officers in each of the Department of Education and Training's local areas to support schools in responding to family violence and making connections with relevant services in the community; and professional learning for up to 4000 early childhood professionals around respectful relationships and family violence prevention.

By having this program in Victorian schools and kindergartens our students will learn from a very young age that the best relationships are respectful ones. I am confident that the new respectful relationships component of the new Victorian curriculum will help students build healthy relationships and challenge

negative attitudes that can lead to unacceptable behaviour and family violence.

We know that there is an expectation on our schools, and our teachers play many roles: teachers, counsellors, nurses, managers and the list goes on. We knew this when the government committed to making Victoria the education state, and we know that we will not get there without investing in support for our schools. So beyond the respectful relationships curriculum, the support that we announced last September and the additional almost \$22 million announced today, we have changed the way that our regions are structured. We made that connection. We cannot act in silos within government. We need to make those much better connections between the Department of Health and Human Services and the Department of Education and Training, so additional staff in our regions will be organised within the 17 areas so that those different parts of government talk to each other, forming multidisciplinary teams dedicated to supporting small improvement and strong child and learner outcomes.

Those multidisciplinary teams may contain, for example, allied health workforce, youth workers, psychologists, curriculum experts, Koori education workforce and primary to secondary transition officers, and importantly they will work across government in linking services and building partnerships with health, justice and human services. The new region and area structure was implemented from 1 March this year.

I want to conclude with a comment from a primary school teacher called Pam. I am confident and I am hopeful that we can make a difference, and I am confident because I can see the change in attitude and I can see the willingness to make a difference. I am going to leave you with a quote from primary school teacher Pam, who wrote to me about the rollout of the respectful relationships curriculum. She wrote:

I am an educator at a primary school and every day confront conflict and acts of physical and verbal violence occurring between children as young as five.

Our schools can help end the family violence epidemic by teaching young people healthy relationship skills and by making sure that as workplaces and public institutions they are modelling respectful relationships and gender equality in everything they do for their students and the wider community.

Our young people are our future and deserve to be learning about their role in violence prevention and respect and equality through their education.

I commend the work of the royal commission. I look forward as a member of this government, and particularly as Minister for Education, to implementing

the recommendations around respectful relationships and furthering the work that we can do around the prevention of family violence. I want to conclude by again acknowledging and thanking the minister and the Premier for their leadership on this most vital issue.

Ms SANDELL (Melbourne) — I am honoured to speak on the report of the Royal Commission into Family Violence, which was tabled on 30 March. It is the first of its kind in Australia, and for that I want to acknowledge the Victorian government for commissioning it. Thank you. Thank you for listening to the voices of the survivors, the families of the victims, the people working in the sector and the people advocating for change. As the Minister for the Prevention of Family Violence said, too many governments for too long have said, ‘Yes, we need to do something about family violence’, but have not actually followed up those words with actions, and it is so heartening to see that that might be starting to change.

I have already spoken in this chamber about my personal experience of this issue and of the abuse suffered by a very close friend of mine at the hands of her partner. In fact during the responses to Rosie Batty’s address to the Parliament, we heard many people talk about their personal experiences of family violence. It was incredibly sad to see that so many people in this chamber — indeed almost everyone in Victoria — had had some kind of firsthand experience of this issue, and that is precisely why we need to do more. We have heard a lot of personal experiences and stories already, so today I will focus more on the outcomes of the report.

I acknowledge the government for its commitment to implement all of the commission’s recommendations before they were written, before they were published and before the government had seen them. Effectively the commission’s recommendations were not just recommendations but government policy. The government has outsourced its policy in this area to an independent commission led by the Honourable Marcia Neave and her two deputies, Patricia Faulkner and Tony Nicholson, both of whom have led major community service organisations. I really want to commend the commission and all of those involved for their very hard work and of course all of the survivors, the families of victims, the advocates and the service providers who were brave enough to stand up and give evidence and testimony and talk about their experiences. It cannot have been an easy thing to do.

We now have a report with 227 recommendations, many of which have time lines, and the government has

made a very clear promise that it will implement those recommendations and meet those time lines. I want to join the Leader of the Opposition in saying that we have a unity ticket here. The Greens want to do everything that we can to support the government to implement these promises and change the situation for the better.

I want to make some comments on the report. It is of course a very substantial document, informed by the very best research, the very best evidence and the very best practice across a huge variety of fields. It does cover many different types of violence between family members. It makes detailed findings on the way children and young people experience violence in the family, on adolescents' use of violence against family members and on the financial, emotional and physical abuse of older people by family members. It also reports on issues specific to particular groups of people.

As we know, different groups in society experience family violence in different ways, including Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse communities, religious and faith-based communities, people in LGBTIQ relationships, people with disabilities, male victims, people in rural, regional and remote communities, women in prison and women working in the sex industry. So it was quite a comprehensive inquiry. Each of these groups do experience family violence in quite specific ways, and the royal commission really benefited, I believe, from the quite specialised submissions which addressed family violence in all these different contexts.

For instance, people in LGBTIQ relationships experience family violence at similar rates to women in heterosexual relationships. They also suffer a specific type of violence, particularly homophobic violence from other family members. However, they are often turned away from frontline services because these services are mainly set up to help women in violent heterosexual relationships. As the report makes clear, there are many reasons for this, including the specifics of particular funding arrangements, the fact that many services are provided by faith-based providers and also just the lack of information and training available to services about the way that LGBTIQ people experience family violence. The lack of specific and specialised support for these people is just one of the many gaps that must urgently be addressed, and the report identifies a number of these gaps.

The report also addresses issues involving policing, the courts, the intersection with the family law system and the health system, financial issues, workplace issues

and where the data gaps are. It makes some really bold recommendations, which have been outlined by other speakers and which the Greens support. As has also been mentioned by previous speakers, throughout its more than 2000 pages this report does emphasise the fact that overwhelmingly the majority of victims of the most serious kind of intimate partner violence are women, that overwhelmingly the perpetrators are men, that family violence is a product of a lack of respect for women and that this must change.

The report is an excellent document, and we wholeheartedly commend its recommendations. I want to address just a couple of the specific issues where there still may be gaps that we need to focus on. In particular I want to talk about housing. The Council to Homeless Persons has lamented the fact that the royal commission did not go a little bit further in making some bold recommendations about housing and homelessness. The commission did recommend that the housing shortage be referred to a new family violence housing assistance implementation task force, and I do see that there are some commitments and announcements today that I will talk about in a moment.

There were 129 agencies that called on the commission to recommend an overarching affordable housing strategy to expand the availability of housing to lower income households, but really the main recommendation we see from the commission is to refer these to another task force. I sincerely hope that this will not put housing in the too-hard basket, because time and time again I hear from homelessness services, women's services and affordable housing providers that they are seeing more and more people coming to access their services because of family violence. Time and time again I have met women, some of whom come to my office door in desperation, who find themselves homeless after suffering family violence, who are unable to find a place to stay and who mention that there are over 30 000 applications on the public housing waiting list.

The Council to Homeless Persons CEO, Jenny Smith, has said that the lack of strong recommendations for housing will further delay delivery of housing responses to women who need housing urgently. I note that on Sunday there was a story in the *Sunday Age* in which the Minister for Housing, Disability and Ageing suggested that the government might use the empty east-west toll road properties as housing for people fleeing family violence — the Greens have been calling for these houses to be put on the public housing register for over a year — but it was not clear to me from that story whether this is a promise from the government or

just a thought bubble. These properties do need to be used for public housing. In fact we need so much more investment in public housing both for new public housing and to fix our crumbling stock.

Today I saw the announcement of a housing blitz to fund more refuges, crisis accommodation and 130 new social units. I welcome that. It is wonderful that we are now seeing a renewed focus on housing, but the housing waiting list is over 30 000 applications long. One hundred and thirty new social housing properties is great, but I hope it is just a start and that we will actually see a comprehensive affordable housing strategy with much more emphasis on funding for public housing. That is what the sector is crying out for, and it is what women and families fleeing family violence are calling out for.

Another point to mention is that a coalition of stakeholders from the legal sector has pointed out that the report fails to identify community legal centres as frontline services, and that might mean that they miss out on some much-needed additional funding at the same time as those centres are about to lose \$12 million in federal funding. This is despite the fact that a very large and growing proportion of work done by community legal centres involves family violence on behalf of both victims and perpetrators. I hope that that is a gap that will be able to be rectified is well. Some experts on alcohol policy have expressed some disappointment at the lack of specific recommendations in this area. I hope that that is something that will be addressed as well.

But overall, as other speakers have said, the report is excellent. It is comprehensive, it is overdue and so very, very welcomed. The devil will be in the detail of how we actually implement the recommendations. Implementing all of them will be costly, but the fact is the money will need to be found. It is welcomed that the government has come out and committed some of that money today, because as we know, it will be much, much more expensive, not just in financial terms but also in the lives lost and the lives destroyed, not to do everything we can here in Victoria to prevent family violence. Again, I thank the minister and the government for implementing these recommendations.

Mr FOLEY (Minister for Housing, Disability and Ageing) — I rise to take part in this debate. It is a very important debate for this Parliament and indeed for the people of Victoria. I too would like to thank the royal commissioners for their considered and very worthy report. Like the speakers before me, I particularly thank the Premier and the Minister for the Prevention of Family Violence for their enduring support before,

during and after the report of the royal commission. I would seek to restrict my comments in a large part to the portfolio responsibilities that I bring to the wideranging whole-of-government contribution that the government has committed to and for which the commission has set a path for us.

As the report painted, and as we know, the system of family violence responses is broken in this state. This commitment today that the Premier has outlined is the down payment on bringing that system into a workable coordinated whole. Indeed what we know is that the uncoordinated, fragmented and failed system that we had does not provide the early, the integrated and the necessary supports that the victims, survivors and perpetrators of family violence alike all require.

The report made it very clear that the government needs to take a lead on this position. I am pleased to see that in just a few short weeks after the report was tabled the government has taken the first of these steps to make sure that the safety of vulnerable people and people at risk of or who are experiencing family violence is at the forefront of its response. The royal commission found that despite family violence being the main reason that women seek assistance from homelessness support services, these services continue to be poorly equipped to cope with the needs brought about as a result of those women's experiences. As we all know, for some women and children staying at home is simply not an option. They are forced to leave home and find alternative accommodation, which can mean living in motels or caravan parks until a refuge might be available. Even worse, it might mean sleeping in cars with their kids or staying in inappropriate rooming houses — sometimes with their safety at risk — or couch surfing.

We need to start now, and indeed the Premier has outlined the immediate responses to the actions needed to address these problems, to make sure that we see our housing and homelessness response services become a pillar of an overall coordinated system for responding to the family violence challenges that the royal commission has set us. The royal commission's findings, together with the Premier's contribution today, will mark a new beginning for how our community services systems and our housing systems in particular respond. As the Premier has indicated, the Victorian government will respond by implementing all 227 recommendations.

The response will include the implementation of all the housing-specific recommendations, including supporting people to stay safely in their own homes where possible through the Safe at Homes approaches;

working with the housing and community sectors and family violence response specialists to phase out communal refuges and to provide more appropriate and accessible refuge accommodation that takes account of the needs of families and children and the support services that they particularly need; increasing the supply of and removing barriers to crisis accommodation, including for people with disabilities; ensuring that crisis and transitional accommodation options are not seen as the long-term solution for individuals and families in that sector, because of course they are not; and addressing accommodation for the homeless, particularly young homeless people.

The commission also recommended establishing a family violence housing assistance implementation task force to address longer term systemic issues, which would provide appropriate and accessible housing to people in the family violence crisis space. This will be largely through a co-design process that the government has already started to discuss with the sector. In addition to that, there are the reporting mechanisms via which people who experience family violence would, through a series of transparent measures, be accountable through this place to the people of Victoria.

Safe, affordable and secure housing is critical to stabilising the lives of women and children escaping family violence, and it is a major priority for this government. Therefore I was proud to join earlier with the Minister for the Prevention of Family Violence and the Premier in announcing the first contribution to the recommended housing blitz, whereby the government will invest \$152.5 million to better support the victims of family violence.

This safer housing package includes \$25 million to expand accommodation for the homeless, particularly through the 180 new units of crisis housing to be rapidly built; a \$21 million investment in the redevelopment and accessibility of the refuge system that we have indicated, particularly adopting the 'core and cluster' model that the commission pointed to; ramping up rapid housing assistance with a \$50 million investment in up to 130 new social housing dwellings in the first stage of an investment program; a head leasing process, whereby 100 dwellings would be developed as a matter of priority; and a boost to private sector rental assistance of an immediate \$16 million to support access to private rental accommodation for people at risk of becoming homeless through family violence circumstances, including direct market advocacy and brokerage. There is a further \$40 million investment in the Safe at Home package to fund flexible packages to support particular individual needs, again in line with the commission's recommendation to

work in tandem with the private sector rental assistance available to us.

These are big up-front initial investments that we need to make quickly to relieve the immediate pressures in the system. As the Minister for the Prevention of Family Violence and the Premier indicated, by the figures provided to the royal commission through family violence command, 1000 families missed out on access to this kind of immediate housing assistance, and we need to address that as a matter of priority.

But while these are big announcements and are in and of themselves a significant contribution, we do need to do more. That is why we know, particularly after sadly some \$470 million between 2010 and 2014 was cut from the social and public housing system, we need to do more to address that problem, particularly in partnership with the commonwealth government, other levels of government and the community and private sectors. In response to the royal commission's recommendations, we will be immediately establishing the new housing assistance implementation task force as recommended. With the task force, over the coming months we will develop a long-term growth strategy for social housing beyond today's announcements through the promised co-design process recommended by the commission.

These are big investments, and they will require close cooperation and collaboration and a sustained whole-of-government sector development. We will move as part of the wider program for reform of housing and homelessness services. This will include a revitalised partnership across government, across different agencies of government, through delivery agencies and indeed with the private sector development industry. Social housing providers, together with private sector partners, will also be key partners in how we achieve this longer term reform.

The bottom line is that we all have a role to play in the ideas, innovation, delivery and future management of social housing in Victoria. Increasingly we cannot rely on the opportunities traditionally available from the commonwealth, and we need to move under our own combined shared resources available to us. There are no quick fixes, but the reform process is underway. I am sure that we can transform the system we have and drive better outcomes for those in need of a safe, affordable and secure place to live, particularly those people fleeing the scourge of family violence. I look forward to continuing to work as part of the Andrews Labor government in delivering on this once-in-a-generation transformational opportunity.

Ms VICTORIA (Bayswater) — The issue of family violence is not owned by any group. It is not owned by the Parliament, it is not owned by any individual and it is certainly not owned by any party. The issue of family violence is owned by every single Victorian. This is because we are not talking about abstract ideas; we are talking about the lives of real people. Every case reported in the report of the Royal Commission into Family Violence is that of a real person. As people with mothers and fathers, with friends and with loved ones, these victims are our brothers, our sisters, our aunts and uncles and nieces and nephews, our work colleagues and our friends — and sometimes us. Sadly so are the perpetrators of violence. The people that abuse others and commit violence against their own families look and sound like any of us.

Every time a member of our community is a victim of family violence, it diminishes us all, regardless of who that victim is or what form that violence takes. The battle to eliminate family violence from our society is a battle that shows the desire for all Victorians to live in a much better and safer society. This debate is the hallmark of a mature society that is willing to look at itself in the mirror and see the bad as well as the good.

The first step to solving any problem is to acknowledge the existence of the problem, and Victorians have shown in past years that we are able to do that. There were inquiries under the last government that certainly showed our propensity for that. The Royal Commission into Family Violence was constituted in February last year, and its aim was to look at how Victoria's response to family violence could be improved and to provide practical recommendations to stop family violence once and for all. The commission's task was to identify the most effective ways to prevent family violence and improve early intervention so as to identify and protect those at risk; and to support victims, particularly women and children, although not just women and children, and to address the impacts of violence on them. Other aims included making perpetrators accountable; developing and refining systemic responses to family violence; having better coordination around community and government responses to family violence; and evaluating and measuring the success of strategies, frameworks, policies, programs and services.

The very clear message to come out of the royal commission is that no Victorian should have to live in fear or grow up in an abusive home. I thank all of those who opened their hearts and told their stories. A bipartisan approach to dealing with family violence and supporting victims is the best way to see improved outcomes for victims, survivors and perpetrators, and I

thank the Leader of the Opposition for his willingness to commit our side of the house to work hand in hand with all other members of this house to see a great outcome.

The Premier has committed to implementing all 227 recommendations. Implementing those recommendations will require significant additional funding, and I very much welcome the \$572 million that was announced today. Additional funding will, however, also need to be given for playing catch-up by all of the services whose funding was put on hold while the royal commission was conducted — and there are certainly some of those services in my area. They are looking forward to their funding being restored and also increased. There is a huge backlog of people who have waited for more than a year, and a significant and immediate injection of usable funds will need to be given.

The government needs to spell out to the community the details of what the cost of implementing all 227 recommendations, as promised, will be. I would like it to explain what the priorities are for the funding of these 227 recommendations. Sixty-five have been addressed today, but 152 remain unaddressed — important things like the potential for using GPS monitoring and drug and alcohol rehabilitation beds. Survivors and services will be looking for very specific details in these crucial areas. Implementing even just the housing-related recommendations has the potential to blow out existing public housing waiting lists, and it will require a significant injection of funding in this budget to realise the time frames recommended by the commission. Again I thank the minister for putting money on the table, but it is not enough to fulfil all of the recommendations.

As a coalition we understand the financial commitment needed to make progress in this area. When we were in government we provided significantly more police resources, tripling the number of police family violence response units. We introduced legislation to enable tougher laws to increase perpetrator accountability. We established a coordinated approach across multiple portfolios and, in a Victorian first, established a ministerial council for family violence, led by the Premier and supported by all the key ministers. Over four years we doubled the output in the area of family violence. Our initiatives went from \$70 million a year to over \$110 million and then \$140 million a year, something we were very proud of. I understand the significant commitment to investment that has been made today, and I am grateful to the minister and the Premier for taking it that step further.

Every cent that is spent in this area can only lead to better outcomes. The current statistics say that 1 in 6 women and 1 in 19 men will be victims of family violence in their lifetimes. Family violence across Victoria increased by 9.2 per cent in 2015. This is atrocious. More police need to be out on the beat, and with the population growing, so should the per capita proportion of police that are available on the front line. I note an *Age* editorial of 21 January last year says:

Premier Daniel Andrews ... has vowed to implement all its recommendations — a brave but admirable commitment at this early stage — but he must eventually follow up with proper funding for its proposals.

Whilst we were in government we had *Victoria's Action Plan to Address Violence against Women and Children 2012–2015*. It addressed prevention, safety, accountability and driving change. These are initiatives and themes that have gone forward in the royal commission, and again I thank the commissioners for their dedication to the outcomes that we have before us now. It cannot have been an easy task listening to the evidence that was given, but I think they have done an admirable job.

We brought in lots of law reform initiatives to make it easier for police to be able to deal with the circumstances. The federal government, which I also want to make mention of, has been doing an amazing job in this area as well. The Victorian royal commission recommendations and the Council of Australian Governments advisory panel recommendations double up in a lot of areas. They say that there is a need for action across a range of areas and that political leaders, businesses, industry and the broader community need to have a collective long-term action plan. That is certainly being addressed. I commend those involved on the fact that there is going to be the third action plan, which is due out in July.

One thing the royal commission has brought to the forefront is those who are more marginalised — Aboriginal communities, the LGBTIQ community and of course men, in this circumstance. Some of the recommendations are incredibly valuable. I hope we learn from them, and I really do hope we fund them adequately. Again I recognise the initiatives announced by the Minister for Aboriginal Affairs and say this is a great step forward, but we also have to take into account what has happened to the Aboriginal community and the Torres Strait Islander community in the past. The government should take their cultural necessities into mind when any progress is made.

I welcome the findings of the royal commission, I welcome the \$572 million in funding announced today

and I eagerly await the state government's detailed plan to show funding levels for each and every recommendation in the budget of 2016–17 and over the forward estimates.

Ms HUTCHINS (Minister for Aboriginal Affairs) — I begin by acknowledging the traditional owners of the land on which we meet and pay my respects to elders past and present. I also thank those Aboriginal Victorian leaders who came to the forefront during the investigations of the Royal Commission into Family Violence and put their voices front and centre of the work done by the royal commission. As a result the recommendations have addressed some of the key issues.

I will focus my attention on Aboriginal family violence and some of the solutions and some of the commitments the government has made in this area. I am so pleased to be here today to be speaking on this, to be part of a government that undertook this work and to be friends with the first Minister for the Prevention of Family Violence, who has done a power of work in this area. I commend the Premier for the work he has done on this. What a fantastic process it has been. Terrible issues have been raised along the way, but there has been a true recognition of what are the systemic problems that come with the complexities of dealing with and preventing family violence in our community. So it is a proud day for us in moving forward and spelling out our financial commitments and our commitments as a government in policy and in taking on board those recommendations from the royal commission and putting them into practice.

Over the last year I have had the pleasure of meeting with many Aboriginal communities. I have seen the strength and pride of Victoria's Aboriginal people in their communities and in their organisations. I have also met with a range of people across regional Victoria, and I have heard many stories around resilience, strength and the richness and importance of identity in Aboriginal culture. It is clear that positive outcomes are achieved when Aboriginal people have their voices listened to and when Aboriginal communities are in charge of outcomes for their own people. Over this journey I have heard of the heartache and damage that family violence is causing in the Aboriginal community, and I want to make it clear, right up-front, that family violence in any form is not part of Aboriginal culture.

Today we have announced family violence funding to further support the Aboriginal community. What can I say? It is so great to see. Already I have had so much feedback from the community to this government in the

form of phone calls, text messages and congratulations on social media. Aboriginal Victorians are at risk of family violence. They will receive better and more culturally appropriate support under the funding that has been announced by this government. The funding forms part of the Labor government's response to the report of the royal commission, and of course we have heard the details of that in the contributions of previous speakers. We know that there will be a focus on new prevention, on early intervention programs and on ensuring Aboriginal children and families facing family violence have the support they need.

Importantly, the reform will be community led, and it will be developed in partnership with Aboriginal people. Funding will ensure that community-led early intervention and prevention initiatives are delivered, that work will begin on the development of a new holistic healing model for Aboriginal people facing family violence which will be developed in partnership with the Aboriginal community, and that all Aboriginal children in out-of-home care have a cultural support plan. There will also be increased capacity for and additional recruitment of Aboriginal kinship and foster carers. This initiative is part of the government's Roadmap for Reform: Strong Families, Safe Children, which the Labor government released today. Finally, additional support will be provided for Aboriginal people to become accredited mentors, mediators and conflict resolution workers. This initiative aims to have Aboriginal community members trained, accredited and supported with the right qualifications so they can support in a culturally appropriate manner their own people who are experiencing family violence matters.

Earlier this year I had the pleasure of meeting with members of the local Aboriginal network in the Wangaratta area. They were so passionate about taking on the issue of family violence in their town. They pleaded with me to have these exact resources put in place in their community. I met with some elders who have spent many years fulfilling these roles as mediators — taking victims of family violence from police stations, getting resources and taking victims into their own homes. Of course that comes naturally as part of the nurturing care that those women in particular provide and in the passion that they have for their own communities, but they have not necessarily been supported in the past to fulfil those roles. One woman in particular emphasised to me that she was getting on in age and could only do this work for so long. She was very keen to train somebody else up and ensure they had the qualifications and the support.

Our funding announcements meet the recommendations of the royal commission's report. I

refer particularly to recommendations 145 and 146, which recommend a continued partnership with Aboriginal communities and adequate funding to Aboriginal community-controlled organisations. Based on evidence heard at the royal commission hearings, there are four policy direction forums the government wants to take in the area of Aboriginal family violence: firstly, acknowledging the complexity of Aboriginal family violence with responses that build cultural resilience and healing; secondly, ensuring that broader service system reforms benefit Aboriginal Victorians and are culturally responsive; thirdly, reducing the flow-on effects of the increased incidence of family violence on the child protection and criminal justice systems — I will touch on more about that; and fourthly, building on the Andrews Labor government's commitment to self-determination in partnership with Aboriginal communities. On behalf of the Aboriginal Victorian community, I want to thank the government for listening to, respecting and including Aboriginal Victorian voices. It is wonderful to see that these proposals are finally being met.

In the Aboriginal community the definition of family violence is broader than the one we see in the mainstream. It is a definition that is framed through a cultural lens. It is situated within a broader context of lateral and community violence, where violence is enacted within and outside of families. In responding to Aboriginal family violence, it is important to acknowledge the tensions between mainstream narratives of family violence, which describe it as a gendered issue, and Aboriginal-specific narratives of family violence. This is something that is quite important for us to acknowledge in breaking through and breaking the cycle of family violence in Aboriginal communities. It requires a strength-based and culturally appropriate suite of responses. Of course we are doing that by focusing on prevention, by providing holistic wraparound services for individuals and the family and by accepting all of the royal commission's recommendations.

To ensure broader service system reforms, Aboriginal Victorians require additional elements going forward, and they include self-determination, culturally safe and accessible services, and community healing, which is extremely important. Unfortunately family violence fuels the over-representation of Aboriginal people in other areas. Family violence is a leading contributor to homelessness among Aboriginal men, women and youth, to poverty, to criminalisation, to incarceration, to mental and physical ill health and to drug and alcohol abuse. Concurrent with the increase in the incidence of family violence in Aboriginal communities has been a massive increase in the numbers of Aboriginal children

in out-of-home care and Aboriginal people in the criminal justice system. By addressing Aboriginal family violence, we will also have an impact on the over-representation of Aboriginal people in these other areas.

Unfortunately the statistics are horrifying. Aboriginal Victorian children are almost 10 times more likely than non-Aboriginal children to be the subject of a child protection order, and they are over 15 times more likely than non-Aboriginal children to be in out-of-home care. Many Aboriginal children are placed in out-of-home care as a result of family violence. Statistics show that about 84 per cent of Aboriginal children in out-of-home care have experienced family violence. Because of the emphasis on keeping families together in Aboriginal communities, children are not being unified with their families and they are staying in care for longer rather than having that connection, that identity, that recognition of the importance of their connection to their communities. Children who are the victims of family violence are being placed in out-of-home care, and some families are not encouraged to maintain that connection, which is so important. Through the Roadmap to Reform, consideration will be given to ensure, where possible, that Aboriginal children are not removed from Aboriginal families. I believe that our approach will do that.

I commend the motion to the house, and I thank those involved in the royal commission — the commissioners and the staff — for all the work they have done.

Mr WELLS (Rowville) — I rise to join the debate on the motion to take note of the report of the Royal Commission into Family Violence. There is no question that family violence is a scourge in our community, and it is the same scourge right across the world. There have been significant advances by Victoria Police over the years, which is a good, positive thing, and I pay great credit to previous chief commissioners Neil Comrie, Christine Nixon and Ken Lay and previous assistant commissioner Reg Baker, all of whom have done a mountain of work in regard to combating family violence.

It is hard to believe that 40 per cent of all assaults take place in the family home. As has been mentioned over and over again, it is hard to believe that a man could hit a woman, someone he is supposed to love and respect. I just cannot fathom it; I cannot understand it. We have a situation where at the end of 2010 there were 37 393 cases reported to Victoria Police, and just five years later, at the end of 2015, that number had increased to 74 000. It doubled in five years.

When you look at the raw numbers, you think, ‘My goodness, that’s just outrageous’, but there is more to it — that is, that Victoria Police has changed the way that it operates and that more women are prepared to come forward, and that is such a good, positive thing. I remember having to release crime stats and people being super critical about an increase in the numbers. But when you break it down, if you are getting women to come forward because they feel confident enough to report it, that is good and positive. We all say that the events should not take place in the first place, but Victoria Police can only act when women have the courage to come forward and report abuse. In Parliament last year Rosie Batty and other people spoke. That was a very moving day, but more importantly they were there to make a difference, and that was such a positive step forward.

I thank the royal commissioners for the work they have done. It is an outstanding report, but what I think is disappointing is that it did not support Clare’s law or implement a similar register. I hope that the minister and the Premier can at least continue to look at Clare’s law and what is happening in the UK, which has been evaluated a number of times, look at what is happening in New South Wales, where they are starting to implement it, and look at the New Zealand experience, because I think it is a really important step, and that is what I want to focus a lot of my time on in my presentation today.

On page 145 of the royal commission report, where it talks about a perpetrator register, it says that:

A register for perpetrators is being considered by other jurisdictions in Australia. The commission is of the view that a perpetrator register scheme should not proceed in Victoria at this time —

and it outlines a number of reasons. One of the reasons is that:

The effect of such a scheme on increasing women’s safety has not been demonstrated.

I question that. It goes further to say:

There has been very limited evaluation of similar schemes, although the UK scheme —

has been evaluated. It talks about the scheme being ‘potentially costly’ and ‘usually limited to those perpetrators who have a criminal history’, but it does acknowledge that ‘this could be changed’.

The point is that I think that the perpetrator register does work well in the UK. The basis of the register is whether women have the right to know about the criminal past of their new partner. Today we live in a

different world — Facebook, dating services, eHarmony, RSVP. People are hooking up on the internet not knowing anything about the past of that particular person. I have to say, as the father of a 19-year-old daughter, I would want to know — because she should know — about the past of a new partner, especially one that she has met on the internet.

When it comes to the protection of our family violence victims, I think that we can learn a lot from the UK. With the introduction of Clare's law in the UK, the domestic violence disclosure scheme now means that police can proactively advise people, mostly women, who are seen to be at risk. That law enables people to be fully informed of relevant police information at hand and allows them to check whether their new partner has a record of violence or an abusive past. Since the implementation it has been reported that 1000 women have escaped abusive or potentially abusive partners as a direct result of the implementation of Clare's law. I think Victoria Police is reasonably supportive of the implementation of Clare's law and is looking at the UK's success.

Clare's law is named after 36-year-old Clare Wood, who was murdered in February 2009 by her ex-boyfriend, whom she met on Facebook. Clare did not know her partner had a history of violence against women. After Clare was murdered her father spearheaded a campaign, which was a 'right to know' campaign, to introduce the new disclosure law. He firmly believed that his daughter would still be alive today had she known about the criminal past of violence of her partner.

The UK experience reveals that, with the growth of the online dating services that are available, people are entering into relationships with absolutely no knowledge of their partner's past. When I was there working with the UK police and sitting in watching the UK police, a live case actually came in. In this particular case a friend of a woman contacted police and said, 'There is something not right about this new partner of my friend'. The police did a check and found that this person had been in prison because of serious violence towards women. They did the investigation. The police assessed the information and decided that the woman needed to know this information. That is what she needed to know: he had been in prison because of violence towards women.

They called the woman in. The woman at the start was reluctant, because she did not know what the police wanted to talk to her about. The police sat the woman down and told her of the criminal past of her new partner. She was obviously shaken. She was very, very

upset and sought counselling about how to end the relationship. That could have gone either way, but she was determined to end the relationship. It was a good outcome and obviously her friends gathered around her to be able to support her in what she was doing.

I know others want to speak, so I would just like to say I think that the royal commission has done an outstanding report. Congratulations to the responsible minister. As I said, I hope that the minister and the Premier are able to take on board my concerns in regard to the implementation of Clare's law, because I think it is that one step further where women have the right to know, and need to know, when they are entering into a new relationship with a new partner.

Ms GRALEY (Narre Warren South) — Who will ever forget Kristy McKellar speaking in this house on 26 November 2015? She said:

The family violence I suffered destroyed my life. I had never known violence could exist in a man before this experience. I was confident, secure and successful, but still I was not immune to this encounter. I became a victim of unspeakable cruelty, suffering extreme and unrelenting forms of violence, intimidation, control and abuse, spanning from physical, verbal, psychological and financial to sexual. Being tormented behind closed doors and having it disguised as love was inhumane. To hold a secret of this kind was soul destroying. I could see no way out, and I thought that this would be my life.

Over a week ago Kristy joined me and members of my community, the Casey-Cardinia community, at a legends footy match for the South East Football Netball League season launch that finished — I coached the winning team — with a vigil for the victims and survivors of family violence. Liz Triffitt, the manager of the league, asked us all — footy players, supporters, men and women, girls and boys, people from all sorts of backgrounds and disparate life experiences — to hold our hands aloft and chant, 'Our community says no to family violence'. It was a stirring moment.

It was also the same week when the Royal Commission into Family Violence handed down its report. I am grateful, like other speakers are, that the royal commission heard the voices of the victims of family violence, the tender and courageous voices of people like Kristy. Sadly some still speak under the title 'Anonymous', and I think that is a very sad indictment of our society.

I join with others in this house in congratulating the Premier, who acknowledged that more of the same policies will only mean more of the same tragedies and who said that we have to do things differently. The Premier has not only committed to and established the

royal commission but has now committed to the 227 recommendations in the report. It is a massive task. The recommendations reflect the scale of the problems that we as a community face.

Today the Premier said that this is a gendered crime. There is no doubt about that. In its report the royal commission says:

There is no doubt that violence against women and children is deeply rooted in power imbalances that are reinforced by gender norms and stereotypes.

But it was a victim who said it best again. At the royal commission she said:

I wish someone had recognised the power divide between him and myself. I wish they'd recognised my depression and anxiety as a deep sense of worthlessness, and fear that had been instilled in me, by him, over years. I wish they'd said, the problem isn't you. It is his behaviour. I wish that I'd been able to protect my children from seeing what he did to me.

That is the task ahead of us. It will require successive governments to commit to the plan that we have and that the royal commission has so well informed. I was very pleased to hear the Leader of the Opposition and other speakers on the other side of the house pledge their support for this large task. The Minister for the Prevention of Family Violence has shown her diligence and her dedication to her task, and today she has said, 'We will do all we can'.

I would like to draw attention particularly to a number of the key recommendations of the royal commission. The findings include, as I have already mentioned, that:

The scale of family violence is significant.

They go on, including referring to intervention order (IVO) breaches:

Over the last five years there has been an 83 per cent increase in police call-outs, 110 per cent increase in police safety notices and 140 per cent increase in IVO breach offences.

I represent the electorate with the highest family violence statistics in the state. I want that to change. To do this, the royal commission has given us a road map. It says:

The family violence system needs to move beyond a crisis response.

We need agencies to work together in a coordinated way. As the royal commission report says:

Getting help should not depend on the particular entry point chosen by the victim.

The government needs to prevent and intervene early in family violence. I was particularly disturbed when I

heard Kristy's story about how she suffered when she was pregnant and a young mother. It is so distressing to hear that we have homes in our state where pregnant women and those often mothering for the first time are being harassed, bullied, kicked and punched by their partners. What should be the happiest moments of their lives can be the worst moments. That has to stop. I represent an electorate where there are lots of young mums in their new homes making a family life and, I imagine, looking to the future with a great deal of hope. Certainly a great deal of commitment has gone into establishing that home and that relationship. It is up to the government to make sure that in those very, very early stages the support services are close by so that women can go to them and know that they will be treated with respect and be given the support they need.

We have to break down the silos in government. The report on family violence is very clear about that, about the need for departments and service agencies to collaborate, to trust each other and to understand what family violence in all its forms looks like. We have to look outward, we have to embrace others and we have to take them into our confidence. But to do that, we have to trust each other and we have to have government departments trusting each other as well.

It is very pleasing to hear today that the government has committed some very substantial amounts of money, with record and historically significant investment. There will be a \$572 million meaningful contribution, as the Premier said earlier, to tackle some of these issues. That includes \$23.9 million to hold family violence perpetrators to account and to support victims as we overhaul our justice system. From hearing the stories of victims about their experience in the courts, that system certainly needs overhauling. There will be \$61 million for family violence prevention, aimed at where Victorians live, work and learn. I am very pleased to be able to say that the Minister for Education, who spoke earlier, talked about how committed he is to making sure that the respectful relationships agenda is extended and empowered so that we protect the next generation. He spoke also about introducing Victoria's first gender equality strategy to help local communities like mine to play their part in confronting the statistics of the crimes that happen just next door, in our neighbour's house.

I am certainly up for this and I certainly think that my community is, but I would like to finish by saying that it is everyone's responsibility. I have heard the refrain before, 'Why doesn't she just leave him and get out of that situation?'. I am very pleased to see that we have made a significant commitment to transition housing and a housing blitz for abuse victims. I truly believe

that women should not be the ones leaving their homes but should be able to stay in them with their families, with their kids being able to go to school and play with their friends. The royal commission is very keen to make sure that the focus is placed on trying to keep women in their homes and protecting them there. The Safe at Home and other measures need to be fully supported to ensure that kids and their mums are safe and can stay in their own homes.

The scale of this issue, the problem and the challenges we face are enormous, but as Rosie Batty said:

We now have leadership from the political parties that we have been looking for for so long. We cannot afford to let the momentum that we are now starting to gain fall off.

I know that in my community we have put up our hands to say no to family violence. Indeed, I have heard the voices of people in this Parliament today say, 'We want to join hands to say no to family violence'. So I certainly hope that with this record investment we can take some huge steps in that direction.

Ms RYAN (Euroa) — I welcome the opportunity to also contribute to debate on this motion to take note of the Royal Commission into Family Violence report. There is no doubt that it is a very extensive report, a significant body of work, and it is impossible in just 10 minutes to do justice to all 227 recommendations. The undertaking has taken more than a year, and I recognise in particular the work of the Minister for the Prevention of Family Violence and also her counterpart, a member for Southern Metropolitan Region in the other place, Georgie Crozier. All political parties and all levels of government have thrown their support behind efforts to address the terrible scourge of family violence. As others have already stated, hundreds of survivors gave evidence to the royal commission but it was the experiences of Rosie Batty and her son Luke which brought these issues so dramatically and tragically into the spotlight.

The commission has stated categorically in its report that family violence against women and children is deeply rooted in power imbalances, reinforced by gender norms and stereotypes. We all have a responsibility to address those imbalances when we see them in our workplaces, in our communities and in our homes, but there are other factors too, as the commission has noted, such as intergenerational abuse and trauma, exposure to violence as a child, social and economic exclusion, financial pressures, drugs and alcohol and mental illness, and addressing these issues requires more than just attitudinal change. Nor should we forget just how far family violence reaches. As many have said, it is not tied to just one socio-economic

group. It affects our Aboriginal and Torres Strait Islander communities, it affects our LGBTI community, particular cultures, particular age demographics and in some cases, although nowhere near as frequently as with women and children, it can affect men.

I welcome the investment that has been announced today by the government. It is a step towards implementing the recommendations of this report. I also note the significant work the former coalition government undertook in this space. I also wish to recognise the commitment given by the Leader of the Opposition and the Leader of The Nationals to continue to work with the Minister for the Prevention of Family Violence to confront this enormous problem. In 2012 the coalition released an action plan called *Everyone has a Responsibility to Act*, which increased government spending to \$90 million a year, and by the time it left office, funding for initiatives to prevent family violence had doubled to \$140 million a year. We also implemented a number of law reforms to improve the effectiveness in particular of intervention orders and employed an additional 1900 police during our term of government, which of course allowed Victoria Police to triple the number of family violence response units. As the member for Rowville noted earlier, that had a significant impact on the reporting of family violence and the crime statistics.

The commission has placed an emphasis on policing, including recommendations to improve the supervision of intervention orders and the introduction of a centralised resourcing model that would see family violence dealt with like road policing. Without additional resources, police are going to struggle to implement those recommendations, and I think there is a risk that other areas of policing will suffer, whether that is road safety, crime prevention or the policing of drug traffickers. It is a cause for significant concern that police numbers on the front line have decreased over the past 16 months, and I do note that the government has flagged in its announcements today that it will be making additional resources available in the state budget, so I am very much looking forward to seeing the detail of that investment.

The total number of regional police, though, where most general duties police officers are located, fell from 9840 sworn members in November 2014 to 9689 in December 2015. Meanwhile of course, as we know, Victoria's population is growing at 100 000 people per year and country communities in particular are feeling the impact that those cuts to frontline policing have had. The inadequacy of police resources to respond to family violence in rural and regional communities was

particularly highlighted by Goulburn Ovens Murray Integrated Family Violence Services in its submission to the commission. I also note the comments from the secretary of the Police Association Victoria, Ron Iddles, in recent days, who believes that an additional 100 000 police will be needed over the next five years if Victoria Police are to have any hope of implementing the commission's recommendations.

In 2013–14 the 10 local government areas with the highest rates of family violence incidents reported to police per 100 000 people were outside metropolitan Melbourne. My electorate covers three of those areas: Campaspe, Benalla and Greater Shepparton shires. To say that serious service gaps exist right across country Victoria would be an understatement. Last year the Centre Against Violence, which is based in Wangaratta but delivers outreach services to Benalla, provided crisis care to 329 women, including support to apply for an intervention order, support at court, risk assessment, safety planning and legal and medical advocacy. Crisis accommodation was provided to 161 women and their children in the form of refuge and motel stays. When women and children are safe and the legal supports are in place, the centre cares for their housing, food, education and medical needs, and then can refer them to the recovery counselling team. Counselling was accessed by 161 women in the past year, including 28 Aboriginal women, 2 Torres Strait Islander women and 18 women who identified as being culturally and linguistically diverse.

Across country Victoria demand for services is growing, and I noted in volume 5 of the commission's report that it spoke about some of the challenges facing rural and regional communities in particular and acknowledged that the geographical and social isolation that country communities face is one of their greatest difficulties. That isolation makes it so much more difficult for people fleeing from family violence to access support. The commission has recommended establishing 17 support and safety hubs, one in each Department of Health and Human Services region, by July 2018, which would act as a one-stop shop for those seeking support. The Leader of The Nationals also touched on this issue, and I note that today the government has announced \$5 million to begin the implementation of this recommendation. However, these regions cover large geographical areas in country Victoria and careful consideration needs to be given to their placement of those hubs in country Victoria to ensure that communities like Benalla are not overlooked in the rollout.

We also need to ensure that these hubs are not funded to the detriment of existing networks in regional areas.

In its submission to the royal commission, the Benalla Family Violence Prevention Network highlighted that there are no tertiary services being delivered from Benalla. It has called for a dedicated office to be based in town to support the community, and I would love to see the government fund that through the investment announced today.

Typically, services within the Ovens Murray Department of Health and Human Services area end up being delivered from Wodonga or, as is the case with family violence services, from Wangaratta, leaving very big gaps for Benalla. That is even worse in the Western District, where Warrnambool is at one end and 3 hours north there are communities living in the Mallee. It is I think impossible for one support hub to achieve the purpose and the goals of people living in these areas.

The vulnerability and safety of those attending court to give evidence was one significant focus of the royal commission, and in my remaining time I want to talk quickly about a local initiative called K9. The commission talks about a 2010 survey of 25 children and young people who attended the Children's Court. Every one of those children described it as a scary experience. I am pleased that the Minister for the Prevention of Family Violence is sitting at the table because, as I mentioned, locally we have a program which uses trained dogs to support survivors of family violence and, in particular, children, through that process. The dogs provide a source of comfort and stability when kids have to go back on more than one occasion. I would love the government to investigate that further.

There is not one member of this house who does not want to see family violence stamped out. I hope this report is a significant step towards achieving that goal.

Ms THOMAS (Macedon) — It is a great honour and privilege to rise today to speak on this motion to take note of the royal commission report into family violence. It is also, of course, an enormous honour to have been elected to this place in 2014 at a time when this Parliament has been focusing on an issue of such grave and immediate concern to women and children across Victoria. To see the way in which this Parliament has taken on board the challenges that family violence presents to the safety and wellbeing of women and children in this state has been, as I said, a great honour and a great privilege.

I congratulate the Premier for the leadership he has shown on this issue, as Premier and, indeed, as Leader of the Opposition. He has been steadfast in his

determination to lead the nation in tackling family violence. He has done that with the incredibly able assistance of the Minister for the Prevention of Family Violence, who should take a moment today to reflect on what she has achieved in such a short space of time. Her determination to have this royal commission, to deliver a report and, much more importantly than that, to act on the recommendations contained in that report is something that each and every one of us within the parliamentary Labor Party understands, but I know it is also understood across the house. The minister understands full well that the situation we have in this state at the moment is intolerable, and she will do all in her power to end family violence in this state.

I also acknowledge in the gallery two incredible women, Rosie Batty and Kristy McKellar. One of the things I have been struck by in my time in this place has been the power of women's stories to really shape the debate and change the attitudes of people across our communities. I thank you, Rosie, I thank you, Kristy, and — I am going to call the minister Fiona now — I thank you, Fiona, for sharing your incredibly difficult and tragic personal stories. Fiona, when you and your family appeared on *Australian Story* it was a moment that I will never forget, and I thank you for having the courage. I am calling you Fiona because on *Australian Story* you were a daughter, you were a mother and you were a sister, and while your family said you were the apple of your father's eye, it was not enough to stop your father from abusing your mother and your brothers.

Those are the types of stories that we have seen and that have been recorded in the royal commission's report. I know you are a very private person as well, and so I thank you again for your courage, because when women like you have taken that step and told their stories, other stories have been forthcoming and other women, who have felt that somehow it was their fault and their responsibility or something that they had done, have been given the courage to tell their stories and to seek the help they need. I have seen that in my electorate, and I want to talk about the family violence forum that was held in Kyneton last year, which the minister attended.

There is a woman in my electorate, Belinda Spence, whom I have spoken about a number of times. The minister's actions, Rosie's actions and Kristy's actions gave Belinda the strength and courage to tell her story and to continue to tell it and to claim a platform to tell of the experience of the emotional abuse that she has suffered. The minister will recall Belinda because she has purple hair. I have already talked in this place about the fact that she dyes her hair whatever colour she

damn well feels like, because that is the way she expresses that she now has power and control over her life.

As I said, I want to talk a little bit about those personal stories and the power of telling personal stories. At the family violence forum in Kyneton we had two young, year 9 students, Tanya Barington and Mitchell Bye. They got up and talked at the forum in front of 60-odd people about their experience of having participated in the respectful relationships program at Kyneton Secondary College. When I listen to young people, I am always enormously cheered, because I think that the future is looking good, the future is looking bright. Mitchell spoke about the power of the program for him as a young boy on the cusp of manhood to challenge the notion of what it means to be a man in Australia. The respectful relationships program gave him an opportunity to talk about a different future and a different way in which he could express feelings. He could cry, he could tell people that things they said to him hurt. It also gave him an opportunity to stand in the shoes of others and to understand what it might be like for a girl student or a young woman to be abused, to be called names and to be put down because she is a girl.

I have great confidence for the future, and I am delighted today at the government's announcement that it will be investing significantly in the rollout of the respectful relationships program in our schools and kindergartens. I note that around 120 schools will be selected as mentor lighthouse schools, so with Kyneton Secondary College and Gisborne Secondary College in my electorate both being part of the trial program, I will be advocating for one of those lighthouse schools to be in my electorate.

Before I finish I want to talk a little bit also about the significance and real importance of tackling one of the drivers of violence — that is, gender inequality in Australia. I had the great honour of accompanying the minister to New York recently to attend the Commission on the Status of Women and to visit various family violence service providers in New York.

One of the things that I was really struck by is that here in Melbourne, in Victoria and in Australia we can become very complacent, and we are complacent because of our affluence. For me, I was struck by the importance of reaching out and understanding what is going on in developing nations around the world and understanding the lessons that can be learnt by a First World nation like ours, looking to see the grassroots campaigns that are being run — grassroots initiatives that are being undertaken — in some developing

nations in order to tackle violence in families and gender inequality.

But as I said, it is also important to recognise that, despite us wanting to pat ourselves on the back on a number of occasions, when it comes to gender equality we have a long way to go. That was something that was brought into stark relief when meeting with ministers and others from the Nordic countries and some of the developing nations, as I said. This is a table where we should be right at the top — that is, this should be a nation where gender equality exists. Instead of that, we are in fact ranked 36 out of 145 countries. That was in 2015, and indeed we have been going backwards — in 2014 we were ranked 24 — so there is a lot of work to be done.

The royal commission report paves the way for that work. I am so proud that the government has accepted each and every one of the 227 recommendations. We have also put money behind that. We have the leadership in place. I also want to reach out and thank the Leader of the Opposition, the Leader of The Nationals and the Greens party. We have power and privilege in this place, and we need to use it for social change. The moment for that is now, and we need to hold ourselves to account for delivering on the recommendations of the royal commission.

Mrs FYFFE (Evelyn) — I join my parliamentary colleagues in welcoming the release of the report from the Royal Commission into Family Violence on 30 March. No-one should have to live in fear or grow up in an abusive home, and hopefully as a result of the government accepting all 227 recommendations of the report, we are a step closer to making that a reality.

It is ironic that in 2002 before the election my last speech in this house was about family violence, and I was very critical of the then government and minister. I spoke about the launch of the Week Without Violence and Clothesline Project, where an invitation had been sent to Kay Nesbitt to attend and to speak on the platform. On the day of the launch she was advised that she was not to speak and was not welcome on the platform because she had become an Independent candidate.

When I came back into this house in 2006, I spoke about how disturbing and saddening it was that the first person to come through my door after this election was a distraught woman who told me that due to funding cuts and changes to criteria the domestic violence anger management support group that she had been a member of for some time could no longer continue and that the funding had changed. Again I was very critical of the

minister of that time for those decisions, but I am so pleased that we have the minister here at the table — the member for Northcote, the Minister for the Prevention of Family Violence. She has got the determination, the tenacity, the belief and the strength to hold the government to account — every department — to make sure that these recommendations are actually implemented. I think the minister is achieving this. No matter what else she does in her career, this is the most important thing that she could have achieved.

It is 14 years since I first spoke about family violence in this place, and for quite a while we felt that nothing much was changing. In my own electorate the statistics of family violence are far too high; we have had an increase of 64 per cent in the past five years. Now, I know that reporting has changed and that increases those numbers, but we have had an increase in family violence. Police figures for the past financial year show 1374 reported incidents, up from 840 in 2010–11. The police attribute this rise to the reporting and the media encouraging women to come forward, but I do know from people I know that the violence has increased.

We might have changed attitudes, and it is not just the violence towards women that we are concerned about. There are men who also 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, and we are going to be doing a lot for the women who are the victims and for the children, but we have also got to work on the reasons why these things are happening.

My personal experience I will not talk too much about, but there are certain things that happened during my father's lifetime that made him the person that he was. As a child he was sent to a workhouse with his siblings and his mother, and they had to survive there for 14 months. Children were separated from parents, and you can imagine the bullying and the horrors that went on there. Then he served in the Second World War and was amongst the first British soldiers to go into Germany. He saw horrific things, and his way of coping was perhaps not the way we would have liked or wanted, as it made him a very difficult man. There was no physical violence, but the mental violence was very, very difficult to live with and was probably why I left home at 16.

Anyway, we have got to work on why these things are happening. I know that the cross-government approach will be to try to prevent it, and I know that the determination of the Minister for the Prevention of Family Violence will make this happen. There could

not have been a better person in the government to do it, because she is like a dog with a bone — once she gets hold of it, she follows through, and people are not going to get away with not doing what she thinks is the right thing. So I commend the minister for her work. I thank her for it.

There is a lot I can say about individuals in my electorate. Like in many pretty electorates, a lot of bad things are hidden. People drive around the valley and think it is all lovely, pretty, peaceful and prosperous. But we do know that it is not what position you hold in life, that it does not matter whether you are rich or poor and that it does not matter what community you come from; family violence occurs across all races and all religions. By talking about it, bringing it out into the open and changing what we can change — and of course there are limitations and we are not going to eliminate it completely, much as we would like to — we can have an impact in reaching out to young people, talking about it and stopping the bullying.

It is hard to put into words exactly what happens to someone who wants so much to control another person that even if that person says to a milkman, ‘Can I have two pints, please?’, they will be accused of having an affair with that milkman. It is very difficult for us, who are hopefully more logical in our thoughts, to understand this mindset and this way of behaviour. It is going to be hard to stop all of that, but this is a great step and I commend the minister for it.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted under resolution of the house.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Federal infrastructure funding

Mr GUY (Leader of the Opposition) — My question is to the Minister for Roads and Road Safety. With the Turnbull government tackling congestion in Melbourne head on through its Victorian transport plan, the only thing standing in the way of using that money is the minister. Will the state government now match the Turnbull government dollar for dollar and get on with building these Victorian transport infrastructure projects?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of the Opposition for his question. As the opposition leader would be well aware, the government is already getting on with the job of building the infrastructure that is required. Our

expressions of interest for the extra lanes we are putting on the Monash Freeway have already gone out to the marketplace, and we have identified three constructors who we will be working with on the design and construction contracts.

It is a pity the federal government has taken so long to get anywhere near to even making an offer. The worst thing about this offer is that the federal government did not even speak to us, did not speak with VicRoads or anyone beforehand, but just came up with some bird-brained idea that it would somehow or other —

Honourable members interjecting.

The SPEAKER — Order! The minister is entitled to silence. The Leader of the Opposition asked a question of the minister, and the opposition should listen to the minister. The minister, to continue.

Mr DONNELLAN — Let me be very clear, I would kindly remind the Leader of the Opposition that the federal government is still only providing 8 per cent to 9 per cent of the future infrastructure spend for Victoria, even with its last-minute, come-to-the-party offer. After we have actually started the project, suddenly the federal government has worked out that it will have a serious problem at the next federal election, going to the electors and telling them that New South Wales deserves three times as much as Victoria, that somehow or another it does not need to do a business case. It can just go ahead and get the money it wants. A figure of 8 to 9 per cent is an absolute and utter disgrace.

Let me be very clear: the federal government wants every project we put forward to go through a business case. Has the federal government put its project through a business case? Has it come to us with a proposition? Not at all. Opposition members should stop apologising for their federal colleagues, get them on board and start providing proper money to Victorians.

Supplementary question

Mr GUY (Leader of the Opposition) — I note the minister says today that this is a bird-brained idea, but last week he welcomed the funding from the Turnbull government. Given the fact that he already has \$1.5 billion, I ask: why is this minister repeatedly stalling any decision to begin upgrading some of Melbourne’s most congested roads, such as the Monash Freeway and the Western Ring Road?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of the Opposition for his question, but let us be very clear. We are not stalling;

we have already started. We have already started the project. We are not hiding it. We are not keeping the business case secret from the Victorian public. We have put it out there publicly. There is no dirty letter. There is no dirty, rotten side letter like your lot delivered.

Honourable members interjecting.

Mr DONNELLAN — There is nothing secretive. We put the business case in the public sphere, and we are delivering the infrastructure the Victorian public needs.

Ministers statements: schools funding review

Mr MERLINO (Minister for Education) — I rise to speak on a new initiative — the government schools funding review, the final report on which was released on 3 April. This review, chaired by former Premier Steve Bracks, is the first comprehensive examination into school funding in over a decade.

In our very first budget we filled the \$850 million black hole left by those opposite and honoured the Gonski agreement in full for 2015, 2016 and 2017, providing a huge boost for schools in Victoria. Knowing that both the Abbott and Turnbull governments have reneged on their promises and walked away from years 5 and 6 of the Gonski agreement, leaving education funding up in the air, we asked former Premier Steve Bracks to undertake the review, because we wanted to know where best to invest — invest, not cut like those opposite — to get the most improvement in student outcomes. He has presented a comprehensive report with 50 findings and 70 recommendations. The most — —

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 7, which provides that ministers statements relate to new government initiatives, projects and achievements. The minister has been speaking for more than half his allocated time. So far he has been talking about nothing more than a review. I question whether the conduct of a review amounts to a government initiative, project or achievement within the terms of sessional order 7.

Mr MERLINO — On the point of order, Speaker, this is the most comprehensive review into Victorian school budgets in a decade, commissioned by the government and released by the government on 3 April. If this is not a new initiative, I do not know what is.

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

Honourable members interjecting.

Mr MERLINO — Ripping funding out of schools and away from schoolkids is no laughing matter. I want to refer to a couple of recommendations.

Recommendation 3 says that both state and federal governments should fund Gonski years 5 and 6; however, recommendation 4 says that if the commonwealth reneges on its commitment to the final two years, the state government must rethink school funding because the loss of federal funding disproportionately impacts on government schools to the tune of \$1.1 billion, and we are not going to allow that to happen. This is at complete odds — —

Mr Walsh interjected.

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

Questions and statements interrupted.

RULINGS BY THE CHAIR

Answers to questions without notice

The SPEAKER — Order! I would like to inform the house about the point of order taken by the manager of opposition business yesterday regarding the Premier's answer on the supplementary question asked by the member for Malvern. I have reviewed the record, and I am of the view that the Premier's answer was responsive.

Mr Pesutto interjected.

The SPEAKER — Order! I warn the member for Hawthorn. When the Chair makes a ruling, it does not become a laughing matter for the member for Hawthorn. I will not warn the member again.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

Western distributor

Mr R. SMITH (Warrandyte) — My question is for the Minister for Roads and Road Safety. In December last year he told Victorians that the western distributor project had been given the green light and the Labor government would partner with Transurban to build it. However, the Transurban CEO has recently said that there is no contractual agreement at all. Does the minister have a signed, sealed and delivered contract for this green light project, or was his announcement just another Labor lie?

Ms Green interjected.

The SPEAKER — Order! The member for Yan Yean!

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the member for Warrandyte for his question. Yes, what a great project the western distributor is. That second river crossing is so necessary. In relation to what took four years to get nowhere with the opposition, we will get on with the job straightaway. As we know, part of the western distributor project has already started — that is, the expressions of interest for the extra lanes on the Monash, as we were talking about just a minute ago. Negotiations are obviously ongoing with Transurban in terms of value for money and like, so this project is an ongoing discussion between us and Transurban.

Obviously with these negotiations, as we have indicated, we are in the fourth stage of this process, and we are looking for value for money. But one thing we will not be doing is signing a dirty rotten side letter to underwrite the rest of the whole project, because that is one thing we do not think is necessary. We think there is enough traffic volume on this project that we can actually get buy-in from the commercial sector and we do not have to underwrite the whole lot.

The negotiations are ongoing. There will be obviously announcements in due course. We are in the fourth stage of this unsolicited bid process. The project out at Monash has already started.

Supplementary question

Mr R. SMITH (Warrandyte) — Given the western distributor is merely an ongoing discussion, has no funding, no final alignment, is not approved by Infrastructure Australia and Infrastructure Victoria has not even seen it, I ask: what is the start date for this project, or was the minister's announcement last December not worth the paper it was written on?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the member for Warrandyte for his supplementary question. As I have indicated, the southern component of the project has already started, which is the exit lanes on the Monash, and the expressions of interest have closed.

Mr R. Smith — On a point of order, Speaker, the question was on the start date of the western distributor, not — —

Mr Andrews interjected.

Mr R. Smith — I have asked him — if you want to get up and answer it, because he cannot handle it!

The SPEAKER — Order! The Chair will allow the member for Warrandyte to start again, but the Chair will be very strict with the point of order. The member for Warrandyte will make a point of order succinctly and will not repeat the question or debate it, or I will sit him down.

Mr R. Smith — The point of order is on relevance. The minister should be brought back to the substance of the question.

The SPEAKER — Order! The Chair does not uphold the point of order. The minister had hardly begun. The minister will continue and respond to the supplementary question.

Mr DONNELLAN — As the member may or may not be aware — he was indicating before that we had not done the full analysis — we have had a business case assessed, which has indicated \$1.30 for every dollar invested. And very soon we will be looking at going into the extensive community consultation exercise along with the environment effects statement process. We are hoping, subject to the community consultation process — to bring the community with us — that we will be starting some time in 2018.

Mr R. Smith — On a point of order, Speaker, given that the question asked when the start date for this project was, I will put to you that the minister did not answer that question. I ask you to direct him to provide a written answer to the question.

Ms Allan — On the point of order, Speaker, the member asked a question about the start date and, if I remember correctly, the Minister for Roads and Road Safety talked about work already starting on the southern part of the project. He talked about it having a business case of \$1.30. I appreciate that getting on with delivering major projects is a foreign concept for those opposite, but I would suggest to you that the minister more than adequately answered the question.

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

Ministers statements: GST revenue

Mr PALLAS (Treasurer) — I rise to update the house on achievements of the Andrews Labor government in seeking fairer treatment for Victoria from Canberra. Two weeks ago the Premier and I went to the Council of Australian Governments. We went ready to make a contribution to the challenge of

reforming the Australian federation. Speaker, I cannot claim it was an unmitigated success, but I can assure you it was not for a want of effort from this government or from the Premier.

Rather than constructive discussion, what we got was half-baked tax reform ideas from the federal coalition government, the perennial whingeing of the Western Australian coalition government and the simpering of the Victorian opposition, its members pathetically trying to ingratiate themselves with their lords and masters in Canberra.

Honourable members interjecting.

Mr PALLAS — Mr 9 Per Cent is okay by me over there.

This government stood strong. We continued to fight for a better deal for Victoria. We fought to increase our GST share, and I am happy to report that that number has now risen to 91 cents in the dollar in recognition of the strong population growth that is going on in this state. But we have not been and we will not be satisfied with those numbers, particularly in circumstances where the commonwealth — —

Ms Ryall — On a point of order, Speaker, under the sessional orders there is a requirement that these are either new initiatives or something new the government has undertaken. I am not sure that after a minute and a half we have heard anything in relation to any new government initiative, and I ask you to bring the minister back to making a point about a new government initiative.

Mr PALLAS — On the point of order, Speaker, nothing could be more important or relevant to the state's achievements than being able to secure substantial benefits from the commonwealth government. Of course, we did sign an intergovernmental agreement. Perhaps this house might be interested in hearing about that and the value that that serves for the state of Victoria.

Mr Watt — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! The Chair understands that the member for Burwood gets it right from time to time; therefore, the member for Burwood, to be heard on a point of order in silence.

Mr Watt — On the point of order, Speaker, I stand to support the member for Ringwood's point of order.

Honourable members interjecting.

The SPEAKER — Order!

Ms Green interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Yan Yean

The SPEAKER — Order! The member for Yan Yean will withdraw from the house for a period of 1 hour. When the Chair is on his feet, members shall remain silent according to standing order 124. The member for Burwood, to continue in silence.

Honourable member for Yan Yean withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: GST revenue

Questions and statements resumed.

Mr Watt — The Treasurer has belled the cat. He said he is going to talk about something, but he actually has not been talking about that. He has not been talking about new initiatives, projects or achievements. Speaker, I ask you to bring him back to that, as the member for Ringwood has asked.

The SPEAKER — Order! The Chair does not uphold the point of order. The Treasurer referred to achievements, and he was on track. The Treasurer, to continue.

Mr PALLAS (Treasurer) — The intergovernmental agreement that was signed by the state is a very poor failure of the commonwealth to address the needs of the state of Victoria. We continue to receive less than our fair share of GST revenue, with the average Victorian losing about \$218 every year to other states. It may be acceptable to those over there to see that money being used to build roads in Queensland and New South Wales, but clearly it is not for us.

Questions and statements interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I wish to acknowledge and welcome to the house the former member for Morwell, Mr Brendan Jenkins.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Questions and statements resumed.

Western distributor

Mr R. SMITH (Warrandyte) — My question is again to the Minister for Roads and Roads Safety. Will the state government accept the half a billion dollars offered by the Turnbull government for an expanded upgrade of the Monash Freeway instead of forcing motorists from the south-eastern suburbs to pay tolls for an additional 12 years just to build Transurban's western distributor truck road in the western suburbs?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the shadow minister for his question. I have serious concerns that he obviously does not believe there is a need for a second river crossing in the west. This project is absolutely essential to deliver freight and to get cars and trucks off the inner streets of the west. We are unashamedly very much supportive of it.

In relation to the federal government's \$500 million after we have actually started the project, just as the federal government wishes to have every project we put to it go through a business case, I would encourage the federal government to enunciate what on earth it wants to do. If you read its press releases, it is impossible to work out where the federal government wants to go or where the extra lane is. It is just this amorphous, weird press release that just popped out of nowhere, and suddenly we are meant to respond with some specifics when there are no specifics in the press release. It very much sounds like many of the projects the coalition was going to proceed with, like the east-west link — it does not make the grade. There are no details.

To have a 0.45 per cent return on a business case is not up to scratch, and unfortunately Jason Wood and his friends down in the south-east have not done the work. To just put out a press release and say, 'We've given you \$500 million. We're not telling you what you're going to match it to. We're not going to tell you what we're going to do with it', is simply not good enough, especially when you consider that we are still at 8 to 9 per cent of future infrastructure spend from the federal government. So for every dollar we get, New South Wales and Queensland get \$3. We are only starting to get towards where we should be, which is about 20 to 25 per cent of the total federal infrastructure spend.

We welcome the federal government finally coming to the party, but we would encourage a few more details to be provided, and if it wants to go through the process it is sending everyone else through, we had better go through a proper business case.

Supplementary question

Mr R. SMITH (Warrandyte) — Given that no alignment has been decided and no contract has been signed for Labor's western distributor, why will the government not separate these two projects in order to secure half a billion dollars — half a billion proper dollars, may I say, Speaker — from the federal government to fix the Monash?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the member for his supplementary question. Let us be very clear: this is a project we have already started. This is the state government's project. We have a specific mandate to get on with the job. We certainly have not been told by the Victorian public to wait four years or to wait 12 to 18 months until the federal government comes to the party.

We have to get on with the job of building the infrastructure the Victorian public requires today, and we have already started that project, as we have indicated. The expressions of interest for the extra lane on the Monash have already closed. We will not be waiting any longer. We will discuss these issues with the federal government, but we will not be stopping the project from proceeding.

Ministers statements: drought assistance

Ms NEVILLE (Minister for Environment, Climate Change and Water) — I rise to inform the house of additional announcements the government made last week to assist drought-affected communities. The house will remember that yesterday I provided details about the game-changing and very welcome announcement to fund the connection of Wedderburn to the water grid.

But there is more. There are the further announcements we made last week to provide greater water security in regional Victoria in communities that had been crying out for years for assistance from those opposite and heard absolutely nothing. Last week the Premier announced additional funding to investigate the way we could connect the communities of Ararat, communities like Great Western, Westmere and Moyston, and also the communities in the West Wimmera, like Balmoral, Harrow and Edenhope, into the water grid.

Farmers in these communities have been doing it tough. They have been carting water. We have seen a decline in rainfall over the 30-year and 10-year averages. These farmers are currently considering whether they can keep going and whether the industries that are relying on them can keep going. Many are putting workers off at the moment, and their calls have been ignored.

The president of the Ararat branch of the Victorian Farmers Federation is quoted by the *Ararat Advertiser* as having said:

We have lost our status as a reliable supplier ... and we have to regain that ...

He also said that 'it is terrific that ... the government is looking at' this.

Just like with the Wedderburn connection, just like the building of the Wimmera–Mallee pipeline in the first place, just like the Goldfields Superpipe and just like the pipe from Geelong to Melbourne, none of this would be in place unless there had been a Labor government. These communities would be without water now.

We are currently investing \$90 million right this second in expanding the water grid across Victoria. It is this government that understands the needs of regional Victoria and understands water security. It is a shame that those opposite sat down for four years and did absolutely nothing for those communities.

Free-range egg standards

Mr HIBBINS (Pahran) — My question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation, and I refer to the reforms agreed to by the Victorian government at the recent Council of Australian Governments meeting of consumer affairs ministers regarding free-range egg standards. Given that the CSIRO model code for free-range eggs has a limit of 1500 chickens per hectare, why does the government believe that eggs laid by hens stocked at 10 000 hens per hectare, with no guaranteed access to the outside, should be classified as free range?

Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I thank the honourable member for his cracking question to follow on from the outstanding press releases that were put out on behalf of my colleague the Parliamentary Secretary for Justice, who attended that meeting on my behalf, and I greatly appreciate that. What a meeting it was. There were jokes abounding.

Importantly, this is a major reform and a step towards protecting animals from exploitation. These are the clearest guidelines that have existed in this free-range industry ever across the nation. It was an agreement that was reached right across the jurisdictions. It has the support of many key stakeholders. The Greens in the ACT, I am advised, did support the moves that were made, so perhaps the Victorian Greens should speak to their colleagues.

Mr Hibbins — On a point of order, Speaker, in her answer the minister is actually misrepresenting the position of the ACT Greens and the ACT Greens minister, who has made public statements in support of stronger standards of 1500 chickens per hectare. If the minister agrees with those standards, then she should make a statement.

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

Ms GARRETT — As I was saying, what an important meeting. Many things were discussed at that meeting. Again, the consumer affairs ministers are making great strides in protecting the community in this area. We are proud of that decision. Yes, there is always more work to do, but we are really delighted that for the first time nationally we are taking a stand.

We are giving consumers clear information and a choice about how they purchase and what eggs they purchase, and once again it was primarily those jurisdictions that stood up — Victoria and New South Wales. They also listened to the concerns of the producers. It is a multibillion-dollar industry, and therefore I wholly endorse what occurred at that ministerial council.

Supplementary question

Mr HIBBINS (Pahran) — I refer to a media release put out by the minister's office on 12 June 2015 entitled, 'Ministers get cracking on egg labelling standards', with a quote from the minister for consumer affairs:

Many Victorians choose to buy free-range eggs because they want to support ethical industries and we want consumers to have confidence they are getting what they paid for.

Given that many consumers who buy free-range eggs will not be getting what they paid for, I ask: why has the minister gone soft on free-range egg standards?

Mr Eren — Surely that's a yolk!

Ms GARRETT (Minister for Consumer Affairs, Gaming and Liquor Regulation) — The Minister for

Sport indicated ‘Surely that’s a yolk!’, and I would say once again to the member for Prahran that that is another sterling question and another feather in his cap. Of all the questions he could ask, he has chosen this one.

Again, consumers will be able to get a clear read on the way in which the chickens that have laid those eggs are roaming and the sort of hectares they are roaming in. This is a sensible, commonsense outcome that protects a really important industry but takes really important steps forward in protecting consumers. I hope in his next question the member actually starts talking about things that matter to his electorate.

Ministers statements: health funding

Ms HENNESSY (Minister for Health) — To keep up with the really big, important issues, I would like to update the house on a recent achievement of this government insofar as it relates to the health portfolio, and that is the agreement achieved at the most recent Council of Australian Governments (COAG) meeting, where the commonwealth finally recognised that its cruel cuts to our health portfolio are completely unsustainable.

Members would be aware of the very sustained campaign that our government has run in respect of the impact on Victorian patients when it comes to health cuts. The silence from those opposite has been absolutely deafening when it has come to standing up for Victorian interests, but I am really pleased that with the Premier and the Treasurer up in Canberra last week we were able to get a very small breakthrough in respect of the future of health funding. Of course the commonwealth has committed \$2.9 billion nationally over a three-year period. This does not, of course, address the fundamental issue that we still have a \$50 billion outstanding deduction from health funding as well.

It is really interesting that the only time we hear those opposite raise their voices in respect of health funding is when they are backing in Malcolm Turnbull and when they backed in Tony Abbott. We still have a range of residual issues that remain unresolved with the commonwealth, and they include really important funding such as for things like public adult dental health care that it has not funded, things that include funding for reproductive services for our Indigenous communities, and \$90 million worth of investment in prevention — all still unresolved.

We absolutely call upon those opposite and the federal Liberals to make sure that they do more than what was

achieved at this COAG, although we are very grateful for this important breakthrough. Rather than have the focus just on the nonsensical state-based income tax proposition, we need a sustainable long-term solution to health funding. We look forward to working with the commonwealth to achieve it.

Echuca-Moama bridge

Mr WALSH (Murray Plains) — My question is to the Minister for Roads and Road Safety. The only thing standing between congestion in Echuca and a solution on the Murray River is the state government finally submitting a business case to the federal government for the Echuca-Moama bridge. I ask: when does the minister plan to submit this business case to build this bridge, or does he not care about places that do not have trams?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of The Nationals for his question. He obviously has not looked through the history books. He obviously has not looked at the fact that in 2009–10 we were ready to go. We were ready to go, and we have actually still allocated the money — —

Honourable members interjecting.

Mr DONNELLAN — Let me be very clear: the only reason the bridge has not been built to date is because those on the other side decided to muck around on the route. It would have actually been completed. We would have had congestion done, and we would have finished the job. But let me be very clear: we had the money set aside for that project. We have had discussions with the New South Wales government. We raised it two weeks ago with Darren Chester, the federal Minister for Infrastructure and Transport, and indicated very clearly that we are keen to proceed and get on with the job, and that is through the mid-west route. But we will not spend four years stuffing around, to put it mildly, like the National Party did, kumbayaing trying to work out which route they would do. We will just get on with the job of doing it — like the Warrandyte bridge, for the shadow minister over there. We do not muck around. We get on with the job, and we do it.

Supplementary question

Mr WALSH (Murray Plains) — The supplementary question is obviously to the Minister for Roads and Road Safety. With B-double trucks running through the middle of Echuca, posing safety risks to pedestrians and other motorists, and given that state funding was

allocated in 2014 and there is now new money from the Turnbull government, money that he praised Darren Chester for this morning, I ask: when will he finally do something and get this bridge built?

Mr DONNELLAN (Minister for Roads and Road Safety) — I thank the Leader of The Nationals for his question. Approximately two weeks ago we caught up with one of his federal colleagues, Minister Darren Chester. We indicated a group of projects we would be very keen to get the commonwealth to come to the party on. We cannot be clearer than that. We gave him the list, and we said, ‘We’re keen to get on with the job’.

Unfortunately we have not had a chance since then to actually discuss that particular project. But let us be very clear, we will not be stuffing around for four years; we will not be buggarising around. We will get on with the job of actually doing it — because we are not here for a good time; we are actually here to deliver to the Victorian public.

Honourable members interjecting.

Ministers statements: Melbourne Metro rail project

Ms ALLAN (Minister for Public Transport) — I rise to provide new information to the house on the action being taken by the Andrews Labor government to get on with delivering the Melbourne Metro rail tunnel project. We have made massive strides in bringing this project back to life. I am pleased to advise of the action that has been taken since we sent off our business case to Canberra, a business case that shows this project stacks up on every single measure.

Not only have I met or spoken with the federal infrastructure minister, Darren Chester, on a number of occasions about this project, I have also had the good pleasure of meeting with the Assistant Treasurer, Kelly O’Dwyer, to outline the importance of this project to the future of Melbourne.

Just to make sure that all of Victoria’s bases are covered, I have also spoken to the alternative infrastructure minister, Anthony Albanese, about this project. We take the approach that it is important to have very strong dialogue with the commonwealth, because we remember those dark, dark days when the previous Abbott Liberal government took away the \$3 billion that was allocated for this project. It ripped it away from the Melbourne Metro project.

Last week we saw the commonwealth government announce a modest funding contribution to the

Melbourne Metro project from the self-professed lover of public transport, Malcolm Turnbull. We have done some analysis. Let us have a look at how this adds up. There is the \$4.5 billion that has already been allocated by the Andrews Labor government and \$10 million from the commonwealth government, so all up we now have \$4.51 billion for this important project. While every dollar from the federal government for road projects in Victoria is welcome, less than a quarter of 1 cent is so far being spent on public transport in Victoria by the federal Turnbull government — and that is a real disgrace.

RULINGS BY THE CHAIR

Constituency questions

The SPEAKER — Order! Yesterday the member for Burwood took a point of order regarding the constituency questions asked by the members for Essendon and Sunbury on that day and asked me to review whether the members asked for information or requested the ministers to take action. I have reviewed all constituency questions asked yesterday, and I uphold the member for Burwood’s point of order. Both members’ questions asked ministers to take actions, rather than asking for information. The questions are out of order. I remind all members that where a constituency question requests that a minister provide advice or an update, the Chair will rule those questions out of order. I remind all members of my previous rulings on how to ask constituency questions.

Mr Battin — On a point of order, Speaker, in relation to questions on notice, just following up responses, if you could follow up with the Minister for Environment, Climate Change and Water in relation to questions 6879, 6880, 6881, 6882, 6883, 6884, 6885, 6886, 6888, 6889, 6890, 6891, 6892, 6893, 6894, 6895, 6896 and 6902; the Minister for Emergency Services question 6887; the Minister for Environment, Climate Change and Water again questions 6897, 6898 and 6899; the Minister for Emergency Services question 6900; and the Minister for Roads and Road Safety question 6901.

The SPEAKER — Order! The Chair will follow these matters through with the respective ministers.

CONSTITUENCY QUESTIONS

Evelyn electorate

Mrs FYFFE (Evelyn) — (Question 7083) My constituency question is to the Minister for Health. Several constituents have contacted my office to

highlight the difficulties they have following the closure of the eye clinic at Eastern Health in Lilydale. The eye clinic was a part-time surgical service for which medical staff were provided through the Royal Victorian Eye and Ear Hospital and nursing staff were provided by Eastern Health. Services were reprioritised and Eastern Health stopped providing eye surgery services at Yarra Ranges Health in Lilydale. In 2013 I was advised by Eastern Health's executive director, David Plunkett, that they were hopeful of the possibility of reintroducing the service in the near future. As of April, there is still no eye clinic back in Lilydale to help patients with cataracts, glaucoma, retinal detachment and other serious problems which can lead to blindness. Given the importance of sight to healthy and productive lives, I ask the minister to prioritise dedicated funding for Eastern Health so that the eye clinic can be reopened and help those patients who are facing an uncertain future.

Dandenong electorate

Ms WILLIAMS (Dandenong) — (Question 7084) My constituency question is to the Minister for Health, and I ask: how will the recently announced funding for Monash Health assist in reducing its elective surgery waiting list? I welcome the news over the weekend that the Andrews Labor government is making Australia's largest ever one-off investment to tackle elective surgery waiting lists. Constituents in Dandenong contact me often with concerns about the amount of time they are having to wait for elective surgery. These waiting times have a serious impact on patients and their families. They reduce their overall quality of life and can lead to additional health problems. It is vital that people get the surgery they need to get back to leading a normal and healthy life. Recent savage funding cuts by the federal Liberal government will seriously impact on our health system, particularly in areas like Dandenong. We deserve better than that. It is pleasing to see the Andrews Labor government doing what it can to reduce waiting times in a challenging environment of heartless commonwealth cuts.

Euroa electorate

Ms RYAN (Euroa) — (Question 7085) My question is to the Minister for Roads and Road Safety. I seek information from the minister about whether the assessment of the Wandong interchange at the Kilmore-Wallan bypass will be publicly released and when. I also wish to formally notify the house of a petition I have received with 613 signatures from local residents who are gravely concerned about the impact of the interchange on their community. The petition calls for the minister to immediately meet with the

Wandong and Heathcote Junction community and for the government to evaluate other options for the Hume Freeway interchange. In correspondence the minister said Jaclyn Symes, a member for Northern Victoria Region in the upper house, had notified all members of the Wandong and Heathcote Junction community about the assessment and the appointment of an independent consultant under terms of reference. This has not been the case.

Members of the community say they have received no information from Ms Symes. The Save Wandong Action Group has had no input into the terms of reference, and VicRoads has notified only a select few that it is happening. The community wants a proper environment effects statement on the Wandong interchange, a proper examination of the technical scientific aspects of the impact of the proposed bypass on the town. This is not a genuine review. The government is more interested in managing the community than it is in addressing its genuine concern.

Ms Blandthorn — On a point of order, Speaker, the member for Euroa sought information rather than actually asking a question. I ask that it be ruled out of order.

The SPEAKER — Order! The Chair will take points of order preferably at the end of constituency questions. On this occasion the Chair will take that on notice and review it.

Eltham electorate

Ms WARD (Eltham) — (Question 7086) My question is for the Minister for Emergency Services. I have been approached by a number of career firefighters who live and/or work in the electorate of Eltham who have told me of their frustration at the delays in the signing of the enterprise bargaining agreement (EBA) with the Country Fire Authority (CFA). They have told me of the stress they are experiencing and that they are feeling undervalued by the delays in the negotiations. They also want to know how these negotiations affect career firefighters at the Eltham CFA. In a bushy area like Eltham career and volunteer CFA firefighters are important and valued by the community. Given that this issue directly affects many of my constituents and is very important to them, how is the Andrews government progressing with the EBA negotiations? What is slowing the negotiations down, and how will career firefighters in my electorate benefit from a signed EBA?

Ringwood electorate

Ms RYALL (Ringwood) — (Question 7087) My constituency question is to the Minister for Planning and relates to the QIC purchase of land adjacent to Ringwood station. I ask the minister to provide me with the following information in terms of that land: the market valuation of the land by the valuer-general, when it was valued and what conditions were placed on the site.

Cranbourne electorate

Mr PERERA (Cranbourne) — (Question 7088) My question is to the Minister for Planning. I understand that public submissions to the exhibited Casey central precinct structure plan closed on 7 December 2015. What is the current stage of and next steps in this precinct structure plan process?

Sandringham electorate

Mr THOMPSON (Sandringham) — (Question 7089) My constituency question is directed to the Minister for Public Transport, and I refer the minister to the 34-day Frankston rail line closure, which is scheduled for June and July 2016, with a likely heavy uplift of passenger numbers on the Sandringham line and associated congestion, parking difficulties and disruption of the shopping precincts potentially in Sandringham and Hampton. I ask: does the government have a plan to deal with the passenger overload on the Sandringham line, especially during peak hours?

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (Question 7090) My question is for the Minister for Education, and the question I ask is: what supports are available for children, particularly girls, in schools in my electorate who are diagnosed with autism? I spoke yesterday in the chamber about my meeting, and I asked a question of the Minister for Housing, Disability and Ageing regarding this issue. I met with constituents in my area Katie, Kiki and Mia. Mia and Kiki have both been diagnosed with autism. In girls autism can be particularly difficult to diagnose because the symptoms of autism present very differently to how they do in young boys in the classroom. Both the students, Mia and Kiki, as well as their mother were very passionate about this issue, and they have set up the organisation Yellow Ladybugs, which is about promoting issues specific to girls with autism both in schools and in the community and also about trying to achieve better supports for young girls and women who suffer from autism.

Bass electorate

Mr PAYNTER (Bass) — (Question 7091) My constituency question is for the Minister for Local Government. Mrs Hollole is a constituent in my electorate of Bass. She owns a farm, and she is an 87-year-old pensioner. Her farm has a number of paddock roads on title, which are in her name. This is the result of a historical subdivision dating back to the turn of the century. As I understand it these are not roads over which state or local governments have legal authority, and the technical reason for this is that these roads do not satisfy the definition of 'road' under the Local Government Act 1989, the Road Management Act 2004 or common law.

The Hollole family has farmed this land since 1899. For three and a half years Mrs Hollole has been battling the Bass Coast Shire Council after it issued a road occupation permit to a third party without notice and then subsequently ordered her to remove water troughs, piping and fencing and a cattle grid — infrastructure which has been in place for over 100 years. It is not the intent of the Local Government Act to give local councils the power to alter the property interests of landowners without notice. I ask the minister: what is the legal status of these roads?

Frankston electorate

Mr EDBROOKE (Frankston) — (Question 7092) My constituency question is for the Premier. What impact will the removal of the Overton Road level crossing have on local jobs and productivity in Frankston? Every day people in my community wait up to 17 minutes at this level crossing, and the feedback I receive from them is that they are very much looking forward to seeing it removed. An important part of this level crossing removal process is its effect on local job growth and productivity in Frankston, which, like many other communities, is still feeling the effect of the previous government's four years of inactivity, four years of having no jobs plan until one was created just before the 2014 election and four years which dragged Victoria down to the highest levels of unemployment in 13 years, beside Tasmania. In December 2010 the now opposition inherited unemployment that was at 4.9 per cent. After four years of no employment plan unemployment went to 6.7 per cent at the end of November 2014. It has reduced to 6 per cent today, which is still too high of course, but it is certainly much lower than what was left to us by members opposite. My constituents and I look forward to the Premier's response to this question.

Ms Blandthorn — On a point of order, Speaker, further to my earlier point of order in relation to the member for Euroa, the member for Ringwood also sought information rather than asking a question.

The SPEAKER — Order! The Chair will take that on notice and review constituency questions and report to the house as soon as possible.

ROYAL COMMISSION INTO FAMILY VIOLENCE

Report

Debate resumed.

Debate adjourned on motion of Ms KAIROUZ (Kororoit).

Debate adjourned until later this day.

JUSTICE LEGISLATION (EVIDENCE AND OTHER ACTS) 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 Justice Legislation (Evidence and Other Acts) Amendment Bill 2016.

In my opinion, the Justice Legislation (Evidence and Other Acts) 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

Presumption in favour of audiovisual hearings

The bill introduces a presumption that most hearings in the Magistrates Court where an adult accused is in custody will proceed via audiovisual link. This is to encourage and increase the use of this technology, and to acknowledge that an in-person attendance by a prisoner is not required in all hearings.

The government has invested in improved audiovisual technology in prisons and in the Magistrates Court. The aim is to facilitate efficient court hearings and avoid the transport of prisoners unless it is in the interests of justice for a person to appear in person. More audiovisual court hearings will also help reduce numbers in police cells so that prisoners who do attend court can be accommodated in those cells and appear in court when scheduled.

Expanding Victoria Legal Aid board

The Board of Victoria Legal Aid (VLA) currently consists of a chairperson, managing director and three directors. The current non-executive directors are predominantly from finance, banking, government and legal backgrounds. The current composition reflects the Legal Aid Act 1978 which requires that at least one director must have financial management experience, and at least one must have business or government experience.

The bill will amend the Legal Aid Act 1978 so that the board has two additional directors, taking them from three to five. The additional members will not be required to be experts in any particular area. The quorum for a board meeting will increase from three to four members. The amendment will provide greater coverage for board-related committee work, and increase the diversity of experience on the board, so that the board can better deal with current and future challenges.

Human rights issues

Presumption in favour of audiovisual hearings

Right to liberty and security of the person

Section 21(5)(a) of the charter provides that if a person is arrested or detained on a criminal charge they must be promptly brought before a court.

The purpose of this provision is to ensure that a person is not arbitrarily arrested or detained and that the justification of any such detention is subject to the independent scrutiny of the courts. The bill does not impede a person being brought promptly before the court. New section 42JA(3) provides that if an accused is taken into custody and is required to be brought before a bail justice or the Magistrates Court then the accused must be brought physically before the Magistrates Court in person unless the accused consents to appear before the court by audiovisual link.

Fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

An accused's right to a fair hearing may be engaged by the proposed amendments. However, if a fair hearing requires a person to attend court in person, the court may order this and overturn the presumption of an audiovisual hearing. Under amended section 42L(1)(a) of the bill the Magistrates Court can order a person to appear in person regardless of new section 42JA(1) of the bill if it is in the 'interests of justice' or appearing by audiovisual link is not reasonably practicable. A fair hearing will always be in the 'interests of justice'.

Without limiting the Magistrates Court determination of what is in the 'interests of justice', new section 42L(1A) of the bill sets out two specific considerations that the Magistrates Court must take into account in deciding whether a direction to attend court in person is required in the interests of justice. The Magistrates Court must consider the ability of an accused to comprehend proceedings and to communicate with their legal representatives and give instructions or express wishes to the representatives.

Further section 42R of the Evidence (Miscellaneous Provisions) Act 1958 sets out the minimum requirements for an audiovisual link to ensure that the transmission quality is fit for purpose. The legislated minimum requirements mean that if a matter proceeds by audiovisual link, an accused can still fully participate in the proceedings, be heard by the court and give necessary instructions to their lawyer.

An audiovisual hearing will also be public because anyone in the court room will be able to see and hear the proceedings and see and hear the accused via the audiovisual technology.

Rights in criminal proceedings

Section 25(2)(d) of the charter provides that an accused has the right to be 'tried in person' and to defend himself or herself personally or through legal assistance. The purpose of this provision is to ensure an accused is not tried in their absence and has the right to fully participate in their trial and defence.

The presumption of appearing via audiovisual link will not apply for the following types of Magistrates Court hearings: appearance before a bail justice after arrest, the appearance before a magistrate after arrest, a fitness to plead inquiry, a summary hearing of a plea of not guilty, or a committal hearing. For these hearings, when an accused is challenging the allegations against them or challenging their mental capacity to be tried, a physical attendance at court will be required. (Consistent with the current law, an audiovisual link may still be ordered in these cases by the Magistrates Court but usually, only where the accused consents to an audiovisual hearing.)

In any event, an accused still participates in their hearing 'in person' even if they attend by audiovisual link. The accused is not being tried in absentia. Due to the requirements of the section 42R of the Evidence (Miscellaneous Provisions) Act 1958 the audiovisual technology must be of such a standard that the accused can 'see and hear the person appearing before the court or giving the evidence or making the submission'. This requirement will ensure that the audiovisual court hearing enables the accused to be fairly tried in person albeit by audiovisual link.

Section 25(2)(b) of the charter also provides, that a person charged with a criminal offence is entitled to have adequate time and facilities to prepare his or her defence and to communicate with a lawyer.

Increased use of technology to facilitate lawyer/client conferences and different arrangements for conferencing with clients mean the reforms will not unduly impact on an accused's access to legal advice and representation. In some circumstances it may actually enhance that access and provide more time for an accused to communicate with a lawyer and prepare his or her defence.

If the use of an audiovisual facility was going to impact adversely on an accused's ability to communicate with a lawyer and prepare his or her defence then a magistrate could simply order that it was in the interests of justice that an accused be brought physically to court. Section 42L(1A) of the bill requires consideration of these issues when deciding if a physical hearing is required in the interests of justice.

Indeed section 42R(3) of the Evidence (Miscellaneous Provisions) Act 1958 specifically provides that for an audiovisual hearing to take place, both the court and the

prisoner's location must be equipped with facilities that enable private communication to take place (at any time during the hearing or any adjournment of the hearing or at any time on the day of a hearing shortly before or after the hearing) between the accused and any legal practitioner at the court representing him or her in the proceeding. It also provides that there must be the facilities for documents to be transmitted between the accused and their legal practitioner.

Expanding Victoria Legal Aid board

The amendments to the Legal Aid Act 1978 do not engage rights in 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 sessional orders:

The Evidence (Miscellaneous Provisions) Act 1958 makes audiovisual hearings possible in certain circumstances, but they are the exception, not the rule in most matters.

Current legislation only permits the use of audiovisual hearings but never requires it. Excellent quality audiovisual technology linking courts and prisons is currently available but is not used as frequently as it could be.

Legislative change is necessary to increase the use of audiovisual court hearings for prisoners in the Magistrates Court, to allow the Magistrates Court to operate efficiently.

Accordingly, today I bring a bill to the house that will amend the Evidence (Miscellaneous Provisions) Act 1958 to introduce a presumption that prisoners appear via audiovisual link for certain court hearings in the Magistrates Court, rather than appear in person.

In recent months the courts have been unable to deal with some cases listed before them, as Corrections Victoria has been unable to bring some prisoners to court. Those accused of offences who are in custody are generally required to be lodged in police cells before they are brought to court for their hearings. When police cells are full then prisoners cannot be brought to court. Overcrowding in police cells therefore leads to significant court delays.

The non-attendance of prisoners at court is a problem that must be addressed. We must equip the justice system with the ability to deal with the problem currently facing the court, in a way that makes the most of new technologies.

A fair hearing is a fundamental requirement of the justice system, but there is more than one way of achieving this. Audiovisual hearings, in appropriate circumstances, can ensure effective, efficient and fundamentally fair hearings. This bill aims to have more hearings proceeding via audiovisual link.

The government has allocated \$14.7 million on upgrading technology in the courts to encourage the use of audiovisual

links in court hearings. Increasing the use of audiovisual links will make the most of this investment by helping the system to cope with increased prisoner court hearings.

The primary aims of the bill are:

to ensure that prisoners attend court in person when it is really necessary; and

to ensure most hearings will take place by audiovisual link, which will minimise disruption to the prisoner, pressure on police cells and court delays.

The bill will specify the particular types of hearing for which a prisoner must be physically present and will require all other hearings to occur by audiovisual link.

The bill will also provide for a magistrate to direct appearance by audiovisual link in what would otherwise be physical attendance cases or to direct physical attendance in what would otherwise be audiovisual appearance cases in certain circumstances.

Presumption in favour of audiovisual court hearings

The bill will provide that for most hearings in the Magistrates Court, where an adult accused is remanded in custody on those proceedings, the hearing should proceed via audiovisual link.

Many appearances in the Magistrates Court are primarily of an administrative nature. Frequently in the Magistrates Court there are three or four and often more hearings before a matter is finally determined. Not all of those hearings require a prisoner to be physically present if they can participate adequately in that hearing via audiovisual link.

Jurisdiction

The amendments incorporated by the bill will apply to the Magistrates Court only. The vast majority of cases in Victoria are heard in the Magistrates Court, which is the busiest court in Victoria, with 53 different locations around Victoria. It handles approximately 90 per cent of all cases that come before Victorian courts each year. The court deals with about 250 000 criminal and civil cases every year.

Overcrowded police cells therefore have a much bigger impact on the Magistrates Court than on any other court, and the greatest benefit of the proposed changes is to be achieved in the Magistrates Court.

The proposed amendments will apply only to adult accused, not to children. All matters involving allegations of criminal offending by children obviously need to be handled with special care and sensitivity. We have a separate Children's Court which was created and equipped to do that. There are already provisions in the Evidence (Miscellaneous Provisions) Act 1958 that relate to the appearance of a child in court, and there is no intention that the proposed amendments be extended to children.

Physical appearances

The amendments do not presume that all hearings must or even should occur by audiovisual link. It is well recognised that there are substantive hearings where it is generally more appropriate for a prisoner to appear physically. These are hearings for:

an appearance before a bail justice after arrest;

an appearance before a magistrate after arrest;

a fitness to plead inquiry;

a hearing of the charge if the accused is pleading not guilty; or

a committal hearing.

Commencement of any criminal proceeding is a serious matter, so it is important that an accused and the court are directly involved at an early stage. Where a person has been arrested and police consider it necessary to remand the person in custody, then that person will have the earliest opportunity to appear before a bail justice and/or a magistrate and make an application for bail.

It is also unfortunate, but true, that many of those accused of criminal offences struggle with serious mental health issues. Cases where there is a real issue about the state of the accused's mental health are likely to benefit from the attendance in person of the accused. If there is a question as to whether an accused is mentally fit to plead, then it will be presumed that the accused will be present at court and, as far as possible, involved in proceedings.

Summary hearings of a plea of not guilty and committal hearings involve evidence being called can be complex and may require documentary material to be considered. That can be done more easily if the prisoner is at court. Therefore the accused will be physically present for this category of hearings.

Exceptions to presumed physical appearances

While the sorts of appearances I have just mentioned would usually be conducted with the prisoner physically in court, there may well be occasions on which it is fair, reasonable and appropriate to conduct those sorts of hearings by audiovisual link. So there will be an option for a prisoner to attend by audiovisual link where:

in the case of an appearance before a bail justice and/or a magistrate following arrest, the prisoner consents; and

in the case of a fitness to plead inquiry, a summary hearing of a plea of not guilty, or a committal hearing, an appearance by audiovisual link is consistent with the interests of justice, is reasonably practicable in the circumstances, and the parties consent. If the parties do not consent, the matter can still be conducted by audiovisual link, but only in exceptional circumstances.

These exceptions do not represent any change to the current law.

Audiovisual appearances

In the interests of an efficient and effective criminal justice system, and, in particular to avoid the present unacceptable level of delays in prisoners attending court, it is essential to ensure that matters appropriate for hearing by audiovisual facilities are actually heard via those facilities. Therefore all matters other than those just mentioned will be conducted via audiovisual technology.

Matters which are primarily of an administrative nature, such as adjournments, mentions, special mentions, committal mentions, second and subsequent remands, as well as bail applications made at any time after the first appearance, and sentencing hearings, will be heard by audiovisual link.

Exceptions to presumed audiovisual hearings

There may well be occasions on which it is more appropriate to conduct these audiovisual hearings by the prisoner physically appearing in court. The bill provides for a magistrate to make a direction that a prisoner appear physically at court where:

it is in the interests of justice for the prisoner to physically appear; or

it is not reasonably practicable for the prisoner to appear by audiovisual link.

It is not possible to foreshadow all of the various circumstances where a court would direct that it is in the interests of justice for an accused to appear physically. However it is likely that a significant number of those sorts of directions would involve accused prisoners with special needs, such as prisoners with mental health problems, physical disabilities or those who need interpreters. What is appropriate will depend on the circumstances in each case.

In order to provide some guidance to a court as to what should be taken into account in determining what is in the interests of justice in these sorts of cases, the bill contains a short non-exhaustive list of matters that a magistrate should consider when determining whether a physical hearing is in the interests of justice. This does not limit the court's considerations but underlines matters the court must take into account when determining what is in the interests of justice.

Technological/practical considerations

It is important to ensure that lawyers and clients can communicate so that full and proper instructions can be taken in a timely way, allowing court hearings to proceed effectively, efficiently and on time. Instructions are often taken in hearings where a prisoner physically attends court either in the cells, dock or at the bar table. It can be challenging to obtain instructions over a court to prison audiovisual link. However, technology being rolled out will allow legal practitioners to book conferences with clients and link to them via their own iPhones or tablets.

Some courts will also provide a separate room where a practitioner can link to a prisoner via audiovisual facilities. The court may also adjourn briefly during a hearing so that a practitioner and prisoner may use the courtroom audiovisual link for a confidential conference.

This will ensure that a prisoner is not disadvantaged by having a hearing conducted by audiovisual link.

Victims

It is of course essential that the interests of victims are carefully considered in relation to any change to the way in which criminal proceedings are conducted. I am pleased to say that I consider that the increased use of audiovisual facilities as a result of the bill will provide more comfort for victims who attend court knowing that a hearing is more likely to proceed because of use of the technology.

Expanding Victoria Legal Aid board

This bill also deals with increasing the number of directors on the Victoria Legal Aid board.

Victoria Legal Aid plays an essential role in the criminal justice system in this state, so it is important that it receives appropriate guidance, support and direction from its board of directors. The Victoria Legal Aid board of directors (the board) is responsible for ensuring Victoria Legal Aid meets its statutory objectives and carries out its functions and duties in accordance with the Legal Aid Act 1978.

These include, among other things:

using best endeavours to make legal aid available throughout the state;

determining priorities for the provision of legal aid; and

controlling and administering the legal aid fund.

It is important to ensure that the board has sufficient numbers of directors with sufficiently varied experience so that it can fully and properly undertake the extensive and varied work required of it by the Legal Aid Act.

Current board

The board currently consists of the chairperson, the managing director and three directors.

The current directors are predominantly from finance, banking, government and legal backgrounds. The Legal Aid Act requires that at least one director must have financial management experience, and at least one must have business or government experience.

New board

The bill will amend the Legal Aid Act so that the board has two additional directors, taking the number of directors from three to five.

The additional members will not be required to be experts in any particular area and will be funded from the existing VLA budget.

Increasing board membership will increase the diversity of experience on the board, which will provide greater coverage for board-related committee work. The board will also then have greater capacity to deal with current and future challenges.

This bill will create a more effective and efficient criminal justice system by providing the Magistrates Court with increased opportunities to make use of modern technological facilities.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 27 April.

LAND (REVOCAION OF RESERVATIONS — METROPOLITAN LAND) BILL 2016

Statement of compatibility

Ms NEVILLE (Minister for Environment, Climate Change and Water) 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 Land (Revocation of Reservations — Metropolitan Land) Bill 2016 (the bill).

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

Overview of bill

The bill will provide for the revocation of permanent reservations over three areas of Crown land in metropolitan Melbourne and, where applicable, the re-reservation of the land and appointment of committees of management and the continuation of a cemetery trust. This will enable the sites to be re-reserved for other purposes, support appropriate management arrangements, facilitate future use and development, or enable the land to be sold.

Human rights issues

Section 12 — Freedom of movement

Clauses 5 and 13 of the bill provide for the reservation of a number of Crown land sites for particular purposes.

These provisions could be perceived to limit a person's access to the relevant sites. However, the reservation of these sites for particular purposes does not create any restrictions on a person moving freely within the reserve areas or within Victoria. Therefore, the bill does not limit the right protected under section 12 of the charter.

Section 20 — Property rights

Clauses 4, 10 and 12 of the bill provide that, on revocation of the reservations, the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

These provisions could be perceived to operate to deprive persons of proprietary rights that are held in relation to the land that is the subject of these clauses. However, the provisions are not intended to abolish known rights, but, rather, give land the requisite characteristics of unalienated Crown land. There are known rights in relation to the land to which clause 4 applies, but these are held by bodies corporate (to which the charter does not apply) and are, in any case, preserved by clause 7 of the bill. As there are no proprietary rights held by individuals in land subject to the bill, the bill does not limit the right protected under section 20 of the charter.

Hon. Lisa Neville, MP
Minister for Environment, Climate Change and Water

Second reading

Ms NEVILLE (Minister for Environment, Climate Change and Water) — I move:

That this bill be now read a second time.

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

The proposed bill will provide for the revocation of permanent reservations over three areas of Crown land within metropolitan Melbourne and, where applicable, the temporary re-reservation of the land, the appointment of a committee of management and the continuation of a cemetery trust's management of cemetery land. This will provide for the interim management of these sites and for these sites to be used for other purposes or be sold.

In Victoria, permanent reservations over Crown land may only be revoked under the provisions of an act of Parliament. Acts for the revocation of permanent reservations are a normal part of government business, and Parliament has passed many of these acts over the years.

Cranbourne — enabling the future redevelopment of the Cranbourne Racing Complex

The bill provides for the revocation of a permanent reservation over a part of the Cranbourne Racing Complex, replacing it with a temporary reservation for the purposes of a 'racecourse and public recreation'.

Under the Crown Land (Reserves) Act 1978, a temporary reservation may be dealt with administratively, rather than requiring specific legislation as is the case with permanent reservations. Changing the status of the land from permanently to temporarily reserved land will provide greater flexibility to develop the site in accordance with the Cranbourne Racing Complex and Surrounds Investment and Development Plan (CRCSID plan).

The CRCSID plan, which was incorporated into the Casey planning scheme by a recent planning scheme amendment, provides that the objective for part of the land that is the subject of this bill ('precinct 8' in the CRCSID plan) is 'To provide for future development of the area as a multipurposes destination which creates new commercial investment, job creation and in turn supports the racing industry. Provision for non-racing based entertainment, tourism, accommodation, community uses, events and related infrastructure is also supported'.

The proposed temporary reservation broadly reflects the existing permanent reservation purpose but will allow the consideration of broader policy options for Crown land tenure arrangements for implementing the CRCSID plan. The change in land status will broaden the potential future uses of the site, without approving or pre-empting any specific works. Any future developments will still be subject to the requirements of the Planning and Environment Act 1987 and the relevant planning scheme.

To ensure the appropriate management of the site and the protection of existing interests, the bill provides that the

Cranbourne Racing Centre and Recreation Reserve Committee of Management Incorporated continues to manage the site, and ensures that existing leases over the land granted under the provisions of the Crown Land (Reserves) Act continue under existing terms and conditions.

Fitzroy — supporting the redevelopment of the old Fitzroy Gasworks site

The bill provides for the revocation of a redundant permanent reservation over part of the old Fitzroy Gasworks site between Alexandra Parade and Queens Parade to facilitate the future use and development of that site.

The Department of Treasury and Finance, Places Victoria and City of Yarra are currently investigating options to develop the site for residential and mixed use development. The site is currently managed by the City of Yarra as a committee of management appointed under the Crown Land (Reserves) Act. The site is currently used as a minor recycling depot. The City of Yarra is planning for the relocation of the depot to another site at Burnley.

Providing for the revocation of the permanent reservation at this time will provide for the orderly progress of the future redevelopment of this significant site. To provide for appropriate interim management arrangements, the land will be temporarily reserved for 'municipal purposes' and the City of Yarra will be appointed as committee of management. The department will undertake this process administratively under the provisions of the Crown Land (Reserves) Act.

Springvale — addressing an inadvertent encroachment

The bill provides for the revocation of a permanent reservation over a small area of land at Springvale, to address an encroachment and to facilitate the future sale of that land.

The land that is the subject of the proposed revocation forms a small part of the Adass Israel Public Cemetery which is permanently reserved for cemetery purposes under the Crown Land (Reserves) Act and managed by the Adass Israel Cemetery Trust under the Cemeteries and Crematoria Act 2003.

The adjoining land is temporarily reserved for cemetery and crematoria purposes and is managed by the Southern Metropolitan Cemeteries Trust. This land is currently leased to the Sporting Shooters Association of Australia (SSAA) for use as a shooting range.

The SSAA received a grant from Sport and Recreation Victoria to purchase the land, which it intends to do, but part of the building they occupy encroaches onto the adjoining permanently reserved land. The land affected by the encroachment forms part of an access track to the main area of the cemetery.

Revoking the permanent reservation over this land will facilitate the future sale of this land, and the adjoining temporarily reserved Crown land to the SSAA.

To ensure appropriate management of the land in the interim between the revocation of the permanent reservation and the eventual sale of the land, the bill provides for the re-reservation of the land temporarily for cemetery purposes; the continuation of the land's status as a public cemetery under the Cemeteries and Crematoria Act, being the Adass Israel Public Cemetery; and the continuation of the

administration of the land by the Adass Israel Cemetery Trust, as a cemetery trust under the Cemeteries and Crematoria Act.

Once all negotiations relating to the sale of the land are complete, the revocation of the temporary reservation of that land and the removal of the classification as a public cemetery will be dealt with administratively by the relevant departments.

Conclusion

The bill provides for the revocation of three Crown land reservations which will enable future and appropriate uses of those lands, providing certainty to communities and affected stakeholders.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 27 April.

VICTORIAN FUNDS MANAGEMENT CORPORATION AMENDMENT BILL 2016

Statement of compatibility

Mr PALLAS (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the Victorian Funds Management Corporation 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 amendments relate to clarification of investment powers and modernisation of board practices. There are no infringements of human rights.

Human rights issues

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

Because the amendments relate to clarification of investment powers and modernisation of board practices, there are no infringements of human rights.

Are the relevant charter rights actually limited by the bill?

There are no infringements of human rights.

Is any limit on relevant rights by the bill reasonable and justified under section 7(2)?

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter act.

Tim Pallas, MP
Treasurer

Second reading

Mr PALLAS (Treasurer) — I move:

That this bill be now read a second time.

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

The Victorian Funds Management Corporation Act 1994 (VFMC act) was enacted before the commonwealth's Corporations Act 2001. Australian corporate practice and VFMC's role have changed significantly since 1994. VFMC was initially a 'manager of managers'. However, in 2006, the introduction of a new centralised investment model (CIM) significantly changed VFMC's role. The CIM mandated Victorian public sector insurance and superannuation agencies to invest via VFMC and allowed for some internalisation of funds management by VFMC. A third of all funds under management are now managed internally by VFMC and two-thirds are allocated to external fund managers.

The passage of time and VFMC's new role as the investment decision-maker under the CIM has created some uncertainties in the language of the VFMC act. The language used does not adequately encompass VFMC's broader role as both a manager of managers and an investment decision-maker itself.

In addition, VFMC's governing act currently contains some outdated requirements in relation to the operation of the board. These provisions need to be amended to bring them into line with modern Australian corporate practice.

The proposed changes in the bill will enhance VFMC's ability to meet the objectives set out for it in its enabling act.

The objectives of VFMC, as set out in section 6 of the VFMC act are for the corporation to:

'provide investment and funds management services to participating bodies and the state'; and

'provide its services in a commercially effective, efficient and competitive manner'.

The objectives of the bill are to amend the Victorian Funds Management Corporation Act 1994 and the Borrowing and Investment Powers Act 1987 to do essentially four things.

Firstly, the bill seeks to remove any ambiguity that may exist regarding the powers that VFMC has with respect to the funds it manages for participating bodies or the state, and on its own behalf.

The proposed amendments include more clarity in the VFMC's powers when acting in its different roles, for

authorities, the state and itself. The bill includes amendments to section 9 of the Victorian Funds Management Corporation Act 1994 in relation to the appointment and powers of VFMC as a fund manager for public authorities and the state. There are also amendments to section 35 in relation to VFMC's powers when acting for itself.

Secondly, the bill aims to modernise the conduct of the board, simplify its ability to delegate, and allow it to operate in a manner consistent with modern Australian corporations governed by the Corporations Act 2001 (cwth).

By way of example, VFMC's enabling act at present requires that all directors must physically be present at board and committee meetings. While this is the preferred outcome, there will be circumstances where directors cannot attend. A proposed amendment in the bill allows for the use of technology by the board and is in line with section 248D of the Corporations Act 2001 (cwth). Other proposed amendments relate to allowing the board to delegate powers via resolution rather than an official seal; and more flexibility in the appointment of a deputy chairperson.

Thirdly, the bill seeks to clarify the definition of 'invest' in the Borrowing and Investment Powers Act 1987, to encompass acquisition, sale and divestment. This is a small but very important clarification.

The existing definition of 'invest' in the Borrowing and Investment Powers Act 1987 requires further clarifying. The existing definition states that 'invest includes enter into a transaction or arrangement for the protection or enhancement of investments'. VFMC has been questioned whether this includes buying and selling and a Queen's Counsel opinion was not definitive. VFMC is requesting that this be put beyond doubt. The new definition includes specific reference to 'acquisition, sale or divestment of an investment'. These are terms that one would commonly associate with investing.

Fourthly and finally, the bill seeks to remove an oversight in the Borrowing and Investment Powers Act 1987 to ensure that section 22 relating to underwriting and sub-underwriting of security issues applies to both the Victorian Managed Insurance Authority (VMIA) and to VFMC.

This is an oversight in the act as VFMC has the power to do this for all its other mandated clients and has been doing this for a considerable period of time. Underwriting, or commonly sub-underwriting, of security issues is something that fund managers including VFMC undertake as part of their core functions.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 27 April.

**ROAD MANAGEMENT AMENDMENT
(BUS STOP DELIVERY POWERS)
BILL 2016**

Statement of compatibility

Ms ALLAN (Minister for Public Transport) 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 Road Management Amendment (Bus Stop Delivery Powers) Bill 2016.

In my opinion, the Road Management Amendment (Bus Stop Delivery Powers) 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 Road Management Amendment (Bus Stop Delivery Powers) Bill 2016 (the bill) provides the Public Transport Development Authority (PTDA) with power to install and modify bus stop infrastructure and bus stopping points, and to exercise related powers and to perform related functions, which are currently vested in the Secretary to the Department of Economic Development, Jobs, Transport and Resources (secretary). The bill also validates the past exercise of those powers and performance of those functions by the PTDA instead of the secretary.

Human rights issues

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

The only right that is relevant to the bill is the right contained in section 20 of the charter act: a person must not be deprived of his or her property other than in accordance with law.

It is unlikely that the effect of the bill is to deprive a person of property rights, even non-traditional and less formal rights however widely defined. Even if that were to be the case, the impact of the validation provisions on property rights is not arbitrary and is lawful.

I do not therefore consider that the right is limited by the bill. In any event, the bill promotes an important objective of ensuring that public transport in the form of bus services are available to the community and that routes and bus stopping points are in appropriate places.

Jacinta Allan, MP
Minister for Public Transport

Second reading

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

That this bill be now read a second time.

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

This is a small bill which is primarily aimed at giving power to Public Transport Victoria to install and maintain bus stops and to conduct related activities. An important purpose of the bill is to validate past actions undertaken by PTV without sufficient authority.

Victoria's population is growing. This will bring both challenges and opportunities in the future, but one thing is certain: our growing population will put increasing pressure on the state's transport system. We need an efficient public transport system that delivers excellent service and ensures access to work, education and lifestyle opportunities for all Victorians. Buses are the most flexible mode of public transport and will play a critical role in meeting Victoria's transport needs into the future, particularly in high growth areas.

As part of the government's commitment to creating a world class public transport system, a \$100 million bus package was funded in the 2015–16 state budget. This investment broadly focuses on improving access to major education facilities, improving public transport options in growth areas, and better engaging with the community regarding service needs.

To deliver these commitments, PTV needs to create infrastructure including bus stops. PTV needs the power to designate bus stop locations and install or modify bus stop infrastructure. Powers in relation to bus stops and related activities are currently contained in the Road Management Act 2004 and are conferred on the Secretary of the Department of Economic Development, Jobs, Transport and Resources.

PTV was established in November 2011 and commenced on 2 April 2012. PTV took over many but not all of the public transport functions of the former Director of Public Transport and the former Department of Transport. The activities include:

- designating new bus stopping points;
- designating locations for the installation of new bus stop infrastructure;
- the identification of existing bus stop infrastructure requiring modification and upgrading;
- the identification of bus stopping points and bus stop infrastructure to which temporary changes are required for special events or temporary bus service changes; and
- other sundry and minor works required to generally improve bus stops.

After some years of designating bus stopping points and installing or modifying bus stop infrastructure PTV identified that it did not possess sufficient statutory power to undertake these bus stops activities. The agency has subsequently continued to perform the activities under an agreement where it acts as the agent of the secretary of DEDJTR. The arrangement is administratively cumbersome.

The only way to remedy PTV's absence of power for the future and the past is to make statutory change. Accordingly, the bill amends the Road Management Act to give

appropriate functions to PTV and validates past acts undertaken by PTV when PTV did not have authority to use these powers.

The government regrets the need to introduce this bill. It demonstrates the need to take great care when establishing new entities.

The circumstances that have led to the development of this bill provide a timely reminder that statutory agencies can only act if statute provides them with sufficient power. Accordingly, agencies need to be vigilant and must ensure they have power at all times to support their activities.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 27 April.

PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR COMMUNICATION STANDARDS) BILL 2016

Statement of compatibility

Ms ALLAN (Minister for Public Transport) 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 Public Administration Amendment (Public Sector Communication Standards) Bill 2016.

In my opinion, the Public Administration Amendment (Public Sector Communication Standards) 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 Public Administration Act 2004 (act) to establish a legislative framework for the governance of public sector communication, including advertising.

Specifically, clause 5 of the bill inserts a new part in the act with the objects of:

- a) establishing standards to ensure that public sector communication is in the public interest;
- b) ensuring that public sector communication is not party political; and
- c) providing for specific standards for public sector communication advertised on television and advertised generally.

Clause 6 of the bill provides for the Governor in Council to make regulations to give effect to these matters.

These clauses will require public sector bodies to comply with certain prescribed standards and processes for communication which will be set out in the act and in regulations.

Human rights issues

Standards for public sector communication

Section 15 of the charter provides that every person has the right to freedom of expression including the freedom to seek, receive and impart information.

Clauses 5 and 6 of the bill may affect this right by requiring public sector bodies that publish or cause to be published a public sector communication to do so in accordance with prescribed standards and requirements. These standards and requirements are likely to include limitations on whether a public sector communication can be published, as well as limitations on the content of public sector communication, with the intent of preventing the publication of public sector communications that may be or be seen to be party political in nature. Standards and requirements will likely be that a public sector communication must only be published for a purpose that is in the public interest, and that the communication must not influence sentiment towards a political party or candidate, reference a political party or candidate for election, or disparage or ridicule an individual or organisation.

As the right to freedom of expression cannot be claimed by a public sector body, the right to impart information is not limited by this bill. However, the bill may limit the right to receive information as it proposes to regulate, and in some cases prohibit, the publication of particular information or advice. The ability to receive information about party political matters enables a person to inform their understanding of the positions and policies of a political party or parties, or to be involved in supporting a political party should they so choose.

The prescription of standards and requirements that limit the dissemination of party political material by public sector bodies is unlikely to constitute a significant limitation on the right to receive information as:

- a) such information can usually be accessed reasonably easily from other sources; and
- b) the prescribed standards and requirements will reflect what is already generally the case in practice — that is, currently, public sector bodies are required to be apolitical, including in the publication of communications.

The intent of prescribing standards and requirements for the publication of public sector communication is to better protect the apolitical nature of the public sector and safeguard against the use of public funds for political advantage by incumbent governments. While such standards and requirements are currently in place in the form of guidelines, prescribing such standards and requirements in legislation is a stronger approach that is more appropriate to the purpose of protecting the integrity of the democratic process and the reputation of the public sector. The prescription of standards and requirements for public sector communications is a direct and proportionate means of achieving this purpose, and there are no other less restrictive means readily apparent to achieve these ends (especially considering that any such restriction is unlikely to have a significant impact). It will also provide

greater transparency and make public sector communication more easily subject to scrutiny by the Victorian Auditor-General's Office and by the Parliament. Such limitations would also support other human rights, such as the right to reputation, by limiting the capacity of public sector communication to disparage or ridicule individuals.

It is my consideration that the limitations on the rights set out in section 15 of the charter are unlikely to be significant, and that they are necessary in order to more strongly safeguard the integrity of the public sector, the appropriate use of public resources and, ultimately, the robustness of the democratic process in the ways intended by the bill.

It is, therefore, my opinion that the limitations are proportionate.

Public sector communication for the purpose of conducting an election

Section 18 of the charter provides that every person has the right to take part in public life. This includes the right to vote and be elected at state and municipal elections.

As outlined above, clauses 5 and 6 of the bill would require public sector bodies that publish or cause to be published a public sector communication to do so in accordance with prescribed standards, which would likely impose limitations on the ability of public sector bodies to refer to political parties or candidates or use political parties' logos, slogans or links to websites in public sector communication, to guard against public sector communication being used for party political purposes.

Should such limitations be applied to the Victorian Electoral Commission in publishing public sector communication for the purpose of conducting an election, this could have an impact on the effectiveness of such communication in facilitating the fully informed and engaged participation of Victorians in an election. This could be considered to be a limitation upon Victorians' right to take part in public life.

To ensure that such a limitation would not occur, public sector communication by the Victorian Electoral Commission for the purposes of conducting an election would be expressly exempt from any limitations that may be included in standards for public sector communication prescribed in accordance with clauses 5 and 6 of the bill that would limit the ability of public sector communication to refer to political parties or candidates or the use of political parties' logos, branding or links to websites. This measure would ensure that all information and advice necessary for Victorians to vote in an election or run for public office would be unaffected by the proposed legislation.

The Hon. Jacinta Allan, MP
Minister for Public Transport
Minister for Employment

Second reading

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

That this bill be now read a second time.

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

Advertising and communication are important tools for government to support the delivery of policies and priorities, encourage responsible and safe behaviours, make sure all Victorians are aware of their rights and responsibilities, and promote our state as a world-class destination for economic and commercial investment.

However, it is critical that, when public funds are spent on advertising and communication, this activity is undertaken for a purpose that serves the public interest. This expenditure must be effective, efficient and accountable and should never seek to provide political advantage to the government of the day. This Parliament and the Victorian community have a right to expect that there are clear and rigorous standards in place for publicly funded advertising, to provide assurance that it will occur for the benefit of the public and deliver value for money.

That is what the government is delivering with this bill.

The Public Administration Amendment (Public Sector Communication Standards) Bill 2016 delivers on our commitment to put new standards for government advertising and communication into legislation.

We have already put new, rigorous governance processes in place for advertising by public sector bodies, and this has allowed us to deliver significant reductions on advertising expenditure.

Now, by enshrining new standards for communication and advertising in legislation, we are providing the Auditor-General with a clear, transparent set of standards by which to judge any public sector communication activity now and into the future.

And we are setting up a legislative framework for the governance and oversight of public sector communication and advertising that will continue to provide ongoing protection against the wasting of public funds on inappropriate, ineffective or political advertising.

Clause 5 of the bill inserts a new part into the Public Administration Act 2004 with the objects of:

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

ensuring that public sector communication is not party political; and

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

I want to explain why each of these things represents an important measure for governance of public sector communication and advertising.

The first section of the new part requires that all public sector communication must be for a purpose that is in the public interest. Such purposes would include to promote public safety, personal security or behaviour change, to promote awareness of rights, responsibilities, duties or entitlements, or to promote social cohesion, civic pride or community spirit. They would also include operational purposes necessary to

the functioning of public sector bodies, such as recruiting staff or generating revenue.

This measure ensures that public funds will be directed to communication and advertising that deliver outcomes that have a clear public benefit or that are essential to the operation of the public sector.

The second section in the new part requires that public sector communication is not designed or intended to directly or indirectly influence public sentiment for or against a political party, a candidate for election or a member of Parliament.

As well as expressly forbidding advertising for political purposes, this provision allows for the creation of standards that prohibit certain content in public sector communication.

This will ensure that public sector communication is of high integrity and cannot be used to provide political benefit to the government of the day.

The third section of the new part sets out particular requirements for advertising on television. Television is a high value, mass market medium. It warrants special restrictions to ensure that public money cannot be wasted on television advertising that is aimed at achieving political gain rather than public benefit.

Under the amended act, television advertising will be restricted to specific purposes, such as:

- promoting public safety, personal security or behaviour change;
- promoting social cohesion, civic pride or community spirit;
- promoting commercial or economic development within the state — such as promoting tourism;
- generating revenue — such as advertising NGV ticket sales, TAFE enrolments, or ambulance memberships; and
- promoting compliance with legislative requirements.

The bill also provides for the creation of standards for advertising generally, whether on television or not. Because advertising involves significant expenditure, it requires additional controls to make sure such expenditure is appropriate and that the purchasing of advertising is undertaken in a manner that means that the best value is achieved.

Significantly, we will introduce a regulation requiring that advertising by public sector bodies cannot promote services, activities or infrastructure projects that have not yet had funding provision made for their commencement or delivery.

Clause 6 of the bill inserts an additional section into the Public Administration Act 2004 that empowers the Governor in Council to make regulations for or with respect to any matter or thing required or permitted by the new part inserted by clause 5.

In the interests of transparency, these regulations will be disallowable by Parliament without requiring a recommendation by the Scrutiny of Acts and Regulations Committee.

These amendments to the Public Administration Act 2004 recognise the importance of undertaking government advertising and communication but also the need for rigorous controls and oversight to safeguard the integrity of the public sector, the appropriate use of public resources and, ultimately, the robustness of our democratic process.

These amendments will ensure that public sector communication and advertising is appropriate, fit for purpose and benefits the community.

Enshrining these new standards in legislation will ensure that they are applied consistently and transparently and that they will provide ongoing protection against the wasting of public funds in an attempt to achieve political benefit.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 27 April.

TRANSPARENCY IN GOVERNMENT BILL 2015

Second reading

Debate resumed from 12 April; motion of Ms ALLAN (Minister for Public Transport).

Mr ANGUS (Forest Hill) — I am pleased to rise to make a brief contribution in relation to the Transparency in Government Bill 2015. Clause 1 outlines the purpose of the bill — that is, to facilitate regular public reporting of performance data by certain emergency and health services and to ensure transparency in relation to the delivery of these services. This is a very noble objective, and I will expand during the course of my contribution on my views on whether that objective will be achieved.

In summary, the main provisions of the bill are that under part 2 it establishes a quarterly reporting system for certain response time data in relation to ambulances, the Metropolitan Fire and Emergency Services Board and the Country Fire Authority. Part 3 provides for the publication of statements of priorities for ambulance services, public health services and, in certain cases, denominational hospitals. It also establishes a requirement for quarterly reporting of performance against certain indicators contained in these statements of priorities.

Before I get into the substance of my contribution I want to set some context and to look at the whole issue of transparency. I would argue that transparency is perhaps not something that the current government is overly familiar with. In particular the member for Malvern, among other members, expanded extremely

well in his contribution yesterday on a number of relevant case studies, if you like, in relation to the lack thereof. We can have a look at a range of those, and I just want to touch on a couple. One in particular relates to an Auditor-General report, *Access to Public Hospitals — Measuring Performance*, dated 1 April 2009. I want to read a couple of extracts from the foreword of the report from the then Auditor-General, Des Pearson. It says:

Given that access indicators are a core part of the accountability framework under which hospitals operate, it is most concerning that the audit found fundamental flaws both with data accuracy and the rigour of data capture processes.

It goes on:

Unfortunately, it is one of the findings of this audit that the reliability of access performance data by public hospitals cannot be assured.

Further:

The audit has also found limitations to the appropriateness and relevance of some indicators. However, much more worrying were instances of admitted data manipulation to meet indicator targets. This is highly improper and other recent public admissions serve only to confirm and amplify the audit findings.

There we have quite a damning assessment of what the Auditor-General found in relation to work done in that particular area looking at hospital statistics. Of course the health minister at the time was none other than the current Premier. That is a bit of a history lesson in relation to the way the current Premier approached transparency when he was the Minister for Health. Following on from that, from the *Herald Sun* on 1 April 2009 an article states:

Beleaguered health minister Daniel Andrews was forced to act after the Victorian Auditor-General found that Latrobe Regional Hospital had falsified elective surgery data.

This comes after almost 2000 patient records were manipulated to improve the Royal Women's Hospital's performance statistics in a decade-long rort by staff to get more state funding.

It goes on:

There is clearly something wrong with Daniel Andrews's management of Victoria's hospitals when three out of four hospitals that were investigated were manipulating data.

So there was the manipulating of data of all descriptions, including waiting lists. That of course, as I said, was under the stewardship of the current Premier. It is interesting that the government has introduced a bill and in its purpose clause it says it is going to ensure transparency, when we know that the current government has a very tarnished record in relation to

matters of transparency and indeed has quite well documented offences in relation to contrary behaviour.

There are a number of other areas of concern that I want to touch on. The emergency response time performance data is to be published on a quarterly basis under part 2 of the bill. It is different to emergency response time performance currently published. For example, Ambulance Victoria has a range of performance data relating to average first response performance and percentage first response performance in less than 15 minutes, and that is provided on a quarterly basis, whereas the bill only provides for 50th percentile and 90th percentile emergency response times. That is noted in the definitions clause on page 5 of the bill and reiterated throughout in relation to the three services that are referred to. The change in that dataset is going to prevent comparison to historical data and provide, arguably, a significantly more limited picture of the government's performance on emergency response measures going forward. That is particularly relevant in relation to ambulance response times, which are always, and quite rightly so, a very topical area of interest in the broader community and certainly within this place. Changing that parameter will make it very difficult to get an accurate comparison.

Ambulance Victoria data is also currently put out by local government areas and urban centre localities, whereas the bill provides only for local government area data to be published. That is going to result in a less complete set of quarterly emergency response time performance data. Again the bill says it is going to increase transparency, but in fact it is going to reduce it, because some of the statistics will not in fact be available.

The bill also provides that the minister responsible can cause emergency response time performance data to be published. This is of particular interest to me, because if we turn to clause 9 on page 11 it talks about that. Under subclause (1) it states:

A Minister who is required to cause the preparation and publication of a report under this Part in relation to each rolling information period may delay the preparation and publication of that report if the minister is of the opinion that ...

It goes on and gives some examples. Subclause (2) states:

The Minister may delay the publication of multiple reports in respect of multiple rolling information periods under subsection (1).

I would argue that that hardly lends itself to a model of transparency but rather totally the contrary. There are a

range of other concerns I have, but under that clause the minister may indefinitely delay reporting in certain circumstances, including, as I just referred to, the circumstance relating to sustained industrial action. That is hardly ideal for the taxpayers of Victoria.

Part 3 provides that Ambulance Victoria and health services produce a statement of priorities in agreement with the relevant minister to be published by 1 November each year. If a statement of priorities cannot be agreed, then its publication may be delayed indefinitely by the minister. Here we have a situation under clause 10, on page 14, which states that:

If ... an ambulance service and the Minister administering the **Ambulance Services Act 1986** fail to agree on a statement of priorities —

there can be delays. Subclause (3) states that it should be done:

... as soon as practicable after the statement of priorities is agreed to by the Minister and the board of an ambulance service but not later than one month after the statement of priorities has been agreed to.

There is the potential in that clause not only for delay but for complete stalemate, arguably, in relation to the provision of that statement of priorities.

Having said that the objective is transparency, I do not think that is going to be the outcome at all. I think it is going to be, on the contrary, as I said a number of times, that the water will be more muddied in relation to comparing some of these statistics and in fact receiving some of the reports that are required under the bill.

Part 3, division 2, provides that reporting on public health performance measures be published on a quarterly basis. Again it does not provide for any level of standardisation in performance measures across different health services. As with the emergency response time performance data, the publication of public health performance data may also be indefinitely delayed in certain circumstances. That does not augur well in my opinion for future transparency in relation to these particular matters. It is more likely to be used by a government that perhaps has a track record in covering up and not wanting to reveal to the Victorian community what the truth of the matter is in relation to these particular matters. As I said, the current state government has in fact got that sort of track record. I think this bill is of significant concern to many Victorians.

Ms KILKENNY (Carrum) — I am very pleased to rise to speak on the Transparency in Government Bill

2015. I am disappointed but, I might say, not in the least surprised that those opposite — and I include the member for Malvern after his contribution yesterday — are not embracing the push for greater transparency, honesty and accuracy from government. The opposition clearly has form in this area of keeping things secret — and certainly not just in relation to health.

While I mention the member for Malvern, I will also pick up on another point that he tried to make in his contribution yesterday to the debate on this bill. He said that this Labor government is actually ‘soft’ on law and order. I thought, ‘How timely’, given that we know the biggest law and order issue in this state is family violence, and it is the Andrews Labor government that is making the biggest contribution to addressing this issue. Just today we saw the announcement of more than \$500 million to start tackling this issue, and that is just the start.

The bill before us represents a very welcome step forward for all Victorians. No more will Victorians be kept in the dark about hospital performance data or ambulance and fire service response times like we were under the previous Napthine government. No more will we be hostage to the arrogance that we endured under the former government when they chose when to drip-feed information to us and when to keep information secret. We are well and truly bringing that age of secrecy to an end, and it is about time. I am very supportive of this, and I commend the ministers on this side of the house.

Fulfilling yet another election commitment, the Andrews Labor government is, as it promised, making sure that we have greater transparency in the delivery of public health and emergency services in Victoria. What is important about this bill is that it is actually empowering Victorians. Transparency is about information, and information is power. To that extent we are giving Victorians that power, which is going to assist in driving innovation, driving efficiencies and driving accountability in government and public services.

We know that transparency can certainly assist in identifying gaps and disparities in health services, problems with service delivery and funding shortfalls. But transparency is also a very useful tool in that it helps us to identify best practice models. It can drive innovation, it can drive research ideas and it promotes trust and ethical behaviour, which I think is only a commendable thing for any government. We know that this bill is just part of a greater reform agenda that this government is pushing through, and that is based on greater transparency and accountability across

Victoria's public sector to improve services for all Victorians.

If we could come more specifically to the bill, we have heard that the main purpose of this bill is to bring about transparency in relation to the provision of services by certain emergency and health services, but importantly it is also going to address some of the issues that were raised by the Victorian Auditor-General in the 2015 report entitled *Emergency Service Response Times*, which identified the very compelling need to publish meaningful data about response times — something the former Baillieu-Napthine government refused to do.

Of course the objective behind this bill is ultimately commendable: it is to facilitate transparency in government by providing Victorians with information about certain emergency and health services that is easy to understand, relevant and meaningful to all Victorians. I think that is a very important aspect of this bill. This bill will create a new statutory framework which will see the regular release of government information and data concerning the performance of Victoria's ambulance and fire services, public health services and, in some cases, denominational hospitals.

We have heard that essentially it will do this across three areas. Firstly, the bill will require the quarterly release of response times to emergency incidents by Ambulance Victoria, the Country Fire Authority and the Metropolitan Fire and Emergency Services Board. Secondly, the bill will require the annual release of performance agreements, known as statements of priorities, between the government and the boards of Ambulance Victoria, public health services and some denominational hospitals. Thirdly, the bill will require the quarterly release of health performance data based on key performance indicators in those statements of priorities by public health services and denominational hospitals. This essentially is going to provide all Victorians with a regular indication of how their public health services and denominational hospitals are performing. Again that is about empowering Victorians with that knowledge and providing and ensuring greater accountability from public sector agencies, in turn driving innovation, productivity and greater trust among Victorians generally.

We know that certainly in the dim, dark days before the election in 2014 Victorians were facing an extraordinary crisis with ambulance response times, hospitals and elective surgery waiting lists. The Baillieu-Napthine government had been at war with our paramedics, with our firefighters and with our nurses, and of course no Victorian was ever fully aware of the

extent of the problem because the information was not made available to Victorians. It was kept secret.

It was only when documents were obtained after extraordinary lengths under freedom of information applications — and yes I find it extraordinary that Victorians were compelled to go to those lengths to secure that information — that the data revealed the extent of the problem, and it was huge. We saw that, for example, ambulances spent more than 146 000 hours waiting to deliver patients at Victoria's 40 largest hospitals in 2013–14. Frankston Hospital alone recorded a total transfer time in one year of 9600 hours. That means that patients had to wait 9600 hours before they were handed over from the ambulance to the hospital.

It is unacceptable. I visited Frankston Hospital a number of times in 2014 prior to the election, and on one occasion I recall counting 17 ambulances ramped outside the hospital on a particular day. This was not an uncommon occurrence, and obviously the longer you have ambulances ramped outside hospitals, the less ambulances are on the road and the worse off Victorians are. Of course it is important that Victorians are made aware of that information because it has an impact on the level of care that all Victorians will get. With this information we can look at ways to address the problems, ultimately improve response times and, importantly, improve care for Victorians.

I will sum up by saying that a government which supports a system that embraces transparency is commendable, and a system that embraces transparency will obviously be one that can produce better care, better services and better outcomes for all Victorians. Frankly that is why we are here, because part of good government is to improve services for Victorians across the board. We know that our dedicated healthcare providers, paramedics and firefighters do an incredible and wonderful job across our state and that the work they do is vital for the care and safety of all Victorians. It is therefore incumbent upon a good government to ensure that information that relates to improving the systems that it operates is easily accessible, transparent and made available to all Victorians. It is important that Victorians have the capacity to understand how their services are being delivered.

If we do not know about the issues, we cannot fix them. Unlike the Baillieu and Napthine governments, we are not going to hide our heads in the sand and pretend that these issues do not exist. We do not shy away from the truth on this side of the house. We are going to work with our dedicated emergency services personnel, our nurses and our paramedics, to make sure that we are

delivering better services across the board for all Victorians. This bill is a huge step towards that, and I commend it.

Ms RYALL (Ringwood) — I rise to speak on the Transparency in Government Bill 2015, which should actually be titled the Andrews Government Lack of Transparency Bill, because this bill is nothing more than a stunt. The bill is designed to give all the appearances of increasing transparency when in fact it is reducing the level of transparency of performance reporting, compared to what is currently in place. The purpose of the bill apparently is to facilitate —

Mr J. Bull interjected.

Ms RYALL — I will just step back, because I am hearing sniggers, and I am reminded of the member for Malvern's contribution when he talked about the fact check done by the ABC. If we want to look at transparency from those opposite, we can see that the ABC's fact check found a significant exaggeration in the Premier's statement in relation to health funding. He cannot be trusted to be open and transparent with the facts. I heard during question time today the Minister for Health once again perpetuating the same false and exaggerated health funding claims. The history of Labor in this state is one of a total lack of transparency, and this is just further evidence of that lack of transparency.

Apparently the bill's purpose is to facilitate the regular reporting of the performance data for emergency and health services and supposedly to make clear and transparent the delivery of these services. Let us have a look at how it might do that. Part 2 of the bill is about ensuring a quarterly reporting system for particular response time data for the Metropolitan Fire Brigade, the Country Fire Authority and our ambulance services. Part 3 of the bill is about ensuring that statements of priorities for ambulance services, public health services and, in some instances, non-denominational hospitals are published. These statements of priorities are to contain indicators against which the performance reporting is supposedly to be reported on a quarterly basis. But you will not be able to compare the new data with the current existing data — that is not very transparent, is it? — because the performance data will be different. There is nothing quite like blurring the picture between the future and the present data when you actually cannot draw a comparison.

Ms Victoria — Apples and oranges!

Ms RYALL — Apples and oranges, absolutely, member for Bayswater. You cannot draw a comparison between the two.

Then we see that Ambulance Victoria's quarterly response time data will not illustrate the average first response performance and percentage of first responses being less or equal to 15 minutes anymore and then show the actual minutes taken. Instead it will publish the 50th and the 90th percentile emergency response time performance data. Clearly being able to look at the current data and historical data to make comparison to future data will not be happening, and we have issues of transparency there.

If we look again at the Ambulance Victoria data under the current system, we see it is for local government areas and for urban centre localities (UCL). Under this bill the data for UCLs will not be there anymore. There will only be data for the LGAs. So we are going to have less data to demonstrate quarterly emergency response time performance data and less data than we had previously. So for all the reporting, increased transparency and more available data, what we see here is actually a reduction. Let us get the facts straight.

Under this bill the minister responsible will cause that performance data for emergency response times to be published. What if the minister delays that reporting? Can the minister delay the reporting? According to the bill, that would seem to be the case. What is to stop the minister delaying the publication of the data in different circumstances — for example, in sustained industrial action? One has to ask oneself: if the minister responsible has to cause this publication, in what instances might the minister not cause the publication?

The third part of the bill causes a statement of priorities to be produced by both Ambulance Victoria and health services. This is to be done in agreement with the relevant minister and is to be published by 1 November each year. Once again the minister may delay the publication of a statement of priorities if it is not agreed upon. The thing is that that delay could be indefinite. It is really difficult to see where in fact there is an increase in transparency.

In division 2 the bill refers to the reporting of public health performance measures being published quarterly, yet there is no standardisation of those performance measures across different health services. The member for Bayswater mentioned apples and oranges, and as someone who designed performance measurement software to look at these things so we are comparing apples with apples, where we do not have standardised performance criteria across like organisations, I can say

that it is very, very difficult to be able to actually compare performance. I think it was the member for Carrum who mentioned looking at performance benchmarking and things like that. You actually start to wonder where best practice comes from if you do not have standardised criteria across like organisations. How do you measure and assess who is performing better on those same benchmarks, and how do you therefore determine what might be rolled out as a result of a consistently good and improved performance?

It actually beggars belief that you would not standardise performance criteria, that people cannot measure apples against apples with different services. It is the whole concept of why we measure performance, which is to determine where things are, where they need to be and how we are going to get there. It leaves the question absolutely wide open as to how this apparent — apparent — increase in transparency will actually allow that to happen.

We see yet again that just like with ambulance response times the public health data publication can also be delayed, once again even indefinitely. As I said at the beginning, this bill is a stunt. We hear from those on the other side how wonderful it is in terms of increasing transparency. What we actually see is a decrease in transparency and an opportunity for the government to hide the facts from the public and from scrutiny by the potential delaying or the indefinite delaying of statements of priorities and performance data. That is not about transparency. This is a government that talks big and talks tough but fails on all counts on what it says it is going to do. It is an all-talk government. It treats Victorians like mugs in saying that this is about increased transparency. It tries to pull the wool over the eyes of Victorians. The bill is incorrectly titled and in fact should be called the Andrews Government Lack of Transparency Bill.

Ms THOMAS (Macedon) — It is a great pleasure to rise today and speak on this bill and on the delivery of yet another Andrews Labor government promise to the people of Victoria. I would like to take up the invitation of the member for Ringwood to put some facts on the table. When it comes to transparency in government, I am very happy to back the record of the Andrews government to date over anything we saw under that previous disgrace of a government, the Baillieu-Napthine government. Let me put some facts on the table about health performance under the failed Baillieu-Napthine government. But let me start by taking you back to October 2014, just one month before the Liberal-Nationals coalition was booted from office after one short but — and let us be clear here — one very destructive term of office.

Gavin Jennings, a member for South Eastern Metropolitan Region in the other place and the then shadow Minister for Health, took it upon himself to seek from the then health minister, David Davis, again in the other place, some information on ambulance response times. Despite Mr Jennings lodging, at my best count, 293 questions on notice — that is, 293 questions on notice were asked by the then shadow minister of David Davis, the worst health minister this state has ever seen — how many answers do the honourable members think that Mr Jennings received to any of his 293 questions?

Mr Edbrooke interjected.

Ms THOMAS — The member for Frankston is on the money. Zero responses. Yet we have to sit here and listen to those on the other side talk about transparency. As we know, there was good reason for the then health minister in the Napthine government trying to hide this data from the Victorian community, because damning data it was. Let me take members back, and again I commend the member for Carrum on her contribution. She also pointed to this damning data. But if we look at the previous government's record when it comes to ambulance services in Victoria, we see that statewide code 1 response times under the previous government worsened year in and year out. In 2012–13 they were 73 per cent within 15 minutes. This is despite the fact that when we left government in 2010–11, 77.1 per cent of code 1 calls were being responded to within 15 minutes.

Under the previous government ambulance code 1 response times increased at every metropolitan ambulance branch. The government refused to release through FOI any response time data or time spent ramping data after mid-2013 for fear of embarrassment. It had this data and it held it close. It would not release it to the public of Victoria. That is an absolute disgrace. I might remind members that it did not release the data to the community — that is, the data that this bill legislates to ensure that it is made available to the people of Victoria.

Let me tell you about a few of the other things it did. The previous government spent almost \$250 000 on newspaper advertising to spruik its pathetic pay offer to paramedics. This was in the midst of its war on paramedics. Rather than actually sitting down and negotiating and trying to do a deal — in the way that we have tried to do, I might say — to build productive relationships with Ambulance Victoria and our paramedics, what we saw from that mob on the other side was a war on our paramedics that put the health and wellbeing of Victorian people at risk because of the

arrogance of those opposite and their obsessive ideological attack on the ambulance union here in this state. It was an absolute shock.

I want to continue with the offer to put some facts on the table. If we look at what the former Liberal government did in health, I can say that it ripped \$1 billion from the health budget. As I said before, ambulance response times reached the worst levels on record, and Victoria's rates were the worst on the Australian mainland. Our emergency departments were overstretched; over 1000 patients were stuck in the emergency department for more than 24 hours waiting for beds. Elective surgery waiting lists grew to the worst level ever, with over 50 000 patients waiting. Do you know what is even worse? The former government tried to game the system by pushing through the easy-to-treat people on the waiting list.

This is in absolute contrast, I might say, to the fantastic and historic announcement that the Minister for Health made on the weekend of the largest single investment in elective surgery waiting lists. We are not going for the quick wins and the easy procedures here; the minister has said that that money is to treat those who have been waiting the longest on the waiting list and some of the more complex cases, including hip replacements and the like.

But again let me go back to the previous record of the failed Liberal Napthine government. It promised 800 beds, and it only delivered 88, and as I said before, it was at war with the health workforce. I want to take this opportunity to note that some of the contributions to date on this bill have taken us on a little bit of a history tour, a trip down memory lane, reflecting on some of the highlights, or should I say lowlights, of the previous government.

The member for Ivanhoe yesterday reminded us of the now opposition's FOI commissioner and the way in which then government members made a song and dance about the appointment of an FOI commissioner but also about how the Premier had his own personal FOI adviser, Mr Don Coulson. Of course Mr Don Coulson will go down in the history books as the purveyor of pornography from the Premier's office. What a disgrace. This is the calibre of people who were employed in the then Premier's office to look after transparency in government. This is what they gave us.

Can I also remind members of what happened in the midst of the ambulance negotiations. Can anyone remember — and if they cannot, do not worry, I will remind them — that a fake letter was mailed to members of the ambulance union on 5 October 2014?

Again, we were just a month out from the election, and that was how low those opposite stooped. That is how low David Davis would go. I quote from the *Age*:

The Victorian health department is investigating a potentially fraudulent campaign designed to destabilise the paramedics' union ...

In what the opposition rightfully called:

... 'grubby underhanded politics', the health department's principal industrial relations consultant, Michael Felle, has been accused of disseminating a letter from an allegedly fake group called —

and I apologise in advance —

'Pissed Off Paramedics' in an effort to pressure the union into accepting a new pay deal.

How low can you go? Of course the former government was not concerned about the reputations that were besmirched in the circulation of this letter, and indeed it went out under the name of Gerard Nelson. Gerard Nelson was a negotiator for the Emergency Medical Service Protection Association, and he was extremely upset, and rightfully so, that his name was being attached to a letter that was allegedly sent out of the health department. I mean, what was going on here? Can I say that it is absolutely no wonder that those opposite were booted out of office.

It is a real pleasure to be a member of the Andrews Labor government and to be part of a government that has wasted no time whatsoever in delivering on each and every one of its election promises, including this fantastic promise to restore much-needed transparency to government. What we saw under the previous government was that it would stop at nothing to hide its abysmal record in office. I commend this bill to the house.

Ms KEALY (Lowan) — It is a great opportunity for me to make a contribution to the Transparency in Government Bill 2015 for a number of reasons. Firstly, the bill relates to the health sector, within which I have worked my entire career up to entering Parliament. Because of that I have firsthand experience in some of the changes that this bill will bring about within the health sector, and I have also worked side by side with paramedics in rural and regional Victoria.

According to the bill, its purpose is to facilitate regular public reporting of performance data by certain emergency and health services and to ensure transparency in relation to the delivery of these services. I do question whether the actual content of this bill matches its purpose, because when you go through the actual detail, it is very, very surprising to see that

most of the reporting provisions which are outlined actually require a much lower level of transparency. Far less detail is going to be available to my local constituents, particularly around ambulance response times, which are blowing out in country Victoria under this city-centric Labor government.

I find the fact that we have got people who are making contributions in this chamber — and I have just had to sit through one — who talk about how there was a war waged against paramedics and that all on this side of the chamber are against paramedics to be absolutely disgusting. I have worked side by side with paramedics. I have seen how hard they work. I have been first on the scene, and I have actually been there helping with resuscitating somebody, waiting for paramedics to arrive, and I have seen them work so hard and save somebody who was a very, very dear friend of mine. The fact that people on the government side of the house do not have any respect for that is absolutely appalling.

Mr Richardson interjected.

Ms KEALY — You should be so ashamed of that. Government members say all the time how this side hates paramedics. Well, I am here to say that we do not. I strongly support paramedics in rural and regional Victoria. Rather than changing the reporting limits, would it not be good if we actually saw a safer worksite for our paramedics? Their worksite is our roads. They are on our roads all the time, and the biggest challenge for our paramedics is to have to drive over some of the worst roads in Australia. This government has cut a whopping 17 per cent out of the VicRoads road asset management budget. We have potholes absolutely everywhere; it is appalling.

Ms Ward — On a point of order, Acting Speaker, I think trivialising the work of paramedics by diverting the conversation around the quality of roads is not called for. I ask you to direct the speaker to go back to the actual bill and not try to make pathetic points on roads.

The ACTING SPEAKER (Ms Blandthorn) — Order! I think the member for Lowan was attempting to link it to her view of the debate, but I ask the member to return to the bill.

Ms KEALY — Absolutely. Thank you very much, Acting Speaker. I think that if we are talking about transparency in relation to the delivery of these health services, then we need to talk about the conditions and how we can support people — our emergency responders, including our paramedics — to get to these

incidents on time. The only way they can get there on time is to make sure they have got a safe environment, and that includes having proper roads. It does not include cutting the \$160 million country roads and bridges program. It does not include cuts to the road asset maintenance budget of 17 per cent. I have heard from VicRoads that Treasury has briefed it; there is going to be a further 10 per cent cut this year. That is not supporting our paramedics.

Then we look at the actual data. Let us compare the data that is going to be reported, as outlined in this bill, with what is actually reported at this stage. If we look at perhaps West Wimmera, for the last quarter, which finished in December of last year, we see that response times in West Wimmera have blown out to average response times of 28 minutes and 51 seconds. Our target at the moment is less than 15 minutes. How can you say that is acceptable? Do you know what the answer is from this city-centric government? ‘We’re just not going to report it anymore. We’re not going to report this information. We’re going to only focus on the percentiles. We’re going to take out the actual, specific information of what our average response time is’. I do not know who on earth could possibly say this is gaining greater transparency in reporting for an everyday person in the street.

If we are looking at the percentiles, we can look at the Yarriambiack council area. The 15-minute target for our code 1 responses is now only being met 24 per cent of the time. If you were somebody who was sitting with a family member or friend, waiting for a paramedic, then you would know this certainly is not good enough. And this sort of data is not going to be reported anymore. It is being watered down, and it is only for the reason that those opposite are absolutely ashamed of the data that is coming through. In country Victoria our times are blowing out, and those opposite are doing nothing about it other than changing the requirements for what information is going to be reported so that our people cannot see exactly what those opposite are doing.

It does come back to how we support our people. It does come back to our roads. It does come back to building new ambulance stations. There desperately needs to be a new ambulance station built at Edenhope to align with Edenhope hospital. That is something that should be funded to support our paramedics.

We of course also need to look at supporting our Country Fire Authority (CFA) people. That is also an area in this bill — looking at the reporting system for CFA response times. Yet every response to requests we have put in to build new fire sheds for stations,

including at Hamilton North, Dimboola and Murtoa, has come back saying, 'No, we're just not going to fund it'. It is just a simple no, not even consideration or seeking a meeting or finding out further information as to why these CFA volunteers, who put their own time into protecting our people and our environment, who put their own energy and administrative work into putting these sorts of response times together, made the request. They do not get any support in terms of the thanks and appreciation they should get from this Labor government.

Our people rely on CFA volunteers. Those volunteers deserve to be respected. I do note an upcoming bill in relation to the presumptive cancer legislation. Our CFA volunteers deserve equal access to presumptive cancer legislation. Ideally I hope that this government can see some sense and amend what its plan is, which is to go ahead with the line of the Tasmanian model and instead look at making sure that our firefighters, who work side by side, whether they are volunteer or paid firefighters, are able to access exactly the same legislation.

Other elements of this bill are introducing a statement of priorities for health services. Well, when I was the CEO of a health service, which was during the coalition years, the government actually introduced a statement of priorities for all health services, including small rural health services. This is not a change. It is reported on a regular basis already. It is an agreement with the department that is signed off by the chair of the board, the CEO of the hospital and the department secretary. This is not any different to what has been happening, so to say that it will improve transparency is just plain misleading. It will not do so at all. You are not improving accountability, you are not including any additional responsibility and it is not being reported in any different way, so the government is completely misleading the public in saying this is going to result in any additional transparency in the activity of our public health services.

Also there is a section in this bill which refers to hospital performance data. I question, if there is going to be any additional requirement on reporting hospital data, given the administrative burden that puts on hospitals, where the funding is going to come from to support our hospitals in reporting this data. It takes time to pull this information together. Again, it hits small rural health services the most — the hospitals which have far, far fewer administrative staff. They invest as much money as they possibly can into delivering real health services for our local people. Creating more administrative burden means we are going to have worse health outcomes for our local people. We will be paying admin staff rather than nurses and the staff who

keep our hospitals clean and cook the food rather than supporting our medical staff and our allied health staff. I think it is just heading in the wrong direction. You need to look at rationalising some of the information you are reporting; if it is not making any difference and you are not making a change with it, then cut it out, because it is just additional bureaucracy which we simply do not need in the public sector.

I see this legislation not as transparency in government but as legislation designed to hide key information and poor performance, which we are seeing under this city-centric Labor government. It is absolutely pathetic to see that we are going to get real-time ambulance times cut out of the regular reporting. That should be available to the public. We should be able to access exactly how many minutes it is taking for our ambulances to get to incidents and to get people to the help and support they need. We need to provide the backup support. We need to make sure that we have got good roads in country Victoria, because there are far too many potholes. We are seeing more and more permanent signs for reductions of speed limits, and our people — our ambulance officers, who work very, very hard — have to drive over roads in these conditions, often at high speed, and they are put at risk more than anybody else, and I am concerned about this.

Ms WARD (Eltham) — I rise with great pleasure to speak in favour of this bill, which is an excellent bill. I am also extremely interested in the member for Lowan's comments about improving response times. I am glad that she cares about response times, because I can tell you over the four years of the previous government we did not see evidence of anyone caring about response times at all. It is well and good to talk about the condition of Victoria's roads. I invite the member for Lowan to come and sit down with me and talk about the state of roads in Gippsland that I experienced in 2012 — the amazing potholes on the road from Wonthaggi to Leongatha that you could plant whole vegetable gardens in.

Ms Kealy interjected.

Ms WARD — You could plant whole vegetable gardens in those holes. It is great that the member for Lowan is so enthusiastic about response times on Victoria's roads, and I hope that she goes to her — previous — government and asks its members to explain why they did not invest in roads and in fact why they did not invest in improving response times, why they did not put money into communications, why they did not put money into staff, and why they did not put money and support into our paramedics instead of disparaging them at every single turn, calling them

union thugs, telling them they were not doing their job properly, paying absolutely no attention to these real people with real lives who dedicate their lives to the support and health care of our community. All the previous government did was disparage them.

Local paramedics will come up to me, and guess what they say? They say they will never vote for a Liberal government again because of the disgusting way in which they were treated by the previous government. These are people who in the first instance voted for Jeff Kennett. They thought he was a man who could get things done, and then they saw the truth. I tell you what, after the way they were treated over the four years of the previous government, after the way they were treated at polling booths, at their own street stalls and as they letterboxed, after the way they were treated by the appalling lot opposite, they were disgusted. They have said to me that there is nothing on earth that would make them vote for a Liberal government because the way they were treated was appalling. It was disrespectful, and the former government treated them and Victorians incredibly badly.

I am glad that the member for Lowan is getting on board and is wanting to support our paramedics — and all I can say is that it is about time. It is about time that someone in the coalition showed support for health care, showed support for paramedics and showed support for getting on board and getting this state back to the vibrant, fantastic, healthy place that it should be.

Honourable members interjecting.

Ms WARD — That is exactly right. I congratulate the member for Lowan for finally seeing the light and being supportive of our paramedics. I urge her to go and talk to her coalition colleagues and get them to also support our paramedics.

This bill arose in response to the Auditor-General's *Emergency Service Response Times* report. It is an absolutely timely report, because it notes that reporting statewide top-level data does not allow for interpreting how performances differ around the state. The amount of information that was not given in the four years of the previous government was just unbelievable. When in government the coalition did everything it could to hide from scrutiny. In fact what it did was play its own version of *Where's Wally?* I will tell you who the real wallies were. There were two wallies: Premiers Napthine and Baillieu. They were wallies with our health care; they were wallies with our paramedics; they were wallies with our response times; in fact, they were wallies with the whole state. That is exactly why

coalition members only lasted four short years in government — because they were absolute wallies.

Let us have a look at the game of hide-and-seek that they played, the *Where's Wally?* game they played with data.

Mr M. O'Brien — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms WARD — Let us see how long coalition members can wait before they interrupt again and try to cut short my speech. They do this regularly. They really do do this regularly.

Let us have a look at the game of hide-and-seek. In 2011 the statement of priorities was released days before Christmas. In 2013 the previous year's data was delayed until February. In 2014 those opposite tried to hide the data released around the new year break. Why did they try to hide the data? Why did they try to play *Where's Wally?* with data that was important to all Victorians? It was because their record in government was appalling.

Before I get interrupted again by those opposite, I want to talk about a woman I know called Barbara, who I have had a fair bit to do with over many, many years. She is a great woman, a really good woman. She is a woman who works incredibly hard for her family and her community. She was one of the thousands of people who were affected by the cuts of the previous government, who were affected by the long waiting times and who were affected by the lack of transparency in government. She had to wait three years for knee surgery — three years. At the time the recorded wait was supposed to be five months. What happens when we have health cuts and when we do not have transparency in government around data is that people's lives get incredibly disrupted. Their lives are disrupted, and their lives are made so much harder.

I want to know what those opposite think about a woman, a pensioner, who under their system had to wait three years to get her knee replaced. This is a woman who cares for her grandson regularly, most days of the week. This is a woman who looks after her disabled husband. This is a woman who looks after her adult son, who also has issues. This is a woman who barely has a moment to herself. She is a great woman, one of the kindest and loveliest women that you will ever meet, and under the previous government she had to wait three years to get her knee reconstructed. Can you imagine the disruption that caused in her life? Can you imagine how hard it was for her to do all of those

things that she had to do? This is a woman in her 70s who is still active, who is still caring for others and who is still working — and she is doing all of this, of course, voluntarily.

What distresses me no end are the games those opposite play with health care. It absolutely dismays me and disappoints me that they think that playing with people's lives like this is fair. They want to play politics with people's lives with this. It is just atrocious, it really is. Barbara was not alone in waiting. I am really glad to see that we have come through and that we are creating good things for the Victorian people. Over the weekend we made a great announcement that will benefit people like Barbara. We understand Barbara's story, and we understand how important public health care is to all Victorians. When one Victorian is not looked after there is a ripple effect. It affects their family, and it affects the broader community. It stops people being able to do the things that they need and want to do. The additional funding the government is providing this year for elective surgery is the equivalent of around 3100 more coronary artery bypass grafts; around 6700 more hip replacements; importantly for people like Barbara, around 6800 more knee replacements; around 22 000 more sinus and ear operations; and around 34 000 more eye surgeries.

This is important. I am glad that the government is getting on with it, that it is not getting caught up in silly political games and that it is actually responding to the needs of Victorians. We are getting on with ensuring that we are not only delivering on our commitment and our promises but that we are doing more than that and we are going beyond that, because this state cannot sit still. This state cannot go backwards as it did under the previous government. This state will continue to grow, but it has to continue to have the best health care in the country. That is exactly what the government will do. I commend the Minister for Health for the work she has done. She is a fantastic minister, and she will certainly not hide away as the previous minister did.

Ms McLEISH (Eildon) — I rise to contribute to the debate on the Transparency in Government Bill 2015. The purpose of this bill, as we have heard several times, is the facilitation of regular public reporting of performance data by certain emergency and health services. This is about ensuring transparency in relation to the delivery of these services and, if you think about it, the timely and regular release of data, of government information across these different sectors. We have got the health sector, with ambulance services, public health services and nondenominational hospitals; and we have fire services, with the Metropolitan Fire Brigade and the Country Fire Authority. The bill is

designed to ensure increased accountability around the data released and increased transparency.

If we think about the context and the background of this bill, performance data is always contentious, but it is extremely important. It is extremely important that the right data be released. There are several reasons that we need to have the right data released. First of all, governments need to know where to direct their investment. So the public purse needs to be treated with respect and administered responsibly, which is not something that those in government at the minute understand. The government needs to know where there are real problems, but the public also needs to know where there are real problems. It is not something you can find out and then hide under the carpet, which happens far too frequently. Labor has been in government now for about 13 years out of 17. I think that if Labor members are to raise any of these issues, they need to have a good, hard look at the length of time they have actually been government over that period.

This was able to be used by the coalition quite successfully. Waiting list times had blown out extensively under the former Labor government, and we were able to inject funds to help reduce those waiting lists and to make extra services available. On the surface, when I first saw this Transparency in Government Bill 2015, I thought, 'Fantastic. This is what we need. This is where the state needs to be going — to be open and transparent'. But one does not have to look too far — you just have to start reading the bill and looking a little bit below the surface — to find out that there is a whole bunch of flaws here.

First of all it is set up so that we are not going to be able to compare apples with apples. We have heard others speak about this. The way it is being set up and the changes that are made mean that meaningful and accurate comparisons between current and historical data cannot be made. It will take a few years for that data to build up so you can make reasonable comparisons, so we will find that for the intervening years there will be distorted truth until it levels out. I do not think that is a good thing, particularly when there have been so many issues and so much contention.

We have heard members from both sides talking about issues that they see with the release of health data. I just want to talk about a couple of these in little more detail. The emergency response time performance data will be published on a quarterly basis. Whilst that might sound fine, when you have a look at what is actually going to be published, you see that the bill will provide for the 50th and 90th percentile emergency response time,

which is actually lower. When you have a different benchmark or you use slightly different benchmarks — we will not have apples and apples; we will have apples and bananas — you are not going to be able to do that comparison to really get an idea about how well, or probably not well, the government is going.

Another aspect I am finding quite intriguing concerns the ambulance data. Currently Ambulance Victoria data is published for the local government areas and the urban centre localities, so why on earth would this bill only provide for the local government area data to be published, which really gives us a less complete set of quarterly emergency response time performance data? I cannot understand why this would be included and why this would be changed.

Many others have mentioned this: there are issues about the minister being able to delay the reporting. Perhaps they can delay it indefinitely. When you have a look at the second-reading speech, there are a few reasons that the government has tried to pop in there to give it some validity until a major emergency, for example, has been sufficiently addressed before reporting is resumed. Because the minister has this power to indefinitely delay reporting in certain circumstances — which also include, may I add, industrial action which can completely distort it — you have got to wonder, since there is still this room for the ministers to get in there, meddle and hold back data as they see fit. We have also heard the member for Lowan speak about the health priorities when she was CEO of a hospital. The priorities were agreed and published — it is what happens now — but what happens if there is no agreement about that priority? Then it may be also indefinitely delayed by the minister.

We know what happens under Labor, which is why it is very easy to be quite sceptical. Even now I suggest that members opposite try to get some decent answers to questions on notice, get some meaningful information. I know that I have certainly not been able to get meaningful information from a number of ministers. From some I have, but from a lot I have not. I notice that the Minister for Health is in here. I will be going back to her because the response to my most recent question on notice was inadequate; I will be going back to her to get further expansion on that. I draw attention to the Minister for Roads and Road Safety. The minister for roads has failed to answer 300 questions from one of the members of the coalition. I think those over there are very quick to throw mud but are failing to have a good look at what actually goes on.

We also know that Labor governments are great peddlers of fallacy, claiming others have cut things like

fire services, which is so not true. There was a recent example about pulling billions from hospitals and not putting it back, but when the *ABC Fact Check* looked at this, what happened? The Premier was seen to be exaggerating. Was that a surprise? Of course it was not a surprise, because Labor governments have form. We only have to go prior to the 2010 election when the then Deputy Premier stood there and absolutely beat his chest saying how fantastic it was that crime had gone down. In fact, had that happened? No. Was he caught out? Absolutely, big-time.

When the Premier was the health minister and there was an enormous scandal around the under-reporting of the elective surgery waiting list, he had his head in the sand. It was a case of his saying ‘No, no, no, it’s okay’ — that it was nothing to do with him. I worked as a management consultant, and I did a major consultancy piece with health services across the state. I went and spoke to people, and they were telling me the ways that they knew to hide the data and not reveal what the full extent of waiting lists were. It was a Labor government at the time, and it told us all of those things — what happened, how it happened but how that was what it wanted to happen as well. We have a government that is pretty big on dodgy numbers and dodgy statistics, and we do not really have to go that far to see how it continues to behave.

We set up Infrastructure Victoria, which is also about open and transparent government, but boy, does the government want to refer anything to it? I bet, Sky Rail Steve, you sure as anything do not want it to refer — or maybe you do — the sky rail project.

The DEPUTY SPEAKER — Order! The member will refer to other members by their correct titles.

Ms McLEISH — The member for Oakleigh. I apologise, Deputy Speaker. I am sure the member for Oakleigh would not be too keen to hear what Infrastructure Victoria might say about his sky rail project, but the government is very keen to set up these bodies and not use them.

Mr Richardson — On a point of order, Deputy Speaker, the member is completely off the bill here. I know there is only about a minute left, but the member is straying way past the bill. This is about transparency and emergency services and has nothing to do with rail infrastructure.

The DEPUTY SPEAKER — Order! There is no point of order. It has been a wideranging debate, and I ask the honourable member to continue.

Ms MCLEISH — We are talking about transparency in government, and that in itself opens up some very broad issues. Rather than this bill probably facilitating transparency in government, it looks as though it is decreasing that transparency. There is room to hide key information, there is room to hide poor performance and there is certainly room for the government to be involved and meddle, with ministers being able to perhaps hang out indefinitely on the publication of data.

Mr DIMOPOULOS (Oakleigh) — It gives me pleasure to speak on a bill that delivers on another Andrews Labor government commitment. I rise to support the Transparency in Government Bill 2015. It is consistent with the theme of transparency of this government, which has several themes. Recently members debated the Parliamentary Budget Officer Bill 2016. The version that was put on the table under the former government was a very poor and truncated one which allowed perhaps a little bit of airtime for minor parties and Independents to get their policies costed — from memory, three months before an election. We put up a far superior bill which is very transparent in relation to what a Parliamentary Budget Officer would do, and it provided for the office to exist throughout the entire parliamentary cycle.

This bill is also consistent with another bill I was proud to speak on, which provided for the annual report into mental health services to be tabled in this Parliament, to keep an accurate account of the investments in and the outcomes and performance of our mental health services. The bill which established Infrastructure Victoria was another bill that effectively was also about transparency. It put at arm's length and out of political contention the judgement and assessment of infrastructure proposals. Again, it has taken this government to do bold things such as that. Recently — I think in the last sitting week — we debated a bill, again put forward by this government, to give the Auditor-General follow-the-dollar powers. So in a short 16 months in government transparency has been our theme in every area.

It has been quite galling to hear the member for Eildon and others claim that there is something insufficient about this bill. It is fairly laughable that the member for Eildon talked about some limited examples where the minister may have the power to not release information. If that is not the pot calling the kettle black! As I think the member for Mordialloc interjected, what about the record of those opposite? What about the record of the then health minister, David Davis? We know that statistics were hidden for a long time, and we saw that during Mr Davis's time as health minister. When in

government those opposite refused to release data on ambulance response times and hospital performance data. They had the public and the media guessing for a very long time. I think it was about 18 months.

When the statistics on ambulance response times in 2012 showed that every branch in the metro area had worse response times than they were under the previous Labor government, the then health minister did not fix the problem, of course. He just hid the problem, and repeated FOI requests went unheeded. We finally found out the truth. For the member for Eildon to stand up in here and somehow judge our intentions and motives in this bill because there is a footnote power for the minister on occasion and for a very good reason to do something other than what is the intention of the bill at its core is a strange concept, particularly given the record of those opposite.

I am proud to support this bill, which I think is important. As the press release put out by the minister says, it does not relate only to ambulances but also to the Country Fire Authority and the Metropolitan Fire Brigade. The response times will be published for all local government areas across Victoria, including rural and regional areas. I think people identify with their local council area more than they do with the bigger and nebulous state departments or regional boundaries, so I think that is an appropriate geographical area within which to provide the data.

The Minister for Health also said last year that:

This legislation will mean governments will never again be able to keep ambulance and hospital data secret from the community.

Since coming to government we have released previously secret data about ambulance response times and are working with paramedics, not against them, to fix the ambulance crisis left by the Liberals.

Of course we saw the evidence of that, did we not? We saw the evidence of that with the very, very early fix of that problem in the first month of this government but then more recently last month in the decision by the Fair Work Commission.

This bill is about telling the truth, for good or for bad; it is about telling the truth to the Victorian community. We cannot treat people like mushrooms. We need to engage people in the conversation. Whether they be budget issues or operational issues that lead to an outcome which is less than optimal for them, they need to be aware of them and they should not expect their elected government to hide that information from them. That is not only because of their right to know as citizens and taxpayers but also because of their right to

know as consumers of all those products that we are reporting on.

In the context of what we have heard, I have to make reference again to the context that gave rise to this as an election commitment, which was basically the fact that people cannot trust the different statistics around health performance and health outcomes thrown around by different political parties for their own gain. A case in point is that the previous government — it was either the Napthine or Baillieu government; I think it was the Baillieu government — committed to creating 800 beds. I am a member of the Public Accounts and Estimates Committee (PAEC). I spent what on transcript is close to three pages questioning the deputy secretary of the department to get to the bottom of that figure of 800 beds. This has nothing to do with the deputy secretary; her performance is excellent. It is more about how tricky the previous government was in selling to the community a pup about 800 beds.

Of course there is a different clinical or bureaucratic definition of a bed, but at the end of my questions on that issue during the hearings that PAEC held in February, it was revealed that three years into that commitment — there is no reporting yet on the fourth year; that will come shortly — that is, in the three years out of the four that they had to create 800 beds, they created half of them, or 400. So they implemented 50 per cent of their commitment in 75 per cent of the time, whereas this government normally implements 75 per cent of its commitment in half the time. As I said, we are yet to get the report on the fourth year, but there is no way that the figure for the fourth year will make up the extra 400 beds that the previous government claimed it would create.

It is because of nonsensical, purely politically motivated grandstanding in statements such as that that this bill is before us today. It is for reasons such as that that the then opposition, now government, made a commitment for transparency around this very important area of public policy and public service provision, to ensure that people have the right information, whether it is for good or bad, as I said.

As an example of our commitment to health, the Andrews Labor government's first budget invested \$1.38 billion in health services and programs. As the Treasurer often says, in the first place we delivered 96 per cent of our election commitments, and of course we have got another budget in about 10 days time. We had the historic announcement by the Minister for Health over the weekend, which my local hospital is benefiting from significantly, of \$335 million specifically targeted to elective surgery — the biggest

single investment in elective surgery in Australia's history. That is a real commitment to this space, as opposed to the former Liberal government — this is not an item of conjecture; this is fact — which made a \$1 billion cut from health. Ambulance response times reached the worst levels on record. That it is not me saying it; that is every ambulance vehicle in Victoria which had that political and service statement on the back windscreen.

I proudly support this bill. It is this government that introduces transparency in every area of its policy decision-making, and this is no exception. I wish the bill a speedy passage.

Mr D. O'BRIEN (Gippsland South) — I am pleased to rise to speak on the Transparency in Government Bill 2015. As someone who is currently studying a degree and having to grapple with referencing, I would be interested to know how the member for Oakleigh would reference the source that he just used as, 'It is not me saying this; it is fact. It was on the windows of the ambulances' — as written by the ambulance employees union. I might go and speak to my lecturer about whether I could use that as a source of an accurate quote in my next essay, because that is truly staggering. 'It is not me saying it; it was the union, on the window of the ambulance' — so it must be true.

The Transparency in Government Bill, as the member for Malvern highlighted, is Orwellian in its title in many respects, because as previous speakers have highlighted the Transparency in Government Bill actually reduces transparency. Let us go through some of the areas of concern. I am all for transparency, and I think, in all seriousness, we should take some of the politics out of these issues. In relation to the areas of concern in this bill, the emergency response time performance data to be published on a quarterly basis under part 2 of the bill is different to the emergency response time performance data that is currently published.

For example, for Ambulance Victoria there is a range of performance data related to average first response performance and percentage of first response performance that is provided on a quarterly basis. In contrast, the bill only provides for the 50th percentile and 90th percentile emergency response time data to be published. This change of dataset will make it very difficult, if not impossible, to compare current and past statistics with future statistics. We have heard others mention that the Ambulance Victoria data is currently published for local government areas and urban centre localities, whereas the bill only provides for local government area data to be published. As a result it is

providing a less complete set of emergency response time quarterly performance data.

The bill provides that the minister responsible may cause emergency response time data to be published but also that the minister may indefinitely delay reporting in certain circumstances, including circumstances related to sustained industrial action. Those opposite have had plenty of opportunity to throw mud at this side of the house with respect to the previous ambulance dispute, but in the context of the term 'sustained industrial action' I will be interested to see what happens with fire response times in relation to the United Firefighters Union (UFU), because that is an industrial dispute that is escalating and has only got worse under this government — so much worse in fact that the signs of the UFU have been switched from Labor Party offices to the offices of the Greens party members. Now the union has switched its allegiance entirely, and the Greens are the ones that are the champions of the UFU.

Mr Pearson interjected.

Mr D. O'BRIEN — You never know, they might be back. They did arrive last week at the office of the member for Mildura with a birthday cake, and it has been unfairly suggested that they got him confused with me because it was actually my birthday last week. But the UFU is clearly not happy with the current government, so I would not be surprised if the fire data is withheld for quite some time now. This dispute is looking uglier and uglier by the week, and I suspect it may go on for some time.

Part 3 provides that Ambulance Victoria and health services produce a statement of priorities in agreement with their minister, but if the statement of priorities cannot be agreed, then its publication may be delayed indefinitely by the minister. Again the member for Malvern highlighted the gaps that those sorts of clauses in legislation provide that you can drive a semitrailer through — if you still have a job as an owner-operator of a semitrailer of course.

Finally, division 2 in part 3 provides that reporting on public health performance measures be published on a quarterly basis, but it does not provide any level of standardisation of performance measures across different health services, so the notion that this will deliver increased transparency I think is, at very best, to be advised upon. We will see whether that is actually the case.

The member for Oakleigh highlighted that the public has the right to know the truth, even if it is ugly, even if

it is bad. We might come back to that statement in two or three years time and just see how things go when there are some nasty statistics floating around, because of course the Labor government, the Labor Party, has form on these issues. We know about the police statistics scandal from prior to the 2010 election whereby figures that were not accurate were put out and then of course trumpeted by the then government. The now Premier and then Minister for Health was in charge during a time when hospital waiting lists were doctored, as was quoted yesterday by the member for Malvern. The Royal Women's Hospital has been systematically lying about its surgery waiting list for almost a decade.

Mr Pearson interjected.

Mr D. O'BRIEN — It is such a good comment and such an important part of this that it deserves repeating, and that is exactly why I am repeating it.

Honourable members interjecting.

Mr D. O'BRIEN — It is amusing, without making light of the situation, to be pulled up on this, having just heard the same government speech from everyone on that side for the last hour and a half. It is just extraordinary.

I turn now to fire response times and the issues in country areas in relation to the Country Fire Authority (CFA). In my own electorate of Gippsland South, I have got a number of fire stations that are desperately in need of an upgrade. The previous coalition government put in an enormous amount of funding, and I think the figure was over 250 new stations that were built during that time. Indeed we did it so well and so efficiently that we had money left over and we were able to do another dozen or so fire stations throughout the state, but there are some that did not get done.

In my electorate in particular there are Foster, Mirboo North and Yarram. Something that is consistent about the three stations is the challenges that the volunteer officers have in actually getting their trucks out of the stations, because the stations are old and they have not kept pace with the growth in the size of the trucks. At Yarram there is a fairly illustrative side wall that is missing several chunks of concrete because occasionally the trucks on their way out take a little chunk as they go. Foster and Mirboo North are similar. They are almost at the point of having to let the tyres down on the truck to get out under the door when it goes up. But this government has not got any funding available for upgrading the stations, so Foster, Mirboo

North and Yarram are desperately in need of these upgrades.

It is not only a response time issue, because it literally does take them longer to get organised when there is a call-out and then to clear the doors and the side walls, but it is a safety issue as well. I am sure it is one that the UFU would be interested in because at a couple of these stations firefighters are trying to get changed when there is a call-out with less than 1 metre of space between their change area and the truck, and if you have people trying to get changed and arriving at different times, it certainly is an issue.

If the government wants to ensure that response times for the CFA are improved, it should also be improving the facilities at CFA stations around the state. It has been going around opening a number of stations, naturally enough that were funded by the previous government, but it is time that the minister provided the necessary level of funding so that some of these urban brigades in the bigger towns can be upgraded or replaced. That in itself will assist with response times. That is something that the government needs to get onto now.

I think this bill, as with many of the pieces of legislation presented to this house, is honourable in its intention and on face value we would be supportive of it. But with this particular piece of legislation, as others on this side have indicated, we are sceptical that the bill will in fact deliver the transparency that the government is promising.

Ms COUZENS (Geelong) — It is a pleasure to rise to speak on the Transparency in Government Bill 2015. The bill is an important step towards promoting regular reporting by Ambulance Victoria, fire services and public hospitals. I commend the minister and her staff for their hard work in putting the bill together. Victoria was the only state in the country to improve its response times in 2014–15. Under the coalition Victoria was the worst performing state in the country, but in 2014–15 we were the only state to improve on all response time measures. This is a great achievement by the minister. From that she has been able to consult and to find out what the community needs are and where the problems are with our ambulance services, our fire services and our public hospitals.

Since coming to office the Andrews government has ended the long-running industrial dispute with paramedics; appointed a new board of Ambulance Victoria; released previously secret data about ambulance response times and hospital performance; invested \$1.38 billion in extra funding to support

Victoria's hospitals to meet increasing demand and improve and expand services; invested \$560 million in funding to expand and redevelop hospitals; and established a \$200 million Beds Rescue Fund to increase hospital capacity. We have provided a \$60 million elective surgery boost with a new focus on the most complex cases; invested \$99 million to improve ambulance services across the state, upgrade ambulance stations, equipment and vehicles, and expand counselling services available to paramedics; ended hospital bypass; released the ambulance performance and policy consultative committee's ambulance action plan and fast-tracked our \$60 million Response Time Rescue Fund to improve response times sooner; and commenced work on statewide reforms to change the way care is delivered, with a focus on innovation through Better Care Victoria.

Our paramedics and our firefighters perform an invaluable service to our community, and I know the people of Geelong hold them in high regard. They feel safe knowing that when we have good reliable services the response times will be positive. People do not like hidden information, and that is what we saw under the coalition government. Unlike those opposite, we will be accountable and ensure that all Victorians have access to this important data.

Prior to and after the election I was able to have discussions with paramedics in Geelong. They talked to us about where the needs were and what they saw as being solutions to problems. Those discussions were really valuable because they enabled the government to look at what needed to change to improve services.

The discussions with the health services prior to the election were also interesting. Prior to the election they were telling us that everything was fine and that the data was all good. It was very difficult to get any information out of them in Geelong. Since coming to government we have found that there were issues that they had hidden from the Geelong community. Now all that is starting to come out, and the people of Geelong are not very happy about the fact that the previous government kept a lot of the information hidden and that now this government is having to deal with it.

Every day in our public hospitals and emergency services dedicated staff work to preserve life and the dignity of our loved ones. The efforts of these staff are to be commended. This bill will make sure that when governments underinvest in critical services and fail to support these hardworking health and emergency workforces, the community will know. That is exactly why we now have an Andrews Labor government, because the community could see what was happening

right across Victoria, and in particular in the city of Geelong.

In 2011 the coalition's first full financial year statements of priorities (SOPs) were released days before Christmas in an attempt to evade scrutiny. In 2013 it was February before any information on SOPs was available for the 2012–13 financial year. In 2014 the coalition released them in the wake of a New Year public holiday. The bill makes sure that vital information about our health and emergency services can no longer be hidden or politicised. It requires that all health services, denominational hospitals and Ambulance Victoria SOPs be published by no later than 1 November after the relevant financial year. In the event that any SOP is not completed for publication the bill requires the minister to publish an explanation.

This legislation means governments will never again be able to keep ambulance and hospital data secret from the community. I know for people in Geelong the issues they raised prior to the Andrews Labor government coming to power were not taken seriously by the coalition government. They had major concerns about where things were heading. We heard lots of different stories about people having to wait long periods of time for ambulance services in particular. This bill enables the people of Geelong to feel that this government is taking seriously the issues they have raised. We certainly value our emergency services in Geelong; there is no doubt about that. The people of Geelong do not blame the ambulance services, the fire services or the hospitals for not being able to deliver; they blame governments when they are not delivering what they should be.

This is a really important bill, and as I said, I think the minister has done an incredible job in ensuring that the people of Victoria — and the people of Geelong — are looked after, and if they are not, that it will come to light through the data that we expect to see. I commend the bill to the house.

Mr PEARSON (Essendon) — I am delighted to make a contribution to the debate on the Transparency in Government Bill 2015. The purpose of the bill has been outlined by previous speakers as being about trying to promote regular public reporting of performance data for ambulance and fire services and Victoria's public hospitals. This is a very important piece of legislation despite the claims of those opposite. As Jeremy Bentham, the 18th century English philosopher, said:

The more strictly we are watched, the better we behave.

This bill is important because it looks at trying to expose major service providers in the state of Victoria, and it leads to more open and transparent government.

Interestingly, transparent government as a concept is actually relatively new. I think it was the philosophes from 18th century France who started to look at championing the notion that the state was not all powerful, all knowing or supreme.

Basically the absolutist doctrine of secrecy was flawed. The philosophes looked at trying to encourage the state to be more open and more prepared to engage in being more transparent. It is interesting — and I did not realise this — that the first enactment of free press legislation, which was really born out of this movement, occurred in Sweden in 1766, and that obviously lead to further changes, with changes in the Americas following the War of American Independence and the French Revolution.

Why is it important? The problem is, I think, that where you do not have transparency and people are not held to account for their conduct and behaviour, you do not have a level of constant improvement. It is all hidden in the shadows. You do not quite know what is going on. You do not see.

Frederick Schauer delivered a paper entitled 'Transparency in Three Dimensions', which was recently published in the *University of Illinois Law Review*, and he made some interesting points about the importance of transparency more broadly in terms of government. I found this quite good. He went on to say what it is to be transparent, and he wrote:

To be transparent, the *Oxford English Dictionary* tells us, is to have 'the property of transmitting light, so as to render bodies lying beyond completely visible'. As used metaphorically, therefore, to be transparent is to have the capacity of being seen without distortion.

He then went on to make a couple of other comments about transparency:

Secrecy, privacy, anonymity, and confidentiality also have their virtues, and we can all understand why transparency is a far more desirable attribute for sunroom windows than it is for bathroom doors. At times, it seems that transparency is a prime example of the old adage that where you stand depends on where you sit.

The reality is that if we look at our hospitals, we see the global budget for the Department of Health and Human Services is a bit north of \$13 billion. If you are looking at the Department of Justice and Regulation, you are looking at, I think, about \$5 billion or \$6 billion. In the context of a state budget of about \$53 billion, these are not trivial amounts of money.

What we are trying to do with this piece of legislation is carry on a great Labor tradition in this state. We introduced the first FOI legislation in 1982 under the Cain government and introduced hospital waiting lists, I believe, for the first time in the mid-1980s as well.

An honourable member interjected.

Mr PEARSON — Yes, indeed it was David White.

As a way of trying to highlight and focus what is going on, Schauer also in his contribution refers to Allison Stanger, who wrote a book titled *One Nation Under Contract — The Outsourcing of American Power and the Future of Foreign Policy*. Stanger's thesis refers to open information as a key to efficient markets and talks about transparency as efficiency, so in other words the free availability of information is precisely what makes markets operate effectively. Stanger's thesis is that poor oversight by the United States government of its contractors in Afghanistan and Iraq who squandered resources resulted in higher levels of unemployment in those countries and had the additional adverse consequence of worsening the US deficit. So what Stanger is talking about is the fact that if you have got the open availability of information, then you have got a greater ability to try to understand what is going on and to find constant rates of improvement.

When you have got escalating expenditure in portfolios like health and education, this is very important. I think health expenditure at the moment is growing at about 7 per cent per annum, and has done so for many years as a consequence of us living longer and having an ageing population. I note that the Grattan Institute, in its recent paper from earlier this year entitled *Chronic failure in primary care*, talked about the fact that you can have great disparities between an operation performed in one hospital with one surgeon as compared to another hospital with a different surgeon. It is interesting that there does not seem to be any rhyme or reason as to why you would have such a wide variance. I think the paper referred to one particular operation — it might have been a hip replacement — and talked about the fact that there were hundreds of percentage points difference between the two. So you are not talking about 5 or 10 per cent either way. You are talking about a significant difference.

Where you have a regulatory regime in place whereby you are mandating that performance data be reported, people will effectively be held to account for their conduct and their behaviour. You will have a situation where you actually own the results. You are held to account. That is how it should be, frankly. I think most people in a working environment are held to account. If

you are a particularly poor member of Parliament, you run a very real risk that the voters will boot you out at the next election, or alternatively you find that your margin takes a hit and you have to work harder. This is exactly the same concept. It is basically making sure that the data is out there, that it is published and that it is publicly available so that people can see for themselves what is happening and so that the people who practise in these areas are therefore compelled to, I suppose, justify and explain what it is that they are doing.

The other interesting point with regard to the concept of transparency as efficiency is presumably what will happen if one particular service is doing particularly well is that it then opens the question of other comparable services: why aren't they doing as well? Conversely if you have got a laggard who is performing poorly, that will present an opportunity to look at some analysis of what is occurring and to try to improve the efficiency and performance, because the reality is we do have a growing problem in the nation in relation to the escalating costs associated with health care.

We cannot assume that we will always have a continuously growing economy, that we will find a happy place in the Asian century in our engagement with Asia and that we will ride the waves of prosperity over this century. We have got to be mindful of the fact that there is a very real risk that we are going to be under significant pressure to perform. Therefore we should not be wasting public resources. We should be looking at how we can do better, how we can be more efficient and how we can be more effective. By publishing this data, by putting it out in the public domain and by letting people see what is occurring, we will ensure that we maximise the chances of having greater levels of efficiency and more effective delivery of public services.

At the end of the day I think that is what most of us want to do. We actually want to see the state discharge its functions and provide good health care, good education and a safe environment for our citizens so that we improve the state in which we live in. This is an important piece of legislation, notwithstanding some of the comments made by those opposite, and I commend the bill to the house.

Mr RICHARDSON (Mordialloc) — It gives me great pleasure to rise to speak on the Transparency in Government Bill 2015. It was a key election commitment of the Andrews Labor government to restore transparency to our emergency services.

Before I get on to the substance of the bill, I want to acknowledge some of the contributions of those

opposite, in particular the contribution made by the member for Gippsland South, who made a mockery of ambulance paramedics riding on their vehicles, some of the response time data and some of the challenges the paramedics face. He is a brave person to stand in this place and mock that, because it was his government that stifled that information from getting out into the public domain. The paramedics were riding on their ambulances and pleading for assistance from the public because the previous government was stifling data. It was not releasing the information.

In fact when I was a candidate for election I remember hearing a comment from Ambulance Victoria that it was actually too politically risky to put out ambulance response time data. That was the dynamic and the environment that we were dealing with. We had a government that was defying our system of democracy and that did not want to share information with the public for its own political interests and its own political skin. Instead of having the courage to respond to those challenges in the 2014 state budget, the former Premier talked about 'game changing' with a project that had no transparency and no accountability instead of responding to the things that mattered to our community, like safer health care and better response times in our ambulance system.

The fundamental reason those opposite lost government was that they were out of touch with the Victorian people. This bill looks to open up transparency for our emergency services, because the fundamental point is that response times matter. Getting to an emergency in time matters. Getting to a critical scene in time matters. Every minute counts, whether it be for a cardiac arrest, a vehicle accident or a house fire. They all matter. Response times matter, and what other way is there to audit and assess whether we are getting it right as a state than to share that information with the public, to have it audited and to have it assessed? That is the key point of this bill — to open up that information.

We heard the member for Lowan make comments about the 'war on paramedics'. It is all well and good to come into this place and make statements about supporting paramedics, but the record stands that the previous government moved it down its order of priorities. The previous government did not prioritise health, and the previous minister cut over \$800 million from our health system and could not find a hospital bed to save himself. The previous health minister refused to respond to the ambulance crisis. Where was the National Party when this was going on?

There was only one person in that whole dynamic of cuts that were going on across the spectrum of policy

who had the guts to stand up and say this is not right, and that was the then Minister for Higher Education and Skills, Peter Hall. Not one of the other Nationals members spoke about their regional and rural areas where response times are exponentially worse than in metropolitan areas because of the vastness of distance and space. Not one of them had the courage to say, 'This is a big issue for our community; the response times are not meeting standards'. Not one of them took it to their cabinet. Not one of them stood up and said, 'We've got to solve this in the 2014 budget after so many different issues'.

The member for Lowan is the expert on feigned outrage. Every time I hear the member speak, there is a new epiphany but there is nothing about the record of the previous government. The Nationals constantly abandoned regional and rural areas whether it was on education or on health care, and to try to change the slant on that is just absurd. I go to one of the comments made on 11 December 2014 after the election of the Andrews Labor government. I had forgotten about this clip, but to my astonishment, there was the former health minister, David Davis, quoted under the headline 'Ex-health minister David Davis defends ambulance response times'. He is a guy that just does not know when to stop flogging a dead horse. This is the most astonishing thing and probably goes to the absolute values of the former health minister. The article states:

Mr Davis said the former government was making inroads and the numbers did not tell the full story.

The numbers did not tell the full story! The response time numbers are everything. If you are not getting to a critical incident within the response time, what other story do you want to tell? What other spin do you want to put on it? What other slant? If you are not getting there within the 15-minute code 1 response time, then what other story do you want to tell? That was the problem with the former government — it was not telling the story of the expectations of the Victorian people.

That was shown in the report of October 2014, where it said that ambulance response times within 15 minutes had fallen to 73.7 per cent of the more than 300 000 code 1 emergency cases, well short of the 85 per cent target. Response times had been diminishing consistently from 2009–10 year in and year out. Why you would put him in charge of the shadow portfolio for local government is anyone's guess; some of the rants that he has had about rate capping have been astonishing. He turns around and says that the ambulance service was 'turning around a long-term decline in response rates' by responding to 73.7 per

cent of code 1 emergency cases. Yes, because it could not get any lower. It was just on a downward trajectory. The long-term decline happened on the previous government's watch. The long-term decline was throughout its tenure, which is an absolute outrage. His record stands on its own, and I am surprised that the coalition actually has speakers on this bill today, because it is a bit of a joke that members opposite come in here and talk about transparency and around the edges of what this bill puts forward, which talks about medians of percentiles. The bill talks about wider medians of those response times. For those opposite to come in here and take shots at the bill when this was a vacant space for the coalition is just laughable.

We had reports of paramedics being threatened if they talked about response times. There were gags by Ambulance Victoria. We had Ambulance Victoria going to court to try to stop freedom of information requests getting out into the public realm so constituents could make an informed decision of whether the previous government was getting its policies right. What an absurdity. The government pushing Ambulance Victoria and condoning its actions to go into court to try to stifle response time data was just absurd. It was about a broader package of some of the challenges that we saw in health. We saw more prison beds delivered in our prison system than hospital beds in our health system. That was the agenda that was put forward by the previous government — lock them up at any cost. The previous government pushed health to the side. It was not about education or health; it was all about law and order, it was about more prison beds. Its agenda was warped and all over the place.

So we come to where we are now today. We have had the audit of the ambulance crisis. We have the health minister, who is in the place today, turning it around for our state. She has also taken the fight up to the federal Liberal government, which is making savage cuts to our health system. The future projections of \$17 billion will hurt Victoria. She is taking up that fight. It was a vacant space for the former health minister, David Davis. You would never have him turning around and saying anything in support of Victoria, because it is the coalition and the Liberal Party first and Victoria second on his watch. It is more about politics and not representing the community. It is about saving your job rather than actually responding to the needs of Victorians. So we come to our work to try to correct those terrible issues in our health system. We have a significant investment in our paramedics. We have a fair work case that has been put forward by the Fair Work Commission that recognises their contribution and their work and starts to set these trends right. That

is where our values lie — it is about supporting our emergency services and our emergency personnel.

I should say as well that it is also on the Country Fire Authority (CFA) and Metropolitan Fire Brigade front as well. Of course response times across our emergency services are critical. My local CFA brigade in Edithvale, as a volunteer brigade, has service requirements. I would expect all that information to be public. It also does emergency response medical vehicle work, so it is also supporting in the health space as well, which shows the diversity in our emergency services. We are working towards improving our emergency system. This transparency will give people in our community an ability to see whether the government is on track. That is a basic necessity of our democracy, as the member for Essendon was talking about before. It is a basic necessity to see where we are up to as a state, whether we are getting it right, and if we are not, where we need to channel the resources and where we need to put more investment into our community to ensure that our community is safe in the growing population that is Victoria.

Debate adjourned on motion of Ms HUTCHINS (Minister for Local Government).

Debate adjourned until later this day.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (COMMUNITY SAFETY) BILL 2016

Second reading

Debate resumed from 23 March; motion of Mr SCOTT (Acting Minister for Corrections).

Mr CLARK (Box Hill) — This is a bill that arises from the tragic murder of Masa Vukotic in March 2015. Following that terrible event the government asked retired Court of Appeal judge David Harper to undertake a review of the Serious Sex Offenders (Detention and Supervision) Act 2009. This bill follows the undertaking of that review. In essence what it seeks to do is respond to the recognition arising from the tragedy that occurred in March 2015 that those who engage in sexual violence may also pose a future risk to the community of other violence as well. It seeks to extend and strengthen some of the provisions of the Serious Sex Offenders (Detention and Supervision) Act (SSODSA) to achieve that objective.

The regime of SSODSA, as many honourable members will know, is a civil regime, arising from court orders, for the ongoing supervision or in some cases the

detention of those who have been convicted of serious sex offences and who have completed their prison sentence and pose an ongoing unacceptable risk of committing further offences. The decision as to a supervision or detention order is made by the Supreme Court or County Court, and the court has the capacity to set the conditions designed to better protect the community. As I have said, this bill recognises that those provisions should be broadened to attempt to protect against the risk of those who have previously been convicted of serious sex offences committing in future other crimes of violence.

The SSODSA legislation has evolved over a number of years, and I think we as a community have now reached the point where we accept that the fact that a person has been convicted of a serious sex offence can form the basis for a conclusion that they pose an unacceptable risk of further offending to the community, and that by virtue of having committed that original offence it is appropriate, legitimate and reasonable to subject them to ongoing restraint to the extent necessary to ensure the community is protected. There are a number of provisions in the bill that seek to further that overall objective.

First of all, it is to be enshrined in the SSODSA legislation that those involved in decision-making must give paramount consideration to the safety and protection of the community. In that respect the bill picks up on the measure that was enshrined in parole legislation under the former government arising from the Callinan report.

The bill broadens the core conditions of supervision orders to prohibit the commission of a violent offence — that is, to make it a condition of the supervision order that a violent offence or behaviour as specified in the legislation not be engaged in. This seeks to address part of recommendation 7 of the Harper review, which in relevant parts says:

The reformed post-sentence detention supervision scheme should:

...

... provide that a core condition of every supervision order be not to commit ... a serious violent offence (defined as an indictable offence punishable by sentence of imprisonment), such that the commission of such an offence whilst an offender is subject to a supervision order will constitute a breach of that order.

I think the list of offences in the bill in some respects goes beyond the serious violent offence definition proposed by Justice Harper, but those further provisions seem at least in the main sensible ones.

The bill also provides clearer powers for conditions, instructions and directions to be imposed for the purpose of reducing a serious sex offender's risk of committing violent offences or engaging in violent behaviour. This is designed to implement that part of recommendation 7 of the Harper review that recommends that the detention supervision scheme should:

include a clear statutory power for conditions, instructions and directions to be made that are aimed at reducing an offender's risk of committing either violent or sexual offences or both ...

The bill in particular allows for additional conditions, such as that the offender undertake treatment, rehabilitation or other programs targeted at violent behaviour, or as the second-reading speech says:

... aimed at improving their interpersonal relationships or interpersonal skills.

These actual conditions that are imposed will be at the discretion of the court and designed to provide protections for the community against that risk.

Another significant measure introduced by the bill is to impose a minimum term of imprisonment of 12 months for the breach of various restrictive conditions of supervision orders unless a special reason exists. Further details on those provisions are set out in the second-reading speech, which correctly indicates that it is proposed there be two categories of restrictive condition created by the bill, the first of them being the core conditions of every supervision order prohibiting further sexual offending or violent offending or conduct. Those will always be restrictive conditions.

There is a second category of restrictive condition which a court may impose at its discretion by declaring various conditions to be restrictive conditions, and they relate to alcohol or drug abstinence, curfew, residential restrictions, non-contact conditions or exclusion or inclusion zones. A court can impose one of those conditions and not make it a restrictive condition or can impose it and make it a restrictive condition. In the latter case, if that condition is breached, then there will be the statutory minimum term of imprisonment of 12 months for a breach.

I want to make one particular point about how this provision has been expressed publicly by the government, because in the government's media release announcing its intention to bring in this legislation, the government refers to this provision as being:

... a mandatory minimum term of 12 months imprisonment for intentional reckless breaches of certain supervision order conditions.

That was in the government's media release of 22 March this year.

I make the point that this provision is not a mandatory sentence; it is a statutory minimum sentence which picks up on the provisions for statutory minimum sentences that were introduced under the previous government originally for gross violence offences and then for coward punch killings. It is a regime which was very carefully put together to send a strong message to the court that ordinarily there should be a minimum term provided but that there should still be left some discretion, in cases where there truly was a special and genuine reason for doing so, to depart from that minimum.

Mandatory sentences in the true meaning of the words can have very unfortunate consequences of operating in circumstances that were not envisaged and were not intended. It is welcome that the government has picked that up in this legislation, and indeed in other legislation, on the statutory minimum regime that was introduced under the previous government. However, I think it is important not to refer to it as mandatory sentencing, because that is factually incorrect and unnecessarily opens up issues about the appropriateness of mandatory custodial sentences. Certainly members of the previous government were at pains to make clear that we were talking about statutory minimum sentences rather than mandatory sentences.

That is a point of terminology, but the more important point to be considered here is how this provision is going to operate in practice and whether it will be effective to achieve its objectives. I think there are probably three broad categories of circumstance in which this potential statutory minimum could apply. The first would be if an offender committed a particularly serious further offence while under a supervision order — a rape, serious assault or — hopefully it will never occur — another homicide. In those instances one would certainly hope that this statutory minimum would not be operative, because in the ordinary course the offender would receive a far greater sentence than 12 months anyway.

The second situation is offending of what might be called intermediate seriousness — perhaps a fight in a hotel where there is quite a degree of injury inflicted by the offender on the victim. It may well be that in this sort of instance the statutory minimum will have an effect in that otherwise the offender might have received a lesser penalty. If that helps send a message to an offender who is on a supervision order that they need to be particularly careful to avoid reoffending, I

think that would be a reasonable and desirable thing to do.

There is a third category, though, where this provision has the potential to apply, which is potentially a range of lesser offences. This is something that the Scrutiny of Acts and Regulations Committee (SARC) has drawn attention to. In its *Alert Digest* No. 5 of this year the committee refers to Parliament for its consideration the question of whether or not the relevant clauses — by prohibiting and requiring decision-makers to impose conditions in order to prevent sex offenders subject to supervision orders from engaging in conduct that poses a risk to the good order of a residential facility or threatens their own safety and by requiring that offenders who engage in such conduct without reasonable excuse ordinarily be imprisoned for at least 12 months — infringe on what the committee refers to as the charter right against arbitrary detention or, to put it more broadly, whether they could have the potential to operate in an unintended manner.

For example, on my reading it would mean that if someone under a supervision order who was ordered to reside at Corella Place lost their temper and threw something through a window at the facility and was charged, the court would have to contemplate imposing a minimum of 12 months imprisonment on that person. There are issues about that not only in relation to the justice in the individual case; there is also the risk that if this provision operates too broadly in conjunction with the definition of restrictive conditions, it will undermine the effectiveness of the statutory minimum sentencing regime for other offences.

For example, if a court feels it would be unjust to jail someone for 12 months because they have broken a window, the court will be tempted to look to stretch the definition of special reasons provided in that legislation. By stretching that definition of special reasons to avoid what the court considers would be an injustice in that case, the court could weaken the effectiveness of the statutory minimum sentencing regime in situations such as gross violence, coward punches or other offences where the community very clearly wants to ensure that those who commit those very serious crimes are locked up for the period of the statutory minimum sentence that Parliament intends, unless there are genuinely special reasons to the contrary. So there is this concern that casting the drafting and operation of this provision and the core conditions too broadly will in fact weaken the operation of the sentencing reforms that were introduced to better protect the community under the previous government.

The next provision of the bill that I want to refer to is about providing police officers with new search and seizure powers when monitoring a serious sex offender's compliance with their supervision order. That provision gives to police officers similar search powers to those currently possessed by corrections officers and specified officers and also makes some clarifications and improvements to the regime for search and seizure. Those seem reasonable measures to undertake.

The bill also extends the maximum period of the holding power of Victoria Police under the SSODSA act from 10 hours to 72 hours in response to part of recommendation 9 of the Harper review. The relevant part of recommendation 9 is that the reformed post-sentence detention and supervision scheme should 'extend the limit of the holding powers of Victoria Police from 10 hours to 72 hours'. This is something that SARC has also drawn attention to. I would look forward to hearing the government's response to the concerns that have been raised by SARC. I just quote briefly from page 11 of *Alert Digest* No. 5:

The committee observes that all other similar Australian schemes for supervision of sex offenders either require that a court first authorise the detention of an offender on suspicion of a likely breach of a supervision order or require that any offender be brought before a court (or, in the case of South Australia, the parole board) as soon as practicable. No existing Australian law permits a police officer to detain an offender (or anyone else) in a police station for three days without charge or independent approval.

It seems to me that the government makes a reasonable point in referring to what Victoria Police has identified as the potential difficulty of dealing with assessing a threat or a risk posed or thought to be posed by a serious sex offender on a supervision order within a 10-hour period. The government says Victoria Police is looking for a longer period of time so that officers can make sure they can complete the necessary investigations and reach a decision as to whether or not to charge the person concerned.

Certainly we want to make sure that Victoria Police officers have the powers they need where there is a genuine reason to be concerned about a threat posed by someone under a supervision order, to make sure that the community is properly protected. There is certainly no quarrel with that, but SARC does raise the question as to whether there are other ways that that could be achieved. SARC draws attention to the way it is handled in other jurisdictions and asks, for example, whether or not there should be a procedure whereby, even if police investigations have not been completed, the matter should be brought before a court or some other independent party so that it can come under some

form of independent review. As I say, we would welcome the government's views on the matter that have been raised by SARC.

Other provisions of the bill include providing that a small number of offenders who are currently on SSODSA orders but are not under the Sex Offenders Registration Act 2004 will be brought under the operation of that act. That situation has arisen due to the evolution of these measures over time, and it seems reasonable and sensible to include this measure in the current legislation.

There are also provisions made by the bill to clarify information-sharing laws under SSODSA and the Corrections Act 1986 and to add the offences of slavery and servitude to the list of eligible offences under SSODSA.

Information sharing is important. The previous government in its reforms to privacy and data protection was at pains to create regimes that would generically allow for the sharing of information in different circumstances, with proposals being able to be put to the privacy commissioner for that to occur. Alongside that it is reasonable to put in place specific measures in situations such as this to provide for information sharing where a need for it can be identified, and the fact that that will occur under this legislation is welcome.

I want to make some general comments on the legislation and the circumstances in which it has come to this house. As I have referred to, it is said by the government to be based on recommendations of the Harper review. The government has provided to the opposition some very limited extracts from the Harper review, from recommendations 7 and 9, in order to demonstrate that the relevant provisions in the bill derive from that review. We appreciate the fact that these have been made available to the opposition. However, more broadly, the opposition and indeed the community is in the position of having to assess the effectiveness of this legislation and its response to the Harper review in a context where no other parts of the review are available.

The government has indicated that it does not feel able to make the review available until various current potential appeal periods or appeal processes have expired. Certainly there is no quarrel on this side of the house that if there are matters in the Harper review that could potentially prejudice any appeals process and could compromise a just outcome in the context of a horrific crime, then nothing should be done that could prejudice such an outcome. However, we believe that it

would be possible through appropriate redactions to make available at this stage not only to the opposition but also to the community a lot more of the content of the Harper review than is currently being done. In the absence of that we are somewhat restricted in our ability to assess this legislation in the context of the Harper review.

Certainly the specific measures in the Harper review that I have referred to align with the bill, but what we are not able to assess is what else the Harper review has recommended that is not in this bill and what the government's intentions are in relation to that. We certainly have no objection to the government doing the most pressing and most readily implemented measures first and doing other measures later. That can be quite reasonable. However, we are not in a position to form a proper assessment of the context of this legislation without access to the remaining recommendations of the Harper review. We very much look forward to more of that being made available so that we and the community can better assess what the government is doing.

I do make the point that it appears that the statutory minimum provision being introduced by the government was not a recommendation of the Harper review, and we would be interested to hear more about how the government came to reach the specific conclusions it did in respect of how the statutory minimum would apply, what its term would be and what its coverage would be. More broadly we welcome most of the provisions that are contained in this bill. I have canvassed them individually, and a number of them seem to be sensible responses to the risks that have emerged, the risks that unfortunately were demonstrated by Masa Vukotic's murder. The government is doing what governments should always be doing: whenever weaknesses in the law appear, the government of the day should act to deal with them.

I make two particular points about what needs to be done to properly and fully respond to what has been exposed in relation to risks posed by serious sex offenders. The first is that new laws alone will not be enough unless there are enough police to enforce them. We know that Victoria Police are stretched to the limit at the moment. We know that the number of frontline police is being reduced — more and more police are being transferred to task forces. With the overall numbers basically flatlining, the number of frontline police is being reduced at a time when not only population is rising but also crime statistics are rising. So with the police force stretched thinner and thinner, the laws on the statute book will not do much good unless the police have the capacity to enforce them. The

government needs to attend to that and needs to make up for the loss of frontline police that has occurred in recent times and make up for the additional demands on police resources not only from rising crime but also from policies such as the two-up policy, which has required a greater number of officers to carry out the same number of duties.

The other point I would make is that a key part of protecting the community against offenders, be they sexual offenders or other violent offenders, is to ensure that sentences are adequate. Certainly supervising those who have completed their sentence is important, and having a proper parole regime is important, but it is also important to ensure that offenders are given long enough sentences in the first place. While it appears that there were a number of failures of executive government administration in relation to Sean Price and how he came to be in a position where he could commit the offence of which has been convicted — that of murdering Masa Vukotic — it is also a fact that had the custodial sentence imposed upon him not been reduced in the County Court, he would not have been at liberty at the time that offence occurred.

We do need to ensure that we have strong and effective sentences. Unfortunately there are areas where the strength of Victoria's sentences have been undermined by court decisions in recent times, including two Court of Appeal decisions. In relation to community correction orders. There is the potential for those to be applied in circumstances way beyond those intended by Parliament. Also, in relation to baseline sentences, again the clear intention of this Parliament, and indeed the bipartisan intention of this Parliament, was to ensure stronger and more effective sentences for crimes such as trafficking in large commercial quantities of drugs, and child sexual abuse are imposed by the courts.

The government needs to act to redress the Court of Appeal's decisions. It needs to make clear to the Court of Appeal and to other courts the intentions of the Parliament, and it needs to ensure that those stronger sentences are in force not only to send a message to deter would-be offenders but also, and this is particularly important in this context, to ensure that when people do commit horrific crimes of violence they are locked up for long enough that we are properly protecting the community — and we do not have instances where due to inadequate sentences people are reoffending and committing further horrific crimes.

The opposition welcomes the vast majority of the measures that are contained in this bill. We have raised some queries about the detailed operation of some of

them. We certainly endorse what they seek to achieve, but we have been in a position where we have had to assess this bill without having full access to the Harper report. We do again remind the government that there is a lot more to be done besides what is in this bill. We look to the government to make sure that what needs to be done is done in order to properly protect the community.

Mr CARROLL (Niddrie) — It is my pleasure to rise and speak on the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. I welcome the opposition support of this legislation. The member for Box Hill in his contribution outlined a range of issues, and in due course I will try to address some of the matters he has raised, including the release of the Harper review.

This legislation is very important. When you think of all levels of government — whether it be the federal government, the state government and even local government now — community safety is a priority. We are seeing CEOs of local councils — the Minister for Local Government is at the table right now — and their mayors regarding community safety as very, very important. Just this week we saw some tragedy in West Heidelberg and the role of closed-circuit television. We saw the role of closed-circuit television in the tragedy of Jill Meagher. Community safety is an issue. It has always had bipartisan support. It is an issue that all levels of government take very seriously.

This legislation before us very much follows a series of reforms that have been made essentially targeting our most violent and sexually violent offenders in the community — reforms that began back when Jill Meagher was tragically raped and murdered by Adrian Bayley, a known sex offender then on parole. This legislation specifically followed the tragic circumstances around the murder of Masa Vukotic, committed by Sean Price, who has been sentenced to 38 years, I believe.

Here we are today following a very important review, which the member for Box Hill and the shadow minister touched on, the review by former Supreme Court judge, David Harper, along with some very important people that he worked on that review with — the forensic psychologist Professor Paul Mullen and the criminal, mental health and law expert Professor Bernadette McSherry. That review really helped set the course on how we need to make sure that our serious sex offenders out in the community are given every supervision. Essentially the net is around them to make sure that community safety is paramount.

This legislation was really commenced via the Minister for Corrections, and I want to congratulate him on the work he has done. The reforms that have been made to the Adult Parole Board of Victoria, the reforms that go to sentencing in this legislation, the reforms and the additional police powers that are also embedded in this legislation are critical elements to making sure that serious sex offenders do not pose a risk to the community.

I had the pleasure only last month to meet His Honour Judge Peter Couzens. As the member for Box Hill would probably know, he passed on his praise to the member for Box Hill as he did to the Minister for Corrections. We had a really good long discussion about reforms made to the adult parole board and the continuing vigilance that we need to make sure that the adult parole board is adequately resourced and has every measure at its disposal to ensure that the community is safe.

The legislation that we are discussing today follows on from some legislation passed last year by the Parliament addressing the new presumption against bail and also from some of the new police powers that we introduced as part of the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. This legislation though will also help our court system, the Supreme Court and the County Court, to determine orders and set the conditions of supervision orders that relate to an offender's risk of sexual offending, such as where the offender must reside in the community and whether or not they should be subject to electronic monitoring. The member for Box Hill and I have had a previous discussion on that. Most importantly though, in the wake of the Masa Vukotic murder, I can remember the Premier met with Masa's mother and said that he was going to do everything he could to make sure this tragedy could never occur again. He gave that commitment in many respects to all Victorians, a commitment that we would do what we can.

This bill puts community safety at the heart of serious sex offenders post their release. It amends the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) scheme to enshrine in law a principle that all decisions made by persons and bodies under SSODSA, such as the courts and the adult parole board, must give paramount consideration to the safety and protection of the community. The risk of violence, where it is inherently present in sexual offending, makes the defender eligible for the scheme. The bill will address the risk of violence posed by serious sex offenders.

The SSODSA will be amended to insert three new core conditions of every supervision order to provide that the offender must not (a) commit a violent offence in Victoria or elsewhere; (b) if the court requires an offender to reside at a residential facility, engage in conduct that poses a risk to the good order of the residential facility or the safety and welfare of offenders or staff at the facility or visitors to the residential facility; and (c) engage in conduct that threatens the safety of any person, including the offender. The new core condition not to commit a violent offence targets serious violent offending against persons and property while on a supervision order.

I will not go through the intricacies and the ins and outs of the case of Mr Price but, as the Premier described, that was a catastrophic failure of our system, and that is why we are here today. It is why we are making these important reforms, and it is why essentially both sides of the chamber are very much committed to them. The member for Lowan is here and is, I am sure, going to make a contribution. I did see in my notes a reference to a headline 'Kealy supports new proposed legislation' in the Hamilton *Spectator* of 24 March. All major parties are essentially committed to doing the right thing by the community and making sure our community is as safe as possible.

The role of the courts though is very important. They are independent. They are really the safeguard of the community as well. It will be the courts that provide the conditions relating to the offender's role whether they are out in the community or they are at a residential facility. It essentially will be the courts that impose all the conditions on the supervision orders.

As the member for Box Hill touched on, there are supervision orders and there will be what are termed restrictive conditions. This will give the courts the tools they need to address individual risks posed by serious sex offenders, including those who may be or may become violent. There will be two new categories of restrictive conditions of supervision orders to target the most serious level of risk to the community posed by serious sex offenders. The bill will empower the courts to put offenders on notice that deliberate and reckless breaches of these conditions will carry a minimum 12-month jail term unless a special reason exists, such as impartial mental functioning.

The member for Box Hill touched on mandatory and statutory conditions and some of the definitions in that respect. Essentially, though, it will be possible that other restrictive conditions, such as a curfew, that can apply on a case-by-case basis as provided for by the bill

could be made restrictive in all cases where such conditions have been imposed.

Very importantly we want to make sure that there are safeguards in place to ensure that our court system is not just clogged up with people who might not necessarily need to be at court. We want to be very clear that breaches of supervision orders are serious and that we are dealing with serious sex offenders. However, some breaches may be more serious than others — for example, repeat sexual or violent offending, where the use of drugs or alcohol is likely to cause that behaviour. Making all conditions restrictive in every case is a one-size-fits-all approach. We are very mindful that minimum sentencing can be used as a blunt instrument. We want to make sure that we are targeting the most serious breaches, and that is really what this legislation seeks to do. Courts are in the best position to set conditions that are tailored to address the individual risks of harm posed by serious sex offenders in the community.

The member for Box Hill asked when the Harper report will be released in full. I thank him for his comments and the cooperation we have had from the opposition in releasing certain sections of that report. We hope to announce some further reforms shortly, and we hope also that we will be in a position to release the report in more detail to the member for Box Hill and all the opposition. We are wanting to make sure that we have everything in place to ensure that community safety is paramount.

Before I conclude, I just want to say that the member for Box Hill touched on police resources. We do have another budget coming up, but this is a government that in its first budget put in \$2.5 billion for police resources, with 700 additional police personnel. The Premier set up the ice action task force. It is a government that from the Premier and the Attorney-General to the police and corrections minister takes community safety seriously. We will do whatever we can to ensure that community safety is paramount — that every Victorian can go about their business free of any worry or concern — but most importantly that people who are a threat to society are given appropriate treatment by the courts.

Ms KEALY (Lowan) — It is an honour to provide my contribution to the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. It was back in September of last year that I spoke on the previous amendment to the Serious Sex Offenders (Detention and Supervision) Act 2009. This bill really builds on some of those previous amendments in providing a more robust legislative

framework to ensure that serious sex offenders are well managed by the court system and through the parole system and that members of our community are protected from serial sex offenders and can go about their business in the community without fear or risk of violent attack from people we know have not been able to be rehabilitated following sex offences and violent crimes that they have committed in the past.

This bill is really the next step in strengthening the serious sex offender post-sentence scheme. It covers seven recommendations from the Harper review into the management of serious sex offenders on supervision orders, including Sean Price, which as members know is a high-profile case and which I will refer to later in my contribution. The Harper review was undertaken by former Supreme Court judge and Court of Appeal justice David Harper. The main purpose of the bill is to protect the community from serious sex offenders, including those who may be or may become violent.

I think most people in the community, and certainly women in the community, were all shocked when we heard the news story breaking about Masa Vukotic, a 17-year-old schoolgirl who was walking home through a Doncaster park one afternoon. You would assume that she was walking through that park enjoying a stroll and that the last thing on her mind would be that there would be a predator waiting for her and that she would meet a brutal attack which would ultimately result in her death. It was a horrific crime; she was stabbed 49 times. When you consider that she was just 17 and had her whole future ahead of her, that we knew that that criminal, that offender, was somebody recognised as a serial sex offender and that we were unable to protect Masa, it has obviously been recognised by both sides of the chamber that we need to do something to improve the system and community safety. Situations such as that simply should not occur.

Obviously we need to take whatever steps we can to provide a strong framework for our court system and our parole system. I think something that outraged the community more than anything else when the details came out about Sean Price was that he was known to the community as a serial sex offender and that he was in the community because a decision had been made that it would be safe for him to be out in the community. It is of course concerning when we hear these stories, but it is pleasing that we are bringing in legislation such as this that should tighten the framework to ensure that people like that do not slip through the cracks and that women like Masa are protected in the community.

I would like to make the comment that in no way can this legislation ever compensate for the loss of Masa's life, and of course I would like to extend my sincere condolences to Masa's friends and family. Really a 17-year-old woman should be able to walk through a park without fear of being the victim of a violent sex crime. I would like to think that, if we take these steps to strengthen the laws, we can use our system for monitoring offenders in a very positive way and ensure that the police and our court system have the appropriate powers so that these crimes are less likely to occur in the future.

It is really difficult to read through some of the history of the perpetrator of the crime against Masa. The court papers released by the Victorian County Court show that a series of psychiatrists and psychologists had agreed that the offender struggled to cope in the community, that he did not like taking his medication and so was not compliant and that he needed to be kept in a structured, custodial setting where he could be treated effectively. Documents show that at least one County Court judge believed Price should remain in a custodial setting on a strict supervision order. The documents relate to a hearing in the County Court in 2012, just two weeks before Price was due to be released from prison for sex-related crimes, including the rape of a 13-year-old girl. This is a man who had a long history of abuse. He had been abusive towards many, many women, yet he was released out into the community. Surely we need to have a system that better looks after people like Masa. We need to have a system that can manage perpetrators of these crimes to protect all of our people, particularly women.

This is pertinent of course this week when we have been discussing the findings in the report of the Royal Commission into Family Violence. While these are different matters, they are on the same theme — that is, that violence against women should never, ever be tolerated and that we should do all we can to put an end to that in the community. These cases I think really rattle everybody in the community, both men and women alike.

The main provision of this bill enshrines in law the principle that all decisions made under the Serious Sex Offenders (Detention and Supervision) Act must give paramount consideration to the safety and protection of the community, like current parole laws. I note that this is the second amendment to the Serious Sex Offenders (Detention and Supervision) Act that I have been fortunate to speak on in the house. We have had a lot of amendments on top of each other. Perhaps it may be time to do a total review of the Serious Sex Offenders (Detention and Supervision) Act and also the Sex

Offenders Registration Act 2004. There is always a risk when you make amendment on top of amendment that you may inadvertently create loopholes. There may be a way we can better streamline the legislation so that they are better documents and provide a better framework to be utilised in a court setting. I would like to see that revision come through in the near future.

The other elements of the bill broaden the core conditions for supervision orders to prohibit the commission of a violent offence and behaviour. They address recommendation 7 of the Harper review. The bill also introduces a minimum term of 12 months imprisonment for breaching certain restrictive conditions of supervision orders unless a special reason exists for doing so. It provides police officers with new search and seizure powers when monitoring a serious sex offender's compliance with their supervision order.

The bill extends the maximum period Victoria Police may hold an offender from 10 hours to 72 hours and also makes other amendments to improve the operation of the act, including clarifying information about sharing laws under the Serious Sex Offenders (Detention and Supervision) Act and the Corrections Act 1986. It also adds the offences of slavery and servitude to the list of eligible offences under the Serious Sex Offenders (Detention and Supervision) Act.

I would like to make comment regarding concerns that were raised by the member for Box Hill regarding the failure of the government to release the Harper review except for two recommendations as they relate to this bill. Further, the request by the shadow minister for police and corrections has been rejected, which is disappointing. I would like to think that we can take a bipartisan approach to taking strong action on serial sex offenders. It would be appreciated, as the member for Niddrie noted in his contribution. I do appreciate that there will be further information released as it becomes available, but I would like that information to be released sooner rather than later. We need to make sure that as much information as possible is released. We realise that there may be court proceedings going on at the moment, but we need to ensure that our shadow minister and the opposition are fully briefed.

We also need to ensure that we have sufficient police numbers. We have seen a decline of 151 police in regional Victoria. We have limited police resources. We have seen a shortage of police, which has led to a failure to recruit police at the Minyip police station. Hamilton police station is also three police members short. That is simply because there are not enough trained officers coming through the system to police

these serial sex offenders. In order to monitor them we need to ensure that we have an appropriate number of police out there who can do the job. We need to be able to support our police officers to do that.

In closing, we must take a strong stand against violence, particularly violence against women. We do not want to have those cases I have mentioned to occur again. With the greatest respect to the memories of Masa Vukotic and Jill Meagher I again offer my condolences to their families. This bill builds on the good work of the previous coalition government, and I trust the bill will have a safe passage.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of this bill. As we have heard, this bill marks a further step in strengthening the serious sex offender post-sentence scheme. By way of background, this scheme is designed to provide an extra layer of oversight for people who the court has deemed pose an unacceptable risk of sexually reoffending. The scheme acknowledges that certain types of serious sex offenders often require continued supervision after release in order to protect our community. It also meets community expectations about these kinds of offenders. Many in the community are somewhat nervous about the ability of somebody with inherent and harmful urges to be rehabilitated. I am by no means an expert on rehabilitation or recidivism rates of serious sexual offenders, so my comments mainly reflect community perception and what I think are reasonable concerns.

The main purpose of the bill before us today is to strengthen community protections by adding measures that target serious sex offenders who may be or may become violent. All of us in this place will recall some serious and extremely violent incidents that have taken place in the last few years — incidents that have highlighted some significant failures in our justice system. Last year one of these incidents sent shockwaves through our community because of its brutality and its randomness. I am of course talking about the murder of Masa Vukotic. Masa was murdered by a man who was living in the community under a supervision order.

At the time of this murder there was a lot of commentary in mainstream media about whether women were safe walking alone and whether that was something that Masa and other women should be doing. I do not think it is this incident alone that makes women scared. It is worse than that. It is the fact that there seems to be so many incidents like this that make even the strongest women walk that bit faster, grip their phones that bit tighter and turn around at every noise when they are walking on their own, particularly in

remote areas or at night. A friend of mine, a young woman, last week published a post on Facebook that really jarred with me and got me thinking about these issues. This woman is bright, articulate and outspoken. She is well able to look after herself in most situations, but this is what she wrote:

So tonight as I was walking home from the train station I remembered one of the things I hate most about the end of daylight savings is the extra precautions I take as a woman walking alone in the dark. I don't put both earphones in, just one so I can keep one ear on my surrounds. I have my keys at the ready. I didn't tonight, but often I pretend I'm on the phone to someone and constantly look over my shoulder. It may be irrational, but I've too often been given reason to take these precautions. Pretty yuk, huh!

This resonated with me because I frequently take the same precautions. I have pretended to be on the phone. I have held my keys between the webbing of my fingers to give myself the best chance in case I need to strike someone. I do not walk with headphones in. Sometimes if I am home alone, I even peer out my front door to see if anyone is in the street before I take my bins out. It is terrible that women feel this level of vulnerability in our community today. It is something that most men I know do not experience.

On the back of the murder of Masa, and no doubt with other incidents in mind, because that incident reminded us how common such occurrences are in our community today, the Minister for Corrections announced a review of the Serious Sex Offenders (Detention and Supervision) Act 2009 led by former Court of Appeal judge David Harper. For ease I will refer to that bill as SSODSA from now on.

The Harper review examined the management of serious sex offenders on post-sentence supervision orders, and it considered how the act could be improved or whether another post-sentence legislative scheme should be created in order to better protect our community from sex offenders, especially those who may be violent. The bill before us today extends the work we began last year when we introduced legislation that strengthened the supervision and management of sex offenders through new police powers and a new presumption against bail. These reforms are operational already, and I am very proud to be able to say that, but this bill goes a step further. In short, this bill puts community safety at the heart of the serious sex offender post-sentencing schemes. I will touch on a few of the reforms implemented throughout this bill, as many as I can get to in the limited time available to me, but I will not get to all of them.

Firstly, it will amend SSODSA so that we must give paramount consideration to the safety and protection of

the community. It may surprise some to know that under the current scheme the commission of a violent offence like murder does not actually constitute a breach of a supervision order. I know this certainly surprised me. It will not make much sense to many in our community, and indeed it does not make a lot of sense to me, that this is the case currently, especially when you consider that an individual's sexual offending may be, by its very nature, violent. We may be talking about people who, as well as having particular urges, are by nature quite violent individuals. As such it is therefore foreseeable that an offender who is subject to a supervision order may still pose a risk of violence to our community. These offenders may still engage in violent activity whether they be in a residential facility or are being supervised in our community.

Another element of the current regime that may shock people is that the adult parole board may only impose conditions, instructions or directions that are aimed at reducing an offender's risk of sexual reoffending. To address this issue the bill inserts three new core conditions for every supervision order which will provide that an offender must not commit a violent offence in Victoria or elsewhere; if the court requires that an offender reside at a residential facility, must not engage in conduct that poses a risk to the good order of the residential facility or the safety and welfare of offenders or staff at the facility or visitors to the facility; and must not engage in conduct that threatens the safety of any person, including the offender.

Violent offences include fatal and serious injury offences such as murder, manslaughter, serious assaults or threats to kill. Breaches of family violence and personal safety intervention orders are also included, as is criminal damage, and the bill will also target other dangerous conduct, including harassment or threatening of other offenders or staff at a residential facility.

To breach the core conditions in the bill will be to breach a supervision order, and this may attract a minimum sentence of imprisonment, which I will get to, and the Supreme Court or County Court will be given new discretionary powers under the bill to impose conditions aimed at reducing a sex offender's risk of committing violent offences.

The bill reforms the sentencing around serious breaches of supervision orders so that, unless there are special reasons, a minimum term of 12 months will apply for an intentional and reckless breach of certain restrictive conditions. There will be two categories of restrictive conditions created by this bill. The first applies to every offender on a supervision order and prohibits further sexual offending or violent offending or conduct. The

second category applies depending on the individual circumstances of each case, and it would operate such that in each case the court may in its discretion declare any of the following to be restrictive conditions: alcohol or drug abstinence; curfew; residence restriction; no contact, for example, with children or the victim or the family members of the victim; and an exclusion or inclusion zone. In deciding whether to make such a declaration the court must have regard to the offender's prior offending, including any previous breaches of a supervision order.

Currently SSODSA allows a police officer to detain an offender at a police station for up to 10 hours, and a significant amendment in this act is that that would be extended to 72 hours to allow the police to better manage the risk that person poses. That is fair enough because 10 hours does not always give you that much time to ensure that somebody is not going to be acting in a way that puts the community at risk, whereas 72 hours obviously gives you a lot more time to make that assessment to keep someone out of the community and perhaps work to bring them to a calmer state, if that happens to be the issue at hand.

Finally, I started this contribution by reflecting on the vulnerability often felt by women in our community and the many incidents that have given many of us cause to feel vulnerable. The fact that this is the way that so many of us feel, especially women, is precisely why this legislation is so important. It better protects members of the community, and it gives the community greater confidence in our justice system. For those reasons, I commend the bill to the house.

Ms VICTORIA (Bayswater) — The Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016 is unfortunately before the house, and I say unfortunately because it means that there are still people out there who wish women, especially, no good. They wish them ill, and they are perpetrators of some of the most horrendous crimes — some of the most horrendous sex attacks we could ever imagine — and, as a result, as legislators it is incumbent on us to change things to make sure that people like this have far less opportunity to be able to go out and do whatever it is that is their intent.

Of course these changes that are being proposed come about from the Harper review. Justice Harper was asked to review the principal act as a result of a really horrendous occurrence that shook every person in what seemed like a very safe middle suburb in the eastern suburbs, in the Doncaster area, when a beautiful young lady by the name of Masa Vukotic was brutally attacked. She was stabbed more than 40 times when she

was doing something that so many girls her age go out and do every day. She was going for a jog, she had her headphones on and she was attacked. I do not necessarily want to talk too much about the case, because the appeal process limitations have not yet been exhausted and we do not know whether the person who has been found guilty of that crime is in fact going to appeal, which is the reason the review has not been released to us, although I do believe that there is probably a lot more information that we could have seen out of this review.

What I am saying is that it is not publicly available, but I think there is a lot that could have been given to us as members of Parliament coming in to debate this particular piece of proposed legislation. There could have been a large number of redactions, but it would have been good to have actually seen the Harper review and to have been able to talk about it from that point of view.

I will go through quite a few of the clauses because I think these are incredibly important changes and, of course, we will not be opposing this legislation. We think it is really important that we are tough on crime as legislators and, of course, that the judiciary then follows through. The obvious thing here is that we are giving the judiciary the opportunity to be tougher but also giving the police a lot more powers to do what it is that they need to do.

The bill is designed to tighten penalties for serious sexual offenders, restricting their presence further in society. It makes amendments to the Serious Sex Offenders (Detention and Supervision) Act 2009 — I will call it the principal act from now on. Part 2 of the bill relates to community protection. This part adds a definition of 'restrictive condition' to the definitions in the principal act, and if you look at section 3, that is where you will find it.

I want to go through a couple of the clauses. Clause 5 inserts new sections into the act, including the requirement that decision-making bodies, and in particular I think we are probably talking about the Adult Parole Board of Victoria, must give paramount consideration to the safety and protection of the community. Obviously when we talk about offenders who are eligible for parole those sorts of things have to be taken into consideration. There has certainly been community outrage in the past when people who are still considered to be a risk have been let out into the community. Clause 5 also states that new orders under the Sex Offenders Registration Act 2004 must be for a period of not less than 15 years.

Clause 6 outlines many of the conditions relating to a restrictive order. Some of these are obviously very logical. Whether or not they will be able to be enforced we will see over time. A person must not consume alcohol or drugs and must be at home at the required times. This clause also allows for the creation of specific criteria under which they can leave their home. Importantly, clause 7 ensures that standard rights to appeal remain in place with new restrictions, which is an important part of a fair and democratic justice system. It is about getting the balance right. Clause 9 makes it an offence to breach an order, requiring that a period of imprisonment of not less than 12 months be imposed. Division 2 relates to violent offences and is designed to place specific conditions relating to further violent offending into existing structures. That is part of what has to happen to make this all work properly.

If I jump ahead to clause 17, members will see that it inserts a new schedule, schedule 1AA, into the Crimes Act 1958, listing violent offences. It is a really interesting list. Obviously murder and manslaughter are at the top of the list, but then it also contains crimes relating to causing injury; things like threats to kill or injure; stalking, which is obviously an important one when we are talking about sex offences; negligently causing serious injury; assaults; performing female genital mutilation; arson causing death; kidnapping; robbery; burglary; bomb boxes; and others. This is casting, I think we could say, a very wide net indeed. I am not sure why — and I am sure one of the following speakers will have a chance to clear this up — rape and similar charges are not included in the list. I am not quite sure if there are legal reasons why that is the case, but it is a genuine question that I ask.

Clause 20 allows police greater powers to make seizures to confirm whether an offender has complied with a supervision order. Clause 21 changes the level required from 'believes' to 'suspects', allowing police to go a little more on gut instinct when they are moving about in this space. Clause 22 changes the term 'seizure' to 'seizure and examination', again providing a little more latitude to how police can go about investigating possible breaches. Clause 26 inserts a lot of new items, but the key one here is probably clearly allowing police to factor in the welfare or safety of a member of the public when they are acting in this space and when they are deciding whether to seize or examine an item. They now need to take that into consideration.

Clause 27 again inserts lots of new items, but the key one for me is specifying that an offender may be directed to assist in accessing computers or other devices. We know this is a hot topic, not necessarily

with this type of offence but certainly in the United States to do with terrorism, bombings and that sort of thing — about having access to electronic data. This is an incredibly important one, moving with the times.

If I jump ahead to clause 37, we see it relates to the duration of holding powers, and other speakers have certainly spoken about this. It changes the wording of section 168 of the principal act from 10 hours to 72 hours. With the amount of substance abuse that is out there and with the amount of mental health issues that may be going untreated, it is very logical to extend that amount of time to give the person the care, treatment or whatever is needed to make a proper assessment of them.

I think that some of the steps being taken are very positive. Obviously when we look at crime in the City of Knox, we see it is up by nearly 5 per cent. I think we really need to figure out why this is happening and say, 'Okay, we do need a greater police presence'. The lack of police on the front line has been spoken about in the media but also in this house and locally in the newspapers. It is fine to have lots of task forces but people need deterrents. They need visual deterrents, and we need to have frontline police out and about.

The bill deals with the crime but it does not deal with the causes of the crime, and again that is something that needs to be looked at. One of the key things here is that unless there are frontline police to enforce the law — we can make as many laws as we want — they are not going to have much impact. I do hope these changes make an impact. I hope they prevent incidents like the one we saw in Doncaster just a year ago in relation to an innocent young lady. I commend the bill to the house.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. I welcome the comments from the members for Bayswater and Box Hill in supporting this important piece of legislation.

I was fortunate to be in the chamber earlier to listen to the member for Dandenong's contribution. It was an eloquent and heartfelt contribution. It struck me that I have never had that sense of anxiety, fear or apprehension. Certainly there might have been times when as a younger man out on the town after hours, in the wee hours of the morning, I might have thought, 'Well, I had better make sure I do not find myself in a situation where I might be in a fight or get into trouble', but I have never experienced that sense of fear or anxiety.

In the very brief time I have been here the greatest moments in this place have been when there has, broadly speaking, been a unity ticket on an issue. We all come to this place having had different lives and having walked different paths in life, but when we all look at a particular issue and we bring our own unique experiences to bear on it, we all agree that we must do something. The great thing about this place is that there have been numerous times in the life of the 58th Parliament when that has occurred. I am sure over the course of this debate when others make contributions there will be those similar feelings of when members bring their own experiences and their own perspectives to an important piece of legislation like this.

The reality is that as a society and as a community now we are confronting a set of circumstances where action needs to be taken to ensure the community is protected. We live in an affluent society. We live in a wealthy society. We live, in many respects, in a golden age in the sense that there are just enormous opportunities if you are a young person today. You grow up in a warm, loving and nurturing environment, and you are in this great community. We are a progressive society, and we are a great community. But the reality is that even within a community like ours there will be a cohort of individuals who will commit heinous crimes and do despicable things.

Frankly I think that when we look at a bill like this we are all making that leap — that logical step where we recognise that there are some people who cannot be rehabilitated, and there will be no opportunity for them to be rehabilitated. In terms of the community, the community needs to be protected. When you have got people who cannot be rehabilitated, the people in the community need to be protected from those people. The bill is also about making sure that, as legislators, we do our bit to protect the community and respond to those concerns.

Rather than a kneejerk reaction of just responding to a particular heinous crime — and to some extent you could not blame legislators for wanting to respond quickly to some of the heinous offences that we have seen — it is important that the work is done to consult with experts to try to work out what the right response is and what the best response is. What is the way by which we can address community concerns that is, from a legal perspective, watertight, that cannot be challenged on appeal and that is thought through, thorough and meticulous? That is what this government looked at in terms of the work of former Court of Appeal judge David Harper with his review, and the bill before us is the first step in that process.

As the member for Niddrie made his thorough, detailed and eloquent contribution — as he does on every justice bill — he talked about the fact that clause 37 of the bill will extend the maximum period that Victoria Police may detain an offender from 10 hours to 72 hours. I think when you are looking at a particular group of individuals who commit these terrible crimes and terrible offences, 10 hours may not be enough. You might need to spend the extra time to work out what has transpired. It might be that the person insists on having legal representation present but is unable to afford a lawyer, and that may result in a delay. So it is only fair and reasonable that you look at trying to extend that period of time to enable a person to be properly interviewed in relation to an offence. Again, the 72-hour time frame was recommended by the Harper review.

The bill is important because it gets that balance right between respecting the rights and liberties of an individual and defending community safety. I think that it is also important to note that legal protections will remain in place. In particular, Victoria Police must notify Corrections Victoria and the adult parole board that the offender has been detained, and this will allow the offender to be assessed and allow for the conditions of the supervision order to be reviewed by the courts if necessary. Police cannot question the offender while they are held. They can contact a lawyer, friend or relative. Victoria Police may release the offender before the end of the 72-hour maximum holding period if the risk is no longer imminent.

The goal is trying to make sure that we really get that balance right as legislators. I have spoken in this place before about some of the concerns I have had regarding other jurisdictions. If you look at the journey that Singapore has taken, that is certainly something that I would not want to see happening in Victoria. But that is why you do the work. That is why you turn around and get eminent jurists like David Harper to do the consultation, do the research, and contemplate and reflect upon what is best practice, how we can improve the system and how we can be better but also how we can make sure that we do it in a way which protects the legal rights and the human rights of the community.

I think often the great risk is that when you start trading away those issues around human rights it is very difficult to get them back, and rarely do they come back. As I said, this reform is in addition to other important changes made by the bill, including to prohibit serious sex offenders from committing violent offences and to provide for a new minimum jail term for breaches of restrictive conditions. Again, it is important that we try to get the balance right.

We find ourselves in the situation where, as legislators, we have to respond to what have been horrible crimes and horrible offences. The community expects us to do that, and we would be negligent as legislators if we did not do that. I think it is also important that we recognise that we have to create a safe society and a safe community for those around us. The fact that one in three women has been a victim of sexual assault is an appalling statistic, and I hope bills like this which will become legislation will seek to address that and ensure that we live in a safer society. We live in a progressive, affluent society, but we must make sure that we get the balance right and we must make sure that we provide a safe environment for our community. I commend the bill to the house.

Ms STALEY (Ripon) — I rise to contribute to the debate on the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. As is often the case, I am following the member for Essendon, and — perhaps more unusually in this case — we mainly agree. Like the member for Essendon, I wanted to respond to the contribution from the member for Dandenong because she caused a lot of nodding from the women in the chamber when she described gripping her keys in the webbing of her fingers as a possible weapon as she walked alone. I too do that, and it is that sort of fear that goes to the heart of keeping the community safe.

It is removing that fear that enables us to participate fully in society. Minimising sexually violent offences by controlling the behaviour of sex offenders improves the freedom of especially women's lives, and this is important because we must all be equally free to walk alone or go for an evening run. To not have that freedom is an abrogation of our human rights and our freedom to live our lives as we choose. That is why this bill is important. It seeks to set in legislation for the first time that the paramount consideration for granting a Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) order is the safety and protection of the community. I think that statement of intent is really important.

The bill makes a number of changes to the Serious Sex Offenders (Detention and Supervision) Act 2009. I am not going to go through all of them as others have covered them extremely well. The changes that I do want to talk about are particularly in relation to new section 24A(2). These relate to the imposition of core conditions. People under these orders may not commit a relevant offence or violent offence or engage in violent conduct. If they are required to reside at a residential facility, they must not engage in conduct that poses a risk to the good order of the residential facility

or to the safety or welfare of offenders, staff or visitors to the residential facility and they are not to engage in conduct that threatens the safety of any person, including that offender.

Members of the house have possibly heard me talk on these types of bills before. As the member for Ripon, I am in a unique position to speak as over half of the offenders in Victoria who are under residential orders reside in facilities in Ripon — Corella Place and Langi Kal Kal. The new provisions that make it very clear that conduct that poses a risk to the good order of the residential facility that they live at or the safety or welfare of staff or visitors to that residential facility are particularly important to my electorate, because the staff who work at Corella Place and at the new 20-bed facility at Langi Kal Kal are overwhelmingly drawn from the people of Ripon.

It is extraordinarily important that we recognise in this legislation that it is not only undertaking further sexual offences that causes offenders to breach their orders; it is also hurting the staff and the people who live in the community in which they live. I think it is important that we recognise that we are not just increasing the security of those members of the community who have, as we have already heard about in this debate, suffered terribly at the hands of serious sex offenders but also providing additional security for the communities who are hosting these serious sex offenders, because of course somebody has to host them and it is in fact the people of Ripon who do that.

I want to talk briefly about those facilities and make the point that it is very, very important that the current community consultation processes are continued and that the community is brought with Corrections Victoria and with the management of Corella Place, and now Langi Kal Kal, with the expansion of these orders. We do need rules for how the people who are on these orders interact with members of the community. I am thinking particularly of medical professionals, and there is further work to be done there.

As others have said, the Liberal Party is not opposing this legislation, because we recognise that the extension to these orders is in the interests of good government. However, it would be remiss of me not to note that we do have concerns about the release of the Harper review, particularly in regard to briefings provided to the opposition in relation to the full Harper review. We do accept the government's position to some extent that the whole Harper review cannot be released while there are matters before the court, but I would note that a couple of media releases have been put out, including one on 26 October 2015, in which the government said

that the findings of the review will be made public subject to any redactions. Well, we do not even have a redacted copy at the moment. I do think that the shadow Minister for Corrections should be given a full and complete briefing because one of the problems we have is: how do Victorians know if this bill is an adequate response to the Harper review?

We know that the provisions of this bill are congruent with the Harper review, because recommendations 7 and 9 of the Harper review have been released, but what we do not know is whether there is a very large block of other recommendations from the Harper review that we should be looking at legislating for but that have not yet come to the house. So I do really urge the government to at least consider briefing the corrections spokesperson on our side of the house so we can be fully comfortable that we are really as far along this path as we can be at this point in responding to the Harper review.

I would like to conclude by going back almost to where I started, and that is why law and order and why keeping serious sex offenders off our streets and out of our parks and away from attacking, mutilating and otherwise destroying the lives of particularly women in our community is important. We get a lot of these bills these days because in our community there does seem to be a group of people who just cannot be rehabilitated. The prison system is not doing anything for them. We need to recognise that these people in most cases can never be let out. We need to make sure that we are kept safe as a community. This bill goes towards doing that, and for that reason I commend the bill to the house.

Ms GREEN (Yan Yean) — Generally I say I take pleasure in joining debate on a bill, but with subject matter like this I think we would all hope that we had a community that did not require measures such as this. But what we saw happen tragically to that beautiful young woman Masa Vukotic only 12 months ago, not very far from where I grew up before we moved to country Victoria, means that we have no greater responsibility than ensuring that our community is kept safe and that horrific situations like that are not repeated. It was quite sobering to me to hear in the media this morning a reminder that today marks 25 years since Karmein Chan was murdered. There is still no resolution to that. Her mother, Phyllis Chan, is a very important, pivotal and much-loved member of the Diamond Creek community. For any parent, we could not imagine what it would be like to walk in Phyllis's shoes for all these years and still not know what happened to her beautiful and much-cherished daughter Karmein.

It is incumbent on governments and on Parliament to meet our primary responsibility within the criminal justice system — that is, to keep the most vulnerable safe, particularly women and children. I think it is something that the community beseeches this Parliament to do. With the Masa Vukotic case we saw a tragic failure of the system, which is why we as a government have taken steps. We said we would fix the system that had failed Masa and others. At the time of the offences Sean Price had been on a supervision order under the Serious Sex Offenders (Detention and Supervision) Act 2009 and was on bail. The act requires that serious sex offenders deemed an unacceptable risk be subject to post-sentence supervision or detention. In that situation it was quite obvious that that had not occurred. Following that horrific death I think the community was glad to see that the government acted quickly to review every single offender on the supervision scheme. This resulted in increased supervision of more offenders on this scheme.

Today's bill is the second piece of legislation that we have introduced in the past 12 months in response to that. This is not the end of our work to fix the system. This bill will strengthen the scheme, it will close loopholes on bail and it will give more powers to police. The government will also set up a specialist unit within Corrections Victoria to deal with these offenders. In November last year a review of the Serious Sex Offenders (Detention and Supervision) Act was handed down by a panel of experts led by former Court of Appeal judge David Harper. This is known as the Harper review. The government will release this review in due course. We have always said that it will be released subject to legal privacy and operational reasons. The Victorian community should be assured that our work to implement this review is underway. Today's new laws address some of the issues raised in the Harper review.

The purpose of the bill is to address the risks of serious sex offenders who may be or may become violent. Contextually we need to understand and to assure the community of some of the key facts in relation to these serious sex offenders. As at the beginning of this month there were 126 of these offenders on supervision orders, including 63 residing at Corrections Victoria-operated residential facilities in Ararat, 26 in prison on remand or under sentence for further offending or other breaches and 37 residing elsewhere. At 1 April there were two offenders in prison on detention orders, including one under sentence for further offending.

I think it is important to have that context because I think that the fear that has been raised in the community

by the events of 12 months ago has really grown within the community. I refer to the contribution by the member for Dandenong before, when she talked about the fear that women and young people can have out at night or sometimes any time — that feeling of not feeling safe. I want to commend the member for Essendon for his recognition as a bloke that it is not always something that men are subjected to as much.

In my 20s I was coming home from a night out and hailed a cab. Because I grew up in country Victoria, I was a bit like you, Acting Speaker McLeish, in that you trust everyone you meet. In country Victoria when I was growing up it was always a thing that you just got in the front of the cab because you tended to know everyone around the place and you felt safe and you got in and had a chat. It is kind of an egalitarian thing that you do not want to feel that by sitting in the back it is a master-servant type of relationship. One evening I was in Victoria Parade in Collingwood. I walked for a while and just missed the last tram. I was staying with my sister in Kew, and I ended up hailing a cab in Victoria Street, Richmond. I jumped into the front of the cab as I had done dozens of other times. I gave the exact address of where I was going. We would not have gone two blocks before that taxidriver propositioned me. The lights were just changing, and he propositioned me in a very threatening way, and he grabbed me. He was slowing down, and then the lights changed and he sped up. I thought, 'This is my last chance to get out of this', and I jumped out of that moving cab.

I really wish to this day that I had followed up. I rang the cab company. They were not helpful at all. They said it was my own fault because I had hailed a cab and not phoned one. I was terrified until my sister and others got home an hour or two later. It was this time of year actually, because it was the changeover from daylight saving, so my sister and others had stayed out another hour because they had the opportunity to do so. But I was just so fearful because that cab driver had my exact address, and I was fearful. To me it was obvious that he done this before, preying on what he thought what was a vulnerable woman.

I think many women and children are entrapped in those types of situations. As legislators we need to be aware that when those who have been convicted of such heinous crimes are eventually returned to the community after a period of imprisonment, the community wants us to ensure their safety. People in the community want us as legislators — and want the police, probation officers and Corrections Victoria — to absolutely put the rights and the safety of the Victorian community first and make sure that these recidivist and serious sex offenders are monitored in a

way so that the horrific circumstances that occurred in Doncaster some 12 months ago do not reoccur.

I commend the work that the Attorney-General has done, the work of the Harper review and the work of the member for Niddrie as the Parliamentary Secretary for Justice. I am pleased to see that the opposition is not opposing this bill. I would really plead with those on the other side on matters such as this. I think it would be better to see that they were actually actively supporting it rather than just not opposing it, because it is too important. These are some of the most important issues that this Parliament ever has to deal with. My community is concerned, and communities across the state are concerned. I commend the bill and these changes to the house.

Ms EDWARDS (Bendigo West) — I am also pleased to rise to make a contribution on the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016. Of course this is once again a bill before the house where the Andrews Labor government has said clearly, concisely and consistently that the safety of the community and of the Victorian public is our paramount concern. That is why these reforms are so necessary, and that is why we have brought them before the house not just in this sitting week but in previous sitting weeks when we have had legislation that has dealt with serious sexual offenders.

Oftentimes it comes down to the fact of what the public actually wants to know. What they want to know is: who is a sex offender, or who is potentially a sex offender? Who might these people be? Based on some research that I have been looking at, there is a sense that perhaps it is a certain personality type — that the person comes from a certain demographic or there are other variables — but the fact is that there is no one type. In fact those who are operating under myths or misperceptions about sex offenders and victimisation might even believe that all sex offenders fit a certain profile that makes them easily identified, but the reality is quite different. Research has consistently shown that there is no such thing as a sex offender profile. That is because time and time again, despite attempts to identify a finite and specific set of characteristics that is a fit for all sex offenders, researchers continue to find that they are indeed a diverse and heterogeneous population.

Although the label of 'sex offender' might seem to suggest individuals who commit crimes that are horrific and that the crimes are all alike, that is also not the case. In fact because they are a heterogeneous group, it is often difficult to discern how they are uniquely

different from other types of criminals or from those of us in the general public other than the fact that they have indeed engaged in sexually abusive behaviour. I think it is important that people understand that the people who are currently incarcerated for serious sexual assault are often also associated with violent physical abuse, and that is what this bill actually addresses. As I think the parliamentary secretary, the member for Niddrie, said in his contribution, it is wrapping a net around sexual offenders but also those who are also particularly violent.

Sexual assault is very complex. It is pervasive, and it is also insidious, and the criminal justice system is expected to deliver a sense of justice when people offend — and particularly of course to the victims. As we know, victims of sexual assault have historically been met with denial and disbelief, particularly women. They have also been met with a society that has failed to develop an adequate response to what is essentially a crime that has not been fully recognised in the past nor understood, and of course there are the gendered assumptions that society has refused to relinquish when it comes to sexual assault.

However, in recent decades, and certainly in the last little while, there have been very hard-won improvements. These have been called for by both reformers and feminists and implemented by well-intentioned governments, so we have seen sexual assault being taken even more seriously in legal and political arenas. Investigation, prosecution and court procedures have improved, specialisation has been encouraged and victims have been provided with fairer treatment and additional support services. Unfortunately despite all of that, no law or supervision scheme will ever guarantee these types of crimes will not happen. Nevertheless this government will continue to get on with reforming the serious sexual offenders supervision regime because it increases the level of protection available to the community. That is the most important part of this bill.

The Victorian government has already acted to toughen the law to provide stronger oversight and management of high-risk sex offenders. We have implemented a specialist response unit with senior Corrections Victoria staff, Victoria Police detectives and intelligence analysts. That was established to strengthen the oversight and response to serious sex offenders on supervision orders.

We have also expanded accommodation for serious sex offenders, with the new facility set up next to Langi Kal Kal Prison. Bail laws have also been changed so that if an offender on a supervision order is charged with an

indictable offence, there is an automatic presumption that they will not get bail. Police have also been given increased powers to enter the homes of serious sex offenders to ensure they are complying with their order and arrest them if they are indeed in breach. Corrections Victoria staff have also been given stronger powers to direct serious sex offenders in the community to obey instructions, including those relating to electronic monitoring.

The government has also commissioned the Harper review, which other members have referred to and which has examined the management of serious sex offenders on post-sentence supervision orders. Of course we as a government are seriously and carefully considering that report, which was delivered last year and will be presented soon.

The Serious Sex Offenders (Detention and Supervision) Act 2009 requires serious sex offenders deemed an unacceptable risk to the community to be subject to post-sentence supervision or detention. This is the highest priority for this amendment, and its purpose, as I have said, is to protect the community. The member for Dandenong talked about the perception around a sense of community protection, but it is actually a realistic action to make sure that when serious sex offenders leave prison they are able to be monitored to make sure they do not reoffend. Recidivism within the sexual assault area is very significant, and indeed many of those who are currently on the sex offenders lists are recidivist offenders.

Supervision orders can be imposed for up to 15 years, while detention orders can be imposed for up to three years, and offenders are subject to a range of court-ordered conditions, which can include curfews, alcohol and/or drug treatment, no-go zones and strict reporting requirements. Without the scheme, these people would be released at the end of their sentence without any supervision, reporting or treatment conditions, so it is important that once these people are released into the community the follow-up is there to make sure offenders do not reoffend and that the community is protected to make sure it is safe. This is particularly important when we are talking about those who have aggressive behaviours in terms of serious assault. If they breach the conditions imposed on them, a court can indeed send them back to prison.

As I said, this is the second piece of legislation we have introduced in the past 12 months, but it is not the end of the work to fix this system. This bill will strengthen the scheme. It closes a number of loopholes on bail and gives more powers to police, but that also comes with the specialist police unit that has been set up within

Corrections Victoria. The purpose of the bill is to specifically address the risks of serious offenders who may be or may become violent or who might engage in conduct that threatens the safety of any person, including the offender.

In terms of stronger police powers, the existing serious sex offender scheme allows police to detain serious sex offenders for up to 10 hours if they pose an imminent risk to community safety, and Victoria Police considers that 10 hours too short a period of time to address the serious risk. The Harper review agreed, so the bill will extend the maximum period for which Victoria Police can detain an offender; it will be for up to 72 hours, or three days.

The purpose of that is not punishment. It is not punitive; it is about prevention. It is, as I said, to have community safety as the paramount consideration. I think that the way we are addressing these issues around serious sex offenders and those who might commit more heinous crimes is an important way forward. It fits very nicely into our recent recommendations from the family violence royal commission, because as other members have mentioned, it is indeed women who are the victims of serious sexual assault — the majority are women. Of course the majority of the victims of serious assault are also women.

Mr DIMOPOULOS (Oakleigh) — I am happy to speak on the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Bill 2016, and I am conscious as I do so that I am a guy speaking on an issue where, while it is important for all the Victorian community, women's voices really should be predominant in the discussion. On that, I want to just commend the contributions of the members for Dandenong, Yan Yean and Ripon. They were very personal accounts, and they were very moving, so I appreciate getting an insight into — as the member for Essendon said — what generally we as men do not experience. So in the context that my voice is really among the least important ones, I make the following contribution to this bill.

It is obvious that this bill follows a considered approach to this area of public policy and criminal and civil law over the last 16 months — and before that time, but particularly under this government. As others have described, we made initial changes in response to the awful crimes that were very prominently in the media in Melbourne, and then we commissioned the Harper review as a second stage in terms of the changes we were then to make in the future. And here we are today, making those changes through this bill.

The fundamental issue here is the strengthening of the post-sentence scheme for serious sex offenders. The other pivotal point is that the bill seeks to put at the very centre of the legal framework the primacy of protecting the community. So the paramount consideration is to be the safety and protection of the community. Without sounding reactionary or conservative, I think that is entirely appropriate in this context and this area of law. The bill specifically provides for that, but it also broadens the core conditions of supervision orders to prohibit the commission of violent offences and behaviour and therefore addresses part of recommendation 7 of the Harper review. It seeks to provide a clear power for conditions, instructions and directions to be imposed for the purpose of reducing a serious sex offender's risk of committing violent offences or engaging in violent behaviour and therefore, again, addresses part of recommendation 7 of the Harper review.

The bill also introduces a minimum term of imprisonment of 12 months for breaching certain restrictive conditions of supervision orders unless a special reason exists. It seeks to provide police officers with new search and seizure powers when monitoring a serious sex offender's compliance with their supervision order, and it seeks to extend the maximum period of the holding powers police have under the act from 10 hours to 72 hours — and I will say a bit more about that further on in my contribution to this debate.

The bill does a range of other things. Very importantly it follows a systematic, considered and well-thought-out extension of the legal and protective framework in relation to the community and to sex offenders on the back of those earlier changes that I mentioned and that others have mentioned. Already increased police powers have been introduced through the Serious Sex Offenders (Detention and Supervision) and Other Acts Amendment Bill 2015. There is the matter of presumption against bail. I remember speaking in this chamber about the presumption against bail. It is a pretty significant step as a principle in law, but again I think that in this context it is a very important one; it was a provision in the bill we debated last year.

As other members have said, the bill follows our increase in resources at Corrections Victoria by installing a specialist police unit in that branch of administration of the government. This is another step in that same direction. Essentially the rationale of the legislation is that it establishes a civil, non-punitive serious sex offender scheme to provide ongoing supervision or detention of serious sex offenders who have completed their prison sentence and present an ongoing unacceptable risk of committing further sexual

offences. We understand that the judicial system and custodial sentencing can only go so far. Beyond that there are other instruments and other provisions the state can take to protect the community, and in fact it must take, in my view, to protect the community.

Perhaps amongst the most important things this bill will do is insert three new core conditions in every supervision order. These will provide that the offender must not commit a violent offence in Victoria or elsewhere; that they must not, if the court requires an offender to reside at a residential facility, engage in conduct that poses a risk to the good order of the residential facility, or the safety and welfare of offenders or staff at the facility or visitors to the residential facility; and that they must not engage in conduct that threatens the safety of any person, including the offender.

These are very, very basic provisions, and ones that I would have thought would have been reflected in law long ago. I am pleased to see them here. These things do not currently constitute a breach of a supervision order, and currently the courts and the Adult Parole Board of Victoria can only impose conditions on serious sex offenders that relate to their risk of sexual offending, which is really only one part of the equation. This bill will provide for the prohibition of violent offences, and it will give the County Court and the Supreme Court, appropriately in my view, the power to add conditions relating to those things I described in the order and do it either at the commencement of the order or part way through, when an issue arises.

I am conscious of the impending adjournment debate and my limited time. I am a member of the Scrutiny of Acts and Regulations Committee, and as *Alert Digest* No. 5 indicates, its members have discussed this bill. We raised some concerns around whether there are any less restrictive means of achieving the same outcome. I think that, quite appropriately, the minister in his second-reading speech addressed some of those issues. There is always a balance to be found between competing fundamental principles, such as between the right of free speech and the right not to be vilified. In my view this is a similar concept, with far, far more grievous outcomes if we do not get it right — that is, the right of freedom of movement of someone who is not in custody as against the right of the community to be protected.

The provision in the bill that seeks to extend the ability of the police to hold people for 72 hours is on balance very appropriate in my view, given the deleterious outcomes we have seen.

The DEPUTY SPEAKER — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call for 1 minute and 36 seconds when this matter is next before the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Mr Katos — On a point of order, Deputy Speaker, I raised an adjournment matter with the Minister for Education on 9 March with regard to Mount Duneed Regional Primary School. The school certainly wants answers with regard to its future, and I ask you to instruct the Minister for Education to provide a response to my adjournment matter.

The DEPUTY SPEAKER — Order! I will pass that on to the minister to hopefully provide that response to the member.

Synthetic cannabis

Mrs FYFFE (Evelyn) — My request for action is to the Attorney-General. The action I seek is for him to follow the lead of the British Parliament and introduce legislation to ban all forms of synthetic cannabis to prevent new chemical cocktails being sold and to prevent those who produce and sell them from evading the law. On four separate occasions I have spoken in this place about the need for reforms to the Drugs, Poisons and Controlled Substances Act 1981 to make all possible forms of synthetic marijuana illegal.

In January 2016 the United Kingdom Parliament passed a psychoactive substances bill, which enshrines in British law a ban on all psychoactive substances. This groundbreaking legislation makes it an offence to produce, supply, offer, possess, import or export all psychoactive substances intended for human consumption. This will outlaw all forms of legal highs once and for all. This is different to Victoria's substance-by-substance approach.

I am asking this in direct response to concerns raised with me by several residents who have family members now battling health issues and addiction to what they initially assumed was a harmless substance. This assumption is based on the misguided belief that if something is not illegal — that is, because it can be readily bought from local places, including sex shops — the smoking of it cannot be harmful to your

health. However, the reality is that synthetic marijuana has simply escaped the long arm of the law because producers are constantly changing the chemical recipe. Amendments to legislate against each new form take time to draft and then pass in Parliament, and when they do, it is likely the criminals have changed the recipe and mix of chemicals.

The effects of synthetic marijuana on human health are significant. It is known to cause irregular heartbeat, psychosis, violence, seizures, stroke, kidney shut-down and death. It is important that Victorians understand that there is no safe form of synthetic marijuana. The former Napthine government banned 54 forms of synthetic marijuana based on police toxicology results to try and keep pace with new products on the market. However, the Andrews government has not included any new substance bans for well over a year.

That said, the Victorian Parliament's bipartisan Law Reform, Road and Community Safety Committee is now reviewing laws and procedures relating to synthetic drugs with reference to the effectiveness of testing, treatment programs and supply reduction strategies. As part of this work, the committee will compare Victoria's practices with those of neighbouring jurisdictions to bring us into line with more modern approaches. I ask that the Attorney-General follow the lead of the United Kingdom and ban synthetic cannabis in all its forms as soon as possible to prevent more deaths and strain on our overstretched health system.

Bundoora electorate schools

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Education. The specific action I seek from him is that he bring Bundoora Primary School into the planning processes of the education department for a capital upgrade. My electorate of Bundoora is eagerly awaiting the state budget to hopefully see the remainder of the \$10 million commitment that the Andrews Labor government made to Greensborough College, a great high school in my electorate that has unfortunately been housed in substandard buildings for some time. It was ignored by the previous government. We are waiting to see that great school funded, and we hope that that funding is in the state budget. I will be making representations to the minister to hopefully make sure that that is in the budget.

It is also important for us to acknowledge that there are a number of other schools in my electorate, particularly the local primary schools, a number of which were built back in the 1950s and 1960s in that old light timber

construction model. While the school communities have worked hard to maintain those facilities in good order — with paint, carpet and lots of great artwork on the walls — there is no hiding the fact that some of those structures, particularly those that still have the old timber structures, are starting to show their age and are starting to fail.

It is important for the Andrews Labor government to show that it is going to work through the capital upgrades in these schools as quickly as it can. Obviously we cannot upgrade every school at once, but it would certainly be great to be able to indicate to the Bundoora Primary School community that we are going to start working with that school community to do the planning work for a capital upgrade.

Bundoora Primary School is a great local primary school. There is a great principal there, Lee Pollard, a great school community, a very active school council and great teachers. The school has a facility they call 'the palace', the Building the Education Revolution building which it uses as classroom space and a place to hold assemblies. It is the only really new, modern facility at that school; the other buildings are the ones I have spoken about. The school would be really excited if the government approached it about working with it to upgrade the rest of the school.

It is important to put this in context. Over the last four years of the previous government we not only saw a total ignoring of all the schools in my electorate but also actually saw Greensborough TAFE shut down. Greensborough TAFE was closed by those opposite. We saw Take a Break funding to it, a locally used provider, ripped away. Instead of going backwards with what we saw under the previous government in education, what we want to see is the Andrews Labor government not only investing in Greensborough College but also looking to invest further in local primary schools to ensure that the people in my electorate remember that they cannot trust the Liberals with education but that they can trust Labor.

Owner-operator truck drivers

Ms KEALY (Lowan) — My question is to the Premier, and I ask the Premier to take all necessary actions to delay or halt implementation of the road safety remuneration system (RSRS) payment order, which threatens the livelihood of thousands of owner-operator truck drivers across western Victoria. By way of background, the Road Safety Remuneration Tribunal, or RSRT, was initiated in 2012 under the former federal Labor government as part of a sweetheart deal with the Transport Workers Union.

This tribunal has now paid its dues to the Transport Workers Union by implementing — —

Ms Allan — On a point of order, Deputy Speaker, just seeking your clarification: unless the member is going to provide some additional information, she has very clearly referred up to the Premier a matter which is outside of his jurisdiction and the state's jurisdiction. It is a federal matter, and I would seek your advice accordingly.

Ms KEALY — On the point of order, Deputy Speaker, I actually have run through this adjournment matter with the Clerk of the house. There is an element which is correct in that you cannot ask a member of the government to make representation to a federal counterpart. However, I do ask that I am able to complete my question. It is a very broad question. It asks that the Premier take all necessary actions to delay or halt implementation of the road safety remuneration tribunal, which is not a federal government matter.

The DEPUTY SPEAKER — Order! At this stage I do not uphold the point of order. I am having great difficulties in the sense of allowing it, but what I will do is hear the total adjournment matter and I will then take some further advice. Then, at the end of the adjournment, I will give a ruling on this particular matter. The member for Lowan, to continue.

Ms KEALY — The claim that if you pay someone more money they will drive more slowly and more safely and only on high-quality roads is simply not based on credible evidence or common sense. Further, the nonsensical argument this is a road safety initiative is laid prone when it is acknowledged that the RSRS is only applicable to one segment of truck drivers, being owner-operators, and is not applied equally across the entire trucking industry.

Local owner-operators are unfairly disadvantaged by the destructive road safety remuneration system payment. It is deeply disturbing that the Premier has been silent on the issue, which threatens the livelihoods of tens of thousands of owner-operator truck drivers in Victoria. It appears that the Premier would prefer to stand by his union mates and destroy a significant industry in Victoria rather than stand up for the people of Victoria that he has a responsibility to serve and govern with their best interests at heart.

Today the Nationals-Liberal coalition federal government has announced that next week it will introduce a bill that will abolish the Road Safety Remuneration Tribunal and a bill that will abolish the road safety remuneration system completely. These

bills need the support of the Premier's Labor colleagues to pass, and I urge the Premier to take responsibility for Victorian owner-operator truck drivers and to do all he can to influence support for these bills to ensure their speedy passage through the federal Parliament. I am certain there are other avenues that the Premier can take at a state level that would also immediately halt the impact of the RSRS payment order, and I suggest that he investigate all local options available to him.

There is no doubt we need to do more to support road safety for our truck drivers. However, this can be best achieved through better roads and improved regulation of safety measures, including driver fatigue, speeding and loading requirements. Whatever the strategy, we must ensure that our owner-operator drivers are given a fair go and not unfairly disadvantaged. These drivers keep Victorian industry on the move and are a significant segment of the agricultural supply chain that we rely on so heavily in country Victoria. I therefore ask the Premier to take all necessary actions to delay or halt implementation of the road safety remuneration system to protect the livelihood of thousands of owner-operator truck drivers across western Victoria.

The DEPUTY SPEAKER — Order! Before I call the next member what I will do is, along with the Deputy Clerk, review the matter that has been raised by the member for Lowan. I will make a ruling on this particular matter tomorrow, so I will let it stand for the moment.

Mr R. Smith — On a point of order, Deputy Speaker, I appreciate you taking the time to review this. I would like to point out once again, although the member for Lowan already has, that she did indeed run the adjournment matter past the Clerk and would fully expect that the advice received from the clerks would be advice that she could rely on prior to getting up, so I would just ask you to take that into account — no doubt you would — and ensure that you have a full understanding of what advice was given and how it conformed to the member for Lowan's contribution tonight.

The DEPUTY SPEAKER — Order! I thank the member for Warrandyte very much for that. I do understand that that is the case, and the member for Lowan did inform me of that fact, but I will review the matter. I will take advice on this as well, and I will get back to the house tomorrow.

Foster and kinship carers

Ms WARD (Eltham) — My adjournment matter is for the Minister for Families and Children. The action I

seek is that the minister come to my electorate of Eltham to meet with the local foster parents and kinship carers. Foster and kinship carers provide safe, caring home environments for children and young people aged under 18 who are unable to live at home. The reasons can include family violence, sexual and physical abuse, neglect, ill health or financial difficulties of a parent.

I am well aware that the minister has hit the ground running in this important portfolio by boosting funding to attract carers and putting an extra \$31 million into improving financial supports and another \$43 million towards getting children out of residential care and into foster care, and for this I applaud her. These are great steps in improving life for some of the most vulnerable children in our community.

Like all things, however, these steps are not possible without the support of our community. I particularly want to recognise the selfless and tireless work of carers in my electorate who give these vulnerable children a stable and loving environment at the exact time they need it most. Whilst the Andrews government has taken great strides in helping children and carers, there is always more to do. I ask the minister to come to my electorate to meet with me and local carers and hear their ideas to continue to improve our foster care system.

Forest Hill Reserve pavilion

Mr ANGUS (Forest Hill) — I raise an important matter for the attention of the Minister for Sport. The action I seek is that the minister join me in a visit to the Forest Hill Football Club pavilion to inspect the current facilities there and hear from the committee regarding the future plans for the facility. This would be with a view to providing future state government support to the Forest Hill Football Club to enable the club to expand and refurbish its existing pavilion at Forest Hill Reserve.

The Forest Hill Football Club and the Forest Hill Cricket Club, both of which are in my electorate of Forest Hill, use the pavilion throughout the year. The current pavilion is now inadequate due to the growth in both the football club and the cricket club in recent years. The football club plays in the Eastern Football League (EFL) and has both senior and junior sides. With over 730 people involved in the football club and over 395 involved in the cricket club, which has more than doubled in the last 10 years, there have never been more demands on the facilities.

The clubs have also been experiencing success on the field in both football and cricket in recent years, which

has added to community involvement in both sports. New building works would be the social hub of the sporting clubs and enable larger functions to be held on the site. An indoor training facility could also be included within the expanded facility. Additionally, the current pavilion does not have any facilities for female umpires, which is a real issue for the club given the increasing number of female umpires officiating at EFL games. The establishment of two netball teams in recent years, also in the EFL competition, has again increased the demand on the social club facilities within the pavilion. The clubs are both keen to work with the local and state governments to assist with this project.

I look forward to hearing from the Minister for Sport and receiving favourable consideration of this request to visit the pavilion at Forest Hill Reserve with me to discuss future plans for the facility.

Health funding

Ms COUZENS (Geelong) — The matter I raise is for the Minister for Health, and the action I seek is that the minister provide the house with an update on the impact that the new funding for elective surgery will have on reducing elective surgery waiting times. In particular I would like her to update the house on the impact that the new intensive care unit equipment will have on Barwon Health in this regard. The reason I raise this matter is that over the weekend the minister announced a \$335 million funding boost, including the largest one-off funding boost in this space ever, to help reduce elective surgery waiting times.

I and my constituents in Geelong know how important it is that we have a health system that is moving and that gets people into surgery and back home to their families sooner. In the first year of the Andrews Labor government we saw approximately 172 000 people receive surgery. With this new funding boost we are aiming to lift that number, with an extra 18 000 people on last year's number. Compared with the average number of patients receiving surgery over the four years of the previous Liberal government — roughly 158 000 people — we have already provided more patients with the care they need. That is why it was so fantastic to hear that we will continue to raise the bar.

I welcome this announcement of new funding and equipment for Barwon Health, especially considering that as at the end of last year there were 1093 people waiting for elective surgery at University Hospital Geelong. It would be very beneficial to my constituents if the minister could provide greater detail on how this announcement will assist in reducing the number of people on the list.

The term 'elective surgery' can sometimes be misleading. While the definition of elective surgery is that the surgery can be delayed as it is not urgent, these operations can be life changing. Elective surgery can mean the difference between being in and out of hospital and spending more time with your family. It can mean the difference between being able to go outside and play with the kids and having to stay tucked away for long periods of time. It is incredibly important that we continue to support our health system, and we are lucky that our hospitals are staffed with an excellent workforce. But it is just as important that we provide those workers with the right tools and equipment to get the job done. So I call on the minister again to update the house on the impact of this funding announcement on our hospitals, in particular its impact on Barwon Health.

Unmade road legislation review

Mr PAYNTER (Bass) — My adjournment matter is for the Minister for Planning, and the action I seek is that the minister review the laws in relation to unmade roads on historical subdivisions and ultimately make recommendations to the Office of the Chief Parliamentary Counsel so that the position regarding these types of roads is adequately reflected in Victoria's Local Government Act 1989 and Road Management Act 2004.

There are at least 10 000 unused roads across rural Victoria. Some of these roads are visible, and some are simply reflected on the landowner's certificate of title documents. They are the result of historical subdivisions that were created when Victoria was first divided into cadastral units. It is clear that a large portion of these unmade roads on historical subdivisions are not roads over which state or local governments have legal authority. The technical reason for this is because these roads do not satisfy the definition of 'road' under the Local Government Act, the Road Management Act or common law.

These types of roads, paddock roads, often exist on prime agricultural land and have never been used for public purposes. For all intents and purposes paddock roads are under the freehold title of the landowner. In 2010 the Law Institute of Victoria made a submission to the then Minister for Roads and Ports, now the Treasurer, and the land titles office understands the point. Unfortunately, however, it is a point that is poorly understood by landowners, farmers and local councils because the status of these roads is still not reflected anywhere in the current legislative framework. This legal anomaly is causing reputational harm to local councils and protracted litigation, to the detriment of

ratepayers. It also has the capacity to significantly reduce the value of the rural grazing land across Victoria.

It is an untenable situation where farmers and landowners can have their property rights altered or their land statutorily acquired by local councils. This is an act which is clearly ultra vires. It is equally untenable that local councils are unable to proceed with certainty when it comes to managing their assets. This is an area of the law that is in desperate need of clarity. I urge the minister to commit to this review.

Chute Street, Diamond Creek

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads and Road Safety, and the urgent action I seek is a reduction of the speed limit in the shopping precinct of Chute Street in Diamond Creek.

Kate Hunt is a Diamond Creek woman in her early 30s who grew up in Diamond Creek and has lived there her whole life. She runs the same route regularly. Kate Hunt was hit by a car that ran a red light at the Chute Street pedestrian lights around 6.00 a.m. last Tuesday, 5 April. Kate had stopped at the lights as a truck ran a red light going up the hill. She then proceeded to enter the crossing but was hit by a car travelling at 60 kilometres an hour that was following the truck and had also run the red light.

Ms Hunt sustained injuries and has had to have surgery for her injuries. She has three rods in her leg and is lucky to be alive. Her family believes the speed limits need to be reduced and is seeking support for Nillumbik council's application for a reduction in speed limits on that road. The whole shopping strip's speed limit really needs to be reduced to 40 kilometres an hour, just like the speed limits at the Eltham town centre and in the much smaller and not as dangerous Hurstbridge.

This is an issue that the Diamond Creek traders have raised a number of times in the past. They have sought reductions in speed limits or the installation of flashing lights and a warning system to let drivers know to slow down when the lights are about to change. I am someone who lives not far from this set of pedestrian lights and uses them regularly, as do my staff and many of my friends. None of us can count how many near misses we have seen. I have seen fully loaded log trucks and many other vehicles sail through the pedestrian crossing. It is incredibly dangerous.

The pedestrian lights are only a couple of hundred metres from the nearest set of intersection traffic lights,

and there is a blindish bend. Many drivers who take off from those traffic lights heading towards the centre of Diamond Creek accelerate to 60 kilometres an hour, and they and others who are speeding find it completely impossible to stop when they should at the pedestrian lights, especially if they do not know the area well.

The crossing is very near to Diamond Creek Primary School, many kindergartens, some aged-care facilities and childcare centres, so the risks are enormous. I do not want to see anyone else hit as Kate Hunt was last Tuesday morning. I was really glad I received a Facebook message from her this morning saying she is on the mend, but I urge the minister to act and make sure that Kate Hunt is the last person hit on Chute Street.

Polwarth electorate firewood access

Mr RIORDAN (Polwarth) — I call on the Minister for Environment, Climate Change and Water to guarantee the people of Polwarth permanent access to an affordable supply of self-gathered firewood. Victoria is the coldest mainland state in Australia. Most years the electorate of Polwarth has one of the longest winter periods of any area in the state. It is also an electorate defined by its over 40 different small towns and hamlets and its large spread of farmhouses. Most of these communities do not have access to the efficiency of a piped and home-connected natural gas network. Due to the rugged and generally rain-catching Otway Ranges, winter can be long and gloomy, minimising the usefulness of solar heating and solar power.

Word and fear has spread like wildfire across my electorate at the prospect of people not being able to access designated firewood gathering sites, particularly in the Otways. Department of Environment, Land, Water and Planning (DELWP) officers have made it clear that the much-publicised changes in the north of the state are not relevant this year, but time and time again we have seen city-centric ideals and desires forced on country people who do not have other options.

Concern about the cost of living and how people will make ends meet is understandable when the government agencies promoting these changes in the north of the state suggest households can simply change energy sources from wood fires to gas or electricity. This is a naive and unrealistic assumption that cannot be left alone. In many cases these alternative energy sources may not readily exist. Even more concerning, many families and households are not in a position to set about the costly process of changing appliances. Many country homes use firewood for heating, cooking

and hot water, so switching to another energy source is not a cheap, easy or affordable option to take.

Firewood gathering and collection is environmentally friendly and carbon neutral — all ideals that this government allegedly supports. Well managed, firewood gathering has social and community benefits. Banning firewood gathering causes undue stress and financial hardship and in many cases adds to the fuel load that we then ask DELWP to deal with in planned burns, which makes the government's changes to this long-held tradition even more galling.

Carnegie and Murrumbeena station houses

Mr DIMOPOULOS (Oakleigh) — I wish to raise a matter for the Minister for Public Transport. The action that I seek is that the minister assist my community to help retain the historic station houses at Carnegie and Murrumbeena as part of the plan to remove nine level crossings between Caulfield and Dandenong. I am pleased to see the minister in the chamber. There are little pieces of history dotted all over my community, and it would be terrific to keep these station houses as an important link to our past. While it may not be possible to retain these buildings in their current locations, there may be the opportunity to move them very close by.

One of the best things about the level crossing removals is that local amenity will be improved. The community will be better connected by avoiding a deep trench, more mature trees will be kept, thousands more trees will be planted and the village feel of these areas will be enhanced. There will be bike paths, walking tracks, playgrounds and even space for weekend community markets — all things we could not achieve with a deep trench on this train line. It was fantastic to be at the announcement on Saturday of an expert panel to oversee the development of the new spaces. Headed by Professor Entwisle of the Royal Botanic Gardens, the panel will include members of the community along with Victoria Police and other experts, like the world-renowned Wes Fleming of Fleming's Nurseries.

The station house buildings are over 100 years old and have a unique place in my community. Their importance has been raised with me many times in recent years. For example, the Carnegie station house was the location of the murder of dedicated local assistant stationmaster Tom Norwood in 1934. Mr Norwood was a resident of Carnegie and left behind a young family. I do not believe Mr Norwood's service and sacrifice has been appropriately commemorated. It was recently raised with me by a local resident that as part of this project Mr Norwood should be

appropriately recognised. I think this is an excellent and extremely worthwhile idea, and I very much hope that this commemoration will be incorporated with the retention of the station house and the creation of the new parklands.

These station houses could be repurposed for community use, be it as a local museum, art gallery or drop-in centre. The significant extra space — 22.5 hectares — along the corridor means that there will likely be room to keep the station houses nearby. I would appreciate the minister's assistance in keeping these station houses. I recognise her commitment to removing the level crossings and her attention to detail in getting the absolute best outcome for my community and others along the corridor who have waited for many years for this outcome.

Responses

Ms HENNESSY (Minister for Health) — I thank the member for Geelong for her request of me raised in the adjournment debate, and I do just want to very briefly, and perhaps inadequately, acknowledge the sensational representation and advocacy that the member for Geelong gives to her local community. I think they are indeed very lucky to have her as their representative.

In relation to her request, I would be very pleased to update the house on the impact of our recent announcement which gives an incredible boost to the elective surgery capacity and capability of the Victorian hospital system. Of course there is the largest ever one-off boost in this space that will have an incredibly positive impact on Barwon Health and more generally on all Victorians who are waiting for their surgery. As part of this announcement, our government has committed to fund new intensive care unit (ICU) equipment. That is part of our broader package on elective surgery, and it will provide better critical care for patients of Barwon Health. It is really invaluable because it assists doctors and nurses in treating their patients faster and more effectively, and of course having more ICU capacity also means you can manage patients that have some very challenging medical risks. It will allow us to get people through operating theatres faster, which ultimately means we can treat more patients there.

I also know — and I note the member for Geelong canvassed this issue in her contribution — just how incredible the hardworking health workforce staff are at Barwon Health are, and again the member for Geelong is a terrific advocate on their behalf, making herself available and accessible and doing a sensational job in

bringing voice to their aspirations for better health care in the region. It is important, as the member for Geelong pointed out, that that workforce has effective tools to perform its job. We are certainly committed to investing to that end, and that is exactly what we have done for Barwon Health, as we have recently announced.

We do want to make sure that we are treating more patients right across Victoria. We are also providing hospitals with more funding to build infrastructure, and of course the health system operates as a system, so if we have a particular health service that is encountering particular demands and challenges, that actually impacts on other health services and ultimately patients as well.

I am really delighted that we have been able to announce more equipment for Barwon Health. There will be more funding for Barwon Health which will ultimately benefit the patients in the Barwon Health catchment area and ensure that the hardworking members of the healthcare workforce so ably represented by the member for Geelong are given the right tools and the right capability to do their jobs. I again thank the member for Geelong for her outstanding advocacy, particularly in respect of health issues, and I applaud her ongoing work in making sure that she stands up for the interests of health and wellbeing in her local community.

Ms ALLAN (Minister for Public Transport) — I am delighted to respond to yet another matter from the member for Oakleigh, that hardworking member who does an outstanding job representing his community. Once again he is working very hard on the matter of improving public transport services for his community, and he has asked me to address some of the issues around looking at, as we move on very strongly with removing the nine level crossings in Melbourne's busiest rail corridor, how we also need to look at supporting some of the historic aspects that make communities like Carnegie and Murrumbeena the lovely places to live in that they are.

We have examples already of how aspects of a station's heritage can be retained, and that of course is at the site of the very first level crossing that this Andrews Labor government has removed — at Burke Road, Glen Eira — and what has been worked on in terms of addressing the restoration of the historic signal box that is part of that area and how that is going to be restored as part of the entrance to the station. This is a great example of where aspects of a station's heritage can be retained as we deliver the best of modern facilities for our public transport users. I will be asking the Level

Crossing Removal Authority to consider how similar options can be incorporated at Carnegie and Murrumbena in response to the issues that have been raised by the member for Oakleigh. I will also pass on some of the other suggestions that he has made, and I will work with him in relation to the issue of Tom Norwood as well. I thank the member for Oakleigh for those recommendations and suggestions tonight.

Deputy Speaker, the remaining matters will be referred to the relevant ministers for their attention and consideration, incorporating the advice you gave the house earlier.

The DEPUTY SPEAKER — Order! Before I adjourn the house, I have been having a talk to the Clerk and I have some concerns about the honourable member for Evelyn's adjournment matter raised in the house tonight. Specifically, *Rulings from the Chair*, at page 1, point (5) — I want to make this clear so that members understand what I am doing — states:

The matter must relate to government administration and not relate to future legislation ...

Also, in terms of the final ruling by then Speaker Fyffe, at page 6, headed 'Asking for legislation', it states:

A member cannot ask for legislation during the adjournment debate. However, many problems raised by members may ultimately require legislative remedy and that does not prohibit members from raising those matters.

I have some concern that the matter was actually calling for legislation as per the main principle contained in point (5), but I will take advice on this matter and return with a ruling on this particular matter tomorrow.

The house is now adjourned.

House adjourned 7.35 p.m.

